

## Courtesy translation

### Ministry of Ecological Transition

### Technical Committee for Environmental Impact Assessment - EIA and SEA

### Subcommittee of the SEA

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### Opinion No. 34 of 25/05/2022

Programme:	Strategic Environmental Assessment  Interreg NEXT Med Programme 2021-2027  Preliminary Report  ID_VIP: 8211
Proponent Authority:	Autonomous Region of Sardinia
Proceeding Authority:	Autonomous Region of Sardinia

## **The Technical Committee for Environmental Impact Assessment - EIA and SEA**

### **Subcommittee of the SEA**

**RECALLED the regulations that regulate the functioning of the Technical Committee for the Verification of the environmental impact EIA - SEA, and in particular:**

- the Legislative Decree of 3 April 2006, No. 152 containing "Environmental regulations" and in particular art. 8 (Technical Committee for the Verification of Environmental Impact - EIA and SEA);
- Decrees of the Minister of Environment and Protection of Land and Sea No. 241 of 20/08/2019 and No. 238 of 24/11/2020 appointing the Members of the Technical Committee for the Verification of Environmental Impact EIA and SEA and No. 7 of 10/01/2020 of appointment of the President of the Technical Committee for Environmental Impact Assessment - EIA and SEA, the Coordinators of the EIA and SEA Subcommittees and the members of the Subcommittees themselves, as amended by Decree of the Minister for the Environment and Protection of the Territory and the Sea No. 238 of 24/11/2020;

**RECALLED the framework for environmental assessment procedures, and in particular the principles and rules concerning the verification of subjection to SEA:**

- 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), and in particular:
  - Article 3 (Scope), and in particular:
    - Paragraph 1: An environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and Programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.
    - Paragraph 4: Member States shall determine whether plans and programmes, other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects.
    - Paragraph 5: Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in

Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

- ANNEX II to Directive 42/2001/EC "Criteria for determining the likely significance of effects referred to in Article 3(5)".
- The International Protocol on Strategic Environmental Assessment which entered into force on 11 July 2010 (Protocol on SEA, Kiev 2003), which non-EU Member States may follow or have signed or respect.
- The Legislative Decree of 3 April 2006, No. 152 containing "Environmental regulations" and in particular:
  - Art. 5, containing "Definitions", and in particular paragraph 1, lett. m-bis) meaning: *"verification of the eligibility of a plan or programme: verification activated for the purpose of assessing, where applicable, whether plans, programmes or their amendments, may have significant effects on the environment and must be subject to the assessment phase in accordance with the provisions of this Decree in view of the different level of environmental sensitivity of the areas concerned"*;
  - Art. 6, containing "Subject of the regulation" and, in particular:
    - paragraph 2 according to which *"Without prejudice to the provisions of paragraph 3, an evaluation shall be carried out for all plans and programmes:*
      - a) *which are developed for the assessment and management of ambient air quality, for agriculture, forestry, fisheries, energy, industry, transport, waste and water management, telecommunications, tourism, land use planning or land use, and defining the framework for the approval, authorisation, location area or otherwise the implementation of the projects listed in Annex II, II-bis, III and IV of this Decree;*
      - b) *for which, in view of the possible impacts on the conservation purposes of the sites designated as special protection areas for the conservation of wild birds and those classified as sites of Community importance for the protection of natural habitats and wild flora and fauna, an impact assessment is deemed necessary in accordance with Article 5 of Decree of the President of the Republic No. 357 of 8 September 1997, and subsequent amendments"*;
    - paragraph 3 according to which *"For the plans and programmes referred to in paragraph 2 that determine the use of small areas at local level and for minor*

*changes of the plans and programmes referred to in paragraph 2, the environmental assessment is necessary where the competent authority assesses that they have a significant impact on the environment, in accordance with the provisions of Article 12 and taking into account the different level of environmental sensitivity of the target area.";*

