

# Guidance on Developing a Programme of Measures for Marine Protection in Bulgaria

## Implementation of Article 13 EU Marine Strategy Framework Directive (2008/56/EC)



A Black Sea bay near Tyulenevo, Bulgaria; Source: T. Milkova (BSBD)

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## List of Abbreviations

AAP	Advisory Assistance Programme
BDA	Biological Diversity Act (Bulgaria)
BG	Bulgaria
BMUB	Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (Germany)
BSBD	Black Sea Basin Directorate (Bulgaria)
Bucharest Convention	Convention on the Protection of the Black Sea Against Pollution
cf.	confer
CIS	EU Common Implementation Strategy
EQSD	Environmental Quality Standards Directive (2008/105/EC as amended by Directive 2013/39/EU)
EU	European Union
GES	Good Environmental Status
HELCOM	Baltic Marine Environment Protection Commission
ICZM	Integrated Coastal Zone Management
IMO	International Maritime Organization
MARPOL	International Convention for the Prevention of Pollution from Ships of 1973 as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997
MoEW	Ministry of Environment and Water (Bulgaria)
MPA	marine protected area
MSCG	Marine Strategy Coordination Group
MSFD	Marine Strategy Framework Directive (2008/56/EC)
MSP	Maritime Spatial Planning
MSPD	Maritime Spatial Planning Directive (Directive 2014/89/EU)
NGO	non-governmental organisation
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PoM	Programme of Measures (Art. 13 MSFD)
PP	public participation
RBMP	River Basin Management Plan
RO	Romania
RPEMW	Regulation on the Protection of the Environment in Marine Waters
RSC	Regional Sea Conventions
SEA	Strategic Environmental Assessment
UBA	German Environment Agency (Umweltbundesamt)
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
WFD	Water Framework Directive (2000/60/EC)
WG DIKE	EU MSFD CIS Working Group on Data, Information and Knowledge Exchange
WG POMESA	EU MSFD CIS Working Group on Programme of Measures, Economic and Social Analysis

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# 1 Introduction

## 1.1 About this Guidance Document

This Guidance Document has been developed in the context of the *Advisory Assistance Programme (AAP) for environmental protection in the countries of Central and Eastern Europe, the Caucasus and Central Asia and other countries neighbouring the European Union* – a programme of the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB). The BMUB-financed AAP project with Bulgaria on “Implementation of the Marine Strategy Framework Directive in Bulgaria – Development of Programmes of Measures under Art. 13” ran from 2015 to 2017 and was supervised by the German Environment Agency (UBA). UBA contracted Fresh Thoughts Consulting and InterSus to help provide advisory assistance to the Black Sea Basin Directorate (BSBD) within the Bulgarian Ministry of Environment and Water (MoEW). The main focus of the advisory assistance was on conceptual approaches, procedures and methodologies for establishing the national Programme of Measures (PoM) according to the EU Marine Strategy Framework Directive (2008/56/EC, MSFD) and the implementation of the PoM in Bulgaria.

This Guidance Document aims:

- to provide a practical manual for establishing and updating the PoM under Art. 13 MSFD in Bulgaria, and for the coordination of the national process. It captures the experiences gained in the setting-up of the first Bulgarian PoM in 2015/2016 (hereinafter “PoM 2016–2021”). In this capacity, the Guidance Document addresses various Bulgarian authorities involved in the development and implementation of the MSFD and the PoM;
- to serve as a background document in support of EU reporting;
- to serve as a means for bilateral coordination and for a common understanding with Romania at the conceptual level. The Guidance Document takes account of the EU-funded project “*Technical and administrative support for the joint implementation of the MSFD in Bulgaria and Romania – Phase II*”<sup>1</sup> on a *Joint document on regional coordination of measures under Art. 13 MSFD in the Black Sea*<sup>2</sup> which has been contracted to ARCADIS (hereafter referred to as “ARCADIS MSFD Black Sea support project”);
- to be a model of good practice and input to the Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention) to foster regional cooperation and coordination.

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<sup>1</sup> See [http://www.bsbd.org/v2/uk/page\\_3356626.html](http://www.bsbd.org/v2/uk/page_3356626.html). The *Technical and administrative support for the joint implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria and Romania – Phases I to III* provided support to regional coordination and capacity building in three phases implemented through three consecutive projects; for further information see [http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/bucharest/index\\_en.htm](http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/bucharest/index_en.htm).

<sup>2</sup> Final report: Rommens et al. (2015), <http://www.bsbd.org/UserFiles/File/projects/Final%20report%20-Phase%20II.pdf>.

The Guidance Document is based on the documentation of the EU MSFD Common Implementation Strategy (CIS). The EU MSFD CIS process delivered guidance on the MSFD requirements for establishing the PoM and associated reporting under Art. 13 (and Art. 14) MSFD:

- Programme of measures under Marine Strategy Framework Directive – Recommendations for implementation and reporting, 25 November 2014; hereinafter quoted as → [EU MSFD CIS Guidance No. 10](#)<sup>3</sup>;
- Reporting on Programmes of Measures (Art. 13) and on exceptions (Art. 14) for the Marine Strategy Framework Directive, 5 November 2015; hereinafter quoted as → [EU MSFD CIS Guidance No. 12](#)<sup>4</sup>

For future updates of the Bulgarian PoM, the Guidance Document will need to be read in the light of progress and any additional guidance resulting from the EU MSFD CIS process. This includes any forthcoming guidance from the European Commission under Art. 16 MSFD, based on their evaluation of the Bulgarian PoM 2016–2021.

The Guidance Document sets out in its Sections 1 to 3 contextual information on the MSFD, its implementation in Bulgaria and the coordination of its implementation in the Black Sea region. Section 4 provides the basic MSFD requirements for establishing PoMs. Sections 5 contains detailed guidance on developing and updating the Bulgarian PoM, following a sequence of seven steps for planning and drafting the PoM in practice. It is complemented in Annexes 1 to 4 with practical tools such as a fact sheet template for MSFD measures, a list of relevant stakeholders for consultation, an overview of EU requirements for public participation in the water sector in support of streamlining national planning processes, and a draft roadmap for the review and update of the PoM due for reporting in 2022. Sections 6 to 10 address specific issues and procedures relating to: marine protected areas as part of the PoM, exceptions to achieving or timely achieving GES (Art. 14 MSFD), means to secure funding for measure implementation, strategic environmental assessment procedures, and the operationalisation of the PoM. Section 11 gives an outlook to the future interim reporting on the implementation of the PoM under Art. 18 MSFD. The sources referred to in the Guidance Document are listed in Section 12.

In the Guidance Document, boxes at the beginning of (sub-)sections quote relevant legislation which is to be followed in developing and updating the PoM. Boxes are also used to highlight examples of lessons learnt in the first MSFD cycle. At the end of some sections or subsections, recommendations provide advice for the future MSFD implementation. The recommendations, as the guidance as a whole, are derived from the practical experiences which Bulgaria has gained so far in the implementation of the MSFD and in particular in developing the PoM 2016–2021.

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<sup>3</sup> European Commission (2014a), [https://circabc.europa.eu/sd/a/0ee797dd-d92c-4d7c-a9f9-5dffb36d2065/GD10%20-%20MSFD%20recommendations%20on%20measures%20and%20exceptions\\_25-11-2014.pdf](https://circabc.europa.eu/sd/a/0ee797dd-d92c-4d7c-a9f9-5dffb36d2065/GD10%20-%20MSFD%20recommendations%20on%20measures%20and%20exceptions_25-11-2014.pdf)

<sup>4</sup> European Commission (2015a), <https://circabc.europa.eu/sd/a/aa788b20-badf-4125-87a7-08aba9633016/GD12%20-%20Guidance%20on%20Art%202013-14%20Reporting.pdf>

## 1.2 MSFD marine strategies

The MSFD establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status (GES) in the marine environment by the year 2020 at the latest. Each Member State shall, in respect of each marine region or sub-region concerned, develop and implement a marine strategy for its marine waters in accordance with the plan of action set out in the MSFD whose steps are updated every six years (Figure 1).

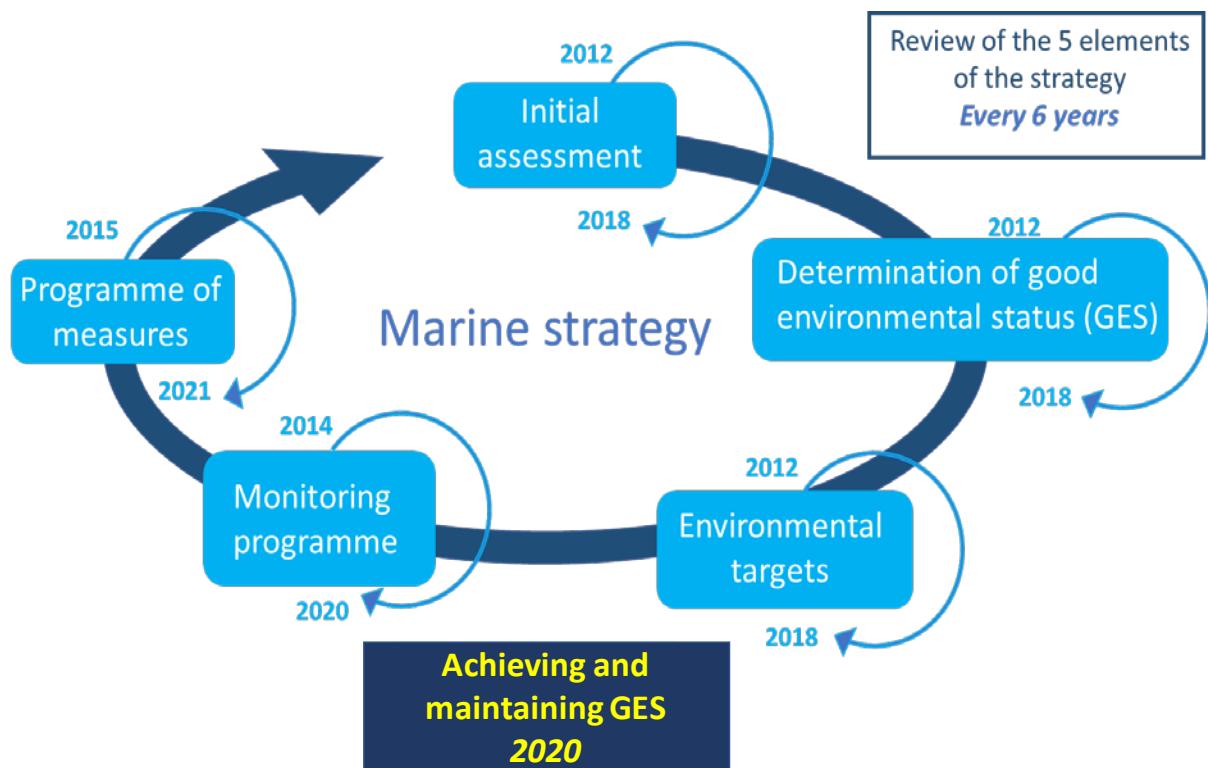


Figure 1: The MSFD cycle.<sup>5</sup>

As a first step, Member States shall undertake an initial assessment of the state of the environment of their marine waters (Art. 8 MSFD), determine what constitutes GES (Art. 9 MSFD) and establish environmental targets (Art. 10 MSFD) in 2012. As a second preparatory step, Member States shall draw up monitoring programmes for ongoing assessments of the environmental status of their marine waters in 2014 (Art. 11 MSFD). Based on these steps, Member States shall establish regionally coordinated and coherent PoM by the end of 2015 to achieve or maintain GES and make the PoM operational by the end of 2016 (Art. 13 MSFD). In setting up the PoM, Member States may identify exceptions within their marine waters, where, for any of the reasons and under the conditions listed in Art. 14 MSFD, the environmental targets or GES cannot be achieved in every aspect through measures taken by that state or cannot be achieved within the time schedule concerned. Art. 15 MSFD provides for a formal procedure on recommendations for EU action in the case that a Member State identifies an issue which cannot be tackled at national level or which is linked to another EU policy or international agreement. The MSFD timelines associated with the establishment and implementation of the PoM are presented in Table 1.

<sup>5</sup> Based on <http://www.dcsmm-d4.fr/programmes-de-surveillance?lang=en>

Table 1: MSFD timelines associated with the establishment, update and implementation of the PoM.

By:	Action	MSFD reference
31.12.2015	Establish a PoM to achieve or maintain GES (first MSFD cycle)	Art. 5 (2) lit. b(i) and Art. 13 (1), (2) and (3)
31.03.2016*	Notification of the European Commission and other Member States of the PoM	Art. 13 (9)
31.12.2016*	The PoM is made operational	Art. 5 (2) lit. b(ii) and Art. 13 (10)
31.12.2018*	Within 3 years of the publication of the PoM according to Art. 19 (2) MSFD: Interim report describing progress in the implementation of the PoM	Art. 18
2020	Achieve and maintain GES	Art. 1 (1)
31.12.2021*	Review and update of the PoM (second MSFD cycle)	Art. 17 (2) lit. d and Art. 13 (2)

\* To be repeated every six years

The MSFD requirements are transposed into Bulgarian legislation by the Water Act and the Regulation on the Protection of the Environment in Marine Waters (RPEMW), in force from 30 November 2010. The national development and implementation of the PoM is a task for the Black Sea Basin Directorate (BSBD, situated in Varna) within the Bulgarian Ministry of Environment and Water (MoEW). With the establishment of the PoM 2016–2021, Bulgaria completed and adopted its Marine Strategy under the MSFD on 29 December 2016.

In 2014, the European Commission published its evaluation according to Art. 12 MSFD of Member States' implementation reports on Art. 8, 9 and 10 MSFD.<sup>6</sup> The EU evaluation package included technical assessments for each Member State (including for →Bulgaria)<sup>7</sup> and for each marine region (including for →the Black Sea)<sup>8</sup>. In its evaluation, the European Commission made a number of recommendations that should be addressed by Bulgaria in the later MSFD implementation process. The European Commission also found that the coordination of the MSFD implementation in the four EU marine regions, including the Black Sea region, requires improvement and recommended that, with support from the EU, the contribution of Member States to regional work should be reinforced for the purposes of the MSFD. For the regional level, the major aspects (as listed in COM (2014) 97<sup>9</sup> and SWD (2014) 49<sup>10</sup>) of the European Commission's recommendations were to:

<sup>6</sup> See [http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/reports\\_en.htm](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/reports_en.htm) for the package of evaluation reports, including: Report from the Commission to the Council and the European Parliament of 20.02.2014 – The first phase of implementation of the Marine Strategy Framework Directive, COM (2014) 97 final; Commission Staff Working Document of 20.02.2014, Annex Accompanying COM (2014) 97 final – The European Commission's assessment and guidance; reports per country and per marine region, SWD (2014) 49 final.

<sup>7</sup> [http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/national\\_reports.zip](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/national_reports.zip)

<sup>8</sup> [http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/regional\\_reports.zip](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/regional_reports.zip)

<sup>9</sup> European Commission (2014b), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014DC0097>

<sup>10</sup> European Commission (2014c), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014SC0049>

- further develop region- and ecosystem-specific criteria for GES in particular for those descriptors or parameters where no EU legislation exists;
- systematically identify the gaps in knowledge that prevent a more ambitious, risk-based setting of GES and collaborate to close these gaps, whilst applying the precautionary principle in the meantime;
- align the timetables and assessment methodologies of the regional assessments in order to make them, in addition to their other purposes, even more useful for Member States as an input to their assessment under the MSFD (e.g. as a summary or a “Roof Report”<sup>11</sup>);
- jointly identify the gaps in knowledge and data and agree on joint initiatives (e.g. through projects, research initiatives or data collection exercises) to close these gaps in time.

## 1.3 MSFD in the context of other EU and international policies

The MSFD applies to marine waters, including the coastal waters as defined by the Water Framework Directive (2000/60/EC, WFD), in so far as particular aspects of the environmental status of the marine environment are not already addressed through the WFD or other EU legislation.

Art. 13 (2) MSFD calls on Member States to integrate measures identified as necessary for achieving GES into a PoM which takes into account relevant measures required under other EU legislation and international agreements (Figure 2).

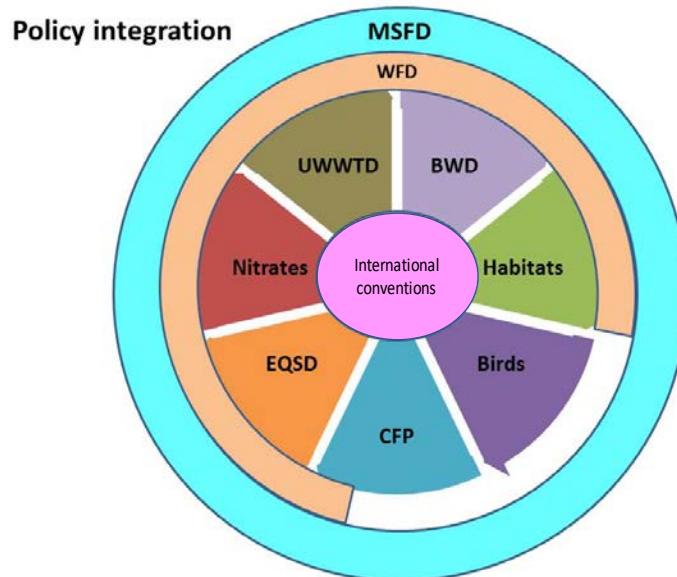


Figure 2: Illustration of the framework-nature of MSFD and WFD. The illustration shows their association with selected other policies and international conventions: UWWTD – Urban Waste Water Treatment Directive; BWD – Bathing Water Directive; Habitats Directive; Birds Directive; CFP – Common Fisheries Policy; EQSD – Environmental Quality Standards Directive; Nitrates Directive. Source: European Commission (2015b)<sup>12</sup>

<sup>11</sup> Term used for joint documentation of EU Member States at bilateral, sub-regional or regional level in support of MSFD reporting and coordinated implementation.

