

## ANNEX 3

### Legal review of crosscutting issues in SEA and biodiversity conservation

	International legal framework	National legal framework of SEA	References to biodiversity	Crosscutting issues of SEA and biodiversity conservation
	SEA Directive 2001/42/EC	Environmental Protection Act (EPA) and the Ordinance on the SEA	Clearly describe/identify crosscutting issues	Clearly describe/identify crosscutting issues
ARTICLE 1.	<p>Objectives</p> <p>The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.</p>	<p><b>Art. 1 EPA</b></p> <p>This Act shall regulate the social relations with regard to:</p> <p>6. the prevention and limitation of pollution;</p> <p>8. environmental strategies, programmes and plans;</p> <p><b>Art. 2 EPA</b></p> <p>The purposes of this Act shall be achieved by means of:</p> <p>5. environmental impact assessment (EIA)</p> <p><b>Art.3 EPA</b></p> <p>Environmental protection shall be based on the following principles:</p> <p>1. sustainable development;</p> <p>4. public participation in and transparency of the decision making process regarding environmental protection;</p> <p>10. integration of environmental protection policy into the sectoral and regional economic and social development policies;</p>	<p><i>Art. 1 EPA</i></p> <p>This Act shall regulate the social relations with regard to:</p> <p>2. conservation of biological diversity in conformity with the natural biogeographic characteristics of Bulgaria</p> <p>3. the conservation and use of environmental media;</p> <p><i>Art. 2 EPA</i></p> <p>The purposes of this Act shall be achieved by means of:</p> <p>1. regulation of the regimes of conservation and use of environmental media;</p> <p>7. designation and management of areas placed under a special regime of protection;</p> <p><i>Art.3 EPA</i></p> <p>Environmental protection shall be based on the following principles:</p> <p>conservation, development and protection of ecosystems and the biological diversity inherent therein;</p> <p>Art.53 EPA</p> <p>Long-term and annual plans and programmes shall be elaborated for conservation and use of forests, game, fish, herbs, mushrooms and other renewable wildlife resources.</p> <p>Art.2 of the Biodiversity convention</p> <p>The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.</p>	<p>The Biodiversity - conservation, development and protection of ecosystems and the biological diversity, is set as one of the main objectives and principles of the environmental protection in the environmental strategies, programmes and plans which shall be integrated into the sectional and regional plans and programmes.</p> <p>E.g. The draft of the Operational programme Environment for the period 2007-2013 sets the protection and recovery of the biological diversity as one of its priorities and strategic objectives.</p>

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ARTICLE 2	<p>Definitions</p> <p>For the purposes of this Directive:</p> <p>(a) “plans and programmes” shall mean plans and programmes, including those co-financed by the European Community, as well as any modifications to them:</p> <ul style="list-style-type: none"> <li>- which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and</li> <li>- which are required by legislative, regulatory or administrative provisions;</li> </ul>	<p><i>Supplementary provisions EPA</i></p> <p>22. "Plans and programmes" shall be plans, programmes, strategies and other similar documents, as well as the alterations thereof, which:</p> <ul style="list-style-type: none"> <li>a) are required by statutory, regulatory or administrative provisions;</li> <li>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.</li> </ul>	<p><i>Supplementary provisions EPA</i></p> <p>57. “Areas placed under a special regime of protection” shall be areas where special protective measures are introduced for rare species of flora and fauna and for the habitats thereof.</p> <p><i>Art. 29 BDL</i></p> <p>For the special areas of conservation shall be adopted management plans.</p> <p><i>Art. 55 PTA</i></p> <p>(1) Management plans shall be elaborated for protected areas under terms and according to a procedure established by a regulation endorsed by the Council of Ministers.</p> <p>(2) The management plans of national and natural parks shall be elaborated within three years, and the management plans of strict and managed nature reserves shall be elaborated within two years after designation. The management plans shall be updated once every ten years.</p> <p><i>Ordinance for elaboration of management plans of PT</i></p> <p>Art.9 The elaboration of the management plans of PT shall be commissioned by the MoEW.</p> <p>Art.10 The elaboration of management plans for PT can be commissioned by other state authorities, municipalities, owners, non-governmental organizations and associations or through international project after a written endorsement by MoEW.</p>	<p>The guidelines will list all general and specific PPs and legal acts prepared in the special biodiversity protection area – the Law on Biological Diversity (LBD), the Protected Territories Act (PTA), The Law on Hunting and Game Protection, the Law on Fishery and Aquacultures, The Law on Medical Plants. The PP are commissioned or endorsed by the MoEW which is also the competent authority for SEA in Bulgaria – the Minister of Environment and Waters and the director of the RIEW.</p>

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	<p>(b) “environmental assessment” shall mean the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9;</p>	<p><i>Art.3 SEA Ordinance</i>            The Environmental impact assessment shall be performed in the following succession:                evaluation of the needs, the scope and methods for the EIA;                preparation of an environmental report;                consultations for learning the public opinion, the interested bodies and third parties, in case there is a chance to affect them by the plan or the program;                indicating the results of the above consultations in the environmental report;                defining the supervision and control measures under the plan or program application;                issuing an EA statement;                supervision and control under the plan or program application;</p>	<p>Art.30, par. 1 LBD            Town development plan, forest development projects, national and regional programmes, adopted by a procedure provided in other laws, shall be obligatory in conformity with the order pursuant to Art.12, par.6 (for designation of the special area of conservation) and with the measures pursuant to Art.29 (the protection measures).            Art.31            The PP and the investment proposals pursuant to Art. 30(1), which separately or cumulatively with other plans and projects can affect adversely the special areas of conservation, shall be assessed for their compatibility with the objectives for protection of the respective area of special conservation. The conditions and the procedure of the assessment according to Art.31 are regulated by an ordinance, passed by the Council of Ministers.</p>	<p>The special assessment introduced by the amendments to the LBD which shall enter into force after the accession of Bulgaria in the EU is focused on the preconditioning of the planning process on the coherence with the objectives for protection of the SAC and preparing a statement of the competent authority on the significance of the effects of the PP. It is a necessary condition to be proceeded further with the SEA assessment and final draft of PP. In case of endorsement of the PP the competent authority shall instruct the assignor of the PP on the conditions, requirements and measures for protection of the SAC by the implementation of PP. The information and analyses prepared under this assessment shall be used for the SEA report.</p>

