Marine Strategy Framework Directive
Public Consultation Document



Marine Strategy of the Republic of Bulgaria

PART III PROGRAMME OF MEASURES

Summary of the Bulgarian Programme of Measures for the marine environment (established under the Marine Strategy Framework Directive)

DRAFT

Note:

Part 1 is intended to provide a general overview section which responds to the 7 guiding questions set out in EU MSFD CIS "Recommendations for implementation and reporting", final version, adopted by MSCG on 5 November 2015, Annex 2 – X/XI

Part 2 is intended to provide a concise summary of the existing and new measures included in the PoM. More detailed information on new measures will be provided through factsheets including the information on the lead questions at Annex 2 – XII/XIII of the above cited EU MSFD CIS recommendations.

The factsheets for the new measures also include information required for the reporting sheet (as outlined in the EU MSFD CIS document on "Reporting on Programmes of Measures (Art. 13) and on exceptions (Art. 14) for the Marine Strategy Framework Directive", final version, adopted by MSCG on 5 November 2015) in order to facilitate transfer of information for electronic reporting.

In accordance with Article 19 of Marine Strategy Framework Directive 2008/56/EU (MSFD), the public authority responsible for implementation of the Directive in Bulgaria has to organize a public consultation on their proposed Program of Measures (PoM).

This summary aims to inform the public about the developed draft of the Program of Measures (PoMs) for the marine environment in the Bulgarian part of the Black Sea marine region.

The draft of PoM of Bulgaria is opened for public consultation in the period of 2nd March to 30 April 2016.

Part 1: Methodological summary

1. Policy Context and Objectives

1.1 Overall MSFD implementation process in Bulgaria

The main aim of the Marine Strategy Framework Directive (Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy)) **is to maintain or achieve a Good Environmental Status (GES) in the marine environment by 2020.** To this aim, the EU Member States have to develop Marine Strategies, including a set of measures to achieve or maintain GES - the Program of Measures.

The **Initial Assessment of the state of the marine environment** (Art. 8 national report), **definitions for Good Environmental Status** (GES) (Art. 9 national report) and the definition of **environmental targets and indicators** (Art. 10 national report) formed **the first part**, and the monitoring programmes under Article 11 were the **second part** of the Marine Strategy. The first part of the Marine Strategy was developed in 2012 (http://cdr.eionet.europa.eu/bg/eu/msfd8910/), and the second part – in 2014 ((http://cdr.eionet.europa.eu/bg/eu/msfd_mp/).

The Programme of Measures under Article 13 MSFD is the **third part of the Marine Strategy of Republic of Bulgaria**. The development of the PoMs in Bulgaria started in the beginning of 2015.

According to MSFD requirements, the momentary and future state of the marine environment has to be assessed and defined based on eleven qualitative descriptors (characteristics):

D1: Biodiversity
D2: Non-indigenous species
D3: Commercially exploited species
D4: Food webs
D5: Eutrophication
D6: Sea-floor integrity
D7: Alterations of hydrographical conditions
D8: Contaminants and their effects
D9: Contaminants in fish and other seafood
D10: Marine litter
D11: Underwater noise

The main human activities that affect the state of the marine environment refer to the following economic sectors:

- Agriculture
- Urban and industrial WWTPs and sewages
- Industry
- Shipping
- Ports
- Fishery and Aquaculture
- Tourism / recreational sports
- Others

Their impact on the marine environment results in habitat loss, decrease of biodiversity, nutrient enrichment, input of contaminants, physical damage of the seafloor, litter and noise pollution, etc.

In order to reduce the anthropogenic pressure on the marine environment caused by human activities it is necessary to plan and implement measures so as to ensure the achievement and maintenance of a good environmental status, according to MSFD requirements.

The present Program of Measures (PoMs) is planned to provide a reduction of anthropogenic pressure from human activities for which there are no measures planned under the updated Black Sea River Basin Management Plan (BSRBMP) or when existing measures are considered as not sufficient to achieve the GES.

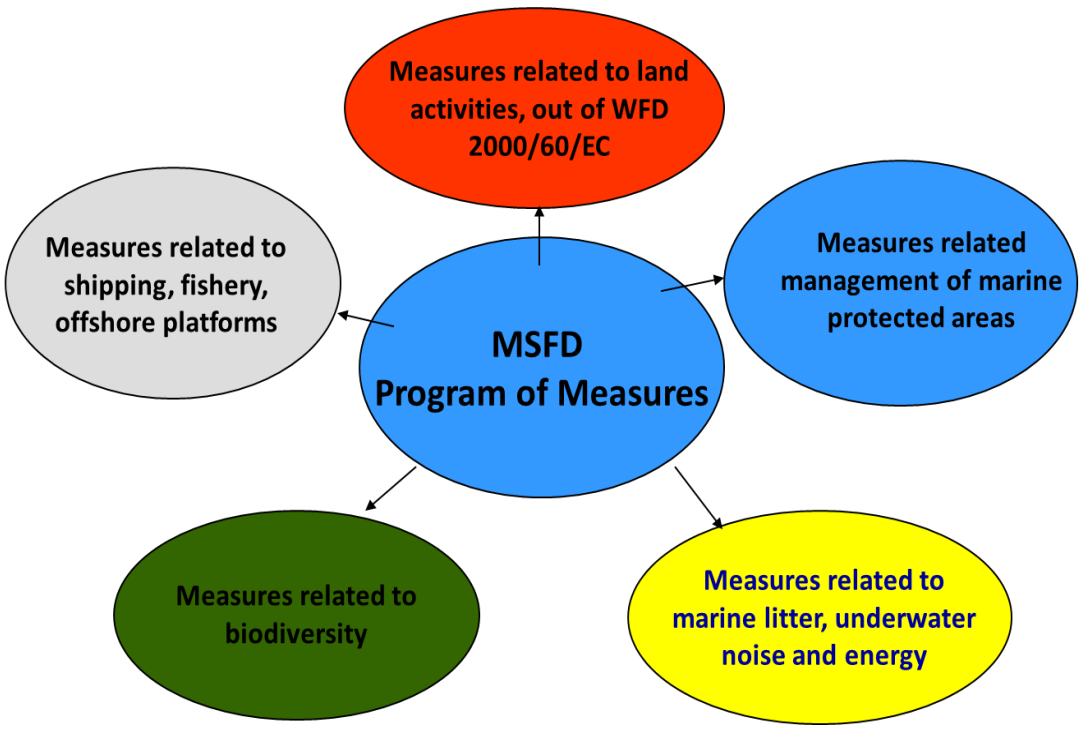


Figure 1 Overview of planned new measures by different themes

The MSFD is being implemented in a coordinated way across Bulgarian administrations. The proposals for a Program of Measures in this consultation have been developed at a Bulgarian wide scale with input from experts and policy makers and in coordination with Romania.

