

PPSD in specific sectors in Bulgaria -

Regional Plans for Development National Programme for Ports Development (2006 – 2015)

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PPSD in specific sectors in Bulgaria

- ◆ Legal framework of the (Strategic) Environmental Assessment for plans and programmes in Bulgaria
- ◆ Requirements for public participation as a part of the SEA procedure
- ◆ Practical experience in PPSD:
 - Regional plans for development
 - National programme for ports development (2006 – 2015)

Legal Framework

- ◆ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
- ◆ Protocol on Strategic Environmental Assessment to the UNECE Convention on Environmental Impact Assessment in a transboundary context

Legal Framework

National legislation:

- ◆ Environmental Protection Act
- ◆ Ordinance on the conditions and the way for environmental assessment for plans and programmes
 - Annex I – plans and programmes, subject to mandatory EA;
 - Annex II - plans and programmes, subject to screening

Plan/Programme

Definition by Law:

"Plans and programmes" shall be plans, programmes, strategies and other similar documents, as well as the alterations thereof, which:

- ◆ a) are required by statutory, regulatory or administrative provisions;
- ◆ b) are subject to preparation and/or adoption by a public authority at national, regional or local level or are prepared by a competent authority for adoption according to a procedure approved by the Council of Ministers or the National Assembly.

Public/Public Concerned

Definition by Law:

- ◆ 24"Public" shall be one or more natural or juristic persons and the associations, organizations or groups thereof, established in accordance with national legislation.
- ◆ 25"Public concerned" shall be the public referred under Item 24, which is affected or is likely to be affected, or which has an interest in the procedures for approval of plans, programmes, development proposals, and in the decision-making process on the issuance or updating of permits according to the procedure established by this Act, or in the conditions set in the permits

Steps of the EA Procedure

1. screening;
2. consultations on the ToR
3. preparation of the EA report;
4. consultations with the public, concerned parties and authorities;
5. submission of final EA report with comments and results from the consultations to the competent authority;
6. definition of monitoring measures;
7. issuing of the EA Statement;
8. monitoring

Place of the EA procedure within the planning process

- ◆ EA procedure is incorporated into existing procedures for the preparation and adoption of plans and programmes.
- ◆ EA Statement should be issued before adoption and the developer should present to the competent environmental authorities report how the results from EA and measures from the EA Statement are taken into final plan/programme

Consultations

- ◆ Developer should prepare the consultations scheme – both for planning and EA process
- ◆ Consultations of other relevant authorities

Authorities involved (on national/regional/local level) and by sector (agriculture, forestry, fisheries, energy, industry, transport, waste, water, telecommunications, tourism, town & country planning, land use, etc).

Co-operation between authorities.

Role of other authorities (i.e. environmental, health, at national, regional, local level) in the SEA procedure - their capacity to cope with the additional workload arising from consultation.

Public Participation requirements

- ◆ information to be provided to the public to allow participation of the public concerned;
- ◆ identification of the public concerned, in some cases encouraging its participation;
- ◆ dealing with potentially numerous written comments;
- ◆ holding public hearings or enquiries;
- ◆ making the relevant information available to the public in different stages of the procedure;
- ◆ possible arrangements to allow public participation for plans or programmes with transboundary effects

Decision-making requirements

- ◆ Ensuring that the relevant information is included in the EA report and that the quality of the environmental report is sufficient.
- ◆ Ensuring that the EA report, and the results of the consultations, including where appropriate transboundary consultations, are taken into account during the preparation of the plan or programme and before its adoption.
- ◆ Ensuring that when the plan or programme is adopted, the authorities consulted, the public, and any other Member State consulted are informed and the following are made available: the plan or programme as adopted; a statement of how environmental considerations have been integrated into the plan or programme, how the EA report and the results of consultation have been taken into account, and the reasons for choosing the plan or programme in the light of other reasonable alternatives; and the monitoring arrangements.

Regional Plans for Development

6 Regions: South – West; South – Central; South – East;
North – West; North – Central; North – East

Developer: Ministry of Regional Development and Public Works

Legal basis for RPD: Regional Development Act

Requirements for EA – mandatory EA, no screening

Specific requirements: - EA to be part of ex-ante evaluation;
- no requirements for public discussions meeting;
- PP form - Regional Councils for Development
with broad participation from the concerned authorities, NGOs

Consultations Scheme: during the preparation of the EA report;
public access and comments made by MoEW

No interest shown by general public and environmental NGOs

National Programme for Ports Development (2006-2015)

Developer: State Enterprise Port Infrastructure, Ministry of Transport

Legal basis for NPPD: Law for sea areas, inside water courses and ports
in Republic of Bulgaria

Requirements for EA – mandatory EA, no screening

Specific requirements: - EA to be separate report;
- no requirements for public discussions meeting;

Consultations Scheme: during the preparation of the EA;
public access and comments made by MoEW

No interest shown by general public and environmental NGOs

PPSD in Bulgaria - Conclusions

- ◆ Legal framework in place, including requirements for PP in decision-making on plan/programme with transboundary effects;
- ◆ Experience in implementing SEA requirements in strategic decision-making shows that:
 - public concerned is not enough interested in PP at national level;
 - specific (topic oriented) meetings are preferred
- ◆ Active PP in SD – still ahead!

THANK YOU FOR THE ATTENTION!