

## NATURE SCORE CARD



### Bulgaria

Bulgaria has been a member of the European Union since 2007. Its Natura 2000 network consists of 339 sites, covering 41.048 km<sup>2</sup>. Terrestrial sites are covering 38.222 km<sup>2</sup> (34% of the land area) while marine N2000 sites are covering 2.827 km<sup>2</sup>. The below analysis and recommendations suggest that national authorities still need to make further efforts in order to fully implement the Birds and Habitats Directives and effective conservation of threatened species and habitats to be achieved on the ground.

	<ul style="list-style-type: none"> <li>• Transposition of the Birds and Habitats Directives</li> </ul>
	<ul style="list-style-type: none"> <li>• Site designation</li> <li>• Non-native species</li> <li>• Stakeholder engagement, public participation and communication</li> </ul>
	<ul style="list-style-type: none"> <li>• Management of sites</li> <li>• Species protection</li> <li>• Avoid deterioration of sites, disturbance of species and implementation of appropriate assessments</li> <li>• Funding and resources</li> <li>• Landscape connectivity</li> <li>• Habitats and species monitoring</li> <li>• Promotion of research</li> </ul>

### ACTION PLAN FOR NATURE IN BULGARIA

#### Transposition and designation

- Issue the designation orders of SCIs
- Designate the full Rila SPA and Lower Rila SCI

#### Prevention of negative impacts

- Develop an action plan to address horizontal threats for N2000
- Make legislative changes to give stakeholders the opportunity to raise court appeals
- Break the direct connection between investors and experts doing appropriate assessments (AA)
- Amend the Ordinance for AA related to the inclusion of criteria for “pre-screening”

#### Active management to achieve favourable conservation status

- Increase the capacity of N2000 staff with experienced experts
- Management bodies of N2000 have to be expert administrations, not political bodies

#### Funding

- Reorganise the strategic plan of the Environmental Operational Programme (EOP) to target the real threats to habitat types and habitats of species with unfavourable conservation status
- Urgently use the funds from the EOP to buy the most threatened habitats

#### Monitoring and research

- Monitoring and art 17 reporting needs to take into account the negative impact caused to N2000 sites since Bulgaria joined the EU

#### Stakeholder engagement

- Include experts from scientific institutions and NGOs in the decision making on Natura 2000
- Improve the public participation processes and increase the societal support for Natura 2000

The information in this scorecard is based on expert analysis from WWF Bulgaria, BALKANI Wildlife Society and the Bulgarian Biodiversity Foundation. Full details on the following pages.