This Program of Measures applies to the territorial marine waters (in their entirety from the shoreline to the border of EEZ) and the Exclusive Economic Zone of Republic of Bulgaria.

The implementation period of the measures included in the PoM will run from 2016 to 2021.

Links to published Summary of Draft of Program of Measures (PoM) and Annexes:

Black sea Basin Directorate:

http://www.bsbd.org/bg/merki_13_rdms.html (BG)

http://www.bsbd.org/uk/MarineStrategy.html (EN)

Ministry of Environment and Waters:

http://www3.moew.government.bg/?show=top&cid=28&lang=bg

1.2 Regulatory context

Following the requirements of Article 13 (1) of MSFD, "*Member States shall, in respect of each marine region or subregion concerned, identify the measures which need to be taken in order to achieve or maintain good environmental status, as determined pursuant to Article 9(1), in their marine waters. Those measures shall be devised on the basis of the initial assessment made pursuant to Article 8(1) and by reference to the environmental targets established pursuant to Article 10(1), and taking into consideration the types of measures listed in Annex VI.*".

According to Article 13 (2) of MSFD, "*Member States shall integrate these measures devised pursuant to Art. 13 (1) into a programme of measures (PoMs), 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 (1) and Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality (2), as well as forthcoming legislation on environmental quality standards in the field of water policy, or international agreements*.".

In addition, Article 13 (4) says that "*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*.".

The preparation of the Marine Strategy is continuous process that has been pursuant to the requirements of Regulation on the protection of the environment in marine waters, transposed

MSFD 2008/56/EO, adopted by the Government Decree № 273 from 23.11.2010 (prom. SG № 94 dated 30.11.2010, in force from 30.11.2010).

Responsible authorities for MSFD implementation according to Article 3, para 1 of the Regulation on the protection of the environment in marine waters (NOOSMV)

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

Supporting institutions

4. Ministry of Transport, information technology and communications
5. Ministry of Health and its regional structures as Regional Health Inspectorates
6. Ministry of agriculture and food and its regional structure Executive Agency for Fisheries and Aquaculture
7. Ministry of Foreign Affairs
8. Ministry of Tourism
9. Ministry of Energy
10. Ministry of Economy
11. Ministry of Regional Development and Public Works
12. Chairman of Bulgarian Academy of Science

or authorized by them persons

Their responsibilities are described in Article 3, para 2 of the same Regulation.

A Consultative and Coordinative Council for protection of Black Sea environment in Bulgarian sector is established under the Regulation on the protection of the environment in marine waters, transposed MSFD 2008/56/EO. Its role is to coordinate all responsible authorities and other relevant stakeholders involved in the process of development, discussion and adoption of Marine Strategy and its Program of Measures.

After closure of public consultations and reflection of received comments, final Programme of measures has to be discussed and approved by the Council of Ministers of Republic of Bulgaria.

1.3 Link to other policies

The Program of Measures under Article 13 of MSFD 2008/56/EO is linked to several international, regional, European and national environmental policy:

- Convention for protection of Black Sea against pollution (Bucharest Convention);
- Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea (2009)
- International Convention for the Management of Ship's Ballast water and Sediments (BWM Convention)
- MARPOL 73/78 and Annexes
- Convention on biological biodiversity
- Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area(ACCOBAMS)
- EU initiative Blue Growth
- Water Framework Directive (WFD 2000/60 / EC)
- Habitats Directive (Council Directive 92/43/EEC)
- Directive 2009/147/EC of the European parliament and of the council of 30 November 2009 on the conservation of wild birds.
- Waste Framework Directive 2008/9/EC;
- Urban Waste Water Directive 91/27/EEC;
- Bathing Directive 2006 /7/ EC)
- Common Fishery Policy (CFP) (Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EC) № 1224/2009 of 20.11.2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy; Regulation (EU) 1380/2013 of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) № 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC and its related legislations amending Regulation (EC) № 26/2004 on the Community fishing fleet register)
- Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning

National legislation of Bulgaria:

- Law of the Sea, inland waterways and ports of the Republic of Bulgaria
- Fisheries and Aquaculture Act
- Environmental Protection Act
- Biological Diversity Act
- Protected Areas Act
- Waste management Act
- Water Act

and its relevant regulations.

2 Framework for drawing up a Programme of Measures

The Programme of Measures (PoM) is drawn up on the basis of the Initial Assessment, the definition of "Good Environmental Status" (GES) for Bulgaria, and the environmental targets determined in 2012. According to the Directive, the PoM should help to reduce pressures on the marine environment caused by human activities and to improve the state of the environment. The objective of the PoM is to maintain a GES or achieve GES in the marine environment by 2020.

Several existing EU and national policies (environment and sectoral) and their tools already include measures that contribute to protecting the marine environment at various scales (local, regional, marine sub-regional, national, European and international). These existing measures are included in the PoM (as "existing measures", see below), but not described in detail.

