

**Summary of the
Strategic Environmental Assessment
for Cross-Border Cooperation Programme
Poland - Belarus - Ukraine 2014-2020**

2015

TABLE OF CONTENTS

1. INTRODUCTION	3
2. JUSTIFICATION FOR SELECTION ADOPTED DOCUMENT IN RELATION TO CONSIDERED ALTERNATIVES	3
3. INFORMATION HOW WERE TAKEN INTO ACCOUNT AND WHAT EXTENT FOLLOWINGS HAS BEEN INCLUDED IN THE PROGRAMME	4
1) findings contained in the Environmental Impact Assessment	4
2) opinions of the competent authorities	6
3) submitted comments and conclusions	11
4) results of the proceedings concerning transboundary impact on environment, if it was carried out	40
5) proposals relating to the methods and frequency of monitoring the effects of the implementation of the provisions of the document saved in the Programme	40

1. INTRODUCTION

Strategic environmental assessment for Cross-Border Cooperation Programme Poland - Belarus - Ukraine 2014-2020 was conducted in accordance with the Act of 3 October 2008 on the provision of information about the environment and its protection, public participation in environmental protection and environmental impact assessments, which transports to Polish legislation 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 programs on the environment.

This study has been done on the basis of Article 55 of the aforementioned Act of 3 October 2008 on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (EIA Act) and it includes: "justification for selection of the document adopted in relation to the consideration of alternatives, as well as information which been considered and to what extent were taken into account:

- 1) findings contained in the Environmental Impact Assessment
- 2) opinions of the competent authorities referred in Art. 57 and 58
- 3) submitted comments and conclusions
- 4) results of the proceedings concerning transboundary impact on environment, if it was carried out
- 5) proposals relating to the methods and frequency of monitoring the effects of the implementation of the provisions of the document saved in the Programme

2. JUSTIFICATION FOR SELECTION ADOPTED DOCUMENT IN RELATION TO CONSIDERED ALTERNATIVES

The alternative of wording the Programme were not considered in the Forecast. The Programmes's draft was formulated by three sovereign parties and contains the concept of development of the border area of the three countries in accordance with the principal challenges of sustainable development. Established priorities allows to forecast and increase the tourist and cultural attractiveness of area with reduced pressure on the environment.

Forecast contains recommendations relating to the implementation of the Programme, notably the choice of projects. It should be emphasized that four thematic objectives (TO) were defined and they are not directly related to environmental protection, and the amount of funds for implementation of the Programme allows for limited action for the promotion of local culture and traditions, preservation of natural heritage, inter alia by improving the transport infrastructure. Priorities in the area of security and protection of public health will serve to improve the quality of life of residents.

Although, this and other actions not directly pursue environmental objectives, they will support pro-environmental actions undertaken by national funds. Without the implementation of the Programme, solving environmental problems in the border area of the three countries would be slower. But there is no possibility of assessing whether an alternative variant, will be more beneficial to the environment.

3. INFORMATION HOW WERE TAKEN INTO ACCOUNT AND WHAT EXTENT FOLLOWINGS HAS BEEN INCLUDED IN THE PROGRAMME

1) FINDINGS CONTAINED IN THE ENVIRONMENTAL IMPACT ASSESSMENT

The PBU Programme Forecast was performed on the stage of the ending negotiations of the parties of this Programme. In particular, the recent decisions were taken regarding the recommended investment tasks in all countries of cooperation. Forecast assesses adopted scope and support the projects character, describing them as relatively slightly affecting the environment. Forecast's provisions clearly recommend the need to limit the introduction of more investment, including infrastructure projects to areas that are characterized by above-average natural values (it means that the components of the environment in these areas are distinguished by values or features above average and it is beneficial to not carry out there any investments which can interfere strongly on the environment). The PBU Programme is therefore not contentious for environmental reasons. Preparation of the Forecast strengthened this aspect, which also confirmed the discussion during the consultation.

Applicable in the European cooperation environmental management tools are able to prevent particular threats that may arise, especially during the implementation of road projects. The only investment related to the protection of water resources has been strongly supported in the Forecast. If similar projects concerning water protection will be submitted and implement within call for proposals, the Forecast confirms that they will also have positive impact on environment.

Forecast exposes indirect positive environmental effects of the implementation of the Programme. They should promote broadly understood ecological security, particularly prevention of pathological processes and phenomena associated with illegal border crossing of people and goods, as well as animals (eg. protected and rare). The importance of progress in the field of information and communication in border areas was underlined. It should lead to increase safety standards in the face of threats of emergency (natural disasters, ecological, epidemiological studies).

In the forecast we can find threads supporting the principles of sustainable development. It offers areas of activity of the material and immaterial, serving the growth of environmental awareness and progress in the field of rational use of natural resource wealth of PBU area. This should be used to select the proposals from the smaller pool, including soft projects.

The Forecast provides information about the content of the Programme, environmental conditions resulting from the law, as well as an analysis of the current state of the environment identifying the key challenges of environmental protection in Poland, Belarus and Ukraine. A teleological analysis

was conducted to reinforce the objectives set out in the Programme by a set of goals resulting from regional strategies, including ecologically targeted. There has been compliance with Programme's objectives and directions of basic strategic documents of PBU countries.

With the general challenges of environmental protection, those relating to the need of maintaining a high level of ecological diversity was exposed. This applies to protect and restore the proper status of species and habitats, maintain ecological connectivity (the system of ecological corridors) and restore proper water and air quality. It was pointed out that abandoning the implementation of the Programme will lead to weakening the realization of the environmental objectives in the context of a broader perspective of this issue. Lack of implementation of the Programme will contribute to the preservation and the occurrence of negative trends in the environment.

Thanks to this environmental trends analysis, it was considered that the implementation of the Programme supports the positive changes of the environment status of the region of PBU, although the significance of the Programme, as limited financial and material, is not decisive.

It was found that the planned projects for road construction, by increasing the efficiency of border road network are also beneficial for the environmental reasons, because they improve the availability of land and they reduce transport expenses. Due to the scale of financial resources and much broader goals than just protecting the environment, we should not expect that the Programme will solve many environmental problems in the region. It should be treated as an activity in the right direction.

It should be emphasized that the Forecast is general in nature, while the full environmental impact assessment will consist of individual major projects reconciliation procedures in accordance with the EIA.

In the Forecast, examples of action to minimize the impact on the environment and monitoring the effects of Programme's implementation rules, as well as recommendations for methods of evaluation was indicated.

As a result of the findings related to the preparation of the Forecasts, Programme assumed that if submitted projects prove unduly affecting the environment, they may be withdrawn from the Programme.

Both Forecast and the Programme were subjected to consultation, which resulted in an increasing interest of discussing the environmental issues. This is illustrated by the relevant report.

2) OPINIONS OF THE COMPETENT AUTHORITIES

Opinion of the General Director for Environmental Protection, sign DOOŚ-sooś.410.17.2015.EP, 29 September 2015.

The Ministry of Infrastructure and Development delivered on 18 August 2015 to the General Director for Environmental Protection project "Cross-border Cooperation Programme of European Neighborhood and Partnership Instrument Poland-Belarus-Ukraine 2014-2020" (hereinafter: Programme) to give an opinion pursuant to art. 54 section 1 of the Act of 3 October 2008 about

provision of information on the environment and its protection, public participation in environmental protection and assessment of the environmental impact.

The Programme draft is the continuation of the cooperation between the three afore-mentioned countries, among others in Neighborhood Programme INTERREG. The aim of the Program is to support cross-border development processes, relating in particular to the development of transport and technical infrastructure. Within the Programme, projects which are jointly selected from lists prepared by individual countries, both as investment and "soft" will be implemented.

On 29 September 2015 General Director of Environmental Protection (GDOŚ) sent to the Ministry of Infrastructure and Development a letter containing its opinion on the draft of the Programme and Forecasts, focusing on selected threads of both documents. It is the most comprehensive institutional opinion on both the Programme and Forecasts. The reference to all remarks mentioned in the document was made in the text below, indicating the corrections introduced and clarifying the cases, when the changes made were of a smaller scope as those proposed by GDOŚ .

Clarifications and corrections should be justified by the following important observations:

- The surface area covered by the PBU Programme 2014-2020 in three countries amounts to 316.3 thousand km² (as much as the entire surface of Poland), and the Polish part of the area is 75.2 thousand km² (only 23% of the Programme area), the Belarusian part is 138,5 thousand km², and of the Ukrainian part - 102,5 thousand km²;
- Three countries covered by the Programme have different legal systems related to environmental protection, including nature conservation. Both the Forecast and the process of public consultation took into account the this specifics, to seek to unify the approach, resulting that polish legal solutions in the field of environmental impact assessments was not always used.
- The spatial reach covered by the elaboration and the nature of the Programme, expressed, among others, in strategic objectives and thematic objectives is not focused on large investment projects. List of infrastructure projects which was annexed to the Programme, mainly includes modernization works of roads of local character. From the 18 projects (main and reserve) proposed in the LIP Lists in the 2014-2020 period on the Polish border areas, Belarus and Ukraine, half of them (9) are investment activities related to the modernization of existing roads stretched for several kilometers, and only in one case the minor change in grade line of the road and the straightening of the curves are expected. At the border crossing in Siemianowka expansion of railway infrastructure and at crossing Bobrowniki - Berestovitsa construction of an additional bridge over the river Svisloch is planned. The remaining 7 proposed project aims to improve handling cross-border traffic, water and wastewater in the area Szacki National Park (Volyn) functioning and promotion of cultural heritage in Zolkwia (Lviv). This list can be *a priori* considered as very "mild" to the environment, what allows to make an assumption that under EU conditions, environmental decisions may be taken in screening mode, provided that such investments are located far enough from the most valuable objects of conservator's protection (national parks, reserves and Natura 2000)
- Most of the activities planned to be carried out in three countries are related to the promotion of local culture and preservation of historical heritage, support for the development of health

and social services, security management (including borders) and migration management and improving the cross-border traffic. Activities related to the modernization of transport infrastructure, especially roads with local or regional importance are complement to the “soft” activities.

The most important objection mentioned in the opinion is the statement that Forecast does not assess the elements of the Programme, which consist of projects that may significantly affect the environment. In opinion of experts responsible for the Forecast this is not the case, and the parallel provisions are included in the Forecast.

First of all, the statement in the opinion of GDOŚ about the necessity of forecasting "the environmental impact for particular investments" is treated as debatable in the situation specified in paragraphs above, since the Forecast refers to the whole document, not to analysis of the effects of the implementation of individual projects. Most intrusive elements in the environment will be the modernization of short sections of roads whose impact and extent may be local; difficult to be estimated due to the spatial extent of more than 300 000 km² area covered by the Programme. In accordance with the EIA process, some of them belong only to the groups which may potentially affect the environment.

Furthermore, the catalog of these projects refers to projects of main and reserve status - we do not know the settling which of them will be implemented, and in what order. Procedural circumstances also should be noted – during the work on the Forecast, an unforeseen changes in the list of LIPs and changes in their priority (main and reserve projects) occurred. A lot of finally approved LIPs will not cause any significant environmental effects, these are for example:

- Position 10 Construction of portable x-ray inspection system of vehicles at the border "Berestovitsa";
- Position 11 Safety Polish-Belarusian border area. Strengthen the capacity of fire and emergency services;
- Position 13 Construction of portable x-ray inspection system of vehicles at the border "Peschatka" in the Custom Office in Brzesc;
- Position 14 Setting up a system of dynamic response to inform about crimes and other events in Lviv;
- Position 15 Treasures of the border - security, development and promotion of national heritage (Lviv)
- Position 18 Reduce the risk of epidemics of tuberculosis on the border areas of Ukraine and Poland by building a tuberculosis hospital for 60 patients in the area Vynogradiv and the introduction of innovative methods for monitoring, prevention and treatment of tuberculosis.

