



Introduction to the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) Directives

**Workshop for EU judges
14 November 2018, Trier**

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Outline of the presentation

1. Setting the framework

2. EIA Directive

3. SEA Directive

The presentation is divided into three parts.

Firstly, a brief introduction on what these two pieces of legislations are about.

Secondly, detailed analysis of the EIA Directive.

And thirdly, detailed analysis of the SEA Directive.



Historical/international perspective

- US National Environmental Protection Act (1969)
- EIA Directive (1985)
- UNEP Guidelines Goals and Principles of EIA (1987)
- Espoo Convention (adopted in 1991 – into force in 1997)
- Rio Declaration on Environment and Development (1992)
- 1st amendment to the EIA Directive (1997)
- Gabčíkovo -Nagymaros Project (ICJ ruling in 1997)
- Aarhus Convention (adopted in 1998 – into force in 2001)
- SEA Directive (2001)
- SEA Protocol to Espoo (adopted in 2003 – into force in 2010)
- Pulp Mills case (ICJ ruling in 2010): EIA attains customary international law
- 2nd and 3^d amendments to the EIA Directive (2003 and 2009)
- EIA codified (2011)
- Revised EIA Directive (2014)
- Evaluation of the SEA Directive (ongoing)

The Environmental Assessment procedures/legislation have a long history.

EIA Directive: one of the oldest pieces of EU environmental legislation, amended several times (most recent revision took place in 2014)

The EU has joined the Espoo Convention which sets the rules for the transboundary environmental impact assessments and how to deal with projects that have impact on other countries.

Pulp Mills ICJ case (Project in South America) → set a stone, that the environment impact assessment is part of the international law.

SEA Directive has not been amended since its adoption in 2001, however the Commission is currently evaluating the SEA Directive to ensure that it is "fit for purpose" under the so-called REFIT mechanism (i.e. if it meets its objectives, if it is up to date, if it corresponds to the expectations of the society).



Objectives of SEA/EIA Directives

SEA Directive

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.

EIA Directive

To protect the **environment and the quality of life/the human health**.

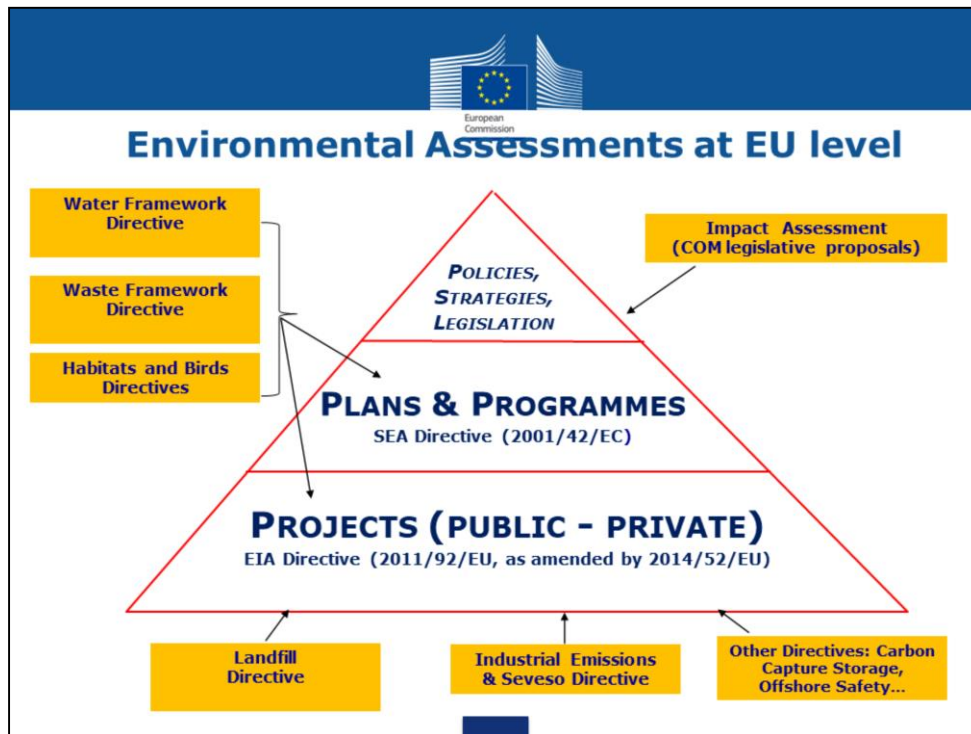
Guiding principle for both EIA/SEA:

Plans, programmes and projects which are **likely to have significant effects** on the environment are subject to an assessment.

Objectives of both directive → quite similar → they aim to provide a high level of protection of the environment based on the precautionary principle which is enshrined in the Treaties of the EU.

Difference is in the scope (one is for projects, the other one is for plans and programmes)

The overarching/guiding principle for both directives is that “plans, programmes and projects which are likely to have significant effects on the environment are subject to an assessment”.



This pyramid illustrates the hierarchy of environmental assessments at EU level.

At the moment: no EU requirements on assessment of Policies, Strategies or Legislation.

Environmental assessment of plans and programmes is covered by the SEA Directive, whereas assessment of projects is regulated by the EIA Directive.

Other EU legislation may apply to plans, programmes and projects, such the Water Framework Directive, the Waste Framework Directive, the Habitats and Birds Directives, the Landfill Directive and the Industrial Emissions Directive.



Case law as a result of:

- Art 258 TFEU (Commission v MS) actions
- Art 267 TFEU preliminary references

EIA Directive

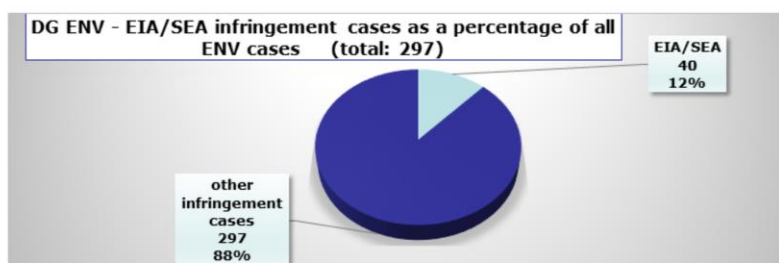
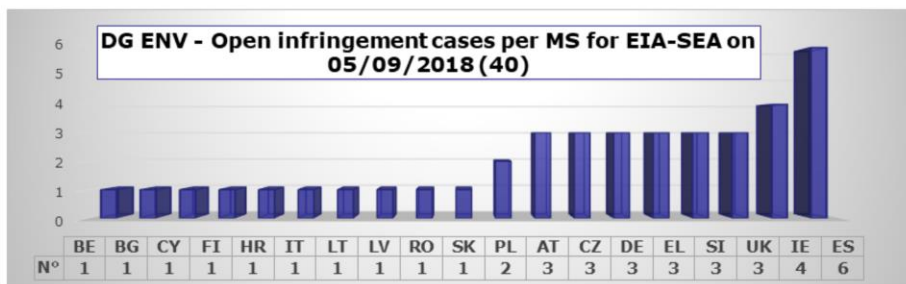
- rich case law, both Art 258 and Art 267 TFEU cases
- on objectives and basic principles, definitions (e.g. 'project', 'development consent'), screening (criteria/thresholds, cumulative effects), public participation and A2J, project categories of Annexes I and II)

SEA Directive

- ~ 20 rulings so far, almost exclusively Art 267 TFEU
- mostly on the scope of the Directive

Significant body of CJEU cases in particular as regards the EIA Directive.
Limited number for SEA Directive but with some very interesting cases.

