



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

Content

- Field of application – basic rules
- Art.4.2
 - Areas
 - Minor modifications
 - Small areas at local level
 - Setting framework
 - Development consent for projects
- Art. 4.3
- Exemptions
- Screening

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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

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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

Participants discuss examples from legal acts

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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

Participants discuss examples from legal acts

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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

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Exemptions – art. 4.4

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

Participants discuss examples from legal acts

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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

Participants discuss examples from legal acts

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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 availability
- Timing

Participants discuss examples from legal acts

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