It should be finally noted, that, in our opinion, GDOŚ remark on detailed documentation on the LIP (which is sufficient enough to conduct an analysis similar to that EIA) does not reflect the real scope of information provided in the LIPs concept notes. The data from LIPs concept notes are random and often refer to the investment location too generally, although it cannot be excluded that in some cases there is a technical documentation. However, changes in these projects should be expected,

at least because of the time span between the submission of LIPs concept notes and their full application forms, in which new conditions of their realization may be indicated. There is also a difficult question about the execution of any provisions of such partial assessments. After all, the approval procedure of these projects will be taken by other decision-making bodies. The Forecast provided comments on the set of "material" LIPs with suggestions regarding possible impacts and recommended procedures. This faultless frailty of procedure could have been removed if the possibility of an environmental assessment appeared at the stage of developing the potential range of projects.

Part of infrastructure projects, including the above mentioned, will not be assessed in the field of environmental influence before their realization, and others related to the modernization of transport infrastructure are eligible for the screening procedure. Therefore, we maintain position that it was rightly recognized that the actual assessment of specific projects will take place in the next stage before a decision about its realization. Especially as the Forecast did not identify at the level of a strategic environmental impact assessment, any potential significant impacts of the so-called "major infrastructure projects".

The GDOŚ opinion includes also statement that the Forecast does not include any provisions about impact assessment of the proposed Programme on the environmental components. Answering to this remark - this effect is insignificant, both in terms of LIPs and the whole Programme. The potential effects on the individual components of the environment are even weaker. Nevertheless, such an assessment is included in the Forecast and specifically indicates the components where the impact is possible and where it may be of a negative character.

Another issue is the protection of Natura 2000 areas within the Polish part of the Programme. About 90 Natura 2000 areas cover approximately 11% of the Polish part of the PBU (8 000 km², of 75 912 km²). At the level of general studies - at the level of strategic assessment – influence of road projects identifying at this stage of their location and identification of potential impacts was not considered, that's way there was no potential significant negative impact of the Programme draft for the purpose and object of protection of Natura 2000 areas. Forecast in this regard is a "warning forecast", requiring detailing the planning of the level of individual projects. Attention has been paid to the potential risk of the biodiversity reduction through the effect of the separation of ecosystems and intensification of penetration in communication nodes.

The Forecast does not analyse the potential impacts on the entire range of categories of conservation and taxon protection. Having such a vast area and the richness of nature protection forms, which differ in protection principles between the three countries, this task is virtually impossible.

The Forecast underlines few times the view that the Programme does not include projects which can, according to the adequate laws, be called "significantly negative". Therefore, other terms that seem clear and far milder were used.

When there are no grounds for predicting (significantly) negative impacts it is difficult to divide them by components. Therefore, the Forecast lists some of the possible adverse changes involving the deterioration of the environment (soil cover, biodiversity, landscapes). It is symptomatic that in the case of physical impacts (noise, emissions into the atmosphere, electromagnetic fields) planned road upgrades will cause an improvement "*per saldo*" of the situation. Therefore, there is doubt concerning the inclusion of the pedosphere as a component which is relatively strongly responsive to the implementation of the Programme. Such a statement is recorded because of the experience of other similar programs, where smaller projects, selected in open calls, were more often directly or indirectly connected to the material services and other services demanding significant usage of land. Directly or indirectly – e.g. tourist and recreational activities. The soil in such circumstances is the main object of local threats. In the second place possible hydrogeochemical consequences should be mentioned as it has been done in the Forecast.

The wording of proposals in terms of projected impacts on the environment in Chapter 6 is of course a proprietary, referring to the so-called. "trend analysis". The use of such a simplified approach results from the huge area covered by the Programme and a very local scale of planned activities, the majority of "soft", intangible character, and in the case of road projects involving the modernization of existing road sections. The approach to identification of threats, opportunities and limitations or their mitigation as well as projected changes in the environment (Table 6 and Table 7) reflect the author's approach to strategic environmental assessment of the Programme draft, taking into account varied (different) formal and legal conditions of the three countries (PBU). It appears that the presentation of the background of occurring environmental changes in this area is important, as it would be the area of further initiatives of a similar nature.

The lapidary reference to the assessment of cumulative impacts, results from the insignificant potential of their impacts, and a huge distraction in the three countries of the Programme. Issues concerning the possible cross-border impact of the draft Programme were rewritten in the Forecast as suggested in the position of GDOŚ. The possibility of such impact on neighboring countries was skipped. All the "materially expressive LIPs" except for the tuberculosis hospital, are located in the border area of Poland, Belarus and Ukraine, however at large distances from the boundaries of other countries, which these countries have a join border with.

Chapter 9 was redrafted according to the legitimate remarks of GDOŚ.

Construction and content of Table 6 (the number which it previously had was Table 5) in opinion of experts responsible for the Forecast, is in the case of such studies fully acceptable. It points out the potential connections of Programme objectives with the environmental consequences. It may be useful for project evaluation.

Among the remarks mentioned in the opinion of GDOŚ three times appears a question if implementation of the Programme can be regarded as an inducement to consolidate a favorable conservation protection system, in particular stabilization of ecological communication junctions, especially at borders, which is discussed in the Forecast. Authors of the Forecasts support this

opinion. Firstly, all the projects within both editions of the PBU clearly overlooked the direct neighborhood of these junctions, although projects were focused on the border, and so in the areas of greatest environmental values. Secondly, the Programme strongly encourages qualified tourism, strengthening information and communication, scattering congestion at borders. Thirdly, applied also through consultations of the Forecasts, the ecological criteria allow to treat selected projects as pro-environmental. Finally, the fourth, the natural values of the area are being cited as an argument for the selection of projects with low or mild impact on environment. This position is expressed by environmental and tourism organizations participating in consultations. It is also important that the initiators of investment ideas are the local actors, who know well the characteristic space of the border with especially valuable natural sections and fragments convenient for investment and also for infrastructure.

The number of documents that relate to the development of analyzed area of the size of Poland, even if the list will be narrowed down to the items on environmental issues and sustainable development, is virtually endless. Presented choice will always be doubtful. In the case of the assessed Forecasts in the first draft, some regional programs and strategies were also discussed, and the volume of it was twice longer. The idea was to enlist documents, which are still valid, or simply continue to be applied, as it is in the case of conventions and strategies resulting from them. At the same time the recall of sectoral documents containing specific development concepts was abandoned. It's about avoiding confrontation with the main aim of the Programme.

All detailed comments made by GDOS to the Forecast have been introduced to the final version of the document.

Opinion of the Chief Sanitary Inspector sign GIS-HS-NS-4311-033 / EN / 15, 25 August 2015

The Ministry of Infrastructure and Development sent on 18 August 2015 to the Chief of the Sanitary Inspector, project "Cross-border Cooperation Programme European Neighborhood and Partnership Instrument Poland-Belarus-Ukraine 2014-2020" (hereinafter: Programme) for an opinion pursuant to art. 54 paragraph. 1 of the Act of 3 October 2008 about provision of information about the environment and its protection, public participation in environmental protection and environmental impact assessments. The draft of the Programme is the continuation of cooperation between these three countries, among others in Neighborhood Programme INTERREG IIIA/TACIS Poland-Belarus-Ukraine 2004-2006 and ENPI Cross-border Cooperation Programme Poland-Belarus-Ukraine 2007-2013. The aim of the Programme is to support cross-border development processes, relating in particular to the development of transport and technical infrastructure. Within the Programme both the LIPs (jointly selected from the list prepared by individual countries) as well as investment and "soft" (to be selected via open calls for proposals) will be implemented.

On 25 August 2015 in the Chief Sanitary Inspector directed to the Ministry of Infrastructure and Development a letter containing its opinion on the Programme draft and Forecasts, informing that there is comments to the consulted document.

3) SUBMITTED COMMENTS AND CONCLUSIONS

Below are the summarized comments and proposals which were submitted during the public consultation of the draft Programme and Forecasts. They have been processed, and the reference to them is in the last column of the statement. In the tables there are the comments and suggestions submitted on-line and consultation meetings respectively to the draft Programme (Table. 1), other than those referring to the draft Programme (Tab. 2) and submitted during the consultation of the Forecasts (Tab. 3).

Tab. 1. Table with the remarks/opinions on the draft JOP consulted submitted via on-line forms and during public conferences

LIST OF ACRONYMS USED IN THE TABLE

AF	Application Form
CBC	Cross-border Cooperation
CfP	Call for Proposals
EC	European Commission
ENI	European Neighbourhood Instrument
EU	European Union
IR	Commission Implementing Regulation (EU) No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument
JOP	Joint Operational Programme
JPC	Joint Programming Committee
JTS	Joint Technical Secretariat of the Programme 2007-2013 which will be playing the role of Intermediate Body in the Programme 2014-2020
NGO	Non-governmental organization
NUTS	Nomenclature of Territorial Units for Statistics
SEA	Strategic Environmental Assessment
TO	Thematic objective

№	Institution that submits remarks	Chapter of the draft	Content of the remark/ suggested change	Justification	Response Remark included/ not included/partially included.
1	Private person, Poland	3.1.6	3.1.6 Programme indicators for the TO7. In case of the output indicator “total length of newly built roads” and “total length of reconstructed or upgraded roads” also “total length of reconstructed or upgraded railways” should be added. It concerns the project titled “Revitalisation of the railway I-102 Przemyśl -Malhowice (Poland) and Malhowice – Chyrów – Krościenko - Ustrzyki (Ukraine)”. Proposed change will result in possibility of obtaining EU co-financing for revitalisation of railway.	Concerns the Project titled “Revitalisation of the railway I-102 Przemyśl -Malhowice (Poland) and Malhowice-Chyrów-Kroscienko-Ustrzyki (Ukraine)”. The project is classified within the Strategy for Podkarpackie Voivodeship and the Strategy for Przemyśl. Polish and Ukrainian self-governments have been demanding running of the closed railway Przemysl – Chyrów – Kroscienko - Ustrzyki for years. Both feasibility study and initial project should be elaborated with use of the Programme funds. Then on the basis of the feasibility study revitalisation of the railway should be made and the cross-border railway transport should be restored. The project shall be implemented by the Podkarpackie Voivodeship, Lviv Oblast, Polish Railways (PKP S.A.) and Ukrainian Railways (UZ).	<p>Remark not included</p> <p>The output and result indicators specified in the JOP are related to four TOs and priorities of the new Programme. The list of indicators includes some output indicators from the ENI CBC ‘Common Output Indicators’ list as well as output indicators and results indicators proposed by the Programme. The decision of the JPC in regards to the Programme indicators rationale was based on the assumption that this list shall include indicators that the Programme will manage to achieve. The analysis of the applications submitted within the previous editions of Programme shown that possibility of having railway related projects is not very high, thus such indicator was not planned.</p> <p>The list of Programme indicators does not regulate which projects are eligible in the Programme. The achievement of indicators from the list shall be reported on the Programme level. Projects themselves will have possibility to relate to indicators from this list (if they will be suitable for their scope), but projects will also have possibility to propose their own indicators, not included in the Programme list.</p> <p>Thus, the absence of any specific indicator does not mean that projects related to the topic covered by this indicator are not eligible in the Programme. The major limitation for the eligibility of the projects’ themes is related to the description of each of the Programme TO/priority.</p>
2	Podkarpackie Management of Reclamation and Water Facilities in	3.1.3	We propose to expand the catalogue of output indicators concerning Priority 2 of TO8 “Common	One of indicative actions proposed within TO8 are „joint initiatives on prevention of natural and man-made	<p>Remark not included</p> <p>Response – see point 1 above.</p> <p>The analysis of the</p>