LEGAL REQUIREMENT	STATUS IN BULGARIA
<b>Transposition</b>	<ul style="list-style-type: none"> <li>The transposition of the Birds and Habitats Directives is considered complete.</li> </ul>
<b>Site designation</b> Designate and establish sites that form the Natura 2000 network of protected areas  <i>Habitats Directive, art. 3 &amp; 4</i> <i>Birds Directive, art. 3 &amp; 4</i>	<ul style="list-style-type: none"> <li>Terrestrial sites are covering 38.222 km<sup>2</sup> (34% of land area) while marine N2000 sites are covering 2.827 km<sup>2</sup></li> <li>As regards to the Habitats Directive, the majority of SCIs have not been designated in line with art 4.4. except for 9 sites, which are now designated as SACs.</li> <li>One site in the area of Rila Mountain, Rila Buffer, was part of the NGO shadow list, but not proposed by Bulgaria under art.4.1. , despite two insufficiencies identified during the biogeographical seminars – one for the Brown Bear and one for the Bullhead (<i>Cottus gobio</i>). The Commission started an EU pilot on this case (EU Pilot 8342/ENVI) and the Ministry of Environment and Water (MEW) answered that the site will be discussed on the next meeting of the National Biodiversity Council<sup>1</sup>.</li> <li>As regards to the Birds Directive, designation is complete, except for a part of the Rila Important Bird Area. Most part of the Rila IBA is designated – the territory which coincides with the Rila National Park and Rilski Manastir Nature Park. However, the part of the IBA which surrounds them is not designated. The EC has sent the Rila case to the ECJ<sup>2</sup>.</li> <li>The marine Natura 2000 network is considered complete in Bulgaria in terms of setting borders, however there are gaps in terms of data. The finalisation of that work will be done through a project funded by the Environmental Operational Programme (EOP).</li> <li>The Natura 2000 network is not integrated in Bulgaria’s protected areas’ system. National protected areas are designated under a different piece of legislation (the Protected Areas Act), whereas the Natura 2000 sites are designated under the Biodiversity Act. Management plans are also developed in line with two different pieces of secondary legislation.</li> </ul>
<b>Management of sites</b> Establish site protection measures in Natura 2000 sites  <i>Habitats Directive, art. 6(1)</i> <i>Birds Directives, art. 4(1) &amp; 4(2)</i>	<ul style="list-style-type: none"> <li>In line with the Biodiversity Act, SCIs become SACs when they are designated with an individual designation order. The 9 SCIs designated as SACs mentioned above have partial conservation objectives, the rest 225 SCIs do not have conservation objectives.</li> <li>The designation orders of the 8 SACs have horizontal objectives for the site such as: conservation of the habitat types and habitats of species present in the site for preserving or improving their favourable conservation status (FCS) at site level; improve were necessary their conservation status; restoration if necessary of habitat types or habitats of species.</li> <li>The orders also include a list of bans of certain activities within the site, for example – changing the land use of grasslands, use of fertilizers etc. In the case of the order of the Yantra River there is ban for the construction of new Hydropower plants.</li> <li>The objectives are not site specific, they reflect the general requirement in the law to conserve the FCS. Specific are only the bans related to specific threats. There are no species or habitat specific objectives.</li> <li>SPA designation orders are issued, follow the same principles as for the SACs.</li> <li>All SPAs have conservation objectives but they are not always adequate. For example the designation orders for sites on important migratory routes do not include bans on construction of wind power turbines, which is the major threat for such sites.</li> <li>Management Plans are not obligatory under the Bulgarian legislation. So far, only 7 management plans for sites under the Birds Directive have been developed and approved.</li> <li>The management plans are partially adequate because important regimes were rejected by the MEW during the process of their approval. Apart from this, the management plans are good, reflect correctly the current status of sites and envisage adequate measures to achieve favourable conservation status of species in the sites.</li> <li>The management plans are not implemented, but it is worth noting that most of them are adopted quite recently – the first in the middle of 2015 and</li> </ul>

<sup>1</sup> Answer on written question in the Bulgarian parliament - [http://www.parliament.bg/bg/topical\\_nature/26369](http://www.parliament.bg/bg/topical_nature/26369)

<sup>2</sup> [http://europa.eu/rapid/press-release\\_IP-16-2491\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2491_en.htm)