- paragraph 3-bis according to which *"The Competent Authority shall assess, in accordance with Article 12, whether plans and programmes, other than those referred to in paragraph 2, which define the framework for the authorisation of projects, have a significant impact on the environment."*
- Art. 12, containing *"Verification of eligibility"* and, in particular, paragraph 3, according to which *"Unless otherwise agreed by the competent authority with the proceeding authority, the competent authority, on the basis of the elements set out in Annex I to this Decree and taking into account the comments received, verify if the plan or programme can have significant impacts on the environment"* and paragraph 4 (as amended by art. 28 c.1 lett. a) of Law No. 108/2021), according to which *"The competent Authority, after consulting the proceeding Authority, taking into account the contributions received, within 90 days of the transmission referred to in paragraph 1, issues the verification order subjecting or excluding the plan or programme from the assessment referred to in Articles 13 to 18"*.
- Annex 1 to Part Two of Legislative Decree No. 152/2006 on *"Criteria for the verification of eligibility of plans and programmes referred to in Article 12"*;
- Legislative Decree No. 104 of 16/06/2017 on *"Implementation of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, pursuant to Articles 1 and 14 of the Law of 9 July 2015, No. 114"*, in consideration of the aspects of amendment and integration of the EIA and SEA discipline;
- Decree-Law of 6/11/2021, No. 152 laying down *"Urgent provisions for the implementation of the National Recovery and Resilience Plan (PNRR) and for the prevention of mafia infiltration"* in consideration of the aspects of changing the timing of the SEA discipline provided for in art. 18;
- Legislative Decree 22.01.2004 No. 42 Code of Cultural Heritage and Landscape, pursuant to art. 10 of Law 6 July 2002 No. 137;
- Law 9 January 2006, No. 14 *"Ratification and execution of the European Convention on the landscape, made in Florence on 20 October 2000"*;

- Law 29 April 2015, No. 57 "Ratification and execution of the European Convention for the Protection of Archaeological Heritage, made in Valletta on 16 January 1992";
- the European Commission Guidelines "Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC", November 2001;
- the Decree of the President of the Republic No. 357/1997 Regulation implementing Council Directive 92 /43 /EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
- National Guidelines for Impact Assessment (VInCA) - Council Directive 92 /43 /EEC "HABITAT" Article 6, paragraphs 3 and 4 (Rep. Acts No. 195/CSR) - "Agreement, pursuant to Article 8, paragraph 6, of Law No. 131 of 5 June 2003, between the Government, the Regions and the Autonomous Provinces of Trento and Bolzano";
- ISPRA Guidelines for Integrated Environmental and Health Impact Assessment (VIAS) in Environmental Authorisation Procedures (SEA, EIA, IEA) No. 133/2016;
- The Guidelines for the Integration of Climate Change and Biodiversity in the SEA of the European Commission - 2013 (*Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment*);
- The "National Paper of Landscape - Elements for a Strategy for the Italian Landscape" MIBACT-2018;
- Decree of the President of the Republic No. 120/2003, Regulation amending and supplementing Decree No. 357 of the President of the Republic of 8 September 1997 on the implementation of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

**RECALLED the European regulations concerning the Interreg Programme:**

- Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European Territorial Cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments
- Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund
- Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and

for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy

#### **ACKNOWLEDGED THAT in relation to the "do no significant harm" DNSH principle**

- The Regulation (EU) 2020/852 (Regulation Taxonomy) of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088, is one of the measures adopted by the European Parliament to implement the 2018 "Sustainable Finance Action Plan" of the European Commission;
- Article 17 of Regulation EU 2020/852 provides for the principle "do no significant harm" (DNSH). This article defines "significant harm" for the six environmental objectives covered by the regulation;
- Regulation (EU) 2021/1060 (Common Provisions Regulation - CPR) in recital 10 states that *"Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, the Funds should contribute to the mainstreaming of climate action into policies" supporting "activities that would respect the climate and environmental standards and priorities of the Union and would do no significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council"*;
- having regard also to the Commission Notice 2021/C 58/01 on the application of 'do no significant harm' principle.

#### **ACKNOWLEDGED THAT**

- the Ministry of Ecological Transition - Directorate General for Sustainable Growth and Quality Development is the Competent Authority for SEA;
- With note No. 39639 of 25.03.22 (Note Mite: m\_amte.MiTE.REGISTRO.UFFICIALE.INGRESSO.0039639 del 28.03.2022) the Autonomous Region of Sardinia, as Managing Authority of the Programme, in agreement with the Ministry of Ecological Transition, has launched a simplified procedure in order to verify the opportunity to subject this Programme to Strategic Environmental Assessment.
- The Directorate with note prot.n.amte.Mite.REGISTRO.UFFICIALE.USCITA.0043235 on 04.04.2022, acquired by the Technical Committee for the Verification of Environmental Impact - EIA and SEA (henceforth Committee) with note prot.CTVA.REGISTRO.UFFICIALE.I.0002199 on 04.04.2022, COMMUNICATED to the CTVA the start of the consultation phase for Italy, the link for the consultation of the documentation (<https://va-minambiente.it/it-IT/Oggetti/DOCUMENTAZIONE/8493/12537>)

as well as the timing for the consultation and for the issuance of the competent opinion;

- the Directorate, on 29.04.2022, due to the impossibility of accessing the Environmental Assessment Portal, published on the Institutional Website of Mite the extension of the deadline for the receipt of comments to 16 May 2022 and consequently the time for the issuance of the opinion of competence by the CTVA.

