



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

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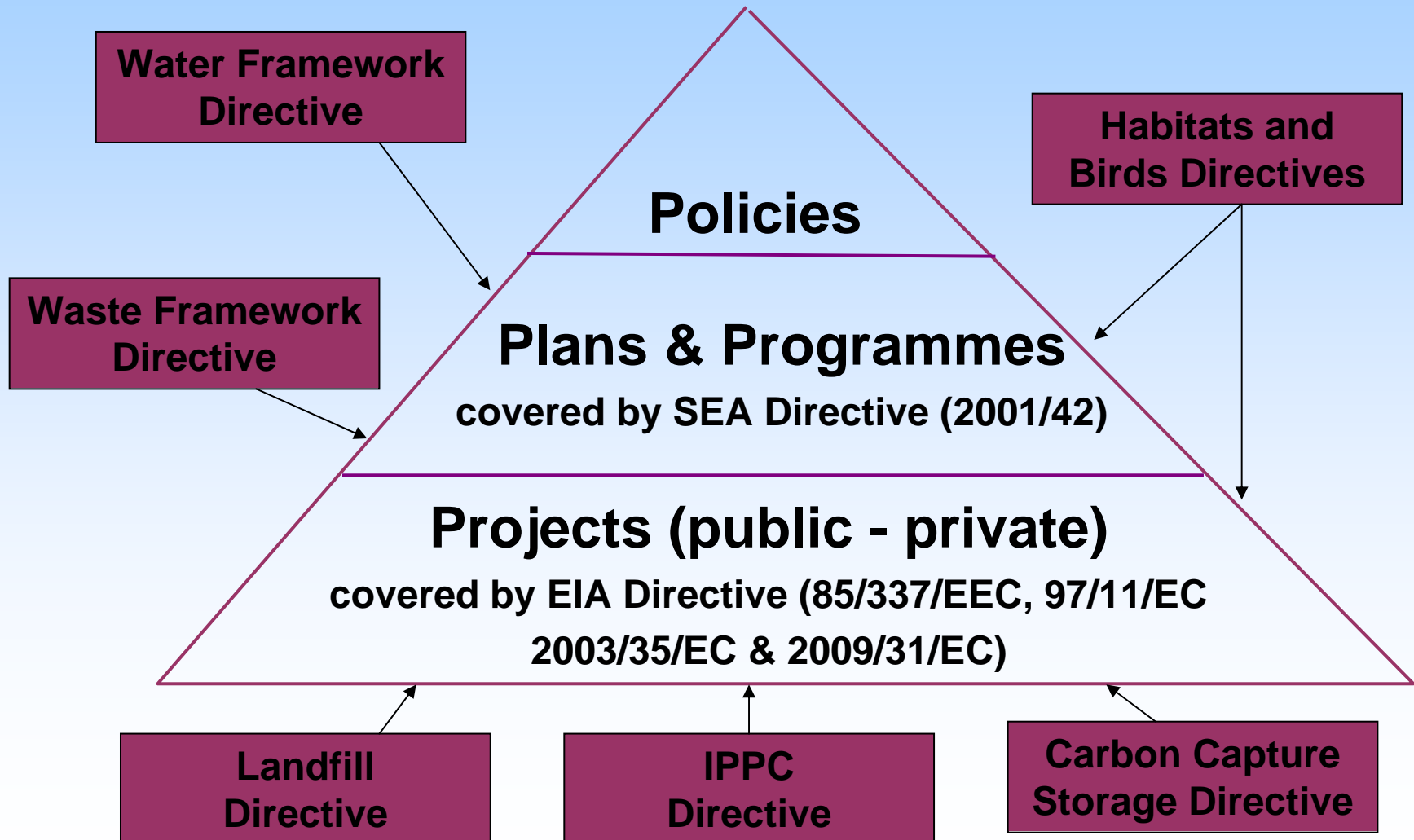


# Scope of the presentation

- **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 CO<sub>2</sub>



# 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

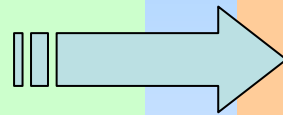
**=> the EIA is not applicable.**
- **BUT: for EU co-funded projects, the Commission requires compliance with the EIA requirements.**





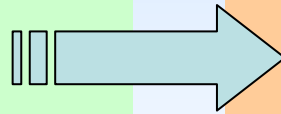
# Scope of applicability: EIA

- 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  $\geq 2100$  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.)

