



CBBIA-IAIA



Capacity-building for good practice in biodiversity and impact assessment

Strengthening the capacity of Bulgarian environmental authorities and Strategic Environmental Assessment (SEA) experts concerning the integration of biodiversity aspects in SEA procedures

A “CBBIA-IAIA Small Grants Programme” project

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I. PROJECT INFORMATION

Project/Grant full title:	Strengthening the capacity of Bulgarian environmental authorities and Strategic Environmental Assessment (SEA) experts in the application of SEA in the context of integrating biodiversity aspects in SEA procedures
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BACKGROUND

In the field of biodiversity protection Bulgaria has ratified the following international conventions:

- UN Convention on Biological Diversity (CBD); ratified on 17.04.1996,
- Cartagena Bio-safety Protocol; ratified on 11.09.2003,
- Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention); ratified on 25.01.1991 and in force since 01.05.1991¹;
- Convention on Biological Diversity; ratified on 29.02.1996 and in force since 16.07.1996²;
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (The Ramsar Convention); in force since 24.01.1976³;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (The Washington Convention, CITES); ratified in 1990, in force since 16.04.1991⁴;
- Convention for the Protection of the World Cultural and Natural Heritage; ratified and in force since 1976
- Convention on the Conservation of Migratory Species of Wild Animals (The Bonn Convention); ratified on 03.08.1999 and in force since 01.11.1999⁵;
- Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area; ratified and promulgated in the State Gazette No 87/1999;
- Agreement on the Conservation of African-Eurasian Migratory Water birds; ratified by law and in force since 01.02.2000⁶;

¹ State Gazette No. 23/1995

² State Gazette No 19/1999

³ State Gazette No 56/1992

⁴ State Gazette No 6/1992

⁵ State Gazette No 16/2000

- Agreement on the Conservation of Bats in Europe; ratified and in force since 09.12.2000⁷;
- European convention on the landscape – ratified by law and in force since 01.03.2005⁸.

As Bulgaria is expected to become a European Union (EU) Member as of January 2007 the national legislation has to comply also with the requirements of the EU Directive 92/43 on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the Directive 79/409 on the Conservation of wild birds (the Birds Directive). Establishing the NATURA 2000 network in Bulgaria is one of the main commitments of the country in regard to EU accession. In the process of the preparation for joining the EU, Bulgarian authorities, dealing with environment have undertaken a lot of efforts and carried out a profound reform in the legislative and administrative system in order to meet the requirements of the “*acquis communautaire*”.

In the field of biodiversity Bulgaria has adopted the following national legal acts:

- Law on Biological Diversity;
- Protected Areas Act;
- Law on Hunting and Game Protection;
- Law on Fishing and Aquacultures;
- Medicinal Plants Act;
- Law on the protection of new plant varieties and animal breeds;
- Regulation on developing management plans for protected areas.

Strategic Environmental Assessment (SEA) regulations have been introduced in the Bulgarian legislation through the transposition of the 2001/42/EC Directive on the assessment of the effects of certain plans and programmes on the environment” (the ‘SEA Directive’). In this framework regulations have been adopted concerning conditions, procedures and methods for the assessment of plans and programmes (Environmental Protection Act, Chapter VI, Section II and the Regulation of the Council of Ministers – the “SEA regulation” – in force since 01.07.2004).

The Ministry of Environment and Waters (MoEW) is the competent administrative authority responsible for carrying out Strategic Environmental Assessment procedures for plans and programs adopted at the central level, while for regional and local level plans and programmes the competent authority is the Director of the Regional Inspectorate for Environment and Waters (RIEW). The Ministry of Health and, if necessary, municipal authorities and/or other specialized bodies (e.g. the Ministry of Agriculture and Forestry) (Art.13, par.1 SEA regulation) may also contribute to the process as consultation authorities. The wider public is involved at the stage of the preparation of the SEA report and the draft plan or project. According to article 9, paragraph 1, page 3 of the Strategic Environmental Assessment Regulation no separate SEA will be performed when there is a duplication of the procedures – i.e. an environmental impact assessment is required for plans and programs that concern protected areas from the National Ecological Network. Article 2, paragraph 2 and Annex II of the SEA regulation says that management plans of protected areas shall be submitted for a screening procedure in order to identify the need of an SEA.

