

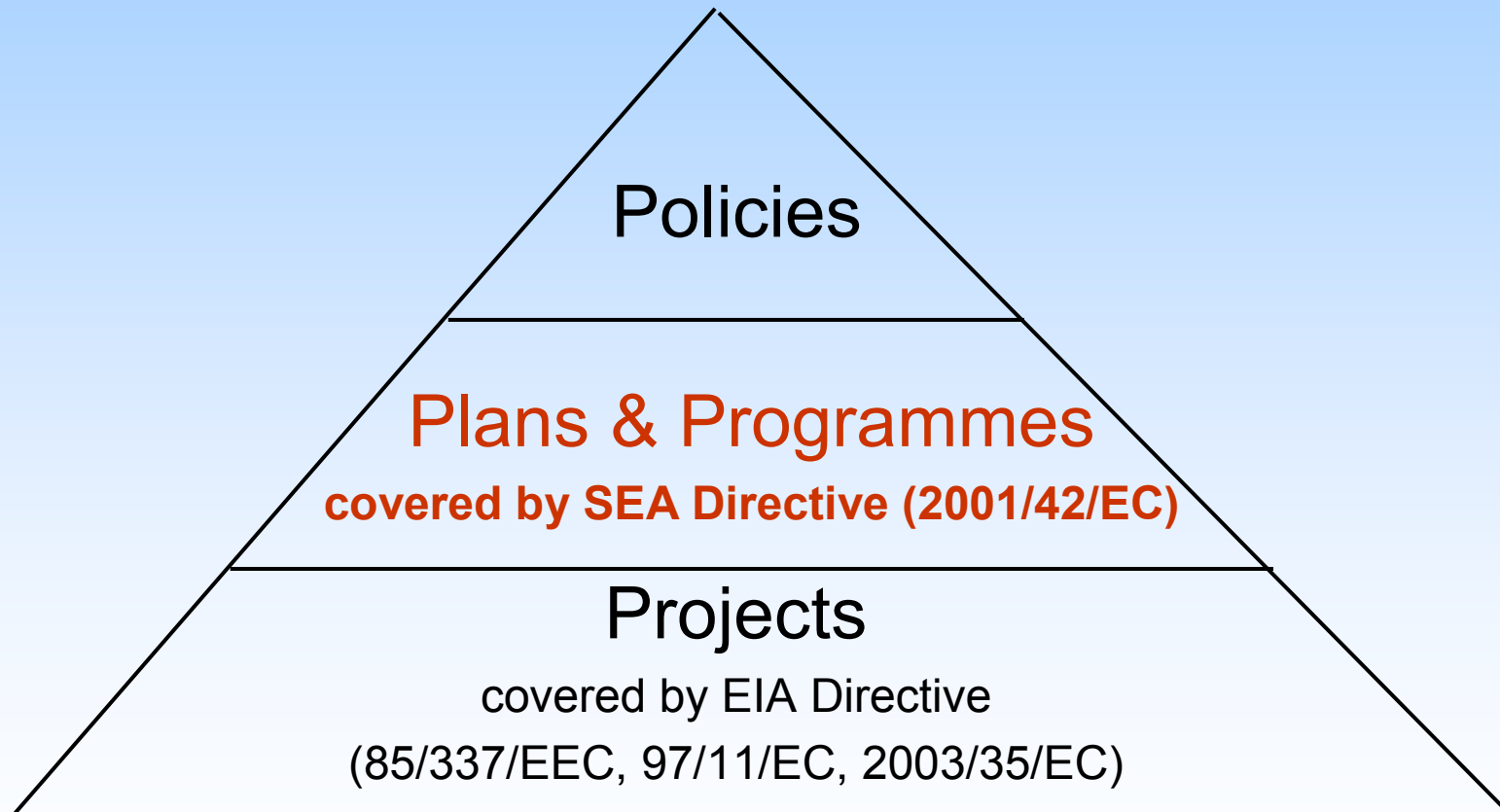


Strategic Environmental Assessment ("SEA" Directive 2001/42/EC) and the Community Funds

