



SEA Directive – in a nutshell

ECRAN workshop in Kosovo

Pristina, March 2016

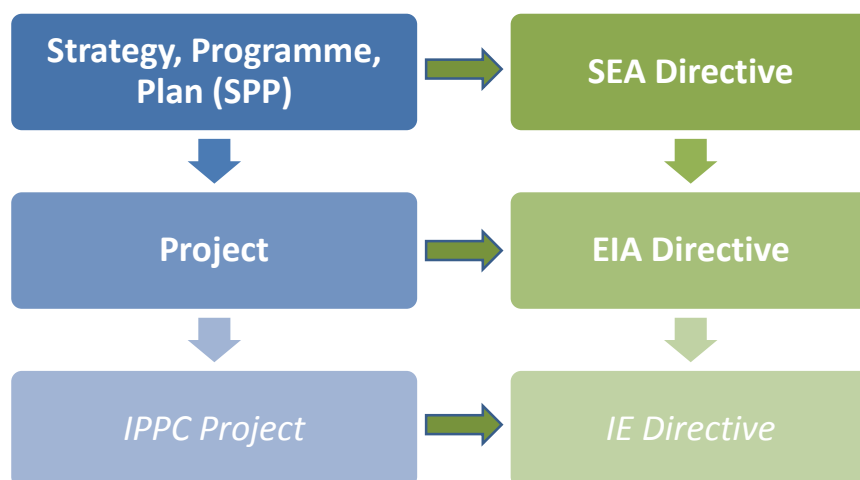


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SEA/EIA Hierarchy



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SEA Directive 2001/42/EC

- Represents one of the most important international standards on SEA implementation.
- In power since 2001:
 - *Most EU countries implemented it until 2004.*
 - *One of the accession criteria for the accession countries.*
- Other important international documents:
 - *Habitats Directive 92/43/EEC*
 - *UNECE SEA Protocol*
 - *ESPOO Convention*



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SEA Directive - Objectives

- ✓ Provide for a **high level of protection of the environment.**
- ✓ Contribute to **integration of environmental considerations into the preparation and adoption of SPPs.**
- ✓ Contribute to **improving the quality / scope of the basic information in the decision-making processes.**
- ✓ Ensure that **SEA** is implemented, with the aim of encouraging **sustainable development.**
- ✓ Ensure **participation** of relevant institutions/public **of other countries in case of trans-boundary impacts of SPPs.**



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Scope of SEA

SEA Directive specifies mandatory application of the SEA for SPPs:

- ✓ which are subject to preparation and/or adoption by the institutions at the national/regional/local level, or which were prepared in the legislative process of the Parliament or the Government,
- ✓ which are prescribed by legislative, regulatory or administrative provisions,
- ✓ which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, urban planning or land use,



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Scope of SEA

SEA Directive specifies mandatory application of the SEA for SPPs:

- ✓ which set the framework for future approval for the implementation of projects listed in Annexes I and II of the Directive 85/337/EEC,
- ✓ for which is, given the possible impact on the areas, determined to require an assessment pursuant to Article 6 or 7 of the Directive 92/43/EEC.

The following SPP are not subject to the SEA Directive:

- SPP, which are used exclusively for the purposes of national defense or in civil emergency
- SPP relating to finances and budget.



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Scope of SEA

The SEA Directive also stipulates that:

For SPPs that determine the use of small areas at local level and minor changes to the plans and programs SEA is required only if the State determines that they could have a significant impact on the environment.

States determine whether such SPPs could have significant effects on the environment, by:

- ✓ reviewing of individual cases,
- ✓ specifying types of plans and programs or
- ✓ a combination of both approaches.



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Application of SEA

- **SEA is implemented during the preparation of the SPP**, and before its adoption or referral to a legislative procedure.
- **SEA is implemented at different levels of the hierarchy**, with the aim of avoiding assessment duplication.



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The main elements of the SEA Directive

The SEA Directive defines **four main elements**:

- 1) Preparation of reports on strategic assessment.
- 2) Ensuring public participation and public debate.
- 3) Taking into account the results of the strategic assessment and public participation in the decision making stage.
- 4) Providing information on made decisions.