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	<p>(c) “environmental report” shall mean the part of the plan or programme documentation containing the information required in Article 5 and Annex I;</p>	<p><i>Art.17 SEA Ordinance</i> The environmental report shall be an integral document that shall include: 1. a basic part under the requirements of Article 86, paragraph 3 of the EPA and the instructions in the assessment under Article 11</p>	<p>Art.86, par.3 EPA The environmental assessment report shall mandatory contain: 2. the current state of the environmental media and factors, referred to in Articles 4 and 5 herein, and the likely evolution thereof without implementation of the plan or programme; 3. the environmental characteristics of areas likely to be significantly affected; 4. the existing environmental problems ascertained at different levels which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance; 5. the environmental protection objectives, established at national and international level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during preparation of the said plan or programme</p>	<p>The environmental authority should decide on whether the PP is subject to SEA or not. It may require additional information e.g. on biodiversity baseline, on endangered species, vulnerable habitats the existing plans and programmes for biodiversity protection and management plans of the protected territories ( PT) and special areas of conservation (SAC<sup>1</sup>).</p> <p>The content of the env. report will depend on the decision in the scoping phase. In addition it will define the process in terms of information and consultation dimensions.</p>

<sup>1</sup> Literally the term is to be translated protected areas/zones but there will be used the term according to the text of the COUNCIL DIRECTIVE 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive).

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	(d) "The public" shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.	<i>Supplementary provisions EPA</i> 24. "Public" shall be one or more natural or juristic persons and the associations, organizations or groups thereof, established in accordance with national legislation.		The inclusion in the process of SEA of NGO's and experts with an expertise in the biodiversity protection and their further capacity building shall be essential for the better integration of the biodiversity in the decision making. The active participation of the general public and the environmental NGO in the consultation in the decision-making process shall guarantee the consideration of the biodiversity aspects if it will be led correctly by the environmental authorities. A special strategy of public participation in SEA might be developed which could be a way to ensure the integration of the environmental objectives into the planning process and final PP objectives.
<b>ARTICLE 3</b>	Scope 1. An environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.	Art.81, par.3 EPA Environmental assessment of plans and programmes shall be conducted simultaneously with the preparation therein, taking into account the objectives and the geographical scope of the plans or programmes and the level of detail thereof, so that the likely effects on the environment of implementation of the development proposals included in the said plans or programmes are appropriately identified, described and evaluated.		The scoping phase of the SEA is essential to include the biodiversity considerations while identifying the significant effects of the PP as an overall cumulative effects on the components of the NEN and on the species and habitats not included in it, especially in cases where the irreversibility of the effects on the biodiversity or the recovery is impossible or there are not mitigation techniques developed or known.
	2. Subject to paragraph 3, an environmental assessment shall be carried out for all plans and programmes, (a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or	Art.85, par.1 EPA (1) An environmental assessment shall be mandatory for any plans and programmes and for significant modifications thereof in the areas of agriculture, forestry, fisheries, transport, energy, waste management, water resources management, and industry, including extraction of subsoil resources, telecommunications, tourism, spatial planning and land use, where these areas set the framework for future development of any development proposals listed in Annexes 1 and 2 hereto.	(1) An environmental assessment shall be	

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	<p>(b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.</p>	<p>Art.85(4), p.2 EPA            The Minister of Environment and Water or the competent RIEW Director shall determine the need of environmental assessment of any plan or programme proposed or modification of any such plan or programme according to the procedure established by the regulation referred to in Article 90 herein, in conformity with the following criteria for determining the likely significance of the effects thereof:            2. characteristics of the effects and of the area likely to be affected, having regard to: the essence, scope, reversibility and the cumulative nature of the eventual effects; the potential transboundary effects, the risks to human health or the environment, the magnitude and spatial extent of the effects, the value and vulnerability of the area likely to be affected; the effects on landscapes or on the components of the National Environmental Network;</p>	<p>Art.31, par.4 LBD            The plans, programmes and projects pursuant to par. 1, for which the competent authority pursuant to par.6 assesses that it is likely to have significant negative effects on the special area of conservation, are subject to an assessment, which includes the extend of the impact of the plan, programme or development proposal on the natural habitats and the habitats of species, subject to protection in the special area of conservation.            par.14            When the respective plan, programme or development proposal pursuant to par. 1 is subject to a strategic environmental assessment (SEA) or environmental impact assessment (EIA) through a procedure according to the Environmental Protection Act, the collected information and the analyses carried out by the preparation of the assessment pursuant to par.4, shall be used for the elaboration of the environmental reports.</p>	<p>The assessment introduced for the determination of the compatibility of the PP with the objectives for the protection of the SAC will give a detailed and comprehensive information and basic analysis of the significance of the effect of the PP on the habitats in the SAC which shall be part of the SEA report in the further stage and represents an useful tool and model of pre-assessment based on a specific component impact assessment.</p>
	<p>3. Plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and minor modifications to plans and programmes referred to in paragraph 2 shall require an environmental assessment only where the Member States determine that they are likely to have significant environmental effects.</p>	<p>Art.85, par. 2 EPA            Any plans and programmes referred to in Paragraph (1), which affect small areas at local level and involve minor modifications of plans and programmes referred to in Paragraph (1), shall require an environmental assessment solely where they are likely to have significant environmental effects.</p>		<p>The significance of the effects could be assessed from the biodiversity protection perspective where in the scoping phase the relevant information shall be collected, e.g. on the endangered species and habitats, listed in Annexes I and II of the LBD which are protected with priority and or on the proximity of a special areas of conservation. That additional information could be a ground for submission to SEA of the PP in the screening stage.            The local public and local authorities should be the main stakeholders in the consultations.</p>

