



GREEN BALKANS BULGARIA

160 Shesti Septemvry Blvd.
Plovdiv, 4000 Bulgaria
Tel : / +359 32 / 62 69 15, 62 69 77
Tel/fax: / +359 32/ 635 921
E-mail: office@greenbalkans.org
www.greenbalkans.org

Record 986/1990, Plovdiv District Court, Tax No. 1165783308, BULSTAT 825349081

To

Julio Garcia Burgues
Head of Unit Infringements
Directorate A: Communication, Legal Affairs
and Civil Protection
DG Environment, European Commission
B-1049 Brussels
Belgium

Copy to:

Ministry of Environment and Waters
67, Gladston str., Sofia 1000

Sofia, 21 May 2008

Outgoing Ref No 200/21.05.2008

Re: A complaint by Bulgarian NGOs about failure of Bulgarian government to comply with the requirements of the **Directive 92/43/EEC** in proposed Sites of Community Importance in Rila Mountain.

Dear Mr. Burgues,

Please find attached a completed complaint format on behalf of a Bulgarian coalition of NGOs united under the title *Let Nature Remain In Bulgaria* about failure of Bulgarian government to comply with the requirements of the **Directive 92/43/EEC** on the conservation of natural habitats and of wild fauna and flora. The issue is that the Bulgarian government has not provided for the compliance with art.6 (2) and (3) of the HD in the case of ski development projects in two proposed SCIs in Rila Mountain. Project construction activities already happening in the two sites already have significant impacts of priority species listed in the Annexes, analysis of impacts from the planned projects are also made. All supporting documentation as maps and copies of correspondence with institutions are enclosed in the CD and sent by air mail to you.

Apart from its significance from a scientific point of view, Rila is becoming an emblematic case for Bulgarian public, as citizens groups have already collected about 150 000 signatures in support of an Appeal to Save Rila, already submitted to the European Parliament and the European Commission.

A contact person on behalf of the Bulgarian coalition of NGOs *Let Nature Remain In Bulgaria* is Alexander Dountchev, contacts details; tel: + 359 885 511 022, fax: +359 2 989 53 77, alexdountchev@hotmail.com. Members of the NGO coalition are: Agrolink Association, Balkani Wildlife Society, Borrowed Nature Association, The Bulgarian Association for Alternative Tourism, The Bulgarian Biodiversity Foundation, The Bulgarian Parks' Association, The Bulgarian Phytocenology Society 2001, The Bulgarian Society for the Protection of Birds, The Center for Environmental Information and Education, Green Balkans Federation, Information and Education Environmental Center of Sofia University "Sv. Kliment Ohridski", National Movement Ecoglasnost, Nature Fund Association, "Save Irakli" Citizens' Movement, Shtastlivetsa Sofia Citizens' Movement, Za Zemiata Environmental Association, WWF Danube – Carpathian Program Bulgaria, "Citizens for Rila" Citizens' Movement.

We hope that proceeding this case further will help contribute to the preservation of Bulgarian natural heritage, which is increasingly under threat by development.

Sincerely yours,

Toma Belev
President of the Executive board of
GREEN BALKANS Federation of Nature Conservation NGOs

p.s. The current letter and complaint are sent out via email and air mail.

<i>For the Commission</i>		
		Member State:

**REQUEST FOR SUPPLEMENTARY INFORMATION /COMPLAINT/
(For Site Related Aspects of Nature Conservation issues)**

Surname and forename of complainant: Mr Toma Belev, President of the Executive board of GREEN BALKANS Federation of Nature Conservation NGOs
160 Shesti Septemvry Blvd., 4000 Plovdiv, Bulgaria

Contact person: Alexander Dountchev

GSM:+359 885 511 022

E-mail: alexdountchev@hotmail.com

This complaint is supported by the following Bulgarian nature conservation coalition: “Let nature remain in Bulgaria” which includes the following NGOs:

Agrolink Association,
Balkani Wildlife Society
Borrowed Nature Association
The Bulgarian Association for Alternative Tourism
The Bulgarian Biodiversity Foundation
The Bulgarian Parks' Association,
The Bulgarian Phytocenology Society 2001
The Bulgarian Society for the Protection of Birds,
The Center for Environmental Information and Education
Green Balkans Federation
Information and Education Environmental Center of Sofia University "Sv. Kliment Ohridski"
National Movement Ecoglasnost
Nature Fund Association
“Save Irakli” Citizens' Movement
Shtastlivetsa Sofia Citizens' Movement
Za Zemiata Environmental Association
WWF Danube – Carpathian Program Bulgaria
“Citizens for Rila” Citizens’ Movement

Member States concerned: Bulgaria

Regions concerned: Alpine Biogeographical Region

1) Does the case have any direct link to European Community nature conservation legislation?

Yes

No

2) If yes to which directive?

79/409¹ (the Birds Directive) - articles 4(1) and (4)

92/43² (the Habitats Directive) - articles 4 (1); 6(2), (3) and (4)

Or which other legislation?

- 85/337/EEC (the EIA Directive)

- 2001/42/EC (the SEA Directive)

- Bulgarian accession treaty in conjunction with the agreed implementation of the Birds and Habitats Directives and related pre-accession agreements:

- CONF-BG13/01, Position of Bulgaria on Chapter Environment, 26 March 2001;

- CONF-BG 64/01, Additional information to position of Bulgaria on Chapter Environment, 25 October 2001;

- CONF-BG 02/03, Additional information to position of Bulgaria on Chapter Environment, 09 April 2003;

- CONF_BG 07/03, Addittional information to additional information CONF-BG 2/03, Position of Bulgaria on Chapter Environment, 19 May 2003;

- CONF-BG 14/03 Common Position of the European Union on Chapter Environment. Brussels: Conference on Accession of Bulgaria to the EU, 25 July 2003.

More particularly Bulgaria does not fulfil the following obligations:

1. Bulgaria has no transitional periods for the implementation of the Birds and Habitats Directive, according to the Accession treaty adopted by the Bulgarian Parliament in April 2005.

2. According to Article 4 (3) of Directive 92/43/EEC the list of sites referred in 4 (2) should be established within six years of the notification of this Directive and therefore the term of its application expired in 1998. In relation to this is also the date of application of Articles 6(2), (3) and (4) - according to Article 4 (5) sites referred in third subparagraph of 4 (2) should be subject to those paragraphs of Article 6. This means that their date of application also expires in 1998. The lack of a transitional period in the Accession Treaty means that these requirements should be met by Bulgaria at the date of accession.

¹ O.J. n° L103 of 25.04.1979 and O.J. n° L115 of 08.05.1991 – a copy may be found on the internet under: http://europa.eu.int/eur-lex/en/consleg/pdf/1979/en_1979L0409_do_001.pdf

² O.J. n° L206/7 of 22.07.1992 – a copy may be found on the internet under: http://europa.eu.int/eur-lex/en/consleg/pdf/1992/en_1992L0043_do_001.pdf

- Bulgaria should implement Article 4 (1) of Directive 92/43/EEC prior to its accession in the Union and had to have submitted to the EU a draft list of potential Sites of Community Interest at the date of its accession. This obligation of Bulgaria was also communicated and agreed between the European Community and Bulgarian Government during the negotiation process (CONF-BG13/01/26 March 2001; CONF-BG 64/01/25 October 2001; CONF-BG 02/03/09 April 2003; CONF_BG 07/03/19 May 2003; CONF-BG 14/03/25 July 2003). Pursuant to Article 4(1) this draft list should be capable of leading to the establishment of a coherent European ecological network of special areas of conservation. The Commission must be provided with **an exhaustive list** of the sites of ecological interest on the national level which is relevant to the Directive's objective to preserve natural habitats and wild fauna and flora without jeopardising the realisation of this objective at Community level (C-371/98).

- Even if not yet classified as SCI according to article 4(2) all the potential future sites according to best available scientific data, should be provided with protection against disturbing species and damaging natural habitats, as otherwise the aims of the Article 4 (1) to submit in the EC an exhaustive list of sites capable of leading to the establishment of a coherent European ecological network of special areas of conservation could be jeopardised. As a matter of fact, if this is not the case, the species and habitats in the list may simply not exist at the time the potential SCI is designated as a SAC. This follows from the aim of the Habitats and Birds Directives, from the precautionary principle but it is also a matter of reasonableness, that if a network of sites is to be established, it is expected that all of the sites the network consists of shall not be deteriorated and the habitats destroyed before they are eventually designated as SCIs. The Member states, as well as the Commission, are obliged to interpret the Directives in such a way that enables the accomplishment of their goals. If the opposite was true and Art. 4(2) is interpreted in a way that Member States may allow the deterioration of the potential SCI, the site eventually may be designated as SAC when there is no subject of protection left in it or it is seriously damaged, which clearly will jeopardize the aim of the Directive. It is also a matter of prudence for the Governments of the Member States not to propose to the Commission sites for designation as SAC and to destroy or allow their deterioration in the meantime. Finally, if the Directive was meant to allow deterioration of sites in the period between their proposal and the final adoption as SCIs, this would result in some sites with no species and habitats left, which are included in the European Ecological Network Natura 2000 and receive the respective benefits, including financial, attached to their protection status. Simply habitats and species already scientifically evaluated according to the criteria set up in Annex III of the Directive 92/43/EEC, may already be non-existent or seriously damaged at the date of submission of the site and this would not be reflected in the information provided to the Commission (C-244/05). The preamble of the Directive 92/43/EEC also states that an appropriate assessment must be made of any plan or programme likely to have a significant effect on the conservation objectives of a site which has been designated or is designated in future.

- According to Article 4 (2) of Directive 92/43/EEC the Commission shall establish in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States' lists. This obligation could not be met prior the date of accession as it requires an agreement between the

Commission and an actual Member State, but not a candidate country. However, the obligation of the Accession Treaty to implement article 6 (2), (3) and (4) without transitional periods could be applied to the list of sites available at the date of accession. Respectively during the negotiation process the European Commission asked and Bulgaria agreed (CONF-BG13/01/26 March 2001; CONF-BG 64/01/25 October 2001; CONF-BG 02/03/09 April 2003; CONF_BG 07/03/19 May 2003; CONF-BG 14/03/25 July 2003) to apply Article 6 (2), (3) and (4) to the list of sites submitted in EC at the date of accession. In the light of the foregoing, where the national list remains incomplete, the Member states are advised to also ensure the non-deterioration of sites that, according to scientific evidence based on the criteria of Annex III of Directive 92/43/EEC, should be on the national list. One practical suggestion is to make correct use of environmental impact assessment (EIA) under Directive 85/337/EEC (impact assessment) in relation to potentially damaging projects. The European Court of Justice has already confirmed the importance which should be attached to sensitive natural sites when deciding whether projects should undergo an EIA under this directive.

3. According to Article 18 (1) of the Directive 79/409 EEC Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification.

- That means that at the date of accession Bulgaria should have adopted list of SPAs. That list should comply with the requirements of the Article 4 (1) and Bulgaria should designate at that date all areas which contain the most suitable habitats for the species listed in Annex I and migratory species, based only on scientific criteria. Economical, social and other circumstances should not be taken into account in the process of defining of boundaries and designation. Bulgaria has no discretion to modify or reduce the extent of these areas and thus unilaterally escape from the obligations imposed on them by Article 4(4) of the Directive (C-355/90).

- Pursuant to this Bulgaria should provide with protection according to Article 4(4) all potential sites which according to best available scientific information are eligible for designation as SPAs even if they still have not been designated (eg C-374/98). If such sites are not provided with this protection, this can jeopardize the aims of Article 4 (1).

- According to Article 7 of Directive 92/43/EEC and in conjunction with the Accession Treaty Bulgaria should apply from the date of accession the article 6 (2), (3) and (4) to all SPAs submitted in the European Commission.

4. Bulgaria also has no transitional period in Implementation of Directives 85/337/EEC (the EIA Directive) and 2001/42/EEC (the SEA Directive). It should apply them for all projects/plans or programmes from the date of its accession.

3) Give a short summary of the subject of the environmental issue brought to the attention of the Commission:

The complaint raises two closely interrelated main violations of EU legislation, which demonstrate a total disregard by the Bulgarian authorities of their responsibilities towards the European legislation:

- **Lack of sufficient designation** of both pSCIs and SPAs in Rila Mountain grounded on purely economical arguments – existence of projects for construction of new ski runs;

- **Lack of adequate protection in Rila Mountain** of all sites not submitted and submitted in EU and construction and planning of new ski facilities and resorts without appropriate ecological assessments.

3.1. Lack of sufficient designation of pSCIs and SPAs

The following sites which were scientifically identified and proposed by NGOs are situated in Rila Mountain:

- pSCIs “Rila” BG0000495, “Rilski manastir” BG0000496 and “Rila-buffer” BG0001188 (App. 2.2.6.4). They form one complex site, but are divided due to administrative reasons to make their management easier, whereby BG0000495 coincides with the National park and BG000496 with the Nature park.

- “Rila” SPA BG0002055 (IBA 055) (App. 2.2.6.17) includes all territories of the “Rila” National park, Nature park “Rilski manastir” and also buffer territories.

On 2 March 2007, pSCIs “Rila” and “Rilski manastir” were approved by Resolution No. 122/02.03.2007 of the Council of Ministers (CM). After being postponed by Resolution No. 122/02.03.2007, “Rila-buffer” pSCI was still not ratified by Resolution No. 802/04.12.2007 of the CM despite the fact that the site meets all ecological criteria of Annex III of the Habitats Directive for proposal and subsequent classification as an SCI and despite the positive Statement of the Bulgarian Academy of Sciences (App. 2.1.1). The rejection of the site was proposed by the Minister of Environment and Waters after a decision of his Biodiversity Council on 13 September 2007. At that Council a representative of the Ministry of EW Mr. Velichkov, head of the Nature Protection department, proposed to reject the site arguing that it protects only a small percentage of species and habitats and that in the site there are a number of already approved projects for new ski resorts which will be stopped by its designation. In fact, the site is a high quality site (according to ETC criteria) and has bigger importance than the existing Protected Areas (a National and a Natural parks) for at least 4 priority species (bear, wolf, stone crayfish, hermit beetle) and one habitat type (91E0), as the last covers mainly the foots of the mountain slopes. All representatives of NGOs, Universities and Scientific Institutes except one voted in favour of “Rila Buffer” pSCI applying an official Statement of Support by the Bulgarian Academy of Sciences (App. 2.1.1). Representatives of the relevant Ministries and Agencies voted against the site. By not ratifying the “Rila-buffer” pSCI due to economical considerations the Bulgarian government has failed to fulfil the obligations of Articles 4(1) of the Habitats Directive (C-371/98).

On 2 March 2007, the proposed “Rila” SPA BG0002055 was approved in 54% of the “Rila” Important Bird Area (IBA)³ by Resolution No. 122/02.03.2007 of the CM. The approved area (“Rila” SPA BG0000495), in fact, coincides with the territory of the “Rila” (pSCI BG0000495). The remaining 46 % are situated outside the “Rila” National park (“Rila Monastery” Natural park and the buffers of both parks are excluded). By its failure to legally designate “Rila” as a SPA on the whole area of “Rila” IBA and provide a legal protection regime capable in particular, of ensuring both the survival and reproduction of the bird species listed in Annex I to the Directive the Bulgarian government has failed to fulfil the obligations of Articles 4(1) of the Birds Directive (C-355/90, C-166/97, C-96/98, C-415/01).

The reduction of areas of “Rila” SPA and the complete rejection of “Rila-buffer” pSCI for economical reasons **deprives these areas from protection** under Articles 19 and 31-33 of the Bulgarian Biodiversity Act (BDA). The Article 19 of the BDA allows preventive protection of the future sites according to Article 6 (2) of the Habitats Directive, by issuing specific banning orders preventing deterioration of habitats and disturbance of species. The Articles 31-33 transpose Articles 6 (3) and (4) of the Habitats Directive. This way, the rejection of these sites deprives them from any protection according to the national laws and leads to breaking both obligations: to have a list of sites relevant to requirements of both Directives and to provide those sites with protection according to Article 6 (2), (3) and (4) of the Habitats Directive. In respect of insufficient designation of SPAs in Bulgaria (including “Rila” SPA in particular) a complaint is submitted to the European Commission on 17 September 2007 (Ref. N 2007/4850).

3.2 Lack of adequate protection (C-117/03, C-244/05)

The complaint for lack of adequate protection in Rila Mountain concerns two types of territories:

A. Territories of sites which since 02.03.2007 (the date of publication of the Council of Ministers order in the state gazette) appear **on the national list transmitted to the European Commission** (“Rila” pSCI and “Rila” SPA, both with designation number BG0000495) (App. 2.2.6.4 and App. 2.2.6.17).