According to the MSFD Article 13, a PoM contains a set of measures that the Member State is responsible for implementing, which are put into context with each other and to reference environmental targets. A Programme of Measures can consist of two general types of measures:

- "Existing measures" are measures that have been adopted under other policies that are entirely or partly relevant for the achievement of the environmental targets set in 2012. These include, for instance, the measures taken within the framework of the "Habitats" Directive, the "Birds" Directive, the Water Framework Directive, the "Floods" Directive and the Urban Waste Water Directive or of some "sectoral" policies (Ballast Water Convention, Common Fisheries Policy, Maritime Transport Policy).
- "New measures" are measures that have been identified in the PoM as being necessary to achieve or maintain Good Environmental Status in marine waters in 2020 when existing measures are not sufficient. These can be measures to complement existing ones (to reinforce, optimise or extend geographic scope) or entirely new ones. They can contain recommendations on actions to be conducted on national, transboundary or international levels.

According to the agreements in the EU Common Implementation Strategy, four types of action ("mode of implementation") have been agreed, as set out in the box below.

'Technical': an actual action that one can see (and measure) in the field. In principle a wide range of measures have a primarily technical mode of action.

'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 and gives you a clean beach as well.

Box 1: Types of action

Research per se is not considered as a measure, but research activities are mentioned to complete the picture if it will improve the knowledge base for the second cycle.

However, the PoM is not intended to exhaustively list all actions to protect the marine environment. Only those actions considered being the most relevant to address the challenges identified in the Initial Assessment of marine waters and when setting the environmental targets are included.

The Bulgarian Programme of Measures was being drawn up under the authority of the Black Sea Basin Directorate (BSBD) and with the scientific and technical support of two research/support projects, one funded by the EU COM ("Technical and administrative support for the joint implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria and Romania – phase II", under the Framework Contract for services related to coordination between the different marine regions in implementing the ecosystem approach), the other by the German Advisory Assistance Programme (AAP) ("Implementation of the MSFD in Bulgaria – Development of Programs of Measures under Article 13 "). The project supported by the German government focuses on the national level, the project supported by the European Commission on the coordination of measures between Romania and Bulgaria. For the most crucial methodological elements [measures selection, measures factsheets, CBA/CEA] coordination and joint meetings between the two projects took place.

Link to project "Implementation of the MSFD in Bulgaria - Programs of Measures under Article 13": http://www.bsbd.org/uk/projects.html

Link to project "Technical and administrative support for the joint implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria and Romania - phase II":
http://projects.eionet.europa.eu/black-sea-marine-region-documents/library
http://www.bsbd.org/v2/uk/page_3356626.html

The development of the PoM - i.e. the identification and selection of the best measures - was generally following the steps listed in the flow chart below, which are outlined in more detail in the sub-sections 2.1 to 2.6:

