



ANNEX 5

**Strategic Environmental
Assessment (SEA) process
- Joint Operational Programme
Black Sea Basin 2014-2020 -**

Final draft 30 June 2015

Table of Contents

Strategic Environmental Assessment (SEA) process - Joint Operational Programme Black Sea Basin 2014-2020 -	1
1. Introduction	1
2. SEA Directive and requirements	1
3. EC guidance on the conduct of SEA for ENI CBC programmes	1
4. Legal requirements in the MS hosting the MA – Romania	2
5. SEA process for the Black Sea Basin ENI CBC programme 2014-2020	3
a. BSB SEA process in Romania	3
b. Consultations with environmental authorities in the countries participating in the programme	4
6. Conclusion of the environmental authorities of the participating countries	5
7. Overall conclusions	6
Attachments	6
Attachment 1 – Nominated environmental experts at national level	6
Attachment 2 – Note on the preparation of BSB SEA process and initial assessment	6
Attachment 3 – Decision on Romanian eligible area	6
Attachment 4 – Results of the consultation with environmental authorities in participating countries	6

Strategic Environmental Assessment (SEA) process - Joint Operational Programme Black Sea Basin 2014-2020 -

1. Introduction

According to article 4.5h of the CBC Implementing Regulation (897/2014), ENI CBC JOP should include “(h) information on fulfilment of regulatory requirements laid down in Directive 2001/42/EC of the European Parliament and of the Council”, i.e. the directive on the assessment of the effects of plans and programmes on the environment, the so called Strategic Environmental Assessment (SEA) Directive.

This report provides information on how the requirements of the directive were fulfilled for the Black Sea Basin (BSB) ENI CBC programme 2014-2020 including consultations with participating countries and the results of the process. It also outlines the requirements of the SEA Directive and also the EC guidance on the conduct of SEA for ENI CBC programmes issued by INTERACT ENPI.

A draft of this report was consulted with the countries participating in the programme and was updated following this consultation.

2. SEA Directive and requirements

The purpose of the SEA Directive (Article 1) is to “provide for a higher level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development”.

Article 3 of the SEA Directive (especially 3.2 and 3.4 in this context) sets the scope when a SEA should be carried out for a particular programme, namely:

- (1) A full environmental assessment is automatically required when programmes in the sectors mentioned in article 3.2 and meet the provisions of article 3. This refers to programmes that set the framework for consent for projects with work components listed in annex I or II of the EIA Directive (87/337/EEC), or which in view of the likely effect on sites, have been determined to require an assessment pursuant to art. 6/7 of the Habitat Directive (92/43/EEC).

OR

- (2) The need for a full environmental assessment is determined following a ‘screening’ process for all programmes not falling under (1) above to determine whether the programme sets the framework for future development consent of projects likely to have a significant effect on the environment.

3. EC guidance on the conduct of SEA for ENI CBC programmes

The SEA Directive does not specifically address cross-border cooperation programmes with Partner (third) Countries. In order to guide the responsible authorities, the EC (DG for Development and Cooperation –

EuropeAid, Unit F3) issued a *Guidance Note on Strategic Environmental Assessment (SEA) in the context of ENI CBC*ⁱ (hereafter, the EC guidance) to the Joint Programming Committee (JPC) Members of the ENI CBC Programmes on 6 June 2014.

The aim of the EC guidance is to provide Managing Authorities (MAs) with an interpretation of the SEA Directive in the context of ENI CBC, including the necessary legal steps for the conduct of the SEA process and the different actors to be involved in these steps. It does not substitute for the SEA Directive, and should be read in conjunction with the directive. The guidance illustrates the theory with examples from ENPI CBC programmes for the period 2007-2013. Finally, it provides the minimum information required by DG Environment during inter-service consultations following the submission of the programmes to the European Commission (EC) for adoption.

According to the guidance, the following steps should be taken:

- Identification of the relevant environmental authorities in all participating countries,
- Decision on whether a full SEA is required or not.

And, if a SEA is required:

- Determination of SEA scope and preparation of an environmental report
- Consultations of the environmental authorities and the public
- Inclusion of environmental report conclusions and consultations results in the JOP
- Adequate monitoring of recommendations
- Informing the consulted authorities and the public about programme approval

According to the EC guidance, it is the responsibility of the Member State (MS) hosting the Managing Authority (MA) for the programme to determine, according to its national legislation, how to conduct the SEA process.

When a screening procedure is required to determine whether the programmes will have significant environmental effects, the MA should conduct this according to its national legislation and, whenever possible, in consultation with the nominated environmental authorities in all countries participating in the programme. The screening procedure should be adapted to the needs of the particular programme and countries and should be based on criteria set out in Annex II of the SEA Directive.

If the screening concludes that a full SEA is not necessary based on the criteria of Annex II of the SEA Directive, a statement confirming that the SEA is not applicable, and a note on the screening conclusions explaining the reasons for not requiring a SEA, need to be published and included in the JOP.