B. Territories of scientifically evaluated sites which are eligible for designation as pSCI or SPA but still **not included in the national list** - “Rila” pSCI and the part of “Rila” IBA outside “Rila” SPA BG0000495. Prior to this date, 02.03.2007, all sites have been scientifically evaluated sites, eligible for designation as pSCI or SPA (App. 2.2.6.4 and App. 2.2.6.17).

The first scientific information about the potential Natura 2000 sites in Rila Mountain was lodged in the MoEW in the beginning of 2005. Despite that fact, in the period 2005-2008 the Bulgarian

³ Important Bird Areas (IBAs) are identified by BirdLife International based on standard criteria and have been accepted by the ECJ as the scientific basis for the designation of SPAs

authorities disregarded this information and adopted projects and plans in four ski resorts, greater part of which fall within eligible Natura 2000 sites and which already have lead (App.2.2.6.6-7) or could lead to interventions which incur the risk of seriously compromising the ecological characteristics of those sites (C-244/05). Most of the authorization procedures were deliberately accomplished before the Accession date of 1.1.2007 but were proved to be carried out with a great number of administrative and legal offences. The most striking offences are the authorization of projects and plans without an EIA/SEA, falsification of cadastral plans and the borders of the sites, authorization of clear cuts without legal grounds, etc. Still, the realization of these projects started mainly after 1.1.2007 but without further review of permits under Art. 6(2) (point 58 of judgement C-6/04), as follows:

1. The construction of the **ski resort “Panichishte-the Lakes-Kabul peak” (called “Super Panichsihte”)** started in 2006 after its project and SEA were rejected by the MOEW. Presently, investors are building a village with hotels, roads, reservoir, ski runs and a lift without EIAs (incl. screening procedures) (App. 1.1). Directly affected and already deteriorated are natural habitats and the habitats of wild species in “Rila” pSCI, “Rila” SPA, “Rila” IBA and “Rila-buffer” pSCI (territories in points A and B) (App. 2.2.6 and 2.3.1). The Bulgarian government denies that the construction activities are illegal (App. 2.1.21, 1.1.3.9. and 1.1.3.11) despite numerous sanctions imposed by the “Rila” National park directorate (App. 1.1.3.10). The thorough expert analysis (in English) of the NGO coalition about the case “Super Panichishte” is sent to the Council of Ministers and EC (App. 2.1.22).

2. The construction of a cabin lift and a ski run in the **ski resort “Kartala”** was authorized in 2006 without an accomplished EIA/Article 6 Assessment procedure (App. 1.2). Directly affected and already deteriorated are natural habitats and the habitats of wild species in “Rila” IBA that is proposed as SPA, and “Rila-buffer” pSCI (territories in point B) (App. 2.2.6 and 2.3.2). The Bulgarian government acknowledges that the construction activities are illegal but refuses to take legal actions (App. 1.2).

3. The final SEA of the General Spatial Plan (GSP) of **the project “Samokov - Borovets -Beli Iskar” (called “Super – Borovetz”)** forbade construction of new ski faculties in the National park. However, assessment of the impacts, including cumulative ones, on habitats and species from Annex 1 and 2 of the Habitats Directive (in “Rila-buffer” pSCI) and Annex 1 and 2 of the Birds Directive (in “Rila” IBA/proposed SPA) was not carried out (App.1.3.1.1 and 1.3.1.2). A new ski run was constructed in 2005 without EIA whereby a priority *Pinus mugo*-habitat in “Rila” pSCI was deteriorated (App. 2.3.3.). The construction of the first lift station of a cabin lift started in 2007 without an EIA or Article 6 procedure for the lift (App. 1.3.3.). RIEW Sofia authorized unknown number of village projects in “Rila” pSCI and outside the urban areas defined in the GSP “Super Borovets“ with screening-based estimates stating there is no need of EIA and thus disregarding the GSP(App. 1.3.4). Further deterioration and fragmentation of natural habitats and the habitats of wild species is expected in “Rila” pSCI, “Rila” SPA, “Rila” IBA/proposed SPA and “Rila-buffer” pSCI (territories in points A and B) (App. 2.2.6).

4. A project of a lift and a ski run in **ski resort “Treshtenik”** was authorized after an EIA in 2006 (App. 1.4). No assessment of the impacts on habitats and species from Annex 1 and 2 of the Habitats Directive (in “Rila buffer” pSCI) and Annex 1 and 2 of the Birds Directive (in “Rila” IBA/proposed SPA) was carried out. The construction of the facilities started in 2007 what lead to destruction of habitats in “Rila buffer” pSCI and “Rila” IBA/proposed SPA (territories in point B) (App. 2.2.6).

In 2008, during representations of the problems in “Rila” pSCI, “Rila” SPA and “Rila-buffer” pSCI throughout Bulgaria and on internet, more than 140 000 citizens have undersigned a petition urging the Bulgarian state to apply the Bulgarian and European environmental legislation in these Natura 2000 sites. Despite numerous complaints sent to the competent state authorities and despite the growing number of citizens’ protests throughout Bulgaria in 2007 and 2008, the Bulgarian Government repeatedly refused to take legal action and stop the illegal construction of infrastructure, buildings and facilities in “Rila” National park and adjacent territories. Evidently, the Bulgarian government violated Article 6(2) and 6 (3) of the Directive 92/43/EEC (in the territories of point A.) and article 4 (4) of the Directive 79/409/EEC (in the territories of point B. - SPA or IBA/proposed SPA) by not taking appropriate measures to avoid, by any of its acts, the deterioration of the habitats and significant disturbance to the species (resp. birds) for which the sites were proposed for designation and before the SCI/SPA designation process is finalised. So far, only the construction of the ski runs in Panichishte was halted by the State Forestry Association because of severe violations of the Bulgarian Forestry Law.

Moreover, the natural habitats and the wild species found on the territory of the scientifically identified sites “Rila-Buffer” pSCI, “Rila” SPA and “Rila” pSCI are **additionally threatened by another four planned ski resort projects** (App. 2.2.6.11) in Rila Mountain. Two of them (“**Iskrovete-Govedartsi-Maljovitsa**” and “**Semkovo**”) were initiated officially before 1.1.2007 but still not authorized and the other two (“**Dolna bania-Ibar peak**” and “**Kostenets-Belmeken peak**”) were just announced in the Strategies for Development of two municipalities in 2006.

Detailed information about the eight ski resort projects planned in Rila Mountain and their impact on the scientifically identified sites “Rila-Buffer” pSCI, “Rila” SPA, (“Rila” IBA/proposed SPA) and “Rila” pSCI is summarized in Table 1 and 2 of App. 2.1.31 and on the maps in App. 2.2.6.1-24. Some projects encompass already existing small ski resorts or individual ski facilities (App.2.2.6.5).

3.3 Consequences of the inadequate protection of species and habitats protected under the Birds and Habitats Directives

The realization of the referred projects in the four planned ski resorts Panichishte, Kartala, Borovets and Treshtenik (with total area of planned ski-facilities estimated at not less than 500 ha and total capacity of more than 70 000 tourists) endangers the conservation of the natural habitats and wild species hosted within or in the direct proximity of the ski resorts by:

1. Direct destruction of Annex 1 habitats and habitats of Annex 2 species caused by the realization of the project elements (mainly after 1.1.2007):

- Construction of buildings, infrastructure (roads, water reservoirs, ducts) and ski-facilities (lifts and ski runs) causing loss of natural habitats *4070, 4060, 95A0, 6150, 62D0, 9410, 91BA, 91CA (from 1.1.2007 to 1.5.2008 – total direct damaged area in “Rila” pSCI /SPA - 5 ha and more than 20 ha in “Rila buffer” pSCI / excluded part of “Rila” IBA/proposed SPA); Affected will be 91BA, 91CA, 9410, *91D0, 95A0, *4070, 4060, 6150, *6230, 62D0, 6410, 6430, 8110, 3130. For large carnivores – particularly bear and wolf all habitats encompassed in urbanised areas or ski zones are accepted as directly destroyed.

2. Affecting structure and functions of the Annex 1 habitats.

- Degradation of habitats and alteration of the vegetation composition (e.g. conversion of xero- or mesophile to hydrophile/nitrophillous plant communities under ski runs (62D0, 6230, 6150). It is a result of: - nitrogen pollution from snow additives, very vulnerable are grasslands used as ski slopes and especially plant communities naturally poor in soluble nitrogen; - higher level of water supply (artificial snow); - prolongation of the snow-melting period on the ski runs; - trampling and soil compaction behind the ski slopes.

- Development of water and wind erosion of the soil as a result of the ski run constructions and soil compaction behind the ski slopes (extremely vulnerable are 6150, 62D0, 6230);

- Changes in the microclimate of the ecosystems – affect mainly habitat 9410 and 91BA – strongly sensitive to increased light and strong winds (often observed is mass tree fall after strong winds along the ski slopes);

Evidently, despite the relatively small area of the habitats directly destroyed up to now (ca. 25 ha out of at least 500 ha planned ski facilities) (Table 2 in App. 2.1.31), the integrity of the sites (incl. structure and functions of the habitats) will be significantly affected in the long term by the enhanced anthropogenic pressure, as well as the negative influence and the cumulative effect of the construction and exploitation activities within the **project land areas - more than 30 000 ha in total.**

3. Deterioration of habitats of the species listed in Annex 2 of the Habitat Directive and Annex 1 of the Bird Directive due to the disturbance:

- **Wildlife avoidance.** The most important impact arising from any type of urbanisation and from facilitating the access of people and motor vehicles in natural habitats, high noise levels induced by machines, people and facilities, lights in the night. Very sensitive are large carnivores (their breeding habitat – areas suitable for burrows) and mountain forest species of birds (Balkan Grouse *Capercaillie Tetrao urogallus*, Pigmy Owl *Glacidium passerinum*, Tengmalm’s Owl *Aegolius funereus*, Golden Eagle *Aquila chrysaetos*, etc). The estimation of the area of wildlife avoidance is based on scientific research and computer models, which are used to define the reference value of bear and wolf and other species and are used to fill the NATURA 2000 data base (best scientific knowledge). The areas of negative influences are assessed as buffers around the elements of the projects.

- **Fragmentation of key habitats and creation of migration barriers** for vulnerable species such as Brown bear *Ursus arctos*, Grey wolf *Canis lupus*, Balkan Chamois *Rupicapra rupicapra balcanica*, Caprecaile *Tetrao urogallus*, Haselgrouze *Bonasa bonasia*, White-backed Woodpecker *Dendrocopos leucotos*, Tree-toed Woodpecker *Picoides trydactylus*, Pigmy Owl *Glacidium passerinum*, Tengmalm's Owl *Aegolius funereus*, etc. Habitats of the priority species Grey wolf and Brown bear (area of the habitats, their structures and functions) were significantly deteriorated at least on local level.

In detail: The assessment of the impact of the ski resorts on the wolf and bear includes assessment of:

1. The **direct destruction** and **damage of habitats quality due to wildlife avoidance**.
2. The damage of habitats quality due to **habitats fragmentation** and due to **appearing of unviable patches of habitats**.
3. The **barrier effect on biocorridors**, especially on bottleneck areas on the biocorridors.

(N.B.)Methodology of the assessment of the impact of ski resorts on the populations of the priority species grey wolf and brown bear:

1. Considered elements of ski resort projects affecting bear and wolf:

1.1 Ski facilities and ski runs.

Ski facilities and ski runs are leading to direct destruction of unfragmented and unanthropogenesed habitats suitable for the establishment of individual home ranges and burrows for both species. The existence of these facilities leads to enriching the area with people, which also leads to disturbance of these species and to the effect of wild life avoidance around the existing ski facilities.

1.2 Hotel complexes and buildings.

Similarly to ski facilities they lead to direct destruction of habitats and to wildlife avoidance in the surrounding habitats.

1.3 Roads and other infrastructure

They can be situated outside of the ski zone but could impact the habitats of the species and their biocorridors. The barrier effect should be added to direct destruction and wildlife avoidance.

2. GIS-models.

2.1 Area polygons of ski resorts

For the purpose of the impact assessment all three elements are mapped on GIS and the area polygons of the individual elements are summarized in joint polygons. As directly affected habitats are accepted all habitats within or in the proximity of the ski facilities, thus forming one area polygon of the ski resort. These area polygons are mapped in scale 1:100 000 based on maps published by the investors or on the written description of the existing and planned ski facilities, hotels and infrastructure.

2.2 Buffer areas

The assessment of wildlife avoidance is based on the number of people which will be concentrated in these urban areas. The bigger the number of people (the capacity of hotels and/or ski facilities), the wider the affected areas (buffers) surrounding the ski resort which reflect the behavior of both species in Bulgaria. This impact is divided in three steps assessments and the specific thresholds in terms of relation between number of people and area affected is derived from the field observations during the preparation of the bear action plan and the field observations on wolf. The thresholds of

this impact applied in our assessments reflect the developed draft parameters for defining FCS of both species (under development of the BBI Matra project).

The same parameters were applied also as predictors of the developed **habitat viability models** (App. 2.1.25) for both species which were afterwards used as reference for filling the consensus Natura 2000 database developed in March, 2008 for the means of the biogeographic seminar.

The thresholds assessing wildlife avoidance impact on unfragmented habitats and suitable for establishing of burrow and home ranges are as follows:

Number of people in urban areas	Range of avoidance of the Bear	Range of avoidance of the Wolf
< 1000 people or any road	500 m	500 m
1000-5000 people	1500 m	3000 m
>5000 people	1500 m	5000 m

4. Impact assessment (Maps in App. 2.2.6.1-24)

4.1 Directly damaged habitats

The power of impacts is assessed on the basis of the above mentioned viability models. The assessed power of impacts reflects the overlapping of (1) *directly destructed areas and/or damaged habitats due to wildlife avoidance* and (2) *the habitats of high quality according to the models*. Where there is such overlapping the high quality habitats suitable for hosting individuals are assessed as already **not suitable** as such.

The assessments are based on affected number of individuals calculated on the basis of the affected area with the relevant population capacity. In this way are assessed the direct destruction and damage to the habitats (Maps: App.2.2.6.8-9 and 13-14, Excel tables: App. 2.1.32). To assess the level of significance on the base of speed of disappearance (1 % per year) we assess the following period: from 2007 to 2013 thus after accession, because all of the mentioned projects are planned to be realized before 2013 and all impacts arise after 2007.

(N.B. As base for assessing the thresholds of significance of the impacts is: European Commission (2004): Assessment, monitoring and reporting of conservation status under the nature directives (Doc-Hab-04-03/03 rev.3). The assessment is based only on population of species but actually it is based also on the area of the habitats of species in the pSCI. It is accepted that certain projects or the cumulative effect of a number of projects lead to significant impact when they bring the population of the species to unfavorable conservation status\inadequate or unfavorable bad condition. Unfavorable bad is when the population is more than 25 % below the favorable reference population but is stable or it is below the favorable conservation status, equivalent to a loss of more than 1 %. Unfavorable inadequate is when the population is below the favorable reference population but not more than 1 % of it.)

Results:

4.1.1 Ursus arctos- Assessment of the impact on the percentage of affected bear population on the basis of decreased habitat carrying capacity in the site (App. 2.1.32).

(N.B. The assessment still does not cover the impact of the ski resorts “Treshtenik”, “Semkovo”, “Dolna bania” and “Kostenets”)

4.1.1.1 Impacts on “Rila Buffer” pSCI

-Impacts of already carried out (on-going) activities and projects (see map App.2.2.6.8):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,16	0,59	0,75
Kartala	0	0,06	0,06
Super Borovetz	0	0	0
Iskrovete	0	0	0
Kulinoto (Pirin)	0	0	0
All projects	0,16	0,65	0,81

Two projects (“Super Panichsihte” and “Kartala”) have impacted negatively “Rila Buffer” pSCI. On the site level combined power of the impact is near to the accepted by us threshold of 1 %. Therefore, it is sure that on local level both projects affected significantly the bear population habitats. Any further impact should be very carefully studied and the threshold of 1 % should not be exceeded.

-Impacts of planned activities and projects:

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,09	0,29	0,38
Kartala	0,34	0,3	0,64
Super Borovetz	0,7	0,65	1,35
Iskrovete	1,51	1,58	3,09
Kulinoto (Pirin)	0	0,34	0,34
All projects	2,64	3,16	5,8

The implementation of the general spatial plan of the project “Super Borovets” which was adopted in 2005 will bring additional impacts exceeding 1 %. Therefore, even already accepted spatial plans should be reassessed because of site conservation needs.