⁶ Ratification published in the State Gazette No 87/1999, promulgated in the State Gazette No 16/2000

⁷ Ratification published in the State Gazette No 69/1999, promulgated in the State Gazette No 16/2000

⁸ State Gazette No. 94/2004

Although there is a network of certified experts capable to carry out Environmental Impact Assessment and SEA in Bulgaria as well as a strong biodiversity community, involved among others in the elaboration of the national Natura 2000 network, there is still a lack of experience concerning the practical implementation of SEA, especially what concerns biodiversity conservation aspects. There is a clear need for developing the capacity of biodiversity and nature conservation experts concerning the definition of SEA and its legal requirements, modalities for incorporating biodiversity aspects in SEA as well as links between SEA and other procedures: sustainability appraisal, "appropriate assessment" under the Habitats Directive, etc.

The need for further developing capacities regarding cross cutting issues of SEA and biodiversity is also defined on the basis of feedbacks given by the Bulgarian Ministry of Environment and Waters, and the expression of their concerns on problems in the integration of biodiversity protection in SEA procedures.

SUMMARY OF PROJECT OBJECTIVES AND METHODOLOGY

Objective: To strengthen the capacity of the Bulgarian environmental authorities and SEA experts concerning the integration of biodiversity aspects in the Strategic Environmental Assessment procedures through development of practical guidelines

Guidelines are expected to assist authorities and experts in carrying out the process of SEA, and to collaborate with relevant planning authorities in drafting plans and programmes within different planning procedures, where Strategic Environmental Assessment is legally required. They will provide practical demand-driven support for the development of administrative capacities of the relevant Bulgarian environmental authorities in the integration of biodiversity concerns during the implementation of SEA procedures, and in the practice of the experts in carrying out SEA studies. Additionally, it is expected that guidelines will assist planning authorities not only in incorporating biodiversity concerns, but in a wide range of sectors.

More specifically the project intended to:

- identify crosscutting issues of SEA and biodiversity in the legal and administrative set up,
- develop coordination models to be applied in the SEA process by environmental and planning authorities,
- develop tools for involving NGOs and the general public, and
- develop a set of practical guidelines to assist planning authorities in meeting SEA and biodiversity national regulations and international requirements

The project was carried out in four main phases. During the *first phase* baseline information was collected to analyze the legal and administrative framework of Strategic Environmental Assessment and biodiversity in Bulgaria. The analysis also looked at relevant international experience – i.e. guidelines, manuals, EC Directives and Conventions. The project team, consisting of one national expert and several international experts, carried out a review of relevant legislation, especially looking at relevant sectors' policies, SEA regulations and regulations related to biodiversity and nature conservation. Specific legal requirements were identified in this process, as well as the different ways biodiversity implications can be considered in SEA and other procedures, according to the national legal system. The project team identified crosscutting issues of SEA and biodiversity in the legal and administrative set up, developed coordination models for environmental and planning authorities, and elaborated tools for involving NGOs and the general public in the process.

In the *second – main – phase* of the project outcomes of the above review elaborated into practical guidelines on Strategic Environmental Assessment and biodiversity, developed in order to identify problems in the implementation of legal requirements and the tools available for the integration of biodiversity objectives and concerns during the development of plans and projects as well as their SEA procedures. Guidelines were developed in English (as a working language) and Bulgarian.

In the *third phase* of the project, a draft of the guidelines was disseminated in Bulgaria, and feedbacks were collected from the Ministry of Environment and Water, regional inspectorates, nature conservation authorities, other officials and SEA experts. Comments were gathered through various ways including:

- Meetings with the Ministry of Environment and Water and other key players,
- One-day stakeholder workshop,
- Communication through electronic media, and
- Informal consultations.

In the *fourth phase* of the project a final version of the guidelines will be elaborated and disseminated on CD ROMs (made available to key stakeholders), and by posting them on the REC website – national and regional – and of different REC partners. In addition a brochure presenting the most important findings of the project will be published and widely disseminated.

