



При финансовой поддержке
Европейского Союза



EU/UNDP/UNECE joint project “Supporting Kazakhstan`s
Transition to a Green Economy Model

International requirements for the environmental assessment. The difference between SEA and EIA

Elena Laevskaya
UNECE international expert
Astana, November 14, 2016

Content

- ▶ Background and conception of environmental assessment (EA)
- ▶ EA in international law and EU law
- ▶ Differences between SEA and EIA

Background and conception of environmental assessment (EA)

- ▶ 1969 - US law about national policy in environmental protection (US NEPA)
 - Assessment targets - plans, programmes, legal acts (SEA), specific plans (EIA)
 - Key meaning - during the assessment conduct it is necessary to discuss alternatives/"0" option of objects at different levels (conception of levels and alternatives)
 - Today EA exists in legislation of all developed countries

EA Conception

- ▶ Preventive instruments, used in different objects (plans, programmes, policy, law, projects on specific types of activities), implementation of which may potentially impact on high level threat
- ▶ Scopes
 - EIA (projects on specific types of activities)
 - SEA (plans/programmes/policy/legislation)
 - Habitat/biodiversity assessment (different objects impact assessment)

EA functions

- ▶ Data collection based on specifics of object assessment
- ▶ Analysis of alternatives
- ▶ Analysis of environmental concern together with social-economical concerns (health issues in SEA)
- ▶ Irreversible impact elimination
- ▶ Procedure instrument
 - Consultations (with public, state authorities, including in transboundary context, if necessary) and making decisions
 - Special situation in case of high level negative impact on program “Nature 2000”

Alternatives analysis in EA

- ▶ Different kinds of alternatives analysis
- ▶ Alternatives of types of activities (highways and railways)
- ▶ Alternatives within types of activities
 - Location alternatives (north-south)
 - Technological alternative (concrete - asphalt)
 - Impact reduction measures (speed regime - noise screen)
 - «0» option
 - Option «the most environmental»

Level conceptions in EA

- ▶ Transport policy of a state (SEA)
 - Alternative - Highways and railways
- ▶ State programme of traffic network (SEA)
 - location alternative
- ▶ Local plan of land-utilization (SEA)
 - Location alternative
- ▶ Road construction on specific ground area (EIA)
 - Location and technological alternatives

Stages in framework of EA procedures

- ▶ Screening and notifications about its results (is it necessary to conduct EA)
- ▶ Stages :
 - Definition of EA scope
 - Preparation of assessment documentation (reports)
 - EA results record on making a decision
 - Message about made decision with evidences on acceptance/nonacceptance of EA outputs
- ▶ Obligatory elements on different stages
- ▶ Consultations with nature conservation authorities (in SEA, also with healthcare authorities)
 - Consultation with public
 - Transboundary consultations (if applied)

Documentation on SEA

- ▶ Different titles of documents (report, reference, research)
- ▶ Compulsory elements :
 - Description of type of activities/objects
 - Description of potentially concerned environment
 - Alternatives
 - Description of impact factors
 - Measures on impact reduction
 - Gaps in information/uncertainty
 - Nontechnicity conclusion

SEA in international law, EU law

- ▶ Norms and principles of international law and supranational legislations in EU (directives) are conditions
 - Legislation harmonization
 - Transboundary procedures formation
- ▶ Principles of Rio de Janeiro Declaration on environment and development (2 - responsibility for transboundary environmental damage, 4 - integration principles, 17-EA, 18-19 - transboundary procedure)

EA in international law, EU law

- 1985 - 97,03,09/2011 - Directive 2011/92 about impact assessment of some states and private projects on environment (EIA)
- 1991 - UNECE Convention on environmental impact assessment in transboundary context (Espoo Convention) (transboundary context, EIA)
 - 1992 Directive 92/43 about conservation of habitats and wild fauna and flora (impact assessment of projects, programme plans on econet habitat - Nature 2000)
 - 1992 - Convention about transboundary impacts of industrial accidents
 - 1998 - Aarhus convention (public involvement, including in setting up plans and programmes)
 - 2001 - Directive 2001/42 about impact assessment of some plans and programmes on environment (SEA)
 - 2003 - Directive 2003/35 about public involvement in setting up specific plans and programmes regarding the environment
 - 2003 - UNECE Protocol on SEA to Espoo Convention (SEA, including transboundary context)

