

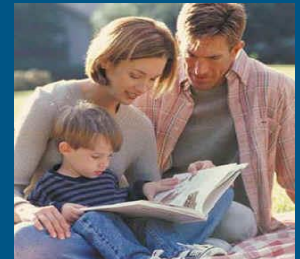
For our Environment

**Subregional Workshop on the Espoo-Convention
and the SEA Protocol, Rabat, Morocco, 14-15 April 2015**

EIA and SEA in Germany

Federal German Act on EIA and SEA of 2011

- The national system including transboundary environmental assessment -



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CONTENTS

- 1. Introduction**
 - **Goal and contents of EIA/SEA**
 - **International legal framework**
 - **Geographical situation of Germany**
- 2. EA in Germany - Federal German Act on EIA/SEA of 2011**
 - **Field of application**
 - **Main procedural steps**
- 3. Reflection on Law Making on Transboundary EA**
- 4. Conclusion**

1. INTRODUCTION - Goal and contents of EIA/SEA

Environmental Assessments for Programmes, Plans and Projects

- Prognosis and assessment of the environmental effects of plan /project before it is authorized
- procedure to improve quality of decision
- international legal framework (UN ECE, EC, States)

Main steps are

- Scoping
- Documentation of impacts of main option and alternatives
- Participation of authorities and public
- Taking results into account in decision
- [Right to appeal]
- Monitoring (ex-ante/ex-post)



1. INTRODUCTION - International legal framework

**United Nations Economic Commission for Europe
(UN ECE)**

Esposo-Convention on
transboundary EIA (1991)

SEA-Protocol 2003

European Union

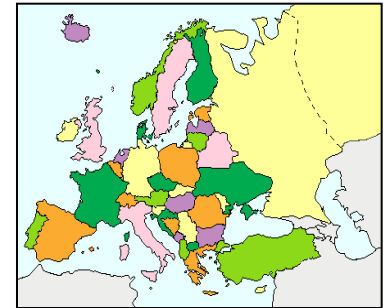
EIA-Directive (1985)
(1997/2011 cod.)

SEA Directive 2001

Germany

Federal EIA Act (1991/2002)

Amendment SEA 2005
(EIA/SEA Act 2011 cod.)



