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Awareness Raising Workshop Strategic Environmental Assessment Application in the Republic of Moldova

1 November 2019

Chisinau, Republic of Moldova

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SEA process

Steps in accordance with the UNECE Protocol on SEA, EU SEA Directive and the SEA
National Legislation

Michal Musil

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What is SEA?

Environmental assessment of 'strategic' initiatives = policies, plans, programmes, strategies, actions...

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SEA Protocol	SEA Directive(2001/42/EC)
<p><u>evaluation</u> of the likely environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the <u>carrying-out of public participation and consultations</u>, and the <u>taking into account</u> of the environmental report and the results of the public participation and consultations <u>in a plan or programme</u></p>	<p>The <u>preparation of an environmental report</u>, the <u>carrying out of consultations</u>, the <u>taking into account</u> of the environmental report and the results of the consultations <u>in decision-making</u> and the provision of information on the decision</p>

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Key requirements of the SEA Protocol

- Determination of whether SEA is required under the Protocol
- Determination of the scope of the SEA report (and thus of the assessment)
- Preparation of environmental (SEA) report
 - Analyze the context & baseline
 - Contribute to the development & comparison of alternatives
 - Complete the environmental report
- Consultation with relevant authorities and the public
- Inputs into decision-making
- Environmental monitoring of implementation

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Typical / Generic SEA Steps

0. Screening: to determine if SEA is required for the specific plan or programme (P/P)

1. Scoping / Baseline Analysis

Determination of key issues that should be considered within the SEA process

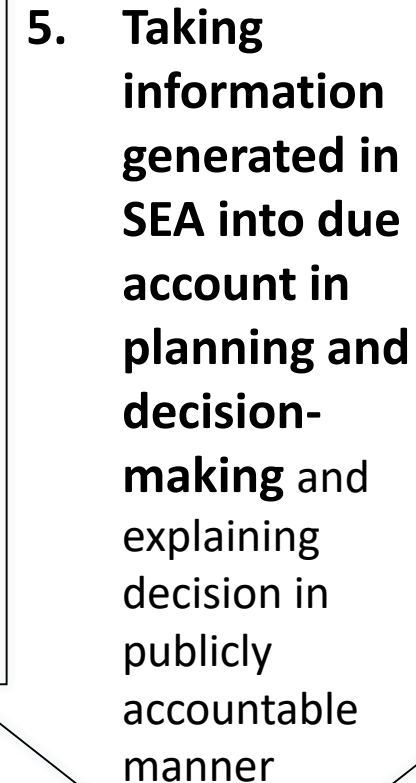
Analysis of key issues i.e. past evolution, current situation and likely future evolution if the plan or programme is not implemented

2. Assessment of effects of the plan or programme on the key issues and development of mitigation measures (including monitoring scheme)

3. Compilation of the SEA Report and its submission for consultations with environmental and health authorities and the public



4. Consultations



5. Taking information generated in SEA into due account in planning and decision-making and explaining decision in publicly accountable manner



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Screening

- To determine if whether SEA is required for the specific P/P
- Many so-called 'plans and programmes' will not require SEA, while some so-called 'policies', 'strategies', 'projects', 'concepts', 'laws', 'regulations' and so on, will.
- Quite important for the efficiency of the overall SEA system in country
- Responsibility to perform screening
- Not all P/Ps automatically require SEA, but only if they meet certain criteria.
 - **Administrative / technical** criteria
 - Significance of **likely environmental effects**

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Requirements of the SEA Protocol

Article 2 – Definitions

“Plans and programmes” means plans and programmes and any modifications to them that are:

- (a) Required by legislative, regulatory or administrative provisions; and
- (b) Subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government.

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Requirements of the SEA Protocol (2)

Article 4 – Field of Application concerning Plans and Programmes

“Plans and programmes” means plans and programmes and any modifications to them that are:

1. SEA is carried out for plans and programmes (...), **which are likely to have significant environmental, including health, effects.**
2. SEA shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and **which set the framework for future development consent for projects listed in annex I and any other project listed in annex II that requires an environmental impact assessment under national legislation.**

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Requirements of the SEA Protocol (3)

The following plans and programmes **are not subject** to this Protocol:

- (a) Plans and programmes whose sole purpose is to serve national defence or civil emergencies;
- (b) Financial or budget plans and programmes.

