

Interreg V-A Romania-Bulgaria Programme

Strategic Environmental Assessment - environmental statement

February 2015

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1 Introduction

1.1 Legal background

Interreg V-A Romania-Bulgaria Programme was approved by the European Commission through the decision C(2015) 886/12.02.2015.

The environmental statement is prepared and jointly presented by the Managing Authority and the National Authority for the “Interreg V-A Romania-Bulgaria Programme”, according to the provisions of Art. 9 (1-b) of SEA Directive 2001/42/EC¹.

In compliance with SEA Directive’s requirements, the statement is summarizing:

- how environmental considerations have been integrated into the programme;
- how the environmental report, the opinions expressed by the public and consulted authorities and any other consultations’ results have been taken into account, and
- the reasons for choosing the programme as adopted, in the light of the other reasonable alternatives dealt with.

The Romanian legislation transposing SEA Directive introduced an additional requirement to be answered to in the statement, referring to:

¹ Transposed in Romania by the “Decision of Romanian Government no. 1076/ 2004 regarding the procedure for undertaking the environmental assessment (SEA) for plans and programmes” and in Bulgaria by the “Ordinance for the conditions and order for preparation Environmental Assessments of plans and programmes” - promulgated in SG, issue 57/ 2004, last amended in SG 94/2012.

- how environmental report's preparation comply with provisions contained in Art. 19 and 20 of the national SEA specific legislation².

This requirement mainly refers to the content of the report and to the consultation of concerned authorities during its preparation. In order to comply with this specific requirement, appendices describing the SEA procedure's steps in Romania and, for similar reasons in Bulgaria, are attached to this statement (appendices 1 and 2).

1.2 SEA approach

According to the provisions of section 5.3 from Annex 1 of the "*Ex-ante evaluation guidelines for the programming period 2014-2020*", if the SEA Directive is applicable to a cross-border programme, the **managing authority, consulting the Joint Working Group for Strategic Planning and Programming (during the fifth meeting of the Joint Working Group for Strategic Planning and Programming, held on 6th of March 2014), decided:**

- to elaborate a **joint environmental report**

that was subject to:

- **separate consultations** - in each country - of the environmental authorities and of the public, according to the national specific SEA legislation's requirements.

The **Article 9(1-b)3 statement** was prepared jointly by the Programme's Managing Authority (Ministry of Regional Development and Public Administration of Romania) and National Authority (Ministry of Regional Development of Bulgaria).

² Decision of Romanian Government no. 1076/ 2004.

³ Under SEA Directive 2001/42/EC

2 Integration of environmental considerations into the programme

The integration of environmental considerations into the programme is reflected by the summary of the assessment of the Programme's likely significant effects, as well as by its own content, particularly by the specific objectives under Priority Axes 2 and 3:

- **Priority axis 2: A green region**
 - SO 2.1: To improve the sustainable use of natural heritage and resources and cultural heritage
 - SO 2.2: To enhance the sustainable management of the ecosystems from the cross-border area
- **Priority axis 3: A safe region**
 - SO 3.1: To improve joint risk management in the cross-border area

The environmental report presents the assessment of the likely significant effects from the Programme at two levels:

- Level I: Priority Axes (PA), Investment Priorities (IP), and Specific Objectives (SO); and
- Level II: Indicative Activities (IA).

Qualitative Assessment was undertaken for each component/factor of the environment or social sphere (population, human health, material assets) relevant to the applicable item.

Impacts are assessed with regard to the following aspects, as appropriate: positive/ negative; direct/ indirect; primary/ secondary; permanent/ temporary; short/ mid/ long term; simultaneous and cumulative.

Identified likely significant effects are both positive and negative. Positive effects are mainly related to priorities and indicative actions aimed at development of environmental and social benefits, such as those under SO 3.1 (aimed to improve joint risk management in the cross-border area) and SO 5.1 (aimed to increase cooperation capacity and the efficiency of public administration in a CBC context). Analysis shows that PA3 and PA5 are likely to have entirely positive long term, permanent and cumulative effect. The same applies for the priorities under SO 2.2 aimed to enhance the sustainable development of ecosystems from the cross-border area.

Under the other investment priorities, the strategic investments and relevant indicative activities are likely to have predominantly positive effect, which is likely again to be long term, permanent and cumulative, except for the activities related in the main case with construction works, which are likely to result in short-term temporary adverse effects.

Cumulative effects

No significant negative cumulative impact is expected at the level of **Priority axes, Investment priorities and Specific objectives** of the Programme.

Regarding the **indicative activities**, positive cumulative effect is expected on air/climate, biodiversity, landscape and cultural heritage. Part of the indicative activities under the Programme are aimed at protecting the environment and promoting resource efficiency, enhancing the quality of life of the population and improving the environment in settlements.

This corresponds to the main development strategies and policies for sustainable development at all levels - European (e.g. Europe 2020 Strategy), national (e.g. Regional Development Strategy 2012 - 2022, National strategy for the protection of the biodiversity), regional (e.g. Programme of Measures RBMP of DRBD and BSBD aimed at achieving good qualitative and quantitative status of water), etc. Positive and complex effects on the environment, including on surface water, will be in place during the implementation of the Programme.

In the process of implementation of some activities (PA2 and PA3) positive impact is expected on the hydrology of part of the rivers, which will have a positive cumulative and synergistic character on surface water.

Regardless of the positive influences, the implementation of the Programme may be accompanied by negative impacts on the environment. These effects are expected to occur mainly during the construction of the facilities (transport infrastructure, etc. under priority axis PA 1 and PA 4), but also during operation of the facilities, mainly as a result of accidents, damage and / or incidents.