	Rzeszów, Poland		challenges in the field of safety and security”, indicative action „joint initiatives on prevention of natural and man-made disasters” with a new indicator “population benefiting from flood protection as a direct result of support”.	disasters”. In the current JOP, fire is indicated as the main disaster, whereas having in mind climate changes also threat of floods should be treated very seriously (including cross-border rivers floods). One of the Programme eligible areas is Tarnobrzeg Poviát where its main strategic documents shows unacceptable level of flood risk. Only introduction of the proposed provisions (i.e. new output indicator) will enable potential usage of Programme grants for realisation of flood protection investments in the future.	applications submitted within the previous editions of Programme shown that possibility of having projects related to the flood protection is not very high, thus such indicator was not planned.
3	Ministry of Internal Affairs of Republic of Poland	3.2.2	Provisions concerning limitation of cooperation (page 23) are not precise in point “Lack of a local border traffic (LBT) agreement with Belarus (15)”. We propose to supplement this point with information that local border traffic agreement between Poland and Belarus is not in force, not binding: “Lack of binding local border traffic agreement between Poland and Belarus”.	The local border traffic agreement between Poland and Belarus was signed in 2010 but ratified by Poland only. Belarusian side has not completed the relevant ratification formalities. Therefore, the agreement was signed by both countries but is not in force, not binding.	Remark included The JOP will be modified accordingly.
4	The Committee of Economy of Grodno Regional Executive Committee, Belarus	3.1	In accordance with the main objectives of the Programme, i.e. the growth of mutually beneficial economic development of the regions, it is advisable to establish and develop joint ventures in the field of alternative sources of communication networks, protection and security, the development of inter-regional joint projects the exchange of experience and promotion of migration (labour camps, public and scientific practice, students and others). Is it possible to use and implement this approach (such projects) in the framework of this Programme?	The possibility of improving the accessibility and attractiveness of regions, improving communication through the implementation of joint projects, understanding and solving social problems.	Remark not included The proposition for modifying the draft JOP was not formulated. All projects related to the Programme objectives and its TOs/priorities might be financed under the Programme.
5	Lublin City, Culture Unit, Poland	3.1.1	What is meant by the term "local culture"?	Such term does not exist. It is not related to anything specific.	Remark not included The proposition for modifying the draft JOP was not formulated. Term “local culture” is included in the very name of the TO3 as defined in the <i>Programming of the European Neighbourhood Instrument (ENI) - 2014-</i>

					2020.
6	Lublin City, Culture Unit, Poland	3.1.1	<p>Proposed change:</p> <ul style="list-style-type: none"> - addition of the following text to the title of the TO3 and Priority 1: "development of local culture"; - addition of the following text to the TO3 description: "TO3 is aimed at building of open-minded, creative society on the basis of systemic and modern cultural and artistic education. Support will be given for strengthening potential and role of cultural institutions and NGOs in building cooperation in borderland. Development of culture should be supported through access to modern artistic, media, regional and social education. Educational and artistic actions should integrate inhabitants, make them more active and encourage to participate in culture, therefore it is important to implement art into public space, districts, through organisation of art events. <p>Development of culture is not possible without adaptation of current culture infrastructure to modern functions and standards of cultural education, therefore projects aimed at improvement of existing culture infrastructure (local culture centres, cinemas, theatres, operas, libraries) will be covered by this TO.</p> <p>Proposed indicative actions within the priority 1: addition of the following actions:</p> <ul style="list-style-type: none"> - Joint projects aimed at cultural education development, developing talents and creative potential, as a response for intensive technology development. - Joint projects aimed at increase of offer of artistic and cultural events taking place in districts. - Joint projects aimed at increase of competence in culture sphere (e.g. within Culture 	<p>In 2014 Lublin Municipality appointed a working group "think-tank" for cross-border cultural cooperation within the Project titled „Investment in culture. Comprehensive action for cultural education,„. The group's aim was elaboration of recommendations and pilot projects for cultural cooperation between the cities Rivne, Ternopil, Ivano-Frankivsk, Lviv, Lutsk, Brest within the new financing perspective (2014-2020). The group was composed with representatives of cultural institutions and NGOs from abovementioned cities. They defined the most important problems in culture sphere and indicated main subjects of cooperation in the nearest years, such as creation and implementation of new solutions for development of culture and cultural education sectors and increase of competence in culture management (establishment of culture incubators). Also the needs of increase of districts and cities microregions cultural potential as well as supporting NGOs and local non-formal groups acting for the nearest surroundings were pointed out. Not only soft-type issues were mentioned, but also a great need of investment in culture infrastructure (local culture centres, cinemas, theatres, operas, libraries), especially in Belarus and Ukraine, to adapt them for current functions and standards of cultural education. Referring to the abovementioned issues, we would like to introduce to TO3 the main subjects of cooperation indicated as the most important ones by representatives of the cities listed above, i.e. development of cultural education, development of culture in districts, increase of competence of human resources in culture management, investments in culture infrastructure (not only the objects of cultural heritage but also others functioning in culture sphere but not classified as cultural or historical</p>	<p>Remark partially included</p> <p>The Priority 1 is directly related to the TO3 PROMOTION OF LOCAL CULTURE AND PRESERVATION OF HISTORICAL HERITAGE. The list of 10 TOs out of which 4 could be adopted by the Programme was formulated in the <i>Programming of the European Neighbourhood Instrument (ENI) - 2014-2020</i>. Thus the wording of TO3 cannot be modified.</p> <p>All projects related to the culture development that are also in line with the objectives of TO3 and its Priority 1 will be thematically eligible in the Programme. New wording of the sentence related to the indicative actions within TO3: "Joint initiatives and events regarding promotion, development and preservation of local culture and history".</p>

			<p>Incubator).</p> <ul style="list-style-type: none"> - Stimulating cooperation between institutions in respect to cultural education (artistic residencies, internships, joint seminars and other similar actions). - Joint projects concerning preparation and realisation of culture infrastructure investments and services increasing capacity of local culture centres to realise cultural education (local culture centres, cinemas, theatres, operas, libraries). 	monuments).	
7	Lublin City, Culture Unit, Poland	3.1.6	<p>The following output indicator should be added: number of improved objects functioning in a culture sphere, as a direct result of Programme support. Result indicator: increase of programme offer realised in objects functioning in a culture sphere.</p>	<p>In 2014 Lublin Municipality appointed a working group "think-tank" for cross-border cultural cooperation within the Project titled „Investment in culture. Comprehensive action for cultural education,„. The group's aim was elaboration of recommendations and pilot projects for cultural cooperation between the cities Rivne, Ternopil, Ivano-Frankivsk, Lviv, Lutsk, Brest within the new financing perspective (2014-2020). The group was composed with representatives of cultural institutions and NGOs from abovementioned cities. They defined the most important problems in culture sphere and indicated main subjects of cooperation in the nearest years. Not only soft-type issues were mentioned, but also a great need of investment in culture infrastructure (local culture centres, cinemas, theatres, operas, libraries), especially in Belarus and Ukraine, to adapt them for current functions and standards of cultural education. Referring to the abovementioned issues, we would like to introduce to TO3 investments in culture infrastructure (not only the objects of cultural heritage but also others functioning in culture sphere but not classified as cultural or historical monuments).</p>	<p>Remark partially included</p> <p>Response in relation to the indicator – see point 1 above.</p> <p>To the description of the proposed indicative actions within Priority 1 of TO3 one more indicative action will be added:</p> <ul style="list-style-type: none"> - Joint initiative directed at improvement of the objects functioning in a culture sphere. <p>Generally, all infrastructure projects that are in line with the objectives of TO3 and its Priority 1 will be thematically eligible in the Programme. The proposed indicative actions within Priority 1 of TO3 does not exclude any other projects consistent with this Priority and TO3.</p>
8	Medical University of	3.1.4	<p>Is it envisaged to extent support within TO10 to the so-called soft-projects -</p>	No justification	<p>Remark not included</p> <p>The proposition for</p>

	Lublin, Poland		trainings, preparation for management, etc.		<p>modifying the draft JOP was not formulated.</p> <p>In the draft JOP consulted there are no limitations for financing of the soft-projects within each Programme's TOs, also TO10. The value of the minimum grant was not regulated yet on the Programme level.</p> <p>The important issue here is the thematic eligibility of the project, whether it is in line with the description and objectives of particular TO/priority of the Programme. The soft or infrastructure character of the project is not the decisive factor for its eligibility.</p>
9	Yanka Kupala State University of Grodno, Belarus	3.1.6	None of TOs or Programme product/output concern the environmental protection. Is it advisable to submit applications with an environmental content.	Not even one TO from the point of view of product and output indicators is aimed at ecology and environmental protection issues.	<p>Remark partially included</p> <p>The proposition for modifying the draft JOP was not formulated.</p> <p>Response – see point 1 above.</p> <p>The output and product indicators specified in the JOP are related to TOs/priorities of the Programme. One of the SEA's results was the enlargement of the list of the Programme indicators – two output indicators related to the environment protection were added to this list and their achievement will be monitored by the Programme.</p>
10	Lublin Forum for the Disabled, Poland	3.1.1	Proposal for the need to launch microprojects in TO8, priority 1.	It is important for the social partners.	<p>Remark not included</p> <p>Programme foresees implementation of microproject in TO 3 only. However, details concerning the minimum value of projects as well as rules on specific call for proposals will be elaborated at the later stage.</p>
11	Grodno Regional Executive Committee, Belarus	3.1.2	Will under the new Programme projects related to the reconstruction and development of water supply and sewerage systems be eligible?	Based on the forecast environmental impact, the issues related to water supply and sewerage systems are of significant importance.	<p>Remark not included</p> <p>The proposition for modifying the draft JOP was not formulated.</p> <p>The environmental protection itself as defined in TO6 was not chosen as one of TO of the Programme. Thus projects related to the</p>

					<p>environmental protection only will not be approved for financing in the Programme.</p> <p>Nevertheless, both TO3 and TO8 in some aspects relate to the environmental protection. Thus, all environmental protection projects related to the objectives either of TO3 or TO8 and their respective priorities will be thematically eligible under the Programme.</p>
12	ProKolej Foundation, Poland	3	<p>TO7 , “Improvement and development of transport services and infrastructure” – we suggest addition of the following indicators: total length of newly built railways , total length of newly upgraded railways”</p>	<p>Programme indicators should include both means of land transport equally.</p>	<p>Remark not included</p> <p>Neither the description of the TO7 nor the indicative actions within its Priority 1 suggest that railway related projects are not eligible under the Programme. It is clearly stated that: TO7 shall finance actions related to improvement of transport accessibility, development of environmental-friendly transport, construction and modernization of communication networks and systems and improvement of the informational and communication infrastructure on the Programme area. Such actions may well be related to the railway infrastructure.</p> <p>As to the Programme indicators – see point 1 above.</p>
13	ProKolej Foundation, Poland	3.2.1	<p>There were 14 border crossing points for regular passengers movement on Polish-Ukrainian border including 7 railway-type border crossing points and 12 such points on Polish-Belarusian border including 5 railway-type ones.</p>	<p>Instead of 6 should be 7: Dorohusk, Hrubieszów, Hrebenne, Werchrata, Medyka, Malhowice, Krościenko</p>	<p>Remark not included</p> <p>Information in JOP relates only to border crossing points authorized by the relevant authorities for the crossing of external borders (thus Malhowice cannot be included on this list).</p>
14	ProKolej Foundation, Poland	3.2.1	<p>We suggest adding to the description information regarding logistic potential of railway trans-shipment terminals in Małaszewicze, Sokółka, Chełm, Medyka.</p>	<p>Trans-shipment regions and intermodal terminals constitute elements of economic potential. They are large objects attracting investments and concentrating economic activity.</p>	<p>Remark not included</p> <p>For the reasons of its limited volume, the JOP contains only the most important facts/information concerning the Programme area.</p>
15	ProKolej Foundation, Poland	3.2.3	<p>The problem concerning lack of projects on railway transport shall be indicated.</p>	<p>It is an important issue that requests amendment, it shall be indicated that new edition of the Programme include this aspect.</p>	<p>Remark not included</p> <p>Railway projects will be thematically eligible in the Programme, under TO7. .</p>