Current infringement statistics

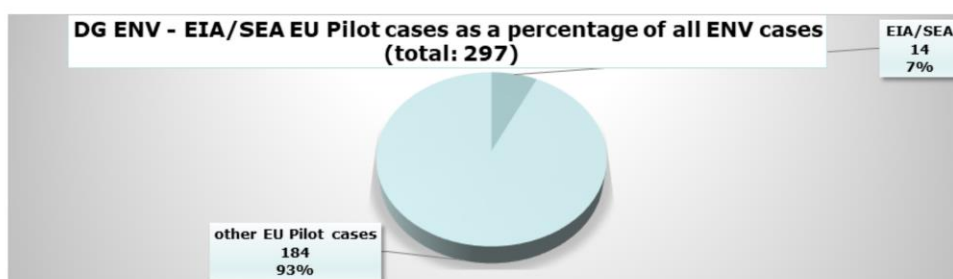
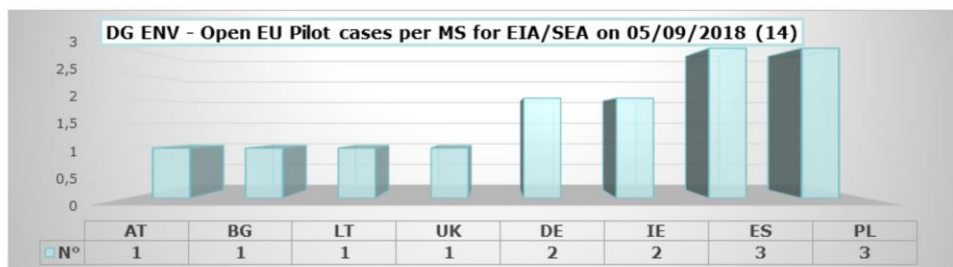


Statistics about the percentage of EIA/SEA cases across EU.

12% of the total amount of the cases under DG Environment.

Not purely EIA or SEA cases, usually they are linked to another legislation, e.g. the Habitats Directive, Waste or Water Framework Directives, etc.

Current investigation statistics



With regard to the investigation phase, the EU Pilot system has been established in order to enable an informal dialogue between the Commission and the Member State concerned on issues related to potential non-compliance with EU law, prior to launching a formal infringement procedure.

EU Pilots are initiated by the Commission on its own initiative or based on complaints from citizens.

→ lower percentage here as regards the EIA/SEA cases



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1. Setting the framework

2. EIA Directive

3. SEA Directive

Self-explanatory



Environmental Impact Assessment (EIA)

Directive **2011/92/EU** codified:

- ❖ Initial EIA Directive 85/337/EEC
- ❖ Directive 97/11/EC
 - ✓ alignment to the Espoo Convention;
 - ✓ selection criteria for screening.
- ❖ Directive 2003/35/EC - alignment to the Aarhus Convention (public participation)
- ❖ Directive 2009/31/EC – amendment of the annexes to include projects of storage and transfer of CO₂

Directive **2014/52/EU** amending **2011/92/EU** with a view to improving the effectiveness and efficiency of the EIA procedure

- The initial EIA Directive, adopted in 1985, has been amended several times following certain developments (accession of the EU to the Espoo Convention concerning the transboundary assessment of projects and to the Aarhus Convention, new EU legislation (storage and transfer of CO₂).

Revision of Directive 2011/92/EU

After 25 years of application, the EIA Directive has not significantly changed, while the policy, legal and technical context have evolved considerably.

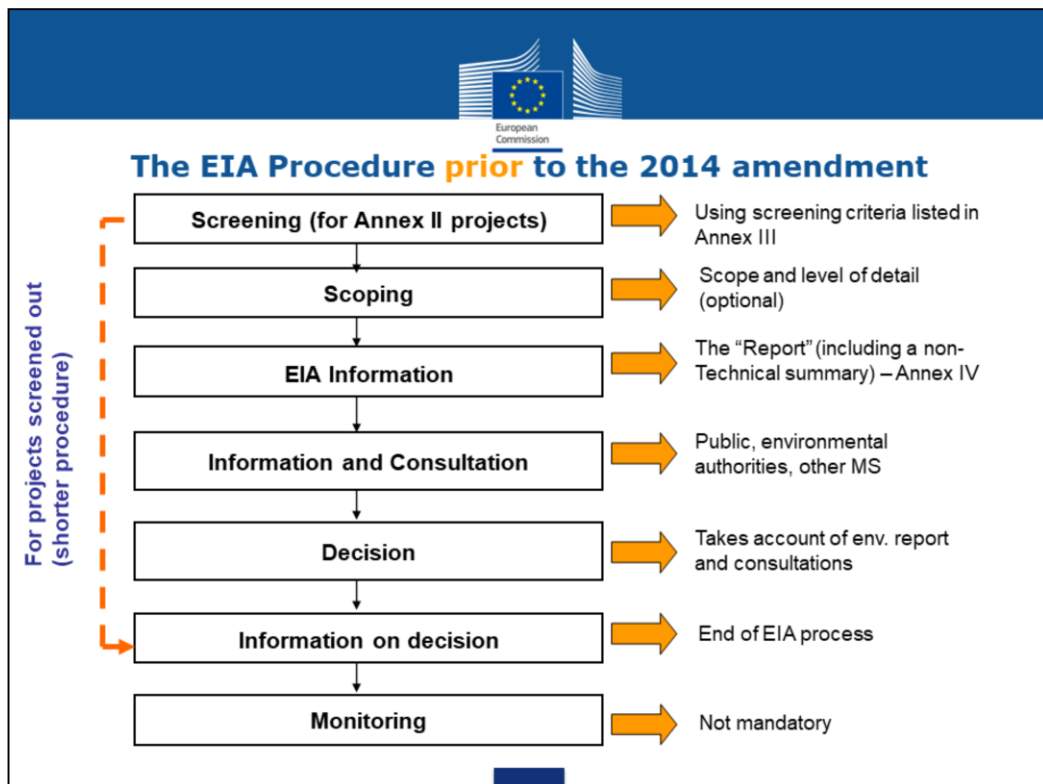


Objective:

To enhance **effectiveness** and **efficiency** of the EIA and:

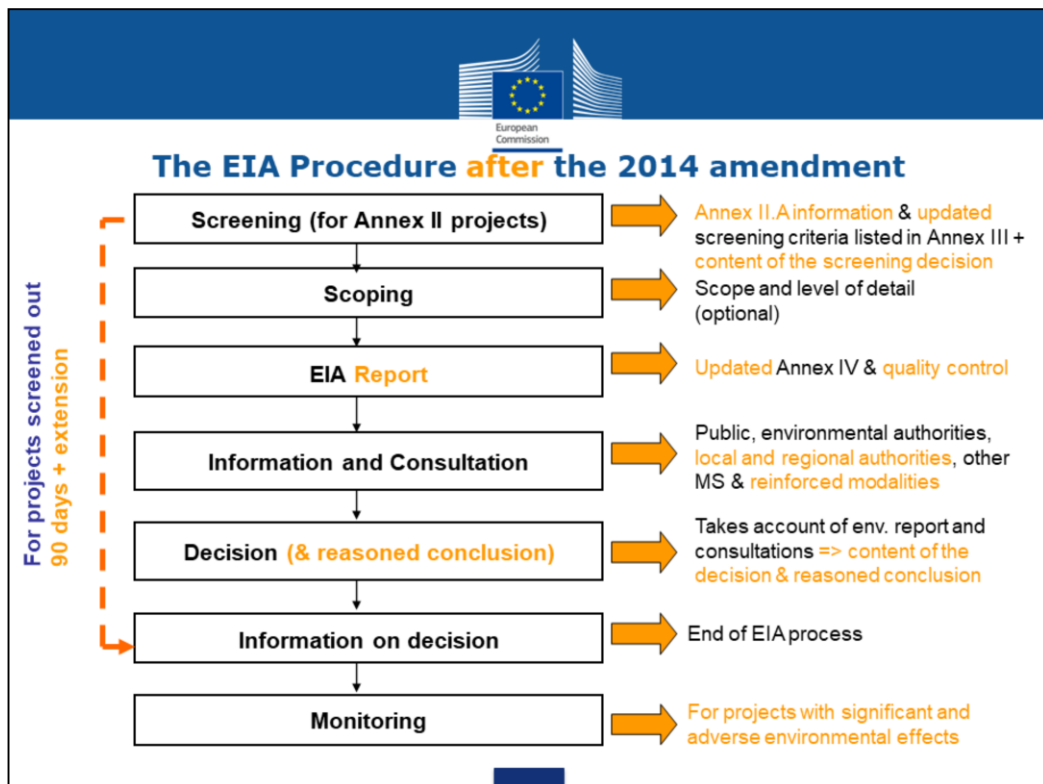
- correct shortcomings;
- reflect in legislation on-going environmental and socio-economic changes and challenges;
- align the directive with the principles of smart regulation;
- bring in line with Courts' case-law practice.

