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Republic of Bulgaria
Ministry of Regional Development – DG Territorial
Cooperation Management
**EX-ANTE EVALUATION AND SEA OF THE BULGARIA –
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
IPA CBC PROGRAMME 2014-2020**
Environmental Statement (including Consultation Report)

1. Introduction

According to the SEA Directive 2001/42/EC a Strategic Environmental Assessment (SEA) has been implemented as part of the programming procedure of the IPA CBC Bulgaria- the Former Yugoslav Republic of Macedonia Programme 2014-2020. The Programme's Environmental Assessment has followed the SEA process steps corresponding to the typical programming stages within the Cohesion Policy, as defined in the "*Guidance document on ex-ante evaluation (2014-2020)*". The main purpose of SEA process is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of the Operational Programme (OP) with a view to promoting sustainable development.

This document provides the final **Environmental Statement** of the IPA CBC Bulgaria-the Former Yugoslav Republic of Macedonia Programme 2014-2020. The Statement is prepared based on the Programme's Final Draft approved during the final Joint Working Group meeting held on the 21st August 2014 in Sofia and it includes the Consultation Report.

This final **Environmental Statement** is the last step within the SEA process with regard to IPA CBC Bulgaria- the Former Yugoslav Republic of Macedonia Programme 2014-2020. In June 2014, a SEA scoping process was undertaken to decide upon the scope and level of detail of the information, which must be included in the Environmental Report. Correspondingly, a **Scoping Report** was developed. In July 2014, an **Environmental Report** was issued, providing an environmental assessment of the Draft Programme.

According to SEA-Directive Art. 5 and 6 environmental authorities and the public had the opportunity to express their opinion on the draft OP and the Environmental Report. There were two key stages of consultation within the SEA-process:

- Stage 1: Scoping – Consultation with environmental authorities on scope and level of detail of Environmental Report in Bulgaria and in the Former Yugoslav Republic of Macedonia (14 days-June 2014);
- Stage 2: Environmental Report and Draft Operational Programme – Consultation with the public and the Environmental Authorities on Environmental Report and Draft Programme in Bulgaria and in the Former Yugoslav Republic of Macedonia (30 days-July/August 2014).

Environmental authorities were invited by the Managing Authority (MA) of the Programme to send comments on the Environmental Report and Draft OP, in accordance with national legislation for implementation of SEA Directive.

According to Article 9(b) of this Directive the Environmental Statement, attached to the final Programme, includes a summary of:

- how environmental considerations have been integrated into the programme;
- how the recommendation and comments from the Environmental Report have been incorporated into the Programme and how the consultation responses to the Scoping Report and the Environmental Report have been considered in both the SEA process and the Programme;
- the reasons for adopting the Programme as adopted, in the light of the other reasonable alternatives dealt with.

2. Integration of environmental considerations into the programme

The IPA CBC Bulgaria-the Former Yugoslav Republic of Macedonia Programme 2014-2020 aims to intensify cross-border cooperation between the people and institutions of the region in order to jointly address common challenges and exploit untapped potentials (Overall Objective). The overall Strategy of the IPA CBC Bulgaria-the Former Yugoslav Republic of Macedonia Programme 2014-2020 is embedded in the superordinate objectives and strategies of the EU, in particular the EU 2020 Strategy.

The 3 selected thematic priorities have been structured into three **Priority Axes** (PA), which reflect the needs and challenges as identified in the situation analysis of the Programme area:

THEMATIC PRIORITY	PRIORITY AXIS	SPECIFIC OBJECTIVE
2. Protecting the environment and promoting climate change adaptation, risk prevention and management	1. "Environment"	SO-1.1. Environmental protection and sustainable use of the common natural resources of the CBC area SO-1.2. Risk prevention and mitigation the consequences of natural and manmade hazards and disasters in the CBC region
4. Encouraging Tourism and cultural and natural heritage	2. "Tourism"	SO-2.1. Enhancing the tourism potential of the region through better preservation and sustainable utilization of natural and cultural heritage SO-2.2. Raising the competitiveness of the CBC region's tourist offer SO-2.3. Promoting cooperation among regional actors in the area of sustainable tourism
7. Enhancing competitiveness, business environment and the development of small and medium-sized enterprises, trade and investment	3. "Competitiveness"	SO-3.1. Improving the competitiveness of regional businesses

The strategic goals and Priority Axes are examined in the Environmental Report in order to assess their possible significant environmental impacts.