Laura Tabellini
DG ENV – D3, European Commission
laura.tabellini@cec.eu.int



Environmental Assessment





SEA Directive - Objectives

- High level of protection of the environment
- **Integration of environmental considerations** into the preparation of plans and programmes
- Promotion of **sustainable development**

by

an environmental assessment of certain plans and programmes likely to have significant effects on the environment

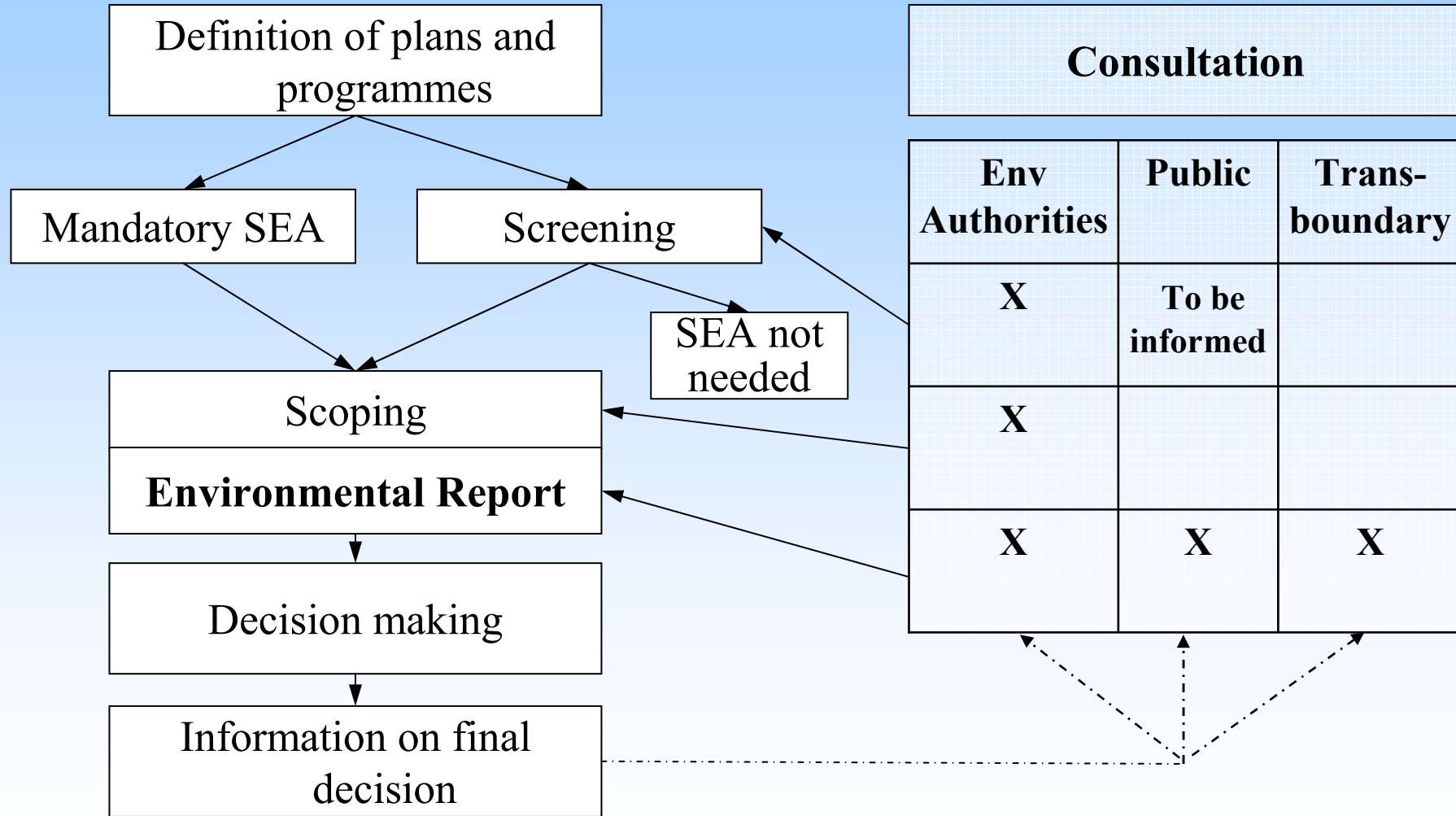


SEA Directive and the planning process

- The environmental assessment must be carried out:
 - **during preparation** of the plan or programme
 - **before adoption** of the plan or programme
- SEA can be incorporated into existing (planning) procedures, or in new ones



The SEA process





What is a “plan or programme”?

Art. 2

To be covered by the SEA Directive, a plan or a programme must:

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

The definition includes:

- modifications of plans and programmes
- those **co-financed by the EC**



When is SEA mandatory?

Art. 3

For plans and programmes:

- a) 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

OR

- b) that require an assessment under Article 6 or 7 of the Habitats Directive



When is “screening” required?

Who “screens”, and for what purpose?

- Member States, to decide if SEA is needed

Which plans and programmes (p/ps) to screen ?

- p/ps setting the framework for future “non-EIA projects”
- certain p/ps at local level and minor modifications to p/ps

How to screen?

- case by case, by specifying types of p/ps, or by a combination of the two approaches
- always using Annex II criteria
(criteria include characteristics of plans, of their effects, and of affected areas)



Exemptions

- National defence, civil emergency, financial or budget plans/programmes
- Plans and programmes co-financed under the current programming periods (2000-2006/7) for Structural Funds Regulations (1260/1999) and European Agricultural Guidance and Guarantee Fund (1257/1999)



Key elements of SEA - the Environmental Report (1)

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



Key elements of SEA - the Environmental Report (2)

- Outline of the plan/programme and **relationship with other p/ps**
- Current state of the environment and **evolution without the plan/programme**
- Environmental characteristics of the area
- **Environmental protection objectives**, how they were taken into account