<sup>12</sup> [https://circabc.europa.eu/sd/a/edb49c63-b374-4cef-904d-20266f1ae62e/MSCG\\_17-2015-06\\_GESCross-cuttingIssues\\_v5.doc](https://circabc.europa.eu/sd/a/edb49c63-b374-4cef-904d-20266f1ae62e/MSCG_17-2015-06_GESCross-cuttingIssues_v5.doc), p. 14.

This includes in particular measures in the field of EU water policy such as the WFD (2000/60/EC) and the associated Directive on Environmental Quality Standards (2008/105/EC as amended by Directive 2013/39/EU), the Urban Waste Water Treatment Directive (91/271/EEC), the Nitrates Directive (91/676/EEC) and the Bathing Water Directive (2006/77/EC), as well as measures under other EU policies such as the Habitats Directive (92/42/EEC), the Birds Directive (2009/147/EC) and the Common Fisheries Policy. International agreements relevant for the PoM include e.g. the Bucharest Convention<sup>13</sup>, the Convention on the Prevention of Pollution from Ships (MARPOL)<sup>14</sup> and the Ballast Water Management Convention<sup>15</sup>.

The EU marine and coastal water policies have been evolving gradually in recent years and the principle of public participation is now well established as a fundamental tenet. Member States are expected to produce planning documents under various EU instruments with overlapping geographic scope of application with the MSFD Marine Strategies, e.g.:

- River Basin Management Plans under the WFD and Flood Risk Management Plans under the Floods Directive 2007/60/EC, both covering coastal waters.
- Maritime Spatial Plans (MSP) under the Maritime Spatial Planning Directive 2014/89/EU (MSPD) which applies to marine waters, including coastal waters or parts thereof unless they fall under a Member State's town and country planning system. Annex VI MSFD lists management measures including such measures that influence where and when an activity is allowed to occur; MSFD thereby refers to MSP as a possible MSFD measure.
- Integrated Coastal Zone Management (ICZM) which aims for the coordinated application of the different policies affecting the coastal zone and related to activities such as nature conservation, aquaculture, fisheries, agriculture, industry, offshore wind energy generation, shipping, tourism, development of infrastructure and mitigation, and adaptation to climate change. A European Parliament and Council Recommendation concerning the implementation of ICZM in Europe was adopted on 30 May 2002 (2002/413/EC)<sup>16</sup>.

Although each instrument has set up its own geographic scope for actions (Figure 3), there are overlaps which need to be considered to ensure efficient and coherent planning and to minimise the duplication of stakeholder participation.

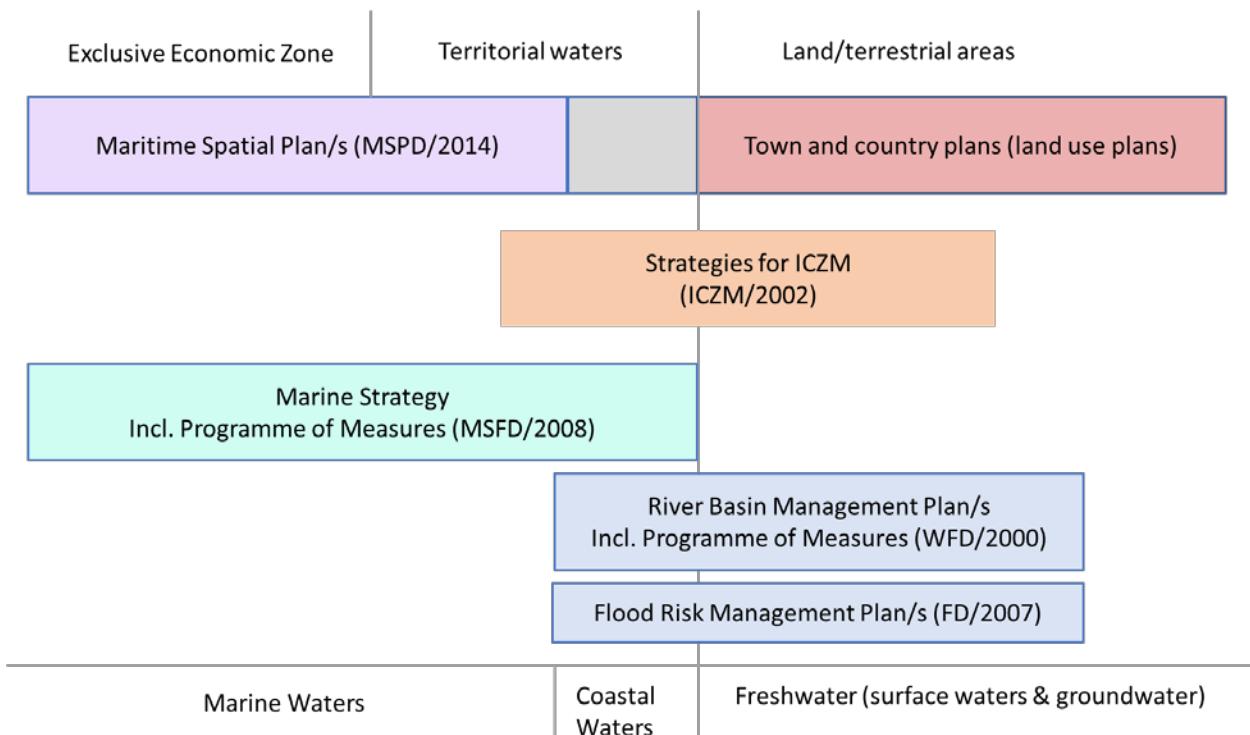
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<sup>13</sup> Convention on the Protection of the Black Sea Against Pollution of 1992, available at [http://www.blackseacommission.org/\\_convention-protocols.asp](http://www.blackseacommission.org/_convention-protocols.asp)

<sup>14</sup> IMO (1973): International Convention for the Prevention of Pollution from Ships of 1973 as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL), available at [http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-\(marpol\).aspx](http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx)

<sup>15</sup> IMO (2004): International Convention for the Control and Management of Ships' Ballast Water and Sediments, available at [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships%27-Ballast-Water-and-Sediments-\(BWM\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships%27-Ballast-Water-and-Sediments-(BWM).aspx)

<sup>16</sup> See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002H0413>



**Figure 3: Planning instruments for marine and coastal waters and freshwater. Note that the WFD applies to chemical status up to 12 nautical miles and for ecological status up to 1 nautical mile seaward from the baseline from which the territorial sea is measured. FD/2007 stands for Floods Directive 2007/60/EC.**

**Recommendation:** During future processes of reviewing and updating the Bulgarian PoM, other EU legislation (such as listed above) should be used as much as possible in support of MSFD objectives. This approach should become a guiding principle. Simultaneously it should be considered that stricter measures in the context of other legislation may be needed to achieve or maintain GES (e.g. stricter fish quotas or additional measures for reductions in nutrient discharges and emissions). The full application of relevant EU legislation will enhance coherence among policies and reduce administrative burden (which increases with the number of different sets of measures under different programmes of measures). This approach also requires ensuring that the various policy instruments have the same level of ambition regarding the goals they strive to achieve.

## 2 Organisation of the MSFD implementation in Bulgaria

### Legal aspects

#### Bulgarian Water Act

**Art. 135 (1), p. 19:** The Council of Ministers adopts a regulation on the protection of the marine environment.

**Art. 155 (3):** The Director of the Black Sea Basin Directorate plans, develops, updates and reports on the implementation of the Marine Strategy and the programme of measures for achieving good status of the marine environment according to the Regulation under Art. 135, paragraph 1, point 19.

#### Regulation on the protection of the environment in marine waters

**Art. 3 (1):** Responsible authorities for the Regulation's implementation are:

- Council of Ministers of the Republic of Bulgaria,
- Minister of Environment and Water (MoEW),
- Director of the Black Sea Basin Directorate (BSBD),
- Minister of Transport, Information Technology and Communications,
- Minister of Agriculture and Food,
- (...)
- Minister of Foreign Affairs,
- Minister of Regional Development and Public Works,
- (...)
- Minister of Energy,
- Minister of Economy,
- Minister of Tourism,
- Minister of Health,
- (...)
- Chairman of the Bulgarian Academy of Science

or

- officials authorised by them.

Their responsibilities are described in Art. 3, paragraph 2 of the same Regulation.

**Art. 3 (2):** The Council of Ministers:

1. adopts the Marine Strategy with the programme of measures and its updates on the proposal by the Minister of Environment and Water;
2. approves biannual reports on the implementation of the programme of measures on a proposal by the Minister of Environment and Water;
3. establishes a Consultative and Coordination Council for the coordination between the bodies under Art. 3 (1) and other legal entities and individuals involved in the development, discussion and implementation of the Marine Strategy and programme of measures.

**Art. 3 (3):** The Minister of Environment and Water:

1. implements state policy to achieve and maintain good environmental status in marine waters;
2. manage cooperation and coordination with other countries within the Black Sea catchment area;
- (...)
5. submit to the Council of Ministers for adoption the maritime strategy and the programme of measures, including their actualizations and proposals for corrective actions;
6. manage and coordinate the implementation of the programme of measures and submit to the Council of Ministers periodic reports on the progress of its implementation;
- (...)
10. chairs the Consultative and Coordination Council under Art. 3 (2).

**Art. 3 (4):** The Director of the Black Sea Basin Directorate:

(...)

8. coordinates within the river basin management district, between the authorities, legal entities and individuals in the process of development of the Marine Strategy and the programme of measures and organises associated public consultations;
9. develops a programme of measures and supervises its implementation.

(...)

In the first MSFD cycle, BSBD organised consultations with the competent authorities and stakeholders at basin and national level in coordination with MoEW. This consultation occurred at the very beginning of the process, when measures were to be identified that were needed to achieve or maintain GES. Further extended discussions took place on the planning of the scope and implementation of each measure. The Marine Strategy and the PoM were approved by the Council of Ministers of the Republic of Bulgaria.

Figure 4 shows the Bulgarian cooperation structure for implementing the national Marine Strategy. The Consultative and Coordination Council constituted on 1 December 2016 and adopted its →[Rules of Procedure](#)<sup>17</sup>. The Council meets as needed, but as a minimum twice a year. It is supported by an Expert Consultative Group – the national cooperation platform for the practical and technical implementation of the Marine Strategy and the PoM which the Consultative and Coordination Council decided to establish at its meeting on 20 July 2017.

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<sup>17</sup> [http://saveti.government.bg/web/cc\\_501/1](http://saveti.government.bg/web/cc_501/1)



Figure 4: Bulgarian cooperation structure for the implementation of the Marine Strategy.

The authorities responsible for implementing a measure are requested to report to the meetings of the Consultative and Coordination Council on the progress of implementation. The reporting format presented in Table 2 was proposed as an annex to the draft Rules of Procedure of the Expert Consultative Group which are approved by the Consultative and Coordination Council. The format should also be used as a basis for preparing reporting to the European Commission on the progress of implementing the PoM (and adjusted, as needed, to respond to EU reporting requirements) under Art. 18 MSFD. Reporting guidance for Art. 18 MSFD is to be developed in the EU MSFD CIS process by spring 2018.

Table 2: Proposed internal format for reporting on the implementation of measures. Source: Draft Rules of Procedure of the Expert Consultative Group

<b>Geographic information and implementation</b>	
(Clarification: This level serves to inform measure development at national level and is not intended for reporting to the EU).	
[Measure name]	
Location	Geographic location of measure implementation (Where: location/area/number of measures)
Timing	Planning the timing of implementation (When)
Lead organisation	Agency/stakeholder involved (Who)
Status of implementation	Status of implementation per individual measure (not started, on-going, completed)
Socio-economic assessment	Status of assessment (cost-effectiveness analysis, impact assessment, cost-benefit analysis)
Needs and problems	Foreseeable difficulties in implementation/necessary pre-conditions
Costs of implementation	Planned: Realised:
Description of ongoing progress on measure implementation	Implementation progress by activities Implementation progress by indicators to measure effectiveness

### 3 Regional cooperation

#### Legal aspects

**Art. 5 (2) MSFD:** Member States sharing a marine region or sub-region shall cooperate to ensure that, within each marine region or sub-region, the measures required to achieve the objectives of this Directive, in particular the different elements of the marine strategies referred to in points (a) and (b), are coherent and coordinated across the marine region or sub-region concerned, in accordance with the following plan of action for which Member States concerned endeavour to follow a common approach:

- a) preparation (...)
- b) programme of measures (...).

**Art. 6 (1) MSFD:** In order to achieve the coordination referred to in Art. 5 (2), Member States shall, where practical and appropriate, use existing regional institutional cooperation structures, including those under Regional Sea Conventions, covering that marine region or sub-region.

**Art. 6 (2) MSFD:** For the purpose of establishing and implementing marine strategies, Member States shall, within each marine region or sub-region, make every effort, using relevant international forums, including mechanisms and structures of Regional Sea Conventions, to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region or sub-region. In that context, Member States shall, as far as possible, build upon relevant existing programmes and activities developed in the framework of structures stemming from international agreements such as Regional Sea Conventions.

Coordination and cooperation shall be extended, where appropriate, to all Member States in the catchment area of a marine region or sub-region, including land-locked countries, in order to allow Member States within that marine region or sub-region to meet their obligations under this Directive, using established cooperation structures prescribed in this Directive or in Directive 2000/60/EC.

In the 2014 evaluation of Member States' initial implementation of Art. 8, 9 and 10 MSFD, the European Commission has highlighted the need for increased regional coordination and coherence in the implementation of Art. 6 MSFD. In keeping with the European Commission's recommendations and MSFD provisions, Bulgaria established cooperation with Romania early on in the process of drawing up the PoM to ensure that measures are consistent and comparable. Bulgaria also involved the Black Sea Commission in the process. Three consecutive EU support projects funded coordination activities on MSFD implementation, of which in Phase II the ARCADIS MSFD Black Sea support project on a "*Joint document on regional coordination of measures under Art. 13 MSFD in the Black Sea*"<sup>18</sup>, directly concerned deriving transboundary, coordinated measures (so called "common measures") for the national PoMs of Bulgaria and Romania (Lessons learnt – Box 1).

<sup>18</sup> Final report: Rommens et al. (2015), <http://www.bsbd.org/UserFiles/File/projects/Final%20report%20-Phase%20II.pdf>.

The latest coordinated implementation activity between Bulgaria and Romania is the review and update (according to Art. 17 MSFD) of the assessment of the status of their marine waters (Art. 8 MSFD), determination of GES (Art. 9 MSFD) and environmental targets (Art. 10 MSFD) through a “Roof Report on Common Indicators” (“the Roof Report”) which is intended to support EU reporting due in 2018.<sup>19</sup> This Roof Report presents commonly agreed indicators between both EU Member States in a structured way and has been shared with the Black Sea Commission and other Black Sea riparian countries in the preparation process. The aim is to eventually harmonise parameters and indicators for determining and assessing the (good) status of the marine environment across the Black Sea. The Roof Report provides a coordinated basis for future reviews of the PoM.

#### **Box 1: Lessons learnt – Development of common measures**

In the first implementation cycle, Bulgaria developed "common measures", i.e. transboundary measures coordinated with Romania, according to a "step-wise approach" in collaboration with ARCADIS under the EU-funded ARCADIS MSFD Black Sea support project<sup>20</sup>. The operational interaction and bilateral meetings between Bulgaria and Romania since the earliest stage of the planning of the measures has been established as a good practice for bilateral coordination.

In the step-wise approach, common measures were selected following several actions:

- Action 1: In-depth analysis of pressures and impacts, and linking these with possible measures.
- Action 2: Development of a long-list of measures based on action 1, a literature review and expert knowledge, solicited via a capacity building event. The long-list contained both existing and new measures<sup>21</sup>, but clearly distinguished between the two.
- Action 3: Reduction of the long-list to a short-list, presenting the proposed candidates for the coordinated PoMs of Bulgaria and Romania. An initial selection of measures for the short-list was made by ARCADIS, then discussed and finalised at another capacity building event.
- Action 4: For the new measures included in the short-list, a cost-effectiveness analysis and a cost-benefit analysis were conducted as required by MSFD (see →Step 4 in Section 5). The existing measures were not subject to Action 4.

In order to achieve consistency in this process, it is important that Bulgaria and Romania carry out a timely implementation of the relevant MSFD steps under Art. 5 (2) MSFD in the review and update of the PoM. To this end, the Joint Commission on Water Management (JCWM), which was established by Bulgaria and Romania under the Agreement on Cooperation in the Field of Water Management, provides potential to act as a cooperation platform and mechanism as has recently been experienced. The Agreement was signed between the Ministry of Environment and Water of the Republic of Bulgaria and the Ministry of Environment and Waters Management of Romania in Bucharest on 12 November 2004. Activities dealing with marine waters are performed in the scope of the JCWM Black Sea Working Group.

<sup>19</sup> Final report: <http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/bucharest/pdf/RO-BG%20MSFD%20final%20report.pdf>

<sup>20</sup> See final report at [http://www.bsbd.org/v2/uk/page\\_3356626.html](http://www.bsbd.org/v2/uk/page_3356626.html)

<sup>21</sup> For the definition of existing and new measures see section 4.2 of this Guidance Document and Figure 5.

