

Court Ruling Threatens Red-Breasts

Title

In January, the Bulgarian Court overturned a decision by the Bulgarian Minister of the Environment to revoke permission for a wind energy project threatening a high nature value area as well as the globally endangered bird species inhabiting it. The court ruling might lead to Bulgaria ending up in front of the EU Court of Justice. The case in question refers to the plans to construct 95 wind turbines close to [Durankulak Lake](#) – one of the most important wintering sites on the Black Sea coast for the globally threatened red-breasted goose. As a consequence, red-breasts might lose a significant part of their feeding area not to mention the risk of collision with the wind turbines.

It is also at odds with an EU LIFE+ funded project run by the Bulgarian Society for the Protection of Birds (BSPB; [BirdLife in Bulgaria](#)) – *Safe Grounds for Red-Breasts*, which aims, with local and international partners, to find solutions to the problems facing the geese. Despite a totally inadequate environmental impact assessment, the proposal was waved through by the regional inspectors, only for it to be quashed by the Bulgarian Minister for Environment and Water after the BSPB campaigned vigorously against it.

This victory seemed to be part of a turning tide in Bulgaria towards proper regulation of development and protection of key nature conservation sites, exemplified by the adoption of the [Bulgarian National Renewable Energy Action Plan](#). The judgement to overturn the Minister's decision on a legal technicality is deeply misguided. Overruling the Minister's decision when the project is obviously in direct breach of European law does no one any favours. If this project is implemented, there can be no doubt that the European Commission will take the strongest action through the European Court of Justice to require the Bulgarian Government to remove the damaging project and make good any damage to red-breasts. This will be an embarrassment to the Bulgarian Government (which is already in trouble with the Commission over [previous poorly placed projects](#)), and a damaging indictment of the Bulgarian judiciary. BSPB and the Bulgarian Ministry of Environment and Water have submitted a final appeal to the Supreme Administrative Court to get this judgement revoked. BirdLife Europe strongly encourages the court to find in favour of the appeal, so that the red-breasts will remain free to feed in their key wintering grounds as they have done for centuries.



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