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**Concept of SEA and its role in decision-
making**

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Content

- Concept of SEA
- Compatibility with SEA Protocol
- SEA and traditional OVOS/expertiza system
- Definition of SEA
- Who is responsible for SEA
- Role of SEA Report

Concept of environmental assessment

- Preventive tool related to planned activities which may have significant impact on the environment
- Scope
 - Environmental impact assessment (EIA):
 - individual projects
 - Strategic environmental assessment (SEA):
 - plans and programs
 - *policies*
 - *Legislation*

Role of environmental assessment

- collection of information
- consideration of alternatives
- integration of environmental concerns with economic, social etc concerns
- avoidance of irreversible effects
- procedural tool

Alternatives

- For the activity
 - For example: highways or railroads
- Within the activity
 - Locational (northern or southern bypass)
 - Technological (concrete or asphalt)
 - Mitigation measures (speed limit or noise screen)
- Variant „0”
- Variant „the most ecological”

Concept of „tiering”

- Transport policy (SEA)
 - highways or railroads
- National highway program (SEA)
 - locational alternatives
- Regional/local land use plan (SEA)
 - locational alternatives
- Stretches (EIA)
 - technological and mitigation alternatives

Procedural steps

- Screening and informing about its results
- Stages
 - scoping
 - submitting assessment documentation
 - **taking into account the results of assessment in the decision**
 - informing about the decision together with reasons
- Obligatory elements (at various stages)
 - consultation with environmental authorities
 - public participation
- Transboundary consultation (if applicable)

SEA and EIA

- Procedural similarities
- Scope of assessment
 - Physical impact in EIA vs achievement of environmental objectives in SEA
 - Larger scale and less precise data
- Role in the procedure: developers in EIA vs planning agencies in SEA (see General Guidance..)
- Legal framework
 - One law with separate schemes for EIA and SEA – **YES**
 - One scheme for EIA and SEA – **NO**

SEA Protocol

- Adopted in 2003 in Kiev to cover strategic decisions (plans, programs and policies)
- Content
 - mostly about national framework
 - transboundary procedure in Article 10
- Status
 - Parties - 26 (including EU)
 - in force since July 2010

Compatibility with SEA Protocol

- Formal compatibility
 - Definitions
 - Field of application
 - Procedural provisions
 - Annexes
- Practical compatibility
 - Conceptual compatibility
 - Scheme implementable in practice

Concept of OVOS/expertiza

- Traditions of OVOS/expertiza systems in Eastern Europe, the Caucasus and Central Asia
 - Designed for centrally planned economy
 - Substance oriented
- Two separate legal regimes
 - OVOS
 - only for projects
 - responsibility of developer
 - Expertiza(s) - responsibility of various agencies

SEA and traditional OVOS/expertiza system: key issues

- What is SEA
- Who is responsible for SEA
- Role of SEA Report
- Scoping
- Who must take „due account” of the results of SEA
- SEA and expertiza

Definition of SEA

- Procedural vs substantive definition
 - Definition in SEA Directive
 - Definition in SEA Protocol
 - Definition in draft Code
 - Relation to other provisions
 - Possible solution
- Definition and concept of SEA

Participants compare definitions

Definition of SEA in SEA Directive

‘environmental assessment’ shall mean

- the preparation of an environmental report,
- the carrying out of consultations,
- the taking into account of the environmental report and the results of the consultations in decision-making and
- the provision of information on the decision in accordance

with Articles 4 to 9;

Definition of SEA in SEA Protocol

- “Strategic environmental assessment” means
- the evaluation of the likely environmental, including health, effects,
- which comprises
 - the determination of the scope of an environmental report and its preparation,
 - the carrying out of public participation and consultations, and
 - the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme.

Definition of SEA in Belarus

Expertiza Law of 2016

- Стратегическая экологическая оценка — определение при разработке проектов государственных, региональных и отраслевых стратегий, программ (далее — программы), градостроительных проектов возможных воздействий на окружающую среду (в том числе трансграничных) и изменений окружающей среды, которые могут наступить при реализации программ, градостроительных проектов с учетом внесения в них изменений и (или)

Definition of SEA in the Code of Environmental Assessment in Georgia

- Strategic Environmental Assessment (SEA) – a procedure to examine, on the basis of appropriate studies and research, a potential impact of strategic documents envisaged by this Code, on the environmental and human health. SEA process includes scoping, preparation of a strategic environmental assessment report, carrying out of public participation and consultations and making a reasoned conclusion from examination of their results, taking them and any other information into account during adoption/approval of strategic documents.

Who is responsible for SEA - Belarus

- ПОЛОЖЕНИЕ Постановление Совета Министров Республики Беларусь 19.01.2017 № 47 о порядке проведения стратегической экологической оценки,требованиях к специалистам, **осуществляющим проведение стратегической экологической оценки**
- *21. Проведение СЭО осуществляется организациями, имеющими в своем штате специалистов, прошедших подготовку по проведению СЭО ...*

Who is responsible for SEA - Georgia

- Code of Environmental Assessment in Georgia
 - Art.18.4. The planning authority is responsible for carrying out SEA.
 - Art.3.7. Planning authority - the public authority or other authorized institution, which is responsible for the preparation of the strategic document in accordance with respective normative act of Georgia.

Definition of SEA Report

- Defined in SEA Directive but not defined in SEA Protocol
- Relation to definition of SEA
- Concept of SEA
- Relation to
 - Public participation
 - Transboundary procedure (Case under IC Espoo Lithuania vs Belarus)

Definition of SEA Report in SEA Directive

- 'environmental report' shall mean the part of the plan or programme documentation containing the information required in Article 5 and Annex I;

Definition of SEA Report in Belarus Expertiza Law of 2016

- 12. Экологический доклад по стратегической экологической оценке — документ, содержащий сведения о **результатах проведенной стратегической экологической оценки**, необходимых мероприятиях по уменьшению и (или) предотвращению возможных воздействий на окружающую среду (в том числе трансграничных) и об изменениях окружающей среды, которые могут наступить при реализации программ, градостроительных проектов с учетом внесения в них изменений и (или) дополнений.

Definition of SEA Report in the Code of Environmental Assessment in Georgia

- Strategic environmental assessment report (SEA Report) – a document prepared by the planning authority and/or the consultant during the strategic environmental assessment process containing the information required by this Code.