-Cumulative impacts of already carried out and planned activities and projects (see map App.2.2.6.13):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,25	0,88	1,13
Kartala	0,34	0,36	0,7
Super Borovetz	0,7	0,65	1,35
Iskrovete	1,51	1,58	3,09
Kulinoto (Pirin)	0	0,34	0,34
All projects	2,8	3,81	6,61

Even if separately regarded the projects “Super Borovets”, “Super Panichsihte” and “Iskrovete” will have a significant impact and will lead to unfavorable inadequate conservation status of the species on site level. **If we consider the cumulative impact of all projects their implementation will lead to unfavorable bad conservation status of this species in the site – population below the reference value and decrease of the population more than 1 % per year.**

4.1.1.2 Impacts on “Rila” pSCI

-Impacts of already carried out activities and projects (see map App.2.2.6.8):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,11	1,74	1,85
Kartala	0,02	0,07	0,09
Super Borovetz	0	0	0
Iskrovete	0	0	0
All projects	0,12	1,81	1,93

Two projects (“Super Panichsihte” and “Kartala”) have impacted negatively “Rila” pSCI. On site level “Super Panichishte” alone (incl. new roads, ski runs, a lift and buildings) lead to significant impact mainly due to the wildlife avoidance. The conservation status of the species on site level should be considered already as unfavorable inadequate.

-Impacts of planned activities and projects:

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	2,04	1,87	3,91
Kartala	0,01	1,57	1,58
Super Borovetz	0,2	2,06	2,26
Iskrovete	0,3	3,51	3,81
All projects	2,56	9,01	11,57

-Cumulative impacts of already carried out and planned activities and projects (see map App.2.2.6.13):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	2,15	3,61	5,76
Kartala	0,03	1,64	1,67
Super Borovetz	0,2	2,06	2,26
Iskrovete	0,3	3,51	3,81
All projects	2,68	10,82	13,5

All planned projects even alone have significant impact on the site. “Super Panichishte” alone would impact the species conservation status near to unfavorable bad (population below the reference value and decrease of the population more than 1 % per year). **The cumulative impact of all projects would be much more severe affecting 13,5 % of the bear population for a period of only a few years.**

4.1.2 Canis lupus- Assessment of the impact on the percentage of affected wolf population on the basis of decreased habitat carrying capacity in the site (App. 2.1.33).

(N.B. The assessment still does not cover the impact of the ski resorts “Treshtenik”, “Dolna bania”, “Semkovo” and “Kostenets”)

4.1.2.1 Impacts on “Rila Buffer” pSCI

-Impacts of already carried out (on-going) activities and projects (see map App.2.2.6.9):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,24	0,87	1,11
Kartala	0,09	0,1	0,19
Super Borovetz	0	0	0
Iskrovete	0	0	0
Kulinoto (Pirin)	0	0	0
All projects	0,32	0,97	1,29

Two projects (“Super Panichsihte” and “Kartala”) have impacted negatively “Rila Buffer” pSCI. On the site level combined power of the impact exceeds the accepted by us threshold of 1 %. Therefore, it is sure that on local level both projects affected significantly the wolf population habitats. Any further impact should be very carefully studied.

-Impacts of planned activities and projects:

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,13	0,42	0,55
Kartala	0,41	0,44	0,85
Super Borovetz	1,03	0,96	1,99
Iskrovete	2,22	2,32	4,54
Kulinoto (Pirin)	0	0,5	0,5
All projects	3,79	4,64	8,43

The implementation of the general spatial plan of the project “Super Borovets” which was adopted in 2005 will bring additional impacts exceeding 1 %. Therefore, even already accepted spatial plans should be reassessed because of site conservation needs.

-Cumulative impacts of already carried out and planned activities and projects (see map App.2.2.6.14):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,37	1,29	1,66
Kartala	0,5	0,54	1,04
Super Borovetz	1,03	0,96	1,99
Iskrovete	2,22	2,32	4,54
Kulinoto (Pirin)	0	0,5	0,5
All projects	4,11	5,61	9,72

Even if separately regarded the projects “Super Borovets”, “Super Panichsihte”, “Iskrovete” and “Kartala” will have a significant impact and will lead to unfavorable inadequate conservation status of the species on site level. If we consider the cumulative impact of all projects their implementation will lead to unfavorable bad conservation status of this species in the site – population below the reference value and decrease of the population more than 1 % per year.

4.1.2.2 Impacts on “Rila” pSCI

-Impacts of already carried out activities and projects (see map App.2.2.6.9):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	0,19	3,19	3,38
Kartala	0,03	0,13	0,16
Super Borovetz	0	0	0
Iskrovete	0	0	0
All projects	0,23	3,32	3,55

Two projects (“Super Panichsihte” and “Kartala”) have impacted negatively “Rila” pSCI. On the site level “Super Panichishte” (new roads, ski runs, a lift and buildings) alone lead significant impact mainly due to the wildlife avoidance and the conservation status of the species on site level should be considered already as unfavorable inadequate.

-Impacts of planned activities and projects:

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	3,75	3,44	7,19
Kartala	0,02	2,89	2,91
Super Borovetz	0,37	3,78	4,15
Iskrovete	0,56	6,44	7
All projects	4,7	8,48	13,18

-Cumulative impacts of already carried out and planned activities and projects (see map App.2.2.6.14):

Ski resort project	Direct destruction (%)	Damaged habitat due to wildlife avoidance (%)	Summarized power of impacts (%)
Super Panichishte	3,94	6,63	10,57
Kartala	0,05	3,02	3,07
Super Borovetz	0,37	3,78	4,15
Iskrovete	0,56	6,44	7
All projects	4,93	11,8	16,73

All planned projects even alone have significant impact on the site. “Super Panichishte” and “Iskrovete” alone would impact the species conservation status near to unfavorable bad (population below the reference value and decrease of the population more than 1 % per year). The cumulative impact of all projects would be much more severe affecting 16,73 % of the population for a period of only a few years.

The cumulative impacts are assessed only as accumulation of planned ski resorts, while the effect of other activities is not assessed here and could lead to stronger negative impacts finally.

(N.B. Since the accuracy of the assessment, which is based on information of 1:100 000 scale, could not be assessed statistically, it could be said that if a detailed assessment should be done on more detailed scale, differences of up to 20 % from the here acquired figures could be achieved.

As reference for assessing the significance of the impact are used both viability models (for bear and wolf) used for the development of the consensus Natura 2000 database. As it was already mentioned these models are of big scale and in most cases did not include information about existing ski resorts prior to description of Natura 2000 sites. Therefore, the impact of these existing ski resorts was assessed in the same manner as newly constructed or planned ones. The hereby affected habitats and their capacity were excluded from the reference values in order to achieve correct assessment of the ski resort projects conducted or planned after the scientific description of the sites.)

4.2 Habitat fragmentation

As presented in the bear draft action plan, according to the best available scientific information habitats that can host 5 bears (or an area of minimum 40 km²) and are suitable and unfragmented can have viable meta-population only in case of existing and functioning biocorridors with the main population. Thus appearance of patches near or smaller than 40 km² isolated or partially isolated from the main population also should be regarded as significant fragmentation of the habitat and leading to unviable patches (App.2.2.6.21-24).

Results: In the case of Rila Mountain, the cumulative effect of the three planned ski resorts “Super Panichishte”, “Iskrovete” and “Super Borovets” would lead to almost total isolation of the northern part of the site BG0001188. This area of ca. 100 km² (depending on the quality of the habitat) hosts a population of 4-5 bears (11,03% of the bears in the site) which would become a meta-population on the edge of the viability.

4.3 Barrier effect on biocorridors

As not suitable for migration and leading to full or partial isolation are accepted all habitats which are:

- linear infrastructures such as roads, which have traffic of more than 1000 cars/day;
- crossed by infrastructure;
- directly included in ski resorts area polygons.

In order to have functioning biocorridors we should have at least 3 km wide not directly disturbed natural habitats (forests) which are also not subject to intensive human harvesting activities and at least 800 m wide strip of habitats which are outside of the area of the impact of wildlife avoidance (the buffer area of the ski resorts) in the 3 km strip.

Results: In this light, we expect pronounced barrier effect on the biocorridor of the bear and the wolf from Rila Mountain to Verila, Vitosha and Balkan Mountains due to the extremely broad and dense areas occupied by the planned ski resorts “Super Borovets”, “Iskrovete” and “Super Panichishte” (App.2.2.6.21-24). Internal for the Rila Mountain barrier effect is also expected in the area of the ski resort project “Dolna bania-Belmeken peak” and in the area of the presently constructed ski resort “Super Panichishte”.

All assessments of power and relevant significance of the impact have been made on site level (pSCI or SPA), taking into account that the site is big and encompasses a number of administrative units such as municipalities and even different districts. However, this level could not be accepted as local in terms of the Liability directive. As local should be accepted administrative levels such as village or municipality. Despite the fact that in our complaint we did not study the significance of the impact on this level, it could be supposed that all projects could have significant impact also on local level.

The further realization of the above listed eight ski resort projects (total land area estimated at more than 40 000 ha and total capacity of more than 70 000 tourists) and the growing demands for further urbanisation would lead to further significant damage and fragmentation of natural habitats and habitats of wild species hosted in “Rila” pSCI, “Rila-buffer” pSCI, “Rila” SPA and “Rila”

IBA/proposed SPA. Significantly affected would be 91BA, 91CA, 9410, *91D0, 95A0, *4070, 4060, 6150, *6230, 6410, 6430, 8110, 3130 in “Rila” pSCI and 91BA, 91CA, 9410, 95A0, *4070, 4060, 62D0, 6430 in “Rila Buffer” pSCI.

The fragmentation of habitats would significantly affect the populations of vulnerable species such as *Ursus arctos* and *Canis lupus* (priority species listed in Annex II of the HD), the *Rupicapra rupicapra balcanica* (listed in Annex II, IV) as well as 17 bird species listed in Annex I of the BD (e.g. *Tetrao urogallus*, *Bonasa bonasia*, *Aquila chrysaetos*, *Dendrocopos leucotos*, *Picoides trydactylus*, etc).

Any further progress of the illegal constructions will make it more and more difficult to realise the objective stated in the first subparagraph of Art. 3(1) of Directive 92/43, namely to maintain or restore the favourable conservation status of the natural habitat types and the species habitats concerned

3.4 Photo-documentation of present destruction of habitats and disturbance of wild species

In a CD are submitted original photos from “Super-Borovets” (App.2.3.3), “Super Panichishte” (App. 2.3.1) and Kartala (App.2.3.2) which present the damaged habitats or the consequences of the referred illegal acts. The photos include information about the date and the place of the illegal act.

“Citizens for Rila” Movement has published also a detailed report with photos from Panichishte: <http://raev.name/ezerata/report.html>

4)

Have you already contacted the responsible authorities of your Member State concerning your case?

No Please explain why you have not contacted your national authorities before addressing the European Commission:

The Court has not been contacted because the Non-governmental organizations in Bulgaria are not able to appeal the administrative procedures w.r.t. Spatial Plans, because according to the national legislation the Detailed Spatial Plans can be appealed in the court exclusively by owners of lands within the plan, while the General Spatial Plans can not be appealed at all. In stead, NGOs mainly address (appeal to) the Prosecutors’ offices or other competent authorities.

Yes Which one:

The Ministry of Environment and Waters (MOEW)/Regional inspectorate of EW (RIEW)

- On 19 September 2007 the Bulgarian Biodiversity Foundation (BBF) sent a Request for information to the competent authority - Regional Inspectorate for Environment and Water (RIEW) Sofia about the EIA procedures of all started projects within the scope of the ski resort “Panichishte” (App. 2.1.3).

- On 19 September 2007 BBF sent a Signal to MOEW against illegal destruction of Natura 2000 habitats in ski resort “Super Panichishte” (App. 2.1.4).

- On 29 September 2007 World Wild Fund (WWF) Bulgaria sent a Request for information to the competent authority - RIEW Blagoevgrad about the EIA procedures carried out before the started construction of a cabin lift and a ski run in ski center “Kartala” (App. 2.1.5).

- On 15 February 2008 the Association of Parks in Bulgaria (APB) sent a Signal to RIEW Blagoevgrad against illegal construction of a cabin lift in ski centre “Kartala” (App. 2.1.6).

The Supreme Administrative Court (SAC)

- A joint complaint by different citizens and organisations against the lack of conformity with the law of the Government’s Resolution No. 122/02.03.2007 (App. 2.1.7 and 2.1.8) – for not including “Rila Buffer” pSCI among other arguments.

- A complaint against Government’s Resolution No. 802-04.12.2007 for not including Rila buffer among other arguments – available upon request

- A complaint against Government’s Resolution No. 661/16.10.2007 for not including Rila buffer among other arguments– available upon request

- Complaint (09 August 2005) by NGO “Eco Rila” against the illegal proceeding of the GSP of the ski resort “Super Borovets” arguing that the GSP of the ski resort is adopted by the Municipality of Samokov with considerable amendments which were not presented to the general public (App. 2.1.9).

The Supreme Prosecutor (SP)

- Complaint (13 August 2007) by WWF against the illegal proceeding of the SEA of the ski resort project “Super Panichishte” (App. 2.1.10).

- Complaint (23.08.2007) by allied NGOs against the started construction activities of the ski resort project “Super Panichishte” (App. 2.1.11).

- Complaint (04.02.2007) by APB against the illegal falsification of the borders of NP Rila, pSCI and SPA Rila (App. 2.1.12).

The State Forestry Agency (SFA)

- On 15 November 2007 (App. 2.1.13) and 12 February 2008 WWF (App. 2.1.14) sent two signals to SFA about the illegal construction of ski runs disguised as “fire protection clear cuttings” on Panichishte.

- On 16 January 2008 the Green Balkans sent a Signal to SFA about illegal construction of ski facilities in state forest property (App. 2.1.15).

The Municipality of Sapareva Bania and Blagoevgrad.

- On 19 September 2007 BBF sent three Requests for information to the Municipality of Sapareva bania about documents regarding the building activities in the ski resort Panichishte (App. 2.1.16-18).

- On 16 October the allied NGOs sent a letter of invitation to the Municipality of Blagoevgrad to a public debate about the illegal construction of the ski resort Kartala (App. 2.1.19).

The Regional directorate for national building control (RDNBC) in Kjustendil and Blagoevgrad

- On 23 August 2007 BBF sent a Signal to RDNBC Kjustendil against illegal construction activities in the region of Panchishte (App. 2.1.11).

- On 7 January 2008 the Association of parks in Bulgaria (APB) sent a Signal to RDNBC Blagoevgrad about illegal construction of a cabin lift and a ski run in Kartala (App. 2.1.20).

(N.B.) The whole case specific correspondence (signals, request and complaints) with the competent authorities is submitted in folders in App. 1.1-1.8.

Answer / Results in brief

1. Government's Resolution No. 122/02.03.2007, Government's Resolution No. 802-04.12.2007 and Government's Resolution No. 661/16.10.2007.

The Supreme administrative court dismissed the appeal of allied NGOs against the Government's Resolution No. 122/02.03.2007. The court case on the last two decisions is still pending.

2. "Panichishte - the Lakes – Kabul peak" ski resort project (App. 1.1) – "Super Panichishte"

- the **RIEW Sofia** and the **MoEW** informed us that the ski resort has no SEA and that the individual infrastructure projects have no EIA and assessment according Art. 31 of BDA. **RIEW** and the Directorate of "Rila" National park imposed more than 10 fines to the Mayor of Municipality Sapareva Bania and the building contractors.

- the **Minister of EW** ascertained that sanctions were imposed because of various illegal activities such as cuttings and constructions within the "Rila" pSCI ("Rila" National park) but still **refuses to issue an ordinance pursuant to art. 19 of The Biodiversity Act so that the illegal construction works should be stopped**. In a reply to a question from a Member of Parliament, on 8 February 2008, the Minister of EW stated before the Parliament that there was no point in stopping the illegal construction works because the construction of the road was very advanced and because of the "public purpose of the project". However, the MOEW was notified in the very beginning of the construction activities.

- the **Supreme prosecutor** still investigates the illegal proceeding of the EIA of the GSP of the ski resort and declared that there were no administrative offences against the law with regard to the infrastructure projects.

- the **SFA** answered that no violations were found of the forestry legislation and refused to acknowledge that the illegal activity "fire-protections cuttings", which is not present in the forestry legislation, is actually illegal construction of ski runs; in spite of this, on 19.03.2008 the SFA ordered a halt of the clear cuts until the situation is clarified.

- the **RDNBC Kyustendil** declared that no legal offences were found;

- the **Municipality of Sapareva Bania** sent no answers (what is in violation of the Access to Public Information Act) but instead, on 27 February 2007, the Municipality Council of Sapareva Bania declared publicly two representatives of the NGO coalition "Let nature remain" for "Persona non grata"

and “killers” of the tourism in the region.

- the answer of the **Council of Ministers** (App. 2.1.21) includes citing of the above mention statements of the competent authorities. Neli Arabadjieva on behalf of the experts from “Citizens for Rila” NGO answered to the CM (App. 2.1.22).