#### HAVING REGARD TO

- the following observations, expressed pursuant to art.12, paragraph 2 of Legislative Decree No. 152/2006 and subsequent amendments and additions, by the Subjects competent in environmental matters:

No.	Comments received	Reception reference number	Date
1	Municipality of Canosa di Puglia - Environment Office	MiTE 0048024	20/04/2022
2	ARPA Apulia	MiTE 0051148	27/04/2022
3	Municipality of Bovino, Sector III - Technical Sector – Urban Planning Service	MiTE 0053337	02/05/2022
4	District Basin Authority “Appennino Meridionale”	MiTE 0055465	05/05/2022
5	Tuscany Region	MiTE 0056723	09/05/2022
6	Ministry of Culture (MIC) - Archaeological Superintendence, fine arts and landscape for the metropolitan city of Bari	MiTE 0058545	11/05/2022



## CONSIDERING THAT

- the documentation acquired following the activation of the SEA verification phase of the Interreg NEXT Med Programme 2021-2027 consists of:
  - Interreg NEXT MED Programme 2021-2027 - Strategic Environmental Assessment Screening Report and “Do no significant harm (DNSH)” Principle Assessment March 2022

## RECALLED THAT

- The Interreg NEXT MED 2021-2027 Programme aims to contribute to the transition to a climate neutral and resilient society. It will support Euro-Mediterranean cooperation in a transnational dimension, both as an instrument of the EU’s regional development policy and as part of the European Neighbourhood Policy aimed at creating an area of prosperity and good neighborhood.
- The above-mentioned Programme, which provides for a total budget (including national contributions) of approximately EUR 270 million, is aimed at increasing the cooperation between the 15 participating coastal countries (7 EU Member States: Cyprus, France, Greece, Italy, Malta, Portugal, Spain; 7 ENP partners: Algeria, Egypt, Israel, Jordan, Lebanon, Palestine, Tunisia; 1 negotiating candidate country: Turkey), without directly affecting the productive sectors, also by virtue of the limited resources available, with the following priorities:
  - a) PO1: “A more competitive and smarter Mediterranean” by promoting innovative and smart economic transformation:
    - 1. SO 1.1 Developing and enhancing research and innovation capacities and the uptake of advanced technologies
    - 2. SO 1.3 Enhancing sustainable growth and competitiveness of SMEs and job creation in SMEs, including by productive investments
  - b) PO2: “A greener, low-carbon Mediterranean” supporting the transition towards a net zero carbon economy and resilient by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation:
    - 1. SO 2.1 Promoting energy efficiency and reducing greenhouse gas emissions
    - 2. SO 2.4 Promoting climate change adaptation and disaster risk prevention, resilience, taking into account eco-system-based approaches



3. SO 2.5 Promoting access to water and sustainable water management
  4. SO 2.6 promoting the transition to a circular and resource efficient economy
- c) PO4: “A more social and inclusive Mediterranean” providing learning opportunities, ensuring equal opportunities and socio-economic integration and improving access to health care through the use of digitalization and technological innovation:
1. SO 4.2 Improving equal access to inclusive and quality services in education, training and lifelong learning through developing accessible infrastructure, including by fostering resilience for distance and on-line education and training
  2. SO 4.5 Ensure equal access to health care and fostering resilience of health systems, including primary care, and promoting the transition from institutional to family and community-based care
- d) ISO1: “A better cooperation governance for the Mediterranean” by promoting joint activities for knowledge sharing, enhancing cooperation with partners and the institutional capacity of public authorities and stakeholders:
1. SO (ISO1.6) other actions to support better cooperation governance (all strands).

