



Key requirements of the EU SEA Directive

Directive 2001/42/EC (SEA Directive)

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Outline of the presentation

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



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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 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)

SEA: WHICH plans and programmes? (1/7)

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? (2/7)

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? (3/7)

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? (4/7)

Example: SEA Application to Maritime Spatial Plans (MSPs)- Directive 2014/89/EU

- Where MSPs are likely to have significant effects on environment, they are subject to SEA Directive (recital 23 of the MSP Directive).
- Possible activities which the MSPs may include are for instance: aquaculture areas, related to energy, maritime transport, tourism, etc. (Art. 8 (2) MSP Directive).
- Both the SEA Directive and the MSP Directive promote sustainable development.

SEA: WHICH plans and programmes? (5/7)

Non-exhaustive examples of p/p required under the EU & Euratom 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.

• National Programmes

Responsible and Safe Management of Spent Fuel and Radioactive Waste Directive
(2011/70/EURATOM)

SEA: WHICH plans and programmes? (6/7)

Example: SEA Application to Cross-Border Cooperation Programmes (CBCs) and European Territorial Cooperation Programmes (ETCs)

1. Joint or separate SEAs procedures?

- Managing Authorities and Environmental authorities (EAs) should agree on the procedure to be followed when starting the preparation of the Programme.
- Practical issues such as scope of the report, the preparation of a single or joint report(s), the timing and organisation of consultations should be decided early in the process.
- Joint body involving MAs and EAs from the MSs concerned could be set up.
- Regular meetings throughout the SEA process should be held.

2. Single or separate environmental report(s)?

- Scope of the report(s) (extent to which certain matters are assessed) : need to coordinate and agree. Consult all relevant Env. Authorities.
- Single SEA report = most advisable solution to cover the whole programme and assess its overall effects. However, separate reports are also acceptable.
- In case of separate reports:
 - avoid important differences in the scope and level of detail of the reports.
 - a synthetic presentation/summary of the overall effects of the OP providing an overview of the overall impacts of the Programme should be considered.

SEA: WHICH plans and programmes? (7/7)

SEA Application to plans and programmes not required by EU legislation

Plans required by national legislative, regulatory or administrative provisions

- SEA Directive sets no obligation to adopt plans and programmes
... however...
- When Member States prepare/adopt them, SEA requirements apply

Example: Framework plan and programme for research and exploitation of hydrocarbons in the Croatian Adriatic

- draft Framework Plan covering 36 822 km² (app. 90% of the Croatian Adriatic), divided in 29 exploration/exploitation fields
- draft Framework Plan is subject to the on-going SEA procedure
- SEA and Appropriate Assessment streamlined in a single procedure
- transboundary consultation on-going
- major benefits of preparation of the Framework Plan and conducting its SEA: assessment of cumulative effects, social acceptance of planned activities

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.