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	<p>4. Member States shall determine whether plans and programmes, other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects.</p>	<p>Art.85(4) EPA            The Minister of Environment and Water or the competent RIEW Director shall determine the need of environmental assessment of any plan or programme proposed or modification of any such plan or programme according to the procedure established by the regulation referred to in Article 90 herein, in conformity with the following criteria for determining the likely significance of the effects thereof:</p> <ol style="list-style-type: none"> <li>1. the characteristics of plans and programmes, having regard to:               <ol style="list-style-type: none"> <li>a) the degree to which the plan or programme sets a framework for development proposals and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</li> <li>b) the relevance of the plan or programme for the promotion of the sustainable development and for achievement of the national and regional objectives.</li> </ol> </li> </ol> <p>Art.2, par.2 of SEA Ordinance            The necessity of performing an EA shall be established in accordance with the provisions of Annex 2 for the following:</p> <ul style="list-style-type: none"> <li>plans and programs and their amendments in accordance with Annex 2, which outline the framework for future development of investment proposals under the terms of Annex 1 and Annex 2 to Article 81, paragraph 1, item 2 of the LPE;</li> <li>plans and programs under Annex 1 of the local level for small territories;</li> <li>amendments to the plans and programs under Annex 1;</li> <li>plans and programs outside the scope of Annex 1 and Annex 2, in case their application is presumed to exert a substantial impact on the environment.</li> </ul>	<p>Art.30(1) LBD            Town development plan, forest development projects, national and regional programmes, adopted by a procedure provided in other laws, shall be obligatory in conformity with the order pursuant to Art.12, par.6 (for designation of the special area of conservation) and with the measures pursuant to Art.29 (the protection measures).</p>	<p>The PP under Art.30(1) shall be subject to an assessment for their compatibility with the objectives for the protection of the special areas of conservation and following a special procedure which shall be regulated by an ordinance that should be passed by the Council of Ministers before 8<sup>th</sup>. November 2006.</p>

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	<p>5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.</p>	<p>Art.85(4) EPA The Minister of Environment and Water or the competent RIEW Director shall determine the need of environmental assessment of any plan or programme proposed or modification of any such plan or programme according to the procedure established by the regulation referred to in Article 90 herein, in conformity with the following criteria for determining the likely significance of the effects thereof: Art.14 of SEA Ordinance The competent body under Article 4 shall assess the need of performing an EA, by determining the extent of importance of the impact on the environment and the human health based on: 1. the information presented by the assignor under Article 8 hereof; 2. the criteria under Article 85, paragraph 4 of the LPE; 3. the statements under Article 13 hereof. See the Art.2, par.2 of the SEA Ordinance above</p>		<p>In the SEA Ordinance 2 approaches of the procedures are used: screening by introducing a definitive list of PP which shall be subject to an obligatory SEA and other list of PP's that may be submitted to an assessment if decided during the screening phase. Both lists of PPs are subject to screening procedure for determination of the necessity and scope of the assessment. The importance and the significance of the effect shall be assessed taking into account all the negative factors and effects on the SAC and PT endangering or deterioration of the protected status.</p>
	<p>6. In the case-by-case examination and in specifying types of plans and programmes in accordance with paragraph 5, the authorities referred to in Article 6(3) shall be consulted.</p>	<p>Art.13, par.1 SEA Ordinance The competent body under Article 4 shall submit the documentation presented together with the request under Article 8, paragraph 1 for getting a statement by the specialized competent bodies of the Ministry of Health and if necessary – to the municipal authorities and other specialized bodies, and the term for an answer by the above bodies shall be thirty days.</p>		<p>In this case the specialized bodies can be the Directorates of the National parks, the National Forestry Board, and the special administration units in the administration of the MoEW and RIEW, the municipal authorities in the municipalities in the geographical area of application of the PP.</p>

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	7. Member States shall ensure that their conclusions pursuant to paragraph 5, including the reasons for not requiring an environmental assessment pursuant to Articles 4 to 9, are made available to the public.	Art.14, par.3 SEA Ordinance In case the assessment is that the respective plan/program shall not be subjected to an EA, the motives shall include detailed grounds for the respective conclusion, i.e. that the plan/program implementation does not presume any substantial impact on the environment. Art.15 SEA Ordinance Within 7 days after the pronouncement under Article 9, paragraph 1, Article 10, paragraph 2 or Article 14, paragraph 2 (on the need of performing an EA) , the competent body shall: 2. provide information on the assessment and for the access to the assessment by posting an announcement on the web sites of the Ministry of Environment and Waters and/or the RIEW and in their respective premises.		In a case of a decision that does not take into account a serious danger or risk to the habitats, species in or outside the NEN or when the environmental authorities have not requested the baseline information for the evaluation of the possible negative effects on biodiversity can be a legal ground for appealing of the decision.
	8. The following plans and programmes are not subject to this Directive: - plans and programmes the sole purpose of which is to serve national defence or civil emergency, - financial or budget plans and programmes.	Art.81, par.4 EPA Plans and programmes, developed only for the needs of the national defence and civil protection, as well as financial plans and programmes with independent significance shall be not subject to environmental assessment.		
	9. This Directive does not apply to plans and programmes co-financed under the current respective programming periods(11) for Council Regulations (EC) No 1260/1999(12) and (EC) No 1257/1999(13).			
<b>ARTICLE 4</b>	<i>General obligations</i> <i>1. The environmental assessment referred to in Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.</i>	Art. 81, par.3 EPA Environmental assessment of plans and programmes shall be conducted simultaneously with the preparation therein, taking into account the objectives and the geographical scope of the plans or programmes and the level of detail thereof, so that the likely effects on the environment of implementation of the development proposals included in the said plans or programmes are appropriately identified, described and evaluated.		

