



The EU framework on environmental assessments of plans, programmes and projects

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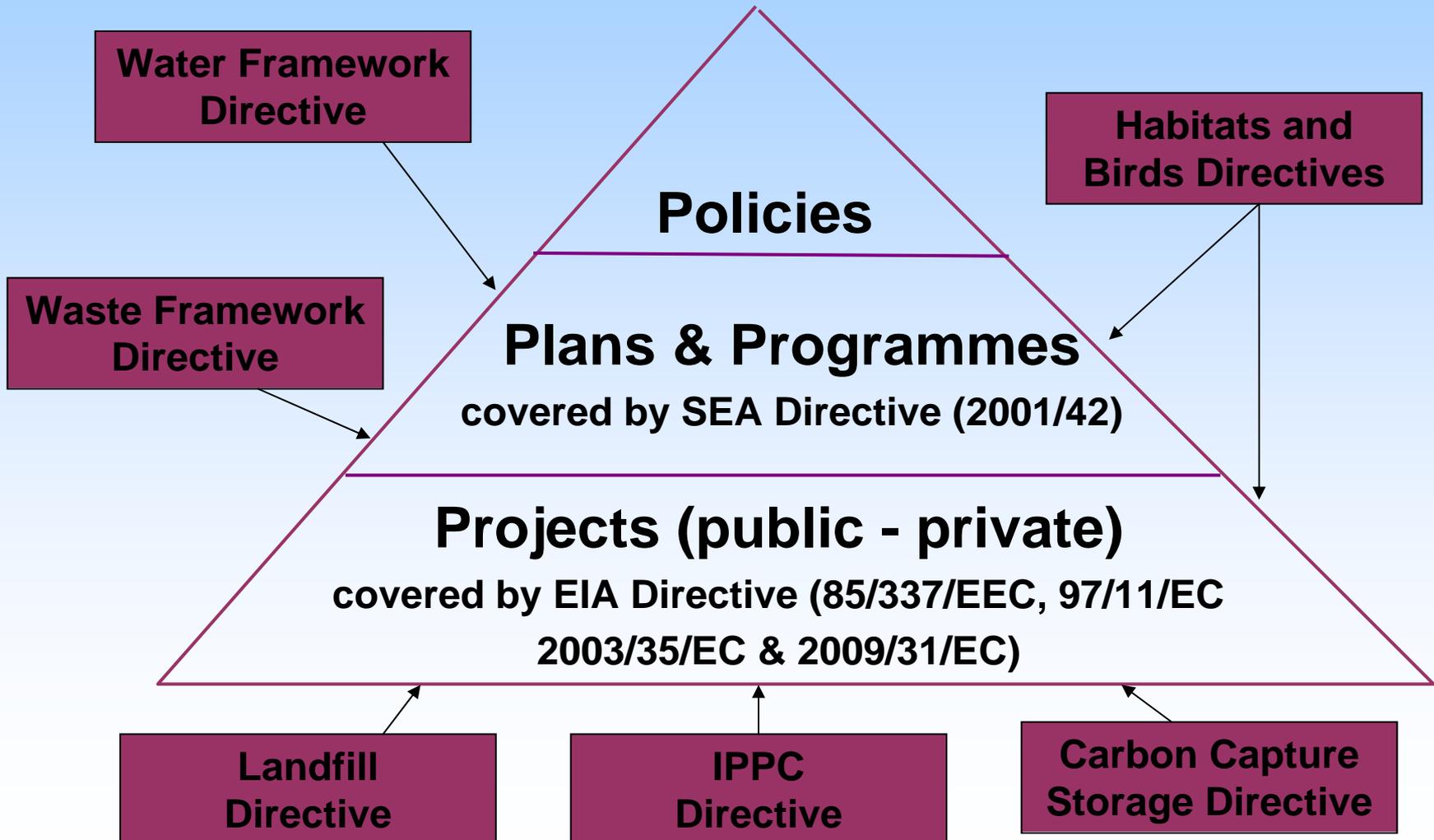


Scope of the presentation

- **Key objectives of the SEA/EIA**
- **SEA/EIA applicability**
- **SEA/EIA procedures**
- **SEA/EIA and biodiversity**
- **The way ahead**



Environmental Assessment





Similar Objectives of the Directives

SEA Directive (Directive 2001/42/EEC)

- ✓ To provide for a **high level of protection of the environment**.
- ✓ To contribute to the **integration of environmental considerations** into the preparation of plans and programmes with a view to promoting sustainable development.

