

To:
EUROPEAN COMMISSION
Directorate-General Environment
Directorate A – Legal Affairs and Cohesion
Env.A.2 – Compliance promotion,
governance and legal issues
Head of Unit

Initiative committee of
Velchevtzi & Chehlevtzi
Initiative committee of
Dyado Dyanko & Hadji
Tzonev Most
neighbourhoods

17th September, 2012
Gabrovo

Reference to Re N: CHAP (2012) 00915 – transboundary European “Road III – 5004” detour of Gabrovo and Shipka Tunnel.

Dear Sir/ Madam

On the behalf of the initiative committees we have sent a complaint to the Supreme Administrative Court of Bulgaria against the preliminary execution of the investment intent of RIA and it has been rejected by a three-member and a five- member Chamber.

On 26th September, 2012 the lawsuit (6941/ 2012) against the Decision of the Ministry of Environment and Water, which approves of the Report on Environmental Impact Assessment and the Report on the Appropriate Assessment, will be heard.

Here, we would like to present the following facts:

1. In both Reports (the Report on Environmental Impact Assessment and the Report on the Appropriate Assessment) done by RIA there are no alternative routes of a detour of Gabrovo (Musman Route or Eastern Route) developed and presented at the same level as the one suggested by RIA. The alternatives are superficially drafted and presented. The assessment of all alternative routes is not equally done – in all aspects: technical, economic, expenditures and benefits as it should be done in accordance with D/ 2008/ 96/ EO – Appendixes I, II, III of the same Directive.

2. The technical plan of detour of Gabrovo and Shipka Tunnel is not in accordance with D/ 2008/ 96/ EO as it had been developed before this Directive became active.

3. This investment intent of RIA has been financed under ISPA Measure N 2006/BG/ 16/P/PA/ 003.

4. The project of the presented route was developed in the period 1981 - 1990. In 1991 we sent our first petition to the Parliament of the Republic of Bulgaria, and in 1993 an ecological expertise was prepared. It should be noted that that expertise did not include the section of the route going through Chehlevtzi and Velchevtzi neighborhoods! That ecological expertise mentions a large number of dramatic problems which would occur due to the road. That is the reason for the realization of the project being stopped in that same year. Actually, the present project is an old project without being innovated by developing any alternatives.

5. Once again we would like to focus your attention on the fact that the public discussion of the EIA and the AA reports, held on 21st February, 2012, was prematurely stopped, which surprised everybody. Due to that suspension, there was no opportunity for the representatives of different initiative committees, NGOs and citizens to present their statements. That is a violation of the European Charter of Human Rights and of the Aarhus Convention, as well as of D/85/337/EEO – D/ 2003/35/ EO. The presented facts and data in our statements referring to the EIA and the AA reports on the Investment intent of RIA definitely prove the violation of D/2008/96/EO, D/2009/147/ EO and D/ 2011/ 92 EU.

6. Article 62 of the statement of RIA resulted from the public discussion (it could be found in Annex2, provided to you by WWF DCP Bulgaria) says the following about the Musman Route:

“.... From a technical point of view, this route is impossible for realization due to the terrain. At least , the beginning – the pass to the west of Chehlevtzi neighborhood is possible only by a tunnel. ...The rough terrain in this direction is the basis for the route rejection.”

This fact is a rude manipulation and changing of the route with the aim of rejecting that alternative. (This can be seen on the provided topographic map with the drawn Musman Route on it.)

At the same time the experts who did the two reports (the EIA and the AA reports) stated clearly in them that Musman Route will not cause either ecological or other problems.

7. We cannot provide you with the Minutes of the public discussion as such have not been given to us by RIA despite our numerous written requests.

We believe that the information in this letter as well as the enclosed papers will help for the solution of the problem.

Yours truly,

Representatives of
Initiative committee of Velchevtzi & Chehlevtzi neighbourhoods

Nikolay Nikolov

Initiative committee of Dyado Dyanko & Hadji Tzonev Most neighbourhoods

Rossen Dimov.....

Encl.:

1. A Complaint by WWF DCP Bulgaria – signed by the representatives of the above-mentioned Initiative committees as well;
2. A copy of a letter from Ministry of Environment and Water regarding the approval of RIA Investment intent;
3. A copy of a letter from Ministry of Environment and Water to the Supreme Administrative Court of Bulgaria regarding complaints by WWF, Nikolay Nikolov and Rossen Dimov;
4. A topographic map – M. 1: 25 000 with RIA Route and Musman Rout drawn on it.