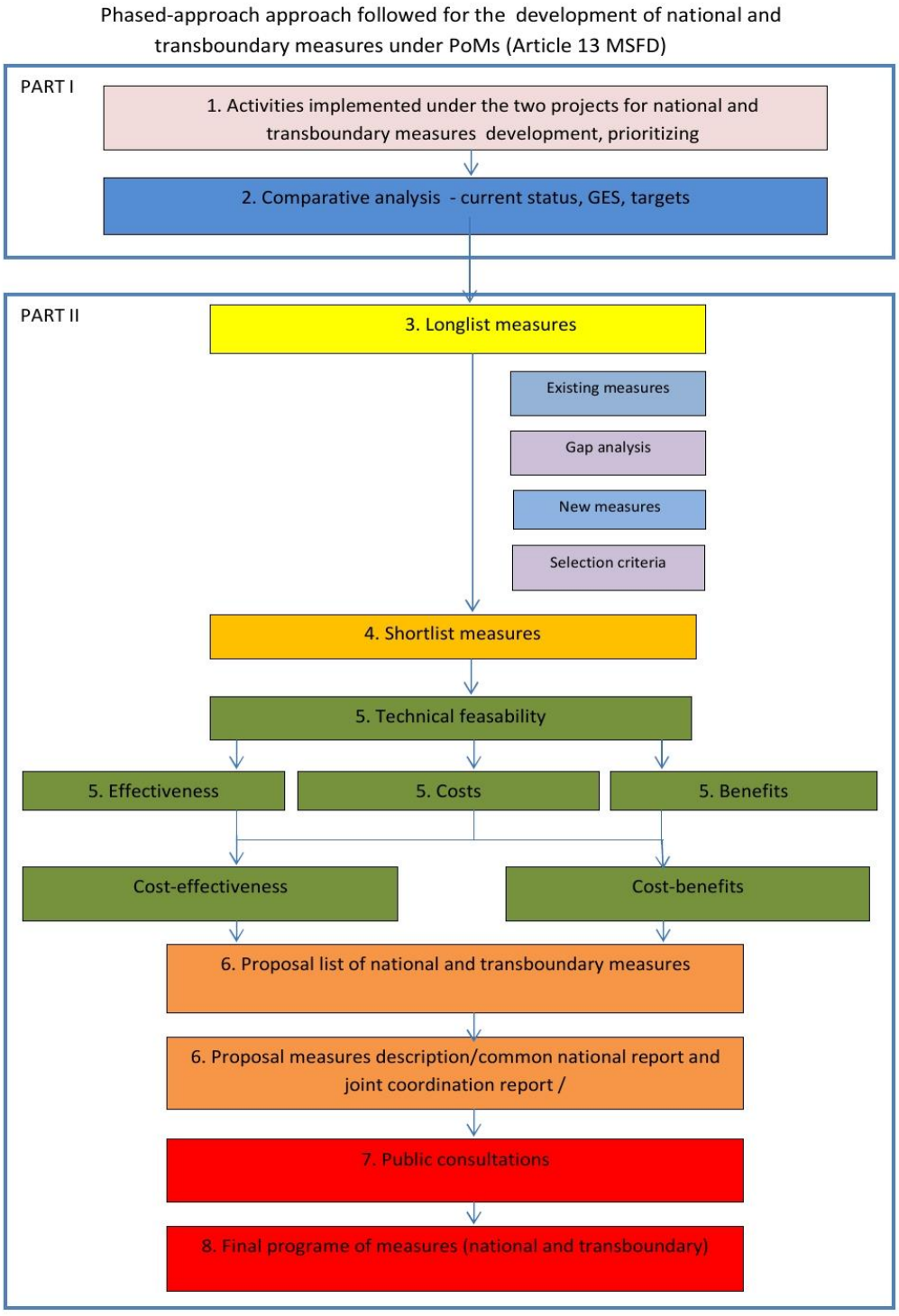


Figure 2: Process of developing the PoM/selection of measures for the PoM

2.1 Baseline for developing the Programme of Measures

The baseline for developing the Programme of Measures (PoM) and the following steps to identify and select measures were the Initial Assessment and the environmental targets determined in 2012 and reported to EC in 2013 (http://www.bsbd.org/bg/page_1722859.html and http://cdr.eionet.europa.eu/bg/eu/msfd8910/).

Further there was an agreement to

- consider all descriptors in the development of the PoM (and not *a priori* exclude any descriptors).
- use the latest information regarding GES and environmental targets from the monitoring programs reported under Article 11 at beginning of 2015 by Bulgaria (and Romania).
- coordinate as much as possible of the measures with Romania.

2.2 Step 1: Collecting existing measures

In order to get more insight on the activities that might be necessary for reaching GES, the existing measures that contribute to protecting the marine environment and reaching GES were collected. Information on existing measures is crucial as this sets the baseline for "new measures" which need to be developed to close the gap between what will be reached by existing measures and GES, according to a "gap analysis".

A simplified factsheet was developed under the German support project for collecting existing measures (see Annex I).

Request for collecting of information on existing measures was sent to the competent authorities and relevant stakeholders. The following authorities have been contacted:

- Ministry of Environment and Waters
  - Waste Directorate
  - „National nature protection service“ Directorate
  - Regional Inspectorates of Environment and Waters (in Varna and Burgas)
- Ministry of Agriculture and Food
- Executive Agency Fisheries and Aquaculture
- Ministry of Tourism
- Ministry of Energy
- Ministry of Economy
- Ministry of Regional Development and Public Works
- Ministry of Foreign Affairs
- Ministry of Transport, information technology and communications
  - Executive Agency of Maritime Administration (EAMA) (Directorates in Varna and Burgas)

- Bulgarian Ports Infrastructure Company (BPI Co.) and its two specialized divisions in Varna and Burgas.

- Ministry of Health and its regional authorities - Regional Health Inspectorates in Varna, Burgas and Dobrich
- Scientific institutes: Institute of oceanology (IO-BAS) and Institute of Fishery Resources (IFR)
- Coastal municipalities

Replies have been received from the following contacted authorities/stakeholders, collecting a total around 70 existing measures:

- Ministry of Environment and Waters
  - „National nature protection service“ Directorate
  - Regional Inspectorates of Environment and Waters (regional structures in Varna and Burgas)
- Ministry of Agriculture and Food and the Executive Agency Fisheries and Aquaculture
- Ministry of Regional Development and Public Works
- Ministry of Health and the Regional Health Inspectorates in Varna, Burgas and Dobrich
- Ministry of Economy
- Ministry of Transport, information technology and communications
  - Executive Agency of Maritime Administration (EAMA) and two Directorates in Varna and Burgas
  - Bulgarian Ports Infrastructure Company (BPI Co.) and its two specialized divisions in Varna and Burgas.
- Institute of Fishery Resources (IFR) - Varna

On the basis of a simplified gap analysis (which determined the descriptors for which insufficient coverage with concrete measures or actions was analysed), existing measures were not considered sufficient for maintaining or reaching GES of the marine environment. A more detailed assessment of what can be achieved in biophysical terms by existing measures was not possible due to the lack of monitoring data and available resources. The situation should be improved in the next years due to several research projects but also a more appropriate monitoring.

Additionally, it was been determined that it is essential to improve the effectiveness of many existing measures that have been decided on in accordance with other legislation (i.e. control and enforcement of anti-pollution regulation, etc.).

2.3 Step 2: Development of a longlist of new measures

As mentioned under Step 1 above, existing measures were not considered sufficient for maintaining or reaching GES of the marine environment. Based on stakeholder workshops, for national measures http://www.bsbd.org/v2/uk/En02.html and for transboundary measures: http://www.bsbd.org/bg/page_3267658.html, research (analysis of other countries‘ draft PoM, regional action programs under OSPAR, HELCOM and UNEP/MAP, and research projects, also

exchange of proposals by emails) and bilateral discussions with relevant authorities, a "longlist" of potential new measures was created, consisting first of coordinated/transboundary measures and national ones. In a first attempt around 70 old and 60 new measures were identified, structured per MSFD descriptor and linked to GES and targets.

2.4 Step 3: Selection of measures - from the longlist to the shortlist

In a review process all measures that should be implemented by existing legislation (e.g. ballast water convention) have been removed and similar smaller actions have been combined into a single measure in order to reduce the overall amount of measures but also to ensure constancy. Also research measures have been removed. This process was done under intensive consultation of the Romanian Colleagues and stakeholders in both countries. As a result, a shortlist consisting of 17 transboundary (i.e. for cooperation between Bulgaria and Romania) and 6 national (i.e. to be implemented in Bulgaria only) new measures was developed. Further methodological details on the selection of measures for the shortlist can be found in the final project report of the EC project[1]).

2.5 Step 4: Detailed assessment of the shortlisted measures

According to Article 13(3) of the MSFD, Member States shall ensure that measures are cost-effective and technically feasible, and shall carry out impact assessments, including Cost-Benefit Analysis, prior to the introduction of any new measure. Hence, all 23 national and transboundary new measures shortlisted were to be further assessed on their operational actions (i.e. concrete implementation steps), and then on effectiveness, costs and benefits.