16	Logistic Centre in Łosośna, Poland	2	The area of the Programme has been marked out within Puławski subregion, so that it does not include the area important for railway transport, i.e. Pilawa commune in Garwolin powiat. Pilawa is a railway junction connecting southern and northern parts of Warsaw orbital road. It constitutes fork point of Community freight railway corridor no. 8 (RFC8, from Antwerp, Rotterdam, Bremerhaven through Berlin and Warsaw) to Lithuania (Kovno, then Tallin), Belarus (through Kuźnica to Hrodna, through Terespol to Minsk and Moscow), Ukraine (through Dorohusk to Kiev and Dniepropetrovsk, through Hrebienne/Belżec to Odessa, Nikolayev).	Basis for CBC in railway transport should be connection of Ukraine and Belarus with this corridor (RFC8) through southern-eastern orbital railway of Warsaw.	Remark not included The delimitation of the Programme area on the Polish side was based on the NUTS3 level in line with the <i>Programming of the European Neighbourhood Instrument (ENI) - 2014-2020</i> .
17	Logistic Centre in Łosośna, Poland	3.1.2	It is necessary to refer to undertakings concerning building Community freight railway corridor no. 8 (RFC8).	Freight transport from Ukraine and Belarus to the Baltic Sea and the North Sea harbours through RFC8 should be taken into account.	Remark not included In the JOP only the examples of actions that can be implemented under particular TOs and priorities are listed.
18	Logistic Centre in Łosośna, Poland	3.1.6 3.2.2	The Programme does not refer to the main problem of railway transport: different width of rails in Belarus and Ukraine than in EU.	Taking into account broad-gauge railway in former USSR countries it is necessary to include in the Programme the problem of freight reloading between both railways: broad-gauge and standard-gauge. It is necessary to build intermodal (road-railway) border reload places and transport junctions. Currently, the Programme does not include this issue, especially in case of indicators.	Remark not included This kind of issues were not mentioned in the socio-economic analysis of the Programme area and consequently solving of such issues are not foreseen on the Programme level. The SWOT analysis reflects the complexity of the problems. As to the Programme indicators – see point 1 above.
19	Podlaski Voivodeship Office, Poland	3.1.3	We suggest adding possibility of support for joint initiatives concerning rescue actions in case of natural disasters and emergency situations.	The priority concerns the question of safety, therefore it is reasonable to enable support for rescue services.	Remark not included This type of actions are already included in the list of indicative actions.
20	Podlaski Voivodeship Office, Poland	3.1.3	REMARK TO THE POLISH WORKING TRANSLATION OF THE DRAFT JOP Point: Improving qualifications of the staff taking rescue actions and developing the ability to participate effectively in a joint response to incurred	The text should be corrected since it is not understandable.	Remark included Remark relates to the working translation of the draft JOP into Polish. The translation will be corrected. Nevertheless, the only binding document, that shall be referred to, is the JOP in English.

			risks.		
21	Podlaski Voivodeship Office, Poland	3.1.3	REMARK TO THE POLISH WORKING TRANSLATION OF THE DRAFT JOP Point: Development of joint prevention, monitoring, response and disaster recovery systems.	Description of this point does not show precisely what kind of actions can be supported.	Remark included Remark relates to the working translation of the draft JOP into Polish. The translation will be corrected. Nevertheless, the only binding document, that shall be referred to, is the JOP in English.
22	Podlaski Voivodeship Office, Poland	3.1.4	REMARK TO THE POLISH WORKING TRANSLATION OF THE DRAFT JOP There is: Support under TO10 will contribute to Strategic Objective C of the transgenic cooperation ENI "Promotion of better conditions and modalities for ensuring the mobility of persons, goods and capital". Should be: Support under TO10 will contribute to Strategic Objective C of the ENI cross-border cooperation "Promotion of better conditions and modalities for ensuring the mobility of persons, goods and capital".	Change of the word "transgenic" into "cross-border"	Remark included Remark relates to the working translation of the draft JOP into Polish. The translation will be corrected. Nevertheless, the only binding document, that shall be referred to, is the JOP in English.
23	Podlaski Voivodeship Office, Poland	3.1.6	REMARK TO THE POLISH WORKING TRANSLATION OF THE DRAFT JOP There is: The output indicators for each priority, including the quantified target values, which are expected to contribute to the results. Should be: The output indicators for each priority, including the quantified target values, which are expected to contribute to the achievement of estimated results.	The description shall be more precise.	Remark included Remark relates to the working translation of the draft JOP into Polish. The translation will be corrected. Nevertheless, the only binding document, that shall be referred to, is the JOP in English.
24	Podlaski Voivodeship Office, Poland	3.1.6	REMARK TO THE POLISH WORKING TRANSLATION OF THE DRAFT JOP TO7, priority "Improvement and development of transport services and infrastructure" There is: (indicator) "Total length of reconstructed or upgraded roads (ENI/CBC 27)" Should be: "Total length of	We suggest change of the naming of kinds of works according to practice and the Polish Construction Law.	Remark included Remark relates to the working translation of the draft JOP into Polish. The translation will be corrected. Nevertheless, the only binding document, that shall be referred to, is the JOP in English.

			renovated or upgraded roads (ENI/CBC 27)".		
25	Podlaski Voivodeship Office, Poland	3.1.6	TO7, priority "Improvement and development of transport services and infrastructure" - lack of indicator concerning transport services.	We suggest adding an indicator concerning transport services.	Remark not included Response – see point 1 above.
26	Podlaski Voivodeship Office, Poland	3.1.6	TO7, priority "Development of ICT infrastructure" - lack of indicator concerning directly development of ICT infrastructure.	We suggest adding an indicator concerning development of ICT infrastructure.	Remark not included Response – see point 1 above.
27	Podlaski Voivodeship Office, Poland	3.1.6	TO8, priorities „Support to the development of health protection and social services” and „Addressing common security challenges”.	Given output indicators (4) in fact concern project result. We suggest defining indicators concerning project outputs.	Remark not included The concrete proposition is not formulated. The output indicators proposed for TO8 are either directly taken from the List of ENI CBC 'Common Output Indicators' (see answer to point 1 above) or are in line with the methodology applied to definition of indicators in this document.
28	Podlaski Voivodeship Office, Poland	3.1.6	TO10, priority „Improvement of border management operations, customs and visas procedures” Given output indicator "Increased throughput capacity of persons on land border crossing points (ENI/CBC 38)" in fact concern project result.	We suggest adding indicators concerning projects outputs.	Remark not included The concrete proposition is not formulated. This output indicator is directly taken from the List of ENI CBC 'Common Output Indicators' (see answer to point 1 above).
29	Podlaski Voivodeship Office, Poland	3.1.6	TO10, priority „Improvement of border management operations, customs and visas procedures” Given result indicator "Increased efficiency of border clearance" is not measurable, there is no value or objective standard of efficiency of border clearance, thus it would not be possible to notice increase of the indicator.	We suggest that the result should refer to e.g. increase of number of border clearance as a result of implementation of border management operations.	Remark not included The methodology of measuring of each indicator is defined for the purposes of the Evaluation and Monitoring System of the Programme. In case of this indicator such issues like number of detected cases of human/goods smuggling as well as the average length of the customs clearance will be measured.
30	"DIAMEB" LLC, Ukraine	2	Proposal to use a term "cross-border region" to all Programme regions instead of Programme division into core and adjoining regions.	Use the same terms to all regions as all regions are going to participate in the Programme on an equal footing	Remark not included The structure of a programme area as well as terms "core region" and "adjoining region" are defined by Art. 2 of IR, therefore terminology other than that of the IR cannot be used in the JOP.

31	NGO „Ecological Initiatives”, Ukraine	3.1	Proposal to support the TO 6 aiming at protection of the environment by the Programme.	TO6 will face real needs of the Ukrainian regions. A significant number of projects had been already implemented within the current Programme, namely within its priority dedicated to the protection of the environment. The TO6 is missing in TOs defined for the Programme, though it is known that the ecological infrastructure of Ukraine is weakly developed. Having this in view, investments in this field seems to be very desirable. Besides, it should be noted that the TO6 has been selected by other CBC Programmes, where Ukraine participates, such as Hungary – Slovakia – Romania - Ukraine Programme 2014-2020, but, unfortunately, it has not been included into the Poland-Belarus-Ukraine Programme.	Remark not included The selected TOs are the result of compromise achieved by the three Programme participating countries and by the members of the JPC. According to the recommendations of the EC for the period 2014-2020, only 4 thematic objectives may be chosen by each Programme. Whereas, there is some room for pro-ecological projects dedicated to preservation of historical heritage within the TO3, namely „Promotion of local culture and preservation of historical heritage”.
32	Lviv Regional Council, Ukraine	3.1	Proposal to remove Priorities 1 and 2 of TO10 to the TO8 and consider replacing the TO10 by the TO1 “Business and SME development”	While carrying out the analysis of 4 selected thematic objectives, one can notice that two overlapping TOs concerning security are selected (TO8 and TO10), whereas TO1 “Business and SME development” is lacking among Programme TOs in spite of the fact that the lesson learned from the previous Programme denotes that the issue of economic development is overwhelmingly important for Ukraine. This change is appropriate in view of the fact that the border areas are quite depressed and require dynamic economic development, moreover, these areas are a priority for regional development strategies.	Remark not included The selected thematic objectives are the result of compromise achieved by the three Programme participating countries and by the members of the Joint Programme Committee. According to the recommendations of the EC for the period 2014-2020, only 4 thematic objectives may be chosen by each Programme. In fact, the word „security” is being used more than once in TO8 and TO10, but in different contexts, that is why we deal with two different thematic objectives. The first one concerns the common security and health protection challenges, while the second one concerns border management.
33	Lviv Regional Council, Ukraine	2	Proposal to allow a possibility for organizations from Kyiv and Warsaw to submit their AFs in relation to problems solving in the cross-border area	It has been mentioned that in addition to the organizations from core regions, the organizations from Minsk can submit their AFs too.	Remark included partially Possibility of AFs submitting by organizations from Minsk is determined by the fact that Minsk is a part of the Programme area. Therefore all organizations that had been registered in this territory automatically received an opportunity of submitting their AFs. The eligibility criteria which have to be fulfilled by beneficiaries will be defined

					at the later stage in respect to each CfP. In duly justified cases and taking into account provisions of the Art. 45.4 of IR such beneficiaries can participate but their projects must be implemented in the Programme area.
34	Lviv Oblast State Administration, Ukraine	3.1.5	Proposal for the next Programme (2021-2027) to minimise the Programme allocation for the LIPs solving problem at the intergovernmental level up to 10%	Allocation of 30 percent of the Programme budget for LIPs is too much. They are not directly addressing cross-border problems. For instance, during implementation of the current Programme we had situation where the Lviv State Regional Administration played a beneficiary role (<i>note: according to Ukrainian legislation the State Oblast Administration of the region where the project is implemented is defined as a beneficiary</i>), whereas the project was implemented by the State Fiscal Service and the State Border Guard Service of Ukraine that had nothing in common with the project – either directly, or indirectly. Perhaps it would be more reasonable to reduce this quote and allocate more funds to solve cross-border issues cross-border issues directly at the local level.	Remark not included The remark does not concern the draft JOP consulted and will be taken into account while preparing the CBC PBU 2021-2027.
35	Agency of European Innovations, Ukraine	3.1.2	REMARK TO THE POLISH AND UKRAINIAN WORKING TRANSLATION OF THE DRAFT JOP The term “joint action and common project” was translated in Polish version only as “common projects”, while in Ukrainian version as “common projects and general actions”. Request to correct the translation.	Correct translation will ensure unified understanding of indicative activities.	Remark included Remark relates to the working translation of the draft JOP into Polish and into Ukrainian. The translation will be corrected. Nevertheless, the only binding document, that shall be referred to, is the JOP in English.
36	Agency of European Innovations, Ukraine	3.1.2	Proposal not to narrow the activities under Priority 2 of the TO7 (“Development of ICT infrastructure”) to only ICT infrastructure development, but to allow also activities related to digital market harmonization (services).	In Ukraine the ICT infrastructure is developed by profit-making specialised organization. The broadening of the scope of possible activities will also meet social requirements and actual needs of programme regions.	Remark partially included The list of indicative projects was expanded by two additional activities deriving from the Programming Document: - joint initiatives on development of digital resources and data sharing; - joint initiatives on