**HAVING CONSIDERED that the Screening Report (SR) is structured as follows:**

1) Introduction	It contains 4 paragraphs: 1.1 Background; 1.2 the SEA Procedure; 1.3 Purpose of screening and 1.4 Assessment of compliance with the principle "Do no significant harm (DNSH)". In 1.1 it is recalled the obligation of the SEA established by the European Directive (42/2001) and how this is transposed by member states or considered in other states. In 1.2 the SEA Procedure is represented and the options are indicated. In our case we fall under option 2 ("Option 2: screening may be necessary to assess the need for an environmental assessment and, depending on the results of the screening, a full SEA may or may not be necessary"). In 1.3 a description of Option 2 is then provided and attached, Annex I (and not II as reported in the SR) with the list of environmental authorities responsible for SEA in all participating countries. Finally, in 1.4, it is stated that in conducting the SEA verification, the opportunity is taken to carry out the conformity assessment to the "Do no significant
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	harm (DNSH)" principle during the programming phase, details of which are given in Chapter 6 of the SR.
2) Programme overview	<p>It contains 2 paragraphs: 2.1 Programme Area; 2.2 Programme. In the introduction of the chapter it is stated <i>"The Programme will support the Euro-Mediterranean cooperation in a transnational dimension both as a tool of the EU regional development policy and as part of European Neighbourhood Policy aiming to establish an area of prosperity and good neighbourliness. The vision of the Programme is to contribute to the achievement of smart, sustainable, fair development for all across the Mediterranean basin by supporting balanced, long-lasting, far-reaching cooperation and multilevel governance. The proposed actions are of a "soft" nature and no large infrastructure investment projects are planned to be supported"</i>. It states that the EU budget for the Programme is € 244 million and the total budget is about 270 million (including national contributions)<sup>1</sup>.</p> <p>In par. 2.1 the participating countries and, for each, the eligible regions are indicated. In paragraph 2.2, the priorities are identified and the specific objectives of this Interreg are first set out; the priorities are:</p> <ul style="list-style-type: none"> <li>- PO1: "A more competitive and smarter Mediterranean"</li> <li>- PO2: "A greener, low-carbon Mediterranean"</li> <li>- PO4: "A more social and inclusive Mediterranean"</li> <li>- ISO1: "A better cooperation governance for the Mediterranean"</li> </ul> <p>Specific objectives are also indicated for each of these priorities (9 in total).</p> <p>In <i>"Table 1 - Objectives and planned actions under Interreg Next MED Programme 2021-2027..."</i> an overview of the objectives and types of actions identified is presented (there are 32 actions in total). Possible actions are drawn from the proposal of the Interreg NEXT Med Programme document of October 2021. The types of actions mainly concern the following categories: research, technology transfer, promotion of networks and clusters, knowledge transfer, training, business services, pilot and demonstration actions, integration and adaptation of regulatory frameworks (pages 9-13).</p>

<sup>1</sup> From the reading of the Programme draft document it is noted that the PO1 will have a total budget of about 81.5 million; while the PO2 of 108.5; the PO4 of almost 60 and finally the ISO1 of almost 22 million.

<p>3) Environmental context</p>	<p>The environmental context consists of only one paragraph entitled: "Environmental status quo", which states: "The description of environmental status quo and characteristics of the area is based on the territorial analysis for the programming period 2021-2027 and on other relevant documents and databases. A summary for the current state and expected trend is given for the environmental issues listed in Annex I of the SEA Directive, with special emphasis on those issues that are likely to be significantly affected".</p> <p>The following topics are addressed:</p> <ul style="list-style-type: none"> <li>- Biodiversity and ecosystems</li> <li>- Soil and circular economy</li> <li>- Water management</li> <li>- Climate</li> <li>- Air</li> <li>- Human Health</li> </ul> <p>For each theme, the situation and trends are briefly described. For the topics addressed there are several critical issues that are described in the text. At the end of the chapter, there is the <i>Table 3 - Environmental status quo trends for the NEXT MED Programme 2021-2027</i>, in which for each subject dealt with in the different topics mentioned above are provided brief descriptions of the indicators and trends, including the source. While many indicators are populated in terms of trends, others, such as Greenhouse Gas Emissions, Energy Consumption, Water Extraction do not report rating, mainly due to lack of data for all countries. It is noted that the theme of soil mainly deals with the waste aspect and the association with the circular economy mainly refers to the phase of management of the same. Among the problems mentioned, the lack of information on climate change adaptation measures and policies is evident.</p>
<p>4) Screening of the Interreg NEXT Med Programme</p>	<p>The Chapter consists of the following paragraphs: 4.1 Screening process; 4.2 Screening assessment; 4.3 Screening assessment along the criteria defined in Annex II of the SEA Directive.</p> <p>The Chapter describes the screening procedure carried out for the Interreg NEXT MED Programme; it summarises the relevant regulatory framework taking into account the SEA Directive and other relevant legislation (e.g. EIA legislation). This discussion then leads to an understanding of the relevance of the Programme in relation to the scope of the SEA, as well as its potential effects on the environment.</p>

Paragraph 4.1 contains the following: *“The screening of the Programme has been then carried out along the criteria set out in Annex II of the SEA Directive in order to determine whether the Programme is likely to have significant environmental effects”.*

Paragraph 4.2 deals with the screening assessment and opens with an "external coherence analysis" which is presented in *Table 4 - Coherence between the NEXT MED Specific objectives and key EU and transnational references*. The coherence has been analysed here by cross-referencing the specific objectives of the Programme with key references at European and transnational level; these references include documents on topics deemed relevant to the Programme. The table shows a high degree of correlation between the objectives of the Programme and the various European and transnational directives, strategies, plans and conventions indicated.

The paragraph then goes on to address the *“Assessment of potential environmental impacts of the NEXT MED Programme 2021-2027”*. Each Priority of the Programme is analysed with regard to the specific objectives and actions envisaged. In the preamble to this examination it is stated that *“...All thematic areas selected by the Programme are expected to have neutral to (indirect) positive impacts on the environment which help to promote sustainable development and environmental protection and preservation in the Mediterranean area”*.