1. INTRODUCTION - Geographical situation of Germany

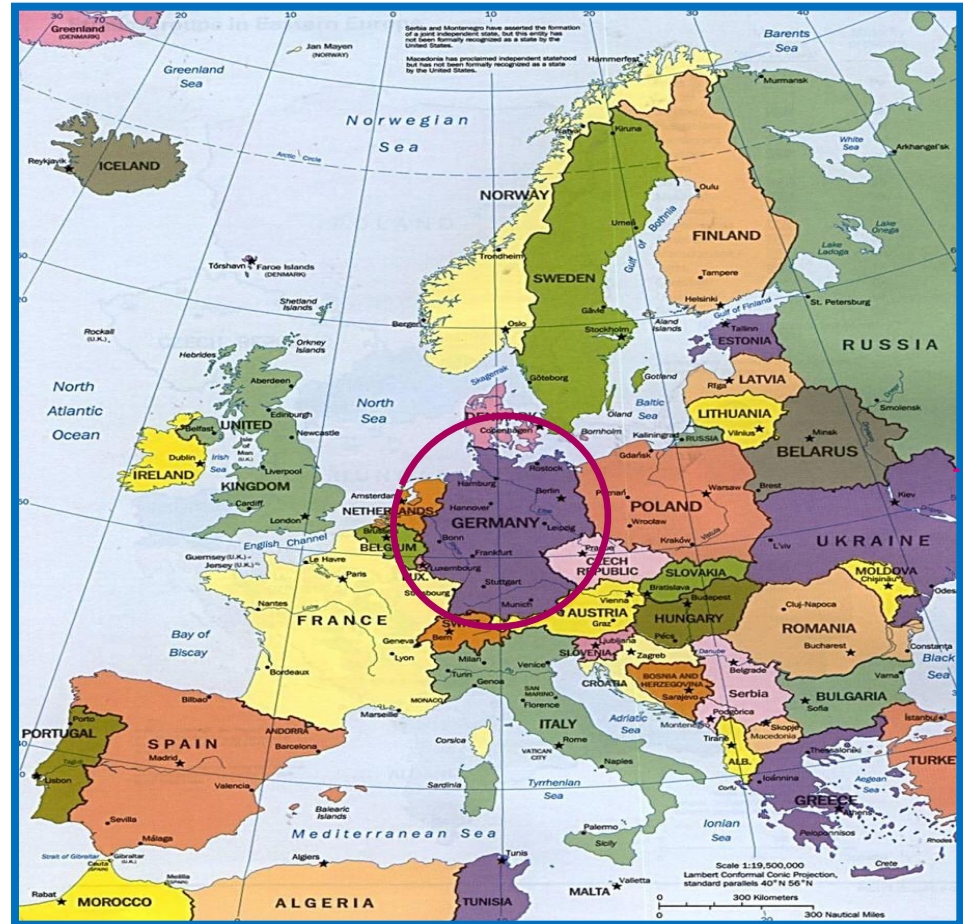
GEOGRAPHICAL SITUATION OF GERMANY

Located in the heart of Europe

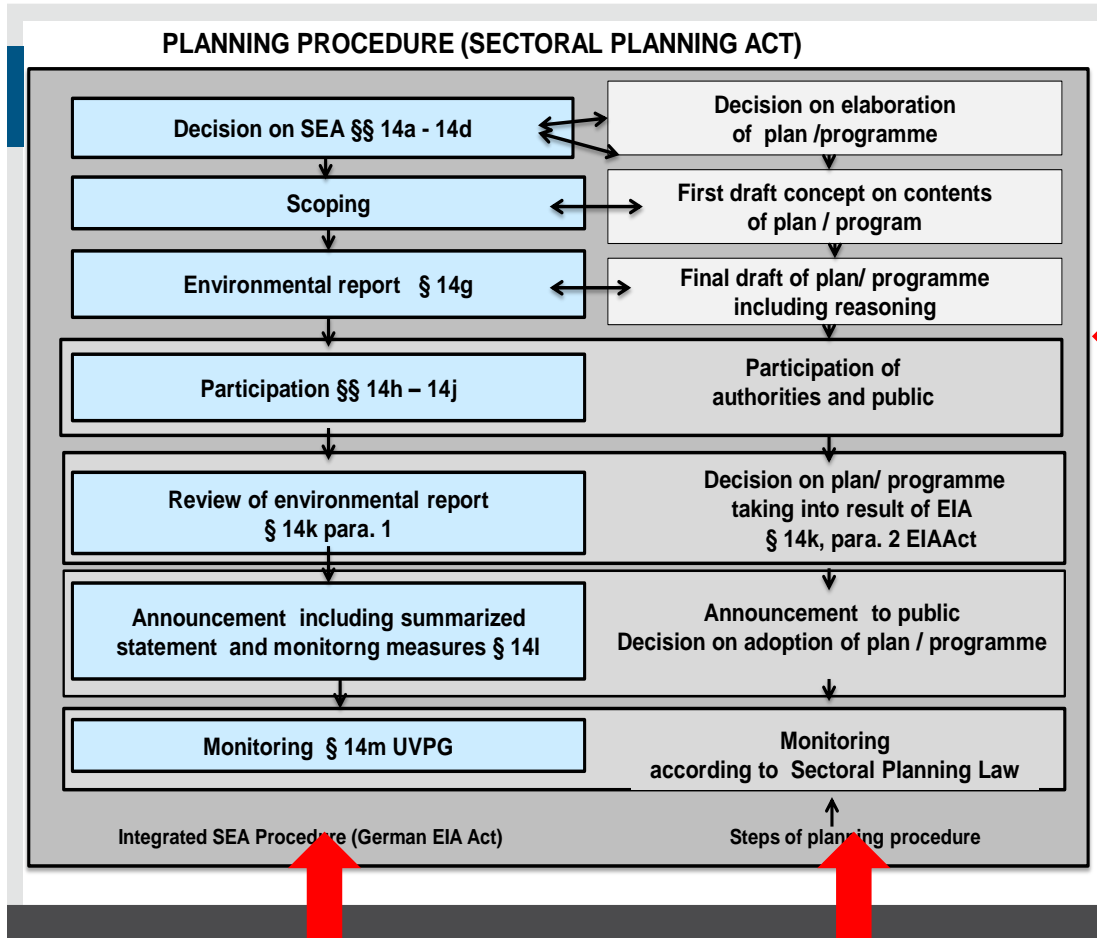
Several neighbour states on the continent