					ensuring the interoperability of ICT infrastructure.
37	Lviv Regional Branch of National Institute of Strategic Researches, Ukraine	3.3	Proposal to include a risk of delays in funds payments by the State Treasury Service of Ukraine as one of Programme potential risks.	The risk of funds blocking by State Treasury Service is a serious potential risk endangering project implementation that is familiar to almost every participant of the Programme, however it has not been mentioned in draft JOP.	Remark not included The risk is no longer actual, as the changes have been introduced into the Resolution of the Cabinet of Ministries of Ukraine № 65 as of 01.03.2014 (amended by the Resolution of the Cabinet of Ministries of Ukraine № 441 as of 10.09.2014), in particular regarding priority of making payments connected to programme/project implementation.
38	National University of Water Management and Nature Resources Use, Ukraine	3.1.6	Proposal to include one additional product indicator at the level of TO8, namely: - number of certified laboratories of metrology monitoring the quality of environment and production (at universities and research centres etc.).	It is important to ensure monitoring and control over the quality of the environment, water, land, water pools, food products etc. in order to achieve the TO8, that is why universities and research centres shall have own laboratories of metrology.	Remarks not included Response – see point 1 above.
39	Agency of European Innovations, Ukraine	3.2.1	On page 21 is stated that "Renewable energy is not well developed, with the only significant source of this type being a 27 MW hydro-plant in the Zakarpatska oblast." This phrase relates to the situation in Ukraine, but only in Lviv region there are two solar plants with a total capacity of more than 3 MW, and the first stage has been implemented in 2012, a wind power of 6.6 MW capacity began to operate in 2014.	Data obtained within the FARADAY project based on official data of the company who made such investments	Remark not included The concrete proposition is not formulated. Social and economic analysis of Programme regions was developed within the external expertise.
40	National University of Water Management and Nature Resources Use, Ukraine	3.1.1	Proposal to take into account the transformation of nature use and its ecological and economic assessment (the number of land which is not used renaturalised drainage systems, unauthorized overgrown by forest, etc.). TO3 shall be implemented in accordance with legislation and regulations at the level UKRAINE – EU, such as Association Agreement, Annexes 29 and 30 of the Agreement on the Environment Protection, Bird	No justification	Remark not included The concrete proposition of JOP modification and justification are not formulated. The SEA of the JOP was developed in dialogue between external environmental experts, the MA, the JPC and the wider audience via public hearings and consultation events, arranged in all participating countries. In addition to the public hearings and

			Directive, Directive on Environmental Management etc. Therefore the compliance of all projects with provisions of EU directives, laws and standards should be assessed.		consultations, the draft SEA Report was published on the Programme website, which facilitated fluent accessibility to the draft documents from the whole Programme area. Details concerning public hearings of draft report of the SEA will be placed soon on the ENPI CBC Programme Poland-Belarus-Ukraine 2007-2013 website www.pl-by-ua.eu . The accordance of projects with environment protection law will be verified during assessment of applications.
41	National University of Water Management and Nature Resources Use, Ukraine	3.1.1	Proposal to include the issue "Ecological, economic and social transformation of the agrarian nature use and their influence on the state of livelihood of the population of Volyn and Rivne regions" (compared with Belarus and Poland - analysis of the prospects for sustainable development)	No justification	Remark not included The concrete proposition of JOP modification and justification are not formulated.

Tab. 2. Table with other not related to the draft JOP questions, remarks/opinions submitted via on-line forms and during public conferences

LIST OF ACRONYMS USED IN THE TABLE

AA	Audit Authority
AF	Application Form
CBC	Cross-border Cooperation
CCP	Control Contact Point
CfP	Call for Proposals
EC	European Commission
EU	European Union
GoA	Group of Auditors
IR	Commission Implementing Regulation (EU) No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument
JMA	Joint Managing Authority
JOP	Joint Operational Programme
JPC	Joint Programming Committee
JTS	Joint Technical Secretariat of the Programme 2007-2013 which will be playing the role of Intermediate Body in the Programme 2014-2020
MF	Ministry of Finance
MFA	Ministry of Foreign Affairs
NA	National Authority
NGO	Non-governmental organization
PRAG	Practical Guide for Procurement and Grants for European Union external actions
SEA	Strategic Environmental Assessment
SME	Small and Medium-size Enterprise
TO	Thematic objective

№	Institution that submits remarks	Content of the remark / suggested change	Response
1	Green Eco-tourism, Belarus	Belarusian partners have interest in finding partners in Poland. Request to create a list of Polish partners for further cooperation in order to facilitate the procedure of further cooperation.	Organisation of activities and events contributing to development of partnership will be possible once the Programme is approved by the EC. Then, partner search forums will be organised. Furthermore, a section devoted to developing project partnerships will be available on the Programme website.
2	National Tourist-Sports Union, Grodno, Belarus	Suggestion to increase the level of trust in auditors within new Programme.	In Belarus a three-level monitoring system was proposed for the Programme implementation (the decision was taken by mutual consent and entered into the minutes of the Working Group for CBC at the MFA of Belarus (1) MFA – a body responsible for the overall Programme implementation; (2) CCP – the TACIS National Coordinating Unit; its functions will be specified in the future (so far an indicative range of functions has been prepared); (3) audit level – the MF of Belarus; a selected representative of the MF will participate in the GoA responsible for preparation of a list of audit companies from which beneficiaries will choose an auditor for their project; each audit company included in the auditors' list will be provided with special training.
3	National Tourist-Sports Union, Grodno, Belarus	Request to determine strict boundaries as regards the processing of information and auditing of the accounts not only for Belarus, but also for the JTS.	Expenditure verification done by the JTS is one of the stages of the multi-level verification system that in verification involves external auditors, JTS and JMA, CCP, GoA, AA, EC and European Tribunals.
4	Yanka Kupala State University of Grodno, Belarus	Who may make comments/remarks to the report after the auditor verified the beneficiaries expenditures?	Expenditure verification done by the JTS is one of the stages of the multi-level verification system that in verification involves external auditors, JTS and JMA, CCP, GoA, AA, EC and European Tribunals.
5	National Tourist-Sports Union, Grodno, Belarus	<p>a) the varied approach to tax exemption with reference to EU co-funding and own contribution;</p> <p>b) a VAT exemption for the main contractor and no such exemption for subcontractors;</p> <p>These are connected with the difficulty in dividing costs (and consequently tax exemption) of a specific comprehensive product (action), e.g. the road construction, in case of the implementation of investment projects; it causes repeated conflicts arising between beneficiaries (or project partners) and implementing organisations and the legislation.</p>	Pursuant to the Decision of the Council of Ministers of Republic of Belarus (RB) No 1522 of 21.11.2003, own contribution of Belarusian partners is not exempt from tax. According to the EC, it is against the current framework agreement of 2008. The Decree of the President of RB No 460 of 22.10.2003 states that only technical assistance funds (co-funded by the EU) shall be exempt from taxes, VAT, customs duties and other charges. As of today, no final solution has been reached as the Belarusian Ministry of Finance has some questions.
6	Yanka Kupala State University of Grodno, Belarus	Will the procurement under the programme PBU 2014–2020 be a subject to the national legislation?	Procurement procedures within the Programme may be specified in Financing Agreement between EC and Belarus, however provisions of article 52 of IR shall also be observed.
7	Dneper-Bug waterway, Pinsk, Belarus	Request for increasing of requirements for audit procedures. Delays in auditing negatively affect the project implementation schedule.	The CCP will act as a coordinator of auditors' work; there will be possibility of selecting an audit company from the recommended list. All selected audit companies will receive additional trainings.
8	Svislach Regional	Will the Belarusian authorities simplify the	The proposals for amending the Decisions of the

	Executive Committee, Svislach, Belarus	project approval procedure? Procedure for project selection by the Belarusian authorities after receiving a grant is extremely long.	Council of Ministers of RB No 1522 and 1513 were submitted to the Council of Ministers of RB. They include corresponding changes of the procedures and their facilitation. If they are approved, the process will become much easier and faster.
9	Ministry of Internal Affairs, Belarus	How to address the issues of audit, inspection, monitoring of the activities taken under projects in the case of law enforcement authorities? Will an auditing opinion issued by an internal department be considered lawful? The control over the financial activities of law enforcement authorities, such as the MIA Departments, the Boarder Guard or the Customs Guard, can be effected, according to the law, only by the competent government authorities.	Spending of EU funds for the Programme will be verified by independent audit companies, included on the list approved by the CCP of Republic of Belarus. So far, there have been no problems in this regard also with respect to central public offices of Belarus (e.g. State Customs Office).
10	Grodno Regional Blood Transfusion Station, Belarus	Possibility of presenting of project's drafts (initial version of projects); submission of a draft project version will limit the necessity of developing comprehensive and complete project proposals and all annexes to them only to those applicants who will pass through the evaluation stage of draft project versions.	This solution was analysed at the stage of Programme development. So far, no decision has been taken on introducing the so-called concept note (restricted call for proposals)The issue will be the subject of JMC decision.
11	Grodno Regional Blood Transfusion Station, Belarus	Possibility of submitting a project proposal in a Polish language version; Polish is more widespread in the region.	Representatives of three countries participating in the Programme have decided that English is an official language of the Programme; consequently, project proposals will be submitted in English. Nevertheless, for the purposes of any guidelines/instructions/guides for applicants/beneficiaries, the organisation of training courses and workshops, etc. it will be also possible to use national languages.
12	Grodno Regional Blood Transfusion Station, Belarus	Possibility of reading of a successful project that has been approved.	In the "About projects" section on the Programme official website a list of contracted projects along with information on partners' contact data is available. The same approach will be used in the new Programme.
13	Yanka Kupala State University of Grodno, Belarus	Form of proposal submission: will it be possible to submit a proposal both in an electronic and paper form? Is either of the forms preferred?	.Electronic application process will be possible. An electronic proposal generator is being developed.
14	Lviv Regional Branch of National Institute of Strategic Researches, Ukraine	The first CfP was launched in November 2009 and the Programme started to seek for external experts for proposals' assessment only in June 2011. Why did it take so long to launch the assessment process, who carried out the assessment and whether representatives of all participating countries were involved in that process?	The Programme was accepted by the EC in November 2008, while the structures regarding the Programme implementation have been created immediately after this. In the beginning of 2009 the first meeting of JMC took place and the first CfP was launched in November 2009. It came to an end on March 1, 2010 followed by the administrative assessment part. The fact that the quality assessment of AFs started only in summer does not mean delay, for it is the result of step-by-step activities. And the best evidence proving that everything took place correctly and was successfully over, were the results of selection available back in November 2010. Thus, the whole selection process, considering the number of AFs, actually lasted for a very short period. Speaking of nationality of experts, they represent all three participating countries. It allows to say that every country was represented by appropriate number of experts. Besides, the