**Recommendation:** For an effective coordination of MSFD implementation in general and of the PoM in particular with Romania (principally) and other Black Sea riparian countries the following is commended:

- External funding needs to be acquired for any cooperation to take place that exceeds the occasional exchange of e-mails (i.e. there are no funds available to pay for travel and meeting costs). In the past, funding was available via the EU-funded *Technical and administrative support for the joint implementation of the MSFD in Bulgaria and Romania – Phase I to III* and, to a limited extent, the AAP Project. This means that funds were only available for a certain period of time, but not permanently. It would be beneficial to have a more reliable source of funding (e.g. an EU Support Project with a longer time frame than one year).
- As a general rule, the experts involved in implementing the MSFD (i.e. BSBD in Bulgaria and the Ministry of Environment and Waters Management in Romania) should continuously exchange information on current developments and steps in MSFD implementation, preferably beyond ongoing projects. It is recommended to use the JCWM Black Sea Working Group as institutional mechanism for regular bilateral meetings and for information exchange and planning of future joint or coordinated administrative and scientific activities (e.g. monitoring activities, development of measures for achieving/maintaining GES, implementation of measures).
- For the evaluation of transboundary and national measures, the actions listed in Box 1 above can be applied to the upcoming cycles as well. Only Action 1 would change from “In-depth analysis of pressures and impacts” to the evaluation of the effectiveness of measures and a gap analysis. This would be based on the latest status assessment according to Art. 8 MSFD and refer to any updated environmental targets.
- The joint Bulgarian and Romanian Roof Report on Common Indicators, which contributes to the latest status assessment according to Art. 8 MSFD, should be developed further (to coordinate and add as many missing indicators as possible). The indicator results can serve as a reliable basis for reviewing the measures in the second MSFD cycle. Therefore, the Roof Report could serve as a basis for a gap analysis and for devising effective measures. The common indicators could also serve as indicators for the effectiveness of measures/progress in achieving GES.
- For transboundary MSFD measures shared with Romania, a close information exchange and consultation should be sought in operationalising and implementing the measures in order to ensure their coherence and effectiveness in practice.
- Bilateral exchange should be sought at an early stage on the approach to reviewing and updating the Bulgarian and Romanian PoMs and to seeking further grounds for cooperation.
- In case specific cooperation on measures with Romania or other Black Sea riparian countries is not possible, it is highly recommended to continue informing these countries regularly on the national developments in implementing the PoM and the MSFD.
- Last but not least, in order to meet the MSFD requirements in a timely and efficient manner, it is very important to enhance the administrative and scientific capacity.

## 4 Concept of the MSFD Programme of Measures

### Legal aspects

**Art. 13 (1) MSFD/Art. 12 (1) RPEMW:** Member States shall, in respect of each marine region or sub-region concerned, identify the measures which need to be taken in order to achieve or maintain good environmental status, as determined pursuant to Art. 9 (1), in their marine waters.

Those measures shall be devised on the basis of the initial assessment made pursuant to Art. 8 (1) and by reference to the environmental targets established pursuant to Art. 10 (1), and taking into consideration the types of measures listed in Annex V.

**Art. 13 (2) MSFD/Art. 12 (2) RPEMW:** Member States shall integrate the measures devised pursuant to paragraph 1 into a programme of measures, taking into account relevant measures required under Community legislation, in particular Directive 2000/60/EC, Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment and Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality, as well as forthcoming legislation on environmental quality standards in the field of water policy, or international agreements.

**Art. 13 (7) MSFD/Art. 12 (7) RPEMW:** Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to the achievement of the environmental targets established pursuant to Art. 10 (1).

**Art. 17 (2) MSFD/Art. 14 (1) and (2) RPEMW:** For the purposes of paragraph 1, Member States shall review, in a coordinated manner as referred to in Art. 5, the following elements of their marine strategies every six years after their initial establishment:

(...)

(d) the programmes of measures established pursuant to Art. 13 (2).

### 4.1 Baseline for establishing and updating the PoM

The PoM should be drawn up and updated on the basis of assessments of the extent to which GES has been achieved (pursuant to Art. 8 MSFD), and by reference to the environmental targets set under Art. 10 MSFD. Environmental targets are intended to bridge the gap between the current state of the marine environment and GES, provided they are set in an adequate and coherent way.<sup>22</sup> They form the main basis for devising national, regional, EU and international measures that are required under Art. 13 MSFD (Art. 12 RPEMW) to achieve and/or maintain GES. The aim of the measures is to reduce the predominant pressures and impacts on the marine environment caused by human activities and, where practicable, to restore marine ecosystems in areas where they have been adversely affected (Art. 1 (2) MSFD).

<sup>22</sup> See European Commission (2014c), [SWD \(2014\) 49 final](#).

The initial assessment pursuant to Art. 8 MSFD and the determination of GES in 2012 were intended to provide the baseline for devising environmental targets and, subsequently, for devising measures to achieve GES. The European Commission's evaluation of the Member States' reports on Art. 8, 9 and 10 MSFD in 2014 identified a number of shortcomings in the MSFD implementation which has led in 2017 to the following EU developments:

- Review of Commission Decision 2010/477/EU on criteria and methodological standards for GES and its replacement by Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU<sup>23</sup>.
- Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies<sup>24</sup>. The amendment intends to better align Annex III MSFD with Art. 8, 9 and 10 MSFD.

Also as a result of the European Commission's evaluation, Bulgaria revised the environmental targets set under Art. 10 MSFD in 2014. These revised environmental targets formed the basis for developing the Bulgarian PoM 2016–2021.

In light of the mentioned changes to EU requirements for MSFD implementation, the update of the assessment (Art. 8 MSFD), determination of GES (Art. 9 MSFD) and environmental targets (Art. 10 MSFD) by Bulgaria in 2018 will provide a new baseline for reviewing and updating the PoM by 2021.

## 4.2 Integrating existing and new measures

Art. 13 (2) MSFD requires that the PoM takes into account relevant measures required under other EU legislation and international agreements, including those under relevant Regional Sea Conventions (see Section 1.3). The requirements relating to measures set up under other policies and those to be devised additionally under Art. 13 (1) MSFD differ. As a result, a distinction is made between “existing measures” and “new measures” (Figure 5). The PoM puts existing and new measures into context with one another and the environmental targets.

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<sup>23</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1495097018132&uri=CELEX:32017D0848>

<sup>24</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1495097018132&uri=CELEX:32017L0845>

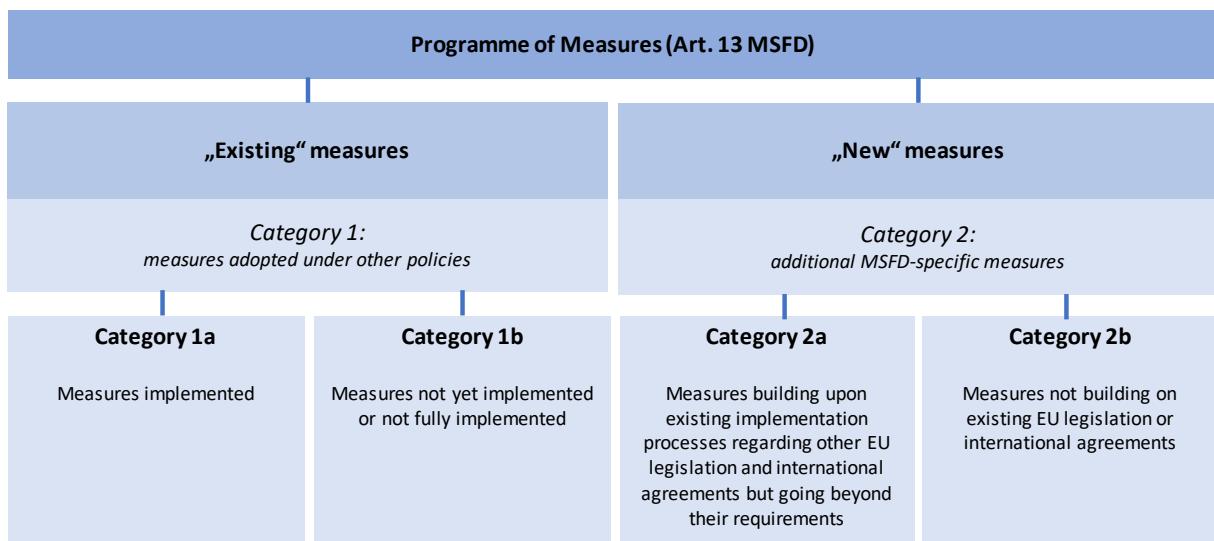


Figure 5: The categories of existing and new measures. As defined in →EU MSFD CIS Guidance No. 10

"Existing measures" are measures relevant for the achievement and maintenance of GES under the MSFD that have been adopted and implemented under other policies (Category 1a) or adopted under other policies but not yet or not yet fully implemented (Category 1b). These include, for instance, the measures taken within the framework of the WFD, the Floods Directive, the Urban Waste Water Treatment Directive, the Habitats Directive and the Birds Directive; within sectoral EU policies such as the Common Fisheries Policy and the EU Maritime Transport Policy; and within international agreements such as the Bucharest Convention, Ballast Water Management Convention and MARPOL.

"New measures" are measures that have been identified as being necessary to achieve or maintain GES in marine waters by 2020 when existing measures are not sufficient. These additional measures:

- can build upon existing implementation processes regarding other EU legislation and international agreements but go beyond what is already required under these (Category 2a): they complement existing measures (e.g. by reinforcing, optimising or extending geographic scope) or are new measures;
- are new in the sense that they do not build on existing EU legislation or international agreements (Category 2b).

In this Guidance Document, new measures (Category 2) are referred to as "MSFD measures".

## 4.3 The notion of measure

A measure is any action which is intended to help achieve or maintain GES and to achieve the environmental targets. A measure can operate at different scales: local, national, transboundary or international (including at EU, regional and global) scales. Annex VI to the MSFD lists examples of actions that constitute measures. For the purpose of EU reporting, →[EU MSFD CIS Guidance No. 12](#) distinguishes four modes of action, as set out in Table 3.

**Table 3: Modes of action and their definition. Source:** →[EU MSFD CIS Guidance No. 12](#)

Modes of action	Definition
‘Technical’	An actual action that one can see (and measure) in the field. In principle, a wide range of measures have a primarily technical function.
‘Legislative’	Adapting or supplementing national environmental law and other national legislation influencing the marine environment to implement environmental targets and to achieve/maintain GES.
‘Economic’	Such as economic incentives that provide financial motives to stimulate a desired behaviour or discourage an unwanted behaviour. Financial instruments are often aimed at the uptake of technical measures, for example a subsidy for beach resorts of 20 Euros for each additional garbage bin they place.
‘Policy-driven’	Policy instruments can be economic incentives, but also other instruments, such as voluntary agreements with stakeholders, communication strategies, awareness raising and education. For example, the government launches an information campaign to make the beach resorts aware of the new subsidy they can get for placing more garbage bins; or beach resorts inform their customers where the litter bins are located; or teachers telling children it is fun to collect waste and put it in a litter bin, giving you a clean beach as well.

Research *per se* is not considered a measure, but research activities can be included in the scope of a measure as a part of the implementation steps. Research activities should be submitted to the European Commission as a supplementary list to the PoM but do not need to be aligned to specific environmental targets. For such activities, there is no need to carry out cost-benefit and/or cost-effectiveness analyses.

Activities to fill gaps or address shortcomings in the implementation of other provisions of the MSFD (e.g. Art. 8, 9, 10 and 11) are by definition not a MSFD measure.

According to →[EU MSFD CIS Guidance Document No. 10](#), for the development of a specific set of measures that addresses the causes for failing GES, the underlying environmental targets (Art. 10 MSFD) should, wherever possible, be clearly specified and/or quantified. Where it is not possible to develop quantified environmental targets, a set of pragmatic solutions can be applied, e.g.:

- Political determination;
- Agreement through technical conventions; and
- Expert judgement (e.g. interim targets or trends).

## 5 Approach for establishing and updating the PoM

Figure 6 provides an overview of the steps for establishing and updating the PoM:

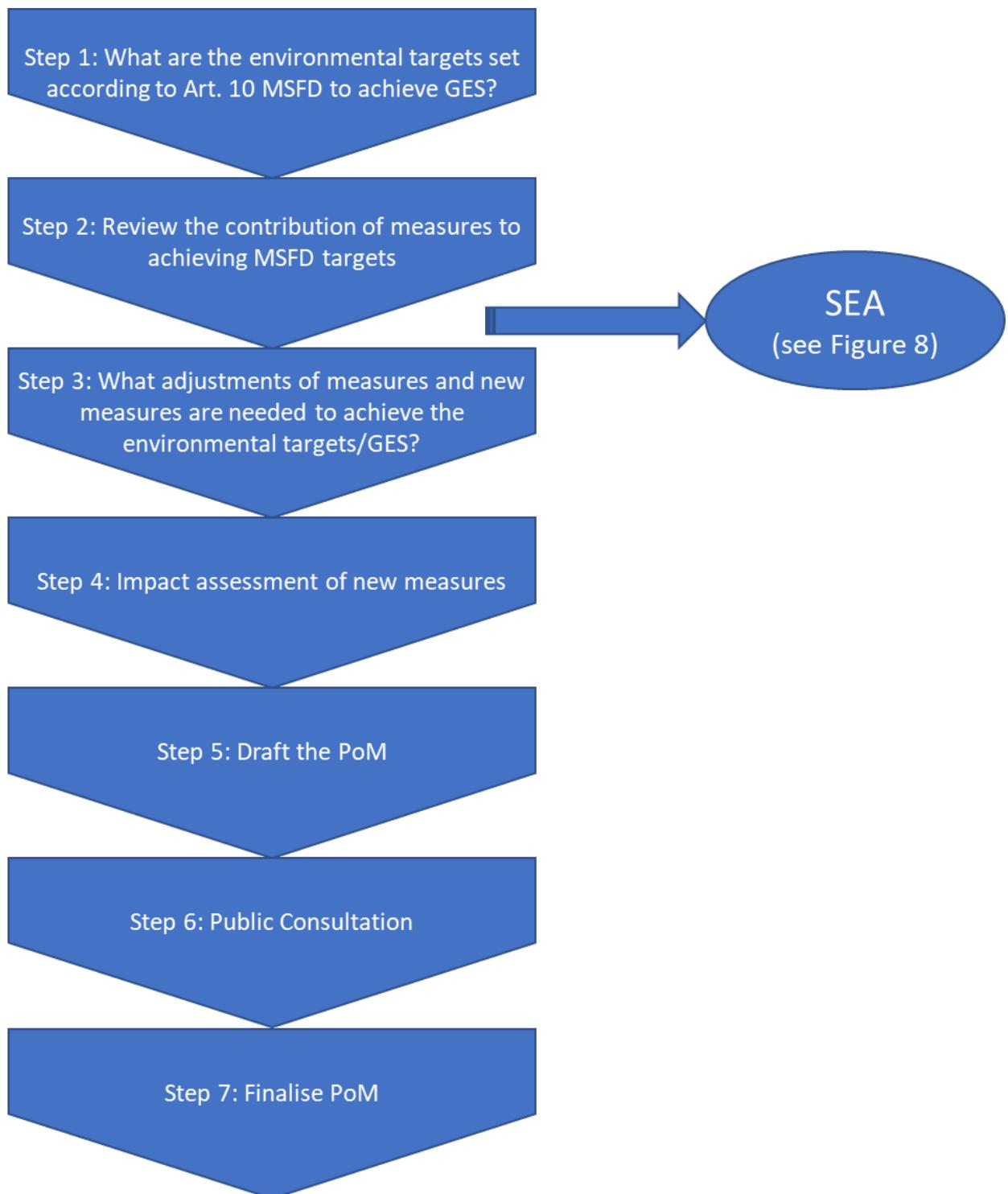


Figure 6: Steps for establishing and updating the PoM.

Based on the steps outlined in Figure 6 and the experiences gained during the first implementation cycle, the following sections provide guidance on the updating of the Bulgarian PoM. A detailed roadmap for the update of the Bulgarian PoM by 2021 is given in Annex 4: *Draft Roadmap for Bulgaria to review and update the PoM – second MSFD cycle*.

## Step 1

### What are the environmental targets set according to Art. 10 MSFD to achieve GES?

Environmental targets are set under Art. 10 MSFD to guide progress towards achieving GES. They address the reductions in pressures and the level of protection needed to improve the environmental state. Environmental targets form the basis for deriving measures and, for this purpose, should be specific and quantified (see →Section 4.1).

When reviewing and updating the environmental targets (Art. 17 MSFD), the need for their specification and for linking up with measures should be duly addressed. The most recent and specific targets should then be used as a basis for reviewing and updating the PoM (Art. 17 MSFD). The PoM should identify existing or MSFD measures in relation to each target. Indicators associated with the targets should allow measuring progress on achieving the targets and hence the effectiveness of the measures.

## Step 2

### Review the contribution of measures to achieving MSFD targets

This part of the process consists of two sub-steps and has the overall aim to review the performance of existing measures (Category 1) and MSFD measures (Category 2) (see →Figure 5 for the definition of the measure categories).