As no details are provided in the Directive or respective CIS Guidance on how to assess technical feasibility and cost-effectiveness, and what kind of Cost-Benefit Analysis should be performed, a set of criteria to reflect these points was developed in the frame of both support projects, involving Bulgarian but also Romanian stakeholders and competent authorities (through the EC support project). The criteria developed are as follows (see the final project report of the EC project for more details):

- Technical feasibility: the capacity to implement these measures, not only for technical, but also non-technical measures.
- Effectiveness: determined by a set five sub-criteria including the relative importance of the driver (size/intensity), the relative impact of the driver on the pressure (driver-pressure-impact table; per unit of activity), the scale of the impact (potentially disturbed area affected), the expected effectiveness of the measure (measure type) and the timing of the effect (actual implementation of the measure).
- Costs: methodology for cost assessment was proposed and implemented about the transboundary measures by the contractor under the EC project (CBE 3/4/5 in Brussels), broken down into legal costs (for regulator and regulated, incl. preparation and consultation), institutional costs (organisation, equipment, human capacity), policy (incl.

[1] http://www.bsbd.org/UserFiles/File/projects/Final%20report%20-%20Phase%20II.pdf

economic) costs (to assess, prepare, implement), technical costs (investment, O & M) and capacity/awareness (communication, training, etc.); the costs for the national measures were elaborated in two consecutive meetings between the German support project and the Bulgarian competent authority. Detailed monetary assessment of the costs could not be done due to lack or insufficient data.

- Benefits were assessed on a qualitative basis describing the range of benefits (direct/ indirect) related to the respective measure and its time scale. Monetary evaluation of the benefits over the analysed period could not be done due to lack of data.

2.6 Step 5: Development of a measures factsheet

To present the final 23 transboundary and national measures and including them in the Bulgarian PoM, factsheets for each new measure were developed. There was also the aim to have harmonized factsheets in Bulgaria (for both national and transboundary measures) and Romania (for transboundary and probably national measures).

The structure of the factsheets was developed in line with the fixed, EU-defined fields for reporting in accordance with Art. 13 (9) MSFD in order to facilitate efficient reporting. The structure of the factsheets can also be viewed as a type of “guidance” to help facilitate the drafting and concretization of individual measures. The filled factsheets with the final proposed measures for the public consultation can be found in Annex 3 to this report.

2.7 Step 6: Public consultation

The Marine Strategy Directive requires that Member States organise a public consultation procedure related to the implementation of the Directive to ensure that all interested parties are given early and effective opportunities to participate. With this document Bulgaria is following this requirement.

As stated before the involvement of the stakeholders started at very early stage with the discussions of the "longlist" of identified potential new measures (see section 2.3. above). Consultation on proposed new (transboundary and national) measures under Article 13 of MSFD was held in the period of September - December 2015 (before official PC). Black sea Basin Directorate and the Ministry of Environment and Waters sent official request to the competent authorities and relevant stakeholders (listed in section 2.3. above| to send written comments on draft measure factsheets).

Replies have been received from all contacted authorities / stakeholders, but only few institutions gave important feedback on proposed new measures (related to fishery, shipping, marine litter, bathing waters, contaminants (dredging materials).

In addition, the ongoing preparation of PoM was presented at the 25th meeting of Basin Council held on 14 December 2015 and announced during different seminars on environmental, especially marine topics.

2.8 Step 7: Finalisation of the POM after public consultation

[This chapter will be completed after the public consultation ends.]

3 Methodology

3.1 Short summary of the definition of the GES and environmental targets

Bulgaria notify its national reports on Articles 8, 9 and 10 (an Initial assessment of marine environment, GES definitions and environmental targets and indicators) to COM in 2013.

Main conclusions:

Bulgaria has not defined GES for all Descriptors. The distinction between GES and targets is not always clear shown.

In general, GES is defined at criteria level, following closely the Commission Decision 2010/477/EU structure. The approach used to define GES and set environmental targets is not always consistent across all descriptors.

The GES definition and the targets are either defined at a high, general, level or at a very detailed and specific level (at indicator level), depending on the each descriptor.

For certain descriptors (D1 - Biodiversity, D3 - State of commercial fish and shellfish stocks, D5 - Eutrophication and D6 – Seafloor integrity), the targets are very specific and quantified, reported together with a number of associated indicators.

Overview of GES and targets

Descriptors	Good Environmental Status (GES)		Environmental targets	
	Defined in 2013	Modified in 2015	Defined in 2013	Modified in 2015
Descriptor1	Yes.	Yes	Yes.	Yes
Descriptor 2	Yes.	Yes	Yes.	Yes
Descriptor 3	Yes.	Yes	Yes.	Yes
Descriptor 4	Yes.	Yes	Yes.	Yes
Descriptor 5	Yes.	Yes	Yes.	Yes
Descriptor 6	Yes.	Yes	Yes.	Yes
Descriptor 7	Yes.	Yes	Yes.	Yes
Descriptor 8	Yes.	Yes	Yes.	Yes
Descriptor 9	No.	Yes	Yes.	Yes
Descriptor 10	No.	Yes	No.	Yes
Descriptor 11	No.	No.	No.	No.

In 2014 during the preparation of coordinated monitoring programs with Romania under Article 11, some of the GES and environmental target definitions defined in 2012 under Articles 9 & 10 reporting were revised. Some new GES and targets definitions were established where there were missed due to lack of or insufficient data or knowledge.

Information for new/revised definitions of GES and environmental targets can be found in the monitoring programmes:

- ✓ http://cdr.eionet.europa.eu/bg/eu/msfd_mp/ (EN)
- ✓ http://www.bsbd.org/bg/msfd_monitoring.html (BG)

In addition environmental targets to relevant Descriptors are shown in section „environmental targets“ in each factsheet, described the measures (Annex 3).

Overview of the Member State's MSFD monitoring programmes

Bulgaria has uploaded its reporting sheets for Article 11 on 27 January 2015. The reporting consists of 43 monitoring sub-programme reporting sheets which present the details and methodology of the monitoring undertaken. Eight sub-programmes are planned to evaluate the effectiveness of measures.