			special procedures concerning evaluation procedure by the EC were created. These procedures contain in particular requirements in relation to experts. It also should be noted, that selected experts were approved by JMC. That means that these persons undoubtedly have required level of competencies in this field.
16	State University "Institute of regional studies by M. Dolishnyi of the NAS of Ukraine", Ukraine	Is it possible to see somewhere the Programme's report on expenditures incurred?	By June 30 of each year the Programme report for the previous year is submitted to the EC. Such report includes data concerning technical assistance, as well activities taken for projects implementation.. Furthermore, it does not include listing of all expenditures, the information on expenditures directly concerns only the institutions participating in the project. Information about all projects contracted within the Programme 2007-2013 is also available on the programme web-site (http://www.pl-by-ua.eu/en,5)
17	"DIAMEB" LLC, Ukraine	One of the priorities of the CBC Programme Poland-Belarus-Ukraine 2007-2013 concerned development of competitiveness and promoting SME in the area, however only non-profit making organization were allowed to apply for a grant. Why profit-making organizations were excluded from the participation within the programme?	It is the decision of three participating countries, which specified that the projects implemented within the Programme are going to be of non-profit nature. Therefore, all profit-making institutions could not take part in the Programme 2007-2013.
18	"DIAMEB" LLC, Ukraine	Support from the State Regional Administration in terms of participation in the Programme exists, but it's not sufficient. Is there any additional support for potential beneficiaries from the Programme's side?	When it comes to information spreading concerning all Programme activities, the Programme managing structures will ensure information and promotions spreading, e.g. the number of trainings, skillcamps, partner search forums will be conducted within the whole territory of the Programme.
19	NGO „Ecological Initiatives”, Ukraine	Is the problem of VAT exemption going to be solved during the implementation of the new Programme? The problem of VAT exemption for additional funds has arisen within the framework of the ongoing Programme implementation process.	The VAT exemption procedure is regulated by the Resolution of the Cabinet of Ministries of Ukraine No. 153 as of 15.02.2002. According to this Resolution, the VAT exemption procedure is based on the Goods, Works and Services Procurement Plan submitted by the beneficiary/partner. At present the Ministry of Economic Development and Trade of Ukraine is working upon the improvement of both, the registration procedure as well as the VAT exemption procedure. The concept of necessary changes and simplifications is to be presented till the end of the year.
20	Lviv Regional Council, Ukraine	Proposal to include representatives of regional councils and Euroregions in Programme implementation process. Could such institutions participate in the JMC and other working groups at least as observers? The proposal is justified considering the fact that the Oblast Councils represent communities in the region and Euroregions operate on the Polish-Ukrainian-Belarusian border (Carpathian, Bug, Neman, Belovezhskaya Pushcha) and coordinate CBC in the region.	The participation neither of Euroregions nor of Oblast Councils is foreseen at the moment. So far the representatives of the Regional State Administrations are planned to be JMC members from the Ukrainian side.
21	Agency for Local Development of Vynogradiv Area, Ukraine	All projects awarded to get a grant have to undergo the registration procedure in the Ministry of Economic Development and Trade of Ukraine. Could this be the ground	When drawing up its yearly budget, every local self-government body foresees certain amount of funds for implementation of programmes, including those aiming at implementation of CBC

		for the project co-financing recognition in the budget for the next year on the basis of simplified procedure? It is rather difficult to provide own co-financing of 10 percent of the project value. If, for instance, a project value is 1 million EUR, the own co-financing has to be at least 100,000 EUR, which is app. 2 million UAH. This sum is rather hard to be found in a local budget.	projects. As far as the possibility of making decision on increasing fund by the Ministry of Economic Development and Trade of Ukraine is concerned, this issue shall be considered.
22	Agency for Local Development of Vynogradiv Area, Ukraine	In order to simplify the verification procedure, I propose to simplify the models of reports and include also 4 following columns: budget line, general budget, amount of funds spent for I, II, III pre-financing payment and the balance payment. Dedication of 9 out of 22 months to reporting procedures is too much, because only 13 months remains for the project implementation itself.	Some simplifications of the reporting process were introduced in the programme 2007-2013 and we will be working over further reporting simplification in order to shorten the verification procedure.
23	Lviv Oblast State Administration, Ukraine	Suggestions for the Programme PL-BY-UA 2021-2027 concerning 3 phases of public consultations of the draft JOP: I. Working out recommendations at expert level, namely at the level of the JPC and EC; II. Public consultations phase – at the level of non-governmental organizations, local governments, local expert groups; III. Final product presentation. Currently the discussions are being conducted, but public is aware of its limited influence on making the final decision.	Opinion of Programme regions is crucial and was ensured during the whole process by participation of representatives from regional authorities who together with central authorities were presented in the JPC. The remark will be taken into account while preparing the CBC PBU 2021-2027. In addition, please be reassured that remarks submitted are vital and they can influence the final shape of the Programme.
24	Lviv Oblast State Administration, Ukraine	I have a big request to the JTS: to prevent decrease of your local representations (Branch Offices) and even reinforce their work, because it is your “delegation” to Ukraine. The more effectively it works, the less problems concerning the Programme implementation you will face. The Branch Office is undoubtedly very substantial instrument, because it includes organization of trainings, consultations with people that submit projects, supporting of projects that are being implemented.	We are aware of the scope of tasks, as well as the burden of responsibility to be borne by our Branch Offices and we are absolutely interested in effective continuation of their activity in new Programme.
25	Agency of European Innovations, Ukraine	I have a suggestion concerning the public's involvement into the consultation process earlier, not at the final stage.	The JPC was created to set up the framework of the new Programme. It consists of representatives of central authorities, local governments as well as Euroregions. Therefore, not only central authorities, but all participants of the process should ensure that the opinions of the local level are considered. This way the public involvement was ensured.
26	Agency of European Innovations, Ukraine	Are the criteria of project evaluation known, who is going to carry out the evaluation and what are the expectations of JMC on the project? What the administrative requirements to projects are going to be? Will they be known beforehand? Within the current Programme the evaluation procedure was in some way discriminatory for the Ukrainian side, for example 10-15 projects were rejected because of administrative requirements (e.g. the company had not a non-profit status).	The evaluation procedure will be available immediately after the CfP is launched. At the same time administrative and quality evaluation criteria will be announced. Selection criteria are to be approved by the JMC that consists of representatives from 3 countries. Thus it will ensure that discrimination against any party is avoided.

27	Volyn State Regional Administration, Ukraine	One out of 4 TOs is the <i>Promotion of border management and border security, mobility and migration management</i> (TO10). How the role of region is regarded within this TO? In my opinion, this is additional money that will not come to the region, because LIPs are submitted directly by central authorities decreasing the allocation of funds for projects to be implemented in the regions.	The funds for such project will be available not only within LIPs, but also within the calls for proposals. Anyway, results achieved within TO10 will serve people crossing the border. So we cannot state that this money will be lost for the regions.
28	Volyn State Regional Administration, Ukraine	Within the current Programme the own co-financing needs to reach at least 10% of the project total budget. Will the rate of own co-financing change within the new Programme?	The rate of own co-financing of project expenditures will remain unchanged. Same as in current Programme, the partners will have to cover at least 10 percent of project total eligible expenditures.
29	Saryj Sambir Rayon State Administration, Ukraine	Priority 2 of the TO 8 „Addressing common security challenges“. Can we expect that projects related to flood prevention (e.g. bank strengthening, riverbeds regulation) will be supported within this Priority?	Provided that all other requirements are fulfilled, such projects could fit the Priority 2 of the TO8.
30	Saryj Sambir Rayon State Administration, Ukraine	Is the principal of lead partnership going to be preserved? Will it matter if the lead partner comes from the EU or not?	As it is in Programme 2007-2013, the lead beneficiary will take responsibility for the whole project implementation and it doesn't matter if this organization is registered in Poland, Ukraine or Belarus.
31	Saryj Sambir Rayon State Administration, Ukraine	Is the AF available and is it possible to receive it?	Currently the AF is not available, JTS/JMA are working it out, as well as the electronic application generator. As soon as it is ready and approved by the JMC, it will be available.
32	Lviv Regional Council, Ukraine	I would like to propose to involve self-government authorities in JMC and working groups work within the Programme. The Regional Council supports institutions and organizations participating in the Programme. That is why it created the <i>Procedures of Co-financing of International Technical Assistance Project</i> , but we would like to be involved not only at the stage of projects co-financing, but also at all other Programme implementation stages.	The participation of Oblast Councils is not foreseen at the moment. So far the representatives of the Regional State Administrations are planned to be JMC members from the Ukrainian side.
33	Ukrainian Organization of Disabled Veterans of Armed Forces of Ukraine	Is the cooperation in the field of rehabilitation and professional retraining of disabled veterans, including veterans of the ATO, possible within this Programme?	TO8 foresees such support from the Programme.
34	The All-Ukrainian Organization of Disabled Veterans of Armed Forces of Ukraine, Ukraine	Who can provide practical assistance in project development, namely preparation of documents, their translation etc.?	The Programme bodies are going to conduct trainings in national languages, where the mechanisms of projects selection and all the requirements concerning applications content will be presented. But we are not able to provide translation for every participant in order to help him to fill in the AF. The applicants have to do it by themselves.
35	Luck City Council, Ukraine	Is the procedure of project applications submission going to be changed? I mean introduction of 2-staged AFs submission system: - I stage – submission of a concept note; - II stage – submission of a full application form. Such procedure applies to CfPs managed directly by the EC, it would improve the	This solution was analysed at the stage of Programme development. So far, no decision has been taken on introducing the so-called concept note (restricted call for proposals). The issue will be the subject of JMC decision.

		quality of project applications and make the process of AFs submission easier for applicants.	
36	Agency for Local Development of Vynogradiv Area, Ukraine	Is it possible to receive pre-financing payments in tranches for specified operational purposes in order to avoid banking risks conditioned by banks' bankruptcy in Ukraine? Another option is to open the account in the bank located in EU, however the procedure of acquisition of license from the National Bank of Ukraine and carrying out necessary verifications of counteragent from Ukraine can take up 8-9 months.	There is no single solution concerning the issue, the Programme does not provide any specified requirements to banking account. Only requirements provided by national legislation should be considered in this situation. The provisions of the Programme permit opening an account in the EU by Ukrainian beneficiary. It definitely can be regarded as solution of the mentioned issue. There is also a possibility of using accounts of intermediary banks. Bank bankruptcy risk, as well as exchange rates risk have to be taken by the beneficiary.
37	Agency for Local Development of Vynogradiv Area, Ukraine	Is it possible to indicate (in case of contracts with subcontractors) the contract value in EUR specifying its equivalent value in national currency? Such solution would minimize the risk of inflation and its negative impact.	The Programme does not impose any requirements in this respect, so only national legislation has to be respected.
38	Association of Development of Resort Schidnytsya, Ukraine	Is it possible to create in Ukraine a system of capital guarantee funds for CBC projects co-financing? We also propose to simplify the procedure of own co-financing allocation. There are two types of own co-financing: - 10 percent of project total costs, which have to be covered directly by the project partners; - 18 percent of project total costs is a contribution of partners that will be reimbursed by the JMA after the project implementation. It is rather difficult to cover 28 percent of project costs by small NGOs that do not obtain permanent financing.	The Ukrainian NA shall consider this issue.
39	Agency of Regional Development and European Integration, Ukraine	Is it possible to introduce changes into the Programme so that the final payments could be made on the basis of approved supporting documentation (certificates of works completion, service delivery certificates, consignment notes) that has not been paid at the moment of the final report submission but will be paid from the balance payment? Local governments often face the problem of insufficient funds for financing both, soft and infrastructure projects.	As a rule, all project costs should be paid before the submission of the final report. Further details will be elaborated by the Programme at a later stage.
40	Agency of Regional Development and European Integration, Ukraine	Suggestion to treat VAT as eligible costs for those institutions which cannot refund it. A lot of NGOs and public institutions don't have the opportunity to refund VAT	According to Art. 49 of EC Implementing Regulation, „duties, taxes and charges, including VAT, except where non-recoverable under the relevant national tax legislation, unless otherwise provided in appropriate provisions negotiated with CBC partner countries”. Therefore, all procedures concerning VAT eligibility for Ukrainian and Belarusian organizations will be defined in the financing agreement that will be negotiated between EC and Ukraine/Belarus.
41	Lviv Regional Council, Ukraine	Suggestion to treat VAT as eligible costs for all Ukrainian institutions. Definition of eligible and non-eligible costs is regulated by the Practical Guide. This document (according to definition available on	The issue of taxes eligibility (including VAT) for Ukrainian organizations implementing projects in frames of the ENPI CBC Programme Poland-Belarus-Ukraine 2007-2013 was regulated by the Financing Agreement for the JOP of the