Possible negative consequences of the development of regional infrastructure may have a negative impact on the areas of water protection under Article 119 of the Water Act. These are related to and depend on future projects to be developed under the Programme, their implementation and physical planning of adequate operational plans, etc.

The likely cumulative effect on the population and human health is entirely positive.

The forecasts at the level of Priority axes, Investment priorities and the specific objectives do not suggest any significant negative, including cumulative impact concerning the other environmental components and factors.

Conclusions

The Programme is not sufficiently detailed to provide for a quantitative assessment. Thus, it has not been possible to say anything other than it may have significant environmental impacts. These impacts may be positive as well as negative and may be expected on most of the environmental factors. The negative impacts will mainly be a consequence of operations focusing on the construction of transport infrastructure. The positive impacts will mainly occur as a consequence of operations aiming at environmental protection.

3 How the Environmental Report and the opinion expressed by the public and consulted authorities have been taken into account?

3.1 To what extent have the consultation responses been considered in the SEA process?

3.1.1 Consultation response to the Scoping report

The process referred to as “scoping” consists in establishing the scope and the level of detail of the information to be included in the environmental report. These are determined in conjunction with the environmental authorities.

According to the “Report (COM 2009/469) from the Commissions to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the application and effectiveness of the Directive on Strategic Environmental Assessment on the implementation SEA Directive (Directive 2001/42/EC)”, the SEA Directive sets limited requirements for the scope of the environmental report. As a result, Member States apply different methods for “scoping”, as well as for consultation of the authorities concerned. In a few Member States, the “scoping” procedure requires consultation of the public, even though this is not an obligation under the Directive.

The scoping report was prepared and submitted to the national environmental authorities in the two countries.

In **Romania**, according to the Article 14 of the Government Decision no. 1076/2004 (transposing SEA Directive) “the scope and level of detail of the information to be included in the environmental report, as well as the assessment of significant effects of the plan or programme on the environment” were established within a **SEA Working-Group**, which was specifically set-up for this purpose. The SEA Working-Group included representatives of the programme’s title-holder, competent authorities for environment and public health and representatives of other authorities concerned about the programme. The scoping report was presented to the working-group and the completion of the environmental report started after all presented issues were agreed. The Romanian legislation does not require public consultation on the scoping phase of the SEA process. Comments on the scoping report received from consulted authorities were accepted without exception and included/ used for the completion of the environmental report.

In **Bulgaria**, consultations on the scope of the Strategic Environmental Assessment with the population, stakeholders and third parties likely to be affected by the programme were performed according to the art. 19 and 19a of the EA Ordinances⁴. The consultations involved the competent authorities (Minister of Environment and Water, Regional Inspectorate of Environment and Water), specialized agencies, public authorities and interested third parties that are likely to be affected by the SEA. The results of the consultations were included into the elaborated SEA report.

3.1.2 Consultation responses to the Environmental Report

In **Romania**, the consultation of environmental and health authorities, as well as of other authorities concerned on the effects of the programme’s implementation was organised in two rounds: firstly within the SEA Working-Group during three meetings where all concerned authorities were represented and secondly during the 45 days when the public consultation took place.

⁴ See footnote 1

The public consultation of the draft Environmental Report took place from 20 June to 8 August 2014 (45 days) and ended with a public debate organised on 8th of August 2014.

All comments received as well as the comments and recommendations from the SEA evaluators are outlined in the table 1-1 of the appendix 1 to this SEA statement.

In **Bulgaria**, consultation of authorities concerned about the programme's implementation effects took place for 30 days in June - July 2014 and was followed by a public consultation of other 30 days in July - August 2014.

All comments received as well as the comments and recommendations from the SEA evaluators are outlined in the appendix 4 to this SEA statement.

The majority of the comments received can be grouped in the following themes:

- The level of detail in the Environmental Report - specifically related to the chapter 3.
- The relationship of the Interreg V-A Romania-Bulgaria Programme with other relevant plans and programmes - specifically related to the chapter 2.

In addition to these themes a large number of comments related to the Programme, more than the Environmental Report.

3.2 To what extent have the environmental report and the results of consultations been considered in the Programme's completion?

3.2.1 To what extent has the environmental report been considered

During the preparation of the programme, SEA team offered recommendations which have been taken into account while completing its further versions.

Some of these recommendations aimed measures for programme's implementation, including:

- completion of the environmental impact assessment and appropriate assessment, when necessary at project's level;
- for projects where zoned land-use plans shall be completed and an appropriate assessment is required, it is recommended to complete the appropriate assessment for the land-use plan, rather than for the specific project;
- accurate environmental monitoring shall be performed during projects' implementation, and, when necessary, new monitoring indicators should be added and updated monitoring plan should be drafted.

The environmental report was taken into consideration while completing the Interreg V-A Romania-Bulgaria Programme and will continue to be taken into account during its implementation.

3.2.2 To what extent the consultation results have been considered in the programme's preparation

As mentioned in section 3.1.2 above, most of the comments received during SEA and programme's consultation related to the programme.

All comments received as well as the comments and recommendations from the programming team are outlined in the appendix 3 to this SEA statement.

4 Reasons for choosing the programme, in the light of alternatives

Many alternatives were considered during the programming process. These alternatives have to some extent been considered because - inter alia - of their alleged environmental impacts. The part of the socio-economic analysis referring to the environment has been considerably improved between different drafts of the OP and in the end a much stronger focus has been given to one of the biggest environmental problems that the programme area is confronting with, namely flooding.

The zero-alternative was assessed and compared in the SEA report with the final alternative of the programme and the result showed a favourable score for the programme's alternative. Considering the specificity of the programme, the zero-alternative cannot solve the environmental problems as identified and presented in the environmental report and these problems are expected to increase dramatically without necessary interventions.