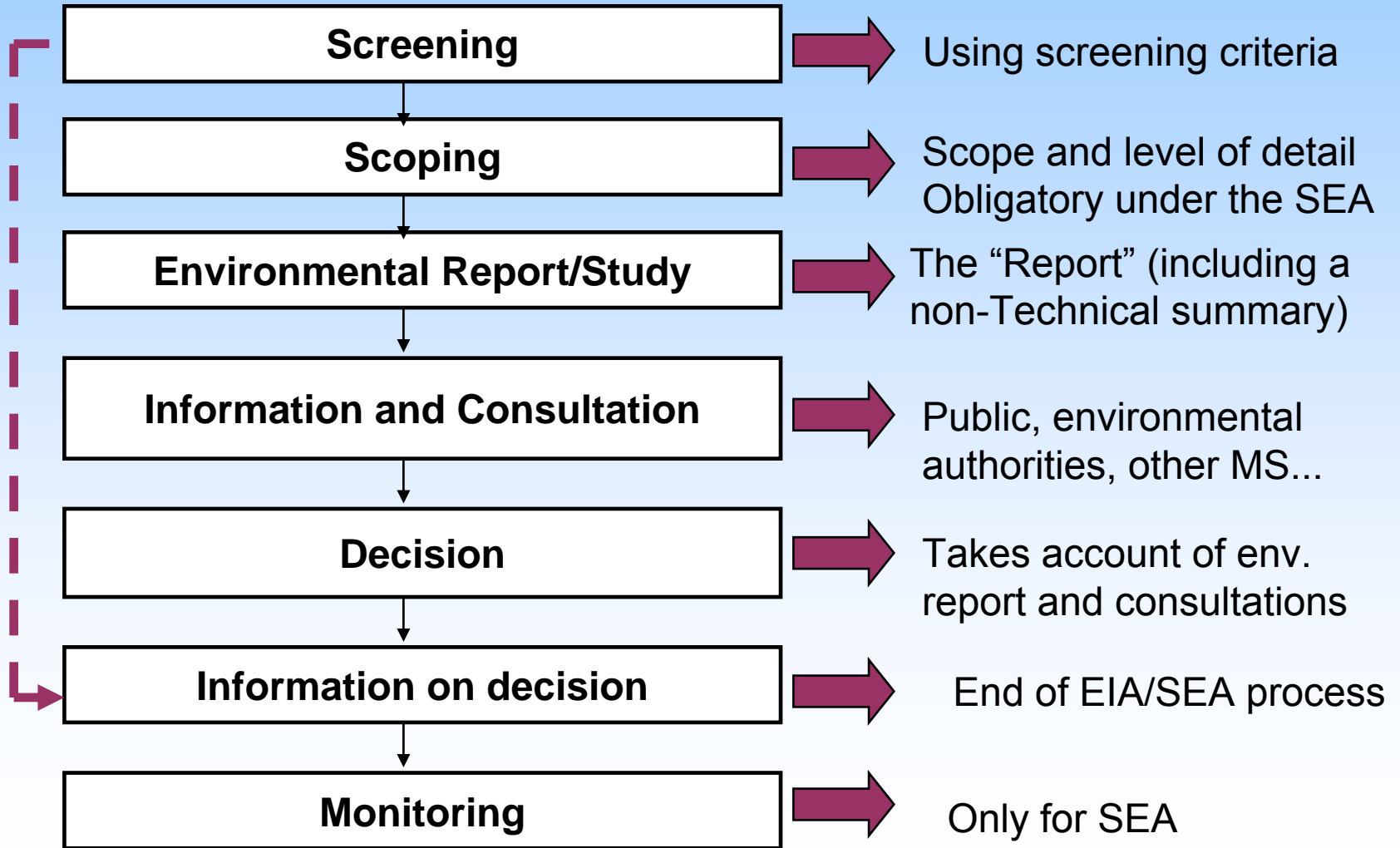
## ANNEX II

- 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



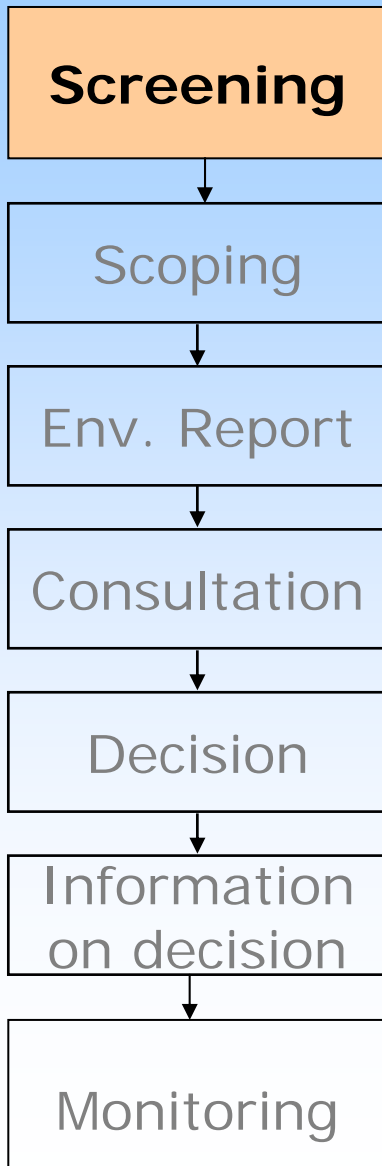
# The Environmental Assessment Procedures