Below is shown an overview on the conclusions of the preliminary assessment of the EC via a table with key findings and overall conclusion on the scope of the planned monitoring of Bulgaria based on assessments of each monitoring subprograms according to GES and targets.

Key findings in the coverage of the monitoring needs for the assessment of progress towards the achievement of GES and targets

Descriptor	MSFD Monitoring Programme	Key Findings Progress towards GES	Key Finding Progress towards targets
D1, 4	Biodiversity – birds	Coverage	Coverage
D1, 4	Biodiversity – mammals and reptiles	Coverage	Coverage
D1, 4	Biodiversity – fish	Partial coverage	Partial coverage
D1, 4	Biodiversity – water column habitats	Coverage	Coverage
D1, 4, 6	Biodiversity – seabed habitats (including seafloor integrity)	Coverage	Coverage
D2	Non-indigenous species	Partial coverage	Partial coverage
D3	Commercial fish and shellfish	Partial coverage	Partial coverage
D5	Eutrophication	Coverage	Partial coverage
D7	Hydrographical changes	Coverage	Partial coverage

D8	Contaminants	Partial coverage	Partial coverage
D9	Contaminants in seafood	Partial coverage	Partial coverage
D10	Litter	Partial coverage	Coverage
D11	Energy, including underwater noise	No GES	No targets

3.2 Inventory of existing measures

As described in section 2.2 a total of around 70 existing measures has been collected. On the basis of a simplified gap analysis (as described above), existing measures were not considered sufficient for maintaining or reaching GES of the marine environment. Additionally, it was been determined that it is essential to improve the effectiveness of many existing measures that have been decided on in accordance with other legislation (i.e. control and enforcement of anti-pollution regulation etc.).

Existing measures in the scope of first Black sea River Basin Management Plan 2010-2015 are addressed mainly to reducing pollution level (contaminant and nutrients) in internal and coastal waters. (http://cdr.eionet.europa.eu/bg/eu/wfdart153/bg2000/envusxbiq/)

In order to reduce anthropogenic pressure on coastal and territorial waters and in order to assure coherence with the MSFD in the scope of second Black Sea River Basin Management Plan 2016-2021 **additional measures** are planned addressing mainly the reduction of inputs of waste from land-based sources (draft RBMP, Annex 7.2.a.).
(http://www.bsbd.org/UserFiles/File/PURB/2015/Razdel_7/%D0%9F%D1%80%D0%B8%D0%BB%D0%BE%D0%B6%D0%B5%D0%BD%D0%B8%D0%B5_7.2.a.pdf).

The other existing measures are related to fishery policy, shipping and Marine Protected Areas (MPA).

In Annex I, the filled template containing the existing measures and accompanying information (links to descriptors and targets etc.) can be found.

3.3 New Measures

The process of identifying and selecting new measures (2a and 2b) is outlined in sections 2.2-2.5 above, and in more details in the EC project´s final report: http://www.bsbd.org/UserFiles/File/projects/Final%20report%20-%20Phase%20II.pdf).

4 Achieving good environmental status by 2020 (BSBD)

As was stated before, the MSFD measures were planned on the base of the Initial Assessment of the status of the marine environment and gap analysis in order to ensure the necessary scope and adequacy to the environmental needs. However, the Initial Assessment implies various of gaps and uncertainties.

It is important to be considered that at this stage there is still not developed GES definitions and environmental targets for all descriptors and some of the indicators for achieving the targets are still under development or testing.

Therefore, a quantitative assessment of the effects of planned measures on achieving GES cannot be made. Accordingly, the implementation of present PoM would probably not guarantee achieving of a GES by 2020.

Further more, 2020 is very ambitious and short time for achieving the environmental targets and it is expected that proposed new measures will not be fully sufficient to this aim.

5 Regional Coordination

5.1 Coordination between Bulgaria and Romania

Coordination of PoMs between Bulgaria and Romania was supported under the EC support project, focusing on transboundary measures (from selection of existing and new measures to harmonized factsheets; see section 2 above), and all in all 8 Capacity Building Events were organized were both Romanian as well as Bulgarian experts and stakeholders participated.

In terms of coordinated actions to develop PoMs, three articles within the Marine Strategy Framework Directive both Member States needed some further clarification of the scope and procedures to be followed, namely Article 13(5), Article 14 and Article 15. All three articles are characterized by a transboundary aspect either in terms of impact and/or in terms of implementation.

Particularly following points were further clarified for a better interpretation by Bulgaria and Romania based on input provided by the European Commission (Clementine Leroy):

- Scope of and differences between Article 13(5), Article 14 and Article 15.
- How to interpret [… likely to have a significant impact on the marine environment…] and […in order to achieve the objectives of this Directive…] as stated in Art. 13 (5)? Is this directly linked to reaching GES and targets by 2020?
- Which procedure to be followed under Art. 13(5) […to address the competent authority or international organisation concerned…], taking also into account the more recently agreed Lisbon Treaty?
- May an MS request an exception based on the conditions to use an exception as laid down in Art. 14, even if GES has not been defined yet?

- Does condition 1(a) under Art. 14 referring to [….action or inaction for which the MS concerned is not responsible...] also apply to non-EU MS or Contracting Parties of the Bucharest Convention?
- May a request for action to an international organisation be done directly by a EU MS under Art. 13(5) or pass through the EC under Art. 15? Which procedure to be followed?
- How to interpret the scope as defined in [… linked to another Community policy or international agreement...] under Article 15? May for example Communication and Action Plans be considered as policies?

In the scope of the EC support project, several issues related to Art. 13 (5) and Art. 14 were discussed to consider under regional coordination between the Bulgaria and Romania (in the 1st or next cycles of MSFD) were raised by Bulgarian and Romanian stakeholders. A detailed overview of the discussions on this subject, including the arguments and reflections given by Bulgaria and Romania, may be found in the final report of the EC support project and its Annex 9 (Joint document on regional cooperation of PoMs in the Black Sea):
http://www.bsbd.org/v2/uk/page_3356626.html).

