





Session II Field of application of SEA

Developing legislative framework for the environmental impact assessment and strategic environmental assessment in line with the UNECE Espoo Convention and its Protocol on SEA in Belarus

Day 2 Training workshop 20 September 2016





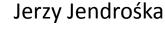




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 - Minor modifications
 - Small areas at local level
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- Exemptions
- Screening











Field of application – basic rules

- Mandatory requirements clear reflection in legislation
- Legislation must clearly cover
 - Respective strategic documents
 - prepared by public authorities
 - regardless of the name
 - Including modifications
 - Possible solution definition of "strategic document"
- Legislative technique to achieve implementation in practice amendments in relevant legislation needed
 - Horizontal
 - Sectoral
- Flexibility
 - Minor modifications
 - Small areas at local level
 - Approach to screening



Field of application: documents covered

- Name in domestic law is irrelevant!
- SEA required for documents which could be called differently (plans, programs, policies, strategies, concepts, conditions etc)
- Could be called collectively "strategic documents" unless in domestic law
 - already some documents are called as such (example of Moldova)
 - there is another collective term to capture all







Number of SEA procedures yearly in EU

- Full SEA procedures
 - about 1500 yearly in Finland
 - about 400-500 yearly in UK and France
 - about 270 yearly in Austria
- Screening procedures
 - in Salzburg region (Austria) about 300 yearly!



Art.4.2

- All areas from art.4.2 must be clearly mentioned
- Minor modifications
 - extremely important in practice
 - clear reference suggested to be included
- Small areas at local level
 - Difficult to be implemented
 - Inclusive approach suggested



Art.4.2 - cd

- Setting framework
 - Setting framework Annex III.2
 - Directly or indirectly
- Development consent for projects
 - Concept of development consent
 - Reference to EIA scheme



Art.4.3

- Approaches
 - Inclusion of additional areas into mandatory assessment
 - Clear provision in the legislation for individual screening
 - Obligation
 - Implementable scheme for screening
- Examples

Participants discuss examples from their drafts











Exemptions – art. 4.4

- Understanding of
 - Serving national defence
 - Civil emergencies
 - Financial or budgetary documents
- Understanding of "sole purpose of" vs "relating to"





Screening – art.5

- Application
 - Not
 - Documents form art. 4.2
 - Their modifications
 - Yes
 - Documents form art. 4.3 and 4.4
- Role of Annex III



Screening – art.5 (cd)

- Method
 - Positive vs negative screening
 - Pros and cons
- Procedural requirements
 - Screening document
 - Who participates
 - Who decides
- Screening decision
 - Form and legal nature
 - Public availibility
- Timing