More precisely, **each Specific Objective included in the different Priority Axes** it is analyzed - taking into account the cross-border actions to be supported – to determinate if it is likely to have a positive or negative impact on the following environmental issues: Air and Climate, Water, Biodiversity, flora and fauna, Water, Soil and Cultural/natural heritage and

landscape (some cross-cutting themes¹ have been integrated into the assessment of the respective environmental issues).

The assessment at the Programme level can only provide a general outline of possible environmental effects (direct, indirect and cumulative). This is due to the fact that more detailed information on the likely environmental effects will occur at the implementation phase of the projects. It has to be noticed that the possible environmental effects and impacts of the Bulgaria-the Former Yugoslav Republic of Macedonia IPA CBC Programme 2014-2020 are primarily of indirect nature (because linked to “soft measures”). In some case - “investments measures” - the effects on the environment issues are more direct.

The Bulgaria-the Former Yugoslav Republic of Macedonia IPA CBC Programme 2014-2020, as assessed in the SEA, complies with the EU, Bulgarian and of the Former Yugoslav Republic of Macedonia environmental priorities and it contributes positively to the achievement of the Environmental Objectives.

As a result of the assessment, no significant negative cumulative impact is expected from activities financed by the Programme. Positive cumulative effects are expected on all environmental issues considered, since the whole Programme assumes protection of environment and sustainable development of productive activities as the strategic approach on which all activities are based, according also to European and national policies.

Most important positive results are expected to be achieved on protection of natural resources of the OP eligible area, thanks to improved capacity to manage critical situations (wood fires and other natural disasters) and to information/training activities and spreading of new ideas, skills and technology, targeted on local authorities and local communities on the importance of the management/protection of natural, cultural and historical heritage of the Region. Preservation and amelioration of water resources are expected as well.

Potential risks for the environment can be linked mainly to the development of uncontrolled initiatives related to tourist sector: structures for accommodation without appropriate infrastructures for water supply and treatment, deficiencies of public transports, proliferation of structures with negative impacts on landscape².

3. To what extent have the consultation responses to the Scoping Report and the Environmental Report been considered in the SEA process and in the Programme?

a. Consultation response to the Scoping report

According to the SEA Bulgarian Regulation for the terms and conditions of the Environmental Assessment of plans and programmes (EA Regulation, Art. 19a) a public consultation of the Scoping Report is obligatory.

The **Scoping Report** was made available to the relevant authorities, which due to their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes, in order to receive their professional comments. All the environmental authorities and relevant bodies of both participating

¹ The identified cross-cutting themes are: “use of renewable energy sources”, “energy efficiency”, “mobility and transport”, “risk management”, “sustainable use of natural resources”, “waste management and prevention”, “adaptation to climate change”, “sustainable tourism” and “environmental education and awareness raising on environmental issues”.

² Some additional negative impacts can be expected during the construction phase of the foreseen facilities, but they can be considered as temporary effects.

countries consulted on the Scoping Report had **14 days to send their remarks**. In this period were received remarks by:

- **Ministry of Environment and Water;**
- **Basin Directorate for Water Management West Aegean – Blagoevgrad.**

All of the observations received were taken into account for the implementation of the assessment of the environmental effects of the Programme and the implementation of the Environmental Report.

b. Consultation responses to the Environmental Report

According to the SEA Directive and the national SEA laws, the **Environmental Report**, its **Non Technical Summary** and the draft OP have been made available to the relevant authorities and the public in both participating countries for the consultation phase of **30 days** (18 July- 18 August).