EIA Directive (Directive 85/337/EC, as amended)

- ✓ To protect the **environment and the quality of life**.
- ✓ Ensure **approximation of national laws** with regard to the assessment of the environmental effects of public and private projects.

Guiding principle for both EIA/SEA: plans, programmes and projects which are **likely to have significant effects** on the environment are subject to an assessment.



Scope of applicability: SEA

Which plans or programmes?

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

Exemptions:

- Plans & programmes the **sole** purpose of which is to serve national defence or civil emergency;
- financial or budget plans/programmes



Scope of applicability: SEA

Plans and programmes that **always** require SEA are those:

- ✓ 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;
- ✓ **which have been determined to require an assessment under Articles 6 or 7 of the Habitats Directive.**
- ✓ **Plans/programmes co-financed by the EU (e.g. OPs).**
- ✓ Modifications of plans/programmes.

Plans and programmes that must be **screened:**

- ✓ Plans/programmes using small areas at local level;
- ✓ minor modifications to plans/programmes;
- ✓ Plans/programmes setting the framework for future future “non-EIA projects” and “non-sector” plans/programmes.



Environmental Impact Assessment (EIA)

Directive **85/337/EEC** of 27 June 1985, as amended by:

❖ Directive **97/11/EC** of 3 March 1997

✓ alignment to the Espoo Convention

✓ selection criteria for screening

❖ Directive **2003/35/EC** of 26 May 2003

✓ alignment to the Aarhus Convention (public participation)

❖ Directive **2009/31/EC** of 23 April 2009

✓ amends of the Annexes to include projects of storage and transfer of CO₂



Scope of applicability: EIA

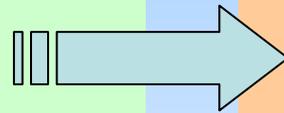
- Request for a development consent: determines whether the EIA is applicable.
- When the application for authorisation for a project was formally lodged before:
 - the expiry of the time-limit for transposition of a directive or
 - the date of accession

=> the EIA is not applicable.
- **BUT: for EU co-funded projects, the Commission requires compliance with the EIA requirements.**



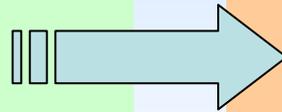
Scope of applicability: EIA

- Annex I projects



**Mandatory
EIA**

- Annex II projects



Screening

by Competent national authorities to decide if EIA is needed or not



Some examples of EIA projects

ANNEX I

- Long-distance **railway** lines
- Airports with a basic runway length ≥ 2100 m
- **Motorways**, express roads, **roads** of four lanes or more (of at least 10 Km)
- **Waste** disposal installations
 - for hazardous waste
 - for non hazardous waste (above 100 tonnes/day)
- **Waste water** treatment plants (above 150.000 p.e.)

