

**Interreg**



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**NEXT** Poland – Ukraine

## **Report on public consultations and consultations with competent authorities of the update of the Strategic Environmental Assessment Report for the Interreg NEXT Poland – Ukraine 2021-2027 Programme**

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# 1 INTRODUCTION

Public consultations are a mandatory element of the strategic environmental assessment process. The requirements for conducting them are defined by the Act of 3 October 2008 on access to environmental information and its protection, public participation in environmental protection, and on environmental impact assessments (Journal of Laws of 2022, item 1029, as amended), hereinafter referred to as the Environmental Protection Act, especially its Chapter III.

This Report summarizes the stage of opinion and public consultations for updating the strategic environmental assessment of the Interreg NEXT Poland – Ukraine 2021-2027 Programme (hereinafter referred to as the Programme) in relation to the Programme update. The Strategic Environmental Assessment Report (SEA Report) provides information on the conduct of public consultations and the manner in which the project document was submitted for opinions by the relevant authorities of Poland and Ukraine.

Furthermore, the Report also contains the scope of information referred to in Article 55(3) of the Environmental Protection Act, i.e., information on how the opinions of relevant authorities and the comments and suggestions submitted during the consultations were taken into account and to what extent they were considered.

## 2 PREPARATION OF PUBLIC CONSULTATIONS

In order to meet all the requirements imposed by the provisions of the Environmental Protection Law, information about the planned start of public consultations for the Interreg NEXT Poland – Ukraine 2021-2027 Programme and the Environmental Impact Assessment (EIA) prepared for it was made publicly available in the form of announcements on the following websites:

- Interreg NEXT Poland – Ukraine 2021-2027 Programme website: <https://pl-ua.eu/en/news/3043>
- European Funds Portal: <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/fundusze-2021-2027/aktualnosci/konsultacje-publiczne-zaktualizowanej-prognozy-oddzialywania-na-srodowisko-programu-interreg-next-polska-ukraina-2021-2027/>
- European Territorial Cooperation and European Neighborhood Instrument Portal: <https://www.ewt.gov.pl/strony/o-programach/programy-interreg-2021-2027/aktualnosci/konsultacje-publiczne-zaktualizowanej-prognozy-oddzialywania-na-srodowisko-programu-interreg-next-polska-ukraina-2021-2027/>

For the purpose of collecting comments, links to electronic forms for submitting comments and suggestions were provided on these websites.

### 3 PUBLIC CONSULTATIONS PROCESS

The consultations of the updated SEA Report for the Programme started on December 11, 2023, and lasted until December 31, 2023, for a total of 21 days as required by the Environmental Protection Act. During this period, all comments and suggestions could be submitted through the online form provided on the Programme website. Only one comment was received electronically during these consultations.

### 4 CONSIDERATION OF SUBMITTED COMMENTS AND SUGGESTIONS

During the public consultations, which took place until December 31, 2023, no comments were submitted. However, after this deadline, one comment in Ukrainian was received. The content of the comment pertains to the proposal to establish an industrial plantation program for the cultivation of a technical plant called "Giant Miscanthus." The main goals and benefits of this initiative, as indicated in the comment, include the possibility of creating environmentally friendly products and indirectly reducing carbon dioxide levels in the atmosphere, as well as having a positive impact on soils through their recovery and purification. The comment was not taken into account as it does not relate to the consulted update of the SEA Report for the Programme but rather expands the scope of eligible activities in the Programme, which was not the subject of consultation.

### 5 ANALYSIS OF THE OPINIONS OF AUTHORITIES

In accordance with the requirement of Article 54(1) of the Environmental Protection Act, the Minister of Funds and Regional Policy requested opinions from the relevant authorities, namely the General Director of Environmental Protection (GDOŚ) and the Chief Sanitary Inspector (GIS), regarding the Programme and the prepared SEA Report (the related conclusions are included in Annex 5).

The Chief Sanitary Inspector provided his opinion on the submitted documents in a letter dated January 10, 2024, with reference number HŚ.NZ.530.30.2023.PS. Similarly, the General Director of Environmental Protection expressed his opinion in a letter dated January 23, 2024, with reference number DOOŚ-TSOOŚ.410.23.2023.BW, including his comments. The analysis of their opinions along with references is presented in the table below. The full content of the opinions of the authorities is included in the annex to the Report on public consultations.

