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STRATEGIC ENVIRONMENTAL ASSESSMENT ON THE DRAFT POLAND-RUSSIA CROSS-BORDER COOPERATION PROGRAMME 2014-2020 - SUMMARY -



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Table of Contents

1	INTRODUCTION	8
2	FRAMEWORK OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT	8
2.1	Agreement of the level of detail of information contained in the Report	9
2.2	Preparation of the Environmental Report	9
2.3	Obtainment of required opinions	9
2.4	Ensuring participation of civil society in providing opinions.....	10
2.5	Opinions, comments and conclusions submitted in the process of issuing opinions of the competent authorities	11
3	SUMMARY AND CONCLUSIONS FROM THE COURSE OF PROCEEDINGS ON THE STRATEGIC ENVIRONMENTAL ASSESSMENT	11
3.1	The findings of the Environmental Report.....	11
3.2	The results of the proceedings on cross-border environmental impact.....	12
3.3	Proposals of methods and frequency of monitoring the effects of the document implementation.....	12
3.4	Justification of the selection of the document with regard to the considered alternatives	13
4	APPENDIXES	13



1 INTRODUCTION

The legal basis to conduct strategic environmental assessment consists of the following: the Act of 3 October 2008 on the provision of information about the environment and its protection, public participation in environmental protection and environmental impact assessment¹ [hereinafter referred to as: the EIA Act] and directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programs on the environment². The Scoping Report developed on the basis of the above mentioned legislation was complemented by other essential elements resulting from legal provisions of the Russian Federation.

In accordance with Art. 55 par. 3 of the EIA Act, the adopted document shall be accompanied by a written summary containing the justification for selection of the document adopted in relation to the consideration of alternative solutions, as well as information about the manner in which the following have been taken into account and to what extent:

- the findings of the Environmental Report,
- opinions drawn up by competent authorities of countries participating in the Programme,
- submitted comments and conclusions,
- the results of the proceedings on cross-border environmental impact, if conducted,
- proposals of methods and frequency of monitoring the effects of the document implementation.

The subject matter of the Strategic Environmental Assessment Report was the draft Poland-Russia Cross-border Cooperation Programme 2014-2020 (hereinafter referred to as the Programme) that has been drafted jointly by the cooperation parties.

2 FRAMEWORK OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT

The need to perform the Strategic Environmental Assessment Report for the Poland-Russia Cross-Border Cooperation Programme 2014-2020 was found on the basis of Directive 2001/42/EC and the Art. 46 of the EIA Act.

In accordance with the aforementioned provisions, strategic environmental assessment is required for policies, strategies, plans or programs in the field of industry, energy, transport, telecommunications, water management, waste management, forestry, agriculture, fisheries, tourism and land use, developed or adopted by the authorities, set framework for future implementation of projects that are likely to have significant environmental effects.

In accordance with Art. 3 item 14 of the EIA Act, the Strategic Environmental Assessment proceeded in four stages:

- Agreement of the level of detail of information contained in the Environmental Report,

¹ Journal of Laws no. 199, item 1227, as amended.

² Official Journal of the European Communities L197/30 of 21.07.2001 .

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- Preparation of the Environmental Report,
 - Obtainment of required opinions,
 - Ensuring participation of civil society in the proceedings.

2.1 Agreement of the level of detail of information contained in the Report

In accordance with Art. 53 and 57 of the EIA Act, the scope and the level of detail required in the Environmental Impact Assessment of the Programme has been agreed by:

- General Director for Environmental Protection, letter reference No.: DOOŚsoos.411.7.2015.JP of the 10th of April 2014;
- Chief Sanitary Inspector, letter reference No. GIS-HŚ-NS-4311-40/EN/15 of the 7th of April 2015;

In addition, agreements were made on the scope and the level of detail of the Report in relation to the Russian Federation at the expert level, cause according to the legislation, there is no obligation to agree it with the competent authorities.

2.2 Preparation of the Environmental Report

When developing the Environmental Report on the Programme, the requirements were taken into account regarding the scope and the level of detail of the presented information, defined in the statements of the above-mentioned institutions.