Espoo Convention - status and development

- ▶ Adopted in 1991 (enacted in September, 10, 1997; 45 Parties, including Kazakhstan)
- ▶ 2 amendments (in 2001 and 2014), first one came into force in August 26, 2014.
 - 1 - determination of public, openness for countries that are not members of UNECE;
 - 2 - concerned party has right to participate in transboundary EIA scope, the List of types of activities in Application I was expanded, implementation overview
- ▶ Establish frameworks for transboundary EIA (for planned activities that may have negative, transboundary impact) before making a decision about allowance/implementation of planned activities

Main commitments of Parties of establishment in accordance with Espoo Convention

- ▶ To set up national procedure of EIA
 - EIA must be conducted before making a decision about conducting/allowance of any activities specified in Application I and other activities based on screening (art. 2.5)
 - Public involvement, including public of concerned parties must be provided
 - Documentation on the basis of Application II must be prepared
 - EIA results must be taken into account while making decisions
- ▶ Initiate EIA transboundary procedure - notification
- ▶ Organize and conduct transboundary EIA with concerned parties

Main commitments of Parties of Protocol on SEA

- ▶ Provide implementation of SEA special plans and programmes that may have environmental impact , including population health
- ▶ In framework of SEA national procedures: to identify SEA scopes, frameworks for preparation of environmental report, public involvement, conducting consultations with authorized bodies (nature conservation and healthcare authorities), transboundary consultations, making decisions (confirmation of plans/programmes concerning environmental report taken during the consultations, comments taken during the consultation, conduct monitoring of plan/programme implementation (concerning environmental impact)

Consultations with public in SEA (art.8)

Party is obliged to :

- ▶ Provide timely and effective opportunities for public involvement in SEA plans/programmes, **when choice of any variants is possible**
- ▶ Plan/programme project, and environmental report must be **timely available for public**
- ▶ It is necessary to **find out interested public including relevant SPA**
- ▶ Interested public must be provided with opportunity to express its opinions about plan/programme projects, and environmental report on time
- ▶ Specified measures on informing the public and conducting consultations with interested public must be published

Consultations with state authorities in SEA (art. 5.6.9)

- ▶ imperative consultations with nature conservation authorities and healthcare authorities must be implemented on several stages of SEA process:
- ▶ On revealing substantive possible consequences, if it is required to define SEA needs
- ▶ On defining a scope
- ▶ On discussing an environmental report

SEA and EIA: similarities and differences

Similarities:

- ▶ Forms/types of SEA, common goals and similarity in using procedure elements

Differences:

- ▶ SEA - on macro level of planning
- ▶ Targets (EIA - concrete infrastructure projects, types of activities, independent from initiator (private individual/legal body/state); SEA - plans/programmes, designed/confirmed by state authorities)
- ▶ Initiators (EIA - subjects of business activities "developers", SEA - planning bodies)
- ▶ Goal/orientation of EA (EIA - assessment focused on physical impact of project on environment based on threshold values, SEA - impact assessment on solving vital environmental tasks of government)
- ▶ Methodology (EIA - on the basis of requirements, regulations, standards; SEA - can consider aggregate impact on several objects)

Some conclusions:

- ▶ Protocol on SEA is basis for formation of SEA national procedures
- ▶ Despite the similarities EIA and SEA have lots of differences. These differences are objective basis for formation of **separate procedure of EIA and SEA in regulatory act** at the national level
- ▶ National procedure of SEA must be agreed with the processes of plans/programs design and establishment (conducting the SEA after plan/programme confirmation is not effective)
- ▶ Existing systems of “environmental expertizes” is not equivalent to SEA, legislation and authorities functions reconsideration are needed (particularly nature conservation, healthcare)
- ▶ Not all the plans/programmes that are targets of public involvement in accordance with Aarhus Convention are subjected to SEA

Thank you for your attention!

For further information contact:

Tea Aulavuo

Secretary of Convention on EIA and
Protocol on SEA

Tel: +41 22 9171723

E-mail: tea.aulavuo@unece.org

Web-site:

[http://www.unece.org/env/eia/w
elcome.html](http://www.unece.org/env/eia/welcome.html)

Elena Laevskaya

UNECE International expert

E-mail: evlaevskaya@gmail.com