



PARERE MOTIVATO
n. 57 in data 24 Febbraio 2016

OGGETTO: River Basin Management Plan 2016-2021 della Repubblica di Croazia.
Consultazione Transforntaliera.

L'AUTORITA' COMPETENTE PER LA VAS

PREMESSE

La legge regionale 23 aprile 2004, n. 11 "Norme per il governo del territorio", prevede, all'art. 4 che *"al fine di promuovere uno sviluppo sostenibile e durevole ed assicurare un elevato livello di protezione dell'ambiente, i comuni, le province e la Regione, nell'ambito dei procedimenti di formazione degli strumenti di pianificazione territoriale, provvedono alla valutazione ambientale strategica (VAS) degli effetti derivanti dalla attuazione degli stessi ai sensi della direttiva 2001/42/CE del 27 giugno 2001 "Direttiva del Parlamento europeo e del Consiglio concernente la valutazione degli effetti di determinati piani e programmi sull'ambiente"*.

A livello nazionale la Direttiva 2001/42/CE (entrata in vigore il 21 luglio 2004) è stata recepita con il D.Lgs. 3 aprile 2006, n. 152, *"Norme in materia ambientale"*, che relativamente a ciò che concerne le procedure di VAS, di VIA e di IPPC, disciplinate dalla Parte Seconda, è entrato in vigore il 31 luglio 2007.

Per quanto riguarda la VAS, la Regione Veneto è intervenuta con deliberazione n. 2649 del 07.08.2008 confermando gli indirizzi operativi di cui alle precedenti deliberazioni in quanto modulati sulla base della Direttiva 2001/42/CE.

Successivamente, il 13 febbraio 2008 è entrato in vigore il Decreto legislativo 16 gennaio 2008, n. 4, che ha, tra l'altro, modificato la citata Parte II del D.Lgs. n. 152/2006, sostituendola integralmente. In pratica ha riformato in modo sostanziale la disciplina delle autorizzazioni ambientali VIA e VAS, riservando alle regioni e province autonome l'individuazione dei soggetti competenti in materia ambientale, le eventuali ulteriori modalità, rispetto a quelle indicate nel decreto, per l'individuazione dei piani e programmi o progetti da sottoporre a VIA o VAS e per lo svolgimento delle consultazioni nonché le modalità di partecipazione delle regioni e province autonome confinanti al processo di VAS.

La Regione Veneto ha provveduto con LR 4/2008, entrata in vigore il 2 luglio 2008, all'individuazione dell'autorità cui compete l'adozione del provvedimento di verifica di assoggettabilità nonché l'elaborazione del parere motivato di cui agli articoli 12 e 15 del D.Lgs. n. 152/2006 s.m.i., identificandola nella commissione regionale VAS, già nominata con DGR n. 3262 del 24 ottobre 2006, come modificata con successiva DGR n. 23 del 21 gennaio 2014.

Con successiva delibera n. 791 del 31.03.2009, la Giunta regionale ha adeguato le procedure di Valutazione Ambientale Strategica già individuate con la DGR 3262/2006 con quelle dalla Parte Seconda del Decreto Legislativo 3 aprile 2006, n. 152, cd. "Codice Ambiente" come modificate con D.Lgs. 16 gennaio 2008, n. 4, dettando nuove indicazioni metodologiche e procedurali.

La Commissione VAS si è riunita in data 24 febbraio 2016, come da nota di convocazione in data 22 febbraio 2016 ns. prot. gen. 67623/71.03.

