

Key requirements of the SEA Directive

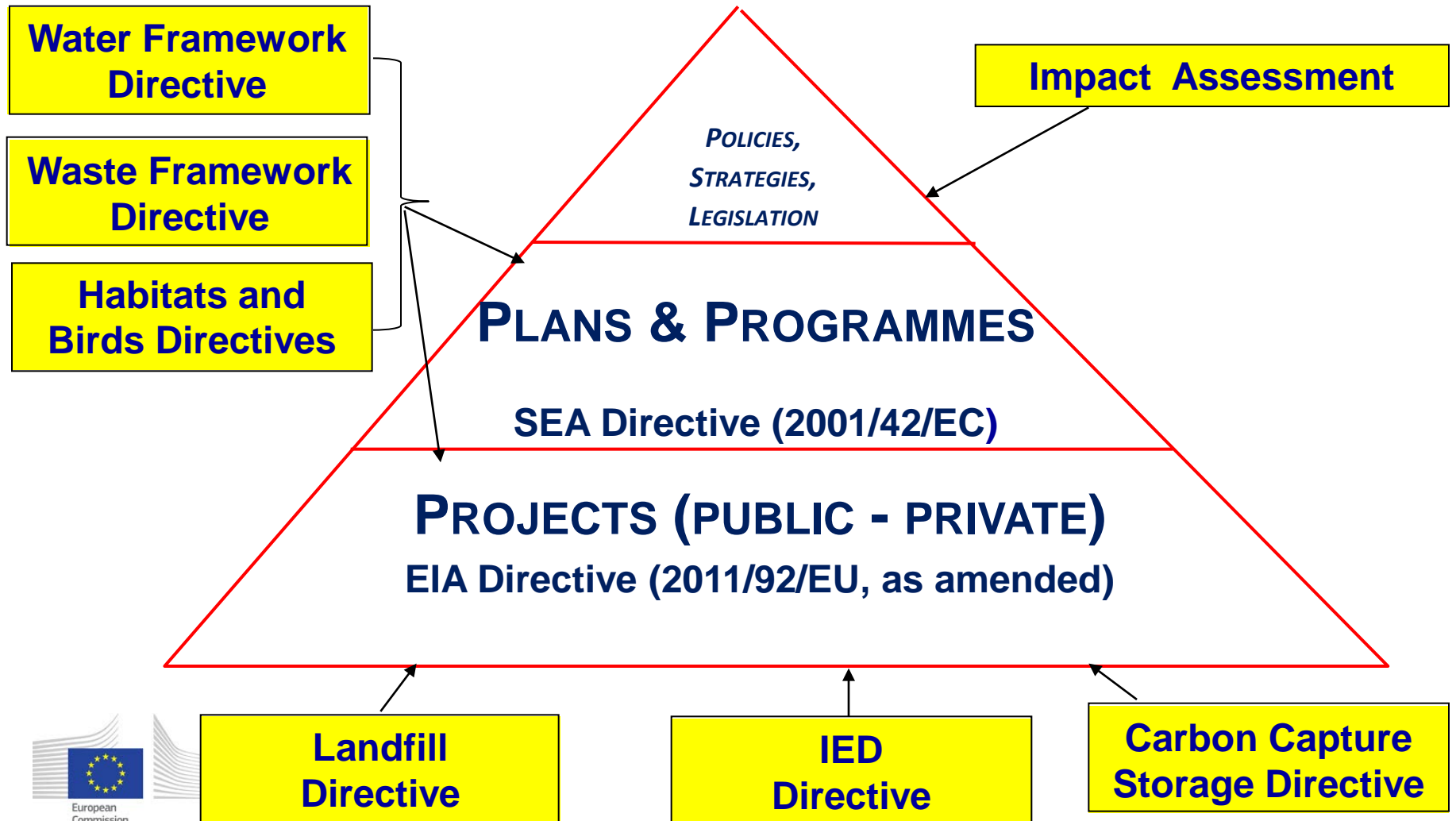
Directive 2001/42/EC (SEA Directive)

Vienna, 12 May 2016

Outline of the presentation

1. **WHY** do we need SEA?
2. **WHICH** plans and programmes?
3. **KEY elements** of the SEA procedure.

Environmental Assessments



WHY do we need SEA?

