



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

OPINION ON STRATEGIC ENVIRONMENTAL ASSESSMENT

No 15-9/2014

Regarding: Operational Programme Environment 2014-2020

Pursuant to Article 26, paragraph 1, point 1 of *the Ordinance on the terms and procedure of performing strategic environmental assessment of plans and programmes* (SEA Ordinance), promulgated in SG No 57/2.7.2004, last amended and supplemented in SG No 94/2012), in conjunction with Article 31, paragraph 4 of *the Biological Diversity Act* (BDA) and Article 37, paragraph 4 of *the Ordinance on the terms and procedure for conducting compatibility assessment (Appropriate Assessment) of plans, programmes, projects and investment proposal with the subject and objectives of conservation in the protected areas (sites)* (Compatibility Assessment Ordinance, promulgated in SG No 73/2007, last amended and supplemented in SG No 94/2012)

I APPROVE

Operational Programme Environment 2014-2020

Contracting authority: Directorate General Operational Programme Environment of the Ministry of Environment and Water

Programme characteristics:

Operational Programme Environment 2014-2020 (OPE 2014-2020) complies with the Partnership Agreement of the Republic of Bulgaria outlining the support from the European Structural and Investment Funds for the 2014 - 2020 period. It is one of the operational programmes of the Republic of Bulgaria prepared in line with the *Europe 2020 Strategy for Smart, Sustainable and Inclusive Growth*. These three complementary priorities suggest building an economy based on knowledge and innovation, promoting greener and more competitive economy with more efficient use of resources and promoting high employment rates, leading to social and territorial cohesion. OPE 2014-2020 is primarily aimed at implementing the priority of sustainable growth.

In view of the identified needs and investment opportunities, funds will address the following priority areas:

- **Priority 1:** Water;
- **Priority 2:** Waste;
- **Priority 3:** Natura 2000 and biodiversity;
- **Priority 4:** Flood and Landslides Risk Prevention and Management;
- **Priority 5:** Improvement of Ambient Air Quality;
- **Priority 6:** Technical assistance

on the following **grounds**:

1. The programme is consistent with the relevant strategic documents at national and EU level, including those setting environmental protection goals.
2. The programme priority axes focus entirely on the protection of the environment.
3. Based on the results of the analyses, assessments and conclusions on the likely significant environmental and human health impacts, included in the SEA report, the implementation of OPE 2014-2020 is expected to:
 - integrate the aspects related to climate change by limiting greenhouse gas emissions and increasing the adaptability of the environment to the changing climate;
 - reduce PM₁₀ and NO_x levels in urban environment and indirectly reduce the amount of harmful gases emitted in the processes of sludge and waste treatment, also related to the improvement of ambient air quality;
 - have a positive effect on the water status - surface and groundwater bodies as well as water for drinking and sanitary purposes;
 - improve the soil status as an indirect result of the improvement of water and waste management, flood and landslide risk prevention and the improvement of ambient air quality in the urban environment;
 - contribute to preservation and restoration of natural landscape elements, improvement in the structure and functioning of natural landscapes, prevention of the risk of damage and deterioration of the landscape through the activities for flood and landslides risk prevention and management;
 - have a long-term positive impact on the biodiversity, not only through the activities and objectives under Priority Axis 3 which will directly lead to an improvement in the conservation status of targeted species and habitats in Natura 2000 nature protection areas (sites);
 - contribute to more effective protection of cultural heritage through enforcement of the legislation related to environmental protection and improvement of the quality of the environment;
 - contribute to sustainable municipal waste management, incl. biodegradable waste, according to the waste management hierarchy;
 - reduce the noise levels in urban areas;
 - improve the status of the tangible assets related to environmental protection, as well as protection of the tangible assets by implementation of the activities related to flood and landslides risk prevention and management, provided under PA4 of OPE Option IV;
 - have a positive cumulative impact on human health, quality of life and well-being associated with an improved drinking water treatment, improvement of the water bodies status affected by discharges, a limited risk of harmful effects of waste, improved ambient air quality, reduction of noise levels, incl. indirect positive effects stemming from the improved status of landscapes, soils, natural environment, flood and landslides risk prevention and management;