The general objective of the revision was to adjust the EIA Directive to developments in the policy, legal and technical context over the past 25 years. The amendment of the EIA Directive was published in 2014.



The main procedural stages under the EIA Directive have not been significantly changed after the revision.

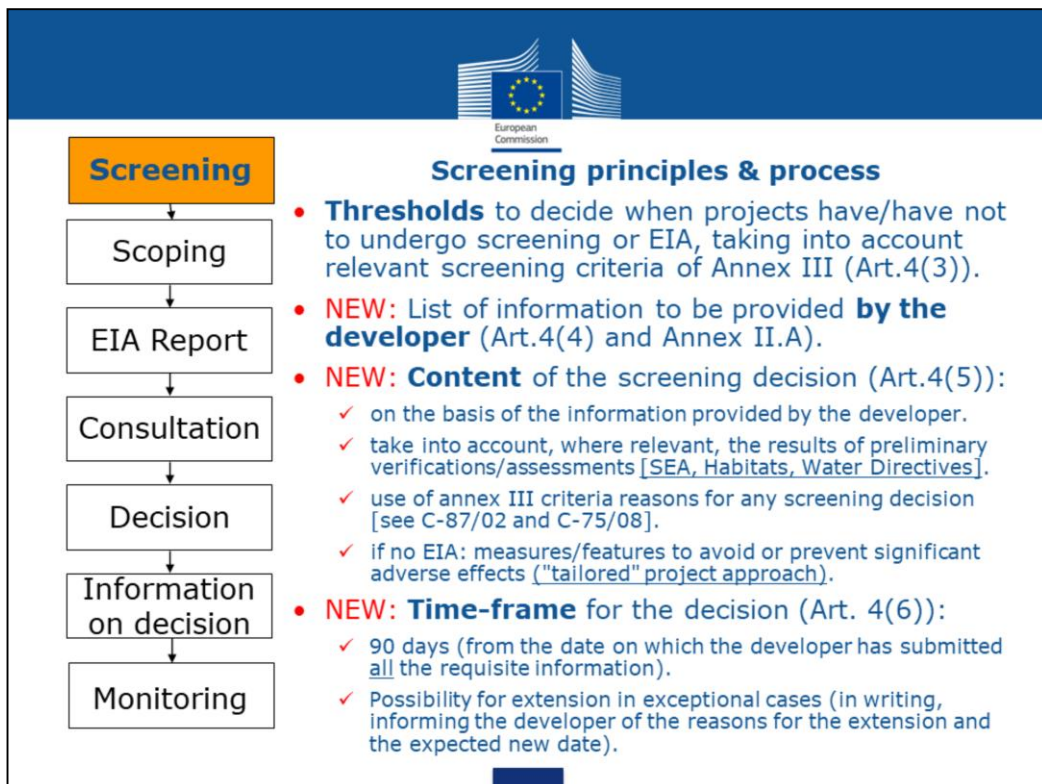
What has really changed is only the last stage: Monitoring (of significant adverse effects of projects), which was not mandatory before the revision.



Here is an overview of the changes introduced by the revision.

In the 3rd level, the environmental impact assessment information was clearly defined as EIA report.

With regard to the Decision level (5th level), there was an effort to reflect the differences of the two main “EIA families” among Member States; the first group of MSs where a single decision (to proceed with the project) incorporates the conclusions on environmental effects and the second group where there is a two-stage (or more) decision process: the first decision on the environmental effect of the project (EIA decision/permit/opinion) and the second one on the decision to proceed with the project (usually a type of construction permit).



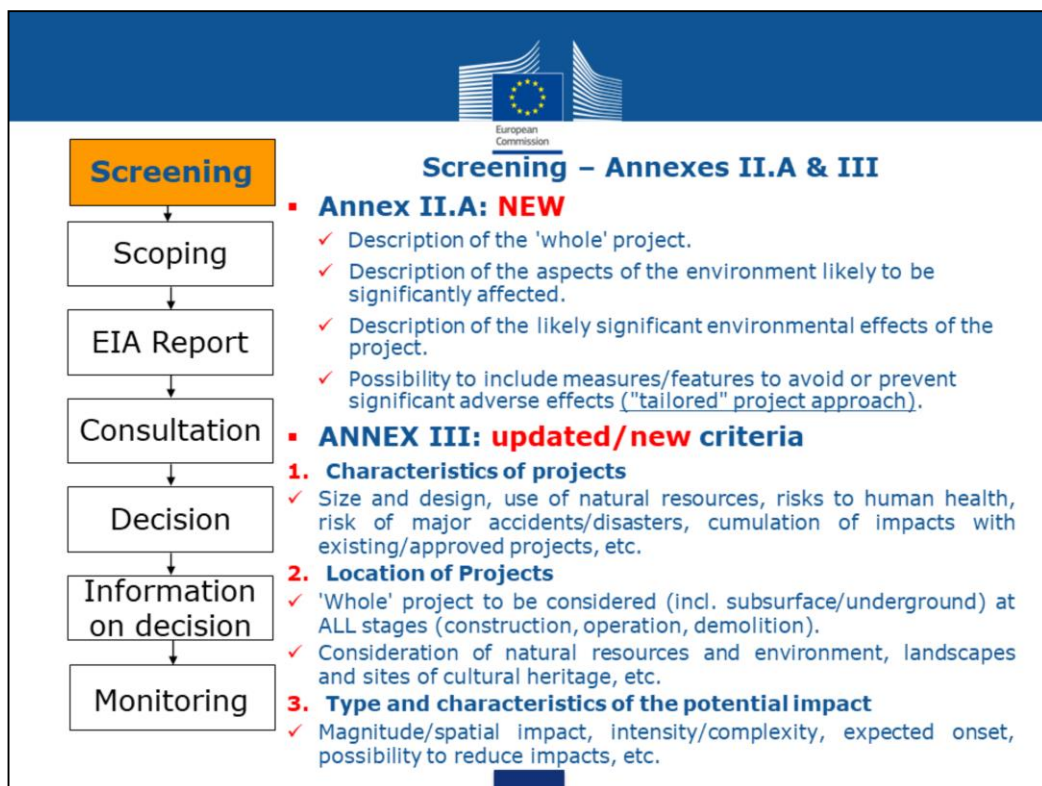
Annex I: covers all the projects that are subject to a mandatory environmental impact assessment → as they have significant effects on the environment, e.g. nuclear power stations, production of petrol, big landfills..

Annex II: decision by a national competent authority if this project may have significant effects on the environment → the procedure to make this decision is called "screening".

What is new after the 2014 amendment, is that the developer is obliged to provide a limited amount of information, as set in the Annex II.A of the Directive which concerns the main features of the project and its effects on the environment. This information is used by the competent authority in order to enable itself to make a proper decision.