	<p>the last in March 2017. The current strategy for the Biodiversity axis under the Environmental Operational Programme (EOP) does not have procedures for funding management plan development, which means that this will be done during the next financial framework.</p> <ul style="list-style-type: none"> <li>• There are no clearly designated management authorities for Natura 2000 sites. There is a proposal to set up the management authorities within the district administrations which have no experience, nor capacity in terms of biodiversity conservation, and they are political administrations. The plan is to fund them through the EU funded Environmental Operational Programme.</li> <li>• There is no legal requirement for inclusion of climate change considerations in the structure of the management plans. In cases when they are included, this is due to the judgment of the authors.</li> </ul>
<p><b>Species protection</b></p> <p>Ensure species protection</p> <p><i>Habitats Directive, art. 12-16</i> <i>Birds Directive, art. 5-9</i></p>	<ul style="list-style-type: none"> <li>• Action plans for 2 species of mammals and 8 bird species are approved and still in force. There are 9 action plans for birds in the pipeline for approval.</li> <li>• The species action plans are not legally binding documents. They are mainly implemented through Life projects of NGOs partially with state participation. The MEW does not monitor the implementation of the species action plans. Some of their provisions are applied, for instance measures for compensating damage from bears.</li> <li>• Permits and derogations for activities impacting protected species are being issued and published. For example for the chamois (<i>Rupicapra rupicapra</i>) there are annual quotas and they are published on the website of the ministry.</li> <li>• Permits for derogations are also issued for the purposes of conservation projects, when activities need derogations from the strict species protection, as well as in cases of protection of people's health and property in case of dangerous behaviour of large mammals, mainly the brown bear.</li> </ul>
<p><b>Avoid deterioration of sites, disturbance of species and appropriate assessment</b></p> <p>Ensure no deterioration of habitats and disturbance to species in Natura 2000 sites</p> <p><i>Habitats Directive, art.6(2)</i></p> <p>Ensure that plans or projects likely to affect Natura 2000 sites are subject to appropriate assessment</p> <p><i>Habitats Directive 6(3)</i></p> <p>Ensure that developments affecting the integrity of the site are not approved unless there are no alternative solutions, and for imperative reasons of overriding public interest and if compensatory measures are taken</p> <p><i>Habitats Directive 6(4)</i></p>	<ul style="list-style-type: none"> <li>• Article 6(3) procedures to assess projects and plans are not implemented adequately.</li> <li>• Positive is the fact that decisions on appropriate assessments (AA) or letters informing the investors that a full assessment is not needed, are published on the competent authorities website's (ministry of the environment and its regional structures).</li> <li>• The main weaknesses are: <ul style="list-style-type: none"> <li>○ There is political pressure on experts evaluating investment proposals.</li> <li>○ Competent authorities do not apply correctly the Biodiversity Act in terms of adequate assessment of impacts and for this reason many projects which require full assessments are adopted only with screening decisions. To solve this, the procedure for "pre-screening" under art.2, para 2 of the Ordinance for appropriate assessment, needs to be amended.</li> <li>○ It is rare to see an AA report with a correct assessment of effects. There is a lack of understanding both in terms of what has impact on the conservation objectives of Natura 2000 sites and about the coherence of the Natura 2000 network. This leads to approval of projects which eventually lead to significant negative impact on the conservation objectives of sites and the coherence of the Natura 2000 network. Also cumulative effects are not taken sufficiently into account. As a result, the cumulative impact of many single projects have adverse effect on the conservation status.</li> <li>○ There is no good distinction between EIA and AA procedures. In BG in most cases a common decision is issued, where the mitigation measures of both are not distinguished.</li> <li>○ There is no follow up of the implementation of the mitigation measures, which weakens the prevention effect of these measures, despite the fact that they are included in the decision of the competent authority. The mitigation measures are also not incorporated in the construction permits. As a result, it is not illegal to do the investment without applying the mitigation measures</li> <li>○ Even in cases when the authority receives signals for non-compliance regarding the mitigation measures, the opportunities in the legislation to stop the implementation of the project are not being used.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• The experts doing the appropriate assessments are hired directly by the investor, like in the case of EIA and SEA procedures. This system does not provide for the independence of experts, as sometimes the investor is putting pressure on experts to issue positive positions for the investments. The precautionary principle is not applied by the competent authority. First of all in view of identifying the projects which might have negative impact, i.e. that these projects need detailed evaluation of the impacts within appropriate assessment. Second, many experts doing the appropriate assessment reports do not have understanding about the precautionary principle, and this leads to low quality assessments. A typical example for this lack of understanding both from state experts and those doing the appropriate assessments is the issuing of a positive decision on AA when the experts themselves state in the report that they cannot provide certain information or they do not seek the existing information (this concerns other projects in view of cumulative impact etc). This information is key in the precautionary principle and the experts continue the assessment without this information, which means that the assessment is not correct in terms of final conclusions about whether or not the conservation objectives of the site will be negatively impacted.</li> <li>• 'Overriding public interest' has not been used yet in Bulgaria. This is because many projects are approved without recognising the real adverse effects and this is much easier compared to applying the complex procedure of art 6(4).</li> </ul>
<p><b>Landscape connectivity</b></p> <p>Encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network</p> <p><i>Habitats Directive art. 3(3) &amp; 10</i></p>	<ul style="list-style-type: none"> <li>• Landscape connectivity is not integrated within Natura 2000 management documents and implementation.</li> <li>• Designation of other protected areas are not used to respond to the connectivity requirement.</li> <li>• National protected areas cover 5% of Bulgarian territory, while the Natura 2000 network covers 34%. This percentage was used as an excuse not to designate new protected areas with few exceptions.</li> <li>• Protecting features of the landscape which have connectivity functions can happen through various tools, PAs is one of them, but setting specific features of the landscape with connectivity functions aside can also be done through the spatial management plans. However, also this is not implemented in Bulgaria.</li> <li>• In conclusion despite of the fact that art.10 of the Habitats Directive is transposed into national legislation, nothing is happening in practice.</li> </ul>
<p><b>Funding and resources</b></p> <p>Identify funding needs</p> <p><i>Habitats Directive, art. 8</i></p>	<ul style="list-style-type: none"> <li>• Bulgaria has a Prioritized Action Framework (PAF), and it lists the different funding sources for Natura 2000. However, the framework is not adequate.</li> <li>• The main problems in the Bulgarian PAF are the following: <ul style="list-style-type: none"> <li>○ All recurrent but important activities are listed as ensured by the state budget, although there is no intention from the Bulgarian government to finance them.</li> <li>○ Many important activities are distributed to donors which have not planned to fund them. Therefore these activities will be not implemented during this financial period.</li> <li>○ The PAF does not have a strategy on how to cope with the identified threats which lead to unfavorable conservation status of habitat types or habitats of species on national level. Respectively, there are no measures to address them, i.e. through changes in policies and practice.</li> </ul> </li> <li>• The total budget needed for Natura 2000 estimated in the PAF is 1.5 billion EUR, but the needed funding is not available. The main source of Natura 2000 funding is the Environment Operational Programme, which has dedicated 100 mnl. EUR for axis 3 Natura 2000 and biodiversity, although there are problems with the management of the funds.</li> <li>• Under the Rural Development Programme there is a measure for Natura 2000 compensation payments for agricultural lands with a budget of 51 867 572 EUR. However the funding is practically not used for the habitat sites as designation orders are lacking. Only compensation payments for birds sites are implemented because they have designation orders (they are SACs).</li> <li>• In addition 1 500 000 EUR are envisaged for N2K compensation payments for forests.</li> <li>• There is no sufficient staff available dedicated to Natura 2000. The regional structures of the Ministry (16 altogether) have on average 2 persons</li> </ul>

