

**REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER**

DECISION No EO- 1/2011

About the Estimation of the Necessity of Environmental Impact AssessmentI

Pursuant to art. 85, par. 4 and par. 5 of the Environment Protection Act (EPA), art. 14, par. 2 of Regulation on the Conditions, Procedures and Methods for Environmental Assessment of Plans and Programmes (EA Ordinance), art. 37, par. 4 of the Regulation on the terms and conditions for carrying out compliance assessment of plans, programs, project and investment proposals with the subjects and objectives of the conservation of protected areas (CA Ordinance), submitted documentation by Ministry of Transport, Information Technology and Communication and Ministry of Health statement

I DECIDED

That Environmental Impact Assessment on the modification of Operational Programme on Transport 2007-2013 **will not be made**

Employer: Ministry of Transport, Information Technology and Communication

Characteristics of the modification of Programme:

In order to accelerate the absorption of the European Regional Development Fund and Cohesion Fund and achieving sustainable development of different modes of transport and transport infrastructure.

The suggested modifications in the OP "Transport" include:

- The scope of Priority Axis I „*Development of railway infrastructure along the Trans-European and major national transport axes*” to be expanded aiming at development of sustainable urban railway transport outside the Trans-European networks and its interoperability which clearly present environmental benefits, namely clean urban public transport. As a result the name and the objectives of the priority axis are expanded as follows: “*Development of railway infrastructure along the Trans-European and major national transport axes and sustainable urban railway transport*”;

- Allocation of funds of the budget of Priority axis 2 “Development of road infrastructure along the Trans-European and major national transport axes” to budget of Priority axis 1 “Development of railway infrastructure along the Trans-European and major national transport axes” including National contribution;

- Beneficiaries were included under priority axes 1,3 and 5;

- The indicative list of major projects has been updated, four new major projects have been added – Completion of “Trakia” Motorway, “Sofia-Kalotina” Motorway planned in 3 phases: Phase I – Lot: Western arc of the Sofia ring road; Phase II – Lot: North speed tangent; Phase III – Lot: Kalotina-Sofia ring road; unfinished part of the project for reconstruction of Plovdiv – Svilengrad railway line running under ISPA programme and the project “Sofia Metro Extension Project Stage II - Phase I”.

Priority will be given to those projects which are under implementation or at more mature stage of preparation.

- Measures, identified in the General Transport Master Plan (GTMP) are envisaged to be funded under priority axis 5 “Technical assistance”. GTMP presents the basis for development of transport system of Bulgaria. As far as strategic planning will be the basis for preparation of next programming period (in accordance with the 5th Report on Economic, Social and Territorial Cohesion), it is necessary that Bulgaria funds activities which prepare the key investments, suggested in the report and envisaged for implementation after 2014.

- In priority axis 4 “Improvement of the Maritime and inland waterway navigation” the eligible measures are specified, concerning improvement of ports infrastructure on the Danube River, as well as on Varna and Burgas ports and their aquatory. This corresponds to recommendations in the GTMP and the draft Danube strategy.

- It is specified that beneficiaries are public organizations at national level, which are entitled to implement the eligible measures under OP “Transport”.

- The indicators that measure the implementation of the two projects for the extension of the Metropolitan Sofia respectively in the first and third axis have been updated.

- The names of institutions were updated.

REASONS:

1. The proposed OPT modification will not lead to change of the goals of OPT. Environmental Impact Assessment of the OPT was made and Decision on EIA No 2-10/2007 of the Minister of Environment and water was issued which agreed OPT;

2. The OPT modification draws out the framework of the development of investment proposals fallen within the scope of Attachment No1 or Attachment No 2 of art. 81, item 2 of the EPA, for some them EIA were made or are ongoing as follows:

- Project: Completion of “Trakia” Motorway – for the investment proposal were issued following decisions: - **Decision** for supplements and amendments of EIA decisions for site Trakia Motorway Lot 2, Lot 3 and Lot 4 from km 210+100 to km 325+280, issued by Minister of Environment and water on 14 December 2009;
 - **Decision** No 40-PR/2009 of Minister of Environment and water for assessment of needs for EIA for reconstruction of communications of other stakeholders (concomitant infrastructure) – crossings of electric power transmissions, optical cables of BTC, crossings and moving draining canals, moving irrigation canals, crossing pipelines, reconstruction of gas pipes etc. for site Trakia Motorway Lot 2, Lot 3 and Lot 4 from km 210+100 to km 325+280, with conclusion „don’t need making EIA” ;
- Unfinished part of the project for reconstruction and electrification of Plovdiv-Svilengrad Railway, ex- ISPA project till the end of 2010 –Minister of Environment and water issued decisions as follow: - **Decision** on EIA No 49-12/2001 for the approval of the investment proposal: Reconstruction and Electrification of Plovdiv-Svilengrad Railway; - **Decision** No 67-CA/2008 for assessment of probable level of negative impact, which agreed investment