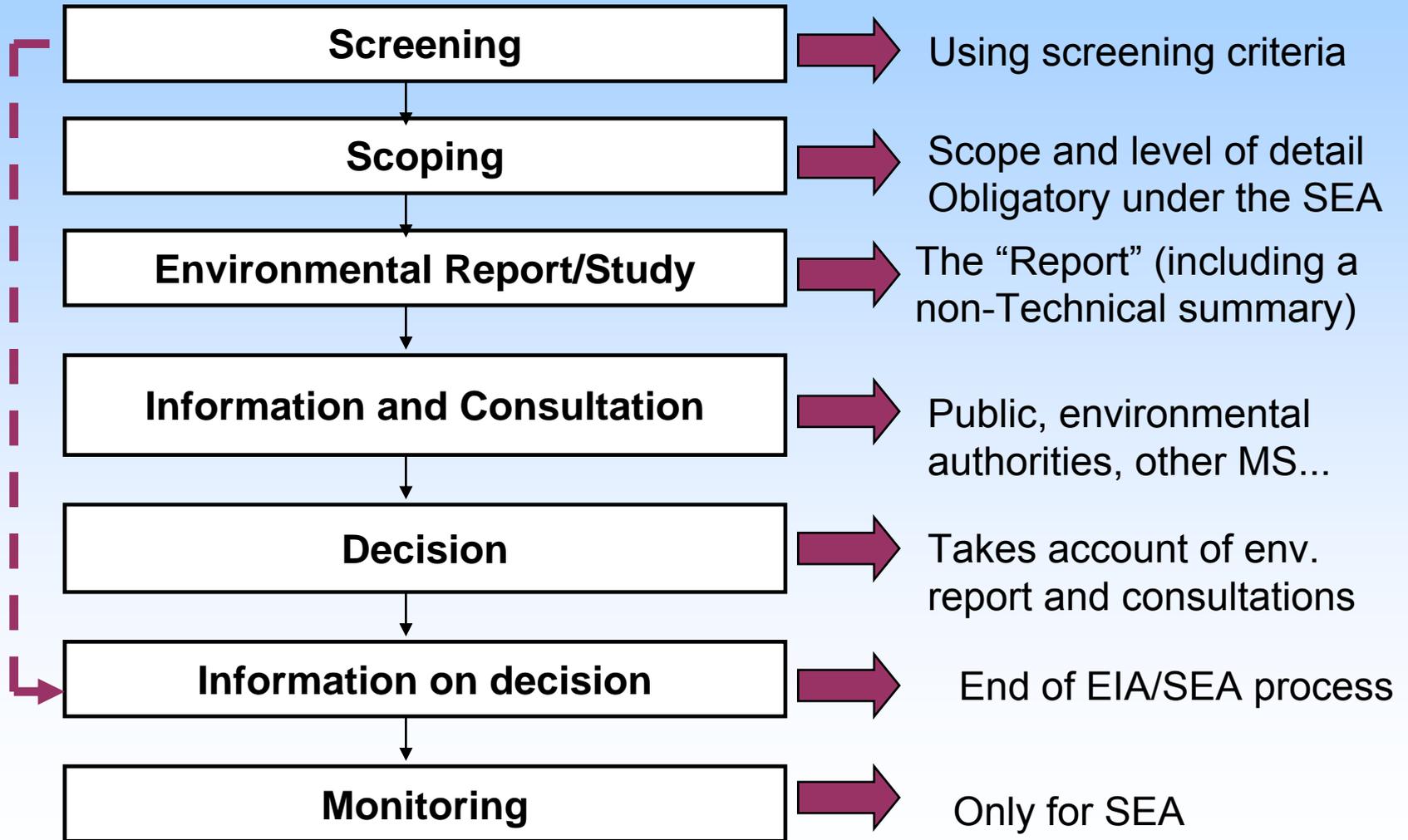
ANNEX II

- Construction of **railways** and **roads** not included in Annex I
- **Waste** disposal installations and **waste water** treatment plants not included in Annex I
- **Urban development projects**
- Inland waterways, canalization and flood-relief works
- **Changes or extensions** of Annex I and II projects that may have adverse environmental effects



