
Position of EA “Za Zemiata” on OP “Transport connectivity” 2021-2027 Vers. 3

Deficiency in the process of planning and the working group

The working group /WG/ was urged by the Ministry of Transport to fulfill its tasks in the short term of three months between December 2019 - March 2020. In the pandemic situation of COVID 19, this three-month period was reduced merely to two meetings - in December 2019 and in March 2020.

At the first meeting, the policies in the area of transport for the program period were presented within 30 minutes and another 30 minutes were dedicated to introducing of the EU Regulation for the period 2021-2027 and presenting the general vision for the program development.

Actually, in the first presentation the projects to be included in the new program were also pointed out, and in the second one, we were informed about the goals already defined by the administration of the program and beneficiaries.

Given the format set in this way the comments and recommendations of the members of the WG were brought down to specific proposals in the given text in accordance with their narrowly profiled expertise. The main strategic issues and goals were not questioned, discussed properly, and remained in their initial variant, presented by the administration of the Ministry of Transport.

The WG failed to fulfill its main tasks and goals, specified in art. 10 of Decree N 142/2019 of The Council of Ministers and in the Internal Rules of the WG /art.3/ as follows:

- Is in charge of the preparation of the draft relevant OP ;
- Analyzing the priorities of the Republic of Bulgaria and the sector strategies in the field and preparing a motivated proposal to the Council for coordination the governance of The EU Funds for featuring additional priorities and measures in the Program when necessary;
- Ensures the correspondence of the Program with the principles of Partnership and multi-level governance, and with the applicable European and national legislation;
- Ensures the fulfillment of the thematic key conditions in the sector and provides information about the progress of their implementation to the WG of the Partnership Agreement;
- Monitors the changes in EU legislation and reports the necessary changes and updates the draft of the Program;
- In performing its functions the OP’s working groups interacts with one another and with the PA WG by regularly exchanging information about the progress of their work.

Identifying this risk and aiming to avoid the perfunctory function of the WG we proposed in an official statement a different approach, that will enable the members of the WG to obtain the necessary information upon the horizontal strategic issues, to make references to the National Energy and Climate Plan, and also the coordination with the other Operational Programs related to the transport priorities and the full-value participation of the WG in establishing the goals, priorities, and projects of the OP

"Transport connectivity".

Our recommendations and proposals were not accepted or even put on a discussion.

Strategic Issues

In the National Energy and Climate Plan of Bulgaria 2021-2030 there is detailed data provided and analyzed about the transport system.

As it was correctly pointed out in the draft, the climate problems in the transport sector in Bulgaria are mainly connected to the following:

- *"It is one of the largest greenhouse gas emitters, marking a constant growth, but till now quite underestimated in regards to its impact on the climate change." /p.11/*
- *"Since 1991 the fuel consumption is constantly increasing mainly due to the road/motor vehicle transport." /p.132/*
- *"During 2012-2016 the energy consumption has increased more significantly in the Transport sector - with 16,6% for the whole period." /p. 141/*
- *"The low decreasing Energy intensity rates 2012- 2016 are due to ...increasing the number and the usage of personal motorcars for the other more energy effective types of transports, bad technical conditions of the large part of the vehicle fleet and the more long-lasting and large-scaled traffic jams in the big city center, where the traffic is concentrated." /p.142/*
- *"In 2017 the transport sector has 34% of the total energy consumption and kept its leading position for the last 10 years." /p.150/*
- *"The oil and gas import is carried out mainly from The Russian Federation. Any cases of a sudden interruption of the supplies for a longer period will have a negative impact on all areas of the national economy, including the transport." /p.152/*

According to all the main indicators, the drafted Plan shows that by 2030 the transport sector in Bulgaria shows no intention to significantly improved and will remain a hostage to the present negative tendencies:

- Table 5, p.56 shows that even if all the pledged measures in the transport sector are accomplished the CO2 emissions, the pollutant methane and nitrogen oxide, and generally greenhouse gases **will have only an insignificant decrease**. In 2030 for the last is estimated value of 8989,77 CO2e/kt versus 9014,03 CO2e/kt in the basic 2015.
- Diagram 3, p.53 **shows an increase in the total energy consumption** in the transport section, which in 2030 is expected to be 434777Gwh.
- The forecast for 2030 is an **increase of the share of the road transport** to 78 315 Mpkm, from which private passenger - 64 577 Mpkm, public passenger - 13 738 Mpkm and significant increase of the cargo transport with 19 287 Mpkm /diag. 6, 7 p. 57.