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Trans-boundary consultations

Are carried out only in case of significant trans-boundary impacts on the area of another country (based on the conclusions of the State that conducts the SPP or on application by the State which the SPP affects):

- The State that implements the SPP will send the draft strategic assessment report.
- The State which the SPP affects declares whether they want to participate in further proceedings.
- The State that implements the SPP ensures timely and effective public participation of competent institutions for the environment and public of the State which the SPP affects.



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SEA and EU funds in the period 2014 - 2020

- SEA is required for the SPP that set the framework for the use of EU funds.
- **SEA/EIA is an ex-ante condition for the use of EU funds in the period 2014 - 2020**, which is ensured by:
 - ✓ effective application of SEA and EIA Directive,
 - ✓ training and exchange of information for staff involved in the implementation of these directives
 - ✓ ensuring effective administrative capacities.



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Accomplishments and challenges of SEA implementation in Europe

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Results of SEA application in Europe

- **SEA has been recognized as a standard tool** (*SEA is a part of the decision-making process – all involved know what to expect from it and SEA results are taken seriously*).
- **SEA leads to changes in the SPP** (*New priorities - new alternative solutions; Environmental Criteria in the selection of projects; Conditions for implementation, etc.*)
- **SEA provides effective opportunities for public participation** (*Public is informed and uses SEA for participation in the planning process*)
- **SEA has improved policy development and strategic planning** (*draws attention to some so-far neglected issues at high levels of policy development and planning*).



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Key challenges of the SEA in Europe

- **The general lack of interest** and **lack of capacity** to focus on the most important cases.
- **Too broad application** – excessive and/or too extensive use of the SEA.
- **Just a formal procedures** with no real results - limited access when considering alternative solutions, there is no change in the SPP, the decision or the implementation of the SPP.
- **Low quality of analysis** and **insufficient quality control** – can question the results and conclusions of the SEA.

The final results?

Problems in the implementation of the SPP who have undergone the SEA procedure.



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Common myths about SEA



SEA is a tool of the competent authorities for environmental protection!

Good practice:



- ✓ SEA was originally designed to support the planning process and as such is primarily a „planners tool“.
- ✓ Nevertheless, SEA procedures provide a platform for consultations with the competent institutions for the protection of the environment and health.



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Common myths about SEA



SEA requires detailed analysis that may be unsuitable for certain planning document!

Good practice:



- ✓ The level of detail of the information and analysis in the SEA should correspond to the level of detail of the SPP for which SEA is done.
- ✓ It should be determined as part of the process of deciding on the need for SEA and its contents (scoping).



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Common myths about SEA



SEA represents a significant additional cost and extend the planning process!

Good practice:



- ✓ SEA must be properly linked to the planning process and conducted on the ex-ante way (request of SEA Directive).
- ✓ Cooperation between planning professionals and experts for SEA helps optimization of the SBA and the exchange of general data.
- ✓ Own capacities should be used



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Common myths about SEA



SEA will decide on the strategy, plan and program!

Good practice:



- ✓ SEA is not and should not be a decision making tool.
- ✓ SEA will provide information about the likely impacts on the environment and human health caused by the decision.
- ✓ Nevertheless, the conclusions of the SEA process must be taken into account in the decision (and later during the implementation of the SPP).



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Thank you for your attention!



Questions, comments...?



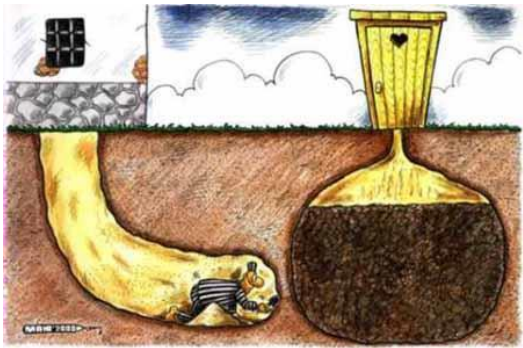
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Thank you for your attention!

**EVEN AN EXCELENT PLAN CAN STILL HAVE NEGATIVE
CUMULATIVE EFFECTS WITH OTHER PLANS!**



Questions, comments...?



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