With regard to the content of the screening decision issued by the competent authority, it has to take into account the information provided by the developer, results other relevant preliminary verifications or assessments (i.e. under the Habitats Directive) and be based on the criteria set in Annex III.

New time-frames for the adoption of the screening decision set up - 90 days with a possibility for extension in exceptional cases.



As regards the new elements within the screening phase, new Annex II. A refers to the information which has to be provided by the developer to the competent authority.

Annex III screening criteria have been updated with new criteria added.

Level of thresholds - case law

- Member States have a level of discretion to establish thresholds or criteria, **BUT** limited by the obligation (Art 2(1)) to make projects likely, by virtue inter alia of their nature, size or location, to have significant effects on the environment subject to an impact assessment (C-244/12, *Salzburger Flughafen*, C-531/13, *Kornhuber and Others*, paragraph 40-41);
- Thresholds/criteria are to help in screening, **not exempt classes of projects**, UNLESS, when viewed as a whole, they would not be likely to have significant environmental effects – (e.g. C-392/96, *Commission v. Ireland*, C-66/06, *Commission v. Ireland*)
- Member States are obliged to take account of **all the relevant** selection criteria listed in Annex III when establishing criteria or thresholds for Annex II projects (C-66/06, *Commission v. Ireland*, C-255/08, *Commission v. Netherlands*, C-435/09 *Commission v. Belgium*, C-531/13, *Kornhuber and Others*).

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As regards threshold, the Member States have the right to establish such, however, they have to ensure that projects that may have significant effects on the environment shall be subject to an assessment (even small project may have significant effects).

The criteria and/or thresholds are designed to facilitate the examination of the actual characteristics exhibited by a given project in order to determine whether it is subject to the requirement to carry out an assessment, and not to exempt in advance from that obligation certain whole classes of projects listed in Annex II.

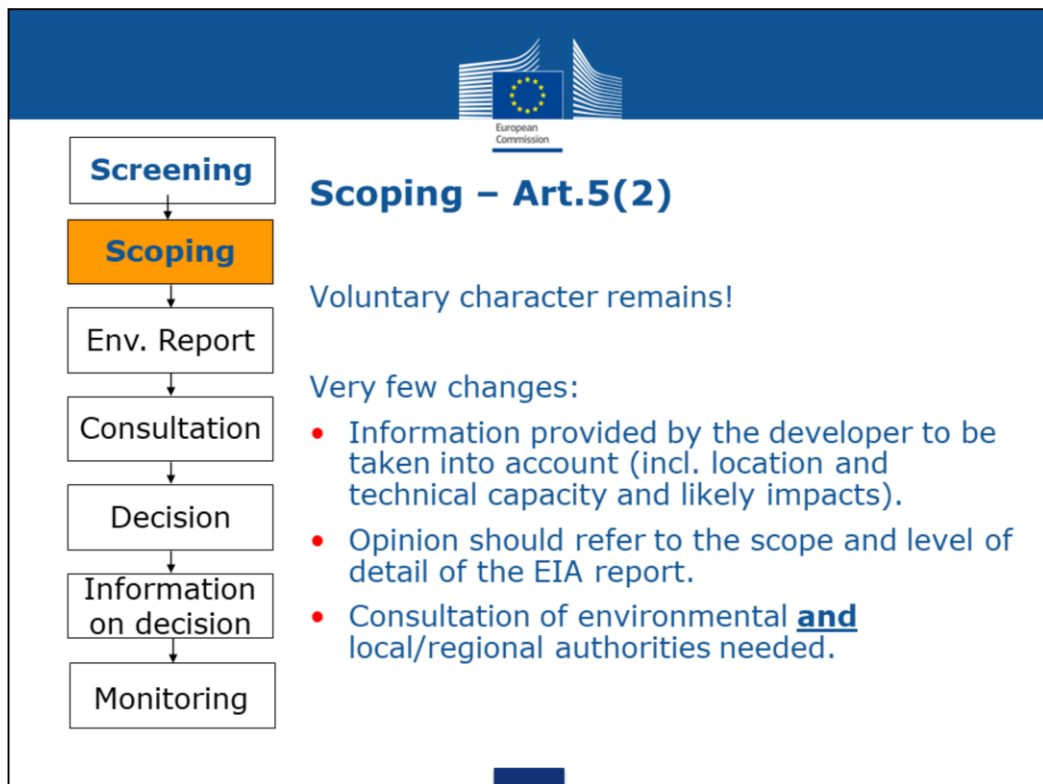
Cumulative effects & "whole" project – case law

- It is necessary to **consider projects jointly** in particular where they are connected, follow on from one another, or their environmental effects overlap (Case C-147/07, *Ecologistas en Acción-CODA*; Case C-205/08, *Alpe Adria*).
- It is necessary to take into account the **cumulative effect** of such projects which have an objective and chronological link between them (Case C-244/12, *Salzburger Flughafen*).
- Works to modify an airport with a runway length of 2 100 metres or more thus comprise not only works to extend the runway, but all works relating to the buildings, installations or equipment of that airport where they may be regarded, in particular because of their nature, extent and characteristics, as a modification of the airport itself. That is the case in particular for works aimed at significantly increasing the activity of the airport and air traffic. (Case C-2/07, *Abraham and Others*).

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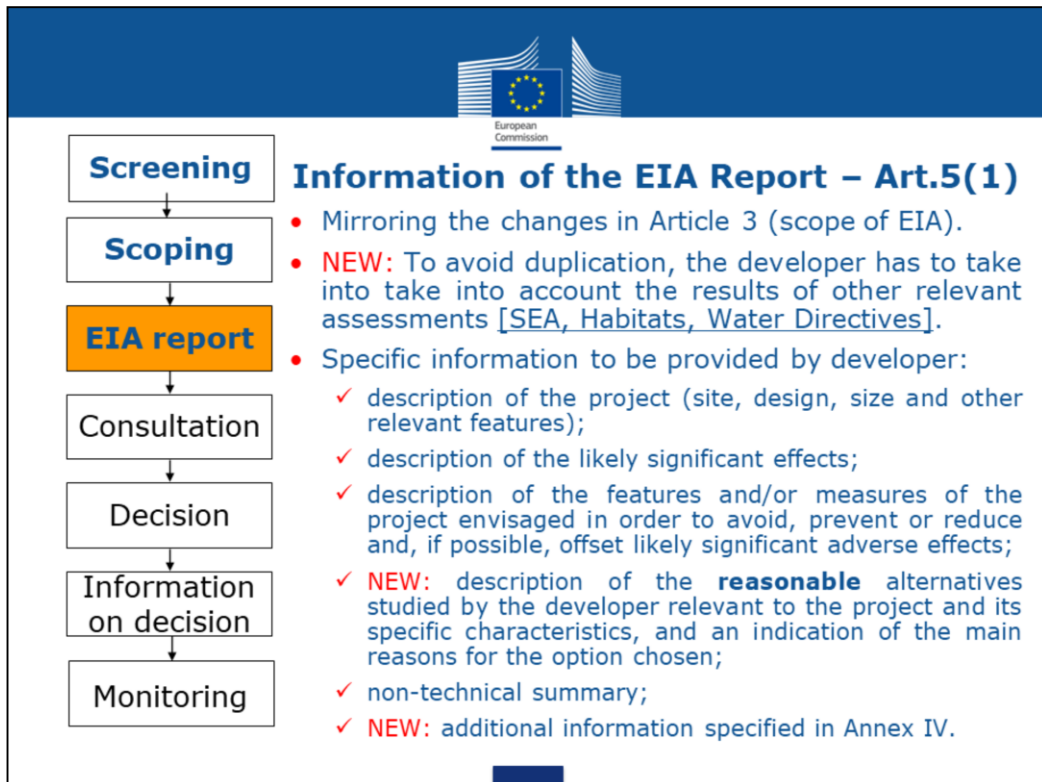
The purpose of the EIA Directive cannot be circumvented by the splitting of projects and the failure to take account of the cumulative effect of several projects must not mean in practice that they all escape the obligation to carry out an assessment when, taken together, they are likely to have significant effects on the environment within the meaning of Article 2(1) of the EIA Directive.