Related to more states by transboundary waters
E.G. North sea/ Baltic sea,
Danube river

Bilateral agreements on EIA/SEA
with several neighbour states



2. EA IN GERMANY - Federal German Act on EIA/SEA of 2011 - EIA/SEA integrated into planning or decision making process



Example: Integration of SEA into planning process (SEA)

← Planning process

SEAstep
S

Planning steps

2. EA IN GERMANY - Federal German Act on EIA/SEA of 2011 - EIA/SEA Field of application (Annex 1 and 3)

Projects

(Annex 1 EIA/SEA Act)

Public and private Projects

- Power plant
- Industrial installations
- Pipelines
- Motorways
- Waste incineration plants
- Mining
- Deforestation
- Dams
-

Basically: any project which may harm the environment

Plans

(Annex 3 EIA/SEA Act)

Public plans

- Spatial Planning
(State, Region, Municipality)
- Sectoral Planning
- Nuclear waste storage plan
- Traffic Infrastructure plan
- Electric grid plan
- Flood protection plan
- Water management plan
- Noise reduction plan
- Clean Air plan
- Waste management plan

2. EA IN GERMANY - Federal German Act on EIA/SEA of 2011 - EIA Field of application (Annex 1)

Ranking of projects according to magnitude or capacity:

Mandatory EIA

power plants >200 MW

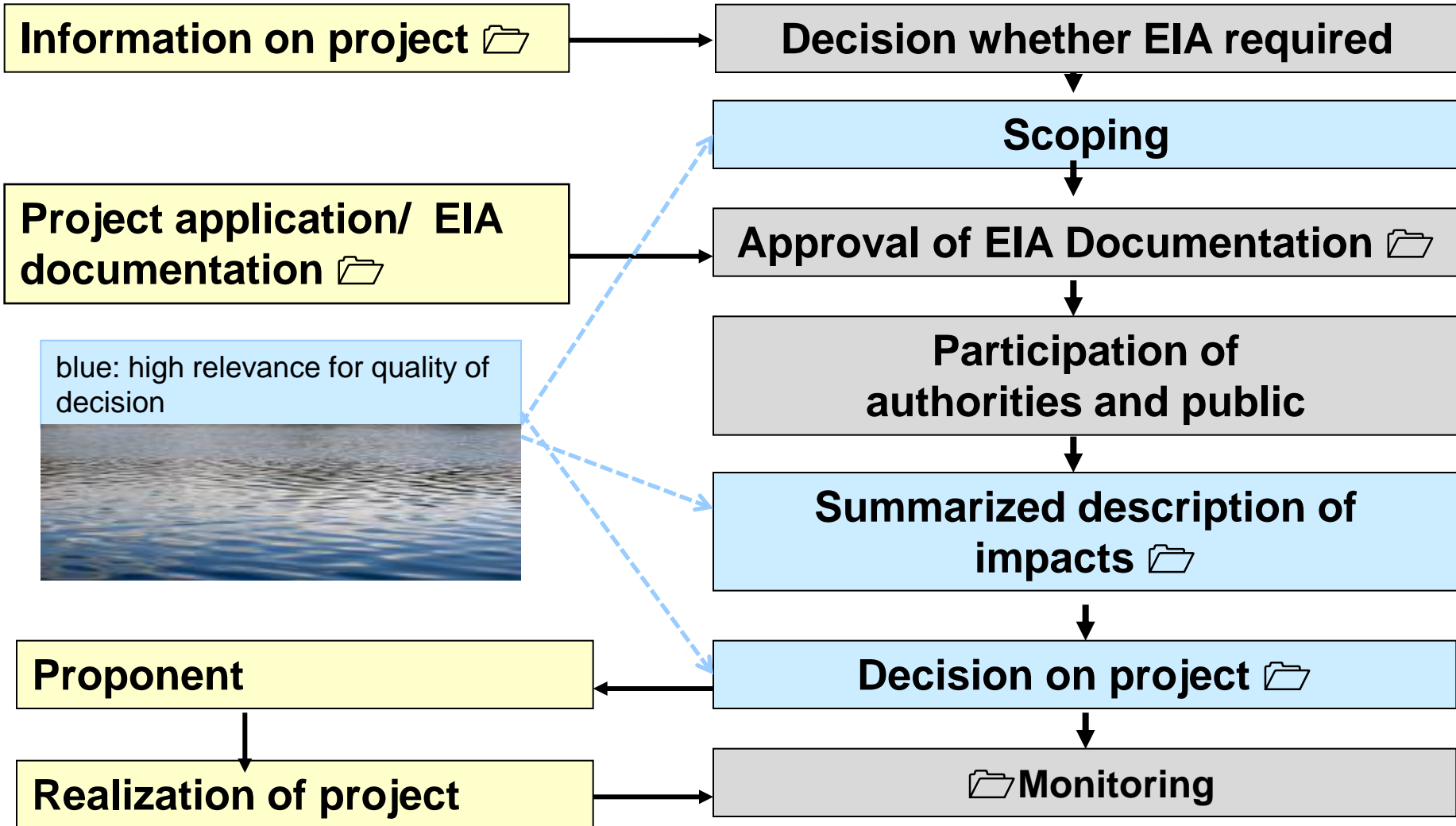
Case-by-case examination (screening):