- Insignificant increase of the railway transport both for passengers and cargo.

The above-listed data and conclusions show a state of this vital economic branch that **does not correspond to the European development goals**, but more importantly – the existent transport sector is far from the goal to provide effective and efficient transport services, high quality of the environment and public health, indispensable to the Bulgarian consumers.

As far as this concerns the work on designing the OP “Transport connectivity”, the current data and forecasts show that the OP “Transport and transport infrastructure” 2014-2020 has not only failed to achieve its main goal for sustainable transport system, but the unsustainable trends will continue to deepen the problem with a horizon to 2030, despite all planned goals, measures and investments, including these under the present OP’s. For the Bulgarian citizens, these negative tendencies mean that:

- Expensive and carbon-intensive individual transport and the immanent related road accidents, traffic jams in the cities and at their way in or out, expensive maintenance of the obsolete vehicle fleet;
- Deteriorating quality of the public transport services and respective mobility restrictions and obstacles affecting vulnerable groups of citizens;
- Non-competitive and vulnerable to global, regional, and local crises cargo transport service;
- Bad quality of the environmental conditions and associated health problems;
- Risk of higher sanctions for non-conformity with the obligations under the national and European climate and environmental legislation.

These conclusions can also be confirmed by the indicators of operation in the Annual reports for 2019 and 2020 and the Evaluation of the progress of the OP “Transport and Transport Infrastructure” 2014-2020 and Contribution to the EU Strategy from Dec. 2020¹.

Regardless of the interpretation of the Managing Authority in the Annual Report for 2020 /resume of the assessments, p. 37-38/, we can quote down below the following observations from the Evaluation Report:

*“The results of the analysis of financial and physical progress under the priority axes of the programme **show a significant delay in the implementation of projects** under priority axes 1, 2 and 4 of the programme.”*

*“There are **several unresolved issues from the previous programming period**, related to lengthy appeals against tender procedures, complex coordination, and land acquisition procedures, which lead to serious delays in project implementation (in some projects for years) and **risk of failure to achieve the programme objectives**.”*

*“The analysis shows that a large part of the projects included in OPTTI has a low degree of project maturity. This leads to **serious delays and creates a risk of incompleteness of the projects by the deadline** when the costs for them should be reported (31.12.2023)”*

*“Financial corrections were imposed on all studied priority axes (1-4), as their **total value amounted to BGN 72,458,339.18**, which represents about 2% of the grants under the programme. The main reason for*

¹ <https://www.eufunds.bg/en/optti/node/6553>

imposing financial corrections is a violation of the Public Procurement Act in the selection of contractors for projects.”

“The deadlines for implementation of some of the projects (under PA1, PA2, and PA4), which contribute to achieving the values of the indicators under the priority axes, are in 2023, i.e. close to the end of the programming period. This exposes at risk the achievement of the final targets of the indicators for both progress and results under each of these axes.”

Taking into account also several modifications of OP "Transport and transport infrastructure", the fourth of which transfer EUR 100 mln. to OP "Innovation and Competitiveness" we consider that these problems are to a great extent due to bad planning and risk assessment – defects that we indicate also in the present planning process of OP “Transport Connectivity”.

Other strategic problems of the planning process that we have to accentuate are:

- the inadequate procedure of Environmental Impact Assessment, which formally stamps all of the listed projects without any proposal for more environmentally friendly alternatives and solutions
- non-conformity with the Environmental Impact Assessment measures and recommendations by the Managing Authority and the beneficiaries of the Programme.

As one of the most striking examples that have led to the failure of PA 2 of OP TTI we can point out the history of Motorway Struma Lot 3.2. through Kresna Gorge. The 2008 EIA decision for the whole motorway was with the explicit requirement for a long tunnel outside the Gorge, the Application form for financing the motorway was approved with this specific condition for the construction of a long tunnel which would "avoid the environmentally sensitive Kresna Gorge".

In 2014-2015 National Company "Strategic Infrastructure Projects" respectively Road Infrastructure Agency, using arguments that are still questioned today, has decided to alter the project with the modernization of the road through the gorge – an option rejected in all Environmental assessments thus far.