In the **SEA public consultation process** of Bulgaria-the Former Yugoslav Republic of Macedonia IPA CBC Programme 2014-2020 were received the remarks by:

- the **Ministry of Environment and Water** of the Republic of Bulgaria;
- **Regional Inspectorate of Environment and Water – Blagoevgrad;**
- the **Ministry of Health** of the Republic of Bulgaria.

After the consultation process ended, the SEA experts have produced a final Environmental Report. In general, all opinions, requirements and recommendations received during the consultations are appropriately reflected in the Environmental Report.

In Annex 1 (“Consultation Report”), the table describes, for each observation and recommendation received, the actions carried out in the final versions of the OP and its Environmental Report.

4. To what extent have the recommendation and comments from the Environmental Report been considered in the Programme?

a. Reasons for choosing the programme, in the light of alternatives

The SEA legislation requests also to identify **reasonable alternatives to the Programme**. There is no alternative for a fundamental change of the overall structure of the Programme, as thematic priorities and priority axes have to refer to IPA II regulation and the Framework regulation on the implementation of ETC initiatives.

Furthermore, as the environmental analysis shows, there are no major negative effects expected that could suggest the opportunity to consider an alternative to this Programme: this means that the only alternative that has been meaningfully commented is a **zero-alternative**, the alternative where the Programme is not implemented.

Some suggestions to increase the sustainability of the intervention are indicated in chapter 8 of the Environmental Report.

b. Guidelines for environmental assessment of project applications

As mentioned above, more detailed information on the likely environmental Programme’s effects will occur at the implementation phase of the projects.

For this reason, at project level, the applicants should make an **Environmental Self-assessment** in order to ensure that the Programme will not have any unintentional

environmental effect. An example of possible questionnaire about the environmental impacts of the proposed projects and a set of defined Evaluation Questions to be used as a scoring sheet for the assessment of project applications are proposed in the Environmental Report.

c. Measures for monitoring of the Programme impact

A programme for monitoring the significant environmental impacts by implementing the OP is proposed in the Environmental Report. According to the SEA Directive Article 10, possible significant environmental effects of the implementation of the Programme shall be monitored in order to identify at an early stage unforeseen adverse effects and to enable the Programme's MA to undertake appropriate remedial actions. In detail, at programme level, in order to avoid duplication of monitoring, as required by SEA legislation, appropriate **environmental indicators ("SEA indicators") already defined in the monitoring and evaluation framework of the Programme** are been selected for the environmental monitoring of the OP³.

³ The indicators identified in the Programme correspond to the estimated expected impacts on the environment and human health and, therefore, it is not necessary to supply additional SEA indicators.

ANNEX 1 – CONSULTATION REPORT

Bulgaria - the Former Yugoslav Republic of Macedonia IPA CBC Programme 2014-2020 - Consultations on the SEA Report		
Authorities replying	Observations and recommendations received	Reactions
Ministry of Environment and Water, Republic of Bulgaria	On page 28, third bullet – to clarify whether <i>the EU Danube Strategy</i> is relevant to the programme	<p>Partly accepted and integrated.</p> <p>As remarked in the OP (pag. 7), although geographically only the Bulgarian side of the Programme's eligible area is part of the EUSDR region, synergies between the IPA CBC Programme and the EUSDR are desired as this Strategy is strongly relevant to the OP.</p> <p>For this reason the EUSDR and its Action Plan have already been considered in the environmental policy framework of the OP within the SEA.</p> <p>Nevertheless, as required, it has been in depth clarified the link between the EUSDR and the Programme.</p>
	<p>In subsection 4.1, on page 32, the text „<i>The main strategic objective of the Third National Action Plan on Climate Change 2013-2020 is to outline the framework for action in the fight against climate change for the period 2013-2020, and to turn the country's efforts to actions that reduce the negative impact of climate change and the implementation of commitments. The main goal of the plan is reducing greenhouse gases in Bulgaria and implementation of existing EU legislation in the field of climate change.</i> “</p> <p>to be amended as follows:</p> <p>„<i>The main strategic objective of the Third National Action Plan on Climate Change 2013-2020 is to outline the framework for action in the fight against climate change for the period 2013-2020, and to turn the country's efforts to actions that reduce the</i></p>	<p>Accepted and modified.</p>