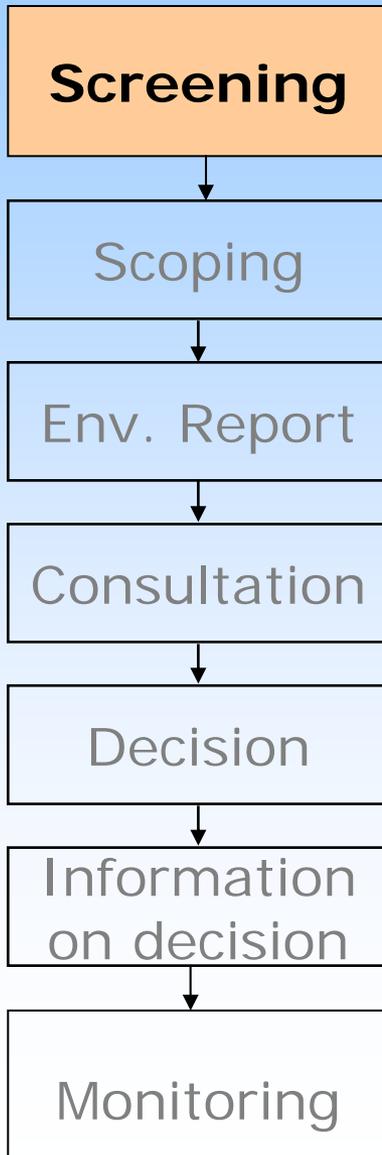
The Environmental Assessment Procedures

For projects screened out
(shorter procedure)





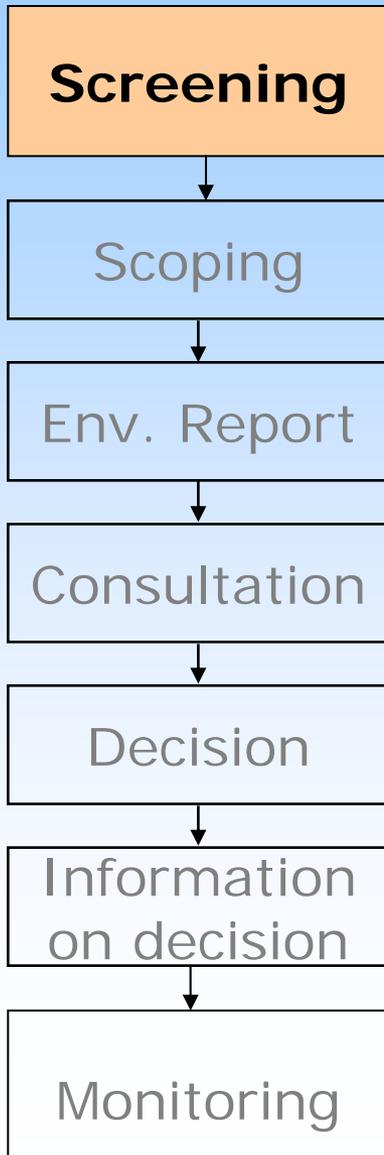
Screening – Principles



- Only for Annex II projects (EIA) or small/minor P/Ps and P/Ps not listed (SEA)
- Answers the question: **is an EIA/SEA required?**
- Guiding principle: **is the plan/project likely to have significant environmental effects?**
 - If yes ⇒ SEA/EIA needed
 - If no ⇒ no SEA/EIA needed
- How do we determine the effects (margin of discretion for MS):
 - ✓ Case by case examination and/or
 - ✓ Specify P/Ps (SEA) - thresholds or criteria (EIA)
- Screening criteria must always be taken into account.
- Screening decisions (including the reasons for not requiring an EIA/SEA) are made available to the public.