- Have insignificant negative impacts mainly during the construction of the respective facilities. However, these impacts are with local scope and are reversible.
 - The programme's implementation does not imply significant negative impacts on the environment and human health.
 - No negative but only positive cumulative impacts on the environment and human health are expected.
4. OP Environment 2014-2020 **is eligible** as long as the resultant plans, programmes, projects and investment proposals comply with:
- Protected areas regimes designated under *the Protected Areas Act*, the orders designating them and the approved management plans,
 - Nature protection areas regimes designated by orders under Article 12, paragraph 6 of the Biological Diversity Act.
5. Pursuant to Article 37, paragraph 3 of the *Compatibility Assessment Ordinance*, the potential scope of adverse effects has been assessed and the conclusion is that OP Environment 2014-2020 **is not likely** to have a significant negative impact on natural habitats, populations and habitats of species subject to conservation in protected areas (sites) of the Natura 2000 network on the following **grounds**:
- OP Environment 2014-2020 has been prepared at national level in line with the *Europe 2020 strategy for smart, sustainable and inclusive growth*. The OPE 2014-2020 is the document providing financing for the environment sector under the Cohesion Fund and the European Regional Development Fund for the period 2014-2020. The OPE 2014-2020 contributes to achieving the objectives and priorities set out in a number of EU and national strategic documents relating to environmental protection, in particular biodiversity and climate change policy;
 - The programme is a strategic document which provides the general framework and will apply to the whole territory of the Republic of Bulgaria, financing measures in Water Management, Waste Management, Biodiversity Conservation, Prevention and Management of Risk of Floods and Landslides and Improving Air Quality sectors, focused mainly on fulfilment of national commitments arising from the EU legislation in these sectors and contributing to sustainable growth, which is one of the objectives of the Europe 2020 strategy;
 - OPE 2014-2020 will contribute both to the development of environmental infrastructure and the improvement, preservation and restoration of the natural environment as a factor for better quality of life. The objectives of each of these priorities will accumulate a general positive effect on the condition of the environment in the country;
 - The investment priority of PA 3 'Natura 2000 and biodiversity' under OPE 2014-2020 will contribute to reduction and halting the loss of biodiversity through the implementation of activities for sustainable management, conservation and restoration within the National Environmental Network. The implementation of the measures set out under this axis will create conditions for the conservation of protected species and habitats, wild flora and fauna, the state of the natural landscape and biodiversity.
6. The SEA report recommends adequate measures to prevent, reduce and offset as much as possible the adverse impact resulting from the OPE 2014-2020 implementation.

7. Four options of OPE 2014-2020 have been drawn up, and a 'zero' alternative has been also considered. Taking note of the environmental perspective, the fourth option (of November 2014) has been selected for the implementation of OP Environment 2014-2020, which provides for a comprehensive positive effect on the environment and human health.

8. By letter Ref. No 04-09-186/8.12.2013, the Ministry of Health submitted a positive assessment of the SEA report, provided that the requirements and measures set out in the opinion are met, the programme is expected to have a positive impact on human health by improving the factors and components of the environment, which will be achieved with the implementation of projects meant to improve air quality, wastewater and drinking water, reduce noise levels in urban areas and ensure environmentally friendly waste treatment.

9. No cross-border impacts on the environment and human health are expected as a result of the programme implementation.

10. Public consultations have been held during the strategic environmental assessment procedure. The opinions expressed have been taken into account and appropriately integrated. No reasoned objections have been raised during the consultations.

and under these **measures and conditions**:

I. Measures and conditions envisaged to prevent, reduce and offset to the highest possible extent the unfavorable consequences:

A. Measures to be included in the final version of OPE 2014-2020:

1. Eligible activities related to water quality monitoring under Priority Axis 1 shall exclude groundwater catchments aiming at water abstraction, and shall support only activities for water flowrate measurement and representative water sampling.

2. Eligible activities under Priority Axis 3 for restoring meanders and old riverbeds (measure 109 of the National Priority Action Framework for Natura 2000) and under Priority Axis 4 for restoring floodplains and improving water retention should be based on adequate planning and anticipation of all the risks for the environment.

B. Measures to be applied during the implementation of OPE 2014-2020:

1. Investment proposals, plans, programmes or projects requiring EIA / SEA (pursuant to the Environmental Protection Act) and an Appropriate Assessment (Assessment of compatibility with the purpose and conservation objectives of protected areas) (pursuant to the Biological Diversity Act) should be approved pursuant to the particular law only after a ruling by a decision/ opinion for approval/ consultation by the competent environmental authorities after following the recommendations of the assessments, and the conditions and measures under the particular act.
2. To develop and apply environmental criteria for eligibility and prioritization when selecting projects for funding.