	<p>responsible for Natura 2000 and the staff at the headquarters are not more than 10. Having in mind the scope of the network in the country, this is insufficient.</p>
<p><b>Habitats and species monitoring</b></p> <p>Undertake monitoring of the conservation status of habitats and species of Community importance</p> <p><i>Habitats Directive, art.11</i></p>	<ul style="list-style-type: none"> <li>• Bulgaria has so far reported only in 2014 under art. 17. There were quite a few issues with the quality of reporting. There is project to be funded by the Environment OP for the next round of monitoring, where methodologies for monitoring would be developed. Therefore the systems is not clear yet.</li> <li>• The Executive Environment Agency has developed a biodiversity monitoring system, as part of the general environmental monitoring system. However funding for the implementation is insufficient and this system does not give a fully objective picture for the state of biodiversity.</li> <li>• So, practically, there is no functioning monitoring system at any level except some species monitored by NGOs.</li> <li>• The assessments of conservation status and the underlying data are of extremely low quality. No assessment was done of the evolution of the conservation status between the adoption of sites and the time of reporting (2013), therefore the reporting is only a snapshot of the situation in 2013.</li> <li>• Moreover, the national assessment of conservation status is organised without any national public hearings or scientific peer review and politically influenced. The best example for this are the assessments of the conservation status of the Mouse-tailed Dormouse and Marbled Polecat which were not recorded alive in Bulgaria since many years but were reported in favourable conservation status.</li> <li>• Reports per species per site are publicly available on the MEW's web site.</li> </ul>
<p><b>Promotion of research</b></p> <p>Encourage research and scientific work</p> <p><i>Habitats Directive, art. 18</i> <i>Birds Directive, art. 10</i></p>	<ul style="list-style-type: none"> <li>• Scientific organizations are beneficiaries under the Environmental OP, however during implementation of the OP they are completely excluded.</li> <li>• Bulgaria needs to involve more deeply the scientific institutions in the process of the assessment of the conservation status, to ensure scientific peer review of both the methodologies and the results of the assessments.</li> </ul>
<p><b>Non-native species</b></p> <p>Ensure that introductions of non-native species do not prejudice native habitats and species</p> <p><i>Habitats Directive, art. 22</i> <i>Birds Directive, art. 11</i></p>	<ul style="list-style-type: none"> <li>• Introductions of non-native species is regulated by laws which set specific procedures to be followed. However there is no good strategy and action plan on national level to address the threats.</li> </ul>
<p><b>Stakeholder engagement, public participation and communication</b></p> <p>Stakeholder engagement and public participation are key to ensuring effective implementation</p>	<ul style="list-style-type: none"> <li>• Generally, the procedures for stakeholders' involvement and participation in Bulgaria are formal and inadequate to ensure real stakeholder dialogue. Both amendments of the legislation and capacity building of the staff of the Ministry of Environment is needed in order to be able to involve the stakeholders in real dialogue.</li> <li>• The procedures for public consultation for site designation consist of a one month period during which stakeholders can send position papers. The competent authority may or may not take these into account.</li> <li>• There is a specific procedure for public consultation for development and approval of management plans.</li> <li>• National legislation guarantees public participation in cases of Environmental Impact Assessment, Strategic Environmental Assessment and /or appropriate assessment. However the information system on the Ministry's web site is not sufficiently user friendly.</li> <li>• There is a National Information and Communication Strategy for Natura 2000 and plans to fund projects for its implementations. However actual actions have been undertaken at very limited scale, mostly under the initiative of NGOs.</li> <li>• There is no Natura 2000 communication strategy for the local level (site level)</li> </ul>