In the conclusion of the paragraph is reported the *Table 5 - Potential environmental impacts of the NEXT MED Programme 2021-2027*, where for each objective the effects are evaluated with respect to the topics considered in the paragraph dedicated to the environmental status quo.

The reading of the Table confirms the premise in the paragraph where it was expected that the effect of the Programme was generally positive or neutral.

Finally, in paragraph 4.3, Table 6 is proposed, which presents the evaluation carried out taking into account the Interreg NEXT MED Programme, its objectives, types of action and the criteria defined in Annex II of the SEA Directive (This evaluation will be dealt with below, as it is being evaluated by this opinion). In summary from the reading of the table it emerges that regarding all the criteria a meaningful effect is evidenced "to some extent" (mainly through soft infrastructural projects and/or on small scale) on the fact that the Programme applies to areas or themes where environmental

		problems exist. The table concludes with the statement <i>"The Interreg NEXT MED Programme 2021-2027 is not likely to have a significant negative effect on the environment; indirect long term positive effects are possible"</i> .
5) SCREENING Decision		In this chapter the consequences of the evaluations are reported, concluding and justifying that no SEA is required for this Programme.
6) DO SIGNIFICANT HARM Assessment	NO	In accordance with the EU Taxonomy Regulation (EU) 2020/852 and the "do no significant harm" DNSH principle an assessment is made in the SR in order to prevent the inclusion of activities or types of actions in Programmes that could cause significant harm. The evaluation is outlined in <i>Table 4 - "Do no significant harm" (DNSH) principle assessment</i> . For each specific objective and related actions envisaged, it shall be assessed whether a substantive assessment is required for each objective of the principle. The analysis of the table shows that, through a specific (for each objective) justification of the absence of need for substantial DNSH assessment, it is not expected that the Programme will cause significant damage to the 6 environmental objectives, indeed positive impacts are expected in several cases.
7) Monitoring provision		<p>In the opening session of the chapter it is stated: <i>"As regards the Interreg NEXT MED Programme 2021–2027, no significant impacts can be expected that could negatively affect the environment. The Programme has a limited budget and does not aim to support heavy investments. Instead, it focuses on intangible or 'soft' actions and small-scale investments. Any potential minor and reversible impact (e.g. related to small-scale infrastructure projects) cannot be predicted by the screening process at this stage, and will widely depend on the type of project and location. In some cases, the project may also be subject to a mandatory environmental assessment process according to EU and national legislation. Nevertheless, some monitoring provisions and arrangements can be proposed to support the Programme in preventing and minimizing any potential negative impacts on the environment and emphasizing on the positive ones"</i>. It is proposed to consider the indications and monitoring arrangements in three different implementation steps: A) Project application; B) Project selection; C) Programme evaluation. For each phase, the operational modalities are described.</p> <p>Reading this chapter, it appears that the Monitoring Provisions are primarily the development and implementation of criteria for the evaluation and selection of projects to be financed, of which adequate details have been reported. The Programme's monitoring measure, on the other hand, is the specific environmental "monitoring"</p>

	measure, which only mentions that " <i>... the Programme evaluator could consider the contribution to the environmental issues listed in Annex I of the SEA Directive</i> ".
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## HAVING REGARD TO

- the observations expressed pursuant to art. 12, paragraph 2 of Legislative Decree No. 152/2006 and subsequent amendments and additions by the Subjects competent in Environmental Matters;
- of these observations (6) it is summarised as follows:
  - The Municipality of Canosa di Puglia notes the opportunity to arrive at a higher scale of detail, to define a greater degree of depth of the particles involved, with the aim also of interpolating the paths with the characteristics and the binding system of the existing multilayered planning, to coordinate the Planning under consideration with the characteristics of various funds obtained (with interventions carried out) or simply candidates, concerning slow mobility infrastructure works; interest in the planning of the proposed paths, a particular attention to the areas typed by the Regional Urban Plan (PUG) in force as Urban Parks, which it is believed should be, without doubt, involved in the existing planning.
  - ARPA Puglia (Regional Agency for Prevention and Protection of the Environment) considers that this programming and in particular the specific objectives of priority 2 have a good potential to contribute to the implementation of the relevant EU policy in the field of the environment and also to the integration of the environmental issue and the sustainable development between participating countries in the Programme area. In view of the scale of the intervention, the environmental impact assessment of the Programme is measurable in detail at project level. It is therefore hoped that criteria for the selection of initiatives leading to a consequent reduction in environmental impact will be defined and implemented, which is why we agree with what is defined in the SR Chapter 7, dedicated to monitoring provisions.
  - The City of Bovino, considering what reported by the SR, expresses a favourable opinion on the screening procedure provided that during the programming phase and before the adoption of the Programme by the Commission an evaluation is carried out in order to prevent inclusion of activities or types of actions in the Programmes that could cause significant damage.
  - The District Basin Authority „Appennino Meridionale“ (Southern Apennines), downstream of an introduction on the Programme, notes that among its priorities emerge, for the direct relevance to the plans and programs of which the Authority itself is responsible for drafting and management, OS 2.4 and 2.5, which are essentially the framework for activities related to Directives 2000/60/EC on water management and 2007/60/EC on flood risk management. Therefore it evidences the