The MA of OPT did not object to this significant alteration and despite the clear measure laid down in the **Environmental Impact Assessment** that: *“Carrying out prior consultations between the engineer designers and environmental experts at the earliest possible stage of the project designing process, aiming to choose the optimal technical solutions, appropriate for the environment in which they are to be realized.”* with an **expected result**: *“ To avoid conflict between the environmental protection and the proposed technical solutions. Optimization of the EIA and AA procedures.”*

The MA, together with the other responsible institutions Ministry of Environment and Waters and the beneficiary Road Infrastructure Agency have chosen to neglect the proposal of more than 100 experts in **biodiversity** (practically the whole biodiversity scientific community in Bulgaria) to choose a project alternative outside the Kresna Gorge. The position was submitted officially as a statement in due time during the EIA procedure and separately to Road Infrastructure Agency.

The administrative attempt for a new EIA and new Appropriate Assessment decisions were proved as

irrelevant and manipulative towards the environmental protection of Kresna Gorge protected areas and species. The EC services have considered the project through the Gorge as not responding to the requirements of The Habitat Directive, and, in the end, these caused a critical delay of the project and its failure in the period 2014-2020.

Finally, we may conclude that:

- The approach of the MA in designing and approving the OP "Transport and Transport Infrastructure"2014-2020 has been wrong, has caused the failure of the program, and has compromised its environmental effect.
- The formal and uncritical approach of the institution in charge - The Ministry of Environment and Waters towards the Environmental Assessment of the Programme and the EIA's of each of the large projects has led to a certain underestimation of the difficulties in face of the projects and the Programme itself. The two environmental procedures have failed to achieve their goals and never managed to prepare qualitative and realizable projects or to avoid their negative environmental impact.

We should emphasize that the problem with the formal EA and EIA approvals exists almost from the very beginning of the SEA and EIA directives implementation in Bulgaria and it is obvious that the responsible institutions are using the procedures only to "stamp" the already prepared projects and programs, instead of defining and exposing the actual problems and modify and design the programs and projects in such a way that they can adequately face the challenges.

The **multi-criteria analyses** that grade the projects of the present program is to some extent misleading because of the following:

1. Some of the projects are estimated as contributing to the European transport targets and goals of the OP, but they are less or insignificantly contributing rather than other projects at the same state of project maturity. This is valid also for the criteria "contribution to the integration of the national transport system with the European."
2. The criteria "project maturity" is not objective because there are projects with an adequate state of readiness that have not been put in the initial list prepared by the administration (i.e. railway lines Sofia- Thessaloniki or Sofia- Vidin), whereas - others that are constantly „pushed ahead" although they are of secondary importance to the European priorities (railway lines to Republic of North Macedonia or Serbia).

The criteria on the environmental and climate impact are scored with low weight and do not reflect well the specific objectives on Policy objectives 2 and 3 (PA2 and PA3). I.e. For "reduction of greenhouse gases emissions" the project gets only 2 p., while for "conducted expropriation procedures" 6p. or for "conducted tender procedures" 8p.

Assessment and recommendations on the particular projects and their connection with the strategic goals.

We consider that despite the goals written down some of the provided interventions will not lead to the expected positive effect.

1. Under Priority axis 1 - development of the railway infrastructure:

Although it is written down that: " The implementation of the Program will have a concrete contribution over the climate change policy, by increasing the share of the railway transports ", the OP financial distribution of nearly EUR 600 000 000, compared to the EUR 593 000 000 on PA2 clearly shows that there is no such a priority.

After three passed OP the finalization of the modernization of the railway line Sofia- Burgas and Svilengrad, will not happen again. The finish of the lot Elin Pelin- Septemvri will not overcome the narrow passage of the railway line Sofia-Plovdiv and will be able to produce the desired effect of increasing the share of railway transports only if and when the organization of the services starts to provide faster and more secured transports than the road transport on Trakiya and Maritza Highways. In the text of the OP should be provided how this will be realized for achieving the Specific goal.