3. “Kartala” ski resort (App. 1.2)

- The **RIEW Blagoevgrad** admitted that the projects of the cabin lift and the ski run have no valid EIA but took no measures to stop the illegal constructions.

- The **RDNBC Blagoevgrad** found no legal offences;

- The **Municipality of Blagoevgrad** declared that the ski resort project originates from the 1980’s, that the ongoing construction activities are authorized in 2006 and asked the NGOs to provide transport for further checks of the illegal constructions despite the fact that the Municipality is a shareholder in the construction company possessing radtrack-machines.

- The **SFA** answered that the construction of clear cuts in the trajectory of the cabin lift and the temporary forest roads is conducted illegally and that the first lift station is built illegally in state forests. The **SFA** investigations are submitted to the Regional prosecutor.

4. “Samokov -Borovets -Beli iskar” or “Super Borovets” ski resort (App. 1.3)

- **The Supreme administrative court** rejected the complaint of NGO “EcoRila” because the NGO had no legal interest (document available upon request).

As a whole, the correspondence with the competent institutions is very difficult. Our experience shows that the public information required by our request and the answers to our signals, if provided at all, are incomplete and their content depends on the conflict of interests within the competent authority. Some examples are App.2.1.23-24, etc.

Please add if possible copies of the correspondence

5)

5.1. Are you aware if any EC financing is directly involved (e.g. structural funds, Life, etc.) :

We have information that the reconstruction of the road from Sapareva bania to the village of Panichishte and the reconstruction a road from the village of Govedartsi to a ski run (used two weeks per year because of its low altitude - 1400 m) are financed by the PHARE program.

It is possible that Municipalities of Samokov, Sapareva Bania and Blagoevgrad may have already applied for EU financing for other projects in the pSCIs or the excluded part of “Rila” IBA based on plans and projects without EIA or without assessment on impact on NATURA 2000, or for infrastructure projects connected with the realization of the referred ski resort projects:

Operational program Environment – sewage water treatment, waste management

Regional development program – development infrastructure

Rural Development Plan – development infrastructure

Every application for financing of infrastructure development situated in a village in the above mentioned municipalities in Natura 2000 or next to Natura 2000 will be directly related to the problematic ski resorts projects and their impact on Natura 2000.

6) Location

6.1. GENERAL DESCRIPTION OF THE SITE(S) AFFECTED

Name of Site(s): “Rila” pSCI BG0000495, “Rila” SPA BG0000495; “Rila” SPA /proposed IBA BG0002055, “Rila-buffer” pSCI BG0001188

Nearest town/city: Sofia

Surface area (ha): BG0000495 – 81 046 ha

BG0002055 – 143 733 ha

BG0001188 – 86 500 ha

Special Protection Area¹: Yes No **Name :** “Rila” BG0000495

Proposed site of European Community importance²: Yes No **NATURA 2000 Code :** “Rila” BG0000495 and “Rila-buffer” BG0001188

Is the area already protected under a national scheme No Yes : “Rila” National park

No designation order ISA

(which one)

Scientific description :

The site “Rila” pSCI is of national, European and global importance for the conservation of examples of the biome Mixed mountain systems with complex spatial. The forest zone is dominated by century-old forests of Scots Pine, White Fir, Norway Spruce, Balkan Pine and European Beech. The main phytocenoses in the belt between 1900-2100 and 2500 m altitude a.s.l. are the Dwarf Pine ones (*Pinus mugo* Turra), boreal *Erica* communities with dominating of Juniper (*Juniperus sibirica*), rocky screes and acedophile grassland communities. A very important component in the sub-alpine belt is the priority phytocenoses of mat-grass (*Nardus stricta*). “Rila” pSCI protects the following nature habitats: 3130, 3160, 4060, *4070, 4080, 6150, 6170, *6230, 62D0, 6410, 6420, 6430, 7140,

¹ Special Protection Area according Article 4 Birds Directive

² proposed Site of Community Importance according Article 4 Habitats Directive

8110, 8120, 8220, 9130, 9170, *9180, 9270, 9410, 95A0, 91BA, 91CA and *91D0, as well as 28 wild species listed in Annex II including four priority species *Ursus arctos*, *Canis lupus*, *Rosalia alpina* and *Osmoderma eremita*.

The site “Rila” covers the “Rila” National park which is a II category protected territory according to the IUCN criteria. The Park is one of the largest protected territories at a European scale where numerous international conventions for biodiversity conservation are applied. “Rila” National park is the most significant territory in Bulgaria in terms of presence of high-mountain glacial lakes and lake biota of glacial type. The natural resources and the richness of habitats (11% of European ones) are of European importance, and the endemic flora and invertebrate fauna are of global importance. Especially valuable are the forest ecosystems with their high percentage of naturalness (94.8%) including endemic forest complexes (such as Balkan pine and Borisii White Fir) and some of the oldest Dwarf Pine communities in Bulgaria. According to the CORINE system (Palearctic classification), the territory of “Rila” National park covers 60 habitats of mountain and high-mountain type. 51.66% of the habitats are of conservational value. The park vegetation at present includes more than 12 classes, 12 orders, 17 communities, 92 associations and 28 sub-associations. Except the order *Seslerietalia comosae* Simon 1958, which is endemic for the Balkan Peninsula, the rest are common in the mountains in Middle Europe. Of the communities there are six Balkan ones, 3 Carpathian - Balkan and the remaining 8 are European. With small exceptions, the associations are either Bulgarian or distributed only in Rila Mountain, i.e. endemic for the Bulgarian or Rila vegetation. Due to the difficult access to the National Park a considerable part of the forests are not strongly affected by human activities and are very old. The average age of the forests in Rila National park is 90 years for the coniferous and 74 for the deciduous ones. The forests aged above 100 years cover 13 514.6 ha (31.8%) of the afforested area. The coniferous forests older than 100 years cover 12 748.2 ha (31.7 %) and the deciduous forests cover 766.4 ha (32.4 %). 1400 higher plant species are found in the park, constituting 38.35% of Bulgaria’s higher flora. The park hosts 11 fern species, 6 gymnospermous species, 80 monospermous and 1303 dispermous plant species. The total endemic component (local, Bulgarian and Balkan) is 57 species. The local endemic species are: *Primula deorum* Vel.; *Alchemilla pawlowskii* Assenov; *Rheum rhaponticum* L. Of these *Primula deorum* Vel. has the widest range of distribution in Rila NP. The Bulgarian endemic species are 18, and the Balkan endemic species are 36. In the park there are 2934 species and sub-species of invertebrate fauna including 312 rare species, 242 endemic ones, 244 relicts, 41 species included in the world and European lists of endangered species (IUCN, E/ECE/1249, BC, CORINE) and 7 Bulgarian protected species. The vertebrate fauna includes 5 fish species, 20 species of amphibians and reptiles, 99 bird species, 48 species of mammals (small mammals - 22 species, bats – 10, large mammals - 16) or a total of 172 species. More than 90% of all vertebrate fauna species recorded in the park are of special nature conservation interest - endemic, relict, protected in Bulgaria, included in the Red List of IUCN from 1996, in the European red list of animals and plants, in the Bern and Bon Conventions, in the lists of the Birds Directive and the Habitats Directive. Of the fishes 2 species are Balkan endemic and two Bulgarian endemic species. Of the amphibians and reptiles 1 species is Balkan endemic, of the birds and the mammals 3 and 2 species respectively.

Presently, the territory of “Rila” pSCI (“Rila” National park) is exclusively used for extensive forms of tourism such as hiking, mountain climbing and ski-walking. The well preserved alpine landscape and nature attracts many Bulgarian tourists as well as thousands of foreign tourists

pSCI “Rila-buffer” BG0001188

The “Rila-buffer” pSCI covers large unfragmented complexes of coniferous and broadleaved forests situated around “Rila” pSCI (“Rila” National park). The site contains 22 natural habitat types (9410, 9150, 9110, 95A0, 4060, 6210, 62D0, 6430, 6520, 8220, 9130, 8230, 9170, 91BA, 91CA, 91M0, 91W0, 91Z0 and the priority habitats *4070, *9180, *91E0, *91H0, *9530), and is inhabited by 42 wild species listed in Annex II, including four priority species *Ursus arctos*, *Canis lupus*, *Rosalia alpina* and *Osmoderma eremita*.

Of great importance for the site are the Norway Spruce, Scots and Balkan pine forests, as well as the galleries of *Alnus glutinosa* and *Alnus incane*. The site contains also semi-natural dry grasslands, shrubs and matorrals which are habitats for tortoises.

The rivers coming from “Rila” pSCI (Maritza, Iskar, Mesta and the Struma tributaries) serve as important biological corridors. The site is one of the three places in Bulgaria for protection of *Cottus gobio*. Here is also the northern limit of distribution of viable populations of both *Testudo* species in the Struma valley. The site covers the main habitats of the same populations of Brown bear and Grey wolf which inhabit the territory of “Rila” National park and serve as a migration corridor for these and other species to other neighbouring mountainous habitats. Site "Rila - buffer" BG0001188 provides biocorridor habitats to the following pSCIs: "Pirin" BG0000209, "Yadentiza BG0001386", "Rodopi - Zapadni" BG00001030; "Sredna gora" BG0001389 and "Vitosha" BG0000113;

Presently, the territory of “Rila” pSCI (“Rila” National park) is mainly used by alternative forms of tourism run by local people. In “Rila-Buffer” pSCI there are five existing small ski centres (excl. “Super Borovets”) which still do not present great threat to the wild nature in the mountain.

“Rila” SPA (BG0000495) and “Rila” IBA/proposed SPA (BG0002055) – proposed site

“Rila” SPA covers part (54%) of the “Rila” Important Bird Area (IBA)/proposed SPA BG0002055. “Rila” IBA/proposed SPA is selected on the basis of the standard criteria of Birdlife International and is published in the book “Important Bird Areas in Bulgaria and Natura 2000” (BSPB, 2007). The site is representative for a complex of birds typical for high mountain grasslands and old coniferous and broadleaved forests. It provides suitable habitats for 23 species, included in Annex 2 of the Biodiversity Act, which need special conservation measures, of which 20 are listed also in Annex I of the Birds Directive. “Rila” IBA/proposed SPA supports 130 breeding bird species, 20 of which are listed in the Red Data Book for Bulgaria (1985). Of the birds occurring there 41 species are of European conservation concern (SPEC) (BirdLife International, 2004), 1 of them being listed in category SPEC 1 as globally threatened, 14 in SPEC 2 and 26 in SPEC 3 as species threatened in Europe. Rila is among the most valuable areas in the country on the level of European Union for the

conservation of these species, as well as for the *Aquila chrysaetos*, *Tetrao urogallus*, *Falco peregrinus*, *Dryocopus martius*, *Dendrocopos leucotos*, *Caprimulgus europaeus* and *Bonasa bonasia*. The biggest breeding populations of the *Glaucidium passerinum*, *Aegolius funereus* and *Picoides tridactylus* in Bulgaria occur there. Further more it is of global importance as a representative area for the Alpine biome, because three biome-restricted bird species, typical for that biome, out of four recorded for Bulgaria occur there – *Tichodroma muraria*, *Pyrrhocorax graculus* and *Prunella collaris*. *Prunella collaris* is represented here by the endemic subspecies *P. c. subalpina*. The area is also important on a European scale for *Monticola saxatilis*, *Erithacus rubecula*, *Fringilla coelebs*, *Jynx torquilla*, *Turdus torquatus*, *Turdus philomelos*, *Turdus merula*, *Regulus regulus*, *Sylvia atricapilla* and *Carduelis cannabina*

The scientific value of some relevant Annex 1 habitats and Annex 2 species is submitted in copies of reports sent to ETC developed by the Bulgarian members of the Large Carnivore Initiative on the bear and wolf distribution also covering Rila Mountain and respective proposed Natura 2000 sites and reports sent by Zdravko Hubenov on invertebrates also covering Rila Mountain and respective proposed Natura 2000 sites (App. 2.1.35 and maps in App. 2.2.7).

6.2. MAP OF THE SITE OR SITES AFFECTED

☞ *Maps can be presented on a format larger than A4, if necessary.*

The Maps are attached as Appendix 2.2 in Folder “2.2 Maps” on the CD. It includes general maps of scientific analysis, GSP maps and detailed maps for every project.

Not.: The maps attached are based on digital cadastral information from 2005 which was given by the Ministry of the Agriculture and Forests for the elaboration of the maps of the Natura 2000 sites and which was the basis for the maps of the sites submitted already to the EC. However, currently the NGOs and the State Forestry Agency have discovered serious falsification of the cadastral plans (the so called Maps of the reinstated property) and in particular the boundaries of the sites – “Super Panichishte” (App. 2.2.1.6 and App. 2.1.12), “Kartala” (App. 2.2.2.8, 2.2.2.7, 2.2.2.3 and App. 1.2.11).

7. PRINCIPAL HABITATS DIRECTIVE ANNEX I HABITAT TYPES DIRECTLY AFFECTED

*: Tick if the habitat type is a priority one according to Annex I of the Habitats Directive

Code : Refer to the Habitats Directive

Name : Name of the habitat type according to the Habitats Directive

pSCI "Rila" BG0000495

*	Code	Name	Surface area for the site ha	Conservation status	Significant effects of the plan/project
	91BA	Moesian silver fir forests	1114	<p>Unfavourable conservation status due to intensive sanitary logging up to 2005.</p> <p>These rare and extremely valuable <i>Abies alba</i> forests cover small surfaces in the area. Monodominance is less common, typically they are mixed with <i>Picea abies</i> and <i>Pinus sylvestris</i>. They grow in shades at the bottom of slopes in acidic, deep and humid soils. The bottom layer is most often covered by <i>Oxalis acetosella</i>, <i>Luzula sylvatica</i>, <i>Cardamine bulbifera</i>, <i>Galium odoratum</i> <i>Athyrium filix-femina</i>.</p>	<p>Insignificant part of these communities may be destroyed during the construction of ski infrastructure and amenities. Larger part will be severely impacted by intensive human activity all year round, resulting in wearing, pollution, cutting and plucking of flora, which may cause microclimate deterioration and habitat destruction..</p>
	91CA	Rhodopide and Balkan Range Scots pine forests	1191	<p>Unfavourable conservation status due to intensive sanitary logging up to 2005.</p> <p>This forest type, few of which are in the area, develops on sunny slopes on siliceous base. Predominantly <i>Pinus sylvestris</i> have a complex structure and rich plant composition. The bottom layer is most often covered by <i>Vaccinium vitis-idaea</i>, <i>V. myrtillus</i>, <i>Juniperus communis</i>, <i>Chamaecytisus absinthioides</i>, <i>Genista rumelica</i>, <i>Digitalis viridiflora</i>, <i>Calamagrostis arundinacea</i>, <i>Luzula luzuloides</i>, <i>Pyrola chlorantha</i>, <i>Dicranum scoparium</i>.</p>	<p>A small part of these communities will be immediately destroyed during the construction of ski infrastructure and amenities. A part will be worn down by unregulated skiing and sledding during the winter. The larger part will be severely impacted by intensive human activity all year round, resulting in wear, pollution, cutting and plucking of flora, which will cause microclimate deterioration and habitat destruction.</p>
	9410	Acidophilous <i>Picea</i> forests of the montane to alpine levels (<i>Vaccinio-Piceetea</i>)	3003	<p>Unfavourable conservation status due to intensive sanitary logging up to 2005.</p> <p>This type of boreal forests develop on siliceous base and are very widely represented in the area. They spread over a wide range of altitudes– from the montane up to the upper levels of the alpine belt. The predominant species is <i>Picea abies</i>, but <i>Abies alba</i> and <i>Pinus sylvestris</i> are often significantly present, as well as <i>Pinus peuce</i>. The bottom layer is most commonly covered by <i>Homogyne alpina</i>, <i>Melampyrum sylvaticum</i>, <i>Moehringia pendula</i>, <i>Luzula sylvatic</i> and <i>Vaccinium spp</i></p>	<p>Part of these communities will be immediately destroyed during the construction of ski infrastructure and amenities. The larger part will be severely impacted by intensive human activity all year round, bringing a range of negative consequences such as wearing, pollution, disturbance, destruction, which may ultimately lead to microclimate deterioration and habitat destruction.</p>