4. Legal requirements in the MS hosting the MA – Romania

The MA for the Black Sea Basin is the Romanian Ministry of Regional Development and Public Administration (MDRAP), Directorate for MA European Territorial Cooperation Programmes. The responsible environmental authority in Romania is the Ministry of Environment, Water and Forests (formerly Ministry of Environment and Climate Change).

According to current practice in Romania, the assessment of such programmes is conducted in line with the requirements of the SEA Directive. The procedure for such assessment is adapted by the Ministry of Environment, Water and Forests (MoE), on a case by case basis, according to the SEA Directive and the Government Decision establishing the procedure for the environmental assessment of plans and programmes (Hotărârea Guvernului nr. 1076/2004, Government Decision).

ⁱ Prepared by INTERACT ENPI

5. SEA process for the Black Sea Basin ENI CBC programme 2014-2020

A meeting between the MA and the MoE, along with experts from the EU project, ENI CBC Support to the preparation of Programmes (SPP), was held in Bucharest on 21 October 2014 to discuss the procedure to be followed for the BSB programme in order to fulfil the requirements of the SEA Directive. In the case of the BSB programme, it was decided to conduct a screening process on whether there are likely to be significant environmental effects in the eligible regions in Romania and to consult the environmental authorities in the participating countries.

The National Authorities (NA) in each country nominated representatives of the relevant environmental authorities in their countries and the MA asked SPP to consult these representatives on their behalf (see Attachment 1 for the list of nominated representatives and national environmental authorities).

In addition to consulting participating countries, together with the MA and the Romanian MoE, support by the SPP project included:

- A review of programme strategy and indicative activities against relevant Romanian legislation to determine if a SEA is compulsory
- The conduct of a screening process (according to Annex II of the SEA Directive) to determine whether future projects are likely to have a significant environmental effects
- Preparation of this report on the screening process, conclusions of the screening process and reasons for these conclusions.

See Attachment 2 for the outline of the SEA process.

a. BSB SEA process in Romania

The process followed in Romania was as follows:

- A committee was established for the assessment of the potential environmental effects of the BSB programme in the eligible regions in Romania (hereafter, the Screening Committee), including representatives of the following relevant organisations as proposed by the MoE: Ministry of Health, National Administration for Waters, Ministry of Internal Affairs (General Inspectorate for Emergency Situations), Ministry of European Funds, Ministry of Agriculture and Rural Development, Ministry of Transport, Department for SMEs, Business Environment and Tourism and public authorities from the eligible regions.
- The main tasks of the Screening Committee comprised (i) screening of the BSB programme, taking into account relevant criteria set out in Annex Nr. 1 of the Government Decision (Annex II of the SEA Directive); (ii) making a conclusion on the need for a full environmental assessment.
- The start of the screening procedure was announced on the MDRAP and programme websites (11&12 December 2014) and also via a notice in the *România Liberă* national newspaper (on 16&19 December 2014). In these announcements, the public was invited to comment on whether the programme was likely to have a significant impact on the environment in the eligible regionsⁱⁱ. The draft programme strategy was made available on the MoE, MDRAP and programme websites.
- A meeting of the Screening Committee was held and chaired by MoE on 15 December 2014. Participants included most of the institutions mentioned above, the MoE, the MA and SPP experts. Documents given to the Screening Committee members included:
 - Latest draft of the programme strategy as approved at the BSB Joint Programming Committee meeting held in November 2014

ⁱⁱ Although public consultation is not required under the EU SEA Directive for the screening process, this was done in Romania as it is required under Romanian law. The public in the programme area had been consulted previously during the development of the strategy.

- EC - INTERACT ENPI Guidance Note on SEA in the context of ENI CBC, accompanying annex on actors and actions and EC letter to JPC members, June 2014
- Minutes of the meeting between the MA and MoE held in October 2014
- The preliminary assessment by the SPP SEA expert on whether the programme is likely to have a significant environmental effect (conducted according to the criteria in Annex II of the SEA Directive see Attachment 2).
- At the meeting, the MA presented the BSB programme strategy, the SPP SEA expert presented his initial assessment of the likely environmental effects of the programme and other meeting participants gave their opinion on whether it was likely the programme would have significant environmental effects in the eligible regions in Romania.
- The draft decision was published on the MoE and MDRAP websites on 6 January 2015 and the public were invited to send comments until 15 January 2015. The draft decision concluded: *“As a consequence, according with the provisions of art. 3 par.(7) of the SEA Directive, the Ministry of Environment, Water and Forests decides that environmental assessment is not required pursuant to art.5 of the SEA Directive for the ENI CBC Black Sea Basin Programme 2014-2020.”* There were no comments received from the public on the draft decision.
- The final decision was issued by the MoE on 27 January 2015. See Attachment 3 for the final decision in Romanian and English. The document is published on the MoE and MDRAP websites together with the *Note on the screening conclusions in the participating countries and the reasons for not requiring an environmental assessment for the Black Sea Basin ENI CBC programme 2014-2020.*

b. Consultations with environmental authorities in the countries participating in the programme

