For our Environment

7th Working Group on the Espoo Convention and the SEA Protocol
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SEA in Germany
Basic information on SEA law
- An introduction

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Section I 3.5 „Sustainable Spatial Development, Environmental Assessments“
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Content

1. SEA in Germany - The Federal System

2. Federal Act on EIA and SEA of 2017
   - Field of application (plans with SEA)
   - SEA procedure

2. From plan to project - a tiered process
1. SEA in Germany – The Federal System
- Competencies for law-making and practical application of SEA

Federal level
- Sectoral law regulates SEA
- EIA/SEA Act as minimum standard
- Competent for plans of federal relevance

State level („Länder“)
- Additional state law which amends federal law
- Competent authorities on state, regional or municipal level
- Planning procedure/SEA according to federal law and amending state law
# Plans

<table>
<thead>
<tr>
<th>Federal competence (5 sectors)</th>
<th>State and municipal competence</th>
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<tbody>
<tr>
<td><strong>Transport infrastructure</strong></td>
<td><strong>Spatial plans</strong></td>
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<tr>
<td>e.g. Federal Transport Infra-</td>
<td>(state, region, municipality level)</td>
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<td>structure Plan</td>
<td><strong>Flood protection plans</strong></td>
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<tr>
<td><strong>Energy grid onshore/offshore</strong></td>
<td><strong>Water management plans</strong></td>
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<td>(extra high voltage energy grid)</td>
<td><strong>Noise reduction plans</strong></td>
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<td>e.g. Federal Requirements Plan</td>
<td><strong>Clean Air plans</strong></td>
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<td><strong>Nuclear residuals storage</strong></td>
<td><strong>Waste management plans</strong></td>
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<td><strong>Off-shore area</strong></td>
<td><strong>……</strong></td>
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<tr>
<td>(Spatial planning, Wind energy planning)</td>
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<td><strong>Action plan on nitrogen reduction</strong></td>
<td><strong>……</strong></td>
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</tbody>
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1. Federal German Act on EIA/SEA of 2017
- SEA procedure

Plans developed according to provisions of sectoral law

SEA fully integrated into planning process

⇒ one unique final decision on plan (approval of plan)

Figure: Planning process including SEA according to respective sectoral planning act
2. Federal German Act on EIA/SEA of 2017
- SEA procedure (2)

**Decision on need of SEA** § 34 - 37

**Scoping** § 39

**Environmental report** 🗂️ § 40

**Participation**
- of environmental authorities § 41
- of public § 42

**Review of environmental report in the light of any comments** § 43

To be taken into account in the decision § 43

**Draft plan**
- time frame for comments: "appropriate", at least 1 month
- time frame for public display: at least 1 month
- time frame for comments: at least 1 month after display

**Decision on elaboration of plan**
- env. – health authorities -"must"
- affected municipalities "may"
- environmental NGO’s
- experts and others

**Decision on plan** 🗂️
3. From plan to project - a tiered process

National plan (national, SEA)

Route and alignment determination (corridor) (SEA or EIA)

Deision making procedure (EIA)

Is there a need for the project?
„need“

What is the best route corridor within a wider area
„preferred route corridor“

Determination of final features of the project
„concrete route and technical details“
Thank you for your attention

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