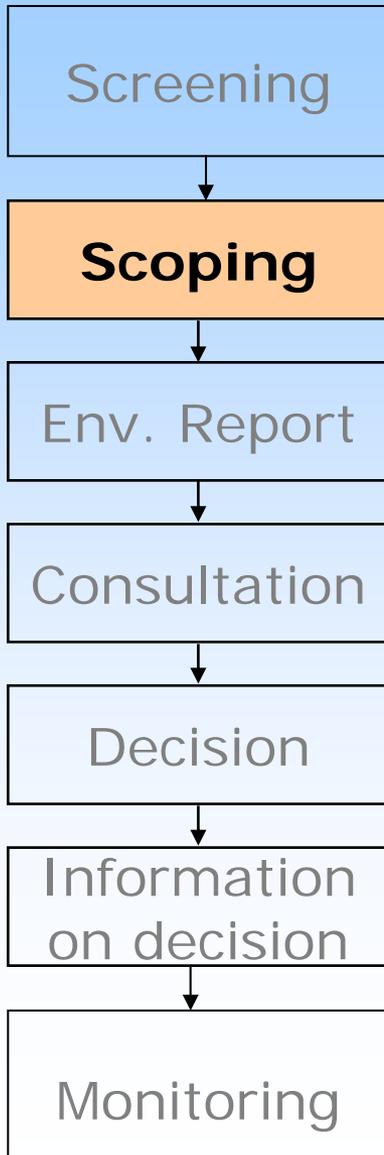
Screening – Annex criteria



- **Characteristics of the P/Ps or projects**
 - size, **cumulation** with other projects, natural resources use, waste production, pollution, risk of accidents ...
- **Project location** - environmental sensitivity of area likely to be affected
 - land use, natural resources, **Natura 2000 sites, nature reserves and parks**, exceeded environmental standards...
- **Potential impact**
 - extent, **transboundary impact**, probability, magnitude, duration, frequency, reversibility...



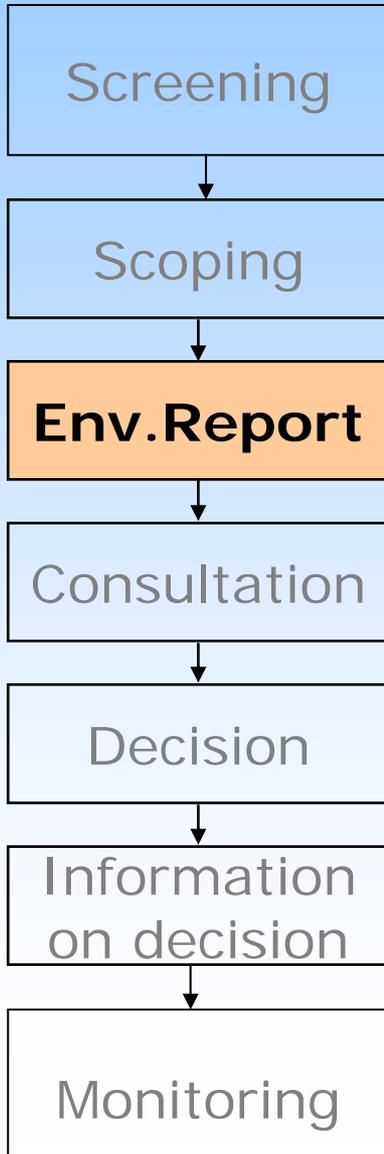
Scoping



- Answers the question **“what should be covered by the environmental information?”**
- **Obligatory** under the **SEA**; optional under the **EIA**, but...
- **Opinion** by the **competent authority**. **Competent authority** may subsequently require further information.
- **Improves the quality of the EIA process.**