Consultations with the environmental authorities took place from November 2014 – May 2015 with the following authorities as nominated by the NA in the participating countries (see Attachment 1 for the list of contacts and environmental bodies):

- | | |
|------------|--|
| • Armenia | Ministry of Nature Protection |
| • Bulgaria | Ministry of Environment and Water |
| • Georgia | Ministry of Environment and Natural Resources |
| • Greece | Ministry of Environment, Energy & Climate Change |
| • Moldova | Ministry of Environment |
| • Turkey | Ministry of Environment and Urbanisation |
| • Ukraine | Ministry of Ecology and Natural Resources |

An official email communication was sent to the nominated representatives in November 2014 together with the following documents:

- EC - INTERACT ENPI Guidance Note on SEA in the context of ENI CBC, accompanying annex on actors and actions and EC letter to JPC members, June 2014
- Draft of the BSB ENI CBC programme strategy as approved at BSB JPC meetings
- Background information on ENI CBC and the BSB programme, 31/10/2014
- Note for BSB participating countries on SEA process, 31/10/2014

The authorities were also provided with an initial assessment of the programme performed by the SPP SEA expert on behalf of the Managing Authority (referred to above and provided in Attachment 2).

The nominated environmental authorities were asked for their expert opinion on whether the programme is likely to have a significant effect on the environment in the eligible regions in their countries and whether there are national requirements to be followed in this particular instance.

Initially a consultation meeting in Bucharest was envisaged involving all environmental authorities. The aim of the meeting was to have a round table discussion on the possible environmental impacts in the eligible regions in each participating country as well as the procedure to be followed in each country. Due to the time of the year, and busy schedules, the meeting did not take place. Active electronic communication was ensured instead, providing clarifications and answering the questions received from the environmental authorities during the consultation process.

Opinions have been received from all the environmental authorities of the participating countries.

6. Conclusion of the environmental authorities of the participating countries

Based on the internal consultations and own assessments according to their national procedures, the environmental authorities of **Armenia, Georgia, Republic of Moldova, and Romania** have concluded that the Black Sea CBC programme 2014-2020 is not likely to have a significant effect on the environment, consequently, no further action is required at national level. The environmental authorities have largely supported the initial assessment prepared by the MA and the conclusions derived from it (see Attachment 4 for the summary of input from the participating countries).

The environmental authorities in **Turkey and Ukraine** have reviewed the documents supplied. An SEA assessment was not performed as according to current legislation in these countries, SEA is not required. Draft SEA legislation has been developed but is not yet in force.

The environmental authorities in **Bulgaria** carried out a screening procedure on whether there is likely to be significant environmental effects in the programme eligible regions in Bulgaria (in accordance with art. 85, pt. 4 and pt. 5 of the *Law on Environmental Protection*, Art. 4, pt. 1 and Art. 14, pt. 2 of the *Ordinance on the conditions and procedures for environmental assessment of plans and programs*, Art. 37, pt. 4 of the *Ordinance on the conditions and procedures for assessing the compatibility of plans, programs, projects and investment proposals with the object and purpose of conserving protected areas*). Following the screening procedures, the Ministry of Environment and Water decided that environmental assessment is not required for the Bulgarian NUTS II regions included in the eligible area of the Black Sea Basin ENI CBC Programme 2014-2020, the implementation of which is unlikely to have a significant negative impact on the environment and human health. The decision was made based on two conditions related to environmental impact assessment where necessary and good water status and management of flood risk. These conditions have been included in the Attachment 4 and reflected in the relevant part of the programme strategy.

The environmental authorities in **Greece** reviewed the programme in light of the Joint Ministerial Decree. No. 107017/5-9-06 for the assessment of environmental impact of programmes, in accordance with Directive 2001/42/EC (B' 1225) and concluded that a SEA or an ex-ante environmental assessment is not required. It was concluded that the Black sea Basin Programme does not fall under the provisions of the relevant sections of the Joint Ministerial Decree, the Programme is not expected to influence any areas of the Natura 2000 European Ecological Network and that in the context of the specific Programme no projects or actions requiring environmental studies permissions (according to L.4014/2011 (A' 209) and ministerial decree 1958/2012 (B21) are included.