#### *Sub-step 2.1: Take stock of measures and their implementation*

In setting up the Bulgarian PoM 2016–2021, measures existing under other policies that contribute to achieving GES (Category 1) have been listed. Measure fact sheets document the additional MSFD measures (Category 2). Both the list of existing measures and the measure fact sheets are included as annexes in the PoM 2016–2021.<sup>25</sup>

Take stock of measures and their implementation as follows:

- (i) Assess the state of implementation of the PoM, i.e. the existing measures (Category 1) and MSFD measures (Category 2). This assessment should be facilitated by the half-yearly progress report on the implementation which the responsible authorities deliver to the Consultative and Coordinating Council according to the →Rules of Procedure<sup>26</sup> for implementing the Bulgarian Marine Strategy (see →Section 2). For EU reporting purposes, update the state of implementation for existing measures (Category 1) in the list of existing measures and for MSFD measures (Category 2) in the measure fact sheet concerned.

<sup>25</sup> See at <https://www.bsbd.org/uk/MarineStrategy.html>

<sup>26</sup> [http://saveti.government.bg/web/cc\\_501/1](http://saveti.government.bg/web/cc_501/1)

(ii) Identify additional measures that have been taken under other policies since the PoM 2016–2021 was adopted and which can contribute to achieving GES; update the list of existing measures accordingly:

- Such measures may have resulted from the midterm reviews of EU legislation (e.g. Common Fishery Policy, Rural Development Policy etc.), the continued implementation of EU Directives (e.g. review and update of River Basin Management Plans under the WFD and of Flood Risk Management Plans under the Floods Directive; implementation of the Habitats Directive) or new national or international activities.
- Explore whether actions have been taken by other stakeholders. For example, national non-governmental organisations (NGOs) may have established regular activities (e.g. beach cleaning activities) which contribute to achieving the targets.

**Recommendation:** When carrying out this stock-taking exercise, seek support from the authorities leading on the existing or MSFD measures concerned. For this purpose, send the list of existing measures and the MSFD measure fact sheets to the responsible Bulgarian authorities and ask for updating. For use in the second or subsequent cycles the template for the list of existing measures and the fact sheet for new measures should be reviewed and adjusted, as needed, to comply with any changes in EU reporting requirements or to be streamlined with other (e.g. national) reporting requirements.

The review of measures in place should take into account any actions agreed since 2016 under the Bucharest Convention and the EU level. This is of particular importance as of 2020 when a lot of the EU funding legislation (e.g. European Maritime and Fisheries Fund, Structural Funds) will change and Member States will be required to adjust their corresponding national programmes.

It is recommended that BSBD follows closely the negotiations towards the new multi-annual financing framework (2020–2027) in order to support the national implementation and inclusion of financing needs for MSFD measures.

#### ***Sub-step 2.2: Perform a gap analysis***

The gap analysis requires an assessment of how far measures have contributed to reaching the environmental targets. By 2017, there was no EU MSFD CIS specification available on how to prepare the baseline scenario and undertake the gap analysis.

The gap analysis should take into account and address any gaps and associated recommendations which the European Commission may have identified in the evaluation (Art. 16 MSFD) of the reported Bulgarian PoM.

As it is the objective of the EU MSFD CIS process to move towards quantified and measurable environmental targets and GES, the gap analysis is expected also to move towards a quantified evaluation in the future implementation. Marine environmental monitoring, including an indicator-based monitoring of progress on environmental targets, will provide important information on the effectiveness of measures. As reactions of marine ecosystems to measures may take time, supplementing modelling may be necessary to evaluate the effectiveness of measures and gaps in order to help update and adjust planned measures.

**Recommendation:** In the second and subsequent MSFD cycles it is important that the gap analysis is performed against both the environmental targets, based on which the measures were derived (old targets), and any subsequently updated targets (new targets). The first assessment allows a judgement on how effective the measures are, while the second assessment allows a judgement on how far the distance to the target is. The analysis may point out a need for actions enhancing the effectiveness of a measure or closing any gaps for achieving the set targets.

#### **Organising the review process in cooperation with others**

Building on the experience of the WFD process and the first MSFD implementation cycle (Lessons learnt – Box 2), all interested parties, as listed in Annex 2: *List of stakeholders involved in the first MSFD cycle*, should be actively involved in the evaluation of the PoM 2016–2021 (Art. 19 (1) MSFD, see →Step 6 in Section 5). The list of stakeholders covers public authorities, the private sector and NGOs.

#### **Box 2: Lessons learnt – Participation in WFD and MSFD implementation**

The successful implementation of the WFD is an important contribution to achieving GES under the MSFD. The lessons learnt in the implementation of the first River Basin Management Plans in Bulgaria are also relevant for the MSFD. They showed that:

- Involvement of the relevant competent authorities as much as possible in the process of planning the measures is of crucial importance in order to ensure recognition of the measures, timely planning of funding and implementation as well as engagement during the implementation process.
- Establishment of effective mechanism for timely financing is important for the implementation of the measures.
- There is a need for improvement of some management instruments, such as control and stimulation on the effective implementation of good agricultural practices.

In preparing the PoM 2016–2021, Bulgaria followed Art. 14 (3) RPEMW and the Regulation on the Conditions and Procedures for Environmental Impact Assessment (EIA). BSBD offered stakeholders information events (e.g. the kick-off workshops for the AAP and EU projects) and bilateral dialogues. The involvement of all interested parties has proven vital for the planning process.

The right timing for launching the participative review process depends on the contacts established with the various interested parties. An early half-day dialogue event could be used to kick-off the review process: It brings interested parties together, refreshes contacts, raises awareness for the tasks ahead and prepares for their involvement in the upcoming steps.

This early involvement could deliver insights on:

- How have measures been implemented?
- How effective are these measures in reducing pressures and impacts or in providing protection?
- What obstacles and challenges have been faced when implementing the measures?
- What additional measures to those in the PoM have been put in place?
- Which new measures are proposed for the second cycle?

**Recommendation:** Involvement of responsible authorities and stakeholder participation could be organised in the following sequence:

- Review the contribution of measures to achieving the MSFD targets. Consult with all state authorities, recognised as responsible institutions for the MSFD implementation according to Art. 3 RPEMW, and, on an informal basis, NGOs and the private sector. Use also the established cooperation structures of the Consultative and Coordination Council for expert input of responsible authorities to the assessment of the effectiveness of the measures.
- Identify the need for the adjustment of measures or for the implementation of new measures. Consultations should include public authorities, NGOs and the private sector. As part of this step, carry out the scoping procedure for the SEA (see →Section 9), involving the public authorities with responsibilities and interests concerning environmental protection and human health. Beyond this legal requirement, NGOs and the private sector can be given the possibility to participate in the scoping process.
- Carry out an administrative, interdepartmental consultation on the final draft (updated) PoM through the national MSFD cooperation structure (see →Figure 5 above). The aim is to achieve (i) a technical agreement on the draft in the Expert Consultative Group and, subsequently, (ii) obtain endorsement and release of the draft by the Consultative and Coordinating Council for public consultation.

### Step 3

#### What adjustments of measures or new measures are needed to achieve the environmental targets and GES?

The results of the gap analysis in Step 2 may point to the need for:

- An adjustment of the MSFD measures. A need may arise if the expected effects have not occurred or more cost-effective implementation options for the measure are available.
- New measures to close identified gaps. The need may arise if there is a general lack of measures for a certain descriptor in the previous PoM (e.g. underwater noise) or if the measures are not sufficient. Additional measures to reach targets and GES should be considered even if gaps in monitoring and assessment remain (precautionary principle).

The gap analysis may also point to the need for an adjustment or reinforcement of existing measures (Category 1). Where the adjustment is necessary to give effect to the full implementation of other legislation and achievement of their objectives, recommendations should be made to the responsible authority which should incorporate these in the (implementation of the) policy/legislation concerned. Where the required adjustment for achieving GES goes beyond what is required under other policies, a new MSFD measure building on those policies (Category 2a) may be considered to close the gap (cf. →Figure 5 above). In addition, new measures not building on existing policies (Category 2b) may be required where no specific policies exist so far (e.g. underwater noise).

For setting up proposals for adjustments and new measures, the same approach as for the PoM 2016–2021 can be used: The BSBD, together with other relevant authorities, develops a (long) list of proposed actions with separate sections on 1) adjustments of existing and MSFD measures and 2) potential new measures necessary and apt of achieving environmental targets and GES.

It is expected that proposals for new measures will become more targeted and hence fewer in number in the future (→Lessons learnt – Box 3). Good proposals for measures in the first cycle (and subsequent cycles) which were postponed because of technical, financial, temporal or political reasons should be reconsidered in the review and update of the PoM in light of the results of the gap analysis.

### **Box 3: Lessons learnt – Moving from structural to technical measures**

Active involvement of the relevant competent authorities and other stakeholders as well as operational discussions of specific topics related to current progress, difficulties and challenges encountered in the PoM implementation, and possible solutions are of crucial importance for adjustments of existing measures and planning of new measures as necessary.

Given the significant data and knowledge shortages about the state of the marine environment and the need for a more precise definition of GES and targets, the planned measures for the PoM 2016–2021 were mainly:

- preventive, in order to limit expected potentially significant negative impacts on marine ecosystems, including the introduction of legislative changes;
- aimed at obtaining the necessary information for the specification of the planned technical or managerial measures.

It is expected that this will result in the necessary basis for the planning of future technical measures and in promoting an integrative approach to future measure planning.

#### ***Recommendation:***

- Present the results of Step 3 and the recommendations of the European Commission resulting from the Art. 16 MSFD evaluation of the Bulgarian PoM to the meeting of the Consultative and Coordination Council.
- Request the Expert Consultative Group to contribute timely information on proposals for adjustments of measures and new measures to close the identified gaps.

- Meet with relevant authorities in those areas where an adjustment of measures or new measures are needed with the aim of consolidating the proposals and of developing a common set of measures (short-list). From this list, measures can be prioritised and selected, applying the following criteria:
  - Technical feasibility;
  - Co-benefits (e.g. the measure might also improve the status of inland waters or of a Natura 2000 area);
  - (cost-)effectiveness (in terms of by when which quantified effect may be expected; effects are either a reduction of a pressure/impact or an increase in the restoration of damaged ecosystem components)<sup>27</sup>;
  - Coherence with the agreements made with Romania;
  - Political and public acceptance.

Based on a short-list of proposed new or adjusted MSFD measures, BSBD should set up measure fact sheets for new measures and should update existing fact sheets for those measures which require a revision. The template for the fact sheet is set out in Annex 1: *Fact sheet template*<sup>28</sup>. The fact sheet structure and content need to be reviewed and possibly updated prior to the next reporting round, in order to address any changes in reporting requirements under the EU MSFD CIS process.

The measure description should be coordinated with other relevant authorities in order to generate a common understanding of the content and the possible ways of implementation. Any coordination with Romania should be taken into account.

In this Step, also Art. 14 needs to be considered (see →Section 7).

## Step 4

### Impact assessment of new measures

#### Legal aspects:

**Art. 13 (3) MSFD/Art. 12 (2), p. 3 RPEMW:** When drawing up the programme of measures pursuant to paragraph 2, Member States shall give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged. To assist the competent authority or authorities referred to in Art. 7 to pursue their objectives in an integrated manner, Member States may identify or establish administrative frameworks in order to benefit from such interaction.

Member States shall ensure that measures are cost-effective and technically feasible, and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of any new measure.

<sup>27</sup> The assessment of the effectiveness might require iteration rounds in Step 4.

<sup>28</sup> The structure of the measure fact sheet follows the EU reporting schema set out in →EU MSFD CIS Guidance No 12.

This step is a requirement of the MSFD for new measures (Category 2). A common understanding and exchange of experiences is needed at EU level to perform impact assessments, including cost-effectiveness analysis and cost-benefit analysis, for new measures. So far, no common methodology has been available for application across the EU as shown in a background study to the MSFD implementation (ARCADIS 2015)<sup>29</sup>. The study gives an overview of the different approaches used by EU Member States and provides orientation for future analyses.

For the common measures of Bulgaria and Romania a semi-quantitative approach to the impact assessment has been trialled (→Lessons learnt – Box 4). While the approach was not applied for the PoM 2016–2021, it still has proven to be feasible in principle and is recommended for use in the assessment of any new measures when the Bulgarian PoM is updated.

#### Box 4: Lessons learnt – Approach towards a quantitative analysis of costs, effectiveness and benefits

In setting up the PoM 2016–2021, the EU-funded ARCADIS MSFD Black Sea support project developed and applied an approach for cost-effectiveness and cost-benefit analyses to common measures of Bulgaria and Romania.

According to this approach, the evaluation of both the effectiveness and the costs was done in a semi-quantitative manner using ranges, which were converted into scores of 1 to 5, as illustrated in the following figure (Source: Arcadis 2015):

		Effectiveness				
		5	4	3	2	1
Cost	1	3	3	2	1	1
	2	3	3	3	2	1
	3	4	4	3	2	2
	4	5	4	3	3	3
	5	5	5	4	3	3

The combination of a cost score (1–5) with an effectiveness score (1–5) resulted in a score for the cost-effectiveness (also falling within a range of 1 to 5). The most cost-effective measure has a score of 5 and the least cost-effective a score of 1.

For the cost-benefit analysis, a qualitative approach was chosen, due to limited data/information and methodological knowledge. Hence, the benefits of the measures in terms of provided ecosystem services were described, instead of being quantified. The information resulting from the cost-effectiveness and cost-benefit analyses was included as far as possible in the respective cells of the measure fact sheets (see →Annex 1), albeit with less details, due to gaps in information that could not be overcome in the first implementation cycle. The approach to cost-effectiveness and cost-benefit analyses was deemed too demanding at that point in time for a full implementation by both Romanian and Bulgarian authorities working on the subject.

<sup>29</sup> <https://circabc.europa.eu/sd/a/f3079771-5ab2-4d49-8a23-add8d829c75f/CIS%20Best%20practices%20document-cost%20benefit%20analysis.pdf>

**Recommendation:** To improve the analyses for use in the update of the PoM, the following information gaps should be filled, if possible:

- Costs: Information on administrative costs can be obtained with reasonable effort. Use could be made of standard national methods for estimating budgetary implications of proposed legal acts<sup>30</sup>.
- Effectiveness: The potential effects of measures on the environment (i.e. on reaching GES) is more difficult to obtain. In order to obtain a good overview of studies and literature, or even to allow for a timely planning and execution of a supporting study in an action field of high priority, an early involvement of the relevant stakeholders and technical experts is strongly recommended.
- Benefits: The main benefits of measures under the MSFD are the environmental improvements associated with their implementation. A cost-benefit analysis, however, can also mean that those benefits should be quantified in monetary terms and in relation to human welfare. It requires considerable environmental information and data, expert knowledge and resources. It is recommended to concentrate on a more qualitative assessment of benefits (effects of measures) first, and use any forthcoming results from the EU MSFD CIS Working Group on Programme of Measures, Economic and Social Analysis (POMESA) and other Member States' approaches as orientation when these will become available.

## Step 5

### Draft the PoM

The →[EU MSFD CIS Guidance No. 12](#) sets out the minimum requirements for the contents of the PoM. The structure and contents of the PoM 2016–2021 followed the requirements of the guidance. The Guidance and any future updates of it should be consulted for the specific reporting contents for updating the PoM. Table 4 provides a brief overview of issues to be reported, adapted to the structure of the Bulgarian PoM:

<sup>30</sup> See for example BLANO (2015) for the approach to cost-effectiveness and cost-benefit analyses in Germany, [http://meeresschutz.info/berichte-art13.html?file=files/meeresschutz/berichte/art13-massnahmen/MSFD\\_Art13\\_PoM\\_annex\\_2\\_socio-economic\\_assessment.pdf](http://meeresschutz.info/berichte-art13.html?file=files/meeresschutz/berichte/art13-massnahmen/MSFD_Art13_PoM_annex_2_socio-economic_assessment.pdf)

**Table 4: Issues to be reported in the PoM**

Element	Title / contents
1.	<p>A summary report with a general overview covering the following issues (reference to MSFD provisions):</p> <ul style="list-style-type: none"> <li>• The environmental targets addressed (Art. 10, Art. 13 (1));</li> <li>• Summary overview of existing measures and their contribution to achieving GES (Art. 13 (2), details under 2);</li> <li>• Summary of new measures (Art. 13 (1), details under 3);</li> <li>• Method for selecting the new measures (Art. 13 (3));</li> <li>• Considerations of sustainable development for new measures: Impact Assessment (combination of environmental, social and economic), cost-effectiveness analysis and cost-benefit analysis and how these analyses were taken into account (Art. 13 (3));</li> <li>• Mode of implementation of the new measures (e.g. by legal, policy, financial instruments), including an overview of co-financed measures (Art. 22) where relevant;</li> <li>• Identification of spatial protection measures (Art. 13 (4));</li> <li>• Adequacy of the PoM to achieve or maintain GES and link to any exceptions, if relevant (Art. 14, details under 4);</li> <li>• Overall coordination with other EU legislation and policies (including international agreements);</li> <li>• Overall regional coordination including possible impacts on the waters of other countries (Art. 5 (2), Art. 13 (8));</li> <li>• Information on the public consultation process (Art. 19 (2));</li> <li>• Information on the implementation process (Art. 13 (3), (7) and (10)).</li> </ul>
2.	An inventory of the existing measures (Category 1) with concise information at aggregated level. Reference is made to other documentation providing detailed information on the measures (e.g. WFD PoM).
3.	A list of new measures (Category 2) with detailed information included in measure fact sheets as an annex to the PoM.
4.	If relevant in the update of the PoM: A list of exceptions (Art. 14) with detailed information und justification (provided e.g. in an exception fact sheet following the structure in → <a href="#">EU MSFD CIS Guidance No. 12</a> ).
5.	Voluntary supplement, if relevant: a list of actions (e.g. research, monitoring, survey) to close gaps in the knowledge base.