- **General case-by-case examination** **power plants 50 MW – 200 MW**
- **Specific Case-by-case examination** **power plants 20 MW – 50 MW**
(restricted to investigation of especially susceptible project locations)

Purpose: Case-by-case-examination means: Decision on need of EIA
Rough and quick assessment by the competent authority whether a project may have considerable adverse impacts and thus requires an EIA or not.

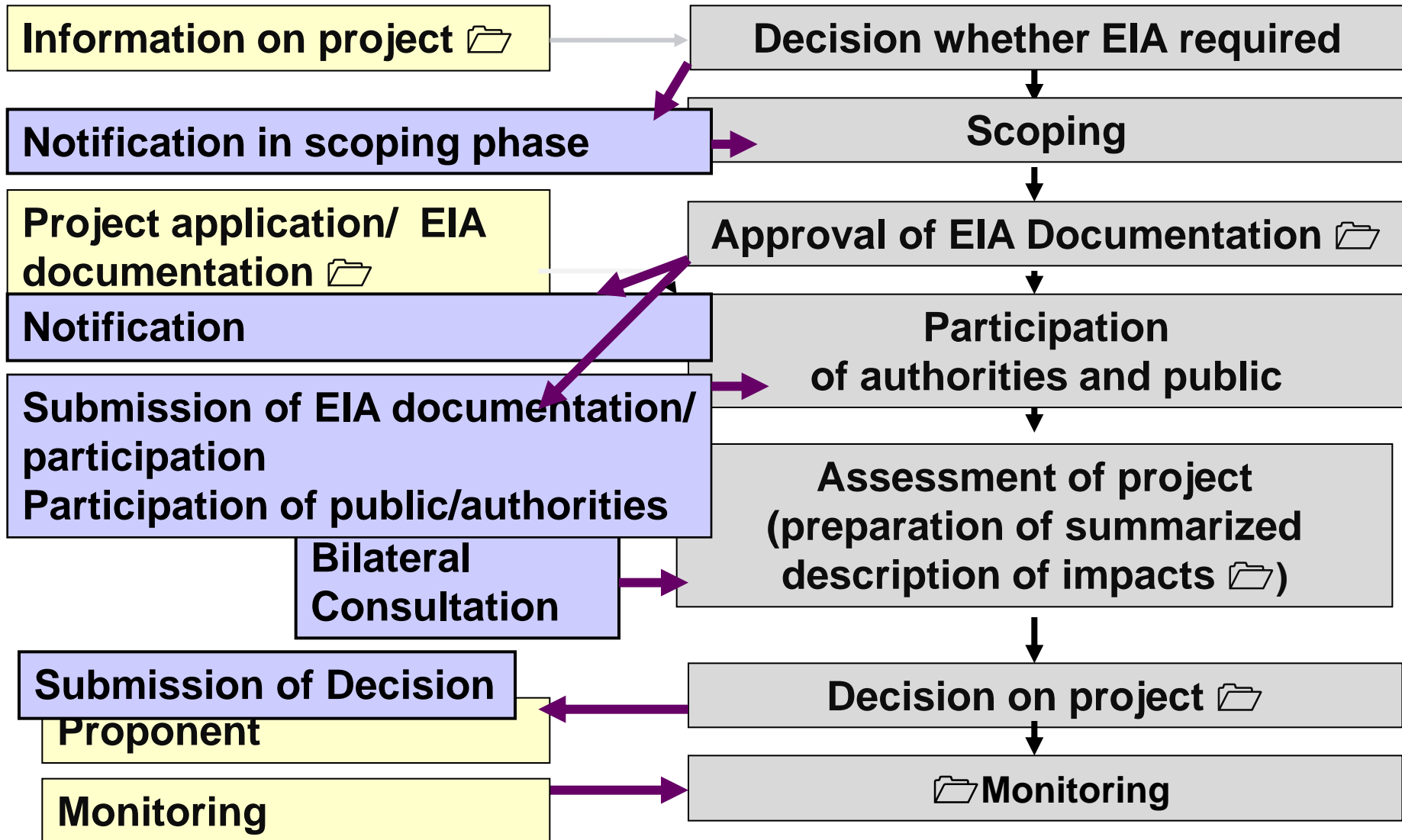
2. EA IN GERMANY - Federal German Act on EIA/SEA of 2011