7. Overall conclusions

Based on the assessment of the BSB programme using criteria for determining the likely significance of environmental effects (according to the Annex II of the SEA Directive), and taking into account the opinions received from the environmental authorities of the participating countries, it is concluded that the programme is not likely to have significant environmental effects in the regions eligible for the programme, and a full SEA is not required, for the following reasons:

- The programme allocates financing and sets the framework for the projects and their operating conditions ('soft' type of projects with limited investments in equipment)
- The programme has no influence on the other plans or programmes
- Integration of environmental considerations is stipulated in the JOP; relevant project selection criteria will be applied
- No environmental problems relevant to the programme have been identified;
- The programme is not relevant for the implementation of Community legislation on the environment
- No direct or cumulative effects on environment are expected, while some indirect positive impact estimated in the whole programme area affecting the entire population
- ENI CBC is promoting cooperation across the borders, however, no direct trans-boundary environmental effects are expected
- No risks to human health or the environment have been identified
- Indirect positive impact estimated in whole programme area affecting the entire population
- No vulnerable areas will be directly affected. Intensification of the tourism related activities might potentially lead to an increased pressure on the vulnerable nature areas and cultural heritage objects. To eliminate this potential risk the project applicants will have to carry out the vulnerability assessment of their projects prior applying for financing
- No direct effects on the landscape are expected

Therefore it can be concluded that the regulatory requirements of the SEA directive have been fulfilled in the case of the Black Sea Basin ENI CBC programme, in accordance with national legislation and the guidance on the subject provided by the EC. The nominated environmental authorities in the participating countries have been consulted and it is **agreed that a full SEA is not required.**

Attachments

Attachment 1 – Nominated environmental experts at national level

Attachment 2 – Note on the preparation of BSB SEA process and initial assessment

Attachment 3 – Decision on Romanian eligible area

Attachment 4 – Results of the consultation with environmental authorities in participating countries

Joint Operational Programme Black Sea Basin 2014-2020

Nominated environmental expert at national level for contributing to the SEA for the Black Sea Basin Programme

Country	Name of Environment Ministry/Authority	Name and position of contact person	email	Telephone
Armenia	Ministry of Nature Protection	Ms Eleonora Grigoryan Adviser to the Minister of Nature Protection of RA	interproject@mnp.am	+374 91484820
Armenia	Ministry of Nature Protection	Dr Nune Hovhannisyan Head of International projects management and monitoring division at the Environmental Strategic programmes and monitoring Department	interproject@yahoo.com	+374 93260073
Armenia	Ministry of Nature Protection	Ms Azganush Drnoyan Head Specialist Environmental Expertise SNCO	interproject@mnp.am	+374 93397760
Bulgaria	Ministry of Environment and Water	Ms Silvia Dimitrova Head of Department "EIA and SEA", Directorate "PREVENTIVE ACTIVITIES"	sdimitrova@moew.government.bg	+359 29406219
Bulgaria	Ministry of Environment and Water	Ms Raina Georgieva Chief Expert, Department "EIA and SEA"	rgeorgieva@moew.government.bg	+359 29406282
Georgia	Ministry of Environment and Natural Resources	Ms Nino Tskhadadze Chief Specialist of Water Resource Management Division	ninotskhadadze@yahoo.com n.tskhadadze@moe.gov.ge	+995 322 727226 +995 599 464884 (mob)
Greece	Ministry of Environment, Energy & Climate Change	Ms Thalia Statha EIA/SEA Expert, Special Environmental Service	e.statha@prv.ypeka.gr	+30 210 6417902
Greece	Ministry for Environment, Energy & Climate Change	Ms Evangelia Tsartsou Executive of Unit A, Special Service for the Coordination of Environmental Projects	etsartsou@mou.gr	+30 213 1500963

Joint Operational Programme Black Sea Basin 2014-2020

Country	Name of Environment Ministry/Authority	Name and position of contact person	email	Telephone
Republic of Moldova	Ministry of Environment	Ms Nagornii Maria Head of Policy Analysis, Monitoring and Evaluation Directorate	policy@mediu.gov.md	+373 22204520
Republic of Moldova	Ministry of Environment	Ms Inga Podoroghin Espoo Convention Focal Point, Head of International cooperation and EU Integration Unit	inga.podoroghin@mediu.gov.md	+373 22204505
Romania	Ministry of Environment, Water and Forests	Ms Sanda Petrisor, Head of Impact Assessment Unit Ms Camelia Hintea, Adviser Directorate of Impact Assessment and Pollution Control	camelia.hintea@mmediu.ro	+40 214089537 +40 758232755 (mob)
Romania	Ministry of Environment, Water and Forests	Otilia Mihail, Adviser, Politics, Strategies, Projects & Management of Water Resources Directorate	otilia.mihail@mmediu.ro	+40 214089607 +40 758232752 (mob)
Turkey	Ministry of Environment and Urbanisation	Ms Nihan Şahin Hamamcı Acting Director - Environmental Expert, EIA Training and SEA Section, General Directorate of EIA, Permit and Inspection	nihan.hamamci@csb.gov.tr	+90 312 410 17 37
Ukraine	Ministry of Ecology and Natural Resources	Ms Maryna Shymkus Chief specialist, Unit for state ecological expertise, Department for state ecological expertise and audit, monitoring and technical regulation (tel.,)	m.shimkus@menr.gov.ua	+380 44 2063140, +380 982841994 (mob)



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Note on the preparation of the Strategic Environmental Assessment (SEA) for the Joint Operational Programme Black Sea Basin (BSB) 2014-2020¹

The requirement to carry out a Strategic Environmental Assessment (SEA) is based on the **Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment** adopted by the Council of the European Union on 27 June 2001 (further in the text – SEA Directive).