Interreg V-A Romania-Bulgaria Programme
SEA procedure and consultation process in Romania

Introduction

The environmental assessment fully complied with the provisions of **Romanian Government Decision No. 1076 of 8 July 2004** on establishing the procedure for the development of environmental assessment for plans and programmes, transposing **Directive 2001/42/EC** on the assessment of the environmental impacts of certain plans and programmes (SEA) and took into consideration the relevant guidelines and methodological handbooks available at the European and national level.

Based on the provisions of Section 5.3 of Annex 1 of the "**Ex-Ante Assessment Guidelines for the 2014-2020 Programming Period**", the Management Authority decided to prepare a joint environmental report subject to separate consultation in Romania and Bulgaria, under the specific national provisions of each of the two countries.

Also, the Beneficiary's declaration under Article 9(1)¹ will be jointly prepared by the Management Authority (RO) and the National Authority (BG) and made public in both countries.

The strategic environmental assessment of the Interreg V-A Romania-Bulgaria Programme included the procedural steps and sequences provided under the national legislation in force, including consultation of the public, of the environmental and health authorities and of other authorities interested in the Programme implementation, with particular development details as described below.

1 Assessment Procedure Initiation

The SEA procedure for the "Interreg V-A Romania-Bulgaria Programme" started in 31.03.2014 when the Ministry of Environment and Climate Change was notified (Notification No. 16424/31/03.2014) by the Management Authority on its intention to prepare the programme and received its initial version.

¹ Under the SEA Directive 2001/42/CE.

Submission of the notification and release of the first draft of the Programme for public consultation were announced in the mass-media in two consecutive notices, published with a three-day interval. Copies of the public notices are shown in Appendix 5.

Based on the information provided in the first draft of the programme, the Ministry of Environment and Climate Change sent reply No. 10936/08/04/2014 mentioning that *“this falls under art. 5 para. (2) of HG No. 1076/2004 on establishing the implementation procedure for the environmental assessment of plans and programmes and, therefore, must be subject to a mandatory environmental assessment”*.

2 Setting Up the Working Group

Under art. 14 of HG No. 1076/2004, a working group was established by a request for the nomination of institutional representatives sent by the Management Authority for the "Interreg V-A Romania-Bulgaria Programme 2014-2020" to: the Ministry of Environment and Climate Change (Impact Assessment and Pollution Control Directorate, Climate Change General Directorate, Waste and Hazardous Substances Management Directorate), Department for Waters, Forests and Fisheries, "Romanian Waters" National Administration, the Ministry of Health, Ministry of Economy, Ministry of European Funds, Ministry of Agriculture and Rural Development, Ministry of Transport, Ministry of internal Affairs, Ministry of Culture. The letter is included in Appendix 5 of the Environmental Report.

3 Working Group Meetings

The working group meet three times, on 29 April 2014, 13 June 2014 and 18 June 2014.

The first working group meeting established the scope and level of detail to be included in the Environmental Report, based on the scoping report submitted by the environmental expert in charge of preparing the Report. The group also agreed on the specific objectives of the programme, the significant environmental problems, including the state of the environment and its progress in the absence of programme implementation, the measures to prevent/mitigate/ compensate and monitor the significant effects of environmental impacts and established the relevant environmental objectives against the specific programme objectives. The following meetings included presentation of environmental report drafts and the integration of the working group comments into the report drafts, and the programme, respectively, which were then released for public consultation. The submissions to the

working group meetings, attendance lists and minutes are attached in Appendix 5 of the Report.

4 Environmental Report

The Environmental Report was drafted based on the working group recommendations. In drafting the Environmental Report, due consideration was given to art. 19 and 20 of HG No. 1076/2004, as follows:

- The framework content of the Environmental Report is as provided in Annex No. 2 of HG No. 1076/2004 and includes:
 - a description of the final programme alternative, i.e. the programme project;
 - the current state of the environment and its likely evolution without implementation of RO-BG 2014-2020;
 - the environmental protection objectives, as established at the international, community or national level, relevant to the programme and the way in which they were taken into account;
 - the likely environmental effects of RO-BG 2014-2020;
 - measures to prevent, mitigate and compensate the significant environmental effects;
 - measures to monitor the significant environmental effects.
- The Environmental Report identifies, describes and assesses the potentially significant environmental effects of implementing the programme, considering its objectives and geographical scope, as well as the alternative of not implementing it.
- In preparing the Environmental Report information obtained in the working group were taken into consideration (cf. art. 14-19 of HG No. 1076/2004), as well as the available relevant information regarding environmental impacts obtained at different decision-making levels.
- The information provided in the Environmental Report was correlated with the level of knowledge and the assessment methods, the content, level of detail of the programme and with its stage in the decision-making process
- As per the requirements of the national legislation, the part of the Report regarding specific information and the eligible area of Romania, was prepared by a certified person (Viorica-Marilena Patrascu, registered with the National Register of Environmental Protection Study Developers under 201/ 13.04.2010).

5 Public Hearing of the Environmental Report and the Interreg V-A Romania-Bulgaria Programme

The first draft Environmental Report was prepared in April-May 2014, at the same time as launching the consultation process with the authorities interested in the programme and represented on the working group. The working group meetings of 13 and 18 June 2014 also agreed on the amendments to the Environmental Report presented as based on the comments

received from these authorities. The minutes prepared at those meetings of the working group are attached to this Appendix.

The final Report draft submitted to public debate was also available on the Management Authority website, together with the corresponding programme draft. The public was announced in the media (two notices published with a 3 day interval), on the opportunity to express opinions on the documents within a period of 45 days, including to attend the public hearing. Copies of the published notices are attached in Appendix 5.

The Public Hearing of the draft programme and Environmental Report prepared for it took place on 8 August 2014 at the offices of the Management Authority of the Interreg V-A Romania-Bulgaria Programme.