EXPECTED RESULTS

The following concrete outcomes and deliverables are to be presented by the end of the project:

- *A legal review of crosscutting issues* of SEA and biodiversity in the current national legal and administrative set-up, elaborated according to a given template;
- *Coordination models* in the SEA process for environmental and planning authorities and tools for involving the NGOs and the general public in the process;
- *Strategic Environmental Assessment guidelines* (in English and Bulgarian) targeted to environmental and planning authorities and SEA practitioners. They will introduce new approaches to the integration of biodiversity aspects in SEA, and identify problematic areas in the implementation of the SEA procedure. Guidelines produced will be discussed with key stakeholders and users, and widely disseminated (through the world wide web in English and Bulgarian and on CD ROM – at least 200 copies in Bulgarian language);
- At least one *national workshop* organized to present the structure and key issues presented in the guidelines;
- *A brochure* (at least 300 copies in Bulgarian) on the integration of biodiversity issues in the assessment of strategic planning documents, published and disseminated;
- *A project final report* delivered to the International Association for Impact Assessment and key stakeholders. The report will describe main results, conclusions, lessons learnt and the consultation process.

II. OVERVIEW OF RESULTS ACHIEVED

Overall, the project was carried out close to the schedule defined in the project action plan. However, as reported already, a slight delay has occurred in the first phase, which had an impact on the following phases. This brought an overall delay of several weeks. The actual expected timing of implementation is presented in the last column of the project action plan, in *Annex 1*.

The main challenges encountered during the implementation of the project – which partially caused the above mentioned delays – can be summarised as follows:

- The project initiator and the first manager of the project, Mira Mileva left the REC team as of July 1, 2006. Her managerial tasks and duties related to the project have been handed over to Ors Marczin, project manager and an expert in biodiversity and agriculture;
- The involvement of the main national counterpart, the Ministry of Environment and Water was substantially delayed due to their high workload – additional tasks important to fulfil the requirements of the last stage of the accession process emerged (e.g. the need for Bulgarian language editor);
- Based on her specific experience, the first project manager played also the role of the national biodiversity expert. After her departure a replacement had to be found, which took additional time;
- Due to the above, the workshop originally planned for the first half of October has been organised a few weeks later, on October 25;
- Presentation and discussions at the workshop triggered many substantial comments to the draft guidelines and participants requested additional time for delivering their comments after the workshop. Due to the already tight schedule of the project this additional commenting period could not be extended as long as it has been requested.

The following parts of the report will shortly present the process of implementation of activities carried out, with short summaries of key deliverables, while full copies of deliverables are included in the annexes.

INTERNAL CONSULTATION MEETINGS

Besides regular communication among members of the project team (through electronic media and phone) two internal consultation meetings have been organised during the reporting period. The first meeting has been held on July 14, 2006 in the REC Head Office, with the participation of the national expert/temporary project officer, project director and project manager, while the second on July 24 in the REC Country Office Bulgaria, involving the national expert/temporary project officer, the REC Country Office Director and the project manager.

In addition several short and occasional consultation meetings were held, where the state of implementation and other practical aspects have been discussed.

Key issues discussed on these occasions were as follow:

- Progress with the collection and analysis of baseline information and relevant sources, with a view to prepare the *legal review of crosscutting issues* of SEA and biodiversity in

the current national legal and administrative set-up, and *coordination models* in the SEA process for environmental and planning authorities;

- Planning activities concerning the preparation of the interim report, guidelines and brochure on the integration of biodiversity considerations in the SEA process and the national stakeholders' workshop;
- Contacts with the relevant/key players such as the Ministry of Environment and Water, NGOs, etc.