*	91D0	Bog woodland	15	<p>Favorable conservation status.</p> <p>Poorly present in the area are pine-scrub bogs, characterized by: <i>Eriophorum vaginatum</i>, <i>Vaccinium uliginosum</i>, <i>V. myrtillus</i> and species of the genus <i>Sphagnum</i>, as well as spruce or spruce-white pine communities on peat substrata including <i>Moneses uniflora</i>, <i>Sphagnum girgensohnii</i> and in the drier areas also <i>Oxalis acetosella</i>. The main plant species are: <i>Pinus mugo</i>, <i>Picea abies</i>, <i>Pinus sylvestris</i>, <i>Agrostis canina</i>, <i>Carex canescens</i>, <i>C. echinata</i>, <i>C. nigra</i>, <i>C. rostrata</i>, <i>Sphagnum</i> spp., <i>Vaccinium uliginosum</i>, <i>Viola palustris</i>.</p>	<p>These habitats will be severely impacted by the intensive human activity all year round, leading to a wide range of possible negative consequences such as wear, pollution, disturbance, destruction, which ultimately cause microclimate deterioration and habitat destruction.</p>
	95A0	High oro-Mediterranean pine forests	4953	<p>Unfavourable conservation status due to intensive sanitary logging up to 2005.</p> <p>This type of <i>Pinus peuce</i> forest develops on siliceous rock and is relatively well represented in the area around the Skakavitsa river and the Skakavitsa reserv. <i>Picea abies</i>, <i>Pinus sylvestris</i>, and very rarely, <i>Abies alba</i>, are also present. <i>Pinus mugo</i> is common in the upper section of the areal. The bottom layer features <i>Vaccinium myrtillus</i>, <i>Luzula sylvatica</i>, <i>Calamagrostis arundinacea</i>.</p>	<p>A smaller portion of these communities will be immediately destroyed during the construction of ski infrastructure and amenities. Another part will be worn down due to unregulated skiing and motor sledding during the winter. The largest part will be severely impacted by the intensive human activity all year round, resulting in wearing, pollution, cutting and plucking of flora, which will cause microclimate deterioration.</p>
*	4070	* Bushes with <i>Pinus mugo</i> and <i>Rhododendron hirsutum</i> (<i>Mugo-Rhododendretum hirsuti</i>)	9038	<p>Unfavourable inadequate conservation status due to intensive fire in the region of the ski area Maljovitsa in 2000 on an area of 450 ha (5 % of the 4070 habitats in the site. Fire was ignited by local people wishing to free lands for the ski area.</p> <p>Shrub communities <i>Pinus mugo</i> are distributed mainly in the sub-alpin belt of Rila Mountain, where they are well represented. The type is relatively less well represented in the area around the highest peaks. The north and northwest slopes of Otovishki peak, and the south and southeast slopes of Kabul are constituted of limy base rock, which makes these shrub communities of <i>Pinus mugo</i> unique for Rila National park. This very area has experienced little human impact, which increases its conservation value within the park and the mountain.</p>	<p>A smaller portion of these communities will be immediately destroyed during the construction of ski infrastructure and amenities. Another part will be worn down due to unregulated skiing, snowboarding, and sledding (including motor sleds) during the winter. All of these communities will be severely impacted by the intensive human activity all year round</p>
	4060	Alpine and Boreal heaths	10974	<p>Favorable conservation status.</p> <p>The vegetation in Rila Mountain includes some rarely spread pioneer arcto-alpine types of communities of <i>Vaccinium uliginosum</i> – alpine type, <i>V. uliginosum</i> and <i>Empetrum nigrum</i>, <i>Arctostaphylos uva-ursi</i>. In the adjacent area there are well developed communities of <i>Dryas octapetala</i>, which are very rarely spread in the country.</p>	<p>Some of the communities will be directly destroyed. Others will be severely and negatively affected by the intensive human impact. The collection of the medicinal plant <i>A. uva-ursi</i> will threaten its spread in the region.</p>

6150	Siliceous alpine and boreal grasslands	4390	Favorable conservation status. The only well developed alpine belt on the Balkan Peninsula is in Rila mountain. It is unique because its plant communities are dominated by Balkan endemic species and arcto-alpine species. Rila mountain hosts some of the best preserved and representative communities of alpine vegetation on the Balkans. Some of them are situated at the southern most border of their area of distribution (<i>Salix herbacea</i> and others.) Moderate grazing has been the only anthropogenic impact so far.	Apart from the direct destruction of part of the alpine vegetation, the intensive human impact will have a negative effect through trampling, pollution of pristine nature, changing of the micro-climate, development of water and wind erosion of the soil, which has a dust-like structure. The intensive human impact will cause an ecological catastrophe in the alpine area of the region.
* 6230	Species-rich <i>Nardus</i> grassland, on siliceous substrates in mountain areas	2927	Favorable conservation status. Mesophytic communities with a rich plant composition including <i>Nardus stricta</i> , <i>Festuca nigrescens</i> , <i>Leontodon rilaensis</i> , etc. characteristic of Rila mountain are one of the most representative habitats of this type. They have a substantial water protection function.	The direct elimination of some of the communities and trampling of others will make the flora composition much poorer.
6410	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	15	Favorable conservation status. The communities of <i>Molinia caerulea</i> are scarcely spread in all Bulgarian mountains, not only in Rila. Some of them include only this species, others have a rich plant composition and preserve a substantial part of the country's rich flora.	The destruction and degradation of the habitat, which has water protection and water regulation functions in nature, may have a negative impact on the water balance of the region and make the plant composition much poorer.
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	52	Favorable conservation status. The tall herb communities with rich plant composition which inhabit the narrow stripes along streams are part of the endemic Balkan <i>Cirsion appendiculati</i> and include many Balkan endemic species. They are unstable and do not cover large areas, especially in the region of the Seven Lakes. Many of the species have beautiful bright blossoms, which are not often met among the alpine vegetation.	This habitat has a water regulating function and destroying it would deprive the region of its important water protection component, as well as of its beauty, floral and phytocenotic richness.
62D0	Oro-Moesian acidophilous grasslands	1828	Favorable conservation status. Xerothermic herb communities on steep and rocky slopes are very rich in species. In Rila mountain their composition includes the extremely rare Bulgarian endemic species <i>Centaurea kernerana</i> (near Babreka Lake), the Balkan endemic species <i>Lilium jankae</i> and others. They are often dominated by the Balkan endemic species <i>Festuca valida</i> .	They have a substantial soil protection function. Some of them are primary communities and have soil formation functions. Destroying them may lead to the degradation of the connections in the entire ecosystem of the region, and cause severe erosion processes.
7140	Transition mire	77	Unfavorable conservation status due to water pollution (esp. the Seven	Most rivers in Rila have their sources from these collectors and regulators of water

		and quaking bogs		Rila lakes) Hydrophilic vegetation in the region of the Seven Lakes includes the Rila endemic species <i>Primula deorum</i> and the Balkan endemic species <i>Primula farinosa</i> ssp. <i>exigua</i> , in addition to the species belonging to <i>Carex</i> , <i>Eriophorum</i> , <i>Juncus</i> and other hygrophytic genera	flow in the region. Their destruction or disturbance will have a strong negative impact on nature and people.
8110		Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)	10974	Favorable conservation status. The herb communities on siliceous screes are pioneer ones and have a very inconstant composition and structure. They include species with biology characteristic of mobile habitats (<i>Poa cenisia</i> spp. <i>contracta</i> , <i>Alopecurus riloensis</i> and others.). Their composition in Rila mountain varies a lot.	The communities are very unstable. Destroying them may bring the flora cover of the region back to its initial state of development and create a danger for land slides appears.
8220		Siliceous rocky slopes with chasmophytic vegetation	30	Favorable conservation status. The siliceous rocky slopes of Rila mountain are inhabited by rare species like <i>Primula halleri</i> , <i>Aartemisia eriantha (petrosa)</i> and others.	The communities of the habitat are unstable. The anthropogenic impact could totally destroy them and bring the flora cover back to the initial state of development.
3130		Oligotrophic to mesotrophic standing waters with vegetation of <i>Littorelletea uniflorae</i>	562	Unfavorable conservation status due to water pollution (esp. the Seven Rila lakes) There are over 180 glacial lakes in Rila, the ones located around the area of the lift construction are the most famous ones. The water in the four lakes located at higher altitude is very poor in nutrients (nitrogens and phosphates), with high transparency, and no higher plants. Existing algae are few.	The flow of people (through direct pollution or waste household water, construction activities etc) will lead to: increasing eutrophication (shift from oligo- and mesotrophic to meso- and eutrophic), appearance of blue-green and green algae, change in the water flow, the level of lakes, ie. degradation and destruction of the habitat and disappearance of the characteristic species. The strongly eutrophicated lake located next to the chalet has a lot of <i>Ranunculus aquatilis</i> , other higher plants and algae and demonstrates the effects to the other lakes from the strong human influence.

pSCI "Rila-buffer" BG0001188

*	Code	Name	Surface area for the site ha	Conservation status	Significant effects of the plan/project
	91BA	Moesian silver fir forests	4366	Unfavourable conservation status due to intensive logging and logging in old-growth forests. These rare and highly valuable <i>Abies alba</i> forests cover small surfaces in the area. Monodominance is less common, more often mixed with <i>Picea abies</i> and <i>Pinus sylvestris</i> . They grow in shade in the lower sections of the slopes acidic, deep and humid soils.	A small part of the communities will be immediately destroyed during the construction of the ski resort infrastructure and amenities. The larger part will be severely impacted by intensive human activity all year round, resulting in wear, pollution, logging and plucking of flora, which will cause microclimate deterioration and habitat destruction

91CA	Rhodopide and Balkan Range Scots pine forests	15102	Unfavourable conservation status due to intensive logging and logging in old-growth forests. This type of forest develops on sunny slopes on siliceous base and are relatively well represented in the area.. <i>Pinus sylvestris</i> predominates but they have a complex structure and rich plant composition.	A small part of the communities will be immediately destroyed during the construction of ski resort infrastructure and amenities. The larger part will be severely impacted by intensive human activity year round, resulting in wear, pollution, logging and plucking of flora, which will cause microclimate deterioration and habitat destruction
9410	Acidophilous <i>Picea</i> forests of the montane to alpine levels (<i>Vaccinio-Piceetea</i>)	7056	Unfavourable conservation status due to intensive logging and logging in old-growth forests. This type of boreal forests develop on siliceous base and are well represented in the area. They spread over a relatively narrower range of altitudes- from the montane to the lower sections of alpine belt in Rila national park (the“Rila” BG0000495 zone).	A small part of the communities will be immediately destroyed during the construction of the ski resort infrastructure and amenities. A portion will be worn down due to unregulated skiing and motor sledding in the winter. Larger part will be severely impacted by intensive human activity all year round, resulting in wear, pollution, logging and plucking of flora, which will cause microclimate deterioration and habitat destruction
95A0	High oro-Mediterranean pine forests	413	Unfavourable conservation status due to intensive logging and logging in old-growth forests. This type of <i>Pinus peuce</i> forests are poorly represented in the areas beyond Rila national park (the “Rila” BG0000495 zone), with frequent presence of <i>Picea abies</i> and <i>Pinus sylvestris</i> .	An insignificant part of the communities will be immediately destroyed in the construction of ski resort infrastructure and amenities. The majority will be severely impacted by intensive human activity all year round, resulting in wearing, pollution, cutting and plucking of flora, which will cause microclimate deterioration and habitat destruction.
* 4070	* Bushes with <i>Pinus mugo</i> and <i>Rhododendron hirsutum</i> (<i>Mugo-Rhododendretum hirsuti</i>)	587	Favourable conservation status These communities are very rarely present beyond the Rila national park (the “Rila” BG0000495 zone), which makes them extremely important within the Rila-buffer zone. They are located in the lower sections of the areal.	A small portion of these communities will be immediately destroyed during the construction of ski resort infrastructure and amenities. Another part will be worn down due to unregulated skiing, snowboarding, and sledding (including motor sleds) during the winter. All of these communities will be severely impacted by intensive human activity all year round.
4060	Alpine and Boreal heaths	914	Favourable conservation status From this complex habitat in the buffer zone of the region mainly communities dominated by <i>Vaccinium myrtillus</i> and <i>Vaccinium vitis idaea</i> are spread.	These are usually secondary habitats where the regeneration of forest vegetation is enhanced by the preserved ground floor of berries.
62D0	Oro-Moesian acidophilous grasslands	1828	Favourable conservation status Xerothermic herb vegetation of the slopes underlying the border of the National park most often consist of species like <i>Calamagrostis arundinacea</i> , <i>Luzula luzuloides</i> and others. At the altitude above 1500 m herbs like <i>Festuca valida</i> dominate.	They are usually of secondary origin and have soil protection functions. Their destruction most often causes severe erosion.
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	53	Favourable conservation status The hydrophilous tall herb communities in the buffer zone of the region include many species from the adjacent forests and also species which are not spread in the sub-alpine region: <i>Aegopodium podagraria</i> , <i>Angelica pancicii</i> , <i>Chamaenerion angustifolium</i> and others.	They have water protection and water regulation functions. Their elimination makes the plant cover of the region much poorer and creates conditions for flooding.

	6520 Mountain hay meadows	18285	<p>Favourable conservation status Area covered in the site and natural species composition is a result of specific manner of management and periodical mowing.</p>	Significant effects are expected by direct destruction by the construction of the lower lift stations and due to nitrification, trampling, overmoisture and stopping the traditional land use.
	8230 Siliceous rock with pioneer vegetation of the <i>Sedo-</i> <i>Scleranthion</i> or of the <i>Sedo albi-</i> <i>Veronicion</i> <i>dillenii</i>	1827	<p>Favourable conservation status A habitat much related to the habitat Siliceous rocky slopes with chasmophytic vegetation</p>	The communities of the habitat are unstable. The anthropogenic impact could totally destroy them and bring the flora cover back to an initial state of development.

8. HABITATS DIRECTIVE ANNEX II SPECIES DIRECTLY AFFECTED

G : *GROUP: M=Mammals, A=Amphibians, R=Reptiles, F= Fish, I=Invertebrates, P=Plants*

*** :** *Tick if the species is a priority one according to Annex II of the Habitats Directive*

pSCI "Rila" BG0000495

	*	SCIENTIFIC NAME (IN LATIN)	POPULATION SIZE FOR THE SITE(S)	Conservation status	Significant effects of the plan/project
			RESIDENT		
M	*	<i>Canis lupus</i>	9-10i	<p>Unfavourable inadequate due to low population densities of wolf's prey-large mammals.</p> <p>The Wolf population in pSCI BG0000495 constitutes 0.86% of the national population of this species. Well-preserved habitats. The summer habitats of most wolf packs are partly in this site, and partly in the lower mountain parts. This creates important connectivity with the sites BG0000496 Rilski Manastir Nature Park, BG0001188 Rila buffer and BG0001386 Yadenitza. The total capacity of the whole territory is 33-34 adult individuals (4% of the national population).</p>	<p>Direct destruction of habitats by the construction of the ski resorts.</p> <p>Damage of habitats quality due to wildlife avoidance – the creation of new urban areas will decrease the quality of the habitats and will increase the wildlife avoidance effect of human settlements. The creation of new tourist complexes with more than 5000 guests will decrease the quantity of the unfragmented habitat in an area of 5000 meters, having a significant negative impact.</p> <p>Habitats fragmentation and appearing of unviable patches of habitats due to dense urbanization of Northern Rila.</p> <p>Barrier effect on the biocorridors to the northern range of the wolf.</p>
M	*	<i>Ursus arctos</i>	18i	<p>Unfavourable inadequate – the population is slightly under the optimal because of poaching.</p> <p>The Bear population in pSCI BG0000495 constitutes 3.13% of the national population of this species. It is part of a larger population inhabiting Rila mountain. The site is important as a summer habitat. Therefore the site is high quality for the species <u>only</u> in connection with the lower mountain parts covered by site BG0001188 "Rila buffer".</p>	<p>Direct destruction of habitats by the construction of the ski resorts.</p> <p>Damage of habitats quality due to wildlife avoidance - creation of new urban areas will decrease the quality of habitats and will increase the wildlife avoidance effect of human settlements. Creation of new tourist complexes with more than 5000 guests will decrease the quantity of unfragmented habitat in an area of 1500 meters, and this will have significant negative impact.</p> <p>Habitats fragmentation and appearing of unviable patches of habitats due to dense urbanization of Northern Rila.</p> <p>Barrier effect on the biocorridors to the northern range of the bear.</p>
M		<i>Rupicapra rupicapra balcanica</i>	390-410i	<p>Unfavourable bad CS due to the high level of poaching and tourist disturbance.</p> <p>The site is of key importance to the Balkan Chamois. It contains high-quality habitats. The Chamois population constitutes 22.86% of the national population of this species. The population in Rila has connectivity with populations in the Rodopi Mountains.</p>	<p>Direct destruction of habitats by the construction of the ski resorts.</p> <p>Damage of habitats quality due to wildlife avoidance.</p> <p>Barrier effect on the biocorridors to the Chamois populations in Vitosha and Central Balkan Mountains.</p>