distance of definition and performance of the District Management Plan and of the collaboration in existence with the scientific world. And therefore it concludes, considered the specific environmental conditions of the territory of competence of the undersigned, whereas it is considered appropriate to point out that in the identification and design of the specific works and/or actions to be included in the Programme, it must nevertheless be verified in relative consistency with the guidelines and objectives of the aforementioned Plans and competence of the undersigned.

- The Tuscany Region presents the Administrative Act (Determinazione) No. 9/SCA/2022 relating to the session No. 252/PS/VAS of 06.05.2022. In premise to the Administrative Act it is evidenced that downstream of the communication of the sub-consultation the following observations/contributions have been received: National Park „Arcipelago Toscano“ (Tuscan Archipelago); Sector Environmental Authorizations; Regional Agency for Environmental Protection of Tuscany (ARPAT); Acque S.p.A.; District Basin Authority „Appenninno Settentrionale“ (Northern Apennines); Local Public Services, Energy, Pollution and Remediation Sector; Municipality of Piombino, of which it reports a summary in the Administrative Act (referred to for details). Having taken note and synthesized the content of the Screening Report presented by the Proposer, the Observer considers that the "Interreg Programme NEXT MED 2021 - 2027" may be excluded from Strategic Environmental Assessment and report to the Competent Authority for SEA some elements useful to the definition of the Programme that are summarized: 1) the Programme should be consistent with the district basin planning in force in the territory concerned, in particular during the project selection and evaluation phase (for details please refer to the observation reading); 2) it is considered appropriate to consider in the Programme potential environmental effects as a cross-cutting theme during the evaluation and selection of projects, specifically addressing the environmental issue in the selection criteria; 3) It is stressed that the projects must be consistent with the objectives of maintaining and improving air quality, verifying and monitoring if there are real risks of a significant increase in emissions of pollutants in the air<sup>2</sup>; 4) In the analysis phase of external coherence, the opportunity to include this Directive among the EU references in the evaluation matrix with the specific objectives of the Programme and to consider the subject of noise pollution in a similar way to that of air pollution during the selection phase of the projects.
- Finally, the Superintendence of the Metropolitan City of Bari announces that its endoprocedimental opinion has been sent to Regional Secretariat.

## RECALLED THAT

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<sup>2</sup> In this regard, it is proposed to introduce in the evaluation matrix with the specific objectives of the Programme (SR, p. 27) also Directive 2008/50 EC on ambient air quality and cleaner air for Europe.



- Directive 2001/42/EC, pursuant to paragraph 5 of Article 3, specifies that Member States, in order to determine whether the plans or programmes referred to in paragraphs 3 and 4 (again in Article 3) may have significant effects on the environment, however, take into account the relevant criteria set out in Annex II;
- the SEA verification shall be carried out on the basis of the assessment criteria set out in Annex 1 to Part Two of Legislative Decree No 152/2006 and, as amended, taking into account the comments received; and where applicable, the results of any other environmental impact assessment carried out on the basis of other relevant European, national or regional legislation;
- whereas the criteria set out in Annex 1, as laid down in Directive 42/2001/EC, are based on:

**1) the characteristics of the Plan and in particular:**

- a) whether it establishes a framework for projects and other activities, or as regards location, nature, size and operating conditions or through resource allocation;
- b) how it influences other plans or programmes, including those hierarchically ordered;
- c) whether it is relevant for the integration of environmental considerations, in particular in order to promote sustainable development;
- d) whether there are relevant environmental problems and whether it is quantitatively relevant for the implementation of Community legislation in the field of the environment;

**2) the characteristics of the effects and areas potentially affected and in particular:**

- e) probability, duration, frequency and reversibility of effects;
- f) cumulative effects;
- g) the cross-border nature of the effects;
- h) risks to human health or the environment;
- i) the extent and extent in the space of the effects (geographical area and population potentially affected);
- j) the value and vulnerability of the area concerned due to: i) special natural characteristics or cultural heritage; ii) exceeding environmental quality levels or limit values; iii) intensive land use;

k) effects on areas or landscapes recognised as protected at national, Community or international level.