In ascertaining whether a project must be made subject to an environmental impact assessment, must examine its potential impact jointly with other projects. That obligation is not restricted only to projects of the same kind.



Scoping concerns the level of detail of information that the developer is obliged to present as an the environmental impact assessment report - in other words, what the content of the EIA report should be.

In its proposal for revision of the EIA Directive the Commission proposed this stage to be mandatory. However, this was not accepted by the co-legislators. So, the character of the scoping is still voluntary.

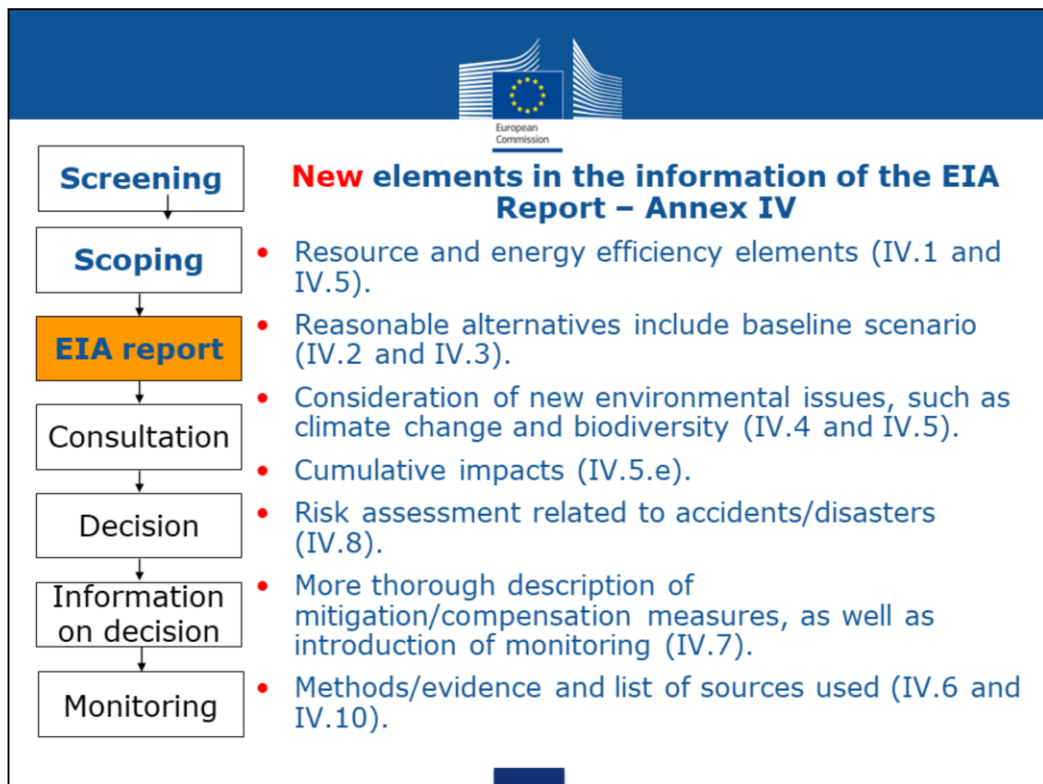


The third and very important stage concerns the preparation of the EIA Report, which can often contain voluminous, complex and technical documentation.

→ EIA report has to be prepared for all Annex I project and for all Annex II projects for which it was decided that they may have significant effects on the environment.

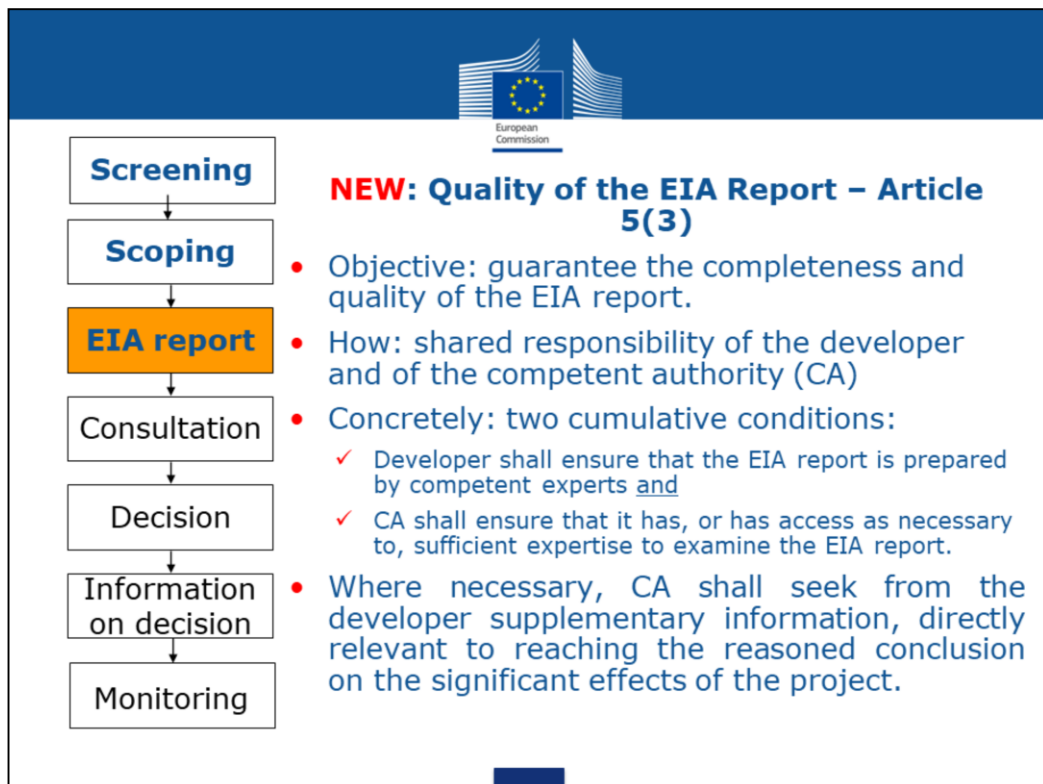
It is the main task of the developer.

The number of alternatives to be assessed has to be considered together with the type of alternatives, i.e. the 'Reasonable Alternatives' referred to by the Directive. 'Reasonable Alternatives' must be relevant to the proposed Project and its specific characteristics.