ESAMINATA la documentazione trasmessa dal Il Ministero dell'Ambiente e della Tutela del Mare – Direzione Generale per le Valutazioni Ambientali, con pec prot. 2703 del 03.02.16, acquisita al prot. Regionale in data 04.02.16 prot. n. 44728, ha pervenire la nota del 20 gennaio 2016 della Repubblica di Croazia con la quale ha chiesto dell'eventuale interesse dell'Italia a partecipare



alle consultazioni transfrontaliere del piano avente per oggetto: "River Basin Management Plan 2016-2021 della Repubblica di Croazia.", (Piano di Gestione del Bacino Idrografico della Repubblica di Croazia 2016-2021) per l'espressione di interesse e l'invio delle osservazioni. Ha trasmesso, oltre alla comunicazione della Croazia, anche la documentazione, in lingua inglese, di seguito elencata:

- Scheda di notifica ai sensi del Protocollo alla Convenzione di Espoo sulla VAS transfrontaliera;
- Sintesi del Piano;
- Sintesi non tecnica del Rapporto Ambientale.

La Sezione Coordinamento Commissioni, esaminati i documenti trasmessi, ha elaborato la propria istruttoria in data 24 febbraio 2016, dalla quale emerge che:

Il Piano di Gestione del Bacino Idrografico della Repubblica di Croazia 2016-2021, riguarda:

Gestione dello stato delle acque (water status management) valuta lo stato delle acque, tenendo conto anche dei cambiamenti climatici in atto e sviluppando azioni per preservare e migliorare lo stato delle acque superficiali e sotterranee mediante progetti di riduzione dell'inquinamento.

Gestione del rischio alluvioni (Flood Risk management)

Misure per lo sviluppo delle infrastrutture idriche (water infrastructure development measures) come la parte di investimento più significativa del programma di misure di gestione di stato dell'acqua e il programma di inondazioni rischio.

"Water status management – Insight into the efficiency of gradual implementation of basic measures related to the achievement of established water protection objectives is gained through simulation of Scenario 1 and Scenario 2. Measures refer to control of point and diffused sources of pollution and their impacts on the improvement of physical–chemical and chemical elements of water quality are assessed.

Indicators of expected water statuses after partial and complete implementation of basic measures show that their impacts are very limited and that almost all existing problems remain unsolved. Even though implemented measures have reduced total pressure on waters, this reduction is not fully aimed at water bodies under the heaviest pressure. Local water status can deteriorate in individual cases, in smaller receiving bodies. In most cases this happens in sites where new wastewater collection systems are constructed in which locally diffused pollution is concentrated in one discharge without appropriate treatment level. Nutrient pollution remains the largest environmental problem.

For water bodies estimated that they will not achieve good water status after implementation of basic measures, it is recommended that supplementary measures are planned and implemented. Selection of supplementary measures and proscribing the obligation to implement these measures shall occur after investigative monitoring and detailed analysis of water statuses verify the effects of basic measures for all pollution sources that affect the status of these water bodies.

Flood risk management – With direct investment in measures aimed at the reduction of flood hazard and flood risk that are supposed to include about 1 500 000 inhabitants, a large part of activities are planned to be implemented also with regard to reducing flood vulnerability, i.e. flood sensitivity. In the part that refers to flood hazard reduction it is imperative to select solutions that are an efficient combination of construction measures and measures of the so-called "green infrastructure" (preserving natural retarding basins, wetlands, wide flood retention areas along river courses etc.). The measure that foresees the harmonization of the program of flood risk



management measures with regional planning documents has a significant influence on the reduction of flood risk in the part that refers to the reduction of flood exposure.

Water infrastructure development measures– Investments into the development of water infrastructure as the most significant investment part of the programme of water status management measures and the program of flood risk management measures are elaborated in detail in the following documents:

- ✓ The multi-annual Programme of construction of water supply and wastewater structures – in October 2015 the Government of the Republic of Croatia passed the Decision on the passing of Multi-annual Programme of construction of water supply and wastewater structures (Official Gazette, No. 117/15), which, according to Article 37 Paragraph 1 of the Water Act, was prepared by Hrvatske vode (measures: C.5.2.2. (12) Drinking water protection measures and C. 5.2.5. (14) Control measures for point sources of pollution) and
- ✓ The multi-annual Programme of construction of water regulation and protection facilities and facilities for basic amelioration drainage - in October 2015 the Government of the Republic of Croatia passed the Decision on the passing of Multi-annual Programme of construction of water regulation and protection facilities and facilities for basic amelioration drainage (Official Gazette, No. 117/15), which, according to Article 37 Paragraph 1 of the Water Act, was prepared by Hrvatske vode (measure D.5. (41) Strengthening of capacities and implementation of preventive preparation activities, immediate measures of regular and emergency flood defence, and activities after the end of regular flood defence.).