Furthermore, the SEA Report was consulted with the Ukrainian National Authority of the Programme, which submitted one technical comment. As a result, the following statement was added to the SEA Report:

*"The study of the indicative LIPs does not impose an obligation to approve them and does not prejudge the position of the participating countries in the future selection processes. In the case of considering the project selection for Rava Ruska – Hrebenne, it will be necessary to conduct an environmental impact assessment regarding specific project elements. At the time of finalizing the SEA Report, this project has not been approved for financing."*

	Content of comments from the opinion	Reference to the comments
<b>General Director of Environmental Protection</b>		
1	<p>The Programme Interreg NEXT Poland – Ukraine 2021-2027 has undergone several changes, with the most important ones being:</p> <ul style="list-style-type: none"> <li>• A new specific objective RSO2.6: Promoting the transition to a circular and resource efficient economy.</li> <li>• A new specific objective ISO7.4: Other actions for a safer and secure Europe.</li> <li>• A new specific objective RSO3.2: Development and enhancing sustainable, climate-resilient, intelligent and intermodal national, regional and local mobility, including improved access to TEN-T and cross-border mobility.</li> <li>• An update to the List of LIPs – adding project number 8 (LIP 8) titled "Increasing the capacity of the Hrebenne - Rawa Ruska road border crossing and improving conditions for travelers crossing the border at the Budomierz - Hruszew road border crossing."</li> </ul> <p>As these changes to the Interreg Programme qualify for a strategic environmental impact assessment, at the request of the Ministry of Funds and Regional Policy in a letter dated September 29, 2023, reference number: DOOŚ-TSOOŚ.411.2.2023.TW, the General Director of Environmental Protection has agreed on the scope and level of detail of the information required in the SEA Report.</p> <p>The authors of the SEA Report have decided that in light of the changes introduced to the Interreg Programme, a new version of the SEA Report will not be prepared. Instead, the original SEA Report prepared for the previous version of the Interreg Programme, i.e., the Cross-Border Cooperation Programme Poland-Belarus-Ukraine 2021-2027 from 2021, will be updated. An opinion was issued for this Programme along with the SEA Report as part of a strategic environmental impact assessment – a letter dated July 28, 2021, reference number: DOOŚ-TSOOŚ.410.8.2021.TW. As summarized in the strategic environmental impact assessment, the comments submitted by the relevant authority in the opinion dated July 28,</p>	<p><i>The element of the opinion that does not require reference.</i></p>

	Content of comments from the opinion	Reference to the comments
	<p>2021, were largely taken into account.</p> <p>Therefore, in this opinion, the relevant authority did not verify all the provisions of the original SEA Report, even though some of them had to be re-analyzed, even if no changes were made to them. The focus was on reviewing the assessment of additional elements introduced into the SEA Report due to the update of the Interreg Programme. It should also be noted that the purpose of this opinion was not to verify the manner and correctness of incorporating comments submitted in the previous opinion dated July 28, 2021.</p>	
2	<p>Comments on the SEA Report Update:</p> <ul style="list-style-type: none"> <li>Significant negative impacts on Natura 2000 areas – the proposal in this regard presented on page 150 of the SEA Report reads as follows: "Taking into account the objectives and scope of the Programme during the development of this SEA Report, no significant negative impact on Natura 2000 areas and Emerald, including their integrity and coherence, was identified. However, it should be noted that only 8 projects (LIP) that will be supported in the Programme were more detailed. Therefore, significant negative impacts on Natura 2000 areas and Emerald cannot be ruled out in the case of individual investments, which can only be assessed during the project design phase." As indicated in the agreement dated September 29, 2023, in the event of identifying significant negative impacts on Natura 2000 areas within the meaning of Article 3(1)(17) of the Environmental Protection Act or the impossibility of excluding such impacts, in accordance with Article 55(2) of the Environmental Protection Act, the project document cannot be accepted if it results from the strategic environmental impact assessment that its implementation may significantly negatively affect Natura 2000 areas, and all the conditions specified in Article 34 of the Nature Conservation Act are not met. These conditions have not been analyzed in the SEA Report, so it is necessary to supplement this aspect;</li> </ul>	<p><b>The comment has been partially addressed.</b></p> <p>The wording in the initial SEA Report was intended to apply the precautionary principle rather than stating a fact regarding the Programme 's impact on Natura 2000 areas. The projects will be selected through a competition process, and therefore, they do not currently have specific locations. Their nature and shape can only be approximated at this early stage. The statement that "significant negative impacts on Natura 2000 areas and Emerald cannot be ruled out at this early stage" should be interpreted as a suggestion that the funded projects "should be thoroughly analyzed for their impact on Natura 2000 areas and their conservation objects during the investment phase," as indicated in the SEA Report (Chapter 5.4.1.4).</p> <p>It is important to emphasize that none of the Programme provisions indicate the possibility of such a threat. In the final version of the Programme, the unfortunate statement has been removed. Additionally, the following recommendation has been made in the section on conclusions and recommendations:</p> <p><i>"Because the Programme is formulated at a very general level, without specifying all the projects (locations and characteristics) that may be supported, the SEA Report can only provide examples of projects that may have a significant negative impact on the environment and that will need to undergo a</i></p>