- To provide for a **high level of protection of the environment.**
- To contribute to the **integration of environmental considerations** into the preparation of **public** plans and programmes with a view to promoting sustainable development.
- Plans, programmes and projects which are **likely to have significant effects** on the environment are subject to an assessment.

Directive 2001/42/EC (SEA Directive)

- **The EU is a Party to the UNECE SEA Protocol**

SEA: WHICH plans and programmes? (1/4)

Which plans or programmes?

- ✓ prepared and/or adopted by an **authority** at national, regional or local level **AND**
- ✓ **required** by legislative, regulatory or administrative provisions.

Exemptions:

- ✗ Plans & programmes the **sole** purpose of which is to serve national defence or civil emergency;
- ✗ Financial or budget plans/programmes.



SEA: WHICH plans and programmes? (2/4)

1. Plans and programmes (P/Ps) that **always** require SEA are those:
 - *prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use **AND** which set the framework for future development consent of projects listed in the EIA Directive;*
 - *which have been determined to require an assessment under **Articles 6 or 7 of the Habitats Directive.***
 - *P/Ps co-financed by the EU (e.g. OPs).*
 - *Modifications of P/Ps.*

2. Plans and programmes that must be **screened**:
 - *P/Ps using small areas at local level.*
 - *minor modifications to P/Ps.*
 - *P/Ps setting the framework for future “non-EIA projects” and “non-sector” P/Ps.*

SEA: WHICH plans and programmes? (3/4)

Non-exhaustive examples of p/p required under the EU legislation

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- Action Programmes
Nitrates Directive (91/676/EEC)
- River Basin Management Plans (RBMPs)
Water Framework Directive (2000/60/EC)
- Flood Risk Management Plans (FRMPs)
Floods Directive (2007/60/EC)
- Programmes of measures
Marine Strategy Framework Directive (2008/56/EC)
- Waste management plans
Waste Framework Directive (2008/98/EC)
- Transitional National Plans (TNPs)
Industrial Emissions Directive (2010/75/EU)

SEA: WHICH plans and programmes? (4/4)

Non-exhaustive examples of p/p required under the EU legislation

• Operational Programmes (OPs) - EU co-funded

Common Provisions Regulation (Regulation 1303/2013)

- Most EU OPs are subject to SEA , which is the environmental pillar of the *ex-ante* evaluation;
- The SEA ensures systematic integration of environmental concerns into the OPs;
- **The SEA is carried before the adoption of the OPs, and subject to consultation are the OP and the SEA report;**
- The SEA ensures synergies with other relevant plans and procedures (e.g. linked to *ex-ante* conditionalities – transport plans);
- The quality of the SEA reflects on the quality of the OP, and can facilitate the implementation of the projects.

• Programmes devised under the Union's instruments for financing external action

Regulation 236/2016 for financing external action

- *"Where relevant SEA shall be used in the implementation of sectoral programmes"*

What is "screening"?

An assessment to determine, if a plan or programme is likely to have significant environmental impacts.

Why carry out a "screening"?

- To determine whether SEA is required.

For which plans/programmes carry out a "screening"?

- P&P local level + minor modifications of P&P;
- P&P setting the framework for future development consent of projects; not covered by Art 3.2 of the SEA Directive.

How to carry out "screening"? (Art. 3(5) and Annex II)

