**Note on the preparation of the Strategic Environmental Assessment (SEA) for the Joint Operational Programme Black Sea Basin (BSB) 2014-2020[[1]](#footnote-1)**

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 Authority[[2]](#footnote-2) 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.

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 of tourism in protected areas).  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. | No |
| 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). | No direct relevance.  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. | 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 | No direct effects from the Programme on the environment are expected.  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. | No |
| 2b) The cumulative nature of the effects | No direct cumulative effects on the environment are expected.  The following synergies of the programme can be identified at this stage:   * 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 authorities and agencies and NGOs; * The use and development of relevant information and communication technologies to enhance project effectiveness, regional integration/coordination and synergies on results. | No |
| 2c) The trans-boundary nature of the effects | No direct trans-boundary environmental effects of implementation of the programme are expected.  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”.  The following results with a cross-border dimension are defined at the programme level:   * 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   The projects will have to contribute to the achievement of the programme results. | 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 due to:  I. special natural characteristics or cultural heritage,  II. exceeded environmental quality standards or limit values,  III. intensive land-use | No areas will be directly affected by implementation of the programme.  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. | No |
| 2g) The effects on areas or landscapes which have a recognised national, Community or international protection status. | No direct effects on the landscape are expected as the programme includes only ’soft’ type of activities and limited investments in the equipment. | 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)**

1. Prepared by Valts Vilnītis, SPP SEA expert [↑](#footnote-ref-1)
2. Ministry of Regional Development  and Public Administration, Directorate - MA European Territorial Cooperation Programmes [↑](#footnote-ref-2)