This joint document on regional coordination of Programme of Measures in the Black Sea prepared under the ARCADIS MSFD support project has three main objectives:

- Summarizing the regional coordination efforts made by Bulgaria (BG) and Romania (RO) in their development of coordinated and/or joint measures: the outcomes reflect the proposed measures and operational actions, suggestions and ideas of the experts participating to the project in order to work forward in the implementation of the MSFD, without being formal commitments between the EU Black Sea MS at this stage (beyond the capacity of most of the NFCP/experts involved).
- Providing the basis for the regional parts under the PoMs reporting requirements by the EU Black Sea MS: the structure of the document is based on the PoMs reporting requirements set out by WG DIKE, allowing direct transposition of the information provided here into the national reporting regarding:
  - ✓ Regional cooperation and transboundary impacts
  - ✓ Obligations in relation to public consultation (Art. 19(2))
- Information exchange of the work done under MSFD in the Black Sea Region: the efforts done by Bulgaria and Romania on coordinated measures development under the ARCADIS MSFD support project should be presented to the Contracting Parties of the Bucharest Convention as a basis for further discussion on coordinated measures in the whole Black Sea.

5.2 Coordination with the Black Sea Commission

Work done: measures under BSC (Black sea Strategic Action Plan to the Bucharest Convention) were used as input for the longlist of existing and new measures.

Bucharest Convention sets out common objectives and obligations of the contracting parties. It explicitly states that any proposal for action to be taken and agreed by each country.

Black Sea Commission, which members are relevant Deputy Ministers from the countries regularly once a year makes review of the progress of the six parties to the Convention and for meeting their commitments, and adopt an annual work program that includes priority activities and partnerships for the implementation of the Strategic plan of action for environmental protection and rehabilitation of the Black sea.

Bulgarian competent authority for the implementation of the Bucharest Convention and any related agreements is the Ministry of Environment and Water, respectively Black sea Basin Directorate. Participation from other administrations / research institutes is provided in regular to the Commission's meetings (from the Ministry of Transport, Information Technology and Communications and the Institute of Oceanology - BAS).

Only Bulgaria and Romania from the six Contracting parties of the Black Sea Commission are EU member states and implement MSFD 2008/56/EO. This creates some difficulties in establishing a coordinated approach to assessing the status and impacts on the marine environment that to comply with EC legislation.

Referring to the previous stage of MSFD (Art. 11), in 2014, within the public consultation process, draft monitoring programs in Bulgaria were sent to the Black sea Commission. In 2014 - 2015, in the scope of the annual meetings, the members of the regular groups of the Commission were informed of their reporting to the EC and EEA.

During the 31st of annual meeting of BSC held on 2015, Bulgaria presented a draft structure of Black sea Regional Action Plan for Marine Litter.

Bulgaria and Romania work together for selection of common indicators to assess the status of the Black sea environment, which to be included in the forthcoming update of the Black Sea Integrated Monitoring and Assessment Program (BSIMAP).

Referring to the present stage (Article 13) draft PoM will be presented for comments to the Black sea Commission during the public consultations.

6 Strategic Environmental Impact Assessment (SEA)

The Strategic Environmental Impact Assessment is forthcoming.

7 Public Participation

Article 19 of the MSFD requires that each Member States organizes a public consultation procedure at each stage of its implementation. Member States have to ensure that all interested

parties are given early and effective opportunities to participate, involving where possible, existing management bodies or structures.

Member States shall publish, and make available to the public for comment, summaries of the following elements of their marine strategies as follows:

(a) the initial assessment and the determination of good environmental status, as provided for in Articles 8(1) and 9(1) respectively (done in 2013);

(b) the environmental targets established pursuant to Article 10(1) (done in 2013);

(c) the monitoring programmes established pursuant to Article 11(1) (done in 2014);

(d) the programmes of measures established pursuant to Article 13(2) (present document).

In accordance with Article 19 of MSFD, the public authorities responsible for implementation of the Marine Strategy Framework Directive have to organize a public consultation on their proposed Program of Measures.

The involvement of the stakeholders in the process of drawing the PoM was described in section 2. The process can be summarized as follows:

Preliminary actions before opening of official Public Consultation

- Initial consultation (a stakeholder meeting) with main authorities and stakeholders on transboundary and national measures was organized on 3rd of June 2015 in Varna. This event was held in the scope of project „Implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria – Development of Programmes of Measures under Article 13".
- Initial consultation with main authorities and stakeholders on transboundary measures was organized in 17 June 2015 during a meeting in Varna in the scope of EC supported project.
- Pre consultation with main stakeholders on the national and transboundary measures was organized in September 2015 by written procedure carried out by Ministry of Environment and Waters and Black sea Basin Directorate as main responsible authorities for MSFD implementation in Bulgaria.

Next discussion meetings with the competent authorities and stakeholders on draft of PoMs is planned to be organised during the Public consultations (PC).

8 The way forward- next steps

Will be further developed after the Public consultations (PC) end.

Part 2: Programme of Measures

1 Environmental Status

Short overview on the Initial assessment of marine environment and definitions of GES and environmental targets was made in section 3.1.

The MSFD PoMs combines measures addressed themes as eutrophication, prevention of the spread of invasive non-indigenous species, reduction of contaminants, conservation of biodiversity, reduction in the impact of human activities on seafloor, stimulation of sustainable use and management of marine resources (link to Black sea fish / shellfish stocks), reduction of amount of marine litter on beaches and marine environment, prevention and limitation of possible underwater noise pollution on Black sea mammals.