	<i>negative impact of climate change and the implementation of international and European commitments. The main goal of the plan is reducing greenhouse gases in Bulgaria and implementation of existing EU legislation in the field of climate change”</i>	
	On p. 38 to refine the purpose of the Water Framework Directive set out in the first bullet point, given that the ecological and chemical status relate to surface water and the quantitative and chemical status – for groundwater;	Accepted and modified.
	In 4.3 and 5.4. information used for groundwater is only for nitrate, indicating that not all sources of information were analysed, including reports on the Water Framework Directive;	<p>Partly accepted and integrated.</p> <p>The paragraph 4.3 already contains references (EU/national/regional legislation and policies) to protection of groundwater from pollution caused by urban and industrial wastewaters, and not only by nitrates from agricultural sources.</p> <p>Nevertheless new information have been added in the Environmental Report, also regarding the Drinking Water Directive and “the IPPC Directive”.</p> <p>For the Former Yugoslav Republic of Macedonia the paragraph 5.4 encloses lots of information on the distribution of groundwater bodies and their status in accordance with the data available in the Basin Directorate for Water Management.</p> <p>As requested, for Bulgaria new information on the chemical status and quantitative status of groundwater bodies in the West Aegean basin have been added - on the basis of data available in the EU Commission SWD (2012) 379 final.</p> <p>It has to be noticed that in integrating paragraph 5.4 information on cross-border groundwater between Bulgaria and the Former Yugoslav Republic of Macedonia have also been provided.</p>
	A recommendation is not taken into account (according to a letter of MOEW with	Partly accepted and integrated.

	<p>outgoing № EO-22/03.07.2014 r. on the ToR for scope and content of the EA report):</p> <ul style="list-style-type: none"> - to provide information on cross-border groundwater determined between Bulgaria and Macedonia; - report on EC to include specific targets for water as an assessment of flood risk; prevent accidental contamination of surface waters; conservation of areas of water protection, including: sanitary protection zones for drinking water, nitrate vulnerable zones under the Nitrates Directive, sensitive areas under Directive 91/271/EEC; sustainable water use, including introduction of rotations for water use in industry, local treatment of industrial waste water. 	<p>An specific environmental objective regarding prevention of flood risk is already included in the environmental objectives' list.</p> <p><i>With regard to the recommendation on cross-border groundwater see response to previous observation.</i></p>
	On pages 41, 50 and 53 the word „recover“ to be replaced with „recovery“;	Accepted and modified.
	On page 125 in the table on the management of packaging waste to add unit	<p>Not accepted.</p> <p>The unit is already reported in the table's title: "Packaging placed on the market (tonnes) and packaging waste recycled (tonnes) in 2011, by material".</p>
	<p>In terms of recommendations to mitigate the significant negative effects (presented in section 8 of the EA report) we propose to include the following:</p> <ul style="list-style-type: none"> ○ Investment proposals / plans, programmes or projects that require EIA / SEA (under Chapter VI of the EPA) and assessment of compatibility with the object and purpose of the conservation of protected areas (under BDA) to be approved under the particular law only after a ruling by an act of reconciliation by the competent environmental authorities and in compliance with the recommendations of the evaluations, as well as conditions in the act; ○ For Priority Axis 1 "Environment": When carrying out activities near or within protected areas, protected areas and historical monuments, beneficiaries are required to monitor and report on the manner of compliance regimes and restrictions recorded in management plans and ordinances for the specific areas and localities; ○ For Priority Axis 2 "Sustainable tourism": Development of tourist packages should recognize that activities such as outings "safari" and runs "off-road" with the observation of rare and endangered species are not eligible because they lead to significant damage to the environment and biodiversity. 	Accepted and modified.
	The draft Programme for each priority proposed common indicators and result indicators, some of which are inherently indicators of environmental impact resulting from the implementation of the programme. The same are included in par. 10 of the	<p>Accepted and integrated.</p> <p>Furthermore, it has to be noticed that the identified indicators have been updated in</p>