For projects screened out  
(shorter procedure)





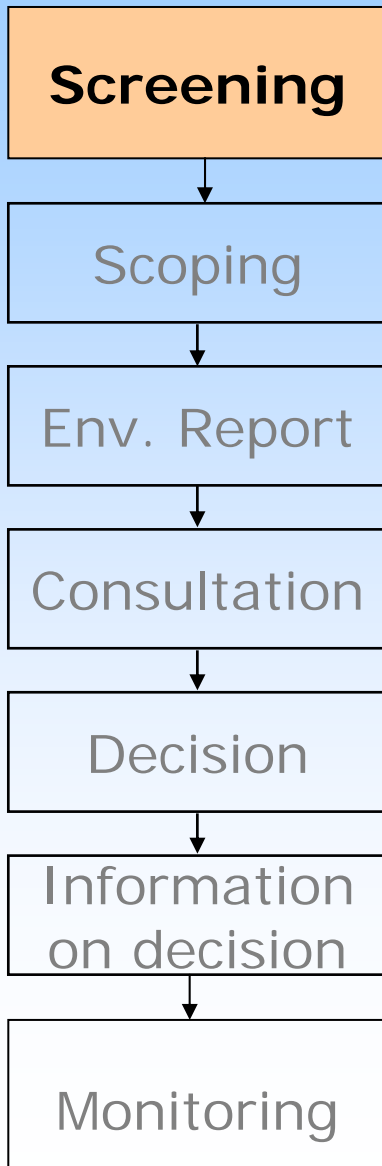
# Screening – Principles



- 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.



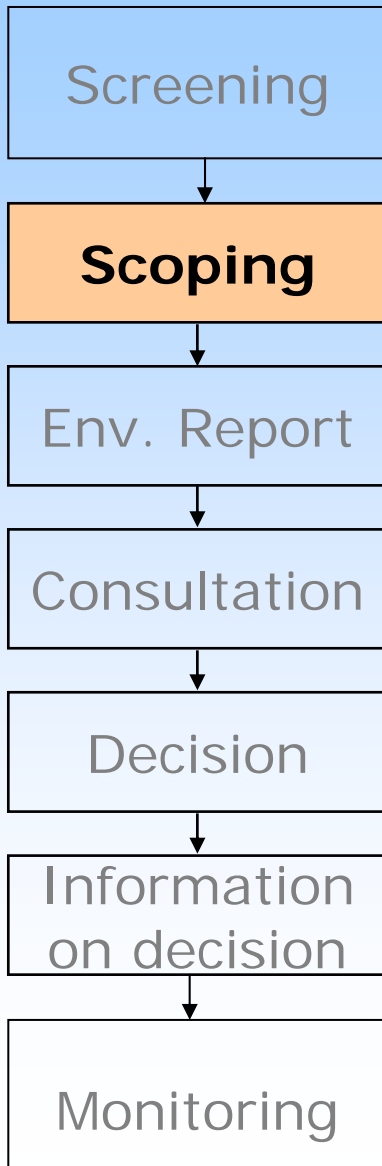
# Screening – Annex criteria



- **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...



