



1.3.2024

NOTICE TO MEMBERS

Subject: Petition No 0814/2020 by B.G. (Bulgarian) on Natura 2000 protected area in Bulgaria

1. Summary of petition

The petitioner states that Bulgarian nature and protected species from flora and fauna have been destroyed with impunity and lack of accountability for years and even more so in the last several months of 2020, after the outbreak of the pandemic. She draws attention to the case of destruction of a national and world heritage site, which is also part of Natura 2000, The Seven Rila Lakes in Rila Mountain. According to the National Park Directorate, the Operational Programme Environment 2014-2020 co-financed the restoration and the preservation of the site that was already compromised by an over-excessive tourist flow. There are two operational programs currently running amounting to almost 20 000 000 BGN. Allegedly, instead of protecting and restoring biodiversity and the unique forest, which is the goal of this program, the forest has been cut down. There are wide roads made for trucks, which are forbidden in this area, and the rehabilitation of parts of the trail is done in a terrible way and is non-integral part of nature. The other operational program aims at fighting the erosion in the high belt of the mountains near the lakes. The erosion is a big problem, but instead of taking care of it, gravel was poured on what was a beautiful mountain path. In effect, the place would be destroyed and precious and rare flora would disappear. The petitioner calls for intervention and claims the violation of European laws for protecting biodiversity and fraud of the European funds.

2. Admissibility

Declared admissible on 7 December 2020. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 1 March 2024

The responsibility for the selection and implementation of projects supported by European Structural and Investment funds lies primarily with the Member States' designated authorities. In accordance with Article 4(7) of Regulation (EU) No 1303/2013¹, as a general rule the part of the budget of the Union allocated to the European Structural and Investment (ESI) Funds "shall be implemented within the framework of shared management between the Member States and the Commission, in accordance with Article 63 of the Financial Regulation".

The Financial Regulation² establishes in its Article 63(1) that where the Commission implements the budget under shared management, tasks relating to budget implementation shall be delegated to Member States.

According to Article 63(2) of the Financial Regulation, when executing tasks relating to budget implementation, "Member States shall take all the necessary measures, including legislative, regulatory and administrative measures, to protect the financial interests of the Union" while "the Commission shall monitor the management and control systems established in Member States".

The operation subject of the petition "Sustainable Management of Rila National Park phase II", with a total project cost of BGN 11 994 781.47, is co-financed by the ERDF under operational programme "Environment" 2014-2020. The appointed managing authority for operational programme Environment is the Ministry of Environment and Water.

In view of the allegations made by the petitioner, the Commission services have requested further information from the Managing Authority to ensure that the project is in compliance with the relevant EU legislation and received the assurance that there are no activities undertaken or any activities foreseen to cut or destroy any type of forest species at the territory of Rila National Park and there are no roads being constructed under the project, only rehabilitation of existing roads. However, the information provided also indicates some shortcomings with the EU environmental legislation and the Commission will take the necessary measures to ensure that corrective action is taken.

In December 2020, Bulgaria received a final warning (reasoned opinion under Article 258 TFEU) for systematically not taking into account cumulative impacts of existing and authorised plans and projects and for authorising developments representing significant threats to the Natura 2000 sites.

Another advanced infringement procedure against Bulgaria targets its failure to complete the designation of its Sites of Community Interest under the Habitats Directive as Special Areas of Conservation with appropriate conservation objectives and conservation measures in view of achieving or maintaining favourable conservation status of the protected species and natural

¹ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

habitats types in their natural range on each biogeographical region. This infringement procedure covers the whole Natura 2000 network in Bulgaria³.

The project subject of this petition therefore falls under the remit of both of these investigations. Moreover, an investigation is ongoing on the implementation of the way Bulgaria applies Article 6(2) of the Habitats Directive⁴ and the Commission services will propose appropriate action to the Commission if a general practice of bad application or systemic issues are established.

Conclusion

The Commission services thank the petitioner for bringing these issues to their attention. The Commission services will take the necessary action to ensure that corrective measures are put in place to ensure compliance with the EU environmental legislation and might use the evidence brought to its attention in the frame of the ongoing infringement procedures against Bulgaria referred above.

³ https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1212

⁴ https://ec.europa.eu/commission/presscorner/detail/en/inf_20_2142