**Recommendation:** For drafting the summary report, it is recommended that the previous PoM is taken as a blue print and those chapters that require a revision or update are marked by BSBD: summary report, the updated list of existing measures as well as updated and new fact sheets for the MSFD measures.

For the drafting process, notes should be added on the contributions expected from other authorities, e.g. who needs to be contacted and what type of information should be contributed. It is also important to take into account any recommendations of the European Commission (e.g. resulting from the Art. 16 MSFD evaluation of the Bulgarian PoM) and changes to EU MSFD CIS requirements. The different chapters to be drafted/redrafted should then be split among the various experts and it might be worth to have drafting meetings on more difficult chapters (involving also experts from outside the BSBD).

When a mature draft of the PoM exists, involve all interested parties in its technical review and consultation. This process can be done via a written procedure, e.g. within a four weeks' timeline. Comments received will be implemented in a second draft. Depending on the seriousness of comments and the existence of conflicts, bilateral exchange/meetings may be necessary to resolve these critical points in a direct dialogue. Any issues that cannot be resolved at technical level should be presented to the Consultative and Coordination Council for decision.

The technically agreed draft will be presented at the Consultative and Coordination Council meeting for endorsement and with a request to release the draft for public consultation.

## Step 6

### Public consultation

#### Legal aspects:

**Art. 19 (1) MSFD/Art. 14 (3) RPEMW:** In accordance with relevant existing Community legislation, Member States shall ensure that all interested parties are given early and effective opportunities to participate in the implementation of this Directive, involving, where possible, existing management bodies or structures, including Regional Sea Conventions, Scientific Advisory Bodies and Regional Advisory Councils.

**Art. 19 (2) MSFD/Art. 14 (3) RPEMW:** Member States shall publish, and make available to the public for comment, summaries of the following elements of their marine strategies, or the related updates, as follows:

(...)

(d) the programmes of measures established pursuant to Art. 13 (2).

**Art. 19 (3) MSFD/Art. 14 (3) PRMW.** With regard to access to environmental information, Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information shall apply.

Art. 19 (2) MSFD requires Member States to publish and make available to the public the drafts of each element of the national marine strategies for commenting (“public consultation”). “The public” refers to the widest possible involvement of citizens and civil society. Public consultation is a mandatory minimum requirement. In contrast, Art. 19 (1) MSFD encourages Member States to involve interested parties as early as possible (“stakeholder participation”). “Interested parties” may be understood to refer to stakeholders, whose interests may be directly concerned, including civil society, private sectors and public authorities. The effective involvement of stakeholders is left to the discretion of the Member States (see →step 2 in Section 5 on organising the review process). “Public participation” is a generic term used to cover different forms of involvement including public consultation and stakeholder participation.

In organising the update of the PoM, allow sufficient time for public consultation and include this procedural step into the overall planning of the process. Seek opportunities for streamlining the public consultation process with that of associated parallel planning processes under other legislation.

In the following, general considerations are given for organising public participation in a broader sense.

#### *General considerations on public participation*

A general common principle in water and marine policies is that interested parties (stakeholders) should be given early opportunity to participate in the policy process (see also Art. 19 (1) MSFD). In general, the process should be as inclusive as possible (see →step 2 in Section 5). This includes involving stakeholders in public participation processes and events (see →Lessons learnt – Box 5).

#### **Box 5: Lessons learnt – Cooperation in organising stakeholder participation**

The expertise, which public authorities responsible for setting up and implementing the PoM 2016–2021 brought to stakeholder events, was a valuable and important input. The active involvement of the competent authorities in organising the public consultation on the PoM (Art. 19 (2) MSFD) and associated consultation on the environmental report (see →Section 9) should be pursued in the process for updating the PoM. As such, a better engagement of the stakeholders and wider awareness of the general public about the goals and expected benefits can be achieved.

Sectors affected by the PoM differ. A few economic sectors are marine-specific; some affected land-based activities might have no direct impacts on marine areas (e.g. waste management, product design). Moreover, different types of water need different measures to be taken at appropriate scales and by the defined target groups. The chosen approach to stakeholder participation might, therefore, differ in terms of the focus of the exercise. The target group for participation should be identified accordingly and the involvement process should be tailored and adapted to specific policy needs.

**Recommendation:** Design the scope of participation and its objectives, the prospective audience and the structure of the public participation strategy and programme at a very early stage. When organising stakeholder participation (Art. 19 (1) MSFD) and public consultation (Art. 19 (2) MSFD) processes for the second and upcoming cycles, the following aspects should be considered:

- Be clear about **what** the subject matter is and about **who** your audience is going to be.
- Be clear **what you have to do** to comply with the policy requirements and expectations of the public (not always the same thing).
- Be aware of the **traditions** that may already exist for stakeholder participation and public consultation; in Bulgaria it is an established part of the culture. However, consider also new approaches as times are changing and public demand to receive information is changing.
- Be prepared to **tailor your approaches** to different audiences; don't assume that a 'one size' consultation will fit all that might be involved.
- **Relate policy issues to subjects that people actually understand.**
- Be **inclusive** in those approaches: be aware of the possibilities from new technologies but don't rule out old-fashioned face-to-face meetings.
- Be prepared to **make an investment** in this process in terms of human, financial and time resources. Several examples have shown that these investments are paying back in terms of a smoother implementation or achievement of objectives.
- **Provide reflections/feedback** on the contributions you have received to the public. Make clear why some issues have been considered and others not. Show how public participation has influenced the process.

There is also a need to reach out to interested parties not directly affected (e.g. media, academia) to leverage their strengths in ensuring effective communication of knowledge and technical assessments.

### ***Streamlining public participation***

The timetable of the MSFD for the establishment of the PoM is more or less synchronised with that of the WFD for the River Basin Management Plans, the Floods Directive for the Flood Risk Management Plans and the MSPD for Marine Spatial Plans. All mentioned Directives require that stakeholders are allowed to participate in the planning process and that draft plans are submitted to public consultation. In addition, the public consultation on the Strategic Environment Assessment (SEA) report ("environmental report", see →Section 9) is an integral part of the leading consultation process and is, as such, already streamlined by law into these processes. The specific and minimum legal requirements for public participation on plans and programmes of the mentioned legislation is presented in Annex 3: *EU legal requirements in relation to public participation in the water sector*. In conclusion, there are opportunities for streamlining the planning and associated public participation processes (→Lessons learnt – Box 5), and thereby to achieve coherence between policies, to save costs and also to provide a more complete picture to stakeholders.

#### Box 6: Lessons learnt – Streamlining participation in the first MSFD cycle

For streamlining the participation on plans and programmes under the WFD, Floods Directive and MSFD, common meetings with the stakeholders were conducted at a regional scale, i.e. according to main administrative units in the Black Sea River Basin District. For the common meetings it has proven essential that there is a clear and focused presentation of the priorities, objectives and topics for discussion in order to ensure the implication and active participation of the attendees.

Experience showed that particular attention will need to be paid in future to ensuring a more synchronised implementation of the MSFD and biodiversity conservation legislation. While the timetables for both planning processes are very different, there is still opportunity for a closer operational interaction in the implementation of the two related policies in order to avoid duplication and to better streamline the activities – on planning, monitoring, usage and protection regimes.

To facilitate the functional interaction between MSFD and other EU environmental protection policies, the PoM 2016–2021 includes explicit measures to improve the existing legislative framework:

**Measure 17** “Amendment of existing legislation, where necessary, through introduction of a permit regime for activities in marine environment, or other regulatory amendments”.

**Measure 14** “Elaboration/update of management plans for MPAs according to requirements of the MSFD and including both national and common targets for achieving of GES”.

**Measure 21** “Mainstream marine litter into existing legislation”.

**Measure 9** “Promotion and stimulation (including financial) of environmental friendly methods for Rapana and shellfish extraction”.

**Recommendation:** The legal minimum requirements compiled in Annex 3 should be kept in mind in order to streamline the different public consultation and participation requirements with the aim of having a better public and stakeholder participation, but also to streamline administrative procedures as far as possible. Streamlining can be achieved by sticking to the same deadlines, but also by planning, e.g. information campaigns or awareness campaigns together. Also making cross references in the documents that are subject to public consultation processes can increase the common understanding of how different pieces of environmental legislation are intertwined.

### Step 7

#### Finalise the PoM

The responses received under Step 6 should be considered with a view to whether and how they can be taken up in the draft PoM. It is recommended that a synopsis is prepared with an overview of the comments received and explanations of how the comment has been taken into account or why it has not been taken up. In cases where substantial changes are required, it is important to consult with the public authorities concerned to find commonly acceptable solutions. The synopsis can provide an instrument for inter-departmental consultations on how to address comments received in the public consultation. The synopsis should be made publicly available together with the adopted PoM. The finalised version of the PoM is presented for adoption to the Consultative and Coordination Council according to the national →[Rules of Procedure](#)<sup>31</sup>.

<sup>31</sup> [http://saveti.government.bg/web/cc\\_501/1](http://saveti.government.bg/web/cc_501/1)

## 6 Marine Protected Areas

### Legal aspects:

**Art. 13 (4) MSFD/Art. 12 (6) RPEMW:** Programmes of Measures established pursuant to this Article shall include spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties.

**Art. 13 (6) MSFD:** By 2013 at the latest, Member States shall make publicly available, in respect of each marine region or sub-region, relevant information on the areas referred to in paragraphs 4 and 5.

### Bulgarian Biological Diversity Act (BDA):

**Art. 3:** (1) The State shall develop a National Ecological Network which shall comprehend:

1. special areas of conservations as part of European Ecological Network “Nature 2000”, which may incorporate protected areas;
2. protected areas outside special areas of conservation;

(2) CORINE Biotopes sites, Ramsar Convention sites and Important Bird Areas shall be incorporated into the National Ecological Network on a priority basis.

**Art. 4:** The National Ecological Network shall have the following purposes:

1. long-term conservation of biological, geological and landscape diversity;
2. provision of sufficiently spacious and high-quality sites for wild animals to breed, feed and rest, including during the period of migration, moulting and wintering;
3. creation of conditions for genetic exchange between geographically separated populations and species;
4. participation of the Republic of Bulgaria in the European and world ecological networks;
5. containment of the adverse impact of human activities on protected areas.

**Art. 29:** (1) The management plans referred to in Art. 27 herein shall envisage measures intended to prevent the deterioration of conditions in the natural habitat types and in the habitats of species, as well as the endangerment and disturbance of the species for the protection whereof the relevant special areas of conservation have been designated.

(2) The measures referred to in Paragraph (1) shall include:

1. prohibition or restriction of activities contrary to the requirements for conservation of the specific sites subject to protection;
2. preventive action to avoid unforeseeable adverse events;
3. supporting, steering and regulating activities;
4. restoration of natural habitats and habitats of species or of populations of plant and animal species;
5. conduct of scientific research, education and monitoring.

(3) In planning the measures covered under Paragraph (2), to the extent practicable, account shall be taken of:

1. the regional and local characteristics, except such concerning the conservation of biological diversity, as well as social requirements;
2. the sustainable use of renewable resources.

In accordance with the preparatory work on the integration of protected areas in the WFD implementation, carried out for the “*Joint Water-Marine-Biodiversity-Nature workshop*”<sup>32</sup> in 2014, marine protected areas (MPAs) are regarded as a fundamental element of MSFD planning to tackle several pressures at once. However, in the EU-wide implementation of concepts regarding protected areas, the term MPA is not fully defined in the sense that it can be seen as suggesting a fixed and always similar measure, or a commonly agreed protection regime of the areas designated as a MPA. MPAs in EU Member States differ widely both in name and content (e.g. Nature Reserves in Bulgaria, “Nationalparke” in Germany, Marine Conservation Zones in the UK etc.). MPAs also differ in terms of the regulations applied (“no take zones”, restrictions to fishing gear, seasonal restrictions etc.). Hence, the term “spatial protection measures”, as used in the MSFD, is actually more to the point.

The MSFD does not provide a legal basis for designating MPAs. The legal basis is mostly found in the national law relating to different legal regimes (e.g. nature conservation, fisheries legislation etc.). Furthermore, international legal regimes also influence the designation and management of MPAs (e.g. IMO Particular Sensitive Sea Areas or other special area regimes allowing for the regulation of shipping etc.).

In Bulgarian waters, the following provisions provide a legal basis for establishing MPAs and other spatial protection measures:

- Environmental Protection Act,
- Biological Diversity Act (BDA),
- Protected Areas Act,
- Water Act;

and relevant regulations:

- Ordinance on the development of management plans for protected areas,
- Ordinance on conditions and procedures for development and approval of management plans for protected sites.

**Recommendation:** From the examples of approaches and good practices in other EU Member States, which have been compiled in support of this Guidance Document, the following options could be considered in relation to MPAs for the PoM:

- Designation of new MPAs,
- Geographic extension of existing MPAs,
- Extension of the protection scope and objectives of existing MPAs,
- Designation of management plans of new MPAs and/or review of existing ones, within the PoM.

In the first and second MSFD implementation cycle, the focus of spatial protection was and could be on developing/updating management plans for existing or newly created MPAs, and on studies, in order to learn whether existing MPAs are sufficient both in quantity (size, connectivity etc.) and quality

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<sup>32</sup> See Adriaenssens et al. 2014, [https://circabc.europa.eu/sd/a/9db3ee30-9ac5-4a20-bff9-019f472b62cb/NBMW%20Workshop\\_BHD%20and%20RBMP\\_background%20document.pdf](https://circabc.europa.eu/sd/a/9db3ee30-9ac5-4a20-bff9-019f472b62cb/NBMW%20Workshop_BHD%20and%20RBMP_background%20document.pdf)

(effectiveness of protection regime and controls etc.). On this basis additional spatial protection measures can be devised.

An EU LIFE project would be a good possibility for creating an inventory of protected assets and conducting a comparison and a gap analysis against the objectives and needs resulting from the latest assessment of the state of the marine waters (Art. 8 MSFD) and the set environmental targets (Art. 10 MSFD).

If the existing spatial protection measures are found not to be sufficient to reach environmental objectives and protect the protected assets, there might be the need, in the second or third implementation cycles, for a quantitative or a qualitative improvement of the MPA network (i.e. expansion of the areas and/or change to the management plans or controls) and related measures for inclusion in the PoM.

General steps that can guide the implementation of the MSFD measures on spatial protection are:

- Starting point: Knowledge that the existing spatial protection measures are not sufficient to meet the policy objectives (i.e. the MSFD objectives).  
Result: General understanding of the problems at hand (size and characteristics of the challenges).
- Gap and problem analysis: Are the objectives not met for certain species, or for abiotic factors (e.g. pollutants)? Are there environmental improvements in general (monitoring), or is the situation not changing for several years?  
Result: General understanding of the problems at hand (size and characteristics of the challenges).
- Definition of necessary action – quantitative expansion and/or qualitative evolution: Is the problem a general one, like non-compliance or lack of controls? Would the situation with full compliance be much better?  
Result: Understanding where the problems concretely lie, and where there is a need for change/action.
- Policy options: Which means could enhance the effectiveness of spatial protection measures? Could voluntary agreements with the users/sectors be sufficient, or is there a need for stricter regulations?  
Result: Set of policy options ("measures") to be fed into the general process of formulating and deciding on measures for the PoM.

In order to establish evidence for the designation of new MPAs in an effective way, it is recommended to focus on priority species and habitats, and design targeted measures to safeguard/reach the conservation objectives for these species/habitats. Other species and habitats would be protected alongside.

Monitoring, with regard to MPAs, should be done under the MSFD-related monitoring process (i.e. the monitoring and evaluation/reporting under the Birds-, Habitats- and other Directives should be integrated into the wider MSFD context). The need for such a monitoring is insisted in Measure 13 and 15 in the Bulgarian PoM 2016–2021.

As in Bulgaria the management plans for existing MPAs are not yet established, MSFD-relevant topics (like habitats and species not covered by the Birds and Habitats Directives) should be included in the management plans from the very beginning, as planned in measures 14 and 15 of the Bulgarian PoM 2016–2021.

## 7 Exceptions

### Legal aspects:

#### Art. 14 (1–4) MSFD/Art. 13 (1–7) RPEMW:

1. A Member State may identify instances within its marine waters where, for any of the reasons listed under points (a) to (d), the environmental targets or good environmental status cannot be achieved in every aspect through measures taken by that Member State, or, for reasons referred to under point (e), they cannot be achieved within the time schedule concerned:

(a) action or inaction for which the Member State concerned is not responsible;

(b) natural causes;

(c) force majeure;

(d) modifications or alterations to the physical characteristics of marine waters brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact;

(e) natural conditions which do not allow timely improvement in the status of the marine waters concerned

The Member State concerned shall identify such instances clearly in its programme of measures and shall substantiate its view to the Commission. In identifying instances, a Member State shall consider the consequences for Member States in the marine region or sub-region concerned.

However, the Member State concerned shall take appropriate ad-hoc measures aiming to continue pursuing the environmental targets, to prevent further deterioration in the status of the marine waters affected for reasons identified under points (b), (c) or (d) and to mitigate the adverse impact at the level of the marine region or sub-region concerned or in the marine waters of other Member States.

2. In the situation covered by paragraph 1 (d), Member States shall ensure that the modifications or alterations do not permanently preclude or compromise the achievement of good environmental status at the level of the marine region or sub-region concerned or in the marine waters of other Member States.

3. The ad-hoc measures referred to in the third subparagraph of paragraph 1 shall be integrated as far as practicable into the programmes of measures.

