

**The Initiative Committee
Of the residential quarters:
“Chehlevtsi”, “Velchevtsi”
“Diado Dianko”,
“Hadji Tsonev most”**

**GABROVO
20.11.2015**

**To
The Committee of Petitions
Of the European Parliament**

CC
European Commission
DG Regional and Urban Policy

Dear Sirs and Madams,

We are writing to you requesting your cooperation after more than six years, since our petition N1532/ 2008 regarding a project for the construction of Gabrovo west by-pass road and a tunnel under Mount Shipka (CHAP/2010/02268) was accepted. Although the petition was closed, the citizens of Gabrovo once again are facing the same problems as the project is in execution despite the numerous proved law violations and bad impact. We are requesting your help due to obvious denial of justice at national and European level.

I. The projects violets the European Union legislation.

1. In 2012 the environmental impact assessment procedure closed by issuing a statement of assessment by the competent authorities for project approval. In the court trial which followed, the expertise of the experts undoubtedly showed **false data in the Environmental Impact Assessment Report in regard of the distances** between the road and people's homes. That means that the conclusions about the potential impact on people have been manipulated (pollution, noise, visual discomfort, etc.) and **the real impact has not been assessed at all**. Despite that the court left the decision of the EIA Report in force and General Directorate “Environment” closed a complaint on the subject Ref. No CHAP(2012)02948 in March 2015.
2. The Report itself proves that habitats suitable for Brown bear breeding dens will be destroyed (the Brown Bear is species whose protection is a priority according to Directive 92/43 and its art. 12/ d forbids destruction of breeding areas.) That fact received no comment by both the court and by General Directorate “Environment”, which closed the above-mentioned complaint.

II. The project execution as it is now will have considerable impact on the citizens of Gabrovo.

- the chosen rout of the by-pass road will directly affect four residential quarters of Gabrovo. That means that it is no solution for the problem of the traffic crossing the town – the traffic is physically transferred from one part of the town to another, from the citizens suffering from it now to other citizens.
- The by-pass is part of trans-European transport corridor No9, with the whole amount of traffic, which as planned will go through the now

peaceful and quiet residential quarters “Chehlevtsi”, “Velchevtsi”, “Diado Dianko” and “Hadji Tsonev most” where thousands of people live. Court expertise shows that the road will be build at 6 to 20 meteres away from most of the houses.

- Part of the rout is planned as a bridge /viaduct/ 640m long and 60 metres high, passing over houses which are not liable to expropriation, e.g. people should go on living under the construction as they are not supposed to get any compensation.
- Court expertise proved the necessity of building side roads at the building stage whose impact has not been assessed in the Environmental Impact Assessment Report.

III. The project seriously contradicts the EU priorities.

The project is part of Operational Program “Transport” (2007 – 2013), funded by the European Fund for Regional Development and the Cohesion Fund. According to Article 1 from the regulation 1084/2006 “1. A Cohesion Fund is hereby established for the purpose of strengthening the economic, social and territorial cohesion of the Union in the interests of promoting sustainable development.” Article 4 Number 8 in European Fund for Regional Development Regulation 1080/2006 states that ‘.....transport investments, including improvement of trans-European networks and links to the TEN-T network; integrated strategies for clean transport which contribute to improving the access to and quality of passenger and goods services, to achieving a more balanced modal split, to promoting intermodal systems and to reducing environmental impacts’. However, for thousands of citizens of Gabrovo, the effect of this project realization will be just the opposite – increase of the negative impact on the environment and their health, deterioration of their living conditions and only dreaming of sustainable development.

Considering the new development of the problem, we would like to ask you to consider our petition and put the problem forward to discussion in the European Parliament as well as to take steps, within your power, for renewing the approbation procedure and putting the project financing under the Operational program into a standstill.

If you need any information do not hesitate to contact us.

Attachments:

- copies of almost 700 personal objections handed by citizens living in the four residential quarters;
- a copy of the signal handed in Sofia prosecution – No 24308/ 2015.

**Yours faithfully,
Nikolay Nikolov**

/a Bulgarian citizen/ on behalf of the Initiative Committee

Appendix: Additional information related to the project problems.

1. The approval of the by-pass road route is accompanied with numerous violations in the EIA Report and the approval of the detailed development plan. We have handed in a referral at the prosecution regarding those violation, which are actually crimes, and some checkups are being done presently.
2. Another problem is the approval of a plan with a short tunnel (only 3.2 km) instead of that with 7.1 km long tunnel. That means that 15 to 40 meter wide road will be built in the central and one of the wildest parts of Nature Park “Balgarka”, conserving oak forests, areas supplying water to Gabrovo and Tryavna and also part of Natura 2000 European network. According to us that will destroy that park area. In 2014, a team of experts developed a plan for the management of Nature Park “Balgarka” and they clearly stated that the central zone, through which the route will be passing, is well preserved, with a variety of flora and fauna species, which makes it extremely valuable.
3. Thirdly, that project is financially inconsistent and the road will not be used as the Bulgarian government presents it - as part of an international transport corridor.
4. Presently, the Prosecution is informed about the violations in the EIA Report /a signal to Sofia Prosecution No 24308/2015/ as well as about the numerous law breaches committed by the people who had written the Report, quite possibly with the knowledge and participation of highly positioned government representatives of Road Infrastructure Agency. There is also another important fact – the contradiction between the Common development plan and Stage three of the by-pass route going through Velchevtsi residential quarter. That contradiction is the subject of an administrative case No 89/2015, whose claimants are directly affected by the project citizens.
5. A presentation on the “Transport” Operation Program webpage shows a *Common General plan for Transport Development of Bulgaria* from 2010 which states that for the route Russe – Macasa the road goes via Veliko Tarnovo, the Republic Pass and Dimitrovgrad: ‘.....two options for road improvements of that corridor were discussed. Both of those have common parts to the north and to the south but two alternative routes across the Balkan: the west route with a tunnel under Mount Shipka and the east route across the Republic Pass. Each of them will achieve the same purpose for providing a better high-quality strategic North-South road connection through Central Bulgaria, but the route under Mount Shipka will require new access roads and a tunnel which will make the project far too expensive and it also will have a great negative impact on the environment. The cost-benefit analysis defines the route via the Republic Pass as the better one.’

The cost-benefit analysis of Gabrovo By-pass road with tunnel under Mount Shipka project provided by the Ministry of Transport, Information Technologies and Communications does not make any comparison between the Mount Shipka tunnel and the Republic Pass. The conclusion is that the result of the cost-benefit analysis in the Common General Transport Plan which benefits the Republic Pass route has not been rejected.