In accordance with the applicable rules and arrangements, the aim of the Environmental Report is a comprehensive analysis of the potential impact on specific elements of the environment, that may occur in connection with implementation of actions provided for in the Programme, as well as the assessment of the occurrence of cumulative impacts, the analysis of the applicability of alternative solutions, and the need to introduce compensatory measures.

2.3 Obtainment of required opinions

Pursuant to Art. 54 par. 1 of the Act, the Minister of Development submitted the draft Poland-Russia Cross-Border Cooperation Programme 2014-2020 together with the Environmental Report for evaluation by the competent authorities.

Opinions and comments submitted by the said authorities and institutions have been presented in general in Section 2.5, and in detail in Appendix 1 where the manner of their consideration was included as well.

2.4 Ensuring participation of civil society in providing opinions

In accordance with the aforementioned provisions, the Programme and its Environmental Report have been subject to public consultation held in Poland between 17.07.2015 and 10.08.2015, and again (after slight improvements in the Programme) in the period from 6.05.2016 to 5.06.2016.

Legal provisions of the Russian Federation do not require public consultation for such documents, therefore actions were limited to receiving comments of the cooperating expert from the Kaliningrad Region.

Information on the draft document and its Environmental Report, opportunities to read the necessary documentation, the possibility to submit comments and proposals (including the manner and place of their submission), the authority competent to examine comments and proposals have been distributed by publishing them on 17.07.2015 on the Programme's website.

<http://www.lt-pl-ru.eu/en,news,319> and <http://ewt.pomorskie.eu/-/konsultacje-spoleczne-prognozy-oddialywania-na-srodowisko-w-polska-rosja>

and again, with the current version of the Programme on 05.06.2016 on the following websites:

- Ministry of Development

<http://www.mr.gov.pl/strony/aktualnosci/konsultacje-publiczne-projektu-programu-wspolpracy-transgranicznej-europejskiego-instrumentu-sasiedztwa-polska-rosja-2014-2020/>

- Portal of the European Funds

<https://www.funduszeuropejskie.gov.pl/strony/wiadomosci/konsultacje-publiczne-projektu-programu-wspolpracy-transgranicznej-europejskiego-instrumentu-sasiedztwa-polska-rosja-2014-2020/>

- The Lithuania-Poland-Russia Cross-Border Cooperation Programme 2007-2013

<http://www.lt-pl-ru.eu/pl,news,349>

and on websites of the voivodeships:

- Territorial Cooperation of Warmia and Mazury

<http://ewt.warmia.mazury.pl/polska-rosja/aktualnosci-polska-rosja/895-konsultacje-programu-polska-rosja>

- Pomeranian, European Territorial Cooperation

<http://ewt.pomorskie.eu/-/konsultacje-publiczne-polska-rosja>

- European Funds, The Gate of Podlasie

https://www.wrotapodlasia.pl/pl/fundusze_europejskie/fundusze_europejskie/konsultacje-publiczne-projektu-programu-wspolpracy-transgranicznej-polska-rosja-2014-2020.html

All stakeholders (from both countries participating in the Programme) could participate in consultations, including individuals.

Social consultations provided one comment that did not refer to the Report

2.5 Opinions, comments and conclusions submitted in the process of issuing opinions of the competent authorities

In the context of issuing opinions by the competent authorities, the Chief Sanitary Inspector informed that submits no comments, and the General Director for Environmental Protection provided a number of comments and conclusions.

All opinions, comments and conclusions together with the manner of their consideration are included in the Appendix 1.

Undoubtedly, it shall be considered that the received comments and opinions have contributed to the correction of deficiencies and improvement of both the Environmental Report and the Programme.