- EIA procedure



2. EA IN GERMANY - Federal German Act on EIA/SEA of 2011

- EIA procedure with transboundary participation



3. EA IN GERMANY - Federal German Act on EIA/SEA of 2011 - Reflection on law making on transboundary EIA/SEA

General reflections of German law maker when starting

- **Competence:** Authority to be competent for transboundary steps in Germany?
- **Field of application:** Which kind of projects subject to transboundary EIA/SEA?
- **Significance:** Limited knowledge on state of environment on territory of other state
- **Starting point of transboundary EA:** scoping phase or later?
- **Public participation:** Not entitled to act on the territory of other state. How to organize participation of foreign public (e.g advertising, hearing)?
- **Translation:** Foreigners will not be able to act in German language (and vice versa)
- **Time Frames:** German time frames sufficient for transboundary participation? What about legal time frames of affected Party ?
- **Financial implications** (e.g. costs of translation)

3. EA IN GERMANY - Federal German Act on EIA/SEA of 2011 - Reflection on law making on transboundary EIA/SEA

- **Competence:** Authority which is responsible according to for national legislation
 - **Field of application:** Any decision making procedure with EIA/SEA*
 - **Significance:** hardly to define (in practice roughly comparing against thresholds of Party of Origin)
 - **Starting point of transboundary EA:** scoping phase (if possible)
 - **Public participation:**
 - according to rules of party of origin: time frame, letter or e-mail
 - according to rules of affected party origin: announcement, display , collection of comments
 - **Translation*:**
 - Party of Origin covers all costs : PoO regularly transmitts translated documents
 - affected party transmitts comments etc. in own language
 - **Time Frames:** time frames of Party of Origin (under condition of translated documents)
 - **Financial implications:** administrativ costs, beared by proponent
- * under prerequisite that equivalence and reciprocity is mainly given

