



# Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Secretariat provided by the United Nations Environment Programme (UNEP)

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## Establishment of Wind Turbines in Sensitive Migratory Bird Areas of Bulgaria

17 October 2003

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Your Excellency,

A non-governmental organisation (NGO) recently notified the CMS Secretariat that in Bulgaria major requirements have not been taken into due consideration in the environmental impact assessment (EIA) for a project to establish 25 wind turbines on the Bulgarian Black Sea Coast. The project site is said to lie along the second largest migratory route for soaring birds in Europe - the via Pontica.

It is my understanding that the concern is not that an EIA has not been undertaken. Rather, the concern raised is that the EIA has not adequately assessed the potential impact of the proposed project on migratory birds and, therefore, it has not complied with Bulgaria's relevant international obligations, as well as standards and guidelines related to environmental impact assessment, wind turbines and the conservation of migratory species. These are promulgated, for example, under the Convention on Biological Diversity (Article 14; CBD COP Dec. VI/7), the Espoo Convention (Article II/2.), the Bern Convention (Article 4 (1)), as well as the Convention on Migratory Species (Article III (4) (b); Resolution 7.2 and Resolution 7.5).

In particular, the NGO contests the validity, objectivity and usefulness of a study that has been relied upon in the assessment process, specifically claiming that the 53 day study period was too short to accurately establish baseline data for migratory birds that use the area. The NGO claims that its own on-going work demonstrates the significant importance of the site for migratory birds. It informed me that the results of the first month's work have been recently provided to the Regional Inspectorate of the Ministry of Environment.

A number of CMS Appendix I species frequent this area including White pelicans (*Pelecanus onocrotalus*), Dalmatian pelicans (*Pelecanus crispus*), Imperial eagles (*Aquila heliaca*), Spotted eagles (*Aquila clanga*), White-tailed eagles (*Haliaeetus albicilla*) and Lesser kestrels (*Falco Naumanni*). As a CMS Contracting Party, Bulgaria has an obligation "to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species" listed on Appendix I (Article III (4) (b)). In addition, CMS COP7 Resolution. 7.2 urges CMS Parties "to include in EIA...as complete a consideration as possible of effects involving impediments to migration in furtherance of [CMS] Article III (4) (b), of transboundary effects on migratory species, and of impacts on migratory patterns or on migratory ranges." (Para. 2). Furthermore, CMS COP7 Resolution 7.5 calls upon CMS Parties to inter alia:





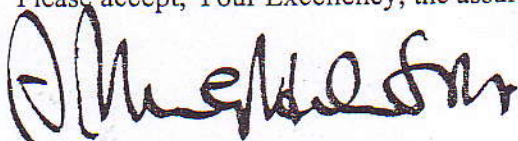
- (a) identify areas where migratory species are vulnerable to wind turbines and where wind turbines should be evaluated to protect migratory species;
- (b) apply and strengthen...comprehensive strategic environmental impact assessment procedures to identify appropriate measures;
- (c) to evaluate the possible negative ecological impacts of wind turbines on nature, particularly migratory species, prior to deciding upon permission for wind turbines;
- (d) to assess the cumulative environmental impacts of installed wind turbines on migratory species; and
- (e) to take full account of the precautionary principle in the development of wind turbine plants, and to develop wind energy parks taking account of environmental impact data and monitoring information as it emerges and taking account of exchange of information provided through the spatial planning processes.

Migratory species are a shared natural resource of their respective Range States. National authorities of a single Range State are, therefore, not fully free in their decisions on how intensively to protect or to use them. According to their international commitments arising from the relevant international conventions in the field of environment, nature conservation and legal processes, the measures undertaken on the national level should meet the internationally set standards and requirements. Also, the authorities should be in a position to justify internally within their state, and also externally in relation to the bodies of the relevant international organisations, the action they have undertaken or will undertake.

According to CMS Article III (6), the Conference of the Parties may recommend to the Parties that are Range States of the migratory species listed in Appendix I that they take further measures considered appropriate to benefit the species. The same applies to a multitude of migratory species which are endangered within the definition of the Convention. In order to enable the Conference of the Parties to consider making a recommendation to the Government of Bulgaria, it is within the competence and responsibility of the CMS Secretariat to request from the authorities relevant information which enables the Conference of the Parties to consider the case.

I would therefore appreciate it very much, Your Excellency, if you could advise the staff of your Ministry to examine the whole issue and provide the CMS Secretariat with the relevant and appropriate information in due course.

Please accept, Your Excellency, the assurance of my highest consideration.



Arnulf Müller-Helmbrecht  
Executive Secretary

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