The purpose of the SEA Directive is to *“provide for a higher level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development”*.

An environmental assessment according to the SEA Directive involves the following steps:

- Identification of the environmental authorities in all relevant countries (partially completed),
- Decision on whether a SEA is required or not (procedure is on-going).

And, if a SEA is required:

- Determination of SEA scope and preparation of an environmental report,
- Consultations of environmental authorities and the public,
- Inclusion of environmental report conclusions and consultations results in the JOP,
- Adequate monitoring of recommendations,
- Informing consulted authorities and the public about the programme approval.

Conduct of the SEA for the Joint Operational Programme Black Sea Basin 2014-2020

In accordance with the EC *Guidance Note on the Strategic Environmental Assessment (SEA) in the context of ENI CBC* (sent to the Joint Programming Committee Members of the ENI CBC Programmes on 06/06/2014 and attached), “It is the responsibility of the Member State (MS) hosting the Managing Authority (MA) to define, according to its national legislation, how to carry out a SEA for the whole programme in accordance with the SEA Directive”.

The decision on whether a SEA is required for the Joint Operational Programme Black Sea Basin 2014-2020 will be made based on a screening procedure conducted by the programme Managing Authority² together with the Romanian Ministry of Environment and in consultation with the environmental authorities in the participating countries. The screening procedure will be built on criteria set out in the Annex II of the SEA Directive.

Consultation with the environmental authorities in participating countries

In accordance with the EC Guidance Note, the designated environmental authorities in the countries participating in the programme must be consulted to determine whether the programme will have significant environmental effects.

¹ Prepared by Valts Vilnītis, SPP SEA expert

² Ministry of Regional Development and Public Administration, Directorate - MA European Territorial Cooperation Programmes





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The preliminary expert opinion of the Environmental authority might be provided either as a free form justified expert opinion or in a form of the completed checklist using the criteria for determining the likely significance of the effects (according to the Annex II of the SEA Directive).

On behalf of the Managing Authority (MA) an initial assessment of the programme has been performed by the SPP SEA expert. The results of this assessment are summarised in the table below.

Criteria for determining the likely significance of effects (according to the Annex II of the SEA Directive)	SEA expert preliminary assessment	Is there a significant effect?
The characteristics of plans and programmes, having regard, in particular, to		
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The Joint Operational Programme Black Sea Basin 2014-2020 allocates financing and sets the framework for the projects and their operating conditions ('soft' type of projects with limited investments in equipment).	No
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The programme directly does not influence other plans or programmes. The development of the environmentally friendly tourism strategies within the programme activities might have an impact on the tourism programming in the region. A gap assessment has been carried out to ensure consistency with other EU programmes and to avoid covering the elements which are already funded or could more suitably be funded from other ENI or EU programmes.	No
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	For the purpose of ensuring that integration of environmental considerations takes place when developing the concrete projects, this has been stipulated in the Joint Operational Programme. One of the indicative programme activities envisages exchange of best practices on development of environmentally friendly tourism strategies (e.g. improve resource efficiency, waste and pollution prevention/management in tourist areas, guidelines on minimising impacts on biodiversity and enhancing benefits	No





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Criteria for determining the likely significance of effects (according to the Annex II of the SEA Directive)	SEA expert preliminary assessment	Is there a significant effect?
	<p>of tourism in protected areas).</p> <p>In a wider perspective the programme aims to contribute to improvement of the welfare of the people in the Black Sea Basin regions through sustainable growth and joint environmental protection.</p>	
1d) Environmental problems relevant to the plan or programme	None identified	No
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	<p>No direct relevance.</p> <p>The programme will contribute to promotion of the EU waste policy principles regarding reduction, reuse and recycling of waste. The programme will also contribute to awareness raising and education regarding river and marine litter problems.</p>	No
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to		
2a) The probability, duration, frequency and reversibility of the effects	<p>No direct effects from the Programme on the environment are expected.</p> <p>Implementation of the programme will lead to improved availability of cross-border compatible environmental monitoring data and information within BSB and to increased awareness of environmental challenges and good waste management practices related to river and marine litter within BSB.</p>	No
2b) The cumulative nature of the effects	<p>No direct cumulative effects on the environment are expected.</p> <p>The following synergies of the programme can be identified at this stage:</p> <ul style="list-style-type: none"> Enhanced cooperation among local and regional authorities, NGOs and other civil society groups, universities and schools, chambers of commerce, etc. Promotion of local and regional good governance, capacity-building components for local/regional 	No