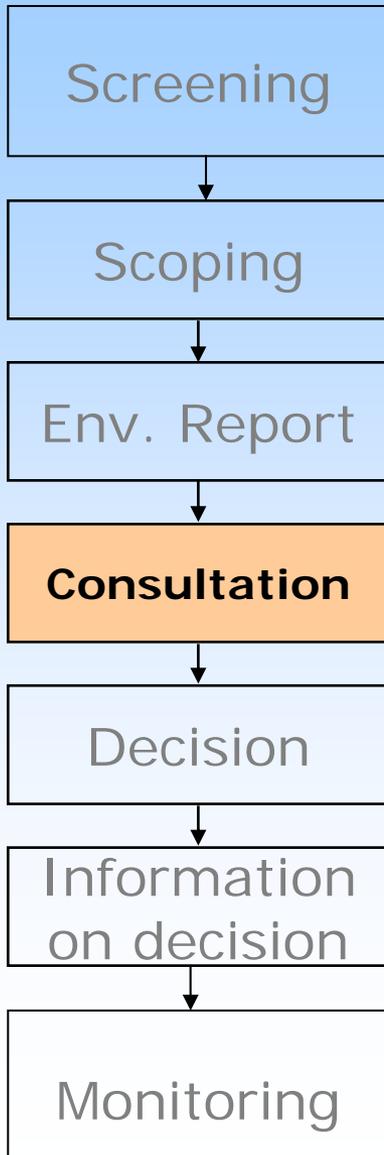
Environmental Report



- Must identify, describe and evaluate, e.g.:**
- The environmental characteristics of aspects/areas likely to be significantly affected.
 - The likely significant environmental effects of the plan/programme/project (including indirect and cumulative effects).
 - Alternatives (reasonable+zero/SEA or main alternatives studied by the developer/EIA) and reasons for the choice.
 - Mitigation measures
 - Monitoring measures
 - Non-technical summary



Consultations



1. Environmental authorities

- in several stages (screening, scoping, report)
- on the draft plan/programme or request for development consent
- the environmental “report”

2. The public (including NGOs)

- on the draft plan/programme and the env. report

3. Transboundary consultations (Espoo Convention)

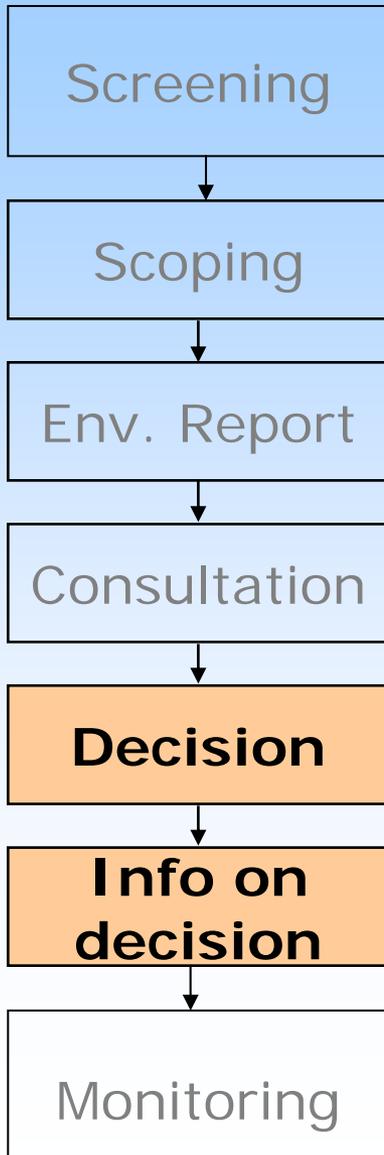
- on the draft plan/programme and the env. report

Modalities:

- early and effective opportunities to participate
- when all options are open
- reasonable time-frames



Decision and information



1. Competent authorities must take account of:

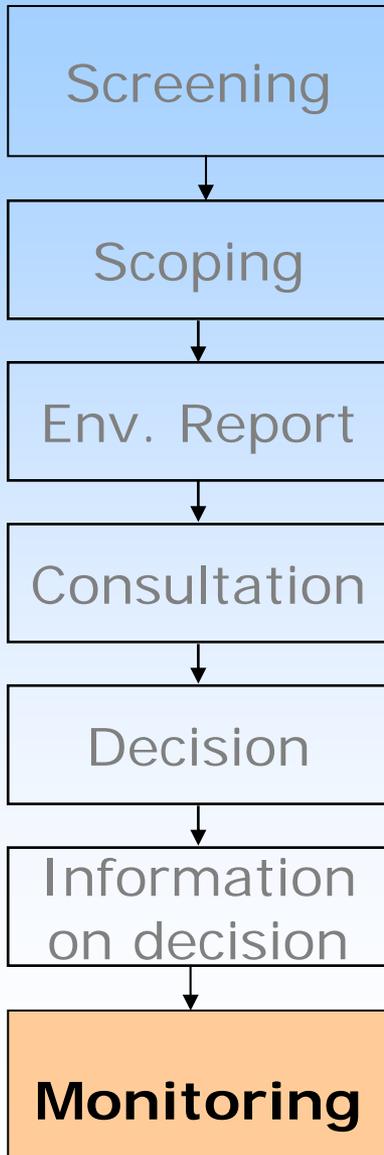
- ✓ Environmental report
- ✓ Opinions expressed
- ✓ Results of transboundary consultations