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	<i>2. The requirements of this Directive shall either be integrated into existing procedures in Member States for the adoption of plans and programmes or incorporated in procedures established to comply with this Directive.</i>	Art.82, par.1 EPA The assessment referred to in Item 1 of Article 81 (1) herein shall be fully compatible with the existing procedures for adoption of plans and programmes.	Art.31 LBD, par.14 When the respective plan, programme or development proposal pursuant to par. 1 is subject to a strategic environmental assessment (SEA) or environmental impact assessment (EIA) through a procedure according to the Environmental Protection Act, the collected information and the analyses carried out by the preparation of the assessment pursuant to par.4, shall be used for the elaboration of the reports on SEA or EIA.	The assessment under the LBD will provide the SEA report and the SEA experts with the information and analyses results of the evaluation of the effect intensity of the PP on the natural habitats and habitats of species in the SAC.

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	<p>3. <i>Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, inter alia, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3).</i></p>	<p>Art.86, par. 4 EPA Without prejudice of the par.1,2 and 3 the EA shall not be commissioned as a separate report under the condition that pursuant to a special law such an assessment is required to be part of the plan or programme or when the plan or programme is adopted or approved by the authorities according to Art.84, par.1(the environmental authorities).</p>	<p>The assessment under the LBD – Art.31 The PP and the investment proposals pursuant to Art. 30(1), which separately or cumulatively with other plans and projects can affect adversely the special areas of conservation, shall be assessed for their compatibility with the objectives for protection of the respective area of special conservation. The conditions and the procedure of the assessment according to Art.31 are regulated by an ordinance, passed by the Council of Ministers. With the ordinance there shall be obligatorily set:</p> <ol style="list-style-type: none"> <li>1. the criteria for designation of the competent authority;</li> <li>2. the requirements for the scope and content of the information, necessary for carrying out the assessment, including for the alternative solutions</li> <li>3. the requirements to the scope, methods, content and the form for presentation of the assessment, as well as to the procedure for its carrying out</li> <li>4. the criteria for determination in the assessment of the way and the extent of the effects or harms to the SAC resulting from the application of the PP or investment project;</li> <li>5. the stages of the procedure, including the requirements for consultations and public participation</li> <li>6. the basic principles and criteria for the decision making of the competent authority, as well as the requirements to the form and content of the decision;</li> <li>7. the procedure for issuing of the decision and the control of its implementation</li> </ol>	<p>The assessment in the LBD shall be a special assessment that precedes the SEA on the earliest stage of the preparation of the PP. The scoping phase shall support the identification of the relevant information and procedures for the assessment of the effects and compatibility of the PP's with the protection objectives of the SAC protection. At this stage the environmental authority can endorse the PP with some instructions on the conditions, requirements and measures for protection of the SAC when taking positive statement or submit it to a full assessment in case that negative effects on the SAC are identified.</p>

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<b>ARTICLE 5</b>	<p>Environmental report</p> <p>1. Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.</p>	<p>Art.86 (3) EPA</p> <p>The environmental assessment report shall mandatory contain:</p> <p>the environmental characteristics of areas likely to be significantly affected;</p> <p>the environmental protection objectives, established at national and international level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during preparation of the said plan or programme;</p> <p>6. the likely significant effects on the environment, including the environmental media and factors referred to in Articles 4 and 5 herein and the interrelationship between them</p>		<p>The ENVIRONMENTAL report beside all other sources of information shall take into account The National strategy on Biodiversity protection (1995), the National strategy for environment 2005-2014 and the Action plan 2005 -2009, National plan for biological diversity protection 2005-2010, action plans for protection of the world endangered birds, The national Forestry Policy and Strategy, the National Strategy on Ecotourism and Action Plan, the management plans for the protected territories and action plans for the protection of endangered species.</p>

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	<p>2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.</p>	<p>Art.86, par.2 The environmental assessment report shall include information corresponding to the level of detail of the plan or programme and to the methods of assessment employed.</p> <p>Art.86, par.3 The environmental assessment report shall mandatory contain:</p> <ol style="list-style-type: none"> <li>1. an outline of the main objectives of the plan or programme and relationship with other relevant plans and programmes;</li> <li>2. the current state of the environmental media and factors, referred to in Articles 4 and 5 herein, cultural-historical heritage and the likely evolution thereof without implementation of the plan or programme</li> <li>3. the environmental characteristics of areas likely to be significantly affected;</li> </ol>	<p>Art.86, par.3 EPA The environmental assessment report shall mandatory contain:</p> <ol style="list-style-type: none"> <li>5. the environmental protection objectives, established at national and international level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during preparation of the said plan or programme;</li> </ol> <p>Art.8(1) of SEA Ordinance The proponent of the plan/program shall submit a request in writing to the attention of the respective competent body under Article 4 hereof for the assessment of the need of an EA. This request shall comprise:</p> <ol style="list-style-type: none"> <li>2. general information on the proposed plan/program:             <ol style="list-style-type: none"> <li>d) affected elements of the National Ecological Network (NEN);</li> </ol> </li> <li>3. the body responsible for the plan/program implementation.</li> </ol> <p>Art.54 PTA (1) The Ministry of Environment and Water shall create a selective map, a register and an information system of the protected areas. (2) The contents of the selective map, register and information system of the protected areas, as well as the procedure for the creation and maintenance thereof, shall be determined by a regulation of the Minister of Environment and Water and the Minister of Regional Development and Public Works.</p>	<p>The relationships between the PP mentioned above and their specific objectives shall be taken into account. The affected elements of the NEN and the possible negative effects with developed alternatives including zero alternatives shall be considered. The information on the protected territories in the register and information system shall be additional source of information for the SEA team and the environmental authority.</p>