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Criteria for determining the likely significance of effects (according to the Annex II of the SEA Directive)	SEA expert preliminary assessment	Is there a significant effect?
	<p>authorities and agencies and NGOs;</p> <ul style="list-style-type: none"> The use and development of relevant information and communication technologies to enhance project effectiveness, regional integration/coordination and synergies on results. 	
2c) The trans-boundary nature of the effects	<p>No direct trans-boundary environmental effects of implementation of the programme are expected.</p> <p>The overall aim of the ENI CBC is to “promote cooperation across the borders between EU Member States and the countries on the European Neighbourhood and Russian Federation”.</p> <p>The following results with a cross-border dimension are defined at the programme level:</p> <ul style="list-style-type: none"> Stronger cross-border business opportunities in the tourism and cultural sectors in BSB; Increased cross-border links for trade and modernisation in the agricultural and connected sectors in BSB; Improved availability of cross-border compatible environmental monitoring data and information within BSB. Increased awareness on environmental challenges and good waste management practices related to river and marine litter within BSB <p>The projects will have to contribute to the achievement of the programme results.</p>	No
2d) The risks to human health or the environment (e.g. due to accidents)	No risks to human health or the environment have been identified	No
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	Indirect positive impact estimated in whole programme area affecting the entire population.	No
2f) The value and vulnerability of the area likely to be affected	No areas will be directly affected by implementation of the programme.	No





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Criteria for determining the likely significance of effects (according to the Annex II of the SEA Directive)	SEA expert preliminary assessment	Is there a significant effect?
<p>due to:</p> <p>I. special natural characteristics or cultural heritage,</p> <p>II. exceeded environmental quality standards or limit values,</p> <p>III. intensive land-use</p>	<p>However it should be noted that intensification of the tourism related activities as a result of the promotion of business and entrepreneurship in the tourism and cultural sectors might potentially lead to an increased pressure on the vulnerable nature areas and cultural heritage objects in future. In order to eliminate this potential risk the project applicants will have to carry out the vulnerability assessment of their projects prior applying for financing ensuring that all activities stay within the carrying capacity of environmentally vulnerable areas.</p>	
<p>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No direct effects on the landscape are expected as the programme includes only 'soft' type of activities and limited investments in the equipment.</p>	No
Conclusion:	The Joint Operational Programme Black Sea Basin 2014-2020 is not likely to have a significant effect on the environment.	

It is expected that the environmental authorities, based on the reviewed programme documents and the information provided above, will make their own assessment and formulate their opinion whether the Joint Operational Programme Black Sea Basin 2014-2020 is likely to have a significant effect on the environment.

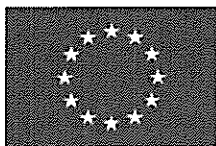
If necessary the environmental authorities may request the advice from the Managing Authority.

Timing

The expected timing of the consultation process is as follows

- Inform Authorities in other countries of the proposed process which will be followed and send them documents (draft strategy document, ENI CBC SEA guidance) **(Oct-Nov 2014)**
- Ask the environmental authorities to submit in writing whether the programme is likely to have a significant environmental effect (in the eligible areas participating in the programme) and whether there are national requirements to be followed in this case **(Nov 2014)**
- Present the process to be followed and draft expert opinion on whether a SEA is required and results of consultation with environmental authorities so far at the Joint Programming Committee meeting **(17-18 Nov 2014)**
- Possible regional meeting in Bucharest to finalise consultation process (with the environmental authorities of the participating countries) **(end Nov 2014)**
- Prepare note **(screening decision)** to be published on the screening conclusions and reasons for not requiring an environmental assessment (if that is the case) **(Jan-Feb 2015)**





Programme funded by the
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*Strategic Environmental Assessment (SEA) process for the
Joint Operational Programme Black Sea Basin 2014-2020*

**Report on fulfilment of regulatory requirements laid down in
Directive 2001/42/EC of the European Parliament and of the Council**

Decision of the Screening Committee on Romanian eligible area - 15 December 2015

English translation for the relevant paragraphs of the final decision:

A screening process has been undertaken for the Joint Operational Programme Black Sea Basin 2014-2020 (Programme), according with the provisions of the Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive).

In this respect, the start of the screening procedure was published in mass-media, and the Programme's strategy was published for public consultation on the websites of the Ministry of Environment, Water and Forests and of the Ministry of Regional Development and Public Administration.

No comments or proposals have been received from the public regarding the mentioned strategy of the Programme.

Consultation of the public health authority, of other authorities likely to be concerned by the environmental effects of implementing the Programme and of the Managing Authority was carried on during the meeting held on 15th of December 2014, according with the provisions of art.3, par.(6) of the SEA Directive.

The priorities and indicative activities of the programme have been analysed based on the provisions of art.3 par.(5) of the SEA Directive, and no projects related to the indicative activities have been identified as likely to have significant effects on the environment and found in annexes I and II of the Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.

As a consequence, according with the provisions of art. 3 par.(7) of the SEA Directive, the Ministry of Environment, Water and Forests **decides that environmental assessment is not required** pursuant to art.5 of the SEA Directive **for the Joint Operational Programme Black Sea Basin 2014-2020.**

The public had the possibility to send comments regarding the draft decision until 15 of January 2015. There were no comments received from the public on the draft decision.