2. Information about final decision has to be provided to the public, environmental authorities, other countries (if consulted):

- ✓ Content of the plan/programme/decision on project
- ✓ Main reasons on which the decision is based (statement in SEA)
- ✓ Mitigation measures (EIA)
- ✓ Monitoring measures (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
- EIA: Public concerned must have access to a review procedure.



Interaction between SEA/EIA and biodiversity policy

- **Limited presence of biodiversity considerations in the SEA/EIA Directives:**
 - ✓ **Indirect references in the texts**
 - ✓ **National systems of the EU Member States have gone beyond**
- **SEA/EIA Directives supplement the biodiversity policy:**
 - ✓ **Extended scope of applicability**
 - ✓ **Additional provisions**



Limited presence of biodiversity considerations in the SEA Directive

- **SEA is mandatory for plans and programmes that which have been determined to require an assessment under Articles 6 or 7 of the Habitats Directive.**
- **The screening criteria refer to the value and vulnerability of the areas likely to be affected.**
- **The environmental report must include the likely significant effects on the environment (including on issues such as biodiversity, fauna, flora, landscape), mitigation and compensation measures, and monitoring schemes.**



Limited presence of biodiversity considerations in the EIA Directive

- **The EIA must identify, describe and assess in an appropriate manner the direct and indirect effects of a project on fauna and flora and the landscape.**
- **The screening criteria (Annex II projects) refer to the location of the project (absorption capacity, in particular: mountain and forest areas, nature reserves and parks areas protected under Member States' legislation; Natura 2000 designated sites.**
- **The environmental report must include the likely significant effects on the environment, (including on fauna, flora, landscape) and the mitigation/compensation measures envisaged.**



SEA/EIA Directives supplement the biodiversity policy

SEA/EIA have a broad scope of applicability (going beyond Natura 2000):

- ✓ Mandatory SEA for P/Ps prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town & country planning or land use.**
- ✓ P/Ps co-financed by the EC (e.g. Operational Programmes) are subject to an SEA.**
- ✓ Wide variety of projects listed in Annex II of the EIA Directive.**



SEA/EIA Directives supplement the biodiversity policy

SEA/EIA introduce provisions which extend the obligations under the Nature Directives:

- ✓ Scoping.**
- ✓ Participation (information and consultation) of the public and env. authorities.**
- ✓ Transboundary consultation.**
- ✓ Information after the decision.**
- ✓ Monitoring (only for SEA, but in practice also for EIA).**



EIA Directive – the way ahead

- Public consultation on the Review of the Environmental Impact Assessment (EIA) Directive (Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended)

<http://ec.europa.eu/environment/consultations/eia.htm>

- The objective of this public consultation is to collect opinions on:
 - the overall view on the functioning and effectiveness of the EIA Directive;
 - the need to amend the EIA Directive;
 - the possible policy options for review;
 - the areas to be improved / amended.
 - Climate change and Biodiversity



EIA/SEA Guidance

Please visit the EU Commission EIA / SEA Homepage:

<http://ec.europa.eu/environment/eia/home.htm>

- **Guidance on the implementation of the SEA Directive**
- **Guidance and checklists on the EIA Directive**
 - **Screening**
 - **Scoping**
 - **Project categories**
 - **Indirect, Cumulative Impacts & Interactions**
- **Studies and reports on the implementation of the EIA/SEA**
- **ESPOO Convention and SEA Protocol**
- **Conference for the 25th anniversary of the EIA Directive**

<http://ec.europa.eu/environment/eia/conference.htm>