2 Programme of Measures

2.1 General Introduction

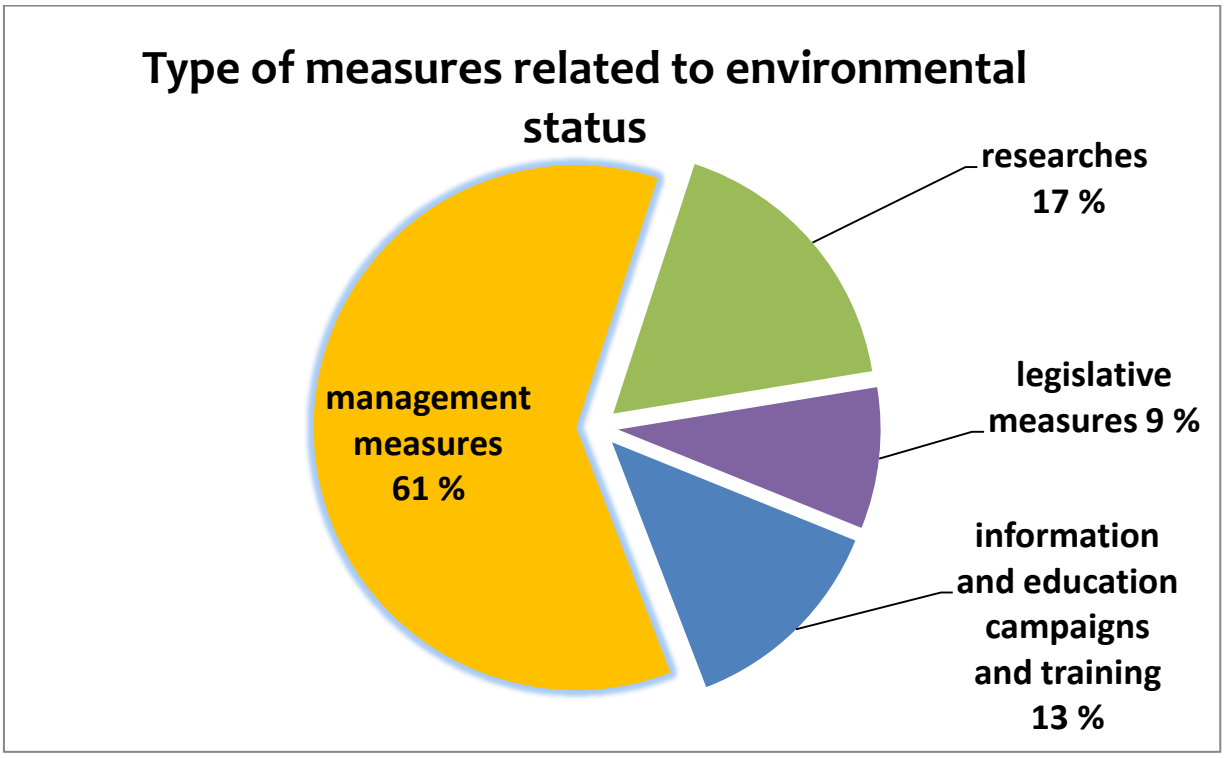
The new measures must be subject of a detailed characterisation which includes precise description of the measure and action/steps planned of its scope, link with drivers, characteristics and environmental targets defined as well as an estimation of their cost, the technical feasibility, an socio – economic assessment (cost-benefit and cost-effectiveness analysis) and their environmental impact, which must be taken into account when prioritising measures and possible alternatives.

The programme of measures is structured on 9 themes: seven of them encompass the eleven qualitative descriptors of the marine environment, and two are additional themes: marine protected areas and general (crosscutting measures related to governance in the broad sense, such as coordination among administrations, public participation).

The relevant themes in the scope of Bulgarian PoM are:

- Biodiversity (Descriptors 1, 4, and 6)
- Non-indigenous species (Descriptor 2)
- Commercially exploited species (Descriptor 3)
- Eutrophication, Contaminants and their effects, and Contaminants in fish and other seafood (Descriptors 5, 8, and 9)
- Permanent alteration of hydrographical conditions (Descriptor 7)
- Marine litter (Descriptor 10)
- Underwater noise and Energy (Descriptor 11)
- Marine protected areas

- General measures



The Directive provides, at Article 14, for instances which Member states may identify within their marine waters where, for certain specified reasons, the environmental targets or GES cannot be achieved through measures taken by the Member state, or, that they cannot be achieved by 2020.

Bulgaria has decided that for the first cycle no exemptions will be applied as the state of the environment is improving already due to existing measures (e.g. nutrients) or there is still a lack of knowledge of the magnitude of the pressure (e.g. marine litter and underwater noise & energy)

2.2 Short Summary of existing (implemented and planned) measures

Existing measures are listed is **Annex 1**.

Summary of existing measures contains the following information (table format):

- Measure title
- Explanation (general description)
- Link to MSFD KTMs
- Link MSFD environmental targets
- Link to GES descriptor
- Implementation zone (surface, ground and marine waters)
- Assignment directives / EU legislation

- Link to WFD code of the measure from a national catalogue (if available)
- Assignment regional / international
- MSFD categories (1a / 1b)
- State of implementation of the measure
- If not started or started timing / planning
- Coordination (bilateral / regional)
- Responsible authorities

2.3 Summary of new Measures (national and transboundary)

New national measures were developed by the Black sea Basin Directorate in the scope of the support project „Implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria – Development of Programmes of Measures under Article 13“ funded by the Advisory Assistance Programme (AAP) for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia (Advisory Assistance Programme, AAP) and coordinated by the German Federal Environment Agency (UBA) to the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.

Total number of national measures: 6.

New transboundary measures were developed as common joint or coordinated measures between Bulgaria and Romania in the scope of EC project (DG Environment) “Technical and administrative support for the joint implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria and Romania – Phase 2”, funded by EC, DG “Environment”.

Total number of transboundary measures: 17.

New (national and transboundary) measures are presented in **Annex 2**.

Annexes

Annex 1: List of existing measures

Based on the xls (covers required information for electronic reporting – see Annex 2 – XV)

Annex 2: List of new (national & transboundary) measures

Annex 3: Measure factsheets

Completed factsheets based on the template developed by both projects (covers required information for text reporting (Annex 2 – XII/XIII) and electronic reporting (Annex 2 – XV))