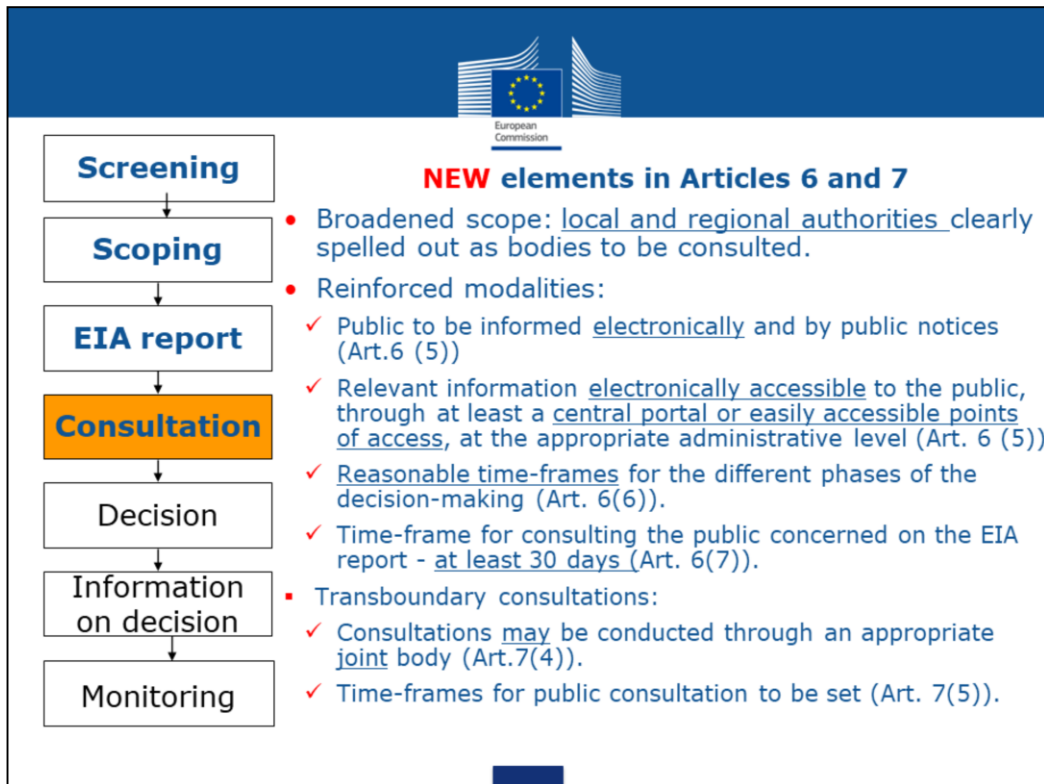


Enumeration of the topics which should be covered in the EIA report, incl.:

- Baseline scenario and zero alternative → What will be the evolution the environment without execution of the project?



New requirements to tackle the issue of the poor quality of the EIA reports, in order to ensure the completeness and quality of the EIA report, the developers will be required to ensure they have competent experts to prepare the report, **and** the competent authorities need to ensure sufficient expertise to examine the environmental impact assessment.

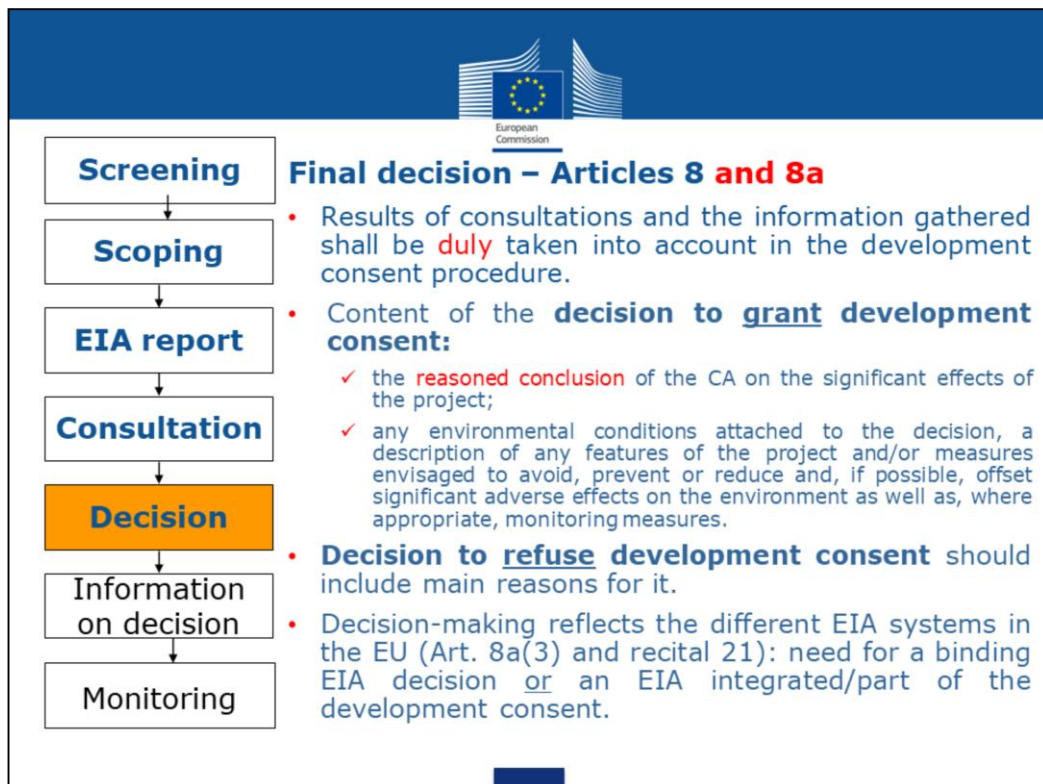


Very important and sensitive stage that ensures the public acceptance of projects.

-Both local and regional authorities now have to be consulted in addition to environmental authorities.

-Modernization of communication channels → information should be accessible electronically.

-Establishment of reasonable time-frames allowing adequate time for public consultation (30 days).



Member States have several options for implementing the EIA Directive as regards the integration of environmental impact assessments into national procedures. Accordingly, the elements of those national procedures can vary. Due to this fact, the reasoned conclusion by which the competent authority finalises its examination of the environmental impact of the project may be part of an integrated development consent procedure or may be incorporated in another binding decision required in order to comply with the aims of this Directive.

As regards the content of the decision to grant development consent, this should include the reasoned conclusion of the competent authorizing concerning the significant effects of the project.

→ In certain MSs, this is a separate decision finalising the EIA procedure (e.g. EIA decision/opinion/permit).

With regard to the decision not to grant development consent, there is a requirement for including the main reasons for such a refusal.

'Assessment' is a fundamental obligation

- The assessment obligation the core of the procedure (Article 3, EIA Directive).
- It is **distinct from the rest** of the obligations laid down in the EIA Directive (to collect and exchange information, consult, publicise and guarantee judicial appeal).

C-50/09, Commission v. Ireland

- This concept is now clearly translated as **'reasoned conclusion'**.



→ Particularly important for smaller Member States, where there are smaller administrations and therefore sometimes the administration is both the developer (i.e. the initiator of the project) and the competent authority, which approves the project at stake.

New rule providing objective performance of the duties and separation of duties.



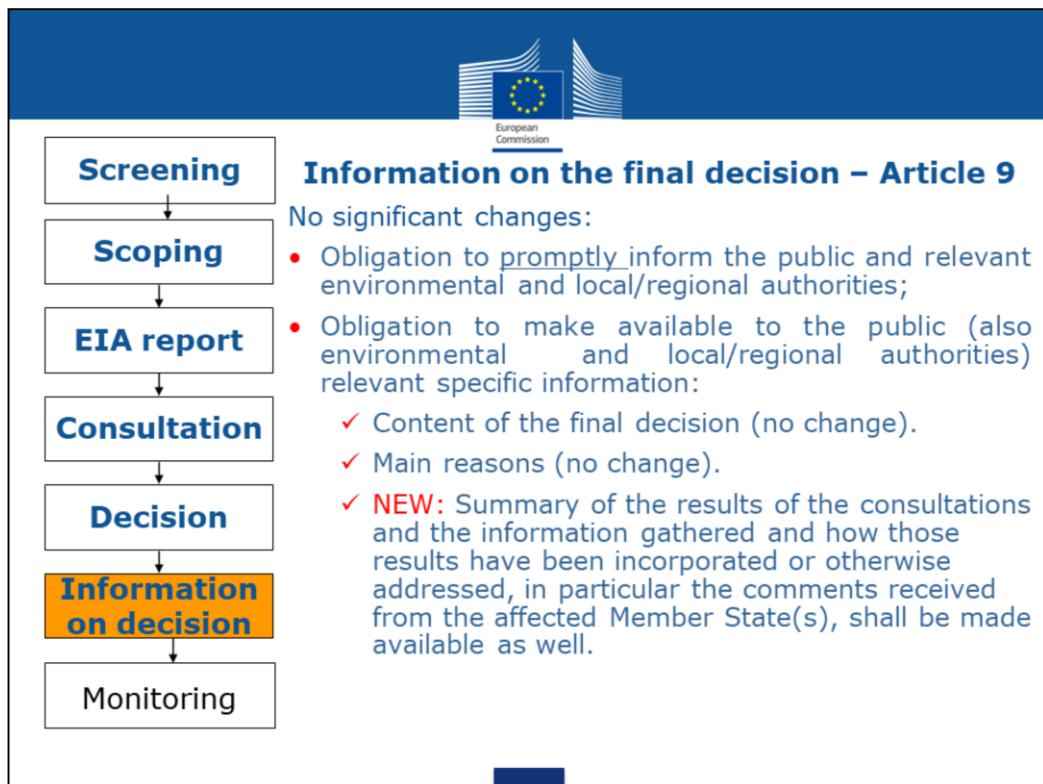
In order to improve the effectiveness of the assessments, reduce administrative complexity and increase economic efficiency, where the obligation to carry out assessments related to environmental issues arises simultaneously from the EIA and the Nature Directives, Member States should ensure that coordinated and/or joint procedures fulfilling the requirements of these Directives are provided, where appropriate and taking into account their specific organisational characteristics. Where the obligation to carry out assessments related to environmental issues arises simultaneously from the Directive and from other Union legislation, Member States should be able to provide for coordinated and/or joint procedures fulfilling the requirements of the relevant Union legislation.