4. Member States shall develop and implement all the elements of marine strategies referred to in Art. 5 (2), but shall not be required, except in respect of the initial assessment described in Art. 8, to take specific steps where there is no significant risk to the marine environment, or where the costs would be disproportionate, taking account of the risks to the marine environment, and provided that there is no further deterioration.

Where, for either of these reasons, a Member State does not take any steps, it shall provide the Commission with the necessary justification to substantiate its decision, while avoiding that the achievement of good environmental status be permanently compromised.

Member States may identify within their marine waters instances where, for the reasons specified by Art. 14 MSFD, environmental targets or GES cannot be achieved through measures taken by the Member State (Art. 14 (1) (a)–(d) MSFD), or specify that they cannot be achieved by 2020 (Art. 14 (1) (e) MSFD). While exceptions may be claimed from reaching GES and targets by 2020, the MSFD requires that a deterioration of marine waters is prevented (Art. 1 (2) (a) and Art. 14 (1) MSFD).

Bulgaria decided not to apply exceptions when reporting its PoM 2016–2021, since the state of the environment had been improving already due to existing measures (e.g. with regard to nutrients) or because there was a lack of knowledge of the magnitude of the pressure (e.g. underwater noise)<sup>33</sup>.

**Recommendation:** When reviewing and updating the PoM, reconsider the need for the application of exceptions. It is likely that GES will not be achieved for all descriptors in 2020.

Start early with the consideration and preparation of any application of exceptions in order to meet the MSFD requirements (see →step 3 in Section 5), including transboundary coordination with Romania, to allow adequate time to include such proposed exceptions in the planned update of the PoM and associated procedures (SEA scoping, PoM/SEA public consultation).

Review the instructions set out in the →EU MSFD CIS Guidance No. 10 and any new EU MSFD CIS document developed since then, as well as any relevant cases subject to judgement of the European Court of Justice.

Preparatory steps which, in a given case, could possibly involve the need for additional specific assessments, data collection or consultations, include *inter alia*:

- Substantiation of the specific area concerned and the reason for claiming the exception;
- Assessment of the implications of the planned exception on marine waters of other Member States and the marine (sub-)region.

Furthermore, ad-hoc measures need to be considered, with the aim of continuing to pursue the environmental targets in the cases of Art. 14 (1) (b)–(d) MSFD in order to prevent further deterioration of the marine waters and to mitigate adverse impact at the level of the marine region or sub-region concerned, or in the marine waters of other Member States.

There are differences between the exceptions according to Art. 14 MSFD and exemptions permitted under the WFD (e.g. restricted possibility under the MSFD to claim non-timely achievement of GES and environmental targets). These differences are relevant for a consistent implementation of the two Directives, especially where the MSFD relies on the WFD for achieving GES. Such differences and their implications should be taken into account when updating the planning of measures and exceptions/exemptions under both Directives. A good coordination should be sought between the two planning processes. It may be expected that these differences will become a point of discussion in the future EU MSFD CIS process.

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<sup>33</sup> See BSBD et al. (2016): Summary of the PoM.

## 8 Ensure financing for implementation of measures

For an effective implementation of the MSFD measures, financing needs to be ensured, ideally already in the discussion and planning phase when devising measures for the PoM. Beside national funds, some EU funds can provide co-financing. The most important ones are:

- European Maritime and Fisheries Fund (EMFF);
- European Regional Development Fund (ERDF) which also funds the European Territorial Cooperation (Interreg);
- Cohesion Fund (CF);
- EU Programme for the Environment and Climate Action (LIFE);
- EU Framework Programme for Research and Innovation (Horizon 2020).

Figure 7 provides an overview of the types of action that can be co-financed by EU instruments and how these can link up with MSFD activities and measures:

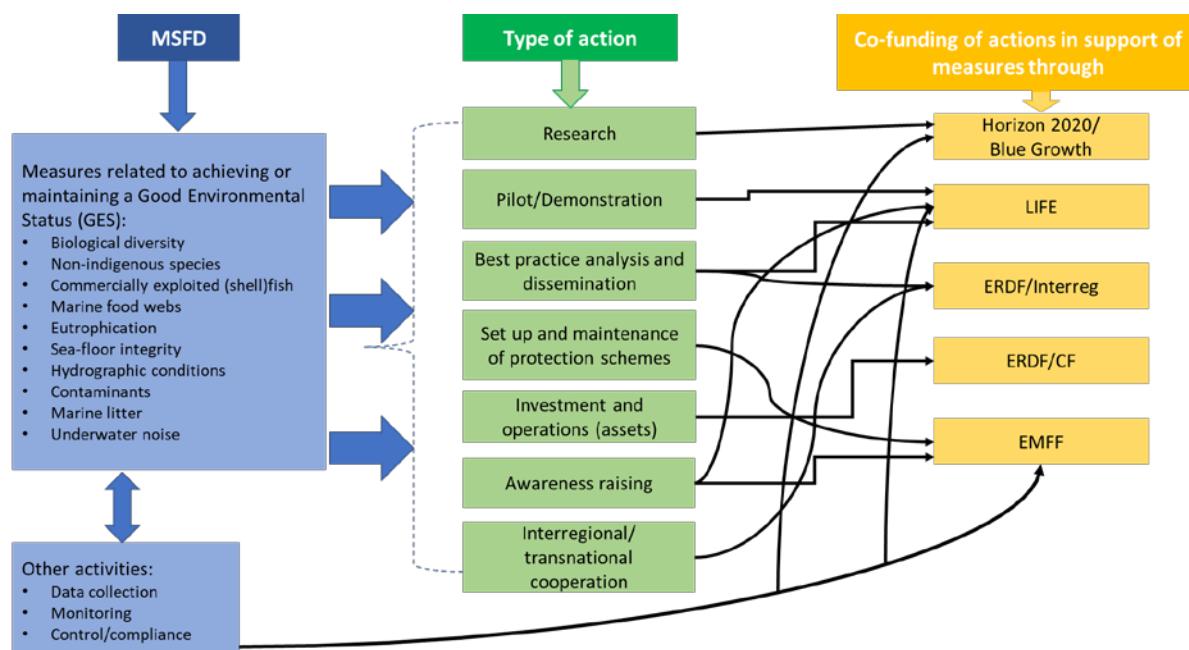


Figure 7: EU co-financing instruments. Source: based on ARCADIS 2014

To be co-financed by these funds, measures need to be included as early as possible in the financing framework of the respective fund/programme, e.g. via Partnership Agreements and Operational Programmes for the regional funds. The guidance on MSFD EU Funding Mechanisms (ARCADIS 2014)<sup>34</sup> provides information on the fund/programme structure, the relation to the MSFD, budget and funding criteria, and guidance on how to apply for funds. Consulting this document helps the concrete planning of co-financing in support of the implementation of MSFD measures.

<sup>34</sup> <https://circabc.europa.eu/sd/a/04770fd4-b639-44eb-9c09-bc6c282c8833/ESA%202014-10-04%20Guidance%20co-financing%20MSFD.docx>

As the EU funds and programmes will be overhauled in a regular 6-year cycle (next cycle starts in 2020), the criteria for funding, available budget etc. will change. Hence, for the upcoming implementation cycles, new guidelines etc. need to be assessed.

Measure No. 18 of the Bulgarian PoM 2016–2021 seeks to collect and provide information on funding: "Providing gradual implementation of the requirements of the MSFD 2008/56/EC by providing the necessary information including funding mechanisms and management decisions". Depending on the format of the data storage (e.g. a website, database), it is to be ensured that its functionality is regularly checked and the sources and information are updated.

## 9 Strategic Environmental Assessment (SEA)

### Legal aspects

The Bulgarian Environmental Protection Act (Chapter 6) and the Regulation on the Conditions and Procedures for Environmental Assessment of Plans and Programmes set the terms and conditions for environmental assessments of plans and programmes under preparation and/or approval by central and territorial authorities, local self-government authorities, and the national assembly.

In case of conducting an evaluation for compatibility through an environmental assessment procedure under Art. 31 (4) of the Bulgarian Biological Diversity Act (BDA), the requirements of the Ordinance on the Terms and Procedures for Carrying out Evaluations of the Compatibility of Plans, Programmes, Projects and Investment Proposals with the subject matter and the conservation objectives of protected areas should be applied.

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 (SEA Directive) sets the minimum conditions and procedures for carrying out strategic environmental assessments (SEA) for plans and programmes which are likely to have *significant effects on the environment* (Art. 1). It requires Member States to determine, by reference to Art. 3 (2) and the criteria set out in Annex II to the SEA Directive, whether plans or programmes are likely to have significant environmental effects either through a case-by-case examination or by specifying types of plans and programmes.

The implementation of Directive 2001/42/EC differs across EU Member States. Several but not all EU Member States require a SEA for their MSFD programmes of measures. Directive 2001/42/EC is implemented in Bulgaria through the Regulation on the Conditions and Procedures for Environmental Assessment of Plans and Programmes. It specifies the terms and conditions for the environmental assessment of plans and programmes in the Bulgarian law. Pursuant to Art. 85 (1) of the Bulgarian Environmental Protection Act the establishment and update of the PoM requires a SEA.

### 9.1 Overview of the SEA procedures

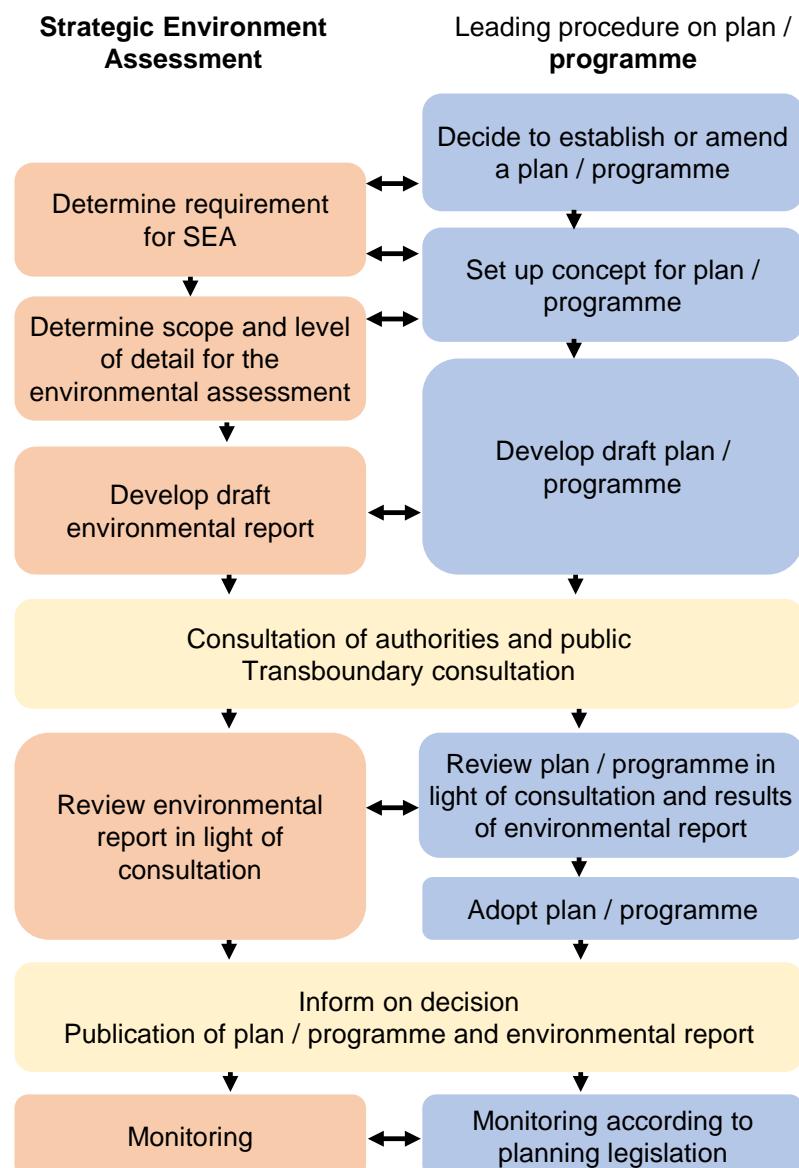
The SEA is a formal process, which takes place during, and parallel with, the development and update of the PoM, and before its adoption. Key procedural steps of the SEA include:

- the scoping procedure (development of a scoping report and consultation with public authorities whose responsibilities and interests concerning environmental protection and human health are concerned);
- the development of the environmental report;
- the consultation of authorities and the public on the environmental report and the PoM (hereinafter ‘public consultation’);
- the information of authorities, the public and any consulted Member States of the adopted PoM, and of a summarising statement on how environmental considerations have been integrated into the plan and on the monitoring requirements.

The purpose of the scoping process and report is to determine the scope and level of detail of the environmental assessment to be carried out on the PoM.

The scoping consultation can be streamlined into consultations with the authorities concerned in the process of developing or updating the PoM. The public consultation on the environmental report is an integral part of the consultation process when developing and updating the PoM. For recommendations on the participation processes see →step 6 in section 5.

Figure 6 above indicates when the SEA process starts in relation to the leading process on establishing or amending a plan or programme (here the development and update of the PoM). For clarification of requirements relating to the SEA for the PoM see information of the European Commission Services in the EU MSFC CIS process.<sup>35</sup> In preparing the update of the PoM, the SEA should be integrated into the planning process in order to ensure that both processes run according to a common timetable. The steps outlined in Figure 8 apply also in case of updating the Bulgarian PoM.



**Figure 8: Procedural steps of the SEA. The steps are presented in relation to the leading procedure on establishing or amending a plan or programme, here the development and update of the PoM. Joint boxes show the steps where the SEA is part of the leading process.**

<sup>35</sup> European Commission (2016), [https://circabc.europa.eu/sd/a/f4f8db1a-4f0d-425d-993bd695b88bc633/MSCG\\_18-2016-05\\_Information%20on%20PoMs%20and%20SEA.docx](https://circabc.europa.eu/sd/a/f4f8db1a-4f0d-425d-993bd695b88bc633/MSCG_18-2016-05_Information%20on%20PoMs%20and%20SEA.docx)

## 9.2 National SEA

The objective of the SEA is to provide for a high level of environmental protection and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a goal of promoting sustainable development. The assessment considers the likely significant effects on the environment, including issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including the architectural and archaeological heritage, landscape, and the interrelationships between the named issues.

As an environmental programme, the PoM covers a number of issues normally covered specifically in the environmental report, given its declared objective to make a positive impact on the environment in order to move towards GES. The added value of the SEA is to consider:

- effects on protected assets not covered by the MSFD and the PoM;
- interactions between protected assets resulting from the plan (including the shift of effects from one environmental medium to another as the result of the PoM);
- alternative options with a view to identifying the measures with the least negative impact on the environment.

As a result, there is overlap in considering the expected effectiveness of planned measures under the PoM in terms of positive impact on the state of the marine environment and in considering “likely significant impacts” of the PoM on the environment. There are opportunities for an adjusted and simplified approach to carrying out the SEA for the PoM by focusing on those aspects not yet covered by the PoM itself.

***Recommendation:*** The concept and scope of the SEA should be considered early, when starting to plan for the update of the PoM. These considerations should inform an early decision about organising the SEA and environmental report. When contracting out the SEA process and the drafting of the environmental report, a close supervision and technical input on the individual planned measures through the BSBD is required.

Given that the PoM's objectives are explicitly aimed at improving and preserving the marine environment, including habitats and species, ensuring good operational interactions between BSBD and the competent Biodiversity Conservation Authority at the earliest stage of the PoM revision will facilitate the SEA process.

Integrate the procedural steps for the SEA into the work plan for updating the PoM. It is important to make a decision early on (e.g. in 2018 at the latest) as to how and with which maximum amount the SEA process should be contracted out in order to secure funding (e.g. for 2019/2020) and to carry out the tender (e.g. in 2019) before the process of updating the PoM starts.

### **9.2.1 *Scoping process***

The purpose of the scoping process and the scoping report is to determine the scope and level of detail of the environmental assessment to be carried out on the PoM. The scoping procedure:

- requires consultation with the authorities whose responsibilities and interests concerning environmental protection and human health are concerned. This is true for the involvement of all public authorities in question (ministries, agencies, municipalities etc.);
- could be expanded (on a voluntary basis) beyond the legal requirement to include other interested parties (i.e. civil society represented through non-governmental organisations and associations whose interests are affected by proposed measures) in order to give them an early and effective opportunity to participate in the planning process (cf. Art. 19 (1) MSFD).

The scoping procedure can take different forms (e.g. hearing, written consultation). According to the Regulation on the Conditions and Procedures for Environmental Assessment of Plans and Programmes, Bulgaria has chosen written consultation in the development of the PoM 2016–2021.

The structure of the scoping report needs to follow the Bulgarian legal requirements.

### **9.2.2 *Environmental report***

The SEA Directive sets out a list of contents to be covered in the environmental report which is to be followed. It includes a summary of the state of the environment (→Lessons learnt – Box 6).

#### **Box 7: Lessons learnt – Facilitating the environmental report**

A lesson learnt is that when drafting the summary report on the assessment of the current state of the marine environment (Art. 8 MSFD) it can be helpful to provide a good and concise (e.g. 2 page) summary of the state of the environment that can be used for the requested description in the environmental report and also in the PoM itself. This is not only highly efficient but also ensures consistency and means that the texts used in the PoM and the environmental report have already been agreed upon once.

The scope of the environmental report is complementary to the PoM, as the latter is directed to have a (positive) impact on the assets protected under the Water Act and RPEMW and gives consideration to the effectiveness of planned measures. Options of preparing the environmental report include drafting a stand-alone document (as was done for the PoM 2016–2021) or integrating the environmental report into the PoM (which allows for simplification of the contents and drafting process).