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			(3) The data of the selective map and register of protected areas shall be open to the public and shall be provided for use by the Ministry of Environment and Water and the regional authorities thereof against payment of a fee according to a rate schedule approved by the Council of Ministers.	
	3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.	Art.8, par.1 SEA Ordinance The proponent of the plan/program shall submit a request in writing to the attention of the respective competent body under Article 4 hereof for the assessment of the need of an EIA Art.8, par.2 The following shall be added to the request under paragraph 1 hereof: 3. information of plans and programs and investment proposals, relating the plan/program proposed, including already implemented EAs or EIA	Art.31 LBD, par.14 When the respective plan, programme or development proposal pursuant to par. 1 is subject to a SEA or EIA through a procedure according to the Environmental Protection Act, the collected information and the analyses carried out by the preparation of the assessment pursuant to par.4, shall be used for the elaboration of the reports on SEA or EIA.	The conclusions of the SEA or EIA report or under the “biodiversity impact” assessment carried out in the earlier stages can give additional analytical basis for the on going SEA.
	4. The authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the environmental report.	Art.13, par.1 SEA Ordinance The competent body under Article 4 shall submit the documentation presented together with the request under Article 8, paragraph 1 for getting a statement by the specialized competent bodies of the Ministry of Health and if necessary – to the municipal authorities and other specialized bodies, and the term for an answer by the above bodies shall be thirty days. Art.19a SEA Ordinance The Assignor and/or the experts, who are commissioned to prepare the environmental report/the environmental part to the plan or programme, shall conduct consultations for the scope of the assessment with the competent authorities pursuant to Art.4 and other specialized authorities.	Art.31a, p.5 LBD With the ordinance there shall be obligatorily set: 5. the stages of the procedure, including the requirements for consultations and public participation	In the Ordinance pursuant to Art.31a, p.5 of LBD there should be regulated the conditions for consultations and public participation. The choice of the specialized bodies in the SEA scoping phase with respect of biodiversity could lead to a better consideration of the available information and results of conducted studies in the area and sector of application, respectively possible adverse effect, of the PP.

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	<b>International legal framework</b>	<b>National legal framework of SEA</b>	<b>References to biodiversity</b>	<b>Crosscutting issues of SEA and biodiversity conservation</b>
<b>ARTICLE 6</b>	<p>Consultations</p> <p>1. The draft plan or programme and the environmental report prepared in accordance with Article 5 shall be made available to the authorities referred to in paragraph 3 of this Article and the public.</p>	<p>Art.19 SEA Directive</p> <p>(1) The proponent shall organize consultations with the public, the interested bodies and third parties that might be affected by the plan or program during the different stages of preparation of the plan or programme, respectively of the EA.</p> <p>(2) The bodies under Article 4 shall ensure the discussions under paragraph 1 hereof, when they are concurrently an proponent of the plan/program.</p> <p>(3) The consultations shall be performed as per a scheme developed by the proponent.</p>	<p>Art.22 SEA Ordinance</p> <p>If as a result of the consultations it becomes necessary to consider and evaluate other alternatives, opinions or suggestions to the plan or program, the proponent shall assign an amendment to the EIA report and shall assess the need of continuing the consultations, including a new public discussion under Article 21, paragraph 2.</p>	<p>The comments and proposals for amendments and new alternatives shall be taken into account from the planning authorities. That alternatives could be grounded on the biodiversity protection considerations.</p>
	<p>2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.</p>	<p>Art. 87,par.1</p> <p>The proponent of the plan or programme shall:</p> <p>1. ensure the necessary support to the registered experts for consultations with the bodies concerned and likely to be affected, in particular with those responsible for the preparation and implementation of the plan or programme subject to environmental assessment;</p> <p>2. organize consultations with the public and with persons concerned who are affected by the implementation of the plan or programme.</p> <p>Par.2 The results of the consultations shall be reflected into the environmental assessment report and shall be taken into account in the opinion of the Minister of Environment and Water or the competent RIEW Director.</p>	<p>Art.31, par. 10 LBD</p> <p>Pursuant to par.7, p.2 (negative statement/decision) and in par.8 (when objectively there is not enough available information or uncertainty about the extent of negative effects on the SAC) the development proposal, plan and programme can not be approved by the competent authority in accordance with the other laws. In these cases the started procedures are cancelled.</p> <p>Art.9 LBD</p> <p>In the process of preparation of the documentation according to Art.8, par.1 and before designation of the special area of conservation the Ministry of Environment and Waters and the Ministry of Agriculture and Forestry shall ensure the carrying out of national and regional public campaigns for clarification of the designation and objectives of the special areas of conservation.</p>	<p>The lack of information in the assessment of the effect on the SAC can justify the cancellation of the planning procedure and the PP shall not be submitted to EA.</p>

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	<b>International legal framework</b>	<b>National legal framework of SEA</b>	<b>References to biodiversity</b>	<b>Crosscutting issues of SEA and biodiversity conservation</b>
	<p>3. Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes.</p>	<p>Art.19a SEA Ordinance The Assignor and/or the experts, who are commissioned to prepare the ENVIRONMENTAL report/the environmental part to the plan or programme, shall conduct consultations for the scope of the assessment with the competent authorities pursuant to Art.4 and other specialized authorities.</p>	<p>Art.31a LBD With the ordinance there shall be obligatorily set: 5. the stages of the procedure, including the requirements for consultations and public participation</p>	<p>The two assessments shall be conducted in cooperation of the expert teams, the special biodiversity assessment and the SEA team, with the environmental authorities specialized in the biodiversity protection and authorized under the specific biodiversity protection laws, e.g. LBD, Law on medical plants.</p>
	<p>4. Member States shall identify the public for the purposes of paragraph 2, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.</p>	<p>Article 19, SEA Ordinance (1) The proponent shall organize consultations with the public, the interested bodies and third parties that might be affected by the plan or program. (2) The bodies under Article 4 shall ensure the discussions under paragraph 1 hereof, when they are concurrently an proponent of the plan/program. (3) The consultations shall be performed as per a scheme developed by the proponent.</p>	<p>Art.12 LBD (1) The Minister of Environment and Water shall issue a designation order for the relevant SAC according to Art.10, par.4. (3) The Ministry of environment and waters announces to the public for the elaborated draft of the order, at least in one daily newspaper and on the Internet page. In the announcement are indicated the place and the conditions for the access to the full text of the draft of the order.</p>	<p>The requirement for development of a scheme for consultations shall be based on the relevant information about the active NGO's in the field of biodiversity protection – for protection of birds, special area of conservation or these located in the area of application of PP. It is not specifically regulated the participation of the NGO's promoting environmental protection, and it should be arranged by the scheme proposed by the assignor.</p>