3. To ensure the implementation of activities under *the National Action Plan to promote green public procurement for 2012-2014* applicable to the respective project (e.g. use of recycled paper and electronic carrier for project documentation).
4. As a matter of priority funding should be provided to projects envisaging energy and resource efficiency measures.
5. During the research, approval and authorization of water-related investment project proposals, the following should be taken into account and observed:
 - the provisions of Article 156f, paragraphs 1 and 2 of the Water Act;
 - the respective River Basin Management Plans;
 - the protected areas regimes designated under the Protected Areas Act, the orders designating them and the approved management plans;
 - the nature protection areas regimes designated by the orders under Article 12, paragraph 6 of the Biological Diversity Act and the approved management plans;
 - the regimes for protection of the water protection zones pursuant to Article 119a of the Water Act;
 - the requirements for health protection of the urban environment;
 - the existing sites subject to health protection.
6. Projects for the development of green infrastructure should be accompanied by the relevant analyses and forecasting of risks to the environment and human health and have to be elaborated in accordance with the Ex-ante Flood Risk Assessment and the Flood Risk Management Plans for 2016-2021.
7. To finance projects if the requirements are met with regard to:
 - water abstraction for household purposes (drinking and sanitary water supply);
 - designation of sanitary safeguard zones around water supply sources;
 - wastewater discharges.
8. The implementation of projects under Priority Axes 1 and 2 should involve appropriate measures to reduce noise (organizational, urban planning, construction - acoustic) in the stages: design, construction and operation.
9. Limit soil sealing outside urban areas when designating sites for implementation of projects under Priority Axes 1 and 2.
10. Reclamation of sites affected during construction works under Priority Axes 1 and 2.
11. When implementing waste management activities related to the construction of waste installations and facilities, effective control is to be exercised over the implementation of measures to reduce and prevent the emission of pollutants into the environment.
12. Measures are to be implemented during the project construction phase for the reduction of dust and noise as well as for the legal management of construction waste.

II. Measures for monitoring and control of the impact on the environment and human health during the implementation of OPE 2014-2020:

1. **Every three years** of the programme implementation DG Operational Programme Environment should prepare **reports on monitoring and control of the**

environmental impact during the implementation of OPE 2014-2020, including measures to prevent, reduce and offset as much as possible potential adverse consequences of the implementation of the programme. The reports should be addressed to Preventive Activity Directorate within MOEW for approval.

2. Monitoring and control of environmental impact during the implementation of Environment OP 2014-2020 should be based on indicators defined in the draft OPE and on the following additional measures and indicators:

Monitoring and control measure	Indicators, measurement unit	Source of information
<i>Under Priority Axis 1: Water</i>		
Health effect resulting from measures for the construction/reconstruction of facilities for drinking water abstraction and treatment.	Quality of the drinking and sanitary water and its change after the implementation of the measures for its improvement.	Beneficiaries/WSS Companies/Regional Health Inspectorates/ Ministry of Health
<i>Under Priority Axis 2: Waste</i>		
Implementation of human health protection measures during the construction and operation of waste installations and facilities.	Implementation of measures to protect human health, number of measures and effectiveness of their implementation.	Beneficiaries
Reduction of noise impact during the construction and operation of waste facilities/installations.	Measures undertaken, number of measures and effectiveness of their implementation; Identified exceedances of permissible noise limits, dB (A).	Beneficiaries
Ensuring treatment of the exhaust gases from the waste recovery with energy production.	Number of constructed treatment facilities.	Beneficiaries
<i>Under Priority Axis 3: Natura 2000 and biodiversity</i>		
Status of the natural habitats and the habitats of species supported under the OPE.	Achieved degree of conservation in comparison to the baseline status.	MoEW
Species with improved conservation status at national and biogeographical level and at the level of the protected area. <i>Note:</i> <i>The differentiation of the three levels is necessary in order to take into account the results of the measures</i>	%	Progress reports, analytical reports and assessments by: the MA of OPE, the National Nature Protection Service Directorate,