The final decision was issued by the MoE on 27 January 2015 and is published on the MoE and MDRAP websites together with the *Note on the screening conclusions in the participating countries and the reasons for not requiring an environmental assessment for the Joint Operational Programme Black Sea Basin 2014-2020.*

Strategic Environmental Assessment (SEA) for the Joint Operational Programme Black Sea Basin (BSB) 2014-2020

Environmental authority	Armenia	Bulgaria	Georgia	Greece	Moldova	Romania	Turkey	Ukraine
	Ministry of Nature Protection	Ministry of Environment and Water	Ministry of Environment and Natural Resources	Ministry of Environment, Energy & Climate Change	Ministry of Environment	Ministry of Environment, Water and Forests (MoE)	Ministry of Environment and Urbanisation	Ministry of Ecology and Natural Resources
Name and job title of the officer providing the opinion	Dr. Nune Hovhannisyan, Head of International projects management and monitoring division at the Environmental Strategic programmes and monitoring Department	Ms. Raina Georgieva, Chief expert Department "EIA and SEA"	Ms. Nino Tskhadadze, Chief Specialist of Water Resource Management Division	Ms. Tontsion Evgenelia, Executive of Unit A, Special Agency for the Coordination of Environmental Projects	Ms. Inga Podgorghin, Espoo Convention Focal Point, International cooperation and EU Integration Unit	Ms. Saida Petrisor, Head of Impact Assessment Unit Ms. Camelia Hirtes, Adviser, Directorate of Impact Assessment and Pollution Control Ms. Otilia Mihail, Adviser, Policies, Strategies, Projects & Management of Water Resources Directorate	Ms. Nihan Sahin Hamamci, Acting Director of EIA Training and SEA Section, General Directorate of EIA, Permit and Inspection	Ms. Maryna Shymkus, Chief specialist, Unit for state ecological expertise, Department for state ecological expertise and audit, monitoring and technical regulation
Steps taken/process followed (e.g. reference to the relevant/related national legal acts and/or procedures)		Initial statements of the Directorates in the Ministry of Environment and Water and the initial statement of Ministry of Health were provided to the nominated Environmental Authority and an initial expert opinion given. A screening procedure on whether there is likely to be significant environmental effects in the programme eligible regions in Bulgaria was conducted from January-March 2015 (in accordance with art. 85, pt. 4 and pt. 5 of the Law on Environmental Protection, Art. 4, pt. 1 and Art. 14, pt. 2 of the Ordinance on the conditions and procedures for environmental assessment of plans and programs, Art. 37, pt. 4 of the Ordinance on the conditions and procedures for assessing the compatibility of plans, programs, projects and investment proposals with the object and purpose of conserving protected areas)	The provided documents on the Black Sea Basin, ENH CBC Programme 2014-2010 were reviewed and an expert opinion given.	Review of the relevant documents according to the Joint Ministerial Decree No. 10701/5-9-05 for the assessment of environmental impact of programmes, in accordance with Directive 2002/42/EC (8/ 1235)	The SEA expert preliminary assessment was taken into account and the authority's own assessment has been conducted according to criteria set out in Annex II of the SEA Directive.	A screening process was conducted for the BSB Programme according with the provisions of the SEA Directive and in line with national legislation (<i>Hotărârea Guvernului nr. 1076/2004</i>). A Committee of all concerned institutions was established to conduct a screening process for the programme taking into account criteria set out in Annex I of the Government Decision and Annex II of the SEA Directive. The start of the screening procedure was announced in a national newspaper and on the MDRAP and programme websites The draft programme strategy was published on MoE, MDRAP and programme websites for public consultation. The Screening committee met on 15th of December 2014 to give their opinion on whether it was likely that the programme would have significant environmental effects in the eligible regions in Romania. The draft decision published on the MoE and MDRAP websites for public consultation. No comments received from the public on the draft decision. Final decision is published on the MoE and MDRAP websites together with the Note on the screening conclusions and the reasons for not resulting SEA.	All the documents sent were reviewed. Turkish By-law on EIA has been implemented in Turkey since 1993. The projects listed in Annex I and it would be subject to EIA according to the legislation. As the Operational Programmes have a complex and broad content covering various projects, they are not subject to Turkish by-law on EIA. According to the draft by-law on Strategic Environmental Assessment, it is envisaged that Operational Programmes are going to be subject of the Turkish SEA legislation.	According to Article 51 of the Law of Ukraine "On Environmental Protection" projects of economic and other activity should have materials of assessing its impact on the environment and human health. Chapter "Assessment of Environmental Impact" (EIA) is developed in accordance with the requirements of DSN A.2.2.1-2007 "Structure and Contents of Materials on Environmental Impact Assessment (EIA) in designing and constructing plants, buildings and structures." During the meeting of Ministers of Environment Protection in the European countries, held in May 2003 in Kiev, Ukraine joined to the International Protocol on Strategic Environmental Assessment to the Convention on the assessment of the environmental impact in the transboundary context. This protocol is not ratified in Ukraine and for the time being there is not actually impact assessment of plans and programs on the environment. But draft Law of Ukraine "On strategic environmental assessment" with approach according to Directive 2001/42 / EU is developed and posted on the Ministry of ecology and natural resources of Ukraine website for public consultation. The purpose of this law is to determine the scope of the strategic environmental assessment, to establish procedures for its
List of the documents considered								