3 SUMMARY AND CONCLUSIONS FROM THE COURSE OF PROCEEDINGS ON THE STRATEGIC ENVIRONMENTAL ASSESSMENT

3.1 The findings of the Environmental Report

The Environmental Report provides information on the contents of the Programme, description of environmental conditions resulting from the legislation, as well as the analysis of the current state of the environment determining the key environmental challenges in the region covered by the Programme - challenges in which the Programme should be involved. In addition, based on the analyses, the compatibility was found of the Programme with the objectives and directions of the basic strategic documents of the EU and countries participating in the Programme.

The analysis and evaluation of the existing state of the environment indicated existing environmental problems relevant to sustainable development.

It has been indicated, that the withdrawal from the implementation of the Programme will weaken achievement of the strategic objectives for environmental protection in the context of wider perception of the subject. Failure to implement the Programme will contribute to the persistence and prevalence of negative trends in the environment.

The Environmental Report covers analysis and assessment of significant impacts on the environment. The assessment included primarily such elements of environment as: humans, fauna, flora, biodiversity, integrity of protected areas, water, air, soil, landscape, climate, natural resources, historical heritage objects, and material goods. Environmental impact of individual tasks have been identified in relation to the above mentioned aspects. They are presented in the form of a matrix

enabling approximate identification of environmental aspects. Overall analysis of impacts showed that the implementation of actions under the Programme will have a strongly pro-environmental impact. Whereas, the listed negative impacts were provided with primary means that prevent and reduce negative impact on the environment.

Generally, it is estimated, that the implementation of actions defined by the Programme will have a positive impact on the environment and will contribute to address many issues related to improvement of the environment. However, some areas of support can also have a potentially negative impact on particular elements of the environment, including Natura 2000 sites.

It should be emphasised, that the Environmental Report has a general nature, and the full environmental impact assessment will be performed at the stage of preparation for the implementation of individual projects.

3.2 The results of the proceedings on cross-border environmental impact

The analysis of potential measures under the Programme shows that the actions should not cause environmental impacts across borders. However, an overall assessment that excludes cross-border impacts can be performed only on the basis a detailed analysis of the characteristics of individual investments and their location.

Given the above, it is not possible to make final evaluation of the potential cross-border impacts at the stage of Programme's strategic impact assessment. However it may be required during environmental impact assessment carried out for individual projects, but taking into account the exemplary projects presented in the Programme it is very unlikely to happen.

3.3 Proposals of methods and frequency of monitoring the effects of the document implementation

The Programme is developed on a high level of generality, and it does not specify the majority of projects that will be funded, nor their exact location. Moreover, it should be noted that it has limited impact on solving environmental problems, due to its limited financial scope. In this situation, it is proposed that the Programme's impact on the environment was monitored at the level of individual projects implementation in two stages:

- during the selection of projects, taking into account the proposed selection criteria and evaluating the effects indicatively, and
- after the completion of the project, when the project may affect the environment, which should be stated in the selection phase.

It would also be advisable to conduct a comprehensive evaluation of the effects of the Programme implementation - from the point of view of the environment, after completion of the Programme.

For this purpose, the assessment should be used, that are carried out by the European Environment Agency and within the framework of the Helsinki Convention. The regional systems of environmental monitoring should also be used. The assessment should refer to the given drivers in assessing the state of the environment presented in section 4 of the Report.

3.4 Justification of the selection of the document with regard to the considered alternatives

Given the general nature of the Programme, no specification of projects to be implemented and lack of their location, the Report graphically presents locations of protected areas and possible locations of cumulative impacts. This creates the possibility of an approximate evaluation of the use of alternatives in order to eliminate or reduce negative impacts caused by the implementation of the proposed projects in given areas. These indications could be used in the selection of projects or their variants at the stage of Programme implementation.

As an alternative, it is possible to consider change of Programme in order to increase allocation of funds (within this document) for protection of the environment and nature, because the analysis showed that the needs in this area are justified by large natural values of the region. Moreover, the analysis revealed occurrence of important environmental problems (requiring actions) in the form of: water quality , air quality, waste management, management of protected areas, and more.

4 APPENDIXES

Appendix 1. List of opinions and comments of authorities involved in the evaluation of documents, together with the manner of their consideration