Under the joint procedure, Member States arrange a single assessment of the environmental impact of a given project. A single assessment, conducted in accordance with the EIA Directive, replaces multiple assessments of a given project. The single assessment ensures that the project is compliant with the applicable acquis.

Under the coordinated procedure, Member States designate an authority to coordinate the various assessments of a project's environmental impact. Having a single point of contact responsible for all environmental assessments can improve clarity and efficiency for developers and administration alike, and

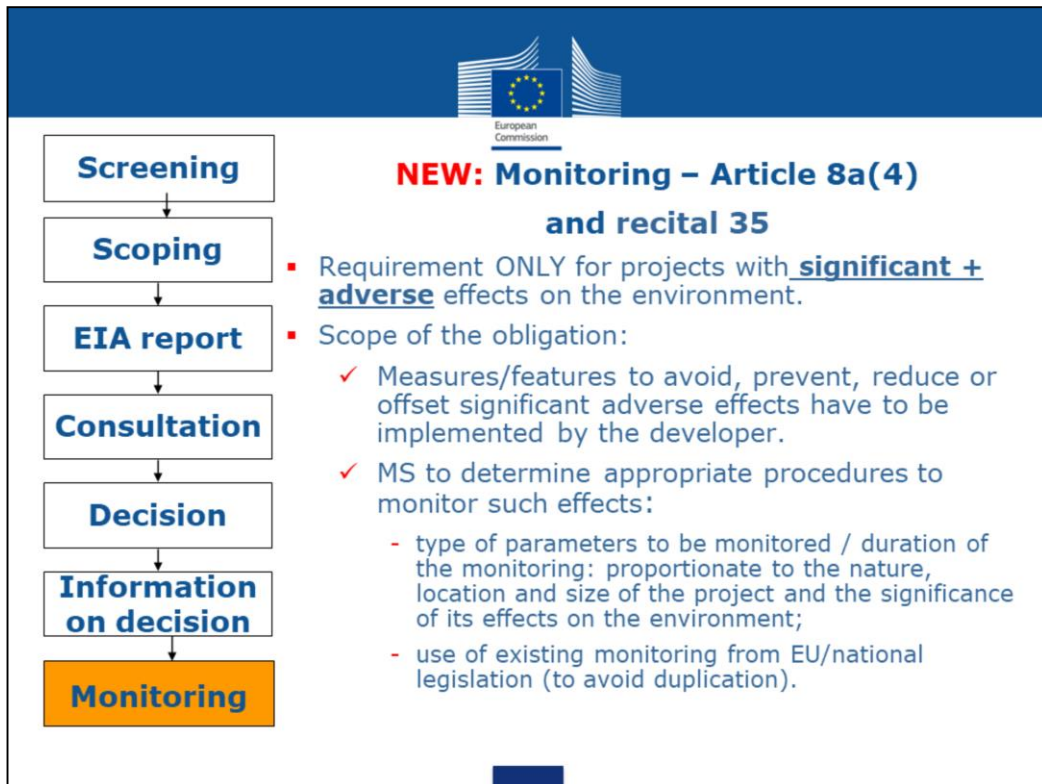
provide guidance throughout the procedure. The designated administrative body plays a central role in coordination and ensures that the environmental assessments run smoothly.

→ Guidance from the Commission on this topic!



No significant changes.

The results of the consultations as well as how these results have been taken into consideration shall be made available to the public.



NEW step → mandatory now!

Applicable for projects which have significant adverse effects → environmentally damaging projects



Other amendments

- **Definition** of EIA (Art. 1(2)g), based on the case-law (C-50/09).
- **Limitation of exemptions** (Articles 1(3), 1(4), 2(4), 2(3)):
 - ✓ projects or part of projects, having defence as their **sole** purpose (see also recital 19);
 - ✓ projects having the response to civil emergencies as their **sole** purpose (recital 20).
 - ✓ projects approved in detail by law: exempted only as regards public consultation requirements, (see also recital 24).
- Standard provision on **penalties** (new Article 10a): MSs shall lay down rules on penalties applicable to infringements of the national provisions adopted pursuant to the Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.
- Updated **reporting** obligation to the Commission (Article 12(2))
 - Every 6 years starting from May 2023.
 - Information to assess the effectiveness of the EIA (n° of EIAs/screenings, average duration of the EIA process; general estimates on the average direct costs of EIAs, including the impact to SMEs).

Brief overview of other amendments in the wake of the latest revision in 2014.



Transitional provisions Art. 3 of Directive 2014/52/EU

- Projects for which the screening was initiated before 16 May 2017 shall be subject to the provisions of Directive 2011/92/EU.
- Projects for which:
 - ✓ the scoping was initiated or
 - ✓ the EIA report was submitted by the developer before 16 May 2017 shall be subject to the provisions of Directive 2011/92/EU.

Self explanatory



Transposition (state of play 6/11/2018)

😊 **Full notification** of transposition measures:

22 Member States

(BG, CZ, DK, EE, EL, FR, HR, IT, HU, LU, LV, MT, NL, PL, PT, SI, SK, SE, UK)

Conformity check by the Commission (correctness of the measures)

😞 **No transposition or Partial transposition / Under assessment**

2 + 4 Member States (ES, RO + BE, DE, LT, AT)

Infringement process ongoing / Verification by the Commission

State of play as of early November 2018 (to be noted by end 2018 all MSs have transposed the Directive).



Commission support towards a better implementation

- Guidance document on streamlining environmental assessments conducted under Article 2(3) of the EIA (Commission Notice 2016/4701, OJ C 273, 27.7.2016, p.1)
- Compilation of the CJEU case-law
- Interpretation of definitions of project categories of annex I and II of the EIA Directive
- Guidance on the three key steps of the EIA:
 - Screening
 - Scoping
 - EIA report
- Guidance on the Application of the EIA Procedure for Large-scale Transboundary Projects
- Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment

Guidelines and other documents in this field.

Implementation challenges (1)

i. "Monitoring" measures

- Determining when they are appropriate (significant & adverse impacts)
- What happens if there are unforeseen effects

ii. Defining what are "reasonable" alternatives

- Relevant to the project and its specific characteristics
- Role of scoping

iii. The concept of "reasoned conclusion"

- Binding character of the EIA 'decision'
- Examination of the substance of the information gathered as well as a consideration of the need to supplement it

Challenges are based on the Commission's discussions with the Member States and on its experience.