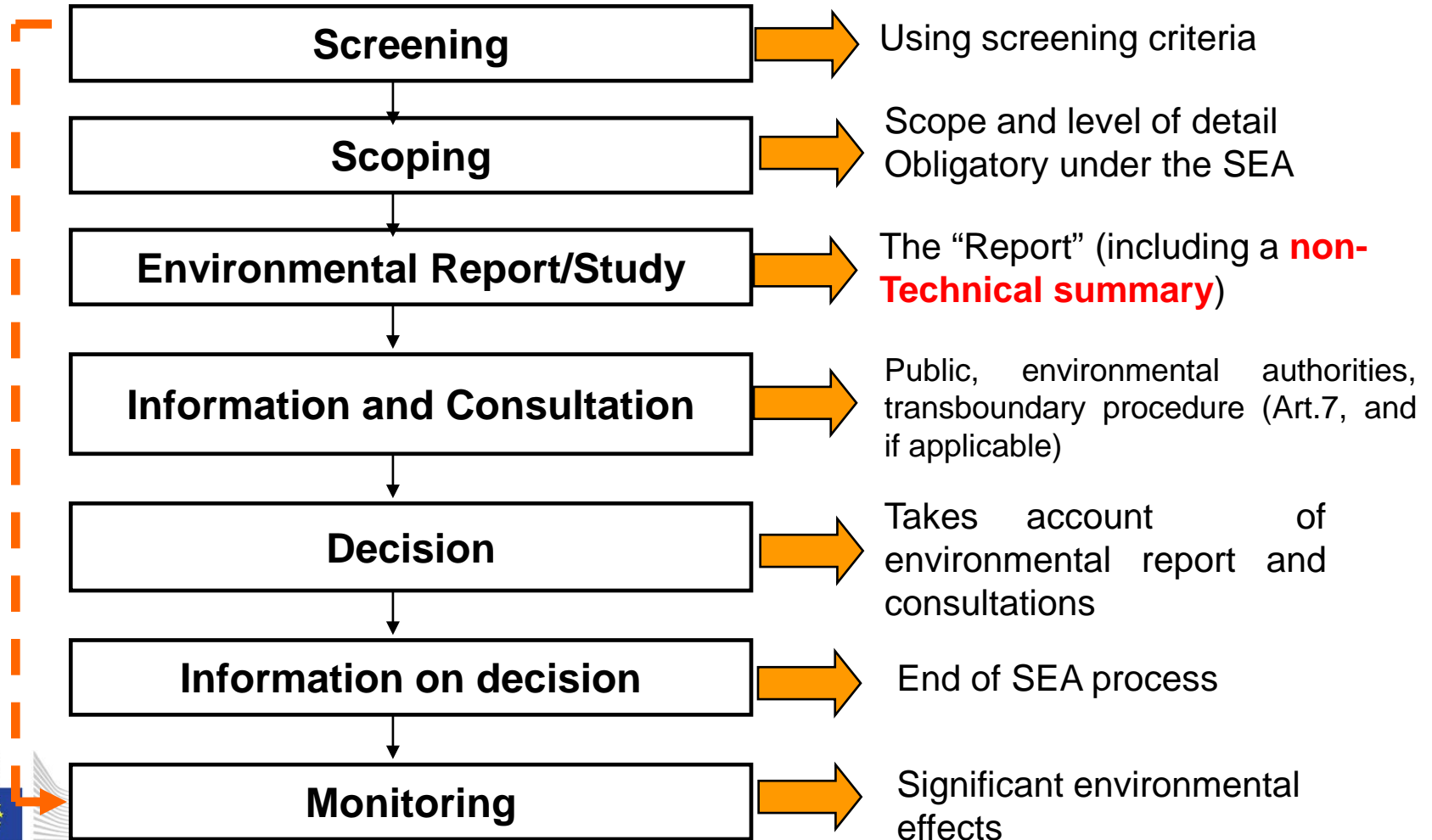
- **Case-by-case** decision or specifying **types** of plans and programmes or a **combination** of both;
- Annex II criteria: characteristics of p/p; characteristics of effects and areas likely to be affected.

Integration of the SEA procedure in the planning process

Art. 4 of the SEA Directive

- **SEA should be carried out:**
 - *During the preparation of plans/programmes;*
 - *Before their adoption.*
- **SEA may be integrated** in existing planning procedures for the adoption of plan and programmes or in new ones for the requirements of the Directive.

The SEA procedure



Key elements of SEA - the Environmental Report

Must identify, describe and evaluate, *inter alia*:

- the likely significant **environmental effects of implementing** the p/p;
- reasonable **alternatives** + **relationship with other plans/programmes**
- **Environmental protection objectives**, how they were taken into account.
- **Mitigation**
- **Monitoring measures.**
- **Non-technical summary (important).**

Key elements of SEA - Consultation

- Environmental authorities
 - in screening
 - in scoping
 - on the **draft** plan/programme and the environmental report
- The public
 - on the **draft** plan/programme and the environmental report
- Transboundary consultations
 - on the **draft** plan/programme and the environmental report