The possible roles of different players have been also discussed, having in mind the recent changes in the project team composition. In this respect the following general roles have been agreed:

- National expert/temporary project officer (Plamen Peev): legal inputs concerning SEA and biodiversity in Bulgaria;
- CO Bulgaria (Miglena Georgieva): support in organising a consultation visit to the Ministry of Environment; support concerning the publishing of results and organising a project workshop to national stakeholders (environmental authorities, NGOs, etc.); inputs to project deliverables;
- REC HO project manager (Ors Marczin, replacing Mira Mileva): overall coordination and reporting; inputs to project deliverables in English – i.e. practical SEA guidelines, project brochure, etc.; developing the design of the national SEA workshop.
- REC HO Project Director (Ausra Jurkeviciute/Jiri Dusik): professional inputs to project documents and design of the national workshop

Halfway through the project the involvement of a national biodiversity expert, Mr. Geko Spiridonov has been decided upon. The expert replaced Mira Mileva, original REC project manager in her quality as a national biodiversity expert. Officially Mr. Geko Spiridonov has been included in the project team as of the 1st of September, 2006.

CONTACTS WITH EXTERNAL PLAYERS

During the project contacts have been made with several important players in the field of SEA.

The involvement of the Environmental Protection Agency in biodiversity monitoring has been discussed as well as the common practice for the coordination of SEA studies with the Department of Monitoring of Land, Biodiversity and Protected Areas. As a result a draft ordinance has been presented on the order and specific conditions for the creation and functioning of a national biodiversity monitoring system.

A meeting with Prof. Troeva, the leader of various expert teams has been also organised. These teams conducted the first SEA studies in Bulgaria after the entry into force of the SEA ordinance. They worked for example on the SEA of the General Master Plan of Sofia and the SEA of the General Master Plan of a new mountain resort in Rila Mountain, near the Rila National Park. In the meeting their specific experience emerging from these works has been discussed.

Several informal meetings with representatives of other academic institutions have been also organised, and they focused mainly on the use of GIS models for conservation planning, mapping biodiversity and modelling possible effects of plans and projects in different scenarios.

Both formal and informal contacts have been made with the Ministry of Environment and Water, one of the most important stakeholders in the project. The ministry was very supportive during the preparatory phase of the project however their inputs came later than planned due to a high load of work emerging from accession requirements (Bulgaria is an accession country to the European Union and the deadline of 1st of Jan. 2007 is a major one for preparations, therefore all governmental institutions are busier than normal).

ANALYSIS OF CROSSCUTTING ISSUES AND COORDINATION MODELS

In the first phase of the project two documents have been prepared. They constituted the first preparatory steps towards developing a comprehensive report presenting guidelines concerning the integration of biodiversity considerations in SEA processes. First an analysis of crosscutting issues between SEA and biodiversity conservation has been performed and summarised in the form of a table. Second, as one of the chapters of the guidelines coordination models in the SEA process for environmental and planning authorities have been explained.

These documents have been elaborated in two steps: (1) through the review of available on-line information and relevant legal databases, which was followed by (2) formal and informal communication with environmental authorities and other relevant stakeholders and experts. Within this process a review of relevant legislation related to Strategic Environmental Assessment and biodiversity conservation has been carried out by the national legal expert, to identify existing legal requirements concerning the integration of biodiversity considerations in the SEA process. Main sources of information used are presented in the below box.

BOX – Bibliography: documents and web sites used within the project

1. Countryside Council for Wales, English Nature, Environment Agency, Royal Society for the Protection of Birds (2004) The Strategic Environmental Assessment and Biodiversity: Guidelines for practitioners. Prepared by South West Ecological Surveys, Levett-Therivel sustainability consultants and Oxford Brookes University.
2. CBD (2002). CoPDecision VI/7A: Further development of guidelines for incorporating biodiversity related issues into environmental-impact-assessment legislation or processes and in strategic impact assessment. (<http://www.biodiv.org/decisions/default.aspx?m=COP-06&id=7181&lg=0>)
3. IAIA (2004) Biodiversity & Impact Assessment Key Citations. (http://www.iaia.org/Non_Members/Activity_Resources/key_resources.htm)
4. Secretariat to the Convention on the biological biodiversity (2005) Handbook on Biological diversity
5. EEA (2002) An inventory of biodiversity indicators in Europe
6. EC (European Commission) (2000) Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC'.
7. EC (2001) Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, Official Journal L197, 21 July, http://europa.eu.int/comm/environment/eia/full-legal-text/0142_en.pdf
8. Dalal –Clayton D.B. and Sadler B. 2005. Strategic Environmental Assessment, A Sourcebook and Reference Guide to International Experience. Earthscan: London
9. EC (2003) Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment http://europa.eu.int/comm/environment/eia/030923_sea_guidance.pdf
10. EC Directorate General DGXI (2001) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC
11. Troeva V., Dimitrov S., Stoykova Y and Peev P. 2003. Determination of the Scope of the Environmental Assessment of Plans and Programmes in Bulgaria (unpublished)
12. European Environment Agency (1998) Spatial and Ecological Assessment of the TEN: Demonstration of