No comments were recorded as coming from the public. The designated representatives of the authorities interested in the effects of programme implementation who attended the public hearing mentioned that they had no comments or observations (other than those expressed during the working group meetings) regarding the programme and the Environmental Report. The public hearing minutes are attached in Appendix 5.

6 Consideration of the Results of Consultation in Finalising the Environmental Report and the “Interreg V-A Romania-Bulgaria Programme”

Based on the comments received in the consultation period, some of the proposed amendments of the programme were integrated into its revised draft, and the Environmental Report, with the amendment of the associated monitoring indicators.

The review of comments and observations regarding the (SEA) environmental report is presented in the table 1-1 bellow.

The review of the comments and observations regarding the “Interreg V-A Romania-Bulgaria Programme” received from the public and the consulted authorities in Romania as well as in Bulgaria is given in Appendix 3.

Table 1-1: Review of comments and observations received in Romania to the SEA Draft Environmental Report

No.	Organisation	Comment	SEA evaluators comments	Actions recommended by the SEA evaluators	MA reaction	Reaction to the recommended action debate
	1	2	3	4	5	6
1.	National Administration "Romanian Water"	Proposals: a) Supplementary information to be added in chapter 3 related to the "Water quality". b) Correction of the inaccurate translation of usual terminology related to water management.	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.	Agreed.
2.	Ministry of Environment and Climate Change - Department for Sustainable Development and Nature Protection	Proposals: c) To update the Ramsar sites list. d) To present the list of Natura 2000 sites.	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.	Agreed.
3.	Ministry of Environment and Climate Change - Department for Climate Change	Proposals: e) Modifications to chapter 2, section on "Relationship with other relevant plans and programmes" regarding the presentation of the "National Strategy on Climate Change 2013-2020	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.	Agreed.

No.	Organisation	Comment	SEA evaluators comments	Actions recommended by the SEA evaluators	MA reaction	Reaction to the recommended action debate
	1	2	3	4	5	6
4.	Ministry of Transport	<p>Proposals:</p> <p>f) Additional information to be added to chapter 2, section on “Relationship with other relevant plans and programmes” regarding the “Romania’s Short- Medium and Long-Term Masterplan for Transport”.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.	Agreed.
5.	Ministry of Environment and Climate Change - Department for Impact Assessment and Pollution Control	<p>Requests:</p> <p>g) To update the environmental report according to the latest proposed changes.</p> <p>h) Supplementary information to be added to chapter 9 and 11 on ‘Alternatives’ and “Monitoring”, respectively.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.	Agreed.

1.1 Interreg V-A Romania-Bulgaria Programme SEA procedure and consultation process in Bulgaria

1. Overview of SEA Procedure in Bulgaria

Strategic Environmental Assessment (SEA) is carried out in accordance with the provisions of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive), as transposed into national legislation.

The first step of the SEA procedure is screening, that is the stage where a decision is taken for the necessity of environmental or appropriate assessment.

According to Article 81, Para 1, Item 1 of the Bulgarian EPA¹, SEA have to be elaborated for „plans and programs which are in a process of preparation and/or approval by central and local executive authorities, local government and the National Assembly”. An Appropriate Assessment (AA) report shall be prepared as a part of the SEA report, if needed. According to the requirements of the Biological Diversity Act and the provisions of the AA Ordinance if a project/programme is likely to have a significant effect on any Natura 2000 site, this project/programme is subject to Appropriate Assessment.

According to Article 4, Para 1 of the EA Ordinance² the competent authority for the “programs which are approved by the central executive authorities and the National Assembly” is the Ministry of the Environment and Water (MoEW). The SEA Report to be prepared by independent team of experts with a head of the team, with a strong professional experience according to the requirements of art. 83, paragraph 1 of the EPA and art.16 of the EA Ordinance.