Indisputably every railway modernization contributes to the more sustainable transport system, but we consider that instead of the planned Sofia-Kalotina and Sofia-Gjueshevo, in the OP should be accomplished other projects as follows: Primarily railway connection Sofia- Thessaloniki, for which there is an EIA permit in force /the validity of which is soon to expire/, and which will be a real measure for mitigating the road traffic impact in the conflict Kresna Gorge, decreasing the number of traffic accidents and protecting the biodiversity. Secondly, the railway connection Ruse - Sindel. In the present traffic models it is not clear why the modernization of the road corridor Ruse- V. Turnovo is considered as a priority, but the railway connection Ruse-Sindel is not, although through it passes the major part of the cargo between EU and Turkey. In our opinion here the priority should be given to the railway corridor, which will facilitate the transfer of passengers and cargo to the railway.

The present text of the Program promises for a second 7-years period that the railway connection Sofia- Vidin will be submitted for application to the Connecting Europe fund or other financial mechanisms but it is still unclear what has caused the delay so far and is there a risk to be postponed again and to be replaced by other priorities.

These are the three projects we consider to have the most significant output and effect for the EU railway passengers and cargo network /PO 3/ and should be of the highest priority.

The transfer of funds from questionable road projects Ruse-Veliko Turnovo motorway and the Shipka Tunnel toward the above-mentioned railway connections to EU will confirm the declared priority to develop the railway transports and can improve significantly the transport systems before 2030 in the achievement of the engagements of Bulgaria to the climate policies with 2030 horizon

and their facilitation with 2050 horizon.

2. Priority axis 2 on road infrastructure

The planned project Lot 3.2 of Struma motorway was not able to overcome the "bottleneck" in Kresna Gorge as it was planned at OP 2014-2020. With the currently approved project design, this condition will not be achieved again as it sets a maximum speed of 80 km/h within the Gorge, ie. the current plans will lay down another "bottleneck" at the TEN-T corridor for the next 20-30 years.

Taking into account the EC observations on the current option, imposing the withdrawal of the Application form and the fact that at the EIA procedure exist a feasible option for a full eastern bypass of the Kresna Gorge, which meets the environmental concerns and allows the needed speed for a TEN-T corridor, our position is that the both BG and EU authorities should focus on it without further delay.

Regarding the Shipka tunnel, our position is that as infrastructure this project is not necessary as it makes the international corridor Ruse-Svilengrad (Romanian-Turkish border) 100 km longer and most probably the cargo traffic will keep the current way through the Republica pass. The vehicles traveling from Sofia will prefer to reach St. Zagora through the Trakia motorway. The local needs of Gabrovo citizens traveling to the St. Zagora economic zone can be resolved easily and cheaply by the modernization of the existing railway connection between the cities.

The Gabrovo bypass was planned through the suburbs of Gabrovo instead of entirely bypassing the city. The citizens of these suburbs already protested against the project and the direction of heavier traffic there will aggravate the problem. The directives of the EU White book on transport also target to reduce significantly the road traffic in the next 20-30 years, including the one through Shipka tunnel.

In this project, we see the same deficiencies which led to significant delay and non-realization of the Kresna Gorge project. We believe that the national responsible authorities – Ministry of Transport, Ministry of Environment and Road Infrastructure Agency - should give a clear answer to the questions below before the approval of OP Transport connectivity:

1. P. 19 of the conditions and measures at the Environmental Assessment of the Programme requires additional assessment of the project through Natura 2000 protected area and natural park "Bulgarka" after the designation of the specific goals and measures for the protection of these. Currently, there is no clarity on the project maturity in that sense.
2. Reminding that, during the finalized EIA procedure there is **no adequate assessment of the alternatives**. Firstly, there is no assessment of the alternative through the above-mentioned Republica pass. Secondly, a longer tunnel, which will bypass the protected areas as part of the alternatives during the EIA scoping, has not been properly studied in the EIA report.
3. Adequate **cost-benefit analysis of the project is still missing**, including the other two alternatives.

4. The current project will generate negatives (including international²) to the OP “Transport connectivity”, as it will affect, potentially destroy, breeding habitats of Brown bear and other protected species in the area.

3. Priority 3 - Improving intermodality

It is not clear why the multimodal terminal on Port Lom is proposed – the only one with a secondary railway connection, and not Vidin or Ruse where is allocated the biggest traffic of cargo transport, both are international border checkpoints and correspond much better to the Policy objectives 2 and 3.

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² <https://www.cashawards.eu/2021/03/25/bulgaria-by-passes-environmental-concerns-with-a-new-road-cutting-through-bulgarka-nature-park/>