## 9.3 Transboundary consultation

Where Bulgaria considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another EU Member State, or where the Member States likely to be significantly affected so request, Bulgaria is required to forward a copy of the draft plan or programme and the relevant environmental report to other Member States prior to the adoption or submission of the PoM to the legislative procedure (cf. Art. 34 (1) of the Regulation on the Conditions and Procedures for Environmental Assessment of Plans and Programmes; Art. 7 of the SEA Directive). In addition, the SEA Protocol to the Espoo Convention requires transboundary consultation of Contracting Parties whose territory/environment is likely to be significantly affected by a plan or programme.

As the PoM is directed to contribute to the improvement of the environmental status of the waters in the Black Sea region, it is expected that the PoM is likely to have a (positive) effect on the marine environment of other Black Sea countries. There is no uniform approach to transboundary consultations on the MSFD PoM and environmental reports in the EU. In the Baltic Sea Region, Contracting Parties of HELCOM coordinated notifications under the SEA Protocol to the Espoo Convention, in the North Sea Region few Contracting Parties applied the SEA Protocol. The common minimum approach applied by all was an informal information and invitation of comments from EU Member States (through the mailing list of the EU Marine Strategy Coordination Group, MSCG) and from Contracting Parties of the Regional Sea Convention (RSC) concerned (e.g. through the mailing list of the RSCs' MSFD-coordination bodies).

Bulgaria has closely cooperated with Romania in developing the national PoM which includes proposals for joint transboundary measures whose transboundary effects are well covered through the respective national public consultation processes. Beyond this, the Bulgarian approach for transboundary consultations of the PoM and environmental report included to address the Black Sea Commission.

## 10 Operationalisation of the PoM

### Legal aspects:

**Art. 13 (10) MSFD/Art. 9 (2) RPEMW:** Member States shall ensure that the programmes are made operational within one year of their establishment.

The PoM is a planning instrument. Accordingly, the planned measures are general and programmatic, requiring specification (operationalisation) and implementation. The implementation takes place at Member State level (or at administrative levels below). Making measures operational is a pre-requisite for the successful implementation of the PoM.

**Recommendation:** Some basic principles can contribute to a successful operationalisation:

- The measure fact sheets (→Section 2) help to document the specifications of the measures (i.e. the specific details of the measures and their temporal and spatial implementation).
- Operationalisation should be done in a SMART way:
  - **Specific** – target a specific area for improvement;
  - **Measurable** – quantify or at least suggest an indicator of progress;
  - **Assignable** – specify who is responsible for implementing the measures;
  - **Realistic** – state what results can realistically be achieved, given available resources; and
  - **Time-related** – specify when the result(s) can be achieved.
- Plan appropriately and secure funds and resources for implementation at a very early stage.
- Overall co-ordination of the operationalisation of measures with other sectors is a pre-requisite for implementing the MSFD effectively. This, in turn, needs good integration at the operational level, in particular between environmental authorities and other sectors such as fisheries with the aim to enhance integration of MSFD issues in the implementation of other policies. A good working relationship with authorities in charge of land-based management is also important.
- The deadlines for achieving the objectives of the MSFD are extremely challenging. It is therefore better to begin implementation "early and imperfectly" than to wait for "perfect conditions" (e.g. when all possible data has been collected and analysed).
- Monitor the implementation process to identify and help resolve problems, provide feedback to other sectors, and ensure that programmes are implemented as originally intended and designed. In this context, reporting on a regular basis to the BSBD and the Consultative and Coordination Council is very important to track progress and to identify diversions from the initial work plan.
- Provide training and technical assistance on the MSFD to transfer knowledge and skills to those authorities that should help to implement the PoM but which have a different core business.
- Establish good links with other authorities to ensure that there is a positive influence in their processes concerning the MSFD implementation.

The planned Bulgarian cooperation structure (see →Section 3) will have a central role in facilitating the implementation of the PoM. It is expected to:

- Designate the lead authority for each measure. One authority takes the lead for coordinating the implementation of a measure among implementing partners and for reporting the implementation progress, even if it is not the responsible authority for all measure components. It helps to share the burden of coordinating the implementation through authorities with measure-specific expertise.
- Develop an overall plan for the detailed implementation of each measure. This plan will cover activities necessary for the implementation of the MSFD measures for the period 2021–2027 and will include necessary research; ensuring financing; organising how to improve the monitoring system and including exchange of information with other relevant authorities.
- Prepare the work plan for each year, update/detail the upcoming plan and present it to the Consultative and Coordination Council for approval before the next year's national budget preparation.
- Have annual expert meetings of the competent authorities, according to Art. 3 RPEMW to discuss specific activities for the next year.
- Hold stakeholder dialogues (ad hoc or institutionalised) to include the technical, scientific and practical expertise and knowledge of economic sectors concerned. This helps to ensure ownership and commitment of relevant pressure sectors for certain measures.

## 11 Interim report on implementation

### Legal aspects:

**Art. 18 MSFD/Art. 15 RPEMW:** Member States shall, within three years of the publication of each programme of measures or update thereof in accordance with Art. 19 (2) [MSFD], submit to the Commission a brief interim report describing progress in the implementation of that programme.

The delay for publishing the interim report links to Art. 19 (2) MSFD, i.e. the time when the draft PoM was published for public consultation. The European Commission has clarified in the →EU MSFD CIS Work Programme 2016–2019<sup>36</sup> that reporting is due three years after the establishment of the PoM according to Art. 5 (2) (b) (i) MSFD. This is for the first time by 31 December 2018.

To date the requirements for reporting (content and form) are not yet agreed at EU level. It may be expected that similar information on the status of implementation, reasons for delays and observed/expected obstacles to implementation is requested as for the implementation of the WFD PoM. This remains however speculative until the European Commission describes its expectations for the Art. 18 MSFD reporting. WG POMESA has been tasked to develop, in cooperation with the Working Group on Data, Information and Knowledge Exchange (WG DIKE), a reporting sheet and associated guidance by end of 2017. Planning at the time of finalising this Guidance Document is that a drafting group is expected to deliver a draft reporting sheet and guidance to WG POMESA in February 2018. Once the reporting requirements are clear, consideration should be given to including them into the internal national format for reporting progress on implementation (see section 2). This would allow streamlining the collection of EU reporting information into regular national processes. Links between the interim report on implementation and the review and update of the PoM still need to be made in the EU MSFD CIS process.

<sup>36</sup> European Commission (2017), <https://circabc.europa.eu/sd/a/e4891789-9115-4867-81d2-8406a64a1261/MSFD%20CIS%20work%20programme%202016-19.pdf>

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## Annex 1: Fact sheet template for new measures (Category 2, Art. 13 (1) and (3) MSFD)

<b>Measure characteristics</b>	Management area: - <i>Black Sea</i> <i>Any other codes</i>	Code: <i>MSFD reporting code</i> No. of measure: <i>MSFD measure list</i>																						
<b>Measure title</b>	EXAMPLE: "Providing gradual implementation of the requirements of the MSFD 2008/56/EC by providing the necessary information including funding mechanisms and management decisions"																							
<b>Short, precise description of the measure</b>																								
<b>EU measure category</b>	<i>Categorisation of the measure (Category 2a or 2b) in accordance with the EU MSFD CIS Guidance on Art. 13 and 14 reporting. For Category 2a measures, specify the EU legislation and international agreements on which the measure builds.</i>																							
<b>Key Types of Measures</b>	<p><i>Link to KTMs as defined in the EU MSFD CIS Guidance on Art. 13 and 14 reporting. Each measure is to be assigned to the most relevant KTM, but where necessary can be assigned to more than one KTM.</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;"><b>Nº</b></th> <th style="text-align: left; padding: 2px;"><b>Additional KTM for MSFD reporting</b></th> </tr> </thead> <tbody> <tr> <td style="text-align: left; padding: 2px;">26</td> <td style="text-align: left; padding: 2px;">Measures to reduce physical loss<sup>37</sup> of seabed habitats in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)</td> </tr> <tr> <td style="text-align: left; padding: 2px;">27</td> <td style="text-align: left; padding: 2px;">Measures to reduce physical damage<sup>38</sup> in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)</td> </tr> <tr> <td style="text-align: left; padding: 2px;">28</td> <td style="text-align: left; padding: 2px;">Measures to reduce inputs of energy, including underwater noise, to the marine environment</td> </tr> <tr> <td style="text-align: left; padding: 2px;">29</td> <td style="text-align: left; padding: 2px;">Measures to reduce litter in the marine environment</td> </tr> <tr> <td style="text-align: left; padding: 2px;">30</td> <td style="text-align: left; padding: 2px;">Measures to reduce interferences with hydrological processes in the marine environment (and not reported under KTM 6 in relation to WFD Coastal Waters)</td> </tr> <tr> <td style="text-align: left; padding: 2px;">31</td> <td style="text-align: left; padding: 2px;">Measures to reduce contamination by hazardous substances (synthetic substances, non-synthetic substances, radio-nuclides) and the systematic and/or intentional release of substances in the marine environment from sea-based or air-based sources</td> </tr> <tr> <td style="text-align: left; padding: 2px;">32</td> <td style="text-align: left; padding: 2px;">Measures to reduce sea-based accidental pollution</td> </tr> <tr> <td style="text-align: left; padding: 2px;">33</td> <td style="text-align: left; padding: 2px;">Measures to reduce nutrient and organic matter inputs to the marine environment from sea-based or air-based sources</td> </tr> <tr> <td style="text-align: left; padding: 2px;">34</td> <td style="text-align: left; padding: 2px;">Measures to reduce the introduction and spread of non-indigenous species in the marine environment and for their control</td> </tr> <tr> <td style="text-align: left; padding: 2px;">35</td> <td style="text-align: left; padding: 2px;">Measures to reduce biological disturbances in the marine environment from the extraction of species, including incidental non-target catches</td> </tr> </tbody> </table>		<b>Nº</b>	<b>Additional KTM for MSFD reporting</b>	26	Measures to reduce physical loss <sup>37</sup> of seabed habitats in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)	27	Measures to reduce physical damage <sup>38</sup> in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)	28	Measures to reduce inputs of energy, including underwater noise, to the marine environment	29	Measures to reduce litter in the marine environment	30	Measures to reduce interferences with hydrological processes in the marine environment (and not reported under KTM 6 in relation to WFD Coastal Waters)	31	Measures to reduce contamination by hazardous substances (synthetic substances, non-synthetic substances, radio-nuclides) and the systematic and/or intentional release of substances in the marine environment from sea-based or air-based sources	32	Measures to reduce sea-based accidental pollution	33	Measures to reduce nutrient and organic matter inputs to the marine environment from sea-based or air-based sources	34	Measures to reduce the introduction and spread of non-indigenous species in the marine environment and for their control	35	Measures to reduce biological disturbances in the marine environment from the extraction of species, including incidental non-target catches
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<sup>37</sup> Measures relating to placement of infrastructure and landscape alterations that introduce changes to the sea-floor substratum and morphology and hence permanent loss of marine habitat.

<sup>38</sup> Measures which address other types of sea-floor disturbance (e.g. bottom fishing, gravel extraction), which can change the nature of the seabed and its habitats, but which are not of a permanent nature.

	<p>36 Measures to reduce other types of biological disturbances, including death, injury, disturbance, translocation of native marine species, the introduction of microbial pathogens and the introduction of genetically-modified individuals of marine species (e.g. from aquaculture)</p> <p>37 Measures to restore and conserve marine ecosystems, including habitats and species</p> <p>38 Measures related to Spatial Protection Measures for the marine environment (not reported under another KTM)</p> <p>39 Other measures</p>
<b>MSFD environmental targets</b>	<i>Link the measure to the nationally defined operational environmental targets.</i>
<b>MSFD Descriptors</b>	<i>Link the measure to the descriptors in line with Annex 1 MSFD. The descriptors are identified by their short form (D1, D2 etc.).</i>
<b>Main pressures</b>	<i>Use the analysis carried out in 2012 and updated assessments under Art. 8 MSFD as a basis for linking the measure to relevant pressures (nomenclature in accordance with the pressures listed in Annex 3 MSFD, Table 2a and most recent EU reporting guidance).</i>
<b>Main drivers</b>	<i>The sectors/activities targeted by the measure (nomenclature in accordance with the pressures listed in Annex 3 MSFD, Table 2b and most recent EU reporting guidance).</i>
<b>Characteristics</b>	<i>Use the analysis carried out in 2012 and updated assessments under Art. 8 MSFD as a basis for linking the measures to relevant environmental characteristics (nomenclature in accordance with the characteristics defined in the EU MSFD CIS Guidance No. 12 on Art. 13 and 14 reporting and any update thereof).</i>
<b>Link to other directive/legislation/policy</b>	<i>Align objectives with other legal and policy commitments.</i>
<b>Necessity for transnational regulation</b>	<i>Information regarding the necessity for regulations at bilateral, EU, regional and international level to achieve MSFD environmental objectives.</i>
<b>Instrument for implementation/Mode of action</b>	<i>State the implementation mode (legal, technical, political, economic) in line with the EU MSFD CIS Guidance No. 12 on Art. 13 and 14 reporting and any update thereof; multiple options possible. Potentially also state concrete instruments useful for implementation.</i>
<b>Spatial reference</b>	<i>The spatial impact of the measure (nomenclature in accordance with EU MSFD reporting guidance): territorial areas, transitional waters (WFD), coastal waters (WFD), territorial waters, EEZ, continental shelf beyond EEZ, waters beyond national jurisdiction.</i>
<b>Contribution of the measure to achieving the target</b>	<i>Use technical information to estimate the contribution of the measure to achieving the target.</i>
<b>Transboundary impact</b>	<i>Information on the impact of the measures on waters of neighbouring countries in the Black Sea Region.</i>
<b>Costs</b>	<i>Costs for administration.</i>
<b>Effectiveness</b>	<i>Effectiveness of the measure in reaching targets (e.g. through studies and, if not available, qualitative description).</i>
<b>Indicator(s) to measure effectiveness</b>	<i>Indicators to assess progress towards the environmental target and the GES element addressed by the measures. If not covered by those indicators, consider the need for additional indicator to measure effectiveness.</i>
<b>Socio-economic assessment</b>	

<b>Coordination</b>	<i>Selection of the governance level that will coordinate the implementation of the measures, i.e. local, national, regional, bilateral. Mark specifically if the measure is a coordinated measure with Romania.</i>
<b>Technical feasibility</b>	<p><i>Options:</i></p> <ul style="list-style-type: none"> <li>• <i>Frequently applied, Best Available Technologies (BAT)</i></li> <li>• <i>Frequently applied; extensive experience/evidence of good practice</i></li> <li>• <i>Applied; limited experience/uncertainties</i></li> <li>• <i>New development</i></li> </ul>
<b>Body responsible for measure implementation</b>	
<b>Financing opportunities</b>	
<b>Status of implementation and potential difficulties</b>	<i>Provide information on the implementation status (e.g. planning/timing or actual actions taken) and potential challenges that could likely be faced during implementation.</i>
<b>Specification of measure during implementation</b>	<i>Some of the measures are “overarching” ones, so their specification should be documented here.</i>
<b>Projected effects on reaching targets</b>	
<b><i>Summary information from the SEA</i></b>	
<b>Additional values for protection (outside MSFD)</b>	<i>Results from the SEA process, e.g. climate, air, soil terrestrial ecosystems, monument protection.</i>
<b>Reasonable alternatives</b>	<i>Description of identified but abandoned alternatives to the measure, including the baseline scenario (i.e. no action taken).</i>

## Annex 2: List of competent authorities and stakeholders involved in the first MSFD cycle in Bulgaria

### ***Competent Authorities***

Responsible authorities for MSFD implementation according to the Regulation on the Protection of the Environment in Marine Waters (RPEMW) adopted by the Government Decree No. 273 from 23 November 2010 (prom. SG No. 94 dated 30 November 2010):

1. Council of Ministers of Republic of Bulgaria
2. Ministry of Environment and Water (MoEW)
3. Black Sea Basin Directorate

Supporting institutions:

4. Ministry of Transport, Information Technology and Communications
  - Executive Agency "Maritime administration" (EAMA) and Directorates Varna and Burgas
  - Bulgarian Ports Infrastructure Company (BPI Co.) and its territorial divisions in Varna and Burgas
5. Ministry of Agriculture and Food:
  - Executive Agency for Fisheries and Aquaculture
  - Bulgarian Food Safety Agency (BFSA) and Regional Directorates for Food Safety (ODBH) Dobrich, Varna and Burgas
6. Ministry of Foreign Affairs
7. Ministry of Regional Development and Public Works
8. Ministry of Tourism
9. Ministry of Energy
10. Ministry of Economy
11. Ministry of Health and its regional structures as Regional Health Inspectorates
12. Chairman of Bulgarian Academy of Science or authorised persons

Other responsible authorities for implementation of measures from the Bulgarian PoM:

1. Dobrich regional administration
2. Varna regional administration
3. Burgas regional administration
4. Municipality Shabla
5. Municipality Kavarna
6. Municipality Balchik
7. Municipality Aksakovo
8. Municipality Varna
9. Municipality Byala
10. Municipality Dolnichiflik
11. Municipality Avren

12. Municipality Nessebar
13. Municipality Pomorie
14. Municipality Burgas
15. Municipality Sozopol
16. Municipality Primorsko
17. Municipality Tsarevo

### ***Stakeholders***

#### **Research & NGO**

1. Professor Fridtjof Nansen Institute for Oceanology (IO-BAS)
2. Institute of Biodiversity and Ecosystem Research at the Bulgarian Academy of Science (IBER-BAS)
3. Institute of Fishery resources – Varna (IFR – Varna)
4. Bulgarian society of protection of the birds
5. WWF Bulgaria
6. Green Balkans
7. Denkstatt Bulgaria
8. Fisheries local action group Byala - Dolni chiflik - Avren (FLAG Byala - Dolni chiflik - Avren)
9. Fisheries local action group Shabla - Kavarna - Balchik (FLAG Shabla - Kavarna - Balchik)
10. Fisheries local action group Pomorie - Nessebar (FLAG Pomorie - Nessebar)
11. Fisheries local action group Primorsko - Sozopol - Tsarevo (FLAG Primorsko - Sozopol - Tsarevo)

#### **Universities**

1. Technical University – Varna
2. Naval Academy – Varna
3. University of Economics – Varna

#### **Industry**

1. Maritime antipollution enterprise JSCo
2. Lukoil Neftohim Burgas JSCo
3. “Oil and Gas Exploration and Production” JSCo
4. Burgas Shipyards JSCo
5. Port Varna
6. Port Burgas

## Annex 3: EU legal requirements in relation to public participation in the water sector

Table 5: EU legal requirements in relation to public participation (PP) (water/marine waters related). MS stands for EU Member States. Based on Veidemane et al. (2015)

Legal acts	Relevant provisions	Participants	Information procedure	Phases of participation	Form of consultation	Scope of consultation
Water Framework Directive, 2000/60/EC <sup>39</sup>	1) Art. 14 (1) first sentence 2) Art. 14 (1) second sentence in conjunction with Art. 14 (2)	1) MS are required to encourage the active involvement of all <i>interested parties</i> in the implementation of this Directive, including users. 2) MS shall publish and make available to the <i>public</i> documents for commenting (6 months period).	1) No specific procedure prescribed “to encourage” active involvement. 2) MS shall ensure that, for each river basin district, they publish the timetable and work plan, an interim overview of significant issues and the river basin management plans for public consultation (6 months). Moreover, access has to be given to background documents and information used upon request.	1) Participation can take place at various phases in the development of the River Basin Management Plans. 2) Timing of public consultation is linked to the publication of documents as follows: timetable and work programme – three years before the beginning of the period covered by the plan; an interim overview – two years before that period; draft River Basin Management Plans – one year before that period. Moreover, the same shall apply for updated RBMP.	2) A period of six months to comment in writing	2) The consultation shall cover the production, review and updating of the RBMP. The consultation shall cover the timetable and work programme for the production of the plan, including a statement of the consultation measures to be taken, an interim overview of the significant water management issues identified in the river basin and draft copies of the plan.