		<p>http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm.) is the unified working tool that regulates contracting procedures applicable to all EC external aid contracts that are financed from the general budget. In particular, information regarding the tax regime applicable to grant contracts, as set out in the annex E3a1: http://ec.europa.eu/europeaid/prag/annexes.do?group=E. In the above annex it is stated that all taxes, including VAT, are not eligible costs, except where the beneficiary can prove that it cannot recover VAT. The JTS in its Programme documents during the implementation of CBC Programme PBU 2007-2013 was guided by the rules, according to which: for Polish beneficiaries PRAG rules applied, while for Ukrainian partners points 3.3 and 3.4 of the Framework Agreement between Ukrainian government and the EC as of 03.09.2008, valid as of 06.01.2009 (http://zakon4.rada.gov.ua/laws/show/994_763) were used. The said Framework Agreement does not mention grant contracts that define the essence of international technical assistance. The procedure of grant contracts implementation is described in the Resolution of the Cabinet of Ministers of Ukraine as of 08.12.2010 № 1111 "On approval of the preparation and implementation of cross-border cooperation projects in the framework of the European Neighbourhood and Partnership Instrument". This collision has led to a situation where Ukrainian beneficiaries implementing projects of international technical assistance (ITA) under the CBC Programme Poland - Belarus - Ukraine 2007 - 2013 were at a disadvantage in comparison with Polish partners. Percentage of own co-financing has been increasing up to 30%, because as a rule local governments and non-governmental organizations are not subject to VAT and are not able to recover it. Ukraine has developed a mechanism for VAT exemption procedure for ITA projects, but it concerns only grant funds, and does not apply to the own contribution. This increases again the financial burden to be borne by Ukrainian partners. As the EU recognized Ukraine as a country that meets the necessary requirements and can be the beneficiary of foreign assistance provided by the EU (http://zakon4.rada.gov.ua/laws/show/994_763), we consider it necessary to apply the rules of the PRAG to Ukrainian and Polish organizations participating in the ENI CBC Programme PBU 2014 - 2020 on a parity basis.</p>	<p>CBC Programme Poland-Belarus-Ukraine 2007-2013 ENPI-CBC/2008/020-299 as of 24.12.2009.</p> <p>As for the taxes eligibility in ENI CBC Programme Poland-Belarus-Ukraine 2014 – 2020, according to Art. 49 of EC Implementing Regulation, „<i>duties, taxes and charges, including VAT, except where non-recoverable under the relevant national tax legislation, unless otherwise provided in appropriate provisions negotiated with CBC partner countries</i>”. Therefore, all procedures concerning VAT eligibility for Ukrainian organizations will be defined in the financing agreement that will be negotiated between EC and Ukraine.</p>
42	The State Customs Committee of the Republic of Belarus	We suggest applying a procurement procedure according to the Belarusian legislation when organizing and holding procurement procedures of goods (works, services) at the cost of the republican	Procurement procedures within the Programme may be specified in Financing Agreement between EC and Belarus, however provisions of article 52 of IR shall also be observed.

		budget in frames of the co-financing of the Belarusian part. Due to the fact that the customs authorities of the Republic of Belarus are the governmental body financed at the cost of the republican budget, procurement procedures at the cost of the republican budget shall be held in accordance with the Belarusian procurement legislation (regulations of the draft resolution of the Council of Ministers of the Republic of Belarus "On amending some resolutions of the Council of Ministers of the Republic of Belarus").	
43	Polish-Ukrainian Chamber of Tourism, Poland	Can the organization, that consociates members from Programme countries, but is established outside the Programme area, apply for the project funding?	In duly justified cases and taking into account provisions of article 45 of IR such beneficiaries can participate in the Programme but their projects have to be implemented in the Programme area.
44	City Hall of Łęczna, Poland	<p>a) Will the construction works in the adjoining regions be eligible in the Programme? In the previous perspective, it was not possible to apply for repairs and reconstruction.</p> <p>b) Remark regarding the lack of publication of the proposals of the applicants and beneficiaries of the Programme and whether this situation will change. It is about transparency dispose of public funds. PRAG system hinders the disclosure of information.</p>	<p>a) There will be no such restrictions in the new Programme - adjoining regions will be able to apply according to the same rules as the core regions.</p> <p>b) Data concerning contracts signed will be published. This issue of publication of data of applicants will be further analyzed and decided by the representatives of three countries participating in the Programme.</p>
45	Private person	<p>a) The question about the precise definition of the non-commercial projects.</p> <p>b) Does the concept of transport infrastructure only apply to roads, or to e.g. parking lots as well?</p>	<p>a) The definition of the "non-commercial projects" have not been set up yet for the new Programme. Reference may be made only to the current one. In Programme 2007-2013, two restrictions were applicable:</p> <ol style="list-style-type: none"> 1. Organization not having a commercial character - public or private, which allocates profits to charity/ for social issues. 2. Income generated as a result of the project activities cannot exceed its costs. <p>b) In order to be eligible, the project shall be consistent with the assumption of particular TO and priority in which it is to be implemented.</p>
46	City Hall of Hrubieszów, Poland	<p>a) What will be the possible percentage of administration costs in the project budget?</p> <p>b) Will it be possible to include in the budget the reserve, if so, what will be the limits for this?</p> <p>c) Will it be possible to subcontract the project in the context of investment replacement?</p>	<p>a) The administration costs shall be eligible in the Programme, however, the concrete regulations on this issue are to be decided yet.</p> <p>b) The concrete regulations on this issue are to be decided yet for the new Programme. Some of currently running projects have contingency reserves in their budgets, but they could be used only in exceptional cases following the written approval of the JMA.</p> <p>c) The concrete regulations on this issue are to be decided yet for the new Programme. This remark will be taken into account when deciding upon the issue.</p>

47	City Hall of Łęczna, Poland	<p>a) Will the PRAG system be abolished in the new Programme, and whether countries can use their own procurement procedures?</p> <p>b) Will it be possible to appeal from the quality assessment? So far, appeal was possible only in case of rejection of the project during the administrative assessment.</p>	<p>a) In the new Programme PRAG is no longer compulsory. Procurement procedures within the Programme may be specified in Financing Agreement between EC and Belarus and Ukraine, however provisions of article 52 of IR shall also be observed. Polish beneficiaries will apply Polish procurement law in this respect.</p> <p>b) Applicants shall have possibility to appeal after both stages of assessment. The concrete regulations on this issue are to be decided yet for the new Programme.</p>
48	Medical University of Lublin, Poland	Are there planned any changes in the settlement of projects and control of documents?	<p>The concrete regulations on this issue are to be decided yet for the new Programme. However, it is planned to simplify the process wherever possible.</p> <p>It is intended to keep the system in which the auditor is assigned to each project. However, the new bodies - CCPs will be established in each of the participating country. Their role will be overall coordination of the auditors' work, CCPs will create list of auditors and lay down the standards for their work.</p>
49	City Hall of Łęczna, Poland	When will the first calls for proposals be launched in the framework of the new Programme?	The draft of the Programme will be submitted for EC approval by the end of June 2015. It is assumed, that by the end of 2015 the EC will approve the document, then the Financing Agreements between the EC and Belarus and Ukraine shall be signed. Thus, it is anticipated that the first CfP will be announced in the second half of 2016/beginning of 2017.
50	City Hall of Hrubieszów, Poland	<p>a) What will be the maximum execution time of 'hard projects'?</p> <p>b) The information on the project co-financing shall be provided in the Programme. Are any changes planned in this respect?</p>	<p>a) The concrete regulations on this issue are to be decided yet for the new Programme. Details will be elaborated at the stage of preparation of Guidelines for Applicants.</p> <p>b) No change in this respect is foreseen. As in the current Programme, the maximum grant is 90% of total eligible costs of the project. Information concerning co-financing will be included in the full Programme document and available inter alia on the Programme website.</p>
51	Podlaskie OZE Ltd., Poland	<p>The following issues should be clearly defined in the Programme:</p> <p>a) What kind of entities are eligible in the Programme and can apply for a grant, could it be for example, commercial companies / individuals / natural persons engaged in business activity;</p> <p>b) What kind of actions are eligible in the Programme: commercial or non-commercial, generating revenues? In case of non-commercial actions, can the costs of maintenance/servicing be covered from generated revenues? What about surplus of the revenues over the costs of maintenance of the undertaking?</p> <p>c) Sustainability of the project – it seems that it is 5 years after project implementation.</p> <p>d) The initial verification of the project</p>	<p>a), b) The concrete regulations on this issue are to be decided yet for the new Programme. Details will be elaborated at the stage of preparation of Guidelines for Applicants. According to the article 47 of IR grants shall not have the purpose of producing a profit within the framework of project.</p> <p>a) According to the article 39 of IR it is obligatory for project with infrastructure component.</p> <p>d) This solution was analysed at the stage of Programme development. So far, no decision has been taken on introducing the so-called concept note (restricted call for proposals)The issue will be the subject of JMC decision.</p>

		<p>eligibility shall be foreseen, i.e. whether a project can be realised within the Programme, before investor bears significant costs for architectural project, environmental and road arrangements, building permission etc.</p> <p>e) List of required annexes to the application for a grant.</p>	<p>e) The list of all required annexes to the Grant application is always published along with the publication of the CfP.</p>
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Tab. 3. Juxtaposition of opinions and comments submitted during the consultation of SEA public hearings

Date/Country Applicant	Opinions or comments	Method of examination
<p>May 25, 2015/Ukraine</p> <p>Drohobycka Regional State Administration, Department of Culture and Tourism</p>	<p>Cross-border cooperation Program helps develop opportunities and prospects for the region's tourism potential and enriches the experience in their respective spheres. We look forward to cooperation in the sphere of recreation and spa tourism, and the promotion of Drohobych and Ukraine.</p>	<p>This remark does not concern the SEA consultations</p>
<p>May 25, 2015/ Ukraine</p> <p>The entrepreneur, manager of pre-project activity of the Belarus-Ukraine 2007-2013 Programme</p>	<p>Insufficiently expanded and effective impact on the level of shaping the social development of ecological awareness related to environmental protection and to compliance the environmental standards and cultural in everyday life and activities of state bodies and organizations.</p>	<p>This remark does not concern the SEA consultations</p>
	<p>We need better visualization and unification all of the issues in the projection of further use for all regions in Ukraine in the third part of the Cross-Border Cooperation Programme, particularly during the implementation of the agreement on association with the European Union.</p>	<p>This remark does not concern the SEA consultations</p>
	<p>We need a clear strategic plan for further implementation of these principles in Ukraine and Belarus with the support of the government through institutional cooperation.</p>	<p>This remark does not concern the SEA consultations</p>
<p>May 21, 2015 Belarus</p>	<p>The document is built on the basis of poor nomenclature of NUTS 3. The administrative changes introduced in 2009 are not taken into account. This must be update.</p> <p>The document refers to the wrong priorities. The document refers to the current 1st priority – which is not in the new Program. The general objective of the Program is strictly taken from the current Program and is not an objective of the current Program, which is currently different.</p> <p>The document refers to an invalid Program of the European Union. The sixth document expired in July 2012 and since November 2013, seventh European action plan is current, which has a completely different motto.</p> <p>The document refers to the wrong strategy of Ukrainian regional development. On 6th August 2012, we adopted a new strategy for regional development up to 2020.</p> <p>There is an information that the Program would allegedly encourage activities focusing on environmental protection. It is a mistake, because the 6th thematic objective is not covered by the Program.</p> <p>In a recommendation which describes Belarus, the document was indicated by its name.</p> <p>Do You (during the creation of ecological assessment of the Belarusian part) consulted with the Belarusian Ministry of Natural Resources?</p>	<p>This applies the EU-CONSULT Sp. z o. o. presentation.</p> <p>This was taken into account. Notes in the field of Forecast of Sixth and Seventh EU program in the field of environmental protection are included in the Forecast (both programs were described).</p> <p>This was taken into account. Note in the field of sources of information - in the Forecast, the source of information was given.</p>
<p>May 25, 2015/ Ukraine</p> <p>Vasyl Prusak</p> <p>Project Coordinator in the Centre for energy efficiency CNII Lviv (Lviv State Centre of Science, Innovations and Informatization)</p>	<p>An important priority for the sustainable development of cross-border cooperation will be further unification of participants in previous projects, which regardless of the number of different projects, it is very much. Most social organizations actively engaged a lots of activities during the grant program, engages residents, initiates a good analytical and forecasting reports, publish interesting and useful printed and electronic materials, and then, after the end of funding, they finish its activity.</p> <p>We need: education in ecology, energy saving, energy efficiency, renewable energy, sustainable development of territories and societies. It should be carried out continuously, through centers which operate continuously, such as consultancy and promoting centers.</p> <p>It may be beneficial to start and format the cross-border</p>	<p>This remark does not concern the SEA consultations</p>

