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Written summary of the process on the Strategic Environmental Assessment for the Interreg NEXT Poland – Ukraine Programme 2021-2027

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1 INTRODUCTION AND RATIONALE FOR THE IMPLEMENTATION OF THE PROGRAMME

The legal basis for conducting the strategic environmental assessment consists of: The Act of October 3, 2008, on providing information about the environment and its protection, public participation in environmental protection, and on environmental impact assessments (consolidated text: Journal of Laws of 2023, item 1094, as amended - hereinafter referred to as the EIA Act) and the Directive 2001/42/EC of the European Parliament and of the Council of June 27, 2001, on the assessment of the effects of certain plans and programs on the environment.

The subject of the strategic environmental assessment was the update of the strategic document entitled Interreg NEXT Poland – Ukraine Programme 2021-2027 (hereinafter referred to as the Programme). According to Article 46(1) of the EIA Act, this Programme required a strategic environmental assessment. The Programme, along with the SEA Report was submitted for public consultations and agreements with the relevant authorities. The written summary presents the most important information resulting from the conducted strategic environmental assessment.

The written summary was developed based on the provisions of Article 55(3) of the EIA Act. The summary includes a justification for the selection of the document in relation to the alternatives considered, as well as information on how and to what extent the following were taken into account:

- Findings included in the environmental impact forecast;
- Opinions of the relevant authorities and comments and suggestions reported during public consultations;
- Results of the procedure regarding transboundary environmental impact, if conducted;
- Proposals for the methods and frequency of monitoring the effects of implementing the document's provisions.

The SEA Report presents a description of the potential impacts on various environmental elements, indicating that no significant/negative environmental impacts that could result from the implementation of the proposed document were identified, especially regarding the objectives and subject of protection of Natura 2000 areas and the integrity of these areas.

Should the Programme not be implemented, its contribution and support in achieving the objectives of strategic documents of Poland, Ukraine, the European Union, and global goals aimed at improving the environmental condition, mitigating climate change, and adapting to them, as well as enhancing cooperation in the region, would not be realized. Without the Programme's support, the pace of achieving these goals would depend on the available resources. Since resources are limited, the Programme will contribute to achieving them more quickly, and in some cases, to implementing actions that would not be possible without it.

Therefore, considering that the updated Programme predominantly has a positive impact on the environment, and its provisions are of a general nature, and that only in the case of Large Infrastructure Projects is their approximate scope already known, as well as considering the agreements between the Programme parties, there was no justification for presenting an alternative version of the Programme that could have less negative impact on the environment.

2 FINDINGS INCLUDED IN THE STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT

The analysis of the environmental impact of the INTERREG NEXT Poland – Ukraine 2021-2027 Programme leads to the following conclusions:

- The Programme, as a whole, is expected to have a positive impact on the environment and contribute to addressing various environmental issues in the region. However, some areas of support may negatively affect specific environmental elements. Detailed conclusions in this regard are provided in the relevant sections of the SEA Report. It should be noted that it is possible to shape planned projects to significantly eliminate, reduce, or compensate for the impacts.
- Since the Programme is formulated at a very general level without specifying all the projects' details (locations and characteristics) that may be supported, the SEA Report only provides examples of projects that may significantly negatively impact the environment. These projects will undergo a detailed assessment during the preparation stage in accordance with the regulations in the participating countries of the Programme. The analysis of these projects allows us to exclude the possibility of significant negative impacts on Natura 2000 and Emerald areas. However, in line with the precautionary principle, both these projects and individual projects submitted in the competitive selection process should undergo detailed verification and assessment during the project design phase and when obtaining the necessary permits for implementation. In the event that the analysis identifies a risk of significant negative impacts on Natura 2000 areas or the Emerald network, it is advisable to refrain from funding and implementing such a project.
- The assessment of environmental benefits resulting from the implementation of the Programme indicates its significant importance in solving regional environmental issues and supporting environmental actions financially. Without the Programme's implementation, environmental protection actions would have to be significantly limited due to insufficient funds allocated for this purpose.
- Based on the analysis of the strategic objectives of EU documents, it is stated that the Programme achieves these objectives, especially those defined in the European Green Deal.
- Similarly, the analysis of the strategic objectives of Poland and Ukraine's documents has shown that the Programme generally achieves these objectives.

- No possible negative transboundary environmental impacts have been identified for individual projects or the entire Programme.
- To reduce the negative environmental impacts of the Programme, principles for monitoring the effects of Programme implementation have been proposed, along with a series of recommendations to reduce the negative impacts of individual project examples supported by the Programme or alternative solutions (for in-depth analyses of specific actions). Implementing these recommendations will help reduce the negative environmental impact.
- According to Article 9(4) of the Regulation (EU) 2021/1060 of the European Parliament and of the Council of June 24, 2021, establishing common provisions for the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund, the European Maritime, Fisheries and Aquaculture Fund, and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund, and the Instrument for Financial Support for Border Management and Visa Policy (hereinafter the general regulation), the Fund's goals are implemented in accordance with the goal of promoting sustainable development, as defined in Article 11 of the Treaty on the Functioning of the European Union (TFEU), taking into account the UN Sustainable Development Goals, the Paris Agreement, and the "do no significant harm" principle. Although compliance with the "do no significant harm" principle is assessed and guaranteed at the Programme level, it is suggested to individually examine each infrastructure project listed in Annex I and II of Directive 2011/92/EU (i.e., projects that can always or potentially have a significant impact on the environment). This approach fundamentally ensures that implemented projects will not pose a threat to the environment.