Important parts of both multi-annual programmes were transposed into River Basin Management Plan 2016 – 2021. The procedure of strategic environmental impact assessment was conducted for both programmes. Estimated amounts of infrastructure development investments:

- ✓ For total compliance of public water supply systems that supply water to more than 50 individuals, i.e. that deliver more than 10 m³ in order to meet drinking water standards in the amount of 6.4 billion HRK (measure C.5.2.2 (12)),
- ✓ For total compliance of discharged urban wastewater for all agglomerations larger than 2 000 PE with required wastewater emission standards in the amount of 21.9 billion HRK, and
- ✓ For reduction of flood risk for all inhabitants for which preliminary flood risk assessment established that they are located in a very high risk area, and for 30% of inhabitants who are located in high risk area (measure D.5. (41)) in the amount of 4.6 billion HRK.

were used in economic analysis whose aim was to determine the participation of individual water users in the recovery of environment and resource costs (ERC) as a basis for assessment of their capacities to develop infrastructure and secure operation and maintenance in the way as to maintain proscribed standard of service, i.e. standard of water use/protection.

Economic analysis – Water service cost recovery indicators show a relatively satisfactory level of cost recovery, especially in the case of current level of cost recovery (75%) which was achieved through the implementation of valid water policy measures. Estimates of cost recovery rate that include internal (present) environmental and resource costs of the programme of basic measures, i.e. external environmental and resource costs (69%, i.e. 65%) show weaker results. Indicators show significant improvement when we observe provisions collected in the name of obligatory water fees as “income” made by water service users in a river basin district, by which public water service providers’ costs are cross-subsidized. In this way the subsidization of costs (construction of new systems) incurred by public water service providers is significantly reduced, thus increasing total cost recovery rates (97% - current water service cost recovery rate, 88% - recovery rate that includes both internal (present) environmental and resources costs of the programme of basic measures, i.e. 83% -water service cost recovery rate that includes both external environmental and resource costs).



Analysis of participation of significant water environment users in the recovery of ERC indicates that for the implementation of the programme of measures from the River Basin Management Plan 2016-2021 (i.e. to cover current ERC) are internalized to a high percentage. Here it is emphasized that the high level of cost internalization also includes a high level of respect for the polluter/user pays principle. Actually there is a high level of direct participation by sources of water pressure in covering costs related to the implementation of the Programme of measures (Nitrate Directive/agriculture, Industrial Emissions Directive/industry). Urban development (population) is subsidized to a certain degree due to non-affordability of covering environmental and resource costs, i.e. non-affordability of future water price for population after a period of intensive investments and implementation of water and wastewater directives. Certain improvements are required in order to secure external costs coverage required for the implementation of the Programme of measures from the River Basin Management Plan 2022-2027.

Monitoring efficiency and impact of the implementation of the Programme of measures falls within the competence of Hrvatske vode who are obliged to report on the implementation progress:

- ✓ After the first half of planning period,
- ✓ Within the framework of the Report on significant water management issues, and
- ✓ Within the framework of the River Basin Management Plan 2022-2027.

The report is based on monitoring indicators agreed/harmonized with institutions in charge of implementing measures. Please note the following:

- ✓ Implementation of control measure for point sources of pollution and implementation of drinking water protection measures are also monitored within the framework of monitoring the implementation of the multi-annual Programme of construction of water supply and wastewater structures for which a special system of indicators has been developed (see Chapters 5.2.2. and 5.2.5.), and
- ✓ Implementation of flood risk reduction measures is monitored also within the programme of monitoring the implementation of the multi-annual Programme of construction of water regulation and protection facilities and facilities for basic amelioration drainage for which a special system of indicators has been developed (see Chapter D.5).

have been harmonized with the reporting needs of institutions participating in co-financing the implementation of these two multi-annual programmes.”