**HIGHLIGHTED that:**

- According to the interpretation of the European Commission Guidelines "Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment", the whole set of the above-mentioned eligibility criteria must be considered in order to be able to apply the most relevant criteria. The full applicability of each criterion depends, in fact, on the type and characteristics of the Plan and the level of knowledge of the measures of the Plan and the areas in which these measures will be implemented. The criteria that refer directly to the characteristics of the Plan, given their correlation with the characteristics of the plans/programmes, in principle are always relevant and, therefore, applicable for any type of plan. The criteria related to the characteristics of the possible impacts and/or environmental effects and the area concerned require, for their full application, the knowledge of the measures that the Plan intends to implement and their location.

**CONSIDERING that**

- SEA provides a tool to support the decision-making process and does not represent a mere authorization and control procedure and, in addition to the prior verification of the negative and/or positive effects that a Plan may have as a result of the consequences of its implementation, it assesses and verifies the effectiveness of the strategy put in place, in order to contribute to the achievement of the environmental sustainability objectives set by the plan.

- The development of further evaluation steps foreseen by the implementation of the entire SEA process guarantees an opportunity for in-depth and comprehensive evaluation, enhancing the positive effects of the plan and the identification of the most effective intervention strategy for achieving the sustainability objectives of the plan and more effectively targeting sector planning at regional and local level, thus improving the plan itself.

- In order to be able to carry out the screening test, the Screening Report must contain the characteristics of the Plan, the effects and the areas that may be affected.

- The Proposer dedicates a chapter of the SR to the comparison of the Programme with the evaluation criteria provided by the EU Directive on SEA and the resulting national legislation, as previously listed. In particular, for each criterion, it shall include a summary assessment and some considerations to support this assessment. Based on the analysis and screening of the Interreg NEXT MED Programme proposal, its characteristics and the scope of its priorities, specific objectives and types of action in relation to the requirements and criteria

of the SEA Directive (2001/42/EC) the Proposer considers that the Interreg NEXT MED 2021-2027 Programme can be excluded from being subject to SEA for the following general reasons:

1. the Programme focuses on territorial cooperation and is not specifically prepared for any of the areas listed in Article 3.2(a) of the SEA Directive. Instead, it focuses on territorial cooperation, addressing relevant challenges on a wider territorial scale within the Mediterranean region, supporting territorially integrated approaches, building regional capacities and institutionalizing cooperation;
2. the Programme does not define the framework for the future authorization for the development of the projects listed in Annexes I and II of Directive 85/337/EEC, nor it is likely to have significant effects on sites in relation to Articles 6 or 7 of Directive 92/43/EEC as: the specific priorities and objectives and the indicative type of action are broadly defined and do not establish a framework for future authorization for the development of projects that require an EIA; it does not finance the large infrastructure investments listed in the annexes of the EIA Directive.

**CONSIDERED AND ASSESSED that (with respect to the criteria set out in Annex 1 of Legislative Decree No. 152/2006)**

1. with regard to the characteristics of the Programme:

- a. also for the broad definition of the actions contained, the Programme mainly envisages "soft" actions with modalities, not defined in detail, which determine the nature of the action (knowledge transfer, research and technology transfer, business services, training, pilot actions and demonstrative); therefore establishes a reference framework for projects and other activities for which it is not possible to define the location, if not that of the scope of the Programme itself; the size of the projects is expected to be limited and mainly non-infrastructure, except for small-scale ones. The operating conditions are detailed with the aim of contributing to the pursuit of sustainability objectives and consistently with the relevant environmental and sustainability directives, plans, strategies and conventions. The distribution of resources favors interventions consistent with the objectives of sustainable development and environmental protection;
- b. the majority of the activities that can be implemented under the Programme are not expected to directly affect other plans or programmes. Some activities linked to ISO1 can have (positive) influence on other plans (of regional declination) in an indirect way. In particular, when cooperation projects are developed focusing on integration and adaptation in regulatory frameworks, in the formulation of policies and decisions on issues that go beyond the regional borders of the countries participating in the Programme, such as the harmonization of measures relating to

the adaptation to climate change and risk prevention, energy efficiency, the transfer of knowledge on resource efficiency in relation to research and innovation;

c. the Programme can contribute to the integration of environmental considerations and sustainable development by stakeholders into the plans and measures developed for the territories concerned within the Programme area, directly and indirectly addressing the main cross-border environmental issues of the Mediterranean region in relation to the green and sustainable transition; the actions envisaged, by their nature, should not have negative but positive effects on the environment in various cases;

d. the area of application of the Programme addresses cross-border environmental and ecological challenges that are summarized in the analysis of the status quo in the SR, including the need for a greater capacity of local actors, public bodies and decision-making processes to integrate legal provisions, norms and performance monitoring in administration and decision-making in environmental and sustainable development matters; the Programme and, in particular, the specific objectives of priority 2 (SO2) have good potential to contribute to the implementation of the relevant EU policy in the field of the environment. The Interreg NEXT MED Programme is expected to contribute to various international goals.