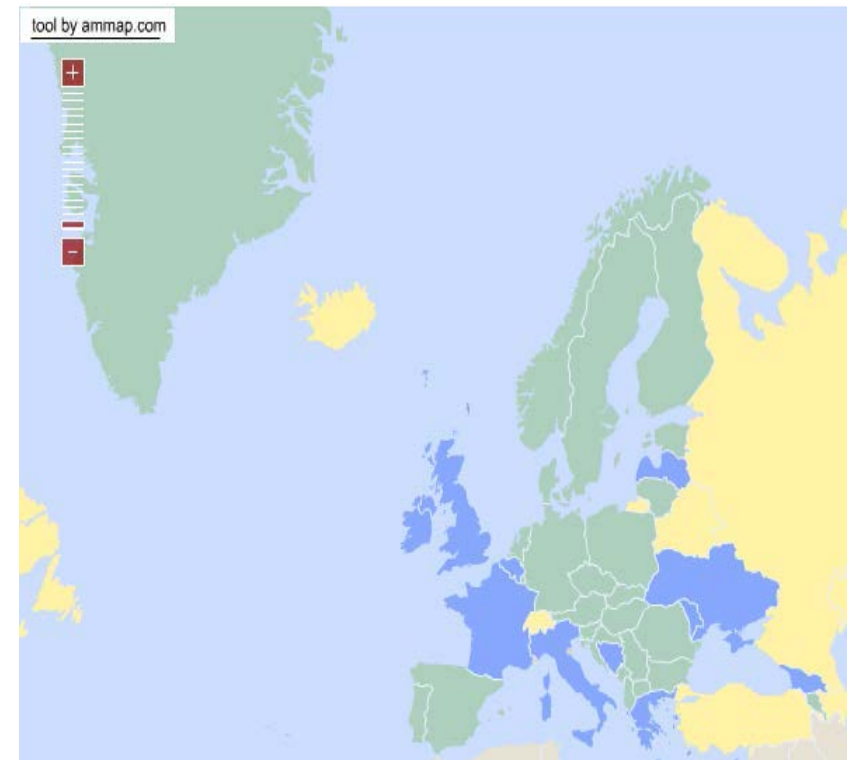
Transboundary procedure (1/2)

Art. 7 of the SEA Directive & Art. 10 of the SEA Protocol

UNECE Protocol on Strategic Environmental Assessment to the Espoo Convention

Adopted in 2003 (Kyiv), in force since
2010

- **26 Parties, including the EU**
- **Global instrument** – open to any
Member State of the United Nations



Transboundary procedure (2/2)

- **Stage I: Initiation of the procedure**
 - Notification
 - Confirmation from affected country
 - "Party of origin" & "Affected Party"
- **Stage II: The procedure**
 - Preparation and provision of information and documentation'
 - Possibility for commenting by foreign authorities and public;
 - Consultation with the environmental and health authorities
 - Final decision and information about the decision.
- **Practical arrangements have to be established for carrying the transboundary SEA procedure - *ad hoc* or through bilateral agreements.**

Key elements of SEA - Decision making

Art. 8

The competent authorities have to take account of the:

- Environmental report.
- Opinions expressed pursuant to the consultation (public, environmental authorities).
- Results of any transboundary consultation.

Key elements of SEA - Information on the decision – Art.9

Information about final decision has to be provided to the public, environmental authorities, other countries (if consulted):

- Adopted plan/programme;
- Statement summarising how environmental report and results of consultations have been taken into account, and reasons for choosing between alternatives;
- Monitoring measures.

Key elements of SEA - Monitoring

Art. 10

- Member States have to monitor the significant environmental effects of the implementation of the plan/programme in order to:
 - identify at an early stage unforeseen adverse effects;
 - be able to undertake remedial action.
- Existing monitoring arrangements may be used.
- Monitoring measures must be covered in the SEA Report.

EIA/SEA Guidance

EU Commission EIA / SEA Homepage:

<http://ec.europa.eu/environment/eia/sea-support.htm>

- Commission's Guidance on the implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment;
- Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment (March 2013);
- Report from the Commission on the application and effectiveness of the SEA Directive, COM/2009/469.
- GRDP Handbook on SEA for Cohesion Policy 2007-2013 (Interreg IIIC, GRDP greening regional development programmes)