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	<b>International legal framework</b>	<b>National legal framework of SEA</b>	<b>References to biodiversity</b>	<b>Crosscutting issues of SEA and biodiversity conservation</b>
	<p>5. The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.</p>	<p>Art. 19(3) SEA Ordinance The consultations shall be performed as per a scheme developed by the proponent.</p> <p>Art.20 SEA Ordinance (1) The consultations shall include: 1. Publication of an announcement for the consultation that shall include: a) the information under Article 8, paragraph 1, as well as the information for the bodies that approve and implement the plan/program; b) a public place and announced time for seeing the plan/program draft, the EIA report and the materials thereto; c) a term for communicating a statement, which shall not be less than 14 days; d) a manner for communicating the statement, which shall not be only via internet or other electronic media; 2. Ensuring: a) access and adequate technical opportunity for seeing the materials of the EIA report, the draft of the plan/program and the visual material for each of the evaluated alternatives; b) a registered expert or a person with the necessary qualifications from the planning team who shall be responsible for providing additional verbal clarifications on the spot; c) the acceptance of the statements that have been communicated within the scheduled term. (2) The consultations may be performed in one or more of the following manners: 1. sending announcements to the central and territorial authorities of the executive power and to the municipal councils; 2. preparing and distributing a leaflet or a brochure with brief information on the plan/program;</p>	<p>Art.31a LBD With the ordinance there shall be obligatorily set: 5. the stages of the procedure, including the requirements for consultations and public participation</p>	<p>The detailed arrangements shall include also the public hearings and other forms of public participation as described in the SEA Ordinance with the participation of the experts and NGO's specialized in biodiversity protection.</p>

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		<p>3. organizing expert or public groups under the assessment scope;</p> <p>4. sending opinions, suggestions, statements and recommendation to the EIA report team and the proponent via regular mail or email;</p> <p>5. public discussions.</p> <p>(3) The announcement under paragraph 1, item 1 shall be posted on the proponent's web site and/or via another publicly accessible manner.</p>		
<b>ARTICLE 7</b>	<p>Trans-boundary consultations</p> <p>1. Where a Member State considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant environmental report to the other Member State.</p>	<p>Article 34, par. 1 SEA Ordinance</p> <p>In case it has been assessed that a plan/program proposed for EIA will most probably have a substantial impact on the environment of the territory of another country or counties, to which the Republic of Bulgaria is a source country, the Minister of Environment and Waters shall notify the proponent and he affected country or countries thereof and shall determine a term for an answer whether the respective country will participate in the procedure.</p> <p>Art.35, par.1, p.2</p> <p>In case there is no notification by the country of source about a plan/program with transboundary context, which might have a substantial impact on the territory of the Republic of Bulgaria, the MEW shall make the necessary steps in front of the competent body of the country of source for holding consultations for participation in the procedure.</p>	<p>In case it has been assessed that a plan/program proposed for EIA will most probably have a substantial impact on the environment of the territory of another country or counties, to which the Republic of Bulgaria is a source country, the Minister of Environment and Waters shall notify the proponent and he affected country or countries thereof and shall determine a term for an answer whether the respective country will participate in the procedure.</p>	<p>In the course of the transboundary consultations there should be developed a mechanism to provide the information on the biodiversity SAC and other baseline information from both countries and included the respective experts, competent environmental authorities and NGO's, academic institutions which could contribute to the analysis and decision in accordance with the objectives of the national strategies for biodiversity protection and other management plans for SAC, habitats and species protection.</p>

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	<p>2. Where a Member State is sent a copy of a draft plan or programme and an environmental report under paragraph 1, it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates, the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate such effects. Where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in Article 6(3) and the public referred to in Article 6(4) in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time-frame.</p>	<p>Art.35, par.1, p.1. SEA Ordinance When obtaining a notification for a plan/program that will be implemented on the territory of another country with a presumable substantial impact on the territory of the Republic of Bulgaria, within the term specified in the notification the MEW shall notify the country of source for its decision to participate or not to in the EIA procedure. a) in case of expressed consent the national procedure of the country of source shall be followed, unless stipulated otherwise in an international agreement to which the republic of Bulgaria is a party; б) the Minister of Environment and Waters shall ensure public access to the presented information on EIA under the conditions of Article 20 and shall send in due timing all statements on the documentation prior to the decision of the competent body of the other country;</p>		
	<p>3. Where Member States are required under this Article to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable timeframe for the duration of the consultations.</p>	<p>Art.34, par.3. SEA Ordinance In case of a positive answer by the affected country, with enclosed decision of the competent national body for participation in the procedure, the transboundary aspects shall be taken into account and bilateral or multilateral interstate consultations shall be held for reaching an agreement about: 1. the procedure for notification and providing opportunities for expressing a statement by the competent bodies for protection of the environment and healthcare and the affected public in a specified term; 2. defining a reasonable term for the consultations duration; 3. ensuring access to the EIA statement.</p>		