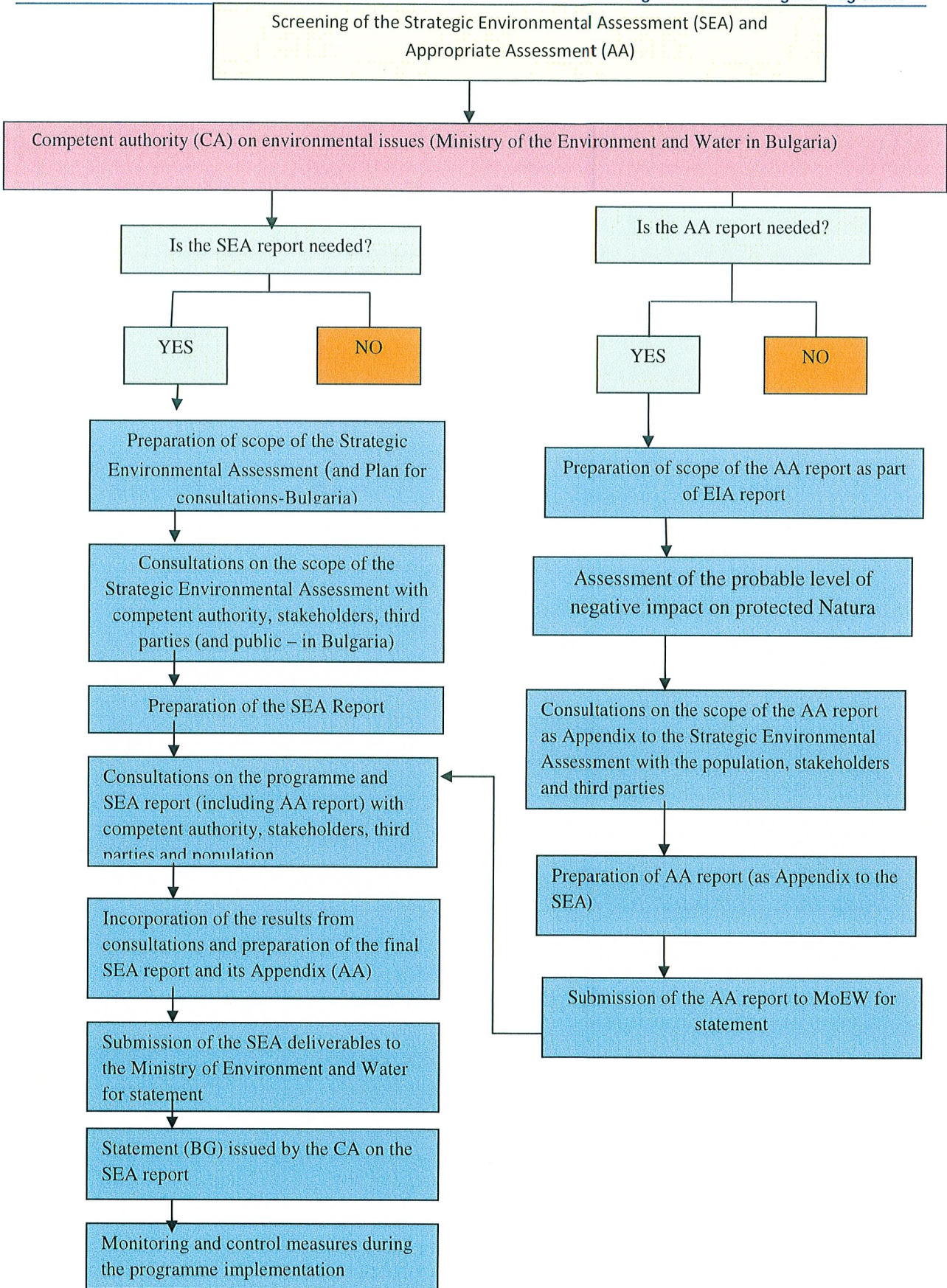
The second step of the SEA procedure is to define the scope of the environmental assessment. According to the EA Ordinance, consultations on the scope of the SEA Report shall be carried out with the Ministry of Environment and Water in Bulgaria, as well as with other key competent authorities.

The next step is to develop the environmental report, including analysis of the baseline, determination of the likely impacts and outline mitigation measures. The draft environmental report should be disclosed to public for a period of 30 days, and after comments of consultations with competent authorities and general public are incorporated into the report, the final version shall be submitted to MoEW for approval.

Schematic overview of the SEA stages is given in the following figure.

¹ Environmental Protection Act – promulgated in State Gazette No. 91 /2002, last amendments promulgated in State Gazette No.22 / 2014.

² Ordinance on the terms and procedures for environmental assessment of plans and programmes – promulgated in State Gazette No. 57/2004, last amendments promulgated in State Gazette No.94 / 2012.



2. Consultation of public and authorities concerned about the programme

1. Screening

Notification to Bulgarian Competent Authority (CA) sent on 12-Mar-2014

Reply by CA received on 01-Apr-2014

Result: Screening is mandatory for the Interreg V-A Romania-Bulgaria Programme

2. Scoping

Scoping Report sent to CA and key stakeholders for consultation on 07-Apr-2014

Last comment received on 12-May-2014

3. Environmental Assessment

Draft Environmental Report submitted to CA and key stakeholders for consultation and disclosed to public on 09-July-2014

Last comment received on 07-Aug-2014

4. Integration of comments from the consultation into the programme and/ or Environmental Report

Appendix 3

Review of comments and proposals on the “Interreg V-A Romania-Bulgaria Programme” received during consultations

Institution	1. National Health Institute (NHI), Romania	
<p>Proposition/proposed modification</p>	<p>1. In the PA corresponding to the Thematic Objective 11 – Administrative capacity, the NSI identified indicative actions that target the human health in the cross-border area.</p> <p>The NSI translated in Romanian the below mentioned actions and proposed some modifications on the Romanian translation that can be considered as a change of emphasis of the indicative action’s envisaged output.</p>	
	<p>Text of the OP Draft</p> <p>PA 5, OS 5.1:</p> <p>Action 4¹ “supporting the modernisation of public services in areas such as customs, social policies, education, health and employment (including purchase of equipment and infrastructure development)”</p>	<p>Proposition of the National Health Institute</p> <p>Proposed amendment:</p> <p>4. Provision of equipments and infrastructure to support the modernisation of public services in areas such as customs, social policy, education, health and employment</p>
	<p>PA 5, OS 5.1:</p> <p>Action 5² “Coordination of policies and investments in the programme area - development of common approaches to common problems - in areas such as social policies, education, health, employment and customs”</p>	<p>Proposed amendment:</p> <p>5. coordination of the policies and investment in the field of the program- development of common approaches for common problems in areas such as social policy, education, health, employment, labor and customs</p>

¹ Action 10 in the final version of the programme.

² Action 4 in the final version of the programme.