proposal: Reconstruction and Electrification of Plovdiv-Svilengrad Railway and modernization of corridors IV and IX, phase II: Parvomai-Svilengrad in the land of Municipalities of Parvomai, Dimitrovgrad, Simeonovgrad, Harmanly, Lyubimets and Svilengard; - and **Decision** No 4-PR/2010 for assessment of needs for EIA of investment proposal: Reconstruction of existing electric power transmissions HVL 20 kV, HVL 110 kV, HVL 220 kV and HVL 400 kV of sections situated close to the route of new railway line as part of the project: Electrification and Modernization of Plovdiv-Svilengrad Railway Phase I – Plovdiv-Parvomay;

- Project: “Sofia Metro Extension Project StageII – phase I” – for lot 1 was issued decision for assessment of needs to carry out EIA № CO-55-IIP/2009 by the Director of RIEW – Sofia stating “not to carry out EIA”; for lot 2 are issued Decision for the assessment of needs to carry out EIA № CO-172-IIP/2006 by the Director of RIEW – Sofia stating “not to carry out EIA” and decision № CO-35-OC/2010 by the Director of RIEW – Sofia for the assessment of possibility of negative impact, by which Decision the investment proposal is agreed.
- Project: Sofia-Kalotina Motorway planned in three phases:
 - Phase I Western arc of the Sofia ring road – a decision of the Minister of environment and water was issued for the assessment of the needs to carry out EIA of investment proposal “Sofia ring road from km 59+400 to km 6+310 – widening, reconstruction and displacement of facilities of the existing infrastructure”. It was stated in the Decision “not to carry out EIA”.
 - Phase II – Lot: North speed tangent – the investment proposal is under EIA procedure at the moment. The authority to take the decision is the Minister of environment and water
 - Phase III – Lot: Kalotina-Sofia ring road – new EIA procedure will be carried out.
- 3. According to the position of the Ministry of health, all projects included in OPT modification are in certain stage of EIA procedure, during which is carried out or will be carried out assessment of the degree of impact and risk for human health. Accordingly, from the point of view of health and hygiene, the Ministry of health finds that it is not necessary to carry out environmental assessment for the modification of OPT
- 4. The modification of OPT is of nation wide scope and relates to all protected areas in the sense of Protected areas act (PAA) and protected areas in the sense of the Biological diversity act (BDA) from the National ecological network Natura 2000. It was made an eligibility check in the sense of art. 37, par. 2 of the CA Ordinance, which showed that the modification of OPT is eligible if the plans, programmes, projects and investment proposals that result from the modification take into consideration the following:
 - Protected areas regimes defined with the PAA, the Orders for their approval and the approved plans for their management;
 - Protected areas regimes, defined by orders under art. 12, par. 6 of BDA.
- 5. According to the assessment for the probable degree of negative impact under art. 37, para 3 of CA Ordinance, the modification of OPT has no probability to have serious negative impact on natural habitats, population species habitats, subject to protection in the protected areas on Natura 2000 network; due to the following motives:

- Suggested amendments in the the operational programme are in accordance with its priorities and would add to achieving the goals initially set. Reallocation of funding between the two priority axis does not amend the financial allocation between CF and ERDF and does not lead to change in OPT objectives. The suggested modification would add to speeding up the absorption of EU funding, as well as for achieving the goals of the Cohesion policy, which has direct relation to protected areas of Natura 2000 network;
- The greatest part of the updated indicative list of major projects for the different modes of transport have completed or are in a process of carrying out compatibility assessment with the subject and goals for the protection of protected areas of Natura 2000 network.

IN OBSERVING THE FOLLOWING CONDITIONS:

1. Plans, programmes, projects and investment proposals, subject to the modification of OPT 2007 – 2013 under Chapter six of EPA or outside it and following under art. 31 of BDA, are subject to compatibility assessment with the subject and goals for the protection of protected areas;
2. Monitoring and control report, in accordance with p. II of Statement EO № 2-1/2007 is to be submitted before April 15 every three years, and the report includes information about the implementation of measures to avert, mitigate or the maximum elimination of assumed negative effects, resulting from the modification of OPT 2007 – 2013.

This Decision does not repeal the obligations of the Employer to implement the requirements of the EPA and other particular Acts, other legislation and can not serve as grounds for declining responsibility under legislation in force.

In case of amendments of the modification of OPT, of the Employer or any other circumstance under which this Decision was issued, the Employer/ new Employer has to inform MEW in 14 days after the amendments.

This Decision can be appealed before the Supreme administrative court in 14 days after its notification to the concerning parties, in accordance with the Administrative-procedure Code.

Date: 10.02.2011

MINISTER (sgd.) [seal]
(NONA KARADZHOVA)