Particolare rilevanza assume la valutazione del potenziale impatto transfrontaliero, del Piano di gestione del Bacino Idrografico sulla rete ecologica.

Sono stati analizzati lo stato delle acque in zone vicine al confine e a valle dei corsi d'acqua.

Gli ambiti dei bacini nel rapporto transfrontaliero sono stati divisi in due settori: bacino del Danubio (Slovenia, Ungheria, Serbia, Bosnia ed Erzegovina) e bacino del mare Adriatico (Slovenia, Italia e Montenegro).

Nel caso specifico si è chiamati ad esprimere l'interesse all'invio di eventuali osservazioni relativamente al bacino inerente al mare Adriatico.

Dall'analisi degli impatti potenziali transfrontalieri, emersi nel documento di sintesi del Piano (pag. 77 - Transboundary impacts) è stata esclusa la possibilità di impatto transfrontaliero sulla rete ecologica del Montenegro e dell'Italia, come si evince dalla documentazione di seguito riportata.

“Transboundary impacts

In order to assess ecological potential transboundary impact of the RBMP on the ecological network, transboundary ecological network sites that depend on the water status and water management were analysed – i.e. areas in the vicinity and downstream of the border watercourses (Slovenia, Hungary, Serbia, Bosnia and Herzegovina), as well as areas influenced by the Adriatic Sea



(Slovenia, Italy, Montenegro). During the analysis of the potential impacts, possibility of transboundary impacts on the ecological network of Montenegro and Italy was excluded.

Measures planned by the RBMP mostly have moderate to significant positive impact on the improvement of the water status by reducing the pressures on target species and habitats which will have positive effects on the transboundary areas of ecological network. Measures regarding the flood risk management that aim to conserve present and potential retentions and floodplains could have a significant positive impact on areas of ecological network which protect floodplains, upon condition that identification of those areas, their protection programs and management plans are made in close cooperation with the nature protection sector. Their impact on the transboundary areas of ecological network is mostly positive, while any potential negative impact on the transboundary areas can be lessened or eliminated during the early planning phase (e.g. identification) and/or in cooperation with the relevant institutions of neighbouring countries.

Possible negative impacts on the transboundary areas of ecological network could be connected with the construction works (e.g. construction of public water supply and public sewerage systems, revitalisation projects etc.) designed for achieving the RBMP objectives – i.e. to achieve good water status and reduce hydromorphological loads to a lesser extent. Considering the general features of such projects, possible negative impacts are expected to be spatially and / or time-limited, potentially affecting the transboundary sites in the close vicinity of the border watercourses, while the potential adverse impact on the water bodies of the neighbouring countries located downstream of Croatia is assessed as low and indirect. Since the possible negative impacts can be assessed in more detail (precise project location and character of the possible impacts) during the SEA of water management and/or spatial plans, through the NIA mechanism, as well as in cooperation with the relevant institutions of neighbouring countries (if deemed necessary), they are considered as acceptable on the SEA level.

VISTE

- la Direttiva 2001/42/CE ;
- la LR 11/2004;
- il D.Lgs. n.152/2006;
- la LR 4/2008;
- la DGR 791/2009

**TUTTO CIÒ CONSIDERATO
LA COMMISSIONE REGIONALE VAS**

preso atto di quanto emerso nel documento di sintesi del Piano (pag. 77 - Transboundary impacts) ha ritenuto di non esprimere osservazioni in merito ai contenuti del "River Basin Management Plan 2016-20121" della Repubblica di Croazia.

Il Presidente
della Commissione Regionale VAS
(Direttore del Dipartimento Territorio)

Arch. Vincenzo Fabris

Il presente parere è controfirmato anche dal Direttore della Sezione
Coordinamento Commissioni (VAS – VINCA – NUVV) quale responsabile del procedimento amministrativo

Avv. Paola Noemi Furlanis

Il presente parere si compone di 5 pagine