<p>PA 5, OS 5.1: Action 13³ “Raising awareness regarding cross-border opportunities (employment, health care, education and so)”</p>	<p>Proposed amendment: Increasing awareness on cross-border opportunities (employment, health care, education, etc.) workforce and customs</p>
<p>2. The NSI proposed also a list of challenges and needs to be added:</p> <ul style="list-style-type: none"> A. Education infrastructure, sanitary education especially. Lifelong learning. B. Promotion of medical cooperation mechanisms and the transfer of best practices in this field (for emergency service in the rural and isolated areas). C. Development of infrastructures „green utilities” for drinking water provision, heating, waste and wastewater collecting and treating. D. Development of new methods and ways for providing efficient healthcare services (apart from emergency ones), especially in the rural areas. 	
<p>Point of view</p>	<ul style="list-style-type: none"> 1. If the first indicative action in the left column seems to request a change of emphasis, the following two are conform to the already existing English text. Concerning the first remark, the INS is asking for a change of emphasis from the general modernization of public services to the support of investments in “equipment and infrastructure for the modernization of public services in the cross-border area”. Unfortunately, the ERDF funds cannot finance activities that aim solely to the purchase of equipment for the provision of public services. These types of investments are supported just as part of more general actions for the development of administrative capacity to provide public services. Moreover, it will considerably restrict the kind of activities that can be supported by the programme in order to support the modernization of public services (e.g. the trainings or exchanges of experience, the adoption of common procedures across the border, etc.) 2. The proposed challenges and needs are relevant and are already included in the challenges and needs identified in the Territorial Analysis of the RO-BG cross-border area. Given the possible overlapping with national OPs

³ Action 9 in the final version.

<p>thematic selection and indicative actions, only some of them are included in the indicative actions of the CBC ROBG 2014-2020 OP Draft. As long as their practical formulation is including a cross-border approach and character, the challenges/needs A, B, D are included in the indicative actions relative to TO 11 and TO8 (lifelong learning) of the OP Draft. The C challenge is only partially included in the indicative actions of TO 11 and TO5 under the indicative actions that tackle the better provision of joint cross-border public service (e.g. exchanges of experience in the field of waste management and green utilities) and the activities that tackle risk prevention (for pollution by wastewater, solid waste, etc.). Moreover, the development of „green utilities“ will be strongly financed by National Ops in Romania and Bulgaria.</p>	
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<p>Institution</p>	<p>2. Ministry of Environment and Water Bulgaria</p>
<p>Proposition/proposed modification</p>	<p>Thematic Objectives (TO) 6, 8 and 11 to be worded in line with the last version of the Bulgarian Partnership Agreement (dd. 10-Mar-2014), namely:</p> <ul style="list-style-type: none"> - TO 6 - Preserving and protecting the environment and promoting resource efficiency; - TO 8 - Promoting sustainable and quality employment and supporting labour mobility; - TO 11 - Enhancing institutional capacity of public authorities and stakeholders and fostering an efficient public administration.
<p>Point of view</p>	<p>The Thematic Objectives formulation was modified to correspond to the latest version of the ERDF Regulation.</p>

<p>Institution</p>	<p>3. The Black Sea Basins Directorate, Bulgaria</p>
<p>Proposition/proposed modification</p>	<p>The Black Sea Basins Directorate requires that PA/IP/SO shall include "to achieve good environmental status of water" under Strategic Objective 3.2.</p>

<p>Existing</p> <p>Specific Objective 3.2⁴: To enhance the sustainable development of the ecosystems from the cross-border area and the green infrastructure</p> <p>Proposed</p> <p>Specific Objective 3.2: To enhance the sustainable development of the ecosystems from the cross border area and the green infrastructure and to achieve good environmental status of water</p>	
<p>Point of view</p> <p>Given the rearrangement of SO in the latest OP draft, the SO 3.2 has become the SO 2.2 and is formulated as follows: “To enhance the sustainable management of the ecosystems from the cross-border area”. From the last OP draft version, the emphasis has changed from “sustainable development” to the “enhancement of sustainable management”. The CBC ROBG Programme 2014-2020 has a limited financial allocation that cannot finance strategic projects that will “achieve good environmental status of water” for the Danube and its tributaries and for the Black Sea. Moreover, strategic projects linked with the Black Sea are already included in the national POs and there is a specific CBC Black Sea Programme.</p> <p>The aim of the SO 2.2 is to support the development of common management plan for the preservation and the valorisation of the environment in the cross-border area, focusing mainly on specific ecosystem areas such as the NATURA 2000 areas.</p> <p>Some activities leading indirectly or contributing to the improvement of the environmental quality of waters in the cross-border area might be financed by the future CBC ROBG Programme but this improvement cannot be achieved solely and only by its intervention. According to EU regulation, Specific Objectives must be formulated in order to reflect as much as possible the changes that the Member States seeks to achieve solely by the intervention of each Programme. As such, including a very general, complex and expensive objective under the ROBG CBC Programme 2014-2020, that cannot be achieved due to the small amount of funds compared to National OPS, will not be conform to the EU regulation. Moreover, a Specific Objective cannot include two objectives but must focus on one.</p>	

⁴ SO 2.2 in the final version of the OP.

Institution	4. ANAR (Romanian Waters National Administration), Romania	
Proposition/proposed modification	Text of the OP Draft	Proposition of the ANAR
	<p>PA 3, OS 3.2⁵ (PI 6d), Indicative actions:</p> <p>3⁵/ Cross-border coordination and exchange of information to reinforce the implementation of relevant policies (Water Framework Directive), and biodiversity conservation (Flora, Fauna, Habitat Directive and Birds Directive), organise knowledge transfer, exchange of good practice examples, networking and development of innovations on protecting/preserving ecosystems</p>	<p>3/ Cross-border coordination and exchange of information in order to strengthen the implementation of relevant policies and River basin Management plans of the Bazinale Jiu, Olt, Arges-Vedea and Dobrogea-Seaside (framework directive on water), flood protection (Floods Directive), and the conservation of biodiversity (the Directive on Flora, Fauna, and Habitat and the Directive on Birds), the setting up of knowledge transfer, the exchange of examples of good practice, the connection and development of innovations for the protection/preservation of ecosystems</p>
	<p>8⁷/ Joint designation and management of protected sites and species of the NATURA 2000 network</p>	<p>8/ The designation and management of areas and species</p>
	<p>P A 4, OS 4.1 (IP 5b), indicative actions</p>	
	<p>5 (6 in the previous version)/ Purchasing common equipment for measuring/monitoring environmental parameters, e.g. emission levels, water purity, analysis of soil and water samples etc., and joint assessment of</p>	<p>6/ The purchase of specific equipment for measuring/monitoring environmental parameters, e.g. emission levels, water quality, soil analysis, and samples of water, etc., and common assesment of the results;</p>

⁵ PA 2, SO 2.2 in the final version of the programme.