Exkurs: Federal Republic of Germany

- Law making and EIA in practice – distribution of competencies



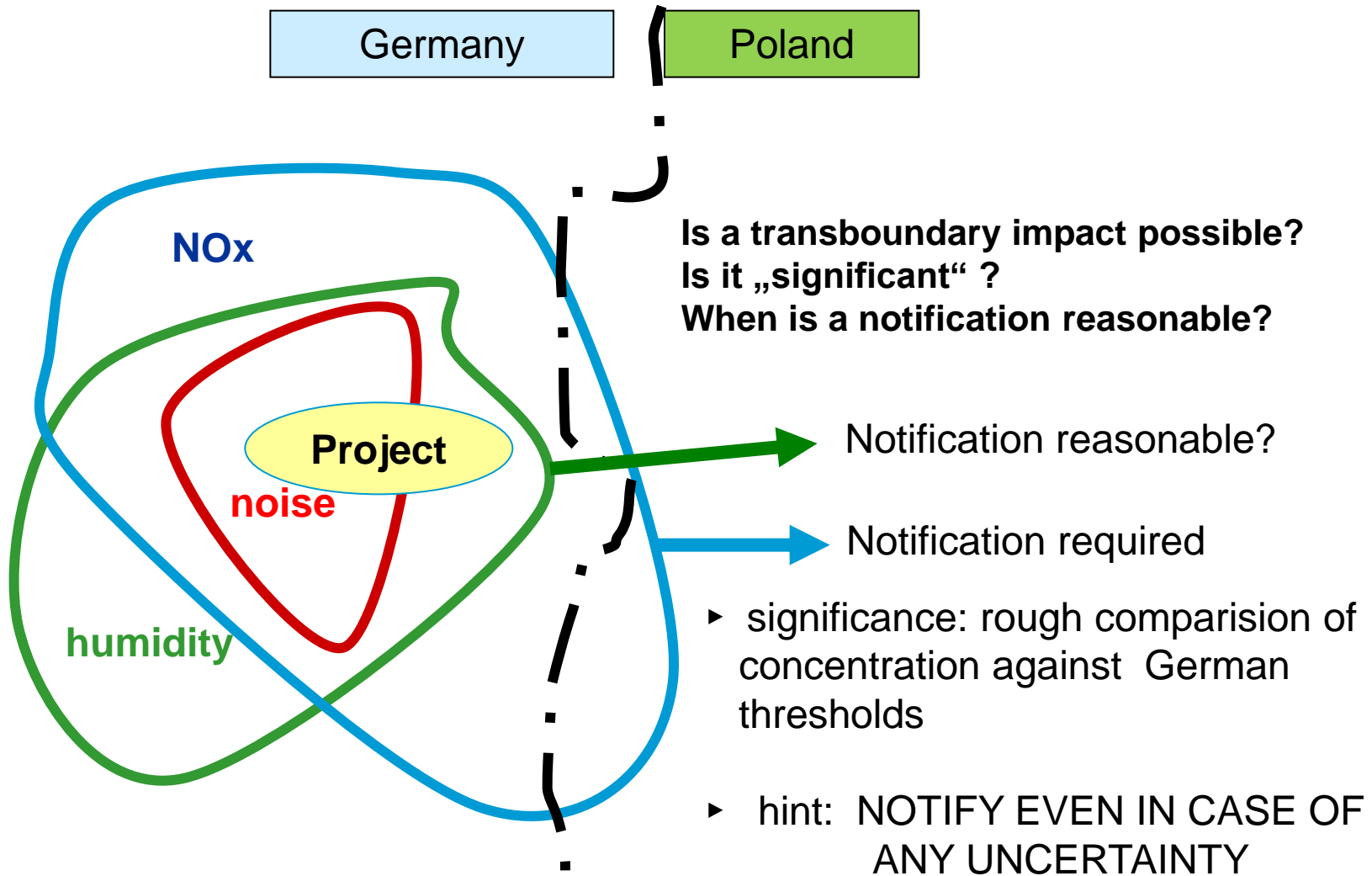
Federal level

- EIA legislation
- Espoo point of contact

State level

- Additional EIA legislation
- Carrying out EIA procedures including transboundary steps

Exkurs: Principle of Participation - equivalence



4. CONCLUSION

- **EIA/SEA can contribute to a well-informed and sound decision**
- **EIA/SEA can protect the environment – without denying economic and social needs**
- **EIA/SEA can prevent future remedial actions**
- **EIA/SEA can prevent or reduce conflicts with the public**

Thank you for your attention

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