pSCI "Rila-buffer" BG0001188

	* SCIENTIFIC NAME (IN LATIN)	POPULATION SIZE FOR THE SITE(S)	Conservation status	Significant effects of the plan/project
		RESIDENT		
M	* <i>Canis lupus</i>	22-23i	<p>Unfavourable inadequate due to enhancing urbanisation and low population densities of wolf's prey-large mammals.</p> <p>The pSCI is important for wolves. The resident population is 22-23, which constitute 5.13% of the regional population and 2.28% of the national population. It is a crucial biocorridor (inhabited by wolf) from Rila National Park (BG0000495) to NP Pirin BG000209, to Kresna-Ilindenci BG000366, to Yadenitsa BG001386, Vtiosha BG000113 and Western Rhodopes BG0001030. The site is a high-quality area as a summer habitat and provides winter habitats for around 90% of the population in Rila National Park and Rilski Manastir Nature Park. The combination of sites BG0000495, Rila BG0000496, BG0001386 and BG0001188 constitutes a complex of high representativity for the species. The combined territory has a capacity to host 33-34 adult individuals corresponding to 4% of the national population. The habitat capacity for the species in the remaining sites in Rila Mountain is significantly less than those of Rila Buffer (BG0000495 protects habitats of 9-10 wolves, Rila Monastery Natural Park BG0000496 of 4-5 wolves, "Yadentiza BG0001386" 4-5 wolves).</p>	<p>Direct destruction of habitats by the construction of the ski resorts.</p> <p>Damage of habitats quality due to wildlife avoidance - creation of new urban areas will decrease the quality of habitats and will increase the wildlife avoidance effect of human settlements. Creation of new tourist complexes with more than 5000 guests will decrease the quantity of unfragmented habitat in an area of 5000 meters, having significant negative impact.</p> <p>Habitats fragmentation and appearing of unviable patches of habitats due to dense urbanization of Northern Rila.</p> <p>Barrier effect on the biocorridors to the northern range of the wolf.</p>
M	* <i>Ursus arctos</i>	35i	<p>Unfavourable inadequate CS – the population is slightly under the optimal because of poaching.</p> <p>The site is an important habitat for the bears of the population in Rila Mountain. It protects almost all summer habitats of the species in the Mountain. The habitat capacity for the species in the remaining sites in Rila Mountain is the same as those of Rila Buffer (Rila National Park BG0000495 protects habitats of 18 bears, Rila Monastery Natural Park BG0000496 of 7 bears, Yadentiza BG0001386" 5 bears). All Rila Mountain hosts habitats suitable for about 80-85 bears. Habitats for about 62 bears were scientifically proposed for NATURA 2000 and 50% of them are in Rila buffer zone. Without</p>	<p>Direct destruction of habitats by the construction of the ski resorts.</p> <p>Damage of habitats quality due to wildlife avoidance - creation of new urban areas will decrease the quality of habitats and will increase the effect of wildlife avoidance of human settlements. Creation of new tourist complexes with more than 5000 guests will decrease the quantity of unfragmented habitat in an area of 1500 meters, and this will have significant negative impact.</p> <p>Habitats fragmentation and appearing of unviable patches of habitats due to dense urbanization of Northern Rila.</p> <p>Barrier effect on the biocorridors to the northern range of the bear.</p>

			<p>"Rila - Buffer" zone the habitats of only 37 % of the population in the area of Rila Mountain will be protected in NATURA 2000. Site "Rila - buffer" BG0001188 provides biocorridor habitats (inhabited by bears) to sites BG0000209, BG0001386, BG00001030; BG0001389 and BG0000113</p> <p>Therefore preventing the intensification of human activities and the presence in forested areas is crucial for the preservation of bear habitats in pSCI Rila-Buffer. Poaching on bears is a serious problem. The site protects habitats (capacity of the habitat, the part included in this biogeographical region) of 32 bears; 6,75 % of the population of the region and 6.09 % of the population in the country.</p>	
M	<i>Rupicapra rupicapra balcanica</i>	55-90i	<p>Unfavourable bad CS due to high level of poaching and tourist disturbance.</p> <p>There are 55-90 resident chamois in the site. They constitute 2.8% of the national population of this species. They are part of the population in Rila Mountain. The site is an important biocorridor linking site BG0000495 "Rila National Park" with two other sites - BG0000209 "Pirin" National Park and BG0001030 "Rodopi - Zapadni".</p>	<p>Direct destruction of habitats by the construction of the ski resorts.</p> <p>Damage of habitats quality due to wildlife avoidance.</p> <p>Barrier effect on the biocorridors to the Chamois populations in Vitosha and Central Balkan Mountains.</p>
I	* <i>Austropotamobius torrentium</i>	C	<p>Unfavourable conservation status due to the intensive construction of small hydroplants.</p>	<p>The hydrological regime is being affected by construction of small hydroplants and could be affected through the extraction of water for consumption in the built-up resort areas and production of artificial snow as well as nitrogen pollution.</p>

9. BIRDS SPECIES DIRECTLY AFFECTED

“Rila” IBA/proposed SPA BG0002055

*	SCIENTIFIC NAME (IN LATIN)	POPULATION SIZE FOR THE SITE(S)			
		RESIDENT	MIGRATORY		
			BREED	WINTER	STAGE
ANNEX I SPECIES OF THE BIRDS DIRECTIVE					
	<i>Tetrao urogallus</i>	200-220 p			
	<i>Aegolius funereus</i>	6-10 p			
	<i>Glaucidium passerinum</i>	1-5 p			
	<i>Picoides tridactylus</i>		20-25 p		
	<i>Dendrocopos leucotos</i>		30-50 p		
	<i>Bonasa bonasia</i>	120-150 p			
	<i>Lanius collurio</i>		300-500 p		
	<i>Alectoris greaca</i>	130-160 p			
	<i>Lullula arborea</i>		50-100 p		
	<i>Dendrocopus leucotos</i> <i>lilfordi</i>		30-50 p		
	<i>Picus canus</i>		15-20 p		
	<i>Falco peregrinus</i>		3-5 p		
	<i>Aquila chrysaetos</i>	3-5 p			
	<i>Dryocopus martius</i>	60-70 p			
	<i>Pernis apivoris</i>		7-9 p		
<p>COMMENTS (conservation status if known, significant effects of the plan/project, bibliographic references used)</p> <p>The conservation status of the above listed birds is accepted as favourable due to the fact that their habitats are relatively good preserved.</p> <p>The affects on birds due to significant reduction of the approved SPA in comparison with the proposed one is presented to the European Commission in the complaint on SPA designation in Bulgaria and its updates (Ref N 2007/4850).</p> <p>Significant effects of the projects are expected due to direct destruction of habitats and wildlife avoidance for <i>Glaucidium passerinum</i>, <i>Aegolius funereus</i> and <i>Tetrao urogallus</i> which are very</p>					

sensitive to human presence and activities. Similarly to the impact analysis for the bear and the wolf we consider as affected the areas around the ski facilities and tourist complexes and infrastructure with a radius of 500 m for *Glaucidium passerinum* and *Aegolius funereus*, and a radius of 1000 m for *Tetrao urogallus*. Moreover the breeding season of these bird species coincides with the ski season.

Significant effects due to direct destruction of forest habitats are expected for the woodpeckers, *Lullula arborea*, *Bonasa bonasia* and *Pernis apivoris*.

Detailed impact assessment is due to be delivered.

10)

10.1 The plan/project has already been approved by the competent authorities:

Yes

No

10.2 If yes, by which act ?

10.3 and which authority ?

10.4 If the plan or project has not yet been approved, please indicate the administrative procedure being followed and the stage reached:

1. "Panichiste - the Lakes – Kabul peak" - The SEA report and the General Spatial Plan (GSP) of the ski resort project, which occupies considerable part of the "Rila" National park, **were rejected and returned for revision in 2006** by the Regional Inspectorate of Environment and waters (RIEW)-Sofia and the SEA and the GSP have not been so far adopted. Still, some elements of the GSP are already authorized by the Municipality of Sapareva Bania and being realized without an EIA (App. 1.1).

2. "Kartala" – A DSP of a cabin lift and ski run adopted in 1996 by the Municipality of Blagoevgrad. Project for cabin lift approved by the Municipality of Blagoevgrad in 2006 and already implemented without an EIA procedure. The ski run was constructed without building permit and EIA; (App. 1.2).

3. "Samokov – Borovetz – Beli Iskar" – After that the GSP of the ski resort was adopted in 2005, the Municipality of Samokov has issued an unknown number of building permits for construction of hotels. A new ski run constructed without an EIA in 2005. An actualization of the GSP was authorized in 2007 without an Article 6 Assessment. In 2007, the Municipality of Samokov issued a permit for the construction of the first lift station of a cabin lift without EIA/Article 6 procedures. The construction of this lift was officially opened by the prime minister Stanishev (App. 1.3).

4. "Treshtenik" – A DSP of a ski run and a cabin lift was adopted and authorized by the Municipality of Jakoruda in 2006. The construction activities started in 2007 without completed property change procedures (building terrain is still state property) (App. 1.4) what makes us to assume that the DSP of the project and its building permit could have legal problems.

5. "Iskrovete – Govedartsi - Maljovitsa" – The project initiated in 2004 by the Municipality of Samokov, presently in a SEA procedure (App. 1.5);

6. "Semkovo" – A DSP of the resort was initiated in 2004 but is still in planning procedure (App. 1.6);

7. Dolna bania – Ibar peak" – The project was just announced in the Tourism Development Strategy of the Municipality of Dolna Bania for 2007-2013, adopted in 2006. (App. 1.7);

8. "Kostenets-Belmeken" - The project was just announced in the Tourism Development Strategy of the Municipality of Kostenets for 2007-2013, adopted in 2006 (App. 1.8). ;

9. The Forest Management plan of the State forestry of Dupnitsa was initiated in 2006 and authorized in 2008.

The planning process and the EIA procedures (if any) of all eight ski resort projects in Rila Mountain are being carried out ignoring the cumulative impacts arising from the implementation of the eight projects. **For further details see Table 1 in App. 2.1.31.**

Detailed summary of the relevant national legislation is presented in Complaint on Kaliakra SPA (Ref. N 2008/4260) submitted by the Bulgarian Society for protection of birds to the European commission on 8 February 2008.

11)

11.1 Has any Environmental Impact Assessment (EIA) or environmental impact study been done or is one in progress? Yes No

11.2. If yes, give a brief description of its results (max. 1/2 page)

The implementation of the Habitats and Birds Directives in the Biodiversity Act was transposed as a whole back in 2002, which should guarantee legal certainty for all projects announced after 2002. Still none of the projects have an accomplished assessment procedure pursuant to Art. 31 of the Biodiversity Act. Moreover, the lack of EIA means also lack of assessment under Art. 31 of the BDA.

Further, between April 2005, when the Accession Treaty of Bulgaria was signed, and January 1, 2007, there is legislation in force in Bulgaria which generally follows the EU legislation for applying SEA or EIA procedures for new plans or projects, including ski resort. Nevertheless, the existence of scientific information in the MOEW after 2005 about proposed pSCI and SPA in Rila mountain has been totally neglected in these procedures, as the governmental policy in this period allowed EIA or SEA reports not to include information about the impacts on habitats and species listed in Annexes 1 & 2 to the Biological Diversity Act transposing the relevant annexes to Directive 92/43/EEC and 79/409/EEC. **As a result, the procedures of planning and EIA/SEA of such projects were carried out without taking into consideration neither the available scientific information about the future Natura 2000 sites in Rila Mountain nor the individual and cumulative effect of the ski resort projects on the integrity of the sites:**

1. "Panichishte - the Lakes – Kabul peak" - The SEA report of the General Spatial Plan (GSP) of the ski resort project, which occupies considerable part of the "Rila" National park, **was returned for revision in 2006** by the Regional Inspectorate of Environment and waters (RIEW)-Sofia and no SEA and the GSP have so far been adopted. Still, various elements of the GSP are already approved and being implemented without EIA/EIA screening procedures, including the Detailed Spatial plan of the village of Panichishte where new hotels are being built in forest habitats. The Forestry Management Plan of the State Forestry of Dupnitsa which foresees the construction of four ski runs has no assessment under Art. 31 of the BDA (App. 1.1); Expert analysis in English prepared by "Citizens for Rila" NGO and APB are presented respectively in App. 2.1.22 and 1.1.3.18.

2. "Kartala" – The EIA procedure for a cabin lift has started but not finalised yet. Nevertheless, the project is already being implemented in 2007-- 2008; the ski run is being extended without any building permit, nor an EIA (App. 1.2);

3. “Samokov - Borovetz – Beli Iskar” - The General Spatial Plan (GSP) of the project “Super – Borovetz” in Samokov Municipality envisaged huge extension of the existing resort of Borovets, including the areas, occupied by hotels and new ski facilities in “Rila” National park and neighbouring areas. Under the SEA procedure of this project, held in 2005, only the existing protected territory of “Rila” National park was regarded. Final SEA permit forbade the construction of new ski facilities in the National park. However, assessment of the impacts, including the cumulative ones, on habitats and species from Annex 1 and 2 of the Habitats Directive and Annex 1 and 2 of the Birds Directive was not carried out. An actualization of the GSP was authorized in 2007 without an Article 6 Assessment. A new ski run was constructed without an EIA in 2005. The construction of the first lift station of a cabin lift started without an EIA or Article 6 procedure of the lift.

Village projects were authorized outside the urban area in “Rila-Buffer” pSCI without EIA in violation of the prescriptions of the GSP (App. 1.3).

4. “TreshTENIK” – an EIA of the DSP for a ski run and a cabin lift were adopted by the MOEW in 2006. No assessment of the impacts on habitats and species from Annex 1 and 2 of the Habitats Directive (in “Rila-Buffer” pSCI) and Annex 1 and 2 of the Birds Directive (in “Rila” IBA) was carried out (App. 1.4).

5. “Iskrovete – Govedartsi - Maljovitsa” – The project is in SEA procedure at present. No further information is available, due to the “silent refusal” of the MoEW to provide relevant public information (App. 1.5).

6. “Semkovo” – The DSP of the resort is still in a planning phase (App. 1.6);

7. “Dolna bania – Ibar peak” – The Tourism Development Strategy of the Municipality of Dolna bania for 2007-2013, adopted in 2006 has no SEA (App. 1.7);

8. “Kostenets-Belmeken” - The Tourism Development Strategy of the Municipality of Kostenets for 2007-2013, adopted in 2006, has no SEA (App. 1.8);

9. The Forest Management Plan of the State forestry of Dupnitsa was adopted in 2008 without an EIA or Article 6 assessment (No further info due to App. 2.1.23)

The planning process and the EIA procedures (if any) of all eight ski resorts in Rila mountain are being carried out ignoring the cumulative impacts arising from the implementation of the eight projects. **For further details see Table 1 in App. 2.1.31.**

A common practice aimed at avoiding EIA procedures (thus resulting in positive EIA screening) is cutting the project into pieces so that the area and/or length of the different pieces falls beyond the lawful thresholds for obligatory EIA procedure. In this case this is valid for the cabin lift projects in Kartala and Borovets-Markudjitsi.

12) a) Describe any alternative solution(s) to the plan or project which have been considered by the authorities (indicate on the maps if relevant)
(max. 1/2 page)

- No alternatives of the projects were discussed in the SEA/EIA reports mentioned above except the ski resorts/facilities and the null alternative.

- The GSP of the ski resort “Super Borovets” discussed two variants which were even called stages of development of the ski resort. The first variant (stage) foresees ski facilities outside the “Rila” National park, the second variant (stage) foresees ski facilities within the NP “Rila”. Since the construction of new ski facilities within the “Rila” National park is forbidden by its own Development Plan, the last variant is legally inadmissible, but still regarded as possible after some pressure by the investors.
- The various infrastructure projects and the Forest Management Plan of the State Forestry of Dupnitsa which have not undergone any EIA procedure have no alternatives discussed.

b) Describe any other alternative solution(s) to the plan or project which you believe are feasible and which have not been considered by the national authorities (indicate on the maps if relevant) (max.1/2 page)

Whereas the “Rila” National park is a certified member of the PAN Parks network which is promoting sustainable development and whereas a greater part of Rila Mountain is part of the European ecological network Natura 2000 we believe that the development and promotion of broadly accepted forms of alternative tourism would be of greater public interest and closer to the philosophy of Natura 2000. The local communities would surely benefit more:

- if they run their own all-year-round alternative tourism in stead of selling out all their land to developers, and
- if they manage to preserve their biggest treasure – the natural heritage of Rila Mountain.

