

# Convention on the Conservation of European Wildlife and Natural Habitats



## Standing Committee

### **Recommendation No. 130 (2007) of the Standing Committee on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)**

*(adopted by the Standing Committee on 29 November 2007)*

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Pointing out that Article 1, paragraph 2, of the Convention calls on the Parties to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Pointing out that, in pursuance of Article 3, paragraph 2, of the Convention, “Each Contracting Party undertakes, in its planning and development policies and in its measures against pollution, to have regard to the conservation of wild flora and fauna”;

Recalling that Article 4 of the Convention stipulates that “Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats”;

Recalling that Article 4 of the Convention also stipulates that “The Contracting Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimize as far as possible any deterioration of such areas”;

Recalling that Article 4 of the Convention further stipulates that “The Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas”;

Referring to the other provisions of the Convention relating to the protection of habitats and the conservation of species;

Recalling its Recommendation No. 117 (2005), adopted on 1st December 2005, on the plan to set up a wind farm near the town of Balchik and other wind farm developments, on the Via Pontica route (Bulgaria);

Drawing attention to its Recommendation No 109 (2004) on minimizing adverse effects of wind power generation on wildlife;

Referring to BirdLife International’s report: “Wind farms and Birds: an analysis of the effects of wind farms on birds, and guidance on environmental assessment criteria and site selection issues” [document T-PVS/Inf (2003) 12];

Recognising the value of wind power and other renewable sources of energy in the fight against climate change;

Recognising the value of SEA/EIA and policy guidance to provide certainty to investors and industry, and protection for the environment, including biodiversity;

Recognising the importance of the Bulgarian Black Sea coast as a part of the Via Pontica migration route of major global importance for birds breeding in at least 17 European countries;

Aware that within this area there are a number of key areas where migrating birds concentrate and the siting of wind farms in these locations is likely to be particularly problematic;

Further aware that the first wind farm developments along this coast will set a precedent for future developments;

Referring to Mr Eckhart Kuijken's report (document T-PVS/Files (2007) 27) on wind farms in Balchik and Kaliakra in Bulgaria, drawn up following meetings with the Bulgarian authorities and interested stakeholders and a site visit, and its concern that risks to migratory and resident species may be significant, especially given the ecological importance of Via Pontica as an internationally recognised long-distance migration corridor;

Noting with concern that the report found that the decisions seem to have been based upon incomplete or partial information brought together in EIAs that minimise the likely effects of windfarms at the very core areas of mass migration, contrary to the results of more detailed ornithological monitoring during longer periods;

Further noting with concern its findings as to the significant ecological problems that development of windfarms at Balchik and Kaliakra is likely to cause, given the presence of precious steppe vegetation in most current and future windfarm locations, and the specific topography and landscape structure, including cliffs and bare steppe plateaus, suitable for migrating soaring birds;

Aware that information from NGOs and investors was available for consideration as part of the analysis of this case;

Emphasising the need, before any decision within the SEA and EIA processes is taken, to carry out sufficiently thorough and detailed studies to inform the selection of wind farm sites;

Considering that the sites in Balchik and Kaliakra are important for the implementation of the Natura 2000/Emerald Networks;

Recommends the Bulgarian Government to:

1. review relevant decisions, at the local, regional and national level, concerning wind energy plants and ensure that new plants are not built in the region unless Environmental Impact Assessment (EIA) prove they do not have a substantial negative effect on the biological diversity protected under the Convention - EIA reports should be more precise and scientifically sound than those already presented and should formulate independent peer reviewed conclusions;
2. fully reconsider the development of approved windfarms projects in the Balchik and Kaliakra region situated within or nearby sites designated as important bird areas and special areas of conservation;
3. investigate the possibility of relocating the windfarm projects already under construction as well as the single turbines (whose building is possible without EIA) in order to restore the integrity of sites to be considered as Natura 2000 sites, IBAs, or under other protection status;

4. select alternative locations for future and not yet operating turbines based on appropriate data (including long-term monitoring of biodiversity) and assessments (e.g. using multicriteria-analysis); key bird areas, potential SPAs, IBAs, intensive bird migration corridors and sites regularly used by large flocks of roosting species such as storks and wintering geese must be avoided from windfarm development;
5. assess the impact of the current operating turbines;
6. conduct an Strategic Environmental Assessment (SEA) of Bulgaria's wind energy programme, taking into account possible conflicts of wind energy production within the most intensive bird movements areas, in particular along the Black Sea coast;
7. establish a strict moratorium on further turbines and windfarm projects in the coastal areas of Bulgaria until EIA and SEA reports mentioned in paragraphs 1 and 6 are completed;
8. respect the need to focus on the avoidance of the impacts coming from outside having negative effects on areas of recognised conservation importance;
9. take into account the following guidance to improve EIAs for future and not yet operating turbines, including in accordance with "Regulation about the conditions and the order for accomplishment of assessment for compatibility of plans, projects, programmes and investment intentions with the subject and the aims of the conservation of protected zones":
  - further research and monitor birds, bats, other fauna, vegetations and key landscape-ecological structures and processes influencing biodiversity; to this end long-term monitoring of flora and fauna, review and validation of all data is required, included those from NGOs, institutes and independent scientists;
  - apply collision modelling of cumulative effects of several wind farms or turbines along intensive flyways, followed by the assessment of the suitability of localities using multicriteria-analysis methods;
  - develop compulsory procedures to peer review the completeness and quality of biodiversity chapters of EIAs and their conclusions before continuing the administrative and legal processes;
10. develop guidelines for appropriate planning of the construction of windfarms and/or individual turbines, taking account of the following issues in order to integrate biodiversity conservation concerns:
  - initiate a broad debate on the precautionary principle regarding development projects in relation to sites with outstanding biodiversity values;
  - take measures for the removal of turbines in case of unacceptable bird collisions where no alternatives exist; this require the drafting of a set of mitigating and compensatory measures when biodiversity losses occur;
  - promote capacity building for specific and independent control of the ecological effects of turbines (in terms of experienced staff, equipment, legal base, cooperation with other institutions and NGOs, appropriate procedures, etc);

to consider and properly investigate the social impacts of windfarms on local population and on the loss of nature and scenery as a significant source of recreation and eco-tourism.