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

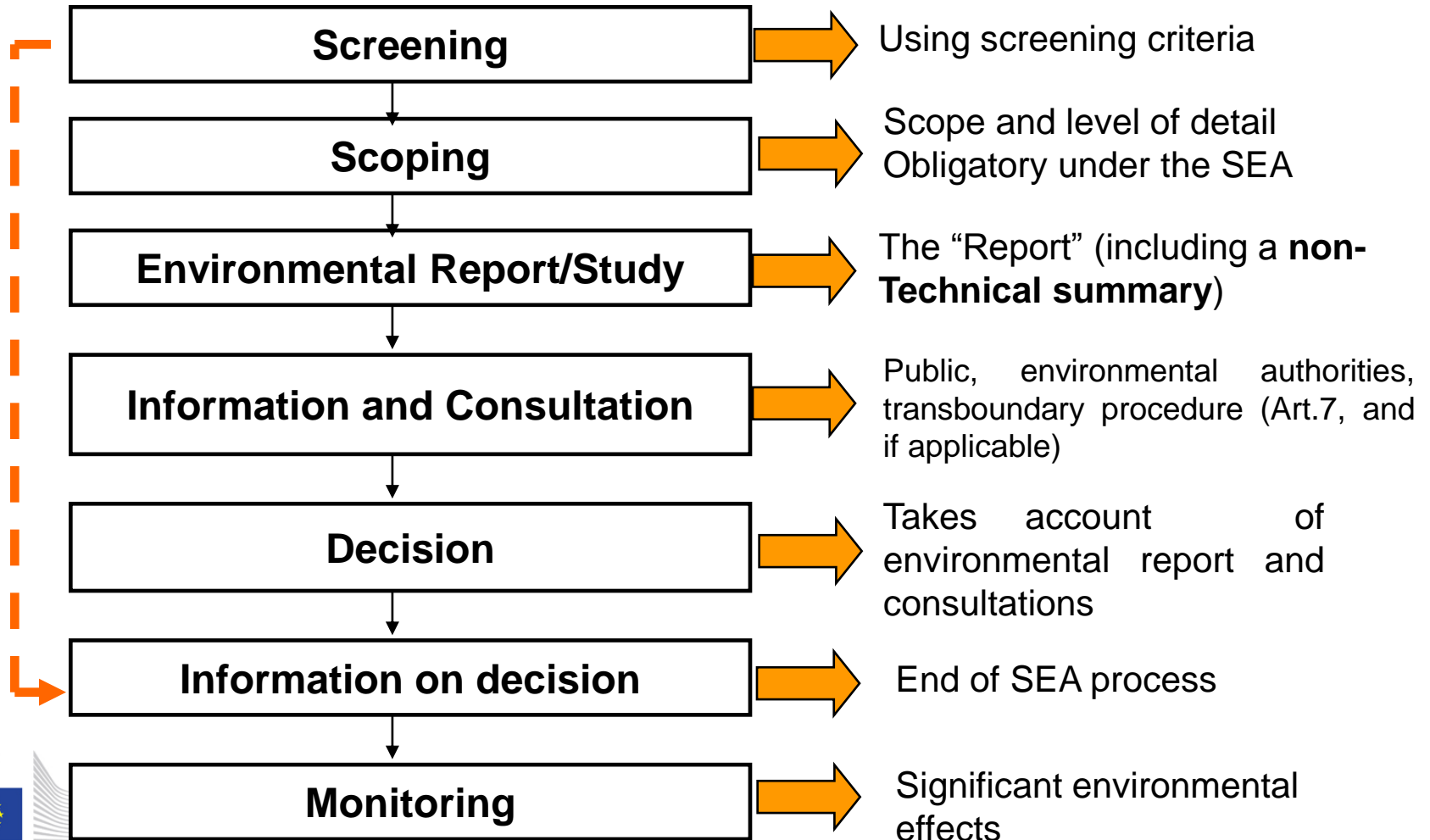
- **Case-by-case** decision or specifying **types** of plans and programmes or a **combination** of both;
- Annex II criteria: characteristics of p/p; characteristics of effects and areas likely to be affected.

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 (1/3)

Must identify, describe and evaluate:

- the likely significant **environmental effects of implementing the plan/programme**, including
 - effects on biodiversity, soil, water, air, climatic factors
 - effects on population, human health, architectural and archaeological heritage, landscape.
- reasonable **alternatives** taking into account the objectives and the geographical scope of the plan/ programme
 - ! **alternatives must include the « zero » alternative**, i.e. the current state of the environment and the likely evolution of environment without implementation of the plan or programme.