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<b>ARTICLE 8</b>	<p>Decision making</p> <p>The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.</p>	<p>Art.25 SEA Ordinance</p> <p>To decide under paragraph 1 the commission/the expert council shall evaluate the documents under Article 23, paragraph 1 and 2 for compliance with the requirements for:</p> <p>5. compatibility of the goals and the measures of the plan/program with the main goals and priorities of the National Environmental Strategy and with the municipal environmental programs of the affected municipalities;</p> <p>6. organization for developing the environmental report along with the plan/program;</p> <p>7. indicate the consultation results in the environmental report.</p>	<p>Art.30, par.5 LBD</p> <p>For the carrying out the assessment pursuant to par.4 the competent authority according to par.6:</p> <ol style="list-style-type: none"> <li>1. requires from the assignor of the plan, programme or development proposal to provide information determined by volume and form.</li> <li>2. conducts consultations with the public</li> <li>3. when necessary commissions the carrying out of additional research and analysis or collecting of additional scientific information concerning the subject and the objectives of the special area of conservation and/or the expected degree of deterioration of the area.</li> </ol> <p>Art.32 LBD</p> <p>The competent authority approves according to Art.31, par.7, p.1 the plan, programme and the development proposal only if the conclusion in the assessment according to Art.31, par.4 is, that the subject of protection in the respective special area of conservation will not be significantly deteriorated.</p> <p>(2) The extent of the deterioration shall be assessed at least in respect of the area of the habitats-subject of protection, which will be deteriorated, in proportion to their area in the respective special area of conservation and in the entire network of the special areas of conservation.</p>	<p>The final document of the SEA study shall summarise and conclude on the effects of the PP on the environment, including biodiversity. When the proposed alternatives will affect adversely the SAC, the natural habitats and habitats of species it should not be approved unless for imperative reasons of overriding public interest and after developing of compensatory measures.</p>

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<b>ARTICLE 9</b>	<p>Information on the decision</p> <p>1. Member States shall ensure that, when a plan or programme is adopted, the authorities referred to in Article 6(3), the public and any Member State consulted under Article 7 are informed and the following items are made available to those so informed:</p> <p>(a) the plan or programme as adopted;</p> <p>(b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and</p> <p>(c) the measures decided concerning monitoring in accordance with Article 10.</p>	<p>Art.25, par.2 SEA Ordinance</p> <p>To decide under paragraph 1 the commission/the expert council shall evaluate the documents under Article 23, paragraph 1 and 2 for compliance with the requirements for:</p> <ol style="list-style-type: none"> <li>1. structure and content of the environmental report under Article 86, paragraph 3 of the LPE;</li> <li>2. the profile of the report, including the necessary enclosures;</li> <li>3. credibility and up-to-date of the date sources;</li> <li>4. consideration of reasonable alternatives, including a "zero" alternative, for achieving the primary goals of the plan/program;</li> <li>5. compatibility of the goals and the measures of the plan/program with the main goals and priorities of the National Environmental Strategy and with the municipal environmental programs of the affected municipalities;</li> <li>6. organization for developing the environmental report along with the plan/program;</li> <li>7. indicate the consultation results in the environmental report.</li> </ol> <p>Art.26, par.2</p> <p>The statement shall comprise:</p> <ol style="list-style-type: none"> <li>1. motives for the conclusion for the preferred alternative in terms of the environment, including the consideration of the results of the consultations of the interested bodies and the public;</li> <li>2. measures for prevention, decreasing or possibly complete remedy of the presumable unfavorable consequences of the plan/program implementation for the environment;</li> </ol>	<p>Art.31a, par.2 LBD</p> <p>With the ordinance pursuant to par. 1 there shall be obligatorily set:</p> <ol style="list-style-type: none"> <li>2. the requirements for the scope and content of the information, necessary for carrying out the assessment, including for the alternative solutions</li> <li>3. the requirements to the scope, methods, content and the form for presentation of the assessment, as well as to the procedure for its carrying out</li> <li>5. the stages of the procedure, including the requirements for consultations and public participation</li> <li>6. the basic principles and criteria for the decision making of the competent authority, as well as the requirements to the form and content of the decision</li> <li>7. the procedure for issuing of the decision and the control of its implementation</li> </ol>	<p>The statement on how the biodiversity considerations are integrated into the PP is essential for a SEA procedure and from it could be derived the compatibility of the PP with the objectives of the national strategies, with the priorities for protection of SAC, the natural habitats and action plans for protection of species.</p>

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	<b>International legal framework</b>	<b>National legal framework of SEA</b>	<b>References to biodiversity</b>	<b>Crosscutting issues of SEA and biodiversity conservation</b>
		3. the measures of supervision and control of the plan/program implementation, including regular reports on the control and supervision.		
	2. The detailed arrangements concerning the information referred to in paragraph 1 shall be determined by the Member States.	<p>Art.27 SEA Ordinance</p> <p>(1) The EA statement shall be given to the proponent within 5 days of its announcement and shall be announced together with the plan/program in the proponent's web site and/or in another appropriate manner, including the manner for announcing the plan/program, as stipulated in the respective special law.</p> <p>(2) The competent body shall ensure access to the EA statement content after its announcement.</p> <p>(3) The access to the environmental report/the ecological part of the plan or program shall be performed under the provisions of Chapter Two of the EPA.</p>	<p>Art.31, par.10 LBD</p> <p>In 7 days period after taking the decision the competent authority hands it in to the assignor and announces it in the Internet site of the Ministry of Environment and Waters.</p>	<p>The consulted general public, NGO's and the experts that were involved in the SEA and special LBD assessment procedure shall be informed in order to compare whether their implications were taken into account to the appropriate extent.</p>