	Content of comments from the opinion	Reference to the comments
		<p><i>detailed assessment in accordance with the regulations in force in the participating countries of the Programme during the project preparation phase. The analysis of these projects allows for the exclusion of the possibility of significant negative impacts on Natura 2000 areas and Emerald. In accordance with the precautionary principle, both these projects and individual projects submitted through the competition process should be thoroughly reviewed and assessed during the design phase and then during the process of obtaining the necessary approvals. In the event that such an analysis identifies a risk of significant negative impacts on Natura 2000 areas or the Emerald network, funding and implementation of such a project should be discontinued."</i></p>
3	<p>Comments on the SEA Report Update:</p> <ul style="list-style-type: none"> <li>Cumulative impacts - Table 12 on page 134 of the SEA Report presented the possibilities of cumulative impacts (the table was updated to reflect the changes introduced to the Programme). For example, the possibility of cumulative impacts was identified in the case of the implementation of LIP 8, "Possible cumulative impact with other tasks requiring construction work at the same time and in a similar location." For the identified cumulative impacts, no actions to prevent or mitigate the risk of negative accumulations have been proposed. It is necessary to supplement this aspect with a level of detail that is commensurate with the level of detail of the projects/objectives.</li> </ul>	<p><b>The comment has been partially addressed.</b></p> <p>The proposed wording was driven by the desire to apply the precautionary principle rather than stating the fact of cumulative impacts within the scope of the Programme's impact on Natura 2000 areas. During the preparation of the SEA Report, no construction work carried out as part of other projects that could be implemented at the same time and in a similar location was identified. Therefore, the possibility of cumulative impacts with other tasks requiring similar work should be considered negligible. In the final version of the Programme, appropriate explanations have been added.</p>
	<p>Comments on the SEA Report Update:</p> <ul style="list-style-type: none"> <li>Anticipated methods of analyzing the effects of Programme implementation (monitoring) - In Table 14, indicators of the effects of the Interreg Programme implementation were proposed, which can be considered as "product indicators" since they focus on quantitative measurements, such as additional small retention capacity (m3). Monitoring within the strategic environmental assessment should enable the comparison of assessment results with the actual environmental effects. Therefore, it is recommended to add "outcome</li> </ul>	<p><b>The comment has been taken into account.</b></p> <p>The SEA Report has been updated to include a proposal for conducting an evaluative study in case of any negative environmental impacts related to projects funded under the Interreg NEXT Poland –Ukraine 2021-2027 Programme.</p> <p>Within the SEA Report, no significant impacts that would require monitoring to maintain environmental standards have been identified. However, it has been proposed to conduct monitoring on those environmental</p>

	Content of comments from the opinion	Reference to the comments
	<p>indicators" to the table or specify which data from the national environmental monitoring should be analyzed to verify the conclusions drawn based on the conducted assessments. For example, on page 110 of the SEA Report, there is a statement: "In summary, the implementation of the specific objective RSO3.2 offers many benefits in terms of mobility and safety, but it is also associated with challenges for air quality. It will be crucial to closely monitor the impact of activities and be ready to implement mitigating measures in case of adverse effects."</p>	<p>components that the Programme can influence, including positive impacts. Monitoring will be based on reports on the implementation of projects.</p> <p>Additionally, information has been added to the SEA Report regarding the potential conduct of "on-going" evaluations of the environmental impacts of ongoing projects in case of documented negative environmental effects resulting from the Programme's implementation.</p> <p>The evaluation should encompass all infrastructure projects listed in the Council of Ministers' Regulation of September 10, 2019, on undertakings significantly affecting the environment, within a given thematic area where documented negative environmental impacts have been recorded, and which have signed grant agreements at the time of the evaluation. Subsequently, based on declared indicators and expert assessment, the scale and directions of expected environmental changes should be determined. In case of identifying significant negative impacts or trends in environmental indicators, changes to the Programme or the selection system should be proposed.</p> <p>The Managing Authority of the Programme will be responsible for developing the evaluation and the associated monitoring of the impacts of Programme activities.</p>
4	<p>Comments on the SEA Report Update:</p> <ul style="list-style-type: none"> <li>The concept of an opinion within the framework of the strategic environmental assessment should not be confused with the agreement on the scope and level of detail of the information required in the environmental impact assessment. (Example of an incorrect statement on page 10: "As part of the update of the SEA Report, the current opinion of the Chief Inspectorate for Environmental Protection (GDOŚ) and the Chief Sanitary Inspectorate (GIS) regarding the scope and level of detail was added", as well as on page 23 and page 75).</li> </ul>	<p><b>The comment has been taken into account.</b> The SEA Report has been improved by removing all references contained within the "gray boxes" in the final version.</p>
<b>Chief Sanitary Inspector</b>		



	Content of comments from the opinion	Reference to the comments
1	The Chief Sanitary Inspector did not provide any comments on the SEA Report. In the letter HŚ.NZ.530.30.2023.PS dated January 10, 2024, it was stated that in the assessment of the Chief Sanitary Inspector, the submitted environmental impact assessment for the Programme project relates to all components specified in the letter dated October 23, 2023, reference number: HŚ.NZ.530.14.2023.MP, regarding the agreement on the scope and level of detail of the environmental impact assessment. The letter is attached to the Report on public consultations.	<i>Element of the opinion not requiring reference.</i>

## 6 ATTACHMENTS

- The documentation of the opinion process by the General Director of Environmental Protection (letter DOOŚ-TSOOŚ.410.23.2023.BW) and the Chief Sanitary Inspector (letter HŚ.NZ.530.30.2023.PS) is available as part of the Report on public consultations.