- Mitigation measures
- **Monitoring measures**
- Non-technical summary



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 - Consultations

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



New Community Funds Regulations – a moving framework

- Negotiation ongoing on:
 - Council Regulations laying down general provisions on ERDF, ESF and CF
 - the individual regulations
- Community Strategic Guidelines will be drawn up by the Commission
- Methodological working papers will be produced on ex-ante evaluation and indicators
- Commission is preparing a « Report on the relationship between the SEA Directive and Community Funds » (under art. 12(4) of the SEA Directive) – expected Oct 05



SEA and the new Regulations – does SEA apply in principle?

- Current exclusion for Structural Funds and EAGGF (art. 3(9)) not extended to the next programming period
- Plans and programmes co-financed by the European Community **are included** in the scope of the SEA Directive (art. 2)



- SEA will be applicable to plans / programmes drawn up under the new Regulations as to any other plan and programme



SEA and the new Regulations – to what will SEA apply?

- Plans and programmes co-financed under new Regulations will have to be checked against the Directive's « tests » (Art. 2, definition of plan/programme and Art. 3, scope)



- If they meet all criteria, they will have to be subject to SEA



SEA and *ex-ante* – what relationship between the two?

- The Commission is discussing the issue internally, so no methodological indication can be provided at this stage



- ... but some good news: ongoing work towards methodological working papers and on the « Report on SEA and Community Funds » will soon produce further clarity

In the meantime...



...an important message...

- The SEA Directive invites to **avoid duplication of assessment**, e.g. for plans which form part a hierarchy
 - ⇒ When deciding on the « scope » of the assessment, consider at what stage and level of the decision-making process the assessment should be best carried out
 - ⇒ Information obtained at other levels in the decision-making process / through other EC legislation may be used



...and some guidance on SEA

"Implementation of Directive 2001/42/EC on the assessment of certain plans and programmes on the environment"

European Commission, 2003

(<http://europa.eu.int/comm/environment/eia/sea-support.htm>)



**Thank you
for your attention!**