<sup>39</sup> European Commission (2003), EU WFD CIS Guidance No. 8, Public Participation in relation to the Water Framework Directive, 2003, [https://circabc.europa.eu/sd/a/0fc804ff-5fe6-4874-8e0d-de3e47637a63/Guidance%20No%208%20-%20Public%20participation%20\(WG%202.9\).pdf](https://circabc.europa.eu/sd/a/0fc804ff-5fe6-4874-8e0d-de3e47637a63/Guidance%20No%208%20-%20Public%20participation%20(WG%202.9).pdf)

Legal acts	Relevant provisions	Participants	Information procedure	Phases of participation	Form of consultation	Scope of consultation
Floods Directive, 2007/60/EC	Chapter V Art. 9 (3); 10	1) MS are required to encourage the active involvement of <i>interested parties</i> in the production, review and updating of the Flood Risk Management Plans. 2) MS shall make available to the <i>public</i> the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and the Flood Risk Management Plans.	There is an active information requirement in the Floods Directive. MS shall make available to the public the preliminary flood risk assessment, flood hazard maps, flood risk maps and the Flood Risk Management Plans.	The active involvement of all interested parties shall be coordinated with the active involvement of interested parties under the WFD.	The active involvement of all interested parties shall be coordinated with the active involvement of interested parties under the WFD.	The public consultation shall include the production, review and updating of the Flood Risk Management Plans.
Marine Strategy Framework Directive, 2008/56/EC	Art. 13; 1) Art. 19 (1) 2) Art. 19 (2)	1) All <i>interested parties</i> shall be given early and effective opportunities to participate in the implementation of this Directive. 2) Publish and make available to the <i>public</i> for commenting drafts of all elements of their marine strategies.	1) No specific requirements 2) MS shall publish, and make available to the public for comment, summaries of the main elements of their marine strategies and related updates. There is thus an active information requirement.	1) No specific requirements. 2) Consultation shall take place in each of the main subsequent phases in the preparation of the Marine Strategy: for the initial assessment (Art. 8), the description of good status (Art. 9), the environmental targets (Art. 10), the monitoring programmes (Art. 11) and the PoM (Art. 13).	2) The public consultation shall involve, where possible, existing management bodies or structures, including Regional Sea Conventions, Scientific Advisory Bodies and Regional Advisory Councils. There is no specification for the period of the consultation.	2) The consultation covers each element of the Marine Strategy: the initial assessment, description of GES, the establishment of environmental targets, the monitoring programmes and the PoM.
Maritime Spatial Planning	Recital 21 Recital 24 Art. 9	1) MS shall establish means of public participation by informing all <i>interested parties</i> and by consulting	All interested parties shall be informed by MS. The MSP Directive provides an active information	The Directive requires consultation of the relevant participants, at an early stage of the	There are no detailed requirements setting out the form that consultation should take.	There are no detailed requirements about the scope of the consultation. The

Legal acts	Relevant provisions	Participants	Information procedure	Phases of participation	Form of consultation	Scope of consultation
Directive, 2014/89/EU		the relevant stakeholders and authorities, and the <i>public</i> concerned. 2) MS shall also ensure that the relevant stakeholders and authorities, and the public concerned, have access to the plans once they are finalised.	requirement for MS authorities to establish means of public participation in Art. 9. It also requires MS to provide the public with access to the plans once finalised.	development of maritime spatial plans.	However, Recital 21 points out that a good example of public consultation provisions can be found in Art. 2 (2) of Directive 2003/35/EC on public participation regarding public environmental plans and programmes.	consultation covers the maritime spatial plan (at an early stage of development).
SEA Directive, 2001/42/EC	Art. 3; 6; 7; 9	The MS is required to identify the public for the consultation, including the public affected or likely to be affected by, or having an interest in, the decision-making, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.	Requirement to make the environmental report available to the authorities and the public (active information requirement).	The public shall be given early and effective opportunities to participate, i.e. during the preparation of a plan or programme and before its adoption or submission to the legislature.	The form of the consultation procedure can be determined by the MS. Consultations of the authorities and the public in a neighbouring MS have to be organised if it is likely that there would be significant transboundary effects.	A wide range of public plans and programmes having significant environmental effects, prepared for fisheries, energy, industry, transport etc.

## Annex 4: Draft Roadmap for Bulgaria to review and update the PoM – second MSFD cycle

Step	What to achieve?	What to do?	Information needs	Lead	Deadline
<b>1. Update of Art. 8, 9 and 10 reports</b>					
See results Roof Report on Common Indicators <sup>40</sup> and ongoing work	Update of Art. 8, 9 and 10 reports	Update of Art. 8, 9 and 10 reports Address recommendations of the European Commission's evaluation under Art. 12 MSFD of the first reporting under Art. 8, 9 and 10 MSFD in 2012 <sup>41</sup>	New results from monitoring and statistical data	BSBD	2018
<b>2. Update monitoring programmes</b>					
See ongoing work		Bring monitoring in line with revised Commission Decision 2017/848/EU on criteria and methodological standards on GES of marine waters and specifications and standardised methods for monitoring and assessment Address recommendations of the European Commission's evaluation under Art. 12 MSFD- of the first reporting under Art. 11 MSFD in 2014 <sup>42</sup>		BSBD	2020
<b>3. Review and update of the PoM</b>					

<sup>40</sup> Technical and administrative support for the joint implementation of the MSFD in Bulgaria and Romania – Phase III: Roof report on Common Indicators. See final project report at <http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/bucharest/pdf/RO-BG%20MSFD%20final%20report.pdf>

<sup>41</sup> See in particular Technical Assessment for Bulgaria ([http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/national\\_reports.zip](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/national_reports.zip)) and Technical Assessment for the Black Sea ([http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/regional\\_reports.zip](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/pdf/regional_reports.zip)).

<sup>42</sup> See in particular Technical Assessment for Bulgaria and Technical Assessment for the Black Sea at [http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/reports\\_en.htm](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/reports_en.htm).

Step	What to achieve?	What to do?	Information needs	Lead	Deadline
3.1 Check on the environmental targets set according to Art. 10 MSFD to achieve GES	Set of environmental targets	See if for all pressures targets exist	<ul style="list-style-type: none"> <li>Environmental targets (Art. 17MSFD)</li> </ul>	BSBD	2019
3.2 Review the contribution of measures to achieving MSFD targets	Identify the contribution of measures to achieve MSFD targets	<p>Update the list of existing measures with any additional recent measures set under other policies relevant for achieving GES</p> <p>Involve other authorities at an early stage</p> <p>Clearly identify the state of implementation of the existing and MSFD measures and their effectiveness. Assess to which extent the existing and MSFD measures contribute to meeting the GES.</p> <p>Perform a gap analysis</p>	<ul style="list-style-type: none"> <li>PoM 2016–2021</li> <li>Information on the implementation of the measures</li> <li>Survey along other/own authorities on existing measures that might have been set up under other legislation</li> </ul>	BSBD	2019
3.3 Adjust measures or develop new measures needed to achieve the environmental targets and GES	List of potential new measures and list of adjustments to existing and MSFD measures	<p>Together with the other relevant authorities and in exchange with Romania on common measures develop a (long) list of proposed actions in separate sections on 1) adjustments of existing and MSFD measures and 2) potential new measures necessary and apt of achieving environmental target and GES.</p> <p>Propose measure(s) for the pressures where no measure exist so far and for those pressures where the existing measures are not sufficient.</p>	<ul style="list-style-type: none"> <li>Commission recommendations under Art. 16 MSFD<sup>43</sup></li> <li>List of measures from other countries as inspiration</li> <li>Information exchange and common approaches with Romania</li> </ul>	BSBD	2020

<sup>43</sup> At the time of finalising this Guidance Document, the European Commission's evaluation under Art. 16 MSFD of PoMs reported by EU Member States under Art. 13 (9) MSFD was not yet available. It is expected to be published in the 1st semester of 2018 at [http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/reports\\_en.htm](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/reports_en.htm).

Step	What to achieve?	What to do?	Information needs	Lead	Deadline
3.4 Update template for measure fact sheets	Fact sheets for transboundary and national measures	Update the existing templates to meet possible new reporting requirements	<ul style="list-style-type: none"> <li>• Existing fact sheets</li> <li>• Updated EU MSFD CIS Guidance on reporting under Art. 13 (9) MSFD</li> </ul>	BSBD	2020
3.5 Develop the method for cost-benefit analysis further and conduct cost-effectiveness and cost-benefit analysis for any new measure	Improved method for cost-benefit analysis and qualification of proposed new measures according to the results of the cost-effectiveness and cost-benefit analyses	Develop the cost-benefit analysis further in line with the European Commission recommendations (if any). Analyse new measures under the second cycle according to the developed methodology	<ul style="list-style-type: none"> <li>• List of new measures</li> <li>• Approaches by other Member States and relevant guidance by the European Commission</li> <li>• Information on costs, effectiveness and benefit for the new measures, dependent on the methodology for cost-benefit analysis to be applied</li> </ul>	BSBD	2020
3.6 Fill in fact sheets for new measures (including costs, effectiveness, benefits)	Completed fact sheets for new measures	Collect and complete information for measures (single measure level)	<ul style="list-style-type: none"> <li>• Information required for the revised fact sheet</li> </ul>	BSBD	2021
3.7 Assess how measures will contribute to the target and by when (Art. 13 (7) MSFD)	Estimation of the distance to target	Based on the recommendations of the European Commission under Art. 16 MSFD, develop a concept note on how to assess how measures will contribute to the target and by when. If possible, quantify to which extend the target will be achieved. Compile the relevant information, in particular new monitoring information from ongoing projects.	<ul style="list-style-type: none"> <li>• Information needs currently unknown</li> </ul>	BSBD	2020
3.8 Exceptions under Art. 14 MSFD	<ul style="list-style-type: none"> <li>• Assess whether exceptions need to be applied</li> <li>• if needed, develop justifications for each</li> </ul>	Apply and justify exceptions	<ul style="list-style-type: none"> <li>• Information needs currently unknown</li> </ul>	BSBD	2020

Step	What to achieve?	What to do?	Information needs	Lead	Deadline
	<p>case for which Art. 14 MSFD is invoked</p> <ul style="list-style-type: none"> <li>• develop exception fact sheet for reporting based on the template / list of contents of EU MSFD CIS Guidance No. 12<sup>44</sup> and any update thereof</li> </ul>				
3.9 Agree on the responsibilities in drafting and a detailed structure of the PoM	Outline of the PoM and clear responsibilities	Develop a common PoM structure that integrates the requirements of the MSFD and reflects transboundary and national issues/aspects	<ul style="list-style-type: none"> <li>• PoM 2016–2021</li> <li>• MSFD requirements</li> <li>• EU MSFD CIS requirements</li> <li>• Fact sheets</li> </ul>	BSBD and MOEW	2020
3.10 Draft the PoM	Initial draft PoM	<p>Meetings with other ministries</p> <p>Expert Consultative Group meetings: invitations/call for experts to be included, to discuss the measures and the feedback from the departments.</p> <p>Have meetings of Council:</p> <ul style="list-style-type: none"> <li>- present draft updated PoM and work programme, and plan the budget for implementing new measures by end of 2022</li> <li>- agree on the PoM that goes into public consultation, and reach agreement on the work programme for 2022</li> </ul>	<ul style="list-style-type: none"> <li>• Input from the previous steps, in particular fact sheets</li> </ul>	BSBD and MOEW	2020
<b>4. Carry out SEA</b>					
4.1 Set up the SEA process	Decision on SEA procedure (by the Minister of Environment and Water)	Take decision about SEA procedure Ensure budget If relevant, carry out tender and sign contract		MoEW	2019

<sup>44</sup> <https://circabc.europa.eu/sd/a/aa788b20-badf-4125-87a7-08aba9633016/GD12%20-%20Guidance%20on%20Art%2013-14%20Reporting.pdf>

Step	What to achieve?	What to do?	Information needs	Lead	Deadline
4.2 Carry out scoping report	Draft a scoping report	Develop a scoping report	<ul style="list-style-type: none"> <li>• Information from the initial assessment</li> <li>• Information from the draft PoM</li> </ul>	BSBD	2020
4.3 Written consultation on the scoping report	Scoping report	Written consultation on the scoping report	<ul style="list-style-type: none"> <li>• Draft scoping report</li> </ul>	BSBD	2020
4.4 Carry out environmental assessment and report	Draft environmental report to be finalised with draft PoM	Draft environmental report	<ul style="list-style-type: none"> <li>• Information from the initial assessment</li> <li>• Information from the draft PoM</li> </ul>	BSBD	2020
<b>5. Public consultation on the draft PoM and the environmental report</b>					
5.1 Prepare public consultation	Strategy for public consultation	Agree on how to organise the public consultation process considering legal and practical issues	<ul style="list-style-type: none"> <li>• Information about common rules for and the culture of public consultation in Bulgaria</li> </ul>	BSBD and MOEW	2019
5.2 Conduct public consultation for draft PoM and environmental report	Public consultation among stakeholders and the informed public	Conduct public consultation for draft PoM and environmental report Inform Black Sea States of the draft	<ul style="list-style-type: none"> <li>• Draft environmental report</li> <li>• Draft PoM</li> </ul>	BSBD	2020
5.3 Reflect results from the public consultation	Synopsis of submissions	Provide support to the reflection	<ul style="list-style-type: none"> <li>• Public opinion on the PoM and environmental report</li> </ul>	BSBD	2021
<b>6. Finalise PoM and SEA</b>					
6.1 Include results from the public consultation in the PoM	Update chapter in the PoM on "Public consultation information" and revise any relevant PoM chapters	Include comments from public consultation into the PoM	<ul style="list-style-type: none"> <li>• Draft PoM</li> </ul>	BSBD	2021
6.2 Include results from the public consultation in the environmental report (SEA)	Final environmental report	Include comments from public consultation into the SEA	<ul style="list-style-type: none"> <li>• Draft PoM</li> <li>• Public comments on PoM</li> </ul>	BSBD	2021

Step	What to achieve?	What to do?	Information needs	Lead	Deadline
6.3 Adoption of updated Marine Strategy incl. PoM	Update of Marine Strategy	Discussion and approval by the Consultative and Coordination Council; Submission to the Council of Ministers	<ul style="list-style-type: none"> <li>Draft updated Marine Strategy</li> </ul>	MoEW	2021
6.4 Publication	Publication of PoM, environmental statement and any measures concerning monitoring	Publication of PoM on the website together with environmental statement and any measures concerning monitoring	<ul style="list-style-type: none"> <li>Final PoM</li> <li>Conclude SEA-process</li> </ul>	BSBD	2021
<b>7. Reporting to the European Commission</b>					
7.1 Electronic reporting to the European Commission	Completed WISE templates	File in WISE	<ul style="list-style-type: none"> <li>Final PoM</li> </ul>	BSBD	2022
<b>8. Ensure that the PoM is made operational within one year of its establishment</b>					
8.1 Operationalise PoM	Operational PoM		<ul style="list-style-type: none"> <li>Information on the implementation progress</li> </ul>	MoEW/BSBD	2022