EC - INTERACT ENPI Guidance Note on SEA in the context of ENI CBC, accompanying annex on actors and actions and Annex II of the SEA Directive see Attachment 3).

The preliminary assessment by the SPP SEA expert on whether the programme is likely to have a significant environmental effect (conducted according to the criteria in Annex II of the SEA Directive see Attachment 3).

Draft programme strategy

Minutes of the meeting between the MA and MoE held in October 2014

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Conclusion	Our expert opinion is that the conclusions correspond to the general conclusion of SEA expert: The Black Sea CBC Programme 2014-2020 is not likely to have a significant effect on the environment and human health.	Based on the prepared initial assessment and draft strategy for the programme (based on the criteria in Annex I) of the SEA Directive for determining the likely significant effects on the environment and human health expected. Although it is noted that the strengthening of activities related to the promotion of business and entrepreneurship in tourism could potentially lead to increased pressure on fragile natural areas and sites of cultural heritage in the future. To eliminate this potential risk, the authors of the initial assessment recommend candidates for projects to assess the vulnerability before applying for funding. Following the screening procedures, the Ministry of Environment and Water decided that environmental assessment is not required for the Bulgarian NUTS II regions included in the eligible area of the Black Sea Basin ENI CBC Programme 2014-2020, the implementation of which is unlikely to have a significant negative impact on the environment and human health.	My expert opinion is that as the programme includes only 'soft' type of activities and limited investments in the equipment, the Black Sea CBC Programme 2014-2020 is not likely to have a significant effect on the environment	Conclusion by N Minallik, the General Director of Environmental Policy: - The mentioned Programme does not fall under the provisions of par.1.a. of art. 3 of the 2nd Joint Ministerial Decree. - Moreover, the Programme is not expected to influence any area of the Natura 2000 European Ecological Network. - Finally, in the context of the specific Programme no projects or actions requiring environmental studies – permissuals according to L.4014/2011 (4) 2009 and ministerial decree 5558/2012 (B21) are included. Consequently, for the above mentioned Programme a Strategic Environmental Assessment or an ex-ante environmental control is not required.	The conclusion corresponds to the general conclusion of SEA expert, and notably that the Black SEA CBC Programme 2014-2020 is not likely to have a significant effect on the environment on the territory of the Republic of Moldova.	Conclusion "..... according with the provisions of art. 3 par.17) of the SEA Directive, the Ministry of Environment, Water and Forests decides that environmental assessment is not required pursuant to art.5 of the SEA Directive for the ENI CBC Black Sea Basin Programme 2014-2020."	As the draft by-law on SEA has not been enforced and there is no implementation yet, it is not possible to assess and formulate any opinion whether the Black Sea Basin ENI CBC Programme 2014-2020 is likely to have a significant effect on the environment in the eligible programme territories in Turkey.	Taking in the consideration the above mentioned, draft ENI CBC programs are not a subject for assessment of environmental impact in Ukraine.
Further steps needed at national level? (e.g. does an official letter need to be issued by the Environment Minister or another official?)	No further action at national level is required	The conclusion by the Ministry of Environment and Water is made on the following conditions: 1. Plans, programs, projects and investment proposals under the program covered by the annexes to the Law on Environmental Protection or outside them and subject to the provisions of Article 31 of the Law on Biological Diversity, subject to assessment their compatibility with the subject of conservation objectives of protected areas and may be approved only after a decision / opinion on the Evaluation of Environmental Impact - Environmental Assessment approval for their implementation and compliance with the recommendations in the evaluations carried out and the conditions requirements and measures laid down in the decision / opinion. 2. Implementation of any actions resulting from programs concerning use or water extraction from surface or groundwater bodies should be consistent for eligibility to environmental objectives and planned measures to achieve good water status in the plans for river basins management, as well as to the purpose of managing the risk of flooding and the measures envisaged in the plans for management of flood risks for the period of action (according to art. 155, para. 1, p. 23 of the Law on Water).	No further action at national level is required	No further action at national level is required	Regarding national requirements to be followed at this stage, the legislation in force does not require public consultation process or other specific procedures. No further action at national level is required	No further action at national level is required	No further action at national level is required	No further action at national level is required
Date	11/18/2014	20/11/2014 & 06/03/2015	12/8/2014	11/18/2014	11/20/2014	5/9/2015	11/7/2014	4/30/2015

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