

Report of the European Union for 2016-2018 on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016-2018

The European Union (EU) recalls its previous submission to the Secretariat of the Espoo Convention and the Implementation Committee explaining its competence under the SEA Protocol. The EU primary legislation does not confer any competence on the EU to perform strategic environmental assessment for plans and programmes. Therefore, 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 2016-2018.

Following its competence and the powers conferred on it, the EU adopted 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)¹. 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.² 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 date³, 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 services prepare reports, studies and guidance documents aiming to facilitate the application of the SEA Protocol and SEA Directive and ensure their compliance. In 2016-2018 these are as follows:

- Report from the Commission to the Council and the European Parliament under Article 12(3) of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (COM/2017/234-15.5.2017).⁴
- Study concerning the preparation of the report on the application and effectiveness of the SEA Directive (Directive 2001/42/EC) (2016).⁵
- EU Member States' summaries on the national SEA systems.⁶

Currently the European Commission services are undertaking an evaluation of the SEA Directive. This evaluation is part of the European Commission's [Regulatory Fitness and Performance Programme](#) (REFIT)⁷, which involves a comprehensive, evidence-based assessment of whether the current regulatory framework is proportionate and fit for purpose and delivering as expected. All information about the on-going evaluation is public⁸.

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1412242963381&uri=CELEX:32001L0042>

² National transposition measures communicated by the Member States concerning: Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [<https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32001L0042&qid=1551178874587>].

³ Towards 27 February 2019, Belgium, France, Greece, Ireland, and the UK have not ratified the SEA Protocol.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1499847006289&uri=CELEX:52017DC0234>

⁵ http://ec.europa.eu/environment/eia/pdf/study_SEA_directive.pdf

⁶ http://ec.europa.eu/environment/eia/member_states_summaries.htm

⁷ https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly_en

⁸ <http://ec.europa.eu/environment/eia/sea-refit.htm>