implemented both at PA level and their cumulative effect. For some measures, supported by projects under OPE 2014 – 2020, positive effect at national level cannot be expected but nevertheless such will be evident at a lower level (biogeographical or PA level).		beneficiaries, Executive Environment Agency (EEA), Regional Inspectorates of Environment and Water (RIEW).
Habitat with improved conservation status at the national and biogeographical level and at the level of a protected area. Note: The differentiation of the three levels is necessary in order to take into account the results of the measures implemented both at PA level and their cumulative effect. For some measures, supported by projects under OPE 2014 – 2020, positive effect at national level cannot be expected but nevertheless such will be evident at a lower level (biogeographical or PA level).	%	Progress reports, analytical reports and assessments by: the MA of OPE, the National Nature Protection Service Directorate, beneficiaries, EEA, RIEW.
Under Priority Axis 4: Flood and Landslides Risk Prevention and Management		
Aligning the restoration activities of floodplains and water retention improvement activities with the Flood Risk Management Plans ¹ .	Number of prepared analyzes/ assessments/ studies to investment projects related to flood risk reduction.	Beneficiaries
Under Priority Axis 5: Improvement of Ambient Air Quality		
Immission concentrations of NO _x and PM ₁₀ at the ambient air quality monitoring points.	Number of exceedances of PM ₁₀ mean 24-hour limit (24 ML) and PM ₁₀ annual mean limit (AML) as well as exceedances of NO _x hourly mean limit (HML) and NO _x annual mean limit (AML) referred to baseline status recorded in 2013, %	MoEW, EEA (Automated measuring stations and Differential optical absorption spectroscopy system).
Affected population leaving at excessive levels of PM ₁₀ pollution.	Change of the population percentage in reference to the baseline status, recorded in 2013, %	MoEW, EEA

¹ The measure will be reported on after the approval of the Flood Risk Management Plans.

3. In case of detected adverse impact on the environment and/or human health, timely measures for possible elimination should be proposed and undertaken.

This opinion does not repeal the obligations of the contracting authority to meet the requirements of the Environmental Protection Act and other special laws and regulations and cannot serve as grounds for exemption from obligations set out in the regulatory framework.

When modifying the programme, changing the contracting entity or any of the circumstances valid upon the issue of this opinion, the contracting authority/ the new contracting authority must notify the MoEW within 14 days after the occurrence of the change.

Interested parties may appeal the opinion before the Supreme Administrative Court under the Administrative Procedure Code within 14 days of its notification.

Pursuant to Article 60, paragraph 1 of the Administrative Procedure Code, the contracting authority of the programme, DG OPE of the Ministry of Environment and Water, submitted a request Reg. No EO-52/05.12.2014 for allowing ex-ante enforcement of the SEA opinion on OPE 2014-2020.

Having examined the request of the contracting authority, based on protection of crucial state and public interests related to the timely implementation of the programme and in view of the fact that a delay of the programme's implementation would cause substantial and difficult to address damage, I find that it has been justified by the fulfillment of the following conditions:

During the 2014-2020 period the Republic of Bulgaria will receive funds for environmental protection under two EU funds: the European Regional Development Fund and the Cohesion Fund. The absorption of these resources is based on programming documents drawn up by the country and approved by the European Commission - these include operational programmes - and complies with priority axes therein, types of eligible activities and categories of eligible beneficiaries. Operational Programme Environment 2014-2020 is a strategic document developed in accordance with the requirements of Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (Regulation (EU) No 1303/2013). The OPE is the instrument through which Bulgaria should receive funds from the EU funds aimed at investments in environmental management and protection. The programme overall financial package is estimated at EUR 1.505 billion (EU co-financing), in accordance with the approved Partnership Agreement of the Republic of Bulgaria Outlining the Support from the European Structural and Investment Funds for the 2014 - 2020 period. The OPE objectives will be implemented through interventions carried out within the following six priority axes pointing at the investment priorities and indicative activities:

Priority axis 1: Water - with financial resources - 1,033.62 million EU co-financing;

Priority axis 2: Waste - with financial resources - 228 million EU co-financing;

Priority axis 3: Natura 2000 and biodiversity - with financial resources - 86 million EU co-financing;

Priority axis 4: Flood and Landslides Risk Prevention and Management - with financial resources - 67 million EU co-financing;

Priority axis 5: Improvement of Ambient Air Quality - with financial resources - 50 million EU co-financing;

Priority axis 6: Technical assistance - with financial resources - 40.41 million EU co-financing.

The funding from the Cohesion Fund and the European Regional Development Fund of the EU provides opportunities to channel funds into underfunded national policies and effective implementation of government policies on the environment and climate change. Due to the considerable size of investments in the environment sector, the funding for their implementation could hardly be provided by national funding sources that are too limited. The use of OPE 2014 – 2020 financial resources for the implementation of projects under the programme priority axes is of particular state and public interest.