## RECOMMENDATIONS FOR BULGARIA

- Issue the designation orders of SCIs, drafts of which are prepared by a team of experts from scientific institutions. The designation orders should include bans to counteract identified threats to favourable conservation status in order to reflect properly art 6.2. of the Habitats Directive because this is not well defined in the Bulgarian legislation, therefore these orders are the only mechanism for this.
- Designate the full Rila SPA and Lower Rila SCI.
- Horizontal threats for Natura 2000 habitat types and habitats of species were identified during the first round of the assessment of conservation status. These have to be analysed and a strategy and plan developed on how to address those through horizontal measures which can be taken at policy level. Such a strategy is not included in the Bulgarian PAF although there is sufficient funding for technical assistance in the EOP.
- Actual monitoring and art 17 reporting needs to take into account the negative impact caused to Natura 2000 sites since Bulgaria joined the EU. Examples of such negative impact are: construction along the Black Sea Coast, tourism development in the Alpine Biogeographical Region; HPPs in the Continental and Alpine Regions, and the ploughing of grasslands in the continental region.
- Reorganise the strategic plan of the Environmental Operational Programme (EOP) on how to spend the funds for Biodiversity and Natura 2000 in order to target specifically the real threats to habitat types and habitats of species with unfavourable conservation status.
- Urgently use the funds from the EOP to buy the most threatened habitats. Funds for this are included both in the PAF and in the EOP, but the respective measures are not launched by the EOP Managing authority.
- Increase the capacity of Natura 2000 staff of the Ministry of Environment and Water (MEW) with experienced experts.
- Include the experts from the scientific institutions and NGOs who proposed the Natura 2000 network in the decision making on Natura 2000. Return them as beneficiaries in the EOP.
- Management bodies of Natura 2000 have to be expert administrations not political bodies.
- Legislative changes are needed to give stakeholders the opportunity to raise court appeals in cases when the competent authority has identified violations of the two nature directives, but do not take action to stop the implementation of projects, carried out in violations with their permits.
- Break the direct connection between the investors and the experts doing the assessments.
- Amend the Ordinance for appropriate assessment related to the inclusion of criteria for “pre-screening” art.2, para 2, which should not be different than the criteria for screening.
- Improve the public participation processes to enable genuine stakeholder participation and increase the societal support for Natura 2000.