⁶ Action 1 in the final version of the programme.

⁷ Action 5 in the final version of the programme.

	results
Point of view	<p>The explicit inclusion of the river basin management plans of Jiu, Olt, Arges-Vedea and Dobrogea seaside in the formulation of the indicative action, is not necessary as these areas are already eligible as long as they are included in the CBC area. Moreover, River basin management plans are national documents that are established according to relevant secondary and tertiary legislation and have, thus, limited possibilities to include a cross-border approach. They can be, of course, an element of a cross-border action having impact on the river basin management, but they can hardly be the main activity and the scope of cross border projects.</p> <p>The rest of the suggestions are relevant and are rather corrections of the initial Romanian translation of the indicative actions.</p>

Institution	<p>5. BSC SME Ruse (Business Support Centre for SMEs – Ruse)</p>
Proposition/proposed modification	<p>With regards to the public consultation launched by the Managing Authority for the first draft of the Romania-Bulgaria Cross Border Cooperation Programme 2014-2020, we would like to express the following concerns and suggestions:</p> <ol style="list-style-type: none"> 1) The cross-border region is the poorest in the whole European Union, which is not reflected in the draft. On the contrary, measures for enhancing the business environment and the employment are almost completely missing. Labour mobility in the cross-border region cannot exist if opportunities for employment do not exist. Moreover, the cross-border region is suffering from the severe brain-drain exactly because of missing opportunities for development. The pure building of roads for which most of the resources seem to be planned will never resolve the problem and produce the required impact and results. 2) One of the most important pillars of the Danube Strategy is only very slightly reflected in the draft of the Programme, namely Pillar 3 “Building prosperity in the Danube region”. All priority areas included in this pillar are completely missing from the draft Programme. The limited representation within the IP8i of the draft Programme related to labour mobility is tackling only an extremely limited action and scope of Priority Area 9, which is completely insufficient taking into consideration the socio-economic situation of the region. The European Commission report on the implementation of the Strategy recommends the inclusion of the Strategy in the OPs planning, which in this case is not adequately followed. 3) Regarding the inclusion of business supporting measures within the draft ETC Programme, the European

<p>Commission has stated that “the enabling of business environment and business infrastructure can be eligible under the conditions set out in the relevant EU regulations. Indeed, the ERDF supports primarily the development of endogenous potential for SME competitiveness. It allows productive investments, fixed investment in business infrastructure, support for enterprises, networking, cooperation and technical assistance. Furthermore, the Commission considers that business advisory services have a high European added value for the ERDF, in particular in the areas of business start-up, business transfer, access to new markets, business strategy and monitoring, technology transfer and foresight as well as user-oriented and design-driven innovation, raising innovation management capacity and encouraging the development and use of such services through innovation voucher programmes.”</p> <p>4) Regarding the “translation” of the above mentioned European priorities within the ETC Programmes, the Commission has stated that “indeed SME support may also be related to support under IP8a, i.e. to entrepreneurship, the development of business incubators and investment support for self-employment, micro-enterprises and business creation.”</p> <p>Thus, taking into consideration the above-mentioned objectively existing facts, we suggest that the IP8i is replaced by the much more appropriate IP8a in order to reflect the missing links and measures related to the socio-economic environment of the cross-border region to allow projects for joint development and exploitation of enabling business infrastructure</p>	
<p>The assessment of the socio-economic situation of the cross-border area made by the Business Support Centre for SMEs from Ruse is correct and is also included in the Territorial Analysis. That’s why the the OP draft includes under its PA 4 (A well-skilled and inclusive region) and its indicative activities measures for “business environment and business infrastructure” such as “<i>creation and development of cross border business incubators and virtual incubators for promoting employment of staff from both side of the border (companies based on local assets and local service needs such as innovative heritage tourism, nautical and water tourism and ecotourism products located in the region)</i>”. This indicative action answers mainly to the request expressed by the BSC SMEs.</p> <p>Moreover, the TO 8i is a more inclusive one and we wanted to stay also focus on one the main needs of the RO-BG CBC area, which is social inclusion and to continue the support for projects of the previous programming that tackled the challenges resulting from demographic change, including in particular those related to a shrinking working population, youth unemployment, an increasing proportion of retired people in the overall population and depopulation issues. Therefore, one of the main issues was to facilitate inclusion of all age groups, including through improved access to support structures with a view to enhancing job opportunities especially for young people.</p> <p>Nevertheless, indicative actions that were selected to support labour mobility and social inclusion also support the</p>	<p>Point of view</p>

