

22 07 2008

Brussels,
A(08)1963 - D (08)/

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Dear Dr. Lucas,

Thank you very much for your letter of 9th June concerning the Kaliakra peninsula in Bulgaria.

The Commission has received a complaint from an environmental non-governmental organisation about alleged insufficient designation of the Kaliakra site as a Special Protection Area under the Birds Directive, also claiming that the Bulgarian authorities are authorising economic activities in breach of the relevant EC Directives.

The Commission has recently sent a Letter of Formal Notice to Bulgaria for failing to designate the most suitable areas, in both number and size, as Special Protection Areas according to the provisions of Council Directive 79/409/EEC (Birds Directive). Although Bulgaria has designated 114 areas as SPAs, 6 of these are significantly smaller than the corresponding Important Bird Areas (IBAs). One of those is the area of Kaliakra, the subject of your letter. The reply from the Bulgarian authorities is expected in early August.

Under the Birds Directive, Member States are obliged to designate all of the most suitable sites as Special Protection Areas (SPAs) for the conservation of wild bird species. The designation of SPAs must be based on objective, verifiable scientific criteria. To assess whether Member States have complied with their obligation to classify SPAs, the Commission uses the best available ornithological information. Where the necessary scientific information is lacking, national inventories of IBAs, compiled by the non-governmental organisation Birdlife International, are used. While not legally binding, the IBA inventory is based on internationally recognised scientific criteria. The Court of Justice has already acknowledged its scientific value, and in cases where no equivalent scientific evidence is available, the IBA inventory is a valid basis of reference in assessing whether Member States have classified a sufficient number and size of territories as SPAs.

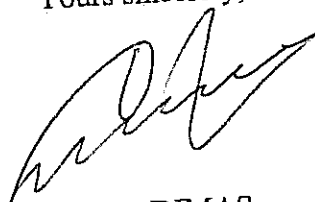
Dr. Caroline Lucas
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As for the developments of wind farms, we are also closely following the situation. According to the information provided by the Bulgarian government most of these projects were authorised before the date of accession and the authorities have stated that the necessary measures were taken to ensure that no risks to birds occur. My services are continuing to examine the situation, especially in light of the insufficient designation of SPAs. The necessary steps will be taken if any breach of the European law on nature protection and environmental impact assessment is established.

Please note that the issue raised by you was also part of Written Question E-3509/08 by Richard Corbett.

I wish to thank you for your interest and support for protecting nature in Bulgaria.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stavros DIMAS', written in a cursive style.

Stavros DIMAS