	"green tours". Thank to them, we will increase employment (organization the excursions, transport, nutrition, service), we will promote the territories, we increase awareness of the local population (to show each other from the bright side), we will support green technologies.	
May 25, 2015/ Ukraine Oleg Gladchuk Social organization "Environmental Initiative"	Why priority dealing with environmental protection was removed from the priorities of the Programme?	This remark does not concern the SEA consultations
May 25, 2015/ Ukraine Akimov Anatoliy, Western Scientific Center of NAN, Ukraine	How the Program can help to reduce the emission of harmful substances into the atmosphere? Who in Poland can cooperate in the field of development of fuel and energy complex?	This remark does not concern the SEA consultations
May 25, 2015/ Ukraine Igor Ohyrko, Section of energy efficiency and renewable energy of Lviv region	Can I, as a PhD of physical and mathematical sciences, participate in the Program, as an example of co-author, or in any other role? Does the city of Lubaczew in Lviv region is incorporated into the protection of historical heritage (in this town many displaced Polish emigrants lives)?	This remark does not concern the SEA consultations
May 25, 2015/ Ukraine Vasyl Prusak, Section of energy efficiency and renewable energy of Lviv region	What amount of Lviv residents may be covered by the Program? Why, the question about reducing emissions to the atmosphere by burning biomass in ecological boilers was omitted?	This remark does not concern the SEA consultations
May 25, 2015/ Ukraine Olga Homyakova, Resource and analytical Center "Society and the natural environment"	Why the risks that may appear during the implementation of the program are not marked? Why we discussed ecological problems, but we skip social problems, when these issues are strongly related to each other?	This remark does not concern the SEA consultations
May 26, 2015/ Poland	Who was the author of the Forecast - who was a part of the team that developed the Forecast?	This was taken into account. The Forecast was done by the "EU-CONSULT" Sp. z o. o.
May 26, 2015/ Poland	From what sources (studies, databases, reports, etc.) authors of Forecasts used in the field of formulating conclusions on the state of the existing areas in Ukraine and Belarus (in the analysis of the environment - analysis of the existing).	This was taken into account. Note on sources of information - in the Forecast information sources are given.
May 26, 2015/ Poland	The question in the field of slide no 20: 'Conformity of the PBU Programme with the terms of the strategic documents and objectives Which was identified on their basic". "Primary objective" and "reference purposes" on a slide refers to what? (and where it came from?). This information is only in the Forecast. There is no such information in the Cross-Border Cooperation Programme (I have checked it this morning). Should this information be included since it is not formulated in the Program? We must verify that.	This was taken into account.

Table 4. Summary of comments to the Forecasts submitted by the General Director of Environmental Protection

No.		
1.	The biggest doubts raises part of the Forecast regarding significant impacts on the environment. In point 6.1 of the Forecasts records concerning the impact of the Programme for the environmental components are missing.	This was taken into account.
2.	The key issue is to analyze if there is significantly negative impact on Nature 2000 areas, or there is no such a situation, also in the case of other forms of conservation. Forecast does not analyze and assess the impact linked with the Programme implementation.	This was taken into account.
3.	It is particularly important to identify the negative and significantly negative impacts. In accordance with this note, please place an adequate assessment of impacts on the environment. In addition, the environmental impacts are something different than environmental change trends.	This was taken into account.
4.	Substantive assessment in Table 6 (after changes Table no 7, p. 64). It is not clear what have determined the negative trend of change for positions 8 and 9, 4 and 11. In addition, it is not clear to what exactly could relate the small negative changes in the category "Quality of soil cover" under the implementation of soft projects.	This was taken into account.
5.	In Table 5 on page 56 (after changes Table no 6, p. 62) information is brief and not fully understandable.	This was taken into account.
6.	The Forecast identified the potential conflicted environmentally sensitive areas. It was not indicated whether and how they will be affected by the implementation of objectives of the Programme.	This was taken into account.
7.	Doubts are raised by the statement saying that: no prediction about the possibility of occurrence of significant impacts because the impact of these strategic projections may be in the normal way, limited by technical, technological, and organizational operations and the adoption of non-overlapping deadlines of implementation.	This was taken into account.
8.	Provisions of the chapter 8 are not understandable. The solutions proposed in this chapter aimed at preventing and reducing negative environmental impacts are not understandable. There are no specific recommendations related to the identification of impacts.	This was taken into account.
9.	The impacts presented in the Forecast does not take into account the specifics of the types of investments - Table 5, p. 55 (after changes Table no 6, p. 62)	This was taken into account.
10.	Cross-border activities that may occur outside the Program are also required. In addition, planned investments should be shown in the form of a map and in the form showing the possibility of cumulative border impacts occurrence.	This was taken into account.
11.	Forecast does not provide alternatives to the solutions proposed in the draft document. The proposals do not constitute variants.	This was taken into account.
12.	The issue of environmental alternatives (spatial) should be considered in the Forecast.	This was taken into account.
13.	The area in which the Authors make an attempt to prepare variants is defined by law and in this respect is not subject to a change. The records should be removed from the Forecast. Moreover, the content of Chapter 9 is inconsistent with its title.	This was taken into account.
14.	The Forecast should include the analysis of documents established at international, European, national levels.	This was taken into account.
15.	Art. 43 of the EL has been repealed with EIA act implementation, what should be noted in the Forecast.	This was taken into account.

16.	The map on page 49 (after changes p. 56) "Conservation nature protection in the area of PBU" is unreadable.	This was taken into account. A map in higher resolution was posted.
17.	Infrastructure operations indicated in Annex 1 should be presented on a map in relation to the protected areas.	This was taken into account. A map with protected areas was posted.
18.	In Table 5 (after changes Table no 6, p. 62) it is not clear what is meant by activities mitigating the risks identified for the risk in the field of location of objects of waste management and wastewater.	This was taken into account.
19.	We cannot agree with the statement that Poland, Belarus and Ukraine have not developed a procedure of consulting border investments which may significantly affect the environment of the country exposure.	This was taken into account.
20.	The scope and level of details required in the Forecast shall be the subject of the decision of competent authorities, not consultation with these authorities.	This was taken into account.
21.	Statement from page 34 according to which the implementation of the Programme should contribute to stabilization of the system of protection of landscape and nature understood in conservation manner should be developed.	This was taken into account.
22.	On page 40 the distinguishing features of the area of operation of the Programme were shown, among others: the presence of rare species for which there is a need to organize special system of protection. It is not clear what should be understood by that.	This was taken into account.
23.	The phrase "natural structure of the terrain is conducive to conserving the environment activities in the field of the organization of infrastructure system" is incomprehensible.	This was taken into account.
24.	On page 55, Authors made a reference to a table that does not exist.	This was taken into account. Applicable map was posted.
25.	In point. 6.4 it was indicated that there will be consolidation of protected areas, including in particular systems that protect habitats and taxons. It should be clearly stated what consolidation means in this context.	This was taken into account.
26.	On page 57-58 (after changes p. 64) Authors stated that potential projects will support the creation and proper functioning of the protected areas systems, including Nature 2000 network. It is not understandable.	This was taken into account.
27.	In Chapter 13, it was stated that the Programme is moderate and excludes large investments that may significantly impact on the environment. This statement is inaccurate and misleading.	This was taken into account. A misleading statement was modified.
28.	The forecast incorrectly use the abbreviation of TO shortcut, instead of CT (relates to Polish version).	This was taken into account. The correct shortcut – CT was applied.

4) RESULTS OF THE PROCEEDINGS CONCERNING TRANSBOUNDARY IMPACT ON ENVIRONMENT, IF IT WAS CARRIED OUT

In the Environmental Impact Assessment of the Programme's draft, no real possibility of occurrence of cross-border essential aspects related to its implementation have been found. However, local problems in case of crossing bridge over the border river and other work related to the use of these waters cannot be excluded.

In conclusion, there were no reasons to implement procedures for cross-border environmental impact assessment and other requirements of Art. 55.3 have been described in this document in above and below parts.

5) PROPOSALS RELATING TO THE METHODS AND FREQUENCY OF MONITORING THE EFFECTS OF THE IMPLEMENTATION OF THE PROVISIONS OF THE DOCUMENT SAVED IN THE PROGRAMME

Monitoring and Evaluation Plan of Programme

The Monitoring and Evaluation Plan serves as a tool used in planning a collection of data needed in assessment of the Programme progress. It describes the indicative list of evaluation to be undertaken (including their subject and rationale) together with methods for the individual evaluations and relevant data requirements. The plan gives a timetable of the data collection, as well as a strategy to ensure use and communication of evaluations. The plan includes also information on the indicative budget and human resources (and their possible development training plans) needed for its implementation. MA is also responsible for preparing yearly Monitoring and Evaluation plans. Such annual plan shall be submitted to the Commission not later than 15 February.

The JMC shall examine the evaluation plan and approve necessary amendments. Such examination and update shall take place as often as needed.

Monitoring at the Programme level will focus mainly on verification of programme indicators, monitoring of risks of different nature as well as frequent checking of assumptions that can be useful in day to day Programme implementation (simplifications, trainings etc.). On the ongoing basis MA/IB will store the data connected with output and result indicators – on the basis of applications and contracts signed as well as on the basis of beneficiaries' reports. Indicative monitoring plan of indicators is presented in the Table 2 in chapter 3.1.6 of the JOP.

Monitoring on the project level will include projects' monitoring performed internally by beneficiaries and externally by IB in order to track progress in project implementations, collect necessary data and take necessary actions. These will be carried out on the basis of the short brief narrative and full interim/final reports submitted by the beneficiaries as well on the results of on-the-spot checks done by IB with the involvement of other Programme institutions. Day-to-day monitoring will also include regular contacts with beneficiaries as well as attending important projects' events. Results of external experts' missions could be also useful.

Programme plans two evaluations: mid-term evaluation in 2020 and ex-post evaluation in 2023/2024 in accordance with the assumptions mentioned above which shall focus on progress of the results achieved. All necessary data will be collected and aggregated by the IB with the use of the system described in point 5.13 of the JOP.

Monitoring and Evaluation Plan of Forecast

Taking into account the assessment of the environmental impact of the Programme included in the report, it does not require any special indicators that measure this impact. However, it may be appropriate to enter to the evaluation procedures followings two criterion groups: new account of

environmental and economic benefits and losses and trends relating to global threats. There are many possibilities. Forecast cannot propose all of them, moreover, in the record of the Programme may be enough to ensure that such an approach will be used in the evaluation process.

In terms of global threats, particular attention should be paid to the problem of global warming, as the economic development, even as balanced as in the PBU Programme, can lead to a relative increase in GHG emission (Greenhouse gases). One of the indicators linking greenhouse gas emissions with a parameter characterising economic development should be adopted as a monitoring indicator. An exit point to the construction and indexation of such an approach should be to assess the projected changes in greenhouse gas emissions in the sectors of the economy. Unfortunately, there are no such data for the PBU area. Regardless of the activities, greenhouse gas emissions will be growing, if only because of transportation, which is associated with a priority increase of availability. This is due to the increasingly more intensive development of this sector and the increasing share of road transport. With time, along with the improvement of technology and the improvement of fuel quality, this growth will be lower. The frequency and scope of the analysis on the assessment of the share of transport in the balance of greenhouse gases in the PBU area (especially CO₂) should be agreed with the Ministry of Environment. Other indicators, due to the nature of the proposed measures, will not be applied.