<p>cross border SMEs as the following actions of PA 4 AND PA 5 illustrate it:</p> <ol style="list-style-type: none"> 1. Collaborating in offering services to employers and establishing partnerships with education institutes and other employment services to organise flexible, preventive and efficient service delivery 2. To provide comprehensive and official information on social security, employment legislation and tax issues both in Romanian and Bulgarian border regions through regular training sessions and courses in relevant legal regulations to decrease the doubts of proper administrative units and employers concerning the manner of interpretation and application of specific regulations 3. Developing and providing joint special programs in vocational training in sectors which lack specific skills 4. To develop information and advice for cross-border commuters and potential employers by creating and developing joint databases in service of labour mobility. <p>Finally, SMEs support will be one the main issue of the Romanian and Bulgarian national OPs and large amount will be directed for these measure. Therefore, it seems more adequate for the cross-border programme to promote the creation of Cross Border SMEs network, sustainable employment mechanisms and labor mobility, at least at this stage of cross-border socio-economic development, while letting SMEs direct financial support and stimulation first through national and regional programmes. Indeed, the aim here is to make the first steps in order to be able in the next programming period to have a real focus on SMEs support when business stakeholders and employees will better apprehend the cross border region as an opportunity and not only as a another space of competition.</p>	
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<p>Institution</p>	<p>6. Environment and Climate Change Ministry, Romania</p>
<p>Proposition/proposed modification</p>	<p>Concerning the Specific objectives 3.1 and 3.2 in Chapter 2.2.3, we suggest a change of the first result indicators as follows: point 3.1 instead of increasing No. visits: Elaboration of management plans in targeted areas/ point 3.2: instead of Surface area of habitats...: Number of conservation measures established</p>
<p>Point of view</p>	<p>In the new version OP draft, the 3rd PA has become the 2nd PA. For the RI of the former SO 3.1, the proposed result indicator does not fit with all the indicative activities (heritage and nature conservation and promotion through tourism development). The proposed RI would measure just a part of the foreseen result, as many beneficiaries are not necessary administrators/managers of natural protected areas. Moreover, there are no obligation to make management plan of historical heritage areas which will be one of the main beneficiaries of this SO.</p>

<p>The RI proposed for the former SO 3.2 is very closed to an output indicator, as the RI cannot have a baseline 0. The proposed RI is indeed closed to the output indicator chosen for this SO, which is a common output indicator given by the EU regulation and which measure the surface of land where conservation measures have been implemented.</p>	
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<p>Institution</p>	<p>7. Regional Development Council North-Central Region, Bulgaria</p>
<p>Proposition/proposed modification</p>	<p>In a letter sent the 17.06.2014, the Regional Development Council of the North-Central Region of Bulgaria suggests to the Managing Authority of the Romania-Bulgaria Cross-border Cooperation Programme (Ministry of Regional Development and Public Administration of Romania) and to the National Authority (Ministry of Regional Development of the Republic of Bulgaria) to include the Razgrad District in the eligible area of the Romania-Bulgaria Cross-border Cooperation Programme 2014-2020.</p>
<p>Point of view</p>	<p>The decision of the Joint Working Group regarding the eligible area of Romania Bulgaria Cross Border Cooperation Programme 2014-2020 was taken 9 months before the letter was sent, during the 4th meeting of the Joint Working Group that took place in Albena, on 17th of September 2013. It is therefore, at this stage of the programming process while we are finishing the drafting of the OP, impossible to answer positively to the suggestion to include Razgrad District in the eligible area of Romania Bulgaria Cross Border Cooperation Programme 2014-2020.</p> <p>Moreover, the written procedure for adoption of the draft COMMISSION IMPLEMENTING DECISION setting up the list of regions and areas eligible for funding from ERDF under the cross-border and transnational components of the European territorial cooperation goal for the period 2014-2020 was currently finalised. According to the provisions of this decision, the established eligible area of Romania Bulgaria Cross Border Cooperation Programme 2014-2020 includes Constanța, Călărași, Giurgiu, Teleorman, Dolj, Mehedinți, Olt counties from Romania and Ruse, Silistra, Dobrich, Vidin, Montana, Vratsa, Pleven, Veliko Tarnovo districts from Bulgaria.</p> <p>We would like to mention that the Regional Administration from Razgrad has recently sent us a letter with the proposal to allocate 20% of the financial allocation of the Programme for projects in regions that are not part of the eligible area for cross border cooperation between Romania and Bulgaria, namely to potential beneficiaries from Razgrad District.</p> <p>The Joint Working Group for programming discussed, in principle, the possibility to use the 20% flexibility rule allowed by the regulation, but the final decision will belong to the future Joint Monitoring Committee of the Programme that will be informed of your request.</p>

	<p>8. Bulgarian Chamber of Commerce and Industry</p>
<p>Institution</p>	<p>During the fifth meeting of the joint working group for strategic planning and programming of the cross-border cooperation programme held in Ruse the 5th March 2014, the representative of the Bulgarian Chamber of Commerce and Industry proposed the inclusion of the TOs 1-4 because according to him TOs 8 and 10, which were proposed with TOs 5, 6, 7 and 11, do not cover the Economic Development issue in the region. He highlighted the European Regulations nr 1303 and nr 1301 from December 2013, where it is very clearly stated that the TOs 1-4 should be at least 50% from the budget of the European resources. He emphasized that the partial granting of these goals within the TO 8 does not clarify the situation. He insisted on the fact that the main priority, for one the poorest EU regions should be the economic development and especially reducing of the unemployment. Therefore, the official recommendation of the Bulgarian Chamber of Commerce and Industry, which was supported by the Constanta Chamber of Commerce, Industry, Shipping and Agriculture, was to include TOs 1-4 in the program.</p>
<p>Point of view</p>	<p>The representative of the Bulgarian Ministry on Regional Development explained that based on the territorial analysis results, it will be hard to include all the first 4 TOs as the challenges and needs of the CBC region in fields such as social inclusion, environment, transport, climate change are also key issues. This statement was confirmed by the majority of the stakeholders during the surveys organized during the programming process. The results of these surveys were reminded during the discussion. Furthermore, the requirement made by the European Union is to concentrate 80% of the resources on 4 TOs. Therefore, it won't be relevant to choose 8 or 9 TOs. Finally, through the TO 8, the aim is to support the economic development of the area and its social inclusion. The economic development remains a priority but cannot be the only one of the CBC Programme.</p> <p>At the end of this debate, all the members of the Joint Working Group voted to choose the TOs to be included in the programme 2014-2020, and the final choice was made, after two rounds of vote, on TOs 5, 6, 7, 8 and 11.</p>