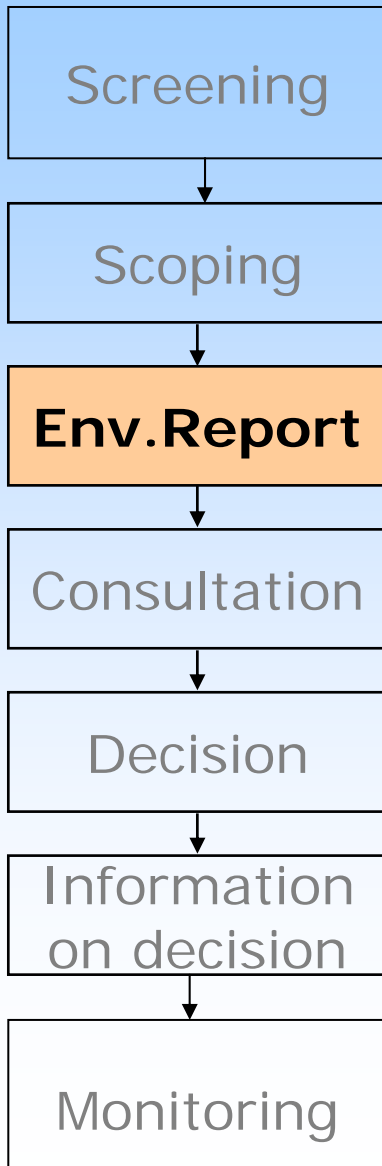
# Scoping



- 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.**



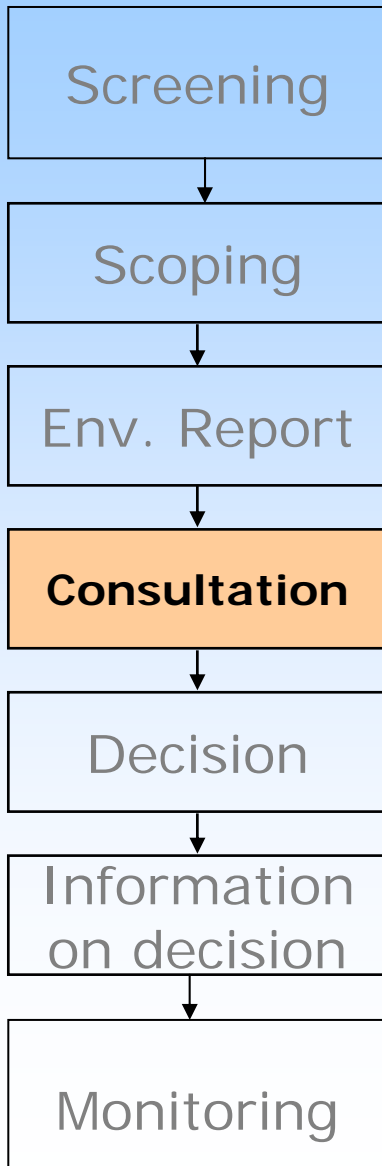
# Environmental Report



- 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

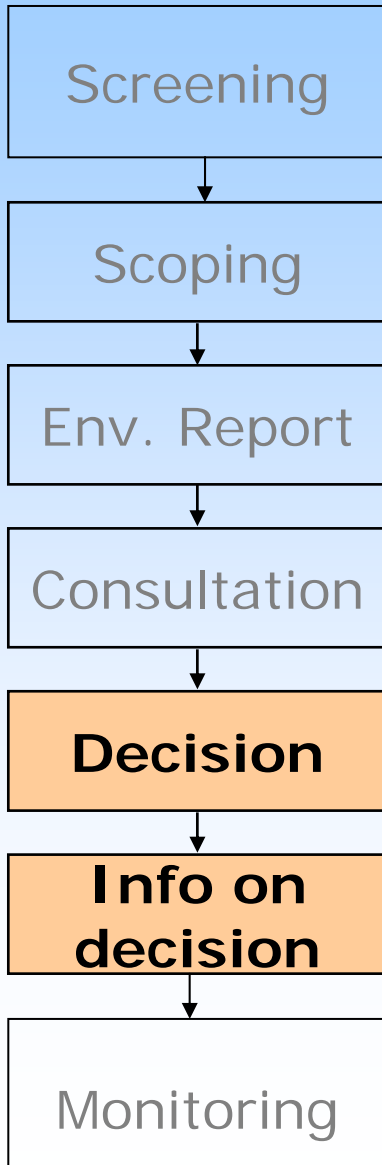
### Modalities:

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





# Decision and information



**1. Competent authorities must take account of:**

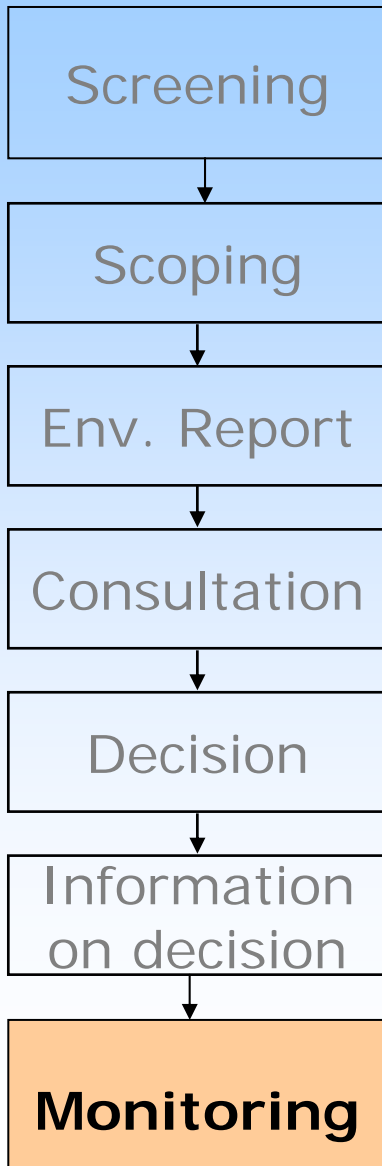
- ✓ Environmental report
- ✓ Opinions expressed
- ✓ Results of transboundary consultations

**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>