The official alternative is actually the Strategy and Action plan for the development of sustainable tourism in the Region of the “Rila” National park in 2008-2013, worked out by the Directorate of the National park with the financial support of the PAN Parks foundation. This plan is actually being implemented for years mainly by local people, investing in guest houses and biological agriculture.

Actually, the Bulgarian government has already adopted the National Strategy and Plan for Conservation of Biodiversity in 1995 and 2005 respectively, which set clear objectives and priorities related to species conservation and establishment of Natura 2000. On the other hand, **the Bulgarian government has still not adopted a national policy or strategy** regarding the sustainable development of tourism in Bulgaria. What is more, there are more than twenty new ski resort projects in Bulgaria (App.2.2.6.1-3) but there is no strategic assessment of their individual and cumulative effect on the integrity of the Natura 2000 network and the sustainable development of the local communities. On the contrary, the Bulgarian government and surprisingly, the Ministry of Environment, informally stated that the development of the golf and ski industry, even in Natura 2000 sites and other national protected areas, is a **major governmental priority**, which poses doubts on the sustainability on the desired typr of economic growth.

An alternative of the traditional silvicultural activities planned in the Forest Management Plan of the State Forestry of Dupnitsa are the silvicultural methods promoted by the [Forest Stewardship Council](#) (FSC).

13) a) Describe any mitigation measures which have been proposed or considered by the national authorities (indicate in the maps if relevant)

(max. 1/2 page)

In January 2008, the Ministry of Environment and Waters issued a permit for the access of heavy machinery on the territory of “Rila” National park, including the “Skakavitsa” Nature Reserve, in breach of the provisions of the Protected Area Act. The mitigation measure, posed by the MOEW before giving consent for the construction of the lift was an obligation demanded from Atomik Invest LTD to prepare and submit in the MOEW a recultivation project for the damaged area no later than 30.08.2007 (App. 1.1.3.3). As of 17.03.2008 such a project was not submitted in the MOEW (App. 1.1.3.13).

The SEA report (App. 1.3.1.1.) of the ski resort “Super Borovets” regarded the construction of golf complexes as a positive measure against further urbanization. Further, standard mitigation measures such as anti-erosion activities, recultivation, refined planning and construction of sport facilities with regard to local habitats, minimised usage of chemicals, and lifts' usage only in the winter are proposed.

The EIA of the ski resort “Treshtenik” (App. 1.4.1) proposed standard mitigation measures such as anti-erosion activities, recultivation and refined planning of the detailed projects.

These mitigation measures do not address the negative impacts of the project on the parameters of the Favorable Conservation Status of species and habitats protected in pSCIs in Rila Mountain. Moreover, some of the measures could have a significant negative impact themselves (the golf courses proposed in GSP “Super-Borovets” for example).

b) Describe any mitigation measures which you consider feasible and which have not been considered or proposed by the national authorities (max ½ page)

Before any mitigation measures are considered, the first priority should be to make sure that the law is abided and timely, adequate and competent impact assessment procedures and assessments under art.6 of the HD are carried out. There is no effective mitigation measure to prevent wildlife avoidance and direct destruction of habitats. One possible alternative is limiting the area of the direct destruction by concentrated ski facilities to smaller areas, which only marginally would affect the Natura 2000 itself. However, the construction of totally new ski resorts or facilities and strong widening of existing ones (“Iskrovete”, “Super Panichishte” and “Super Borovets”) could not be mitigated in this manner.

Significant reduction of the negative influence on the habitats could be achieved by the prohibition of snow additives but that is still practiced in the ski resort Bansko in “Pirin” National park despite the ecological prescriptions. Another possible mitigation is the creation of biocorridors outside Natura 2000 sites. For example biocorridors to Balkan, Pirin and the Rhodopes Mountains by designating or preserving 7 km wide strips with conserved habitats.

In this light, it should be remarked that reassessment is needed for the GSP of “Super Borovets” by taking into account the biocorridors to Vitosha and Balkan Mountain -800 m wide strip free of human presence plus 3 km wide strip consisting of not-urbanised forest habitats.

14) a) Describe any compensatory measures for nature conservation damage caused by the plan or project which have been proposed or considered by the national authorities (indicate in the maps if relevant)

(max 1/2 page)

Impacts to NATURA 2000 so far were completely ignored and respectively no such measures have been proposed nor considered.

Actually, compensatory measures in Bulgaria are hardly ever applied. Quite the contrary, in 2007, though obliged by the SEA to recultivate an old ski run on 1400 m altitude., the developer, Yulen JSC, in “Bansko” ski resort, built up a new four-seat lift before accomplishing the EIA procedure and reconstructed the old ski run without any EIA procedures and without Article 6 Assessment of the Habitats Directive (see Complaint ref. No 2008/4354, SG(2008) A/2888.

b) Describe any compensatory measures which you believe are feasible and which have not been considered or proposed by the national authorities (indicate on the maps if relevant) (max.1/2 page)

The “Rila-Buffer” pSCI BG00001188, (as is the case for “Rodopi Zapadni”, BG0001030 and “Zapadna Stara Planina”, BG00001040) were developed as Natura 2000 documentation and provided to the government by Bulgarian NGOs. As part of this, most of the territories designated for intensive tourist development, were excluded from the proposed sites. Such territories could not be suitable for achieving favourable Conservation Status for species such as the bear, wolf and lynx. The exclusion was based on the fact that no real conservation could take place in these territories. The excluded territories were compensated with other suitable habitats in order to achieve the necessary coverage and coherence of the network.

The impacts of projects currently implemented in both pSCIs (“Rila” and “Rila Buffer”) are already at the edge of being significant on parameters like the population area of habitats. These impacts could be compensated by the designation of “Rila Buffer” as an SCI and providing additional territories in both pSCIs with strict protection regime in order to ensure suitable areas for burrows for species like the wolf and the bear. This could be organized as an internal ecological network of species consisting of islands of areas free of human impacts. However further destruction of their habitats can not be compensated as, significant reduction in the area of the population of the species and their habitats will take place. The latter is a negative impact, which cannot be compensated because it is not possible to create new habitats for species like the bear and the wolf.

We consider that ski tourism development is not of ultimate public interest. The goal of job-creative and social and economic benefits generation could only be achieved by alternative economic developments.

15) Other information (max. 1/2 page). Copies of relevant studies and publications may be annexed.

Presently, the NGO coalition “Let nature remain in Bulgaria” is preparing complaints about other site-based nature conservation issues regarding the construction of the ski resorts in “Pirin” pSCI and SPA, the ski resorts Perelik in “Rodopi-zapadni” pSCI and “Trigrad-Mursalitsa” SPA and Kom-Berkovitsa in “Western Balkan – ForeBalkan” pSCI and “Western Balkan” SPA. We present evidence that the realization of these projects disregards the conservation objectives of both the Habitats and the Birds Directive.

As a matter of fact, the Bulgarian government has a National Strategy and Plan for the Conservation of Biodiversity in 1995 and 2005 respectively, which sets clear objectives and priorities related to species conservation and the establishment of Natura 2000, considering the vulnerability of the species and the most important territories in the country. On the other hand, **the Bulgarian government has not yet adopted** its National Sustainable Tourism Development Strategy for 2008-2013, which also refers to the intense development of the ski industry in Bulgaria. In particular, there are more than twenty new ski resort projects in Bulgaria (App.2.2.6.1) and no strategic assessment of their individual and cumulative effect on the integrity of the Natura 2000 network and on the conservation objectives of Habitats and Birds Directives has been carried out.

Nevertheless, the new ski resorts are not only a great threat for the wild life but also for the sustainable development of the local communities in times of climate change and ever growing need for fresh water. A great deal of the ski facilities in the ski resorts are planned to be situated between 1400 m and 2000 m altitude, implying logging in the forested habitats and using fresh water for the production of artificial snow. What is more, there is overwhelming evidence that the ski-resorts' development is a prerequisite for real estate growth and for the so called “money laundering” in the building industry (App. 2.1.34). Please see the Report on Bansko Ski Resort, by Za Zemiata at www.bluelink.net/en (App. 2.1.29).

Place Sofia, Bulgaria

Signature

Date 20 May 2008

List of appendices

N.B. All official letters and documents could be submitted upon request as originals or copies of the originals!

1. List of case specific documents.

1.1 Ski resort Super Panichishte

1.1.1 General spatial plan of the resort

- 1.1.1.1 A letter (31.03.2005) from the MOEW to the Municipality of Sapareva bania stating that the project of the GSP of the ski resort is incompatible with the environmental legislation.
 - 1.1.1.2 A letter (15.08.2005) of the MOEW to Rila sport that the individual DSP could be only processed as part of the GSP of the ski resort.
 - 1.1.1.3 A statement (21.06.2006) of the Directorate of the NP Rila with regard to the legal status of the GSP.
 - 1.1.1.4 A statement (9.08.2006) of the RIEW Sofia to the MOEW denying to further process the SEA of the GSP.
 - 1.1.1.5 A letter (25.12.2006) of the RIEW that the SEA procedure of the GSP is not accomplished.
 - 1.1.1.6 An appeal (13.07.2007) from WWF to the Supreme Prosecutor against the illegal SEA procedure regarding the GSP
 - 1.1.1.7 A formal request (19.09.2007) of the BBF in front of the Environmental Minister to stop the illegal destruction of protected habitats.
 - 1.1.1.8 A letter (22.02.2008) of the MOEW that no construction activities in the region of Panichishte have undergone an Article 6 Assessment.
 - 1.1.1.9 A Clarification letter (25.02.2008) to the alert of WWF to the Supreme Prosecutor.
 - 1.1.1.10 A letter (14.03.2008) of the Council of Ministers (CM) regarding the legal status of the construction activities in the region of Panichishte.
 - 1.1.1.11 An answer (31.03.2008) of the NGOs to the CM revealing all facts that the investigation of the CM has omitted.
- ##### 1.1.2 Detailed spatial plan of the Panichishte village
- 1.1.2.1 A complaint (19.03.2008) of Green Balkans against semi-legal practices of the Municipality of Sapareva bania.

- 1.1.2.2 An answer (24.03.2008) of the RIEW Sofia that the DSP of the village of Panichishte is authorized without SEA.
- 1.1.3 Modified project of the lift Pionerska hut – Rila lakes hut
 - 1.1.3.1 EIA of the lift project of 1995.
 - 1.1.3.2 An order (18.10.1997) of the National Forestry Board permitting the construction of a lift on state forest property exclusively on behalf of the Municipality of Sapareva bania.
 - 1.1.3.3 An authorisation letter (11.06.2007) of the MOEW with regard to the construction of the upper lift station within the NP Rila under the condition that a recultivation project is implemented.
 - 1.1.3.4 A letter (30.07.2007) of the MOEW that any further modifications of the construction project of the lift should be subject to EIA or EIA screening procedure.
 - 1.1.3.5 A protocol (22.08.2007) of the MOEW finding out that the construction of the lift has lead to destruction of *Pinus mugo habitats and other forest habitats.
 - 1.1.3.6 Requests of public information (19.09.2007) of BBF regarding some public aspects of the construction of the lift – no answers were submitted.
 - 1.1.3.7 A protocol (10.10.2007) of the MOEW finding out that the project modification of the lift has not been consented with the MOEW.
 - 1.1.3.8 A contradictory statement (23.10.2007) of the chief architect of the Municipality that the project modification authorized by the MOEW (namely about the upper lift station) is the same as the project modification (for the whole lift) authorized by the Architect.
 - 1.1.3.9 A letter (5.11.2007) of the RDNBC regarding the legal aspects of the modification project of the lift.
 - 1.1.3.10 Information letter (20.11.2007) of the MOEW regarding the illegal construction activities within NP Rila.
 - 1.1.3.11 An answer (23.11.2007) of the District Prosecutor regarding the legal consequences of the illegal construction activities in NP Rila.
 - 1.1.3.12 An answer (11.03.2008) of the District Prosecutor regarding a complaint of NGOs to Europol.
 - 1.1.3.13 A complaint (13.03.2008) of BBF against the lack of legal prosecution of the illegal construction of the lift.

- 1.1.3.14 A letter (17.03.2007) of the MOEW that Rila sport has still not submitted any recultivation projects.
- 1.1.3.15 A complaint (19.03.2008) of the Green Balkans against the illegal building rights of the investor Rila sport.
- 1.1.3.16 A refuse (28.03.2008) of the Appeal Prosecutor to take legal action against the legal offences during the realization of the lift project.
- 1.1.3.17 An answer (22.04.2008) of the Appeal Prosecutor to complaint (19.03.2008) of GB against a decision of the District Prosecutor (11.03.2008).
- 1.1.3.18 Expert statement about the legal aspects of the lift Pionerska hut – Rila lakes hut (English version).
- 1.1.4 Temporary roads for the construction of the lift Pionerska hut – Rila lakes hut
 - 1.1.4.1 A protocol (22.08.2007) of the MOEW finding out that the construction of the temporary roads along the lift has lead to destruction of *Pinus mugo habitats and other forest habitats.
 - 1.1.4.2 A letter (5.11.2007) of the RDNBC stating that the temporary roads are not a construction activity ignoring the Forestry Act.
 - 1.1.4.3 Information letter (20.11.2007) of the MOEW regarding the illegal construction of temporary roads within NP Rila
- 1.1.5 Rehabilitation of the tourist path Pionerska hut-Rilski lakes
 - 1.1.5.1 An authorisation letter (5.07.2007) of the MOEW regarding the rehabilitation of a tourist path under the condition that recultivation project is implemented.
 - 1.1.5.2 A complaint (19.09.2007) of the Directorate of NP Rila against illegal construction activities along the rehabilitated path.
 - 1.1.5.3 A protocol (10.10.2007) of the MOEW finding out that the rehabilitation of the tourist path has lead to destruction of *Pinus mugo habitats.
 - 1.1.5.4 A letter (5.11.2007) of the RDNBC ignoring the illegal aspects of the rehabilitation of the tourist path.
 - 1.1.5.5 A letter (17.03.2008) of the MOEW stating that no recultivation project is submitted.
- 1.1.6 Reconstruction of the road Pionerska hut-Panichishte village

- 1.1.6.1 A letter (3.07.2006) of MOEW stating that the reconstruction project of the road should be subject to EIA screening procedure and that no part of the road may go through territories of the NP Rila.
- 1.1.6.2 A protocol (22.08.2007) of the MOEW finding out that a part of the road is constructed within the NP Rila.
- 1.1.6.3 An appeal (27.08.2007) of NGOs against the illegal construction of the road.
- 1.1.6.4 A punishment (17.09.2007) imposed by the RIEW Sofia to the mayor of the Municipality.
- 1.1.6.5 A letter (5.11.2007) of the RDNBC regarding legal aspects of the reconstruction of the road.
- 1.1.6.6 Information letter (20.11.2007) of the MOEW regarding the illegal construction of a road within the NP Rila
- 1.1.7 Construction of a new water reservoir and a road in the Black rock site
 - 1.1.7.1 An authorisation letter 14.06.2005 of the DNP Rila stating the conditions regarding the construction of the water reservoir and the road.
 - 1.1.7.2 A plan of the project.
- 1.1.8 Construction of ski runs
 - 1.1.8.1 An information letter (22.06.2007) of the DNP Rila to MOEW alarming about the falsification of the terrain boundaries of the park and the illegal designing of fire-preventing clear cuts aiming the construction of ski runs.
 - 1.1.8.2 Protocol (7.11.2007) of the Regional Forestry Board informing for the permits issued for the fire-preventing clear cuts.
 - 1.1.8.3 An appeal (15.11.2007) of WWF against the illegal construction of ski runs disguised as fire-preventing clear cuts.
 - 1.1.8.4 An appeal (25.02.2008) of WWF against the illegal status of the very clear cuts.
 - 1.1.8.5 A letter (19.03.2008) of the SFA informing that the illegal clear cuts are temporarily halted by an order.
 - 1.1.8.6 A letter (17.04.2008) of the RFD Kjustendil about the initiation dates of the clear cut plans.