	EA report, as provided for and identify indicators of impact on the environment and human health, which can be determined for each project during the implementation of the programme. In this regard, note that the indicators identified in the programme correspond to the estimated expected impacts on the environment and human health and we do not consider it necessary to supply additional indicators.	relation to the last version of the OP.
	The managing authority of the programme should consider periodically (according to the frequency of reporting and reporting indicators of the programme) to prepare and present reports data on indicators to monitor the impact on the environment and human health in the implementation of the programme in the Ministry of environment and water for approval pursuant to Art. 30, paragraph 1 of The Ordinance on conditions and procedures for environmental assessment of plans and programmes.	For MA to react
Regional Inspectorate of Environment and Water – Blagoevgrad	RIEWs Blagoevgrad has no comments and suggestions on the Environmental Assessment report for Programme CBC PA Bulgaria - Macedonia 2014 - 2020	-
Bulgarian Ministry of Health	In the table in paragraph 4.3 in column 1 "applicable law and policies" to add also the Drinking Water Directive (98/83/EC) and Bathing Water Directive (2006/7/EC). These two documents are directly related to the eligible activities under the priority axes of the programme related to improving water quality, incl. those used for drinking purposes and bathing water, as well as actions to improve the water and sewerage infrastructure.	Accepted and integrated.
	In the table in paragraph 4.5 in the column "Applicable law and policies in Bulgaria" should be indicated also the Health Law.	Accepted and integrated. It has to be noticed that references to Health Law have been also integrated in the tables in paragraphs 4.1 and 4.3.
	We recommend in Chapter 5, reviewing the current state of the environment to be completed with a brief analysis and evaluation of health - demographic indicators of the population in areas that will be covered by the programme. Also to make an analysis of available data on the effects on human health of existing environmental problems in these areas.	Accepted and integrated. A new paragraph on "Population and Human Health" has been added under Chapter 5 (see new paragraph 5.6). Population distribution and demographical features regarding areas that will be covered by the Programme, together with socio-economic situation of the population,

		<p>are already deeply described in Annex 7.4 of the IPA CBC Programme's text (see there).</p> <p>It has to be noticed that some important considerations on human health are also provided in Chapter 5 within the analysis of other components of the environment (particularly, Air and Water), especially in relation to specific environmental problems existing in the Programme's eligible areas.</p> <p>Furthermore, chapter 8 provides the evaluation of the expected effects and impacts of the envisaged actions on population and human health.</p>
	<p>The information in paragraph 5.4 regarding the current state of water (surface water, ground water, drinking water, bathing water) has been developed in great detail for the Republic of Macedonia, while data for Bulgaria are too general and scarce. We consider that these data should be completed and presented the way it is done for Macedonia.</p>	<p>Accepted and integrated.</p> <p>Data regarding drinking water have been added in paragraph 5.4; particularly, data on:</p> <ul style="list-style-type: none"> - drinking water used by households from public water supply, average per capita – total for Bulgaria; - drinking water used by households from public water supply, average per capita – by Bulgarian areas that will be covered by the Programme; - drinking water used by households from public water supply, average per capita – West Aegean River Basin District (RBD) and sub-RBD. <p>Furthermore, information on inland bathing water quality, based on Bathing Water Directive Report 2013 (EEA), have been integrated in paragraph 5.4.</p>

		<i>For the integration of further required information see response to the 4th observation by Ministry of Environment and Water, Republic of Bulgaria.</i>
	At some places in EA report there are discussed objects falling outside the territorial scope of the programme (eg. "Ogosta" lake and river valley Ogosta, which are located in Montana district that is not covered by the programme). These text should be deleted.	Accepted and modified.