OP Environment 2014-2020 is subject to negotiations with the European Commission. In accordance with Article 29, paragraph 4 of Regulation (EU) No 1303/2013, 'the Commission shall approve each programme no later than six months following its submission by the Member State concerned'. This period does not include the period until the Member State takes into account the observations made by the Commission. OP Environment 2014-2020 has been officially sent to the Commission on 6 June 2014. The Commission has submitted its observations on 18 August 2014. The observations have been taken into account in the programme text, which has been re-submitted to the Commission on 28 November 2014. In accordance with Article 29, paragraph 4 of Regulation (EU) No 1303/2013, the European Commission has approximately four months to issue its final decision on the draft programme.

OP Environment 2014-2020, submitted on 28 November 2014, is consistent with the provisions of the Partnership Agreement, which is the main programming document of the country, outlining the support from the European Structural and Investment Funds for the 2014-2020 period. Given the advanced stage of negotiations, the OPE is expected to be approved for funding by the European Commission before the deadline set out in Article 29, paragraph 4 of Regulation (EU) No 1303/2013; the programme may even be approved by the end of 2014.

Apart from the above provisions, the European Commission has prepared a roadmap on the deadlines and procedure for adoption of programmes drawn up by Member States for the 2014-2020 programming period, which will not be approved until the end of 2014. Following the guidelines, given the delayed process of examining these documents by the Commission services, the following two possible options have been identified:

- programmes submitted to the European Commission in 2014, not adopted until the end of 2014, whose status is 'ready for adoption' can be approved within the period 15 February - 31 March 2015.
- programmes submitted to the European Commission in 2014, not adopted until the end of 2014, whose status is not 'ready for adoption', can be approved not earlier than May 2015, i.e. in the second half of 2015.

Based on the guidelines issued, it can be concluded that the programmes that are 'ready for adoption' at the end of 2014 should meet certain requirements. One of the requirements for these programmes is holding inter-service consultations of the European Commission services and absence of a negative opinion under the conciliation procedure. Provided that OPE 2014-2020 falls into this category, the Commission's interservice consultations will have to be conducted in December 2014. Due to the fact that the text of the operational programme has

taken into account the major observations made by the Commission, we consider that the programme can be successfully approved under the Commission's conciliation procedure without receiving any negative opinion.

Drafting an ex-ante evaluation report of each programme is a prerequisite for its approval by the Commission. Article 55, paragraph 4 of Regulation (EU) No 1303/2013 provides that the ex-ante evaluation of programmes must incorporate the results of the environmental assessment, provided that such is required under the national legislation of the Member State. Decision on SEA-14/2013 was issued as regards OPE 2014-2020 by the competent authority under Article 4, paragraph 1 of the Ordinance laying down the conditions and procedures for environmental assessment of plans and programs (SEA Ordinance), stating that the programme should be subject to environmental assessment. The documents that should be made available for carrying out environmental assessment are referred to in 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 programmes on the environment. In the process of providing clarifications to the Member States as regards the fulfilment of the general ex-ante conditionality 6 concerning the environmental legislation, the European Commission stated that the documents to be presented to the Commission are as follows:

1. A non-technical summary of the SEA report;
2. Information on the consultations with the public and comments and proposals expressed during the consultation, and how they have been taken into account;
3. A description of the measures concerning monitoring and control during the programme implementation;
4. A summary statement under Article 9, paragraph 1 of Directive 2001/42/EC, which according to the SEA Ordinance is drawn up in compliance with Article 29, paragraph 1.

The SEA Ordinance sets out that the summary statement should include an analysis of the programme's compliance with the main results and recommendations of the environmental assessment documentation, along with the outcome of the consultations, the conditions, measures and restrictions in the environmental assessment, the programme's compliance with the motivated opinion in the environmental assessment under Article 26, paragraph 2, point 1 to achieve the objectives of the programme and the extent to which the programme covers the measures under Article 26, paragraph 2, point 2 and point 3. The summary statement is to be drawn up after the issue of the SEA opinion within 14 days prior to the final adoption or approval of the programme. Considering the minimum required content of the summary statement, it should reflect the results of the environmental assessment, including the enforced SEA opinion on OPE 2014-2020.

The immediate enforcement of the SEA opinion on the programme will enable the drafting of the summary statement under Article 9, paragraph 1 of Directive 2001/42/EC and its submission to the European Commission in December 2014. Sending OPE to the Commission without supporting it by all required documents will result in discarding the programme as not ready for adoption. In this case, the OPE will be subject to review and approval in the second half of 2015. If an immediate enforcement of the SEA opinion is allowed, the Commission will have the necessary time to review OP Environment within the interservice consultations, which are mandatory in the procedure for approval of the programme.