1.2 Ski resort Kartala

- 1.2.1 A statement (11.04.2007) of the DNP Rila regarding the EIA of the project
- 1.2.2 A letter (04.10.2007) of the RIEW Blagoevgrad that the EIA procedure of the project is not completed.
- 1.2.3 An appeal (07.01.2008) to the RDNBC against the illegal construction of a lift and a ski run.
- 1.2.4 An appeal (16.01.2008) to the State Forestry Board against the illegal activities in the state forests.
- 1.2.5 A letter of request (18.01.2008) to the RFB regarding permits for temporary forest roads.
- 1.2.6 A letter (28.01.2008) of RIEW Blagoevgrad that no sanctions are imposed.
- 1.2.7 A letter (01.02.2008) of the Municipality of Blagoevgrad that after an order of the RDNBC it has checked its own construction activities and found no violations of the law.
- 1.2.8 An appeal (15.02.2008) to the RIEW Blagoevgrad that the upper lift station is being built without any permits.
- 1.2.9 An appeal (15.02.2008) to the RDNBC Blagoevgrad that the upper lift station is being built without any permits.
- 1.2.10 A letter (21.03.2008) of the Municipality that the NGOs should provide transport so that the terrain control visits can be carried out in the unfriendly conditions of the high mountain, despite the fact that the Municipality has a share in the construction company possessing all kinds of transport machines and building the lift in the same harsh weather conditions.
- 1.2.11 A letter (24.03.2008) of the State Forestry Board finding out a list of law offences during the construction of the lift and the ski run.
- 1.2.12 A complaint (02.04.2008) to the Prosecutor regarding the illegal construction of the lift and the ski run

1.3 Ski resort Super Borovets

1.3.1 General spatial plan

1.3.1.1 SEA (04.2005) of the GSP

1.3.1.2 A statement (2005) of the MOEW regarding the SEA of the GSP

1.3.1.3 Public notices in the State journal

1.3.1.4 An appeal (09.08.2005) of EcoRila to the Supreme court against the illegal processing of the SEA and the GSP of the ski resort.

1.3.2 Actualization of the GSP

1.3.2.1 Public notices in the State journal.

1.3.3 Cabin lift

1.3.3.1 A letter (15.04.2008) of MOEW that the project for the cabin lift Borovets-Markudjitsi has no EIA.

1.3.3.2 A letter (24.04.3008) of the Municipality of Samokov about the building permit of the cabin lift Borovets-Markudjitsi.

1.3.4 Tourist complexes

1.3.4.1 EIA screening (22.02.07) of RIEW Sofia stating no EIA is needed for a project outside the urbanised area of the GSP of “Super Borovets”

1.3.4.2 EIA screening (04.09.06) of RIEW Sofia stating no EIA is needed for a project outside the urbanised area of the GSP of “Super Borovets”

1.3.4.3 EIA screening (22.08.05) of RIEW Sofia stating no EIA is needed for a project outside the urbanised area of the GSP of “Super Borovets”

1.4 Ski resort Treshtenik

1.4.1 EIA (2006) of the project for the construction of a lift and ski run

1.5 Ski resort Iskrovete

1.5.1 General Spatial Plan

1.5.1.1 A map of the GSP (2007)

1.5.1.2 A request (05.03.2008) for information to the MOEW regarding the GSP – no information provided!

1.6 Ski resort Semkovo

1.6.1 Detailed Spatial Plan

1.7 Ski resort Kostenets

1.7.1 Strategy for development of the tourism in Kostenets

1.8 Ski resort Dolna bania

1.8.1 Strategy for development of the tourism in Dolna bania

2. List of main documents, maps and photos providing evidence to the complaint

2.1 Documents

- 2.1.1 A statement (10.10.2007) of the Bulgarian Academy of Sciences about the scientific value of a number of pSCI.
- 2.1.2 A statement (10.10.2007) of the Bulgarian Academy of Sciences about the scientific value of a number of proposed SPA.
- 2.1.3 Request for public information (RPI) (19.9.2007) of BBF about EIA of Panichishte infrastructure projects.
- 2.1.4 Signal (19.9.2007) of BBF to MOEW about illegal destruction of habitats
- 2.1.5 Request for public information (28.9.2007) of WWF about EIA of ski project Kartala-Bodrost
- 2.1.6 Signal (15.02.2008) of APB to RIEW Blagoevgrad about illegal construction of upper lift station.
- 2.1.7 Complaint of NGO and citizens to the Supreme Administrative court against incompleteness of the N2000 network in BG.
- 2.1.8 Written Statement to the complaint 2.1.7
- 2.1.9 Complaint (09.08.2005) of EcoRila to SAC against illegal elements in the GSP of Borovets.
- 2.1.10 Signal (13.08.2007) of WWF to the Prosecutor against the illegal SEA procedure of the GSP “Super Panichishte”
- 2.1.11 Signal (23.08.2007) of NGOs (by BBF) to RDNBC against the illegal constructions on Panichishte.
- 2.1.12 Signal (04.02.2008) of APB to the RP against the falsifications of the boundaries of Rila NP and pSCI Rila.
- 2.1.13 Signal (15.11.2007) of WWF to the SFA against the illegal clear cuts for ski runs on Panichishte.
- 2.1.14 Signal (12.02.2008) of WWF to the SFA against the illegal clear cuts for ski runs on Panichishte.
- 2.1.15 Signal (16.01.2008) of Green Balkans to the SFA against the illegal construction of ski resort Kartala in state forests.
- 2.1.16 Request for public information (19.09.2007) of BBF to Municipality of Sapareva bania about financial investments for the lift to Rila lakes.

- 2.1.17 Request for public information (19.09.2007) of BBF to Municipality of Sapareva bania about the concession rights for the lift.
- 2.1.18 Request for public information (19.09.2007) of BBF to Municipality of Sapareva bania about the building permits for the lift and the road.
- 2.1.19 Letter of invitation (16.10.2007) of WWF to the Municipality of Blagoevgrad for a public discussion of the illegal construction of the ski resort Kartala.
- 2.1.20 Signal (07.01.2008) of APB to RDNBC against the illegal construction of the ski resort Kartala.
- 2.1.21 Answer (14.03.2008) of the Council of Ministers that no legal offences area found in the case “Super Panichsihte”
- 2.1.22 Answer (19.05.2008) of Neli Arabadjieva to the CM and the EC with an expert opinion of the NGO Citizens for Rila about the legal status of the construction of the ski resort “Super Panichishte”
- 2.1.23 Ten examples of requests for public information left without answers.
- 2.1.24 Two examples of requests for public information with problematic answers.
- 2.1.25 Method for elaboration of a GIS-model for the wolf habitats in Bulgaria
- 2.1.26 Example of parliamentary question to and answer of the Minister of EW
- 2.1.27 Information about new projects on Panichishte despite missing GSP
- 2.1.28 An article about Panichishte and Bansko in the Neuer Zuricher Zeitung.
- 2.1.29 An expert report about the illegal construction of the ski resort Bansko.
- 2.1.30 A satellite photo of the ski resort Bansko.
- 2.1.31 Excel Tables with the Legal status of the ski resorts in Rila Mountain and damaged habitats and species.
- 2.1.32 Excel Tables with the calculations of the impact assessments of the ski projects on the population of the bear (*Ursus arctos*) in Rila Mountain
- 2.1.33 Excel Tables with the calculations of the impact assessments of the ski projects on the population of the wolf (*Ursus arctos*) in Rila Mountain
- 2.1.34 A Signal of the NGO coalition to EuroPol against the illegal activities of off-shore companies in Rila and Rhodope Mountains
- 2.1.35 NGO analysis of sufficiency of the N2000 in Bulgaria for the ETC seminar in June, 2008

2.2 Maps

2.2.1 Super Panichishte

- 2.2.1.1 General spatial plan of the ski resort Panichishte-the Lakes-Kabul
- 2.2.1.2 Planned urban areas in the ski resort Panichishte
- 2.2.1.3 Satellite photo with visualised illegal constructions
- 2.2.1.4 Map of the illegal clear cuts for ski runs
- 2.2.1.5 Planned ski runs disguised as fire-protection clear cuttings
- 2.2.1.6 Map of the illegal road to Pionerska hut
- 2.2.1.7 Forest map 1997 with the original boundaries of NP Rila and the original forest road
- 2.2.1.8 Cadastral plan 2007 with falsified boundaries of NP Rila and the new illegal road
- 2.2.2 Kartala
 - 2.2.2.1 Project of the ski resort Kartala 2006
 - 2.2.2.2 Project of the ski resort Kartala 2006 vs. NP Rila (BG0000495)
 - 2.2.2.3 Project of the ski resort Kartala 2006 – existing and planned situation
 - 2.2.2.4 Project of the ski resort Kartala 2006 (authors)
 - 2.2.2.5 Project of the ski resort Kartala 2006 (legend)
 - 2.2.2.6 Illegal construction of lower lift station on 9410 and 91BA habitats
 - 2.2.2.7 Illegal construction of lower lift station on 9410 and 91BA habitats (map of the returned property)
 - 2.2.2.8 Cadastral map of Kartala of 2008 with falsifications
- 2.2.3 Super Borovets
 - 2.2.3.1 General spatial plan of ski resort Super Borovets – I stage
 - 2.2.3.2 General spatial plan of ski resort Super Borovets – I stage
 - 2.2.3.3 Project Super Borovets
 - 2.2.3.4 New urban areas outside the urban area defined in the GSP of the ski resort.
- 2.2.4 Treshtenik
 - 2.2.4.1 Construction of ski facilities in Treshtenik on the geographic map of Rila Mountain.
 - 2.2.4.2 Ski facilities in Treshtenik on the cadastral map
- 2.2.5 Iskrovete
 - 2.2.5.1 General spatial plan of ski resort Iskrovete-Govedartsi-Maljovitsa
 - 2.2.5.2 General spatial plan of ski resort Iskrovete-Govedartsi-Maljovitsa
- 2.2.6 Rila Mountain
 - 2.2.6.1 A/ Planned ski resorts in the Bulgarian mountains

B/ Planned ski resorts in Bulgaria vs. pSCI network

- 2.2.6.2 Planned ski resorts in Bulgaria vs. Brown bear modeled distribution
- 2.2.6.3 Planned ski resorts in Bulgaria vs. Grey wolf modeled distribution
- 2.2.6.4 pSCIs on Rila Mountain
- 2.2.6.5 Existing ski resorts in Rila Mountain vs. pSCIs
- 2.2.6.6 On- going construction of ski resorts in Rila Mountain vs. pSCIs
- 2.2.6.7 On- going construction of ski resorts in Rila Mountain vs. pSCI Landsat 2000 image
- 2.2.6.8 On-going construction of ski resorts in Rila Mountain vs. Brown Bear modeled distribution
- 2.2.6.9 On-going construction of ski resorts in Rila Mountain vs. Grey Wolf modeled distribution
- 2.2.6.10 On-going construction of ski resorts in Rila Mountain vs. Balkan Chamois modeled distribution
- 2.2.6.11 Planned ski resorts in Rila Mountain vs. pSCI
- 2.2.6.12 Planned ski resorts in Rila Mountain vs. pSCI Landsat 2000 image
- 2.2.6.13 Planned ski resorts in Rila Mountain vs. Brown Bear modeled distribution
- 2.2.6.14 Planned ski resorts in Rila Mountain vs. Grey Wolf modeled distribution
- 2.2.6.15 Planned ski resorts in Rila Mountain vs. Balkan Chamois modeled distribution
- 2.2.6.16 On-going construction of ski resorts in Rila Mountain vs. Annex I Forest habitats
- 2.2.6.17 SPA/IBA in Rila Mountain
- 2.2.6.18 Existing ski resorts in Rila Mountain vs. SPA/IBA
- 2.2.6.19 On- going construction of ski resorts in Rila Mountain vs. SPA/IBA
- 2.2.6.20 Planned ski resorts in Rila Mountain vs. SPA/IBA
- 2.2.6.21 Isolation and interrupted biocorridors of bear in northern Rila Mountain by planned ski resorts
- 2.2.6.22 Biocorridors of bear in northern Rila Mountain – existing ski resorts
- 2.2.6.23 Isolation and interrupted biocorridors of bear in northern Rila Mountain by planned ski resorts
- 2.2.6.24 Isolation and interrupted biocorridors of wolf in northern Rila Mountain by planned ski resorts

2.2.7 Distribution maps of relevant priority species and habitats in Bulgaria

2.3 Photos

2.3.1 Super Panichishte

2.3.1.1 A/ The illegally urbanised area of the village of Panichishte – DSP authorized without SEA in 2006.

B/Hotel Edelweiss-2 started in Aug 2006 on 91CA habitat

2.3.1.2 Apartments around the Panichishte lake for sale on www.mirela.bg

2.3.1.3 Construction of the lower lift station in 2007 on habitat 91BA

2.3.1.4 Construction of the lower lift station in 2008 on habitat 91BA

2.3.1.5 Construction of the lower lift station in 2008 on habitat 91BA

2.3.1.6 Construction of the lift in 2008 on habitats 9140, 95A0, 4070, etc.

2.3.1.7 A/ Construction of the lift in 2008 on habitats 9140, 95A0, 4070, etc.

B/ Two fundamentals of two different lifts.

C/ Fundaments and illegal tractor roads.

2.3.1.8 Up-grading of a forest road to a two-lane road without EIA in 2007 at the cost of habitats 9410 and 91BA

2.3.1.9 A/ Up-grading of a forest road to a two-lane road without EIA in 2007 at the cost of habitats 9410 and 91BA;

B/ Erosion and windthrows along the road without EIA (May 2008)

2.3.1.10 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

2.3.1.11 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

2.3.1.12 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

2.3.1.13 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

2.3.1.14 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

2.3.1.15 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

2.3.1.16 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

2.3.1.17 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA

- 2.3.1.18 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA
- 2.3.1.19 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA
- 2.3.1.20 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA
- 2.3.1.21 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA
- 2.3.1.22 Construction of ski runs without EIA in 2007-2008 on habitats 9410 and 91BA
- 2.3.1.23 A/ Illegally rehabilitated path to Rila lakes hut.
B/ A stop-sign on the path to the Rila lakes hut restricting the access of machines to the park
- 2.3.1.24 Intensive traffic on the path to the Rila lakes after the access to the park was facilitated by the semi-legal reconstruction of the path (2008)
- 2.3.1.25 Intensive traffic on the path to the Rila lakes after the access to the park was facilitated by the semi-legal reconstruction of the path (2008)
- 2.3.1.26 Machines in front of the Rila lakes hut without access permission 2008
- 2.3.1.27 Machines in front of the Rila lakes hut without access permission 2008
- 2.3.1.28 The ice cover of the Lake Babreka in NP Rila (06.03.2008)
- 2.3.1.29 The ice cover of the Lake Babreka with trails of machines in NP Rila (16.03.2008)
- 2.3.1.30 Machines devastate the wild beauty of the Seven Rila lakes in NP Rila in 2008
- 2.3.1.31 The first signs of the illegally emerging ski resorts in NP Rila in 2008
- 2.3.1.32 Construction of a road to the illegal reservoir in 9410 and 91BA habitat 11.05.2008
- 2.3.1.33 Construction of a road to the illegal reservoir in 9410 and 91BA habitat 11.05.2008
- 2.3.1.34 Construction of the illegal reservoir in 9410 and 91BA habitat 11.05.2008
- 2.3.1.35 Construction of the illegal reservoir in 9410 and 91BA habitat 11.05.2008
- 2.3.1.36 Construction of the illegal reservoir in 9410 and 91BA habitat 11.05.2008

2.3.1.37 Construction of a ski run and destruction of the illegal road in 9410 and 91BA habitat 11.05.2008

2.3.2 Kartala

2.3.2.1 Google earth photo of the construction area of the ski resort Kartala

2.3.2.2 Panoramic view of the ski resort Kartala

2.3.2.3 Construction activities by the lower lift station in habitats 9410 and 91BA in 2007

2.3.2.4 Construction activities by the lower lift station in habitats 9410 and 91BA in 2007

2.3.2.5 Construction of temporary forest roads to the lift in habitats 9410 and 91BA in 2007

2.3.2.6 Construction of temporary forest roads to the lift in habitats 9410 and 91BA in 2007

2.3.2.7 Construction of temporary forest roads to the lift in habitats 9410 and 91BA in 2007

2.3.2.8 Construction of temporary forest roads to the lift in habitats 9410 and 91BA in 2007

2.3.2.9 Damaged young forest (9410 and 91BA) in the lift transect in 2007

2.3.2.10 Concrete fundament of a lift post in 2007

2.3.2.11 Construction of a ski run in habitats 9410 and 91BA in 2007

2.3.2.12 Construction of a ski run in habitats 9410 and 91BA in 2007

2.3.2.13 Construction of a ski run and a road in habitats 9410 and 91BA in 2007

2.3.2.14 Construction of a ski run in habitats 9410 and 91BA in 2007

2.3.2.15 On-going construction 2007of the ski run in habitats 9410 and 91BA

2.3.2.16 Construction of the upper part of the lift in habitats 62D0 and 6520 in 2007-2008

2.3.3 Super Borovets

2.3.3.1 Construction of ski run Musalenska path in habitat *4070 end 2005

2.3.3.2 Construction of ski run Musalenska path in habitat *4070 end 2005

2.3.3.3 Illegal transport of tourists in pSCI Rila and NP Rila despite ban imposed by the Ministry of Environment (in 2008)

2.3.3.4 Illegal transport of tourists in pSCI Rila and NP Rila despite ban imposed by the Ministry of Environment (in 2008)