Web sites:

<http://www.moew.government.bg> - Ministry of the Environment and Waters

<http://chm.moew.government.bg> - Bulgarian Biodiversity Portal of MoEW

<http://chm.moew.government.bg/nmps/> - National Office for Nature Protection

<http://www.bluelink.net/> - Civil Environmental Getaway to Bulgaria

<http://nfp-bg.eionet.eu.int/ncsd/bul/index.html> - Environmental Executive Agency

www.europa.eu.int - European Commission,

www.europa.eu.int/comm/environment/eia/home.htm - European Community home page for environmental assessment: includes legal context for both EIA and SEA

www.eea.eu.int - European Environment Agency

Final versions of the two documents mentioned above are presented in **Annex 4** and **5** of this report.

STRATEGIC ENVIRONMENTAL ASSESSMENT GUIDELINES

The Bulgarian Environmental Protection Act – dealing among others with environmental assessment – and the ordinance on conditions and procedures for carrying out environmental assessments entered into force on the 1st of July 2004. New opportunities opened for the implementation of normative regulations of environmental protection. New approaches have introduced included the assessment of the effects of strategic planning documents on different components of the environment. The introduction of these legal acts constituted the transposition of the Directive 2001/42/EC of the European Parliament and of the Council of the European Union on the assessment of the effects of certain plans and programmes on the environment ('the EAD'), and regulated the application of different means for achieving its objectives.

However, these new opportunities brought certain challenges. The efficient and appropriate implementation of Strategic Environmental Assessment processes required the acquisition of new knowledge by members of different organisations – among others, those dealing with the protection of biodiversity. This has been the main motivation of the present project and – as the most significant part of it – for developing a comprehensive guidelines manual which addresses the linkages between biodiversity conservation and SEA.

The main aim of this manual is to propose directions for further developing capacities of administrative authorities dealing with the implementation of SEA processes and to support the work of SEA experts in the field of biodiversity protection. The document includes an analysis of the general international and national legal framework for Strategic Environmental Assessment and biodiversity, which is followed by the consideration of practical directions and models for cooperation between stakeholders as well as criteria and indicators for the sustainable use and protection of county's biological richness.

The document incorporates the results of an extensive desk research carried out by the project team, information gathered through direct consultations with representatives of the Ministry of Environment and Waters and other experts, as well as the results of discussions at a stakeholder workshop organized within the project (see the following chapter for more details on the workshop).

The manual has been distributed to a wide range of interested stakeholders through the Internet and on CD-ROMs (200 copies). Its Bulgarian version has been also used for publishing a short brochure (300 copies) that summarises main findings of the work.

The English and Bulgarian text of the guidelines document is presented in Annex 5 and 6, while sample copies of the above mentioned CD-ROM and Brochure are included in Annex 7 and 8.

NATIONAL WORKSHOP AND BROCHURE ON SEA AND BIODIVERSITY

An advanced draft of the guidelines document has been presented to a group of stakeholders in workshop organised in Sofia, Bulgaria on October 25. The workshop has been co-organised by the Bulgarian Ministry of Environment and Water. Presentations on problems concerning the integration of biodiversity protection and SEA and on the structure and content of the draft guidelines have been prepared and delivered. These presentations were followed by discussion sessions where participants were focusing on the main problems SEA authorities encounter in their everyday work and especially in relation to nature conservation. Comments and suggestions for improving the guidelines document were also given.