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<b>ARTICLE 10</b>	<p>Monitoring</p> <p>1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.</p>	<p>Art.30 SEA Ordinance</p> <p>The proponent shall prepare a report on the supervision and control during the plan/program implementation, including the measures for prevention, decreasing or remedy of the ecological damages as a result of the plan/program implementation on the regular basis, as determined in the EA statement.</p>	<p>Art.29 LBD</p> <p>The management plans referred to in Article 27 herein shall envisage measures intended to prevent the deterioration of conditions in the natural habitat types and in the habitats of species, as well as the endangerment and disturbance of the species for the protection whereof the relevant special areas of conservation have been designated.</p> <p>(2) The measures referred to in Paragraph shall include:</p> <p>5. conduct of scientific research, education and monitoring.</p> <p>Art.115, par.1 LBD</p> <p>The Minister of Environment and Waters shall perform the following functions:</p> <p>10. organize a national system of monitoring of the status of biological diversity and create data bases and geographic information systems for recording of the status and ascertaining the changes in biological diversity, provide access and exchange of data on conservation of biological diversity</p>	<p>The monitoring schemes of the supervision and control of the implementation of the PP and the special monitoring of the management plans for the SAC shall be in correlation with each other and the information from one source to be considered by the other and included in the national system of monitoring of the status of biological diversity.</p>
	<p>2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.</p>			
<b>ARTICLE 11</b>	<p>Relationship with other Community legislation</p> <p>1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.</p>	<p>Transposition not required</p>		

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	2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, inter alia, to avoid duplication of assessment.	See above		
	3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.	See above		
<b>ARTIC LE 12</b>	Information, reporting and review 1. Member States and the Commission shall exchange information on the experience gained in applying this Directive.	See above		
	2. Member States shall ensure that environmental reports are of a sufficient quality to meet the requirements of this Directive and shall communicate to the Commission any measures they take concerning the quality of these reports	See above		

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	<p>3. Before 21 July 2006 the Commission shall send a first report on the application and effectiveness of this Directive to the European Parliament and to the Council. With a view further to integrating environmental protection requirements, in accordance with Article 6 of the Treaty, and taking into account the experience acquired in the application of this Directive in the Member States, such a report will be accompanied by proposals for amendment of this Directive, if appropriate. In particular, the Commission will consider the possibility of extending the scope of this Directive to other areas/sectors and other types of plans and programmes. A new evaluation report shall follow at seven-year intervals.</p>	See above		
	<p>4. The Commission shall report on the relationship between this Directive and Regulations (EC) No 1260/1999 and (EC) No 1257/1999 well ahead of the expiry of the programming periods provided for in those Regulations, with a view to ensuring a coherent approach with regard to this Directive and subsequent Community Regulations.</p>	See above		

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	International legal framework	National legal framework of SEA	References to biodiversity	Crosscutting issues of SEA and biodiversity conservation
	<p>ANNEX I Information referred to in Article 5(1) The information to be provided under Article 5(1), subject to Article 5(2) and (3), is the following:</p> <p>(a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;</p> <p>(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;</p> <p>(c) the environmental characteristics of areas likely to be significantly affected;</p> <p>(d) <i>any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;</i></p> <p>(e) <i>the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;</i></p> <p>(f) <i>the likely significant effects(1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;</i></p> <p>(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;</p>			

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	<b>International legal framework</b>	<b>National legal framework of SEA</b>	<b>References to biodiversity</b>	<b>Crosscutting issues of SEA and biodiversity conservation</b>
	(1) These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.			
	(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information; (i) a description of the measures envisaged concerning monitoring in accordance with Article 10; (j) a non-technical summary of the information provided under the above headings.			

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	International legal framework	National legal framework of SEA	References to biodiversity	Crosscutting issues of SEA and biodiversity conservation
	<p>ANNEX II</p> <p>Criteria for determining the likely significance of effects referred to in Article 3(5)</p> <p>1. The characteristics of plans and programmes, having regard, in particular, to</p> <ul style="list-style-type: none"> <li>- 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,</li> <li>- <i>the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,</i></li> <li>- <i>the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</i></li> <li>- environmental problems relevant to the plan or programme,</li> <li>- 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).</li> </ul> <p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</p> <ul style="list-style-type: none"> <li>- the probability, duration, frequency and reversibility of the effects,</li> <li>- the cumulative nature of the effects,</li> <li>- the transboundary nature of the effects,</li> <li>- the risks to human health or the environment (e.g. due to accidents),</li> <li>- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</li> <li>- the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> <li>- special natural characteristics or cultural heritage,</li> </ul> </li> </ul>	<p>Art. 85, par. 4 EPA</p> <p>The Minister of Environment and Water or the competent RIEW Director shall determine the need of environmental assessment of any plan or programme proposed or modification of any such plan or programme according to the procedure established by the regulation referred to in Article 90 herein, in conformity with the following criteria for determining the likely significance of the effects thereof:</p> <p>1. the characteristics of plans and programmes, having regard to:</p> <ul style="list-style-type: none"> <li>a) the degree to which the plan or programme sets a framework for development proposals and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</li> <li>b) the relevance of the plan or programme for the promotion of the sustainable development and for achievement of the national and regional objectives;</li> </ul> <p>2. characteristics of the effects and of the area likely to be affected, having regard to: the essence, scope, reversibility and the cumulative nature of the eventual effects; the potential transboundary effects, the risks to human health or the environment, the magnitude and spatial extent of the effects, the value and vulnerability of the area likely to be affected; the effects on landscapes or on the components of the National Environmental Network;</p> <p>3. the degree to which the plan or programme influences other plans and programmes.</p>		

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#### Legal review of crosscutting issues in SEA and biodiversity conservation

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	<b>International legal framework</b>	<b>National legal framework of SEA</b>	<b>References to biodiversity</b>	<b>Crosscutting issues of SEA and biodiversity conservation</b>
	<ul style="list-style-type: none"><li>- exceeded environmental quality standards or limit values,</li><li>- intensive land-use,</li><li>- <i>the effects on areas or landscapes which have a recognized national, Community or international protection status</i></li></ul>			