SEA can address a wide range of issues

Climate change mitigation	Climate change adaptation	Biodiversity
<ul style="list-style-type: none">● energy demand (industry)● energy demand (housing & construction)● GHG emissions in agriculture● GHG emissions (waste management)● travel patterns and GHG emissions (transport)● GHG emissions from energy production● land use, land-use change, forestry and biodiversity	<ul style="list-style-type: none">● heat waves● droughts● flood management and extreme rainfall events● storms and high wind● landslides● sea level rise, extreme storms, coastal erosion and saline intrusion● cold spells● freeze-thaw damage● ...	<ul style="list-style-type: none">● degradation of ecosystem services● loss of habitats, fragmentation● loss of species diversity● loss of genetic diversity● ...

Key elements of SEA - the Environmental Report (2/3)

- Outline of the plan/programme and **relationship with other plans/programmes**
- Environmental characteristics of the area.
- **Environmental protection objectives**, how they were taken into account.
- Mitigation measures (envisaged to prevent, reduce and as fully as possible compensate any significant adverse effects on the environment of implementing the plan or programme).
- **Monitoring measures.**
- **Non-technical summary (important).**

Key elements of SEA - Consultation (3/3)

- 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

Organising consultations with the public & environmental authorities (Art. 6)

Environmental authorities in all the MSs involved need to be consulted.

From a practical point of view, it is very likely easier to organise **consultations** in each MS (linguistic aspects, national rules in relation to public consultation, time frames..) rather than a single public consultation.

Consider the **documents** to be made available to the public: draft programme, environmental report + in case of separate procedures: non-technical summaries from the other MSs.

Translation: to ensure appropriate public participation, relevant information (draft programme + at least non-technical summary) should be made available in the languages of the MS involved.

Need to give the public and the EAs an early and effective opportunity within appropriate time frames to express their opinion on the draft plan and the environmental report(s).

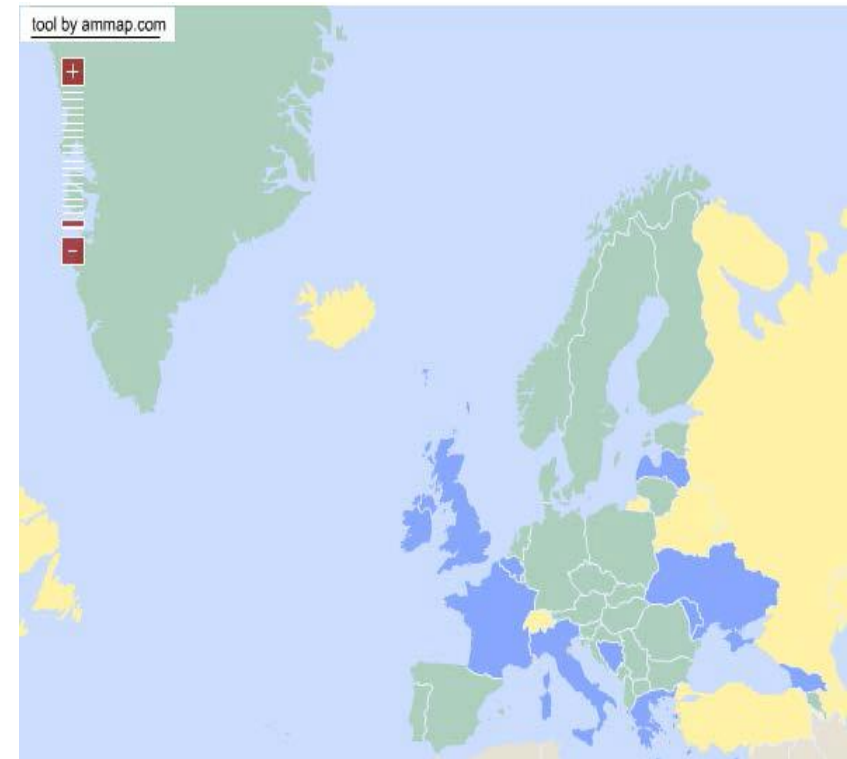
Transboundary procedure (1/2)

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 - Monitoring

- 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.

Key elements of SEA - Decision making

Art. 8 of the SEA Directive

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.

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)



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Thank You!

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