Participants recognized the need for having such guidelines developed and the practical use of the document. In summary, they provided the following comments and remarks:

- The scope of the SEA: according to the current legislation the definition of plans and programmes can be narrowly interpreted and as a result some of these could be developed without an SEA. Such cases could occur especially in forestry and land use changes;
- The expertise of SEA experts: there is a general lack of expertise in SEA teams; scientific researchers usually refuse to take part in SEA teams;
- Quality of SEA reports: there are no fully elaborated procedures available for checking the quality of SEA studies. Many such reports do not refer to the sources of information they applied;
- Practice of SEA implementation: there is a need unify the practice of SEA implementation; in this respect the guidelines developed within this project are a useful tool which should be endorsed by the Ministry of Environment and Waters and published or recommended to the administration of the Ministry;
- “Representation” of biodiversity within expert teams: SEA consultation committees that assist the work of SEA authorities bring together several experts, however there is usually just one expert representing the topic of biodiversity protection; as a result, when voting he/she has a limited influence on decisions of the group
- Nature conservation outside protected areas: comprehensive and complete databases on biodiversity in Bulgaria are generally missing as well as specific biodiversity maps or other graphic materials; this makes planning of protection measures outside protected areas particularly problematic;
- Control and monitoring of the implementation of plans and programmes: clear indicators for measures to be taken to prevent, reduce or possibly fully offset the adverse effects on biodiversity are lacking, which makes the monitoring and control of the implementation of plans and programmes difficult;
- The use of compensation measures to cover biodiversity loss: this should not be a common practice in relation to biodiversity, among others because of the negative experience in Europe;

- *Staffing for SEA*: environmental authorities in some regional inspectorates lack human resources necessary to work effectively with the flow of SEA requests and reports coming into their offices;
- *SEA and Natura 2000* (ecological network of the European Union): the recently established Natura 2000 network raises particular problems concerning plans and programmes. The EU legislation has special provisions for environmental impact assessments and safeguarding the integrity of the network. Still problems are faced since constructions with negative impacts occur within some of them or in their immediate vicinity.

Information concerning the workshop has been published on the web site of the REC Country Office in Bulgaria at <http://www.rec.bg/en/news.shtml?x=231>. The web site will be later on updated with further information on the workshop and different results of the project.

The agenda and a full list of participants are included in *Annex 2* of the report.

PROPOSED FOLLOW-UP STEPS

In conclusion, outputs of this project can be considered as important and useful steps towards and increased capacity and work efficiency of Bulgarian authorities dealing with SEA and nature conservation. However, to ensure a wider use of results several follow-up steps are proposed below:

1. To “open-up” the project to other actors, not only environmental authorities – i.e. to address the possible roles of NGOs, academia, scientific institutions, citizens and other possible actors;
2. To introduce the final version of the manual to authorities through a national workshop, and carry out a more detailed consultation with the Ministry of Environment and Water and the Regional Environmental and Water Inspectorates;
3. To publish an upgraded version of the guidelines document in hard copy, and distribute it to a wider range of players;
4. To test general recommendations of the guidelines manual through concrete case studies in the field;
5. To design a training package on biodiversity and SEA targeting different groups of players – authorities, NGOs, academic institutions, etc.

ANNEXES

ANNEX 1: PROJECT ACTION PLAN

ANNEX 2: WORKSHOP AGENDA AND LIST OF PARTICIPANTS

ANNEX 3: LEGAL ANALYSIS OF CROSS-CUTTING ISSUES

ANNEX 4: COORDINATION MODELS IN THE SEA PROCESS FOR ENVIRONMENTAL AND PLANNING AUTHORITIES

ANNEX 5: GUIDELINES ON THE INTEGRATION OF BIODIVERSITY PROTECTION ASPECTS IN THE SEA PROCESS - ENGLISH

ANNEX 6: GUIDELINES ON THE INTEGRATION OF BIODIVERSITY PROTECTION ASPECTS IN THE SEA PROCESS - BULGARIAN

ANNEX 7: CD WITH GUIDELINES, WORKSHOP INFORMATION AND OTHER MATERIALS – SAMPLE COPY

ANNEX 8: BROCHURE ON SEA & BIODIVERSITY (BULGARIAN) – SAMPLE COPY