Any delay in the enforcement of the SEA opinion on OP Environment will be detrimental to crucial state and public interests and will cause significant or difficult to address damage

associated with significant loss of funds in the middle of the 2014-2020 programming period, including a delay in the implementation and absorption of EU structural and investment funds. Spending under the operational programme must be consistent with the requirements of the EU and national legislation governing the Structural Funds and the Cohesion Fund of the European Union. One of these requirements sets out that the financial resources under the operational programmes must be used in compliance with the rule of automatic decommitment of funds (N+3 rule). Upon approval of OP Environment after May 2015, the chances for effective absorption under the N +3 rule of funds provided for 2015 are diminishing, which in turn greatly increases the risk of loss of funds at the end of 2018. That rule means that part of the budget commitment provided for in the programme financial plan for 2015 should be spent not later than 31.12.2018. If the Commission approves OP Environment in the second half of 2015, the Republic of Bulgaria will not have access to the resources of the European Structural and Investment Funds for the environment sector to make payments to beneficiaries for 2015. They will have to be paid from the national budget, which is very limited. This in turn leads to doubling the amount of funds to be spent by the end of 2018 following the N + 3 rule.

Investments to be financed by the OPE 2014 - 2020 are aimed at: protecting and improving water resources via the construction of the necessary water supply and sewerage infrastructure and improving the assessment of water status; improving waste management by respecting the waste management hierarchy, in particular reducing the amount of waste going to landfills; improving the conservation status of species and habitats of the Natura 2000 network, prevention and management of the risk of floods and landslides, as well as improving air quality, and are in the interest of the society and citizens.

In addition, the implementation of the measures envisaged in the draft OPE 2014 - 2020 are essential to meeting the EU requirements as regards environmental management and protection. As a Member State of the European Union, the country is obliged to enforce EU legislation through direct effect of regulatory acts or through their transposition into the national legislation. Investments in the water supply and sewerage sector, which are included in the scope of the OP Environment, will contribute to the implementation of the requirements set out in Directive 91/271/EEC concerning urban waste-water treatment. Failure in the implementation of these requirements will cause sanctions to the Republic of Bulgaria. The implementation of OPE is expected to achieve a reduction in the emission of PM₁₀ and NO_x in the urban environment, which will contribute to improving air quality. In line with its commitments to the EU, Bulgaria is obliged to comply with the requirements of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe. The non-fulfilment of the commitment results in sanctions for failure to comply with the *acquis*.

Essential for the country is the fact that OPE 2014-2020 is one of the main financial instruments and sources to achieve the objectives in the environment sector in the country. Successful and proper implementation of environmental and climate change policies through the implementation of OPE in the planned scope and content is an effective approach, contributing to minimizing and addressing the ongoing negative trends in the sector at national level.

OP Environment will have a positive effect with regard to the condition of water - surface and underground water bodies and water intended for drinking purposes; it will improve soil, as an indirect effect of improving water and waste management; it will prevent risks of flooding and landslides; it will have a positive long-term impact on biodiversity in the Republic of Bulgaria, improving monitoring of the environment and the positive impact on human health, quality of life and well-being. In addition, OPE will contribute to the implementation of key

reforms in priority policies at national level, such as the reform in the water supply and sewerage sector.

The foregoing undoubtedly proves the need to protect particularly important state and public interests, which consists in protecting the environment, efficient use of resources, climate change mitigation and adaptation, disaster resilience and risk prevention and management, including the successful implementation of reforms in the national sectoral priorities and balanced and sustainable socio-economic development of the country.

In view of the above, there is a sound evidence of all legal grounds for eligibility of ex-ante enforcement of the SEA opinion on Operational Programme Environment 2014-2020 in order to safeguard crucial state and public interests, namely: environmental protection, providing a supportive and healthy environment, as well as guaranteeing citizens' life and health, and given the danger that the delay in the approval of OPE 2014-2020 by the European Commission would cause substantial and difficult to address damage.

The ex-ante enforcement of the SEA opinion on the above-mentioned programme is a necessary precautionary measure to ensure the implementation of this administrative act.

In view of the above, considering the request of the contracting authority motivated and finding that the conditions set out in Article 60, paragraph 1 of the Administrative Procedure Code are in place,

I HEREBY

allow the ex-ante enforcement of this opinion in order to safeguard crucial state and public interests.

The order is subject to appeal before the Supreme Administrative Court under the Administrative Procedure Code within three days of its notification.

Date: 12 December 2014

MINISTER: /signature/
(Ivelina Vassileva)