2. With regard to the characteristics of the effects and the areas potentially affected and in particular:

e. at present, given the breadth of the definition of the type of action that the Programme provides, only an approximate and qualitative estimate of the characteristics of the environmental effects is possible, since they will depend on the concrete projects and their location. However, no adverse effects are expected. The actions supported are largely considered neutral or positive for the environment (mostly indirect positive effects, as reported in Table 5 of the SR); large-scale investments are not supported and the limited number of small-scale infrastructure could include pilot projects and investments in research and knowledge sharing without significant negative impacts; plans to subject project proposals to self-assessment of impact and selection criteria should avoid unexpected negative impacts;

f. many of the topics covered by the Programme are either neutral for the environment or positive effects can be expected. Actions under Priority 2 may have cumulative effects on the environment, in the sense that they aim to make positive changes, contribute to improving the state of the environment and sustainable development;

g. By its nature, the Programme has a cross-border character; as already mentioned, the effect of the Programme should generally have a neutral or positive impact on the environment; positive cross-border effects may be expected, inter alia, from future projects related to joint transnational research and innovation initiatives (under the SO1), education, training and access to healthcare (under the SO4) and those supporting better governance of cooperation (within the framework of the ISO1);

h. mainly neutral or positive effects can be expected from the actions foreseen in the Programme; in particular, when actions likely to have positive effects on the environment are implemented, these could bring about positive changes in the fight against risks to human health and the environment itself;

i. the Programme should have an impact on the entire region to which it applies, but the actual impact depends on the concrete projects not identified and defined today; consequently, the concrete effects on the environment in terms of spatial breadth and extent cannot be correctly estimated at this stage, but overall they are expected to be positive or neutral;

j. the Programme and the types of actions envisaged should not have any adverse effect on natural characteristics or cultural heritage. Furthermore, some of its activities may have an indirect positive impact on nature and cultural heritage; projects are not expected to have an impact on the areas concerned that exceeds environmental quality standards or limit values (air, biological, chemical, noise, etc.); none of the specific objectives of the Programme focuses on support activities related to intensive land use;

k. most of the actions are not linked and should not have significant effects on the environment in areas or landscapes recognised as protected at national, Community or international level; certain types of actions related to resilience and adaptation to climate change and other actions aimed at combating pollution may have potential relevant effects for some protected areas, if targeted by a given project, which should also be positive.

Having considered all the above elements, and having compared to what has been reported about the evaluation of the Interreg NEXT MED 2021-2027 Programme towards the compliance with the eligibility criteria established by the legislation, this should not have a significant negative effect on the environment. On the contrary, indirect positive long-term effects are possible. The lack of significance of the environmental effects of the Programme will also have to be ensured in the implementation phase when the scope and extent of the projects to be affected by appropriate environmental protection criteria are clarified, as already described by the Proposer.

**ASSESSED that, according to DNSH principle**

- The Proposer addresses the subject of DNSH in a specific chapter of the SR. This chapter focuses on the environmental impact assessment of the Interreg NEXT MED Programme, in view of the six environmental objectives covered by the Taxonomy Regulation. The evaluation methodology used is summarised in a table. Table 4 of the SR shows the evaluation of the actions proposed by the Programme which show that there is no need for a substantive evaluation of the DNSH principle as they are not expected to have a significant negative impact on any of the six environmental objectives covered. The conclusions specify that the type of actions proposed by the Programme has been assessed compatible with the DNSH principle, in line with the DNSH Guideline of RRF's (Resilience and Recovery Mechanism).
- Considering the potential positive impact of the Programme's actions on certain environmental components, albeit indirectly, in the development and completion of the Programme, it is advisable that the Proposer will take due account of the six objectives of the DNSH Principle with attention to the ways in which it can contribute, albeit not substantially, to their pursuit;
- The methods indicated in relation to the two-stage monitoring arrangements a) and b) may be used to verify whether the projects submitted for the different actions can make a positive, though not substantial, contribution; the pursuit of one or more of the 6 environmental objectives considered by the Taxonomy and the DNSH Principle in particular.

**the Technical Committee for Environmental Impact Assessment - EIA and SEA****Subcommittee of the SEA****VERIFIES and EVALUATES**

for the reasons indicated in the introduction on the basis of the results of the above preliminary phase, which here are understood to be fully reported as the motivation for this act, that the Interreg NEXT MED 2021-2027 Programme does not determine potential significant negative environmental impacts and therefore, according to the rules referred to in Title II of the second part of Legislative Decree No. 152/2006 and subsequent amendments, may be excluded from being subject to SEA.

It is also stated that the assessment of compliance with the DNSH Principle of the Programme measures was carried out, the outcome of which ensures their consistency.