3 INFORMATION ON THE COURSE OF THE REVIEW AND PUBLIC CONSULTATIONS CONDUCTED AS PART OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT

Public consultations are a mandatory element of the strategic environmental assessment process. The requirements for conducting them are defined by the EIA Act, especially its Chapter III.

This Report summarizes the stage of opinion and public consultations for the project of the Interreg NEXT Poland – Ukraine 2021-2027 as part of the strategic environmental assessment process. The Strategic Environmental Assessment 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.

3.1 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-oddziaływania-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-oddziaływania-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.

3.2 PUBLIC CONSULTATIONS PROCESS

The consultations for the SEA Report 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.

3.3 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 programme 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.

3.4 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 Rawa 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
General Director of Environmental Protection		
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"> • A new specific objective RSO2.6: Promoting the transition to a circular and resource efficient economy. • A new specific objective ISO7.4: Other actions for a safer and secure Europe. • 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. • 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 	<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>road border crossing."</p> <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, 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"> 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 	<p>The comment has been partially addressed.</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</p>

	Content of comments from the opinion	Reference to the comments
	<p>projects (LIPs) 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;</p>	<p>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 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"> 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 	<p>The comment has been partially addressed.</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.</p>

	Content of comments from the opinion	Reference to the comments
	<p>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.</p>	<p>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"> 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 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>The comment has been taken into account.</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 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</p>

	Content of comments from the opinion	Reference to the comments
		<p>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"> 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). 	<p>The comment has been taken into account. The SEA Report has been improved by removing all references contained within the "gray boxes" in the final version.</p>
Chief Sanitary Inspector		
1	<p>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.</p>	<p><i>Element of the opinion not requiring reference.</i></p>

4 RESULTS OF THE PROCEDURE REGARDING TRANSBOUNDARY ENVIRONMENTAL IMPACT, IF CONDUCTED

Within the conducted procedure, it was determined that there was no need to carry out a transboundary environmental impact process.

5 PROPOSALS REGARDING THE METHODS AND FREQUENCY OF MONITORING THE EFFECTS OF IMPLEMENTING THE DOCUMENT'S PROVISIONS

The implementation of the Programme requires monitoring the progress of this process and assessing the effects of implementing tasks covered by financial support within individual intervention areas. Therefore, it is essential to develop proposals for analysis methods that will enable the evaluation of the implementation process and control the achievement of objectives set in the Programme. This includes monitoring the ecological effects and changes in the environmental state. However, the Programme is developed at a high level of generality and, apart from LIPs, does not specify all supported projects or their specific locations. Additionally, it has limited capabilities to address environmental protection issues and negative impacts due to specific financial and material constraints.

Furthermore, other investments resulting from different Programmes and activities are implemented in the Programme's area in all participating countries. Thus, it is proposed to monitor its environmental impact on two levels and based on the following data sources:

- monitoring changes in the burden on individual environmental components through pollutant emissions, i.e., environmental pressure¹, based on data related to the implementation of selected Programme projects, associated with investments in sewage treatment, sewage systems, small retention, or infrastructure.
- monitoring changes in the environment based on the analysis of measurement results obtained within regional and national monitoring in individual countries. However, it should be noted that participating countries have different environmental monitoring systems in terms of monitored elements and assessment periods, which are often incomparable.

As other investments will also be implemented in the Programme's area, monitoring changes resulting from Programme implementation should cover the area/watershed affected by the implementation of projects supported under the Programme, provided that relevant data are available. In cases of

¹ According to the DPSIR model (driving forces - pressures - state - impact - response)

deteriorating environmental conditions, an analysis of causes and determining whether it results from Programme implementation should be conducted in this regard.

Additionally, it is crucial to note that within the Programme, a variety of investments classified as projects that may significantly impact the environment, either always or potentially, will be implemented. Therefore, they will be subject to environmental impact assessment procedures for specific projects (EIA), indicating the need to monitor the effects of these individual projects.

Since comparable data from individual countries may not always be available, it is also advisable to use assessments made by the European Environment Agency in monitoring the effects of Programme implementation and refer to the indicators presented in the assessment of the environmental state in Chapter 4.

The proposed indicators for assessing the effects of Programme implementation are included in the table below. Some of the indicators presented will result from the implementation of projects under the Programme, while others are indicators determined within regional and national monitoring systems.

Table 1 Proposed indicators for monitoring the effects of the Programme

Indicator	Unit measures	Data source
Surface area of new or upgraded green infrastructure	ha	Projects' reports
Population additionally connected to sewage treatment plants mechanical-biological	number	Projects' reports
Additional small retention capacity	m ³	Projects' reports
Number of area protection projects implemented protected including biodiversity	number	Projects' reports
Number of water bodies where quality improvement/deterioration has occurred, in of the catchment area covered by the projects of the Programme (if such data will be available)	number	National or regional monitoring + Projects' reports
Number of protected areas where projects were implemented on their conservation and protection of biodiversity	number	National or regional monitoring + Projects' reports

In the event of documented negative environmental impacts resulting from the implementation of the Programme's objectives, for the purpose of monitoring them and potentially introducing mitigation measures, consideration should be given to conducting an "on-going" evaluation of the environmental impacts of implemented projects. The evaluation should examine all infrastructure projects listed in the Regulation of the Council of Ministers of September 10, 2019, regarding undertakings significantly affecting the environment (Journal of Laws, item 1839, as amended), within a specific 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 significant negative impacts or trends in environmental indicators are identified, proposed changes to the Programme or the selection system.

The body responsible for developing the evaluation and the associated monitoring of the effects of the Programme activities will be the Programme Managing Authority.