- i. New provision which is very challenging raising crucial questions.
- ii. The concept of "reasonable" alternatives is still to be clarified.
- iii. The concept of the "reasoned conclusion" → Difference between Member States → It must be ensured that the final permit to authorize the physical intervention contains all the necessary elements that have been identified at the EIA stage.

Implementation challenges (2)

- iv. Ensuring the objectivity of the competent authority
 - Separation of the competent authority from the developer
 - Separation between conflicting functions of competent authorities
- v. Combination of EIA with other assessments (esp. the appropriate assessment Art.6(3) of the Habitats Directive)
 - The HD would benefit from the procedure/A2J of the EIA
 - The HD assessment would become a critical part of the EIA
- vi. Ex post EIA
 - Delena Wells, COM/Irlande (C-215/06) and Comune di Corridonia

iv. Avoidance of conflict of interests

v. The EIA Directive can enable with a procedural framework the appropriate assessment under Article 6(3) of the Habitats Directive.

vi. The concept of ex post EIA, which does not exist under the EIA Directive.

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Self-explanatory



SEA: WHICH plans and programmes? (1/5)

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.
- => **Normative acts** adopted by law or regulation are covered (C-290/15)!

Exemptions:

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

SEA Directive concerns planning level (plans and programmes).

Recent rulings of the CJEU further extended the scope of the directive → normative acts adopted by law or regulation are also covered by the SEA Directive.



SEA: WHICH plans and programmes? (2/5)

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

- Nitrates Action Programmes (Directive 91/676/EEC)
- River Basin Management Plans (Water Framework Directive 2000/60/EC)
- Flood Risk Management Plans (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 (Industrial Emissions Directive (2010/75/EU)

Self explanatory

'Required' – case-law

- Plans and programmes whose adoption is regulated by national legislative or regulatory provisions, which determine the competent authorities for adopting them and the procedure for preparing them, must be regarded as 'required' within the meaning, and for the application, of the SEA Directive (Inter-Environnement Bruxelles, case C-567/10).
- Excluding from the scope of the SEA Directive those plans and programmes whose adoption is not compulsory would compromise the practical effect of that directive (Inter-Environnement Bruxelles, case C-671/16).

The CJEU ruled what the term “required” means within the scope of the SEA Directive → C-567/10

SEA: WHICH plans and programmes? (3/5)

1. Plans and programmes (P/Ps) that **always** undergo an 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.*
 - *Including*
 - 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.*

1. → self explanatory

2. → Possibility for a lighter procedure → not undergoing an assessment



Scope of Article 3(1)-(2) – case-law

D'Oultremont, case C-290/15, Inter-Environnement Bruxelles,
case C-671/16, Thybaut C-160/17

- The notion of 'plans and programmes' relates to any measure which establishes, by defining rules and procedures for scrutiny applicable to the sector concerned, **a significant body of criteria and detailed rules** for the grant and implementation of one or more projects likely to have significant effects on the environment.
- That interpretation of the concept of 'plans and programmes' is intended to ensure that provisions which are **likely to have significant effects on the environment** are subject to an environmental assessment.
- The concept of 'a significant body of criteria and detailed rules' must be construed **qualitatively** and not quantitatively. It is necessary to avoid strategies which may be designed to circumvent the obligations laid down in the SEA Directive by splitting measures.

-Also normative acts may fall within the scope of the SEA

-Emphasis in the substantive content of the "concept" of "plans and programmes" / not only the title of the documents at stake.

-Qualitative approach to the concept of "a significant body of criteria and detailed rules".



What is "screening"?

Determination whether 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.

Screening of plans and programmes.



Integration of the SEA procedure in the planning process

Art. 4 and 11 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.
- **SEA ≠ EIA:** an environmental assessment carried out under the SEA is to be without prejudice to any requirements under the EIA Directive.

Self explanatory



Relation SEA-EIA

- The SEA is carried out as soon as possible so that it may still influence any decision-making (it is at that stage that alternatives may be analysed and **strategic choices** may be made).
- An EIA report completed under the EIA Directive cannot be used to circumvent the obligation to carry out the environmental assessment required under the SEA Directive in order to address environmental aspects specific to that directive (Inter-Environnement Bruxelles C-567/10).

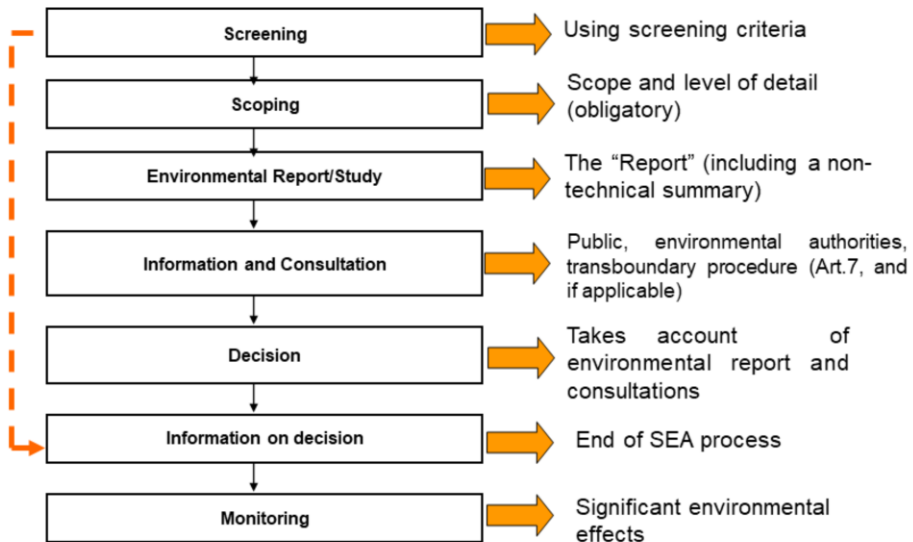
Carrying out an SEA really helps and facilitates the approval for projects.

If the SEA is carried out when it has to be, it may already provided a number of clarifications with regard to alternatives and other strategic choices for the development of projects.

Moreover, there is a significant amount of information on which the developer of a project may rely.



The SEA procedure



The SEA procedure is very similar to the EIA 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.

Also similar requirements of what should be contained in the EIA report, such as reasonable alternatives.

SEA can address a wide range of issues

Climate change mitigation	Climate change adaptation	Biodiversity
• 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 • ...	• 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 • ...	• degradation of ecosystem services • loss of habitats, fragmentation • loss of species diversity • loss of genetic diversity • ...

Therefore, SEA may help the preparation of the EIA reports for projects as it addresses a wide range of issues and leads to the collection of relevant information.



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).**

Again very similar to the EIA report

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

Here there are slight differences to the EIA procedure.

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.

This is the inspiration for the mandatory monitoring for projects with significant adverse effects under the EIA Directive as it pre-existed under SEA Directive.



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.

Self explanatory



Key elements of SEA - Information on the decision

Art. 9 of the SEA Directive

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.

Self explanatory



SEA REFIT Evaluation

Objective of the evaluation

Check whether the Directive *"fits for the purpose"* against five criteria (effectiveness, efficiency, relevance, coherence, EU added value), result expected in 2019

Target group of the open public consultation

Any interested party, incl. citizens, companies, organizations, public authorities, etc.

Public consultation finalised – 249 responses received

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SEA under REFIT evaluation currently.

Public consultation → positive feedback as regards the implementation of the SEA directive



SEA Guidance

- 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).

* * *

Self explanatory



EIA/SEA Europa website

http://ec.europa.eu/environment/eia/index_en.htm

THANK YOU!