

## **Report of the European Union for 2012-2015 on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013–2015**

The European Union recalls its submissions to the Secretariat of the Espoo Convention and the Implementation Committee explaining its competence under the SEA Protocol. The EU does not carry out SEA procedures. Against this background the EU cannot provide information as regards the questions asked in the questionnaire on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013-2015.

The EU has already declared upon approving the SEA Protocol<sup>1</sup> that it already adopted legal instruments, covering matters governed by the SEA Protocol, *inter alia*, Directive 2001/42/EC of the European Parliament and the Council concerning the assessment of the effects of certain plans and programmes on the environment (SEA Directive)<sup>2</sup>. The Directive is binding as to the results to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. In accordance with the EU legal and institutional system, the Member States have transposed the SEA Directive in their national legislation<sup>3</sup>. Thus, the national authorities are vested with the responsibility to ensure that the SEA procedure is put in place in their national legislation. Despite the fact that not all Member States have ratified the SEA Protocol to date<sup>4</sup>, the SEA Protocol is part of the EU legislation and all Member States are bound to abide by the SEA Directive and the Protocol.

The European Commission<sup>5</sup> contributes and prepares studies, reports and guidance documents aiming to facilitate the application of the SEA and ensure compliance with it. The latest guidance document issued in this regard is the *Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment*<sup>6</sup>.

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<sup>1</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-4-b&chapter=27&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-4-b&chapter=27&lang=en)

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1412242963381&uri=CELEX:32001L0042>

<sup>3</sup> See also the Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the application and effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC)\*COM/2009/0469 final \*/ [<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52009DC0469>].

<sup>4</sup> Towards 01 October 2014, Belgium, Cyprus, France, Greece, Ireland, Italy, Latvia, Malta, and the UK have not ratified the SEA Protocol.

<sup>5</sup> Relevant documents are available on EU SEA web page: <http://ec.europa.eu/environment/eia/sea-support.htm>.

<sup>6</sup> <http://ec.europa.eu/environment/eia/pdf/SEA%20Guidance.pdf>