SEA is also not required, if the plan or programme determines the use of a **small area at a local level** or is a **minor modification** to a plan or programme (SEA will be required only if the plan or programme is likely to have significant environmental effects)

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Screening approaches

- a) case-by-case examination
 - b) or by specifying types of plans and programmes
 - c) or by combining both approaches.
- environmental and health authorities are consulted when applying screening procedures.
 - to the extent appropriate provide opportunities for the participation of the public concerned in the screening of plans and programmes
 - timely public availability of the conclusions including the reasons for not requiring a strategic environmental assessment

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SEA Process

- **Screening** (to decide whether to apply SEA or not)
- **Scoping** (to decide what the SEA should focus on)
- **SEA Report** (baseline analysis, assessment, alternatives comparison, mitigation measures)
- **Public participation**
- **Consultation** (with relevant authorities)
- **Transboundary consultation** (if needed)
- **Decision-making**
- **Monitoring**

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Scoping in SEA

Identification of the environmental and health issues to be addressed in the assessment

- Simply a structured method for identifying key sustainability risks or issues related to the Plan or Program (PPP) under preparation
- Scoping shall identify relevant environmental and health issues, which should be further considered within the SEA and (as far as possible) also:
 - To define territorial dimension of the assessment
 - To identify stakeholders to be involved
 - To suggest suitable environmental proposals (or specific questions) that will guide analyses within the SEA process.
- It is important for efficiency of SEA process, since it should ensure the SEA focuses only on the likely significant effects, which are relevant for the proposed plan or program

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Scoping in SEA

Scoping tools and methods

- Many variations of analysis or ranking matrices
 - Used typically for expert and Delphi approaches to scoping and affective for organizing scoping analyses, and **prioritizing issues**
- Maps and GIS mapping overlay
 - Used typically for expert and Delphi approaches to scoping and affective for
 - quickly reviewing large amounts of spatial information
 - quickly identifying possible areas of concern
- SWOT, and others

Scoping Report

- It is usually based on a limited data / general analysis
- It does not need (and it is not intended) to be detailed
- Subject of **Scoping Consultations** with stakeholders

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SEA Report

Relevant requirements of the Protocol (1)

1. The contents and the main objectives of the plan or programme and its link with other plans or programmes.
2. The relevant aspects of the current state of the environment, including health, and the likely evolution thereof should the plan or programme not be implemented.
3. The characteristics of the environment, including health, in areas likely to be significantly affected.
4. The environmental, including health, problems which are relevant to the plan or programme.
5. The environmental, including health, objectives established at international, national and other levels which are relevant to the plan or programme, and the ways in which these objectives and other environmental, including health, considerations have been taken into account during its preparation.

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SEA Report

Relevant requirements of the Protocol (2)

6. The likely significant environmental, including health, effects.
7. Measures to prevent, reduce or mitigate any significant adverse effects on the environment, including health, which may result from the implementation of the plan or programme.
8. An outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken including difficulties encountered in providing the information to be included such as technical deficiencies or lack of knowledge.
9. Measures envisaged for monitoring environmental, including health, effects of the implementation of the plan or programme.
10. The likely significant transboundary environmental, including health, effects.
11. A non-technical summary of the information provided.

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SEA Report

Relevant requirements of the Protocol (3)

- The effects should include likely significant positive & negative environmental and health effects which can be:
 - direct or secondary,
 - cumulative, synergistic,
 - short-, medium- and long-term,
 - permanent or temporary

However, SEA is not a PhD study ...

- SEA report needs to contain information that may reasonably be required, taking into account:
 - Current knowledge and methods of assessment;
 - The contents and the level of detail of the plan or programme and its stage in the decision-making process;
 - The interests of the public; and
 - The information needs of the decision-making body.

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SEA Consultation

Relevant requirements of the Protocol (1)

Public concerned, including relevant NGOs has:

- to have opportunity to express opinion on draft P/P & environmental report within reasonable time frame
- to be identified – („Public concerned“ is not the public in general)

Detailed arrangements for informing public & consulting public concerned has to:

- be determined & made publicly available
- take into account annex V (see the next slide)

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SEA Consultation

Relevant requirements of the Protocol (2)

Annex V ('notification' about public participation arrangements)

- The proposed plan or programme and its nature.
- The authority responsible for its adoption.
- The envisaged procedure, including:
 - The commencement of the procedure;
 - The opportunities for the public to participate;
 - The time and venue of any envisaged public hearing;
 - The authority from which relevant information can be obtained
 - The authority to which comments can be submitted
 - What environmental, including health, information relevant to the proposed plan or programme is available.
- Whether the plan or programme is likely to be subject to a transboundary assessment procedure.

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SEA and Decision-making

Relevant requirements of the Protocol (1)

Decision-maker must take into account:

- conclusions of environmental report
 - including measures to prevent / reduce / mitigate adverse effects of various P/P alternatives
- opinions expressed by
 - relevant environmental & health authorities
 - the public concerned
 - any affected Parties

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SEA and Decision-making

Relevant requirements of the Protocol (2)

- Following P/P adoption, decision-maker must inform
 - relevant environmental & health authorities
 - the public (not just the public concerned)
 - any affected Parties
- Adopted P/P must be made available, plus a statement:
 - Summarizing how environmental considerations (in environmental report) integrated into adopted P/P
 - Summarizing how their opinions (of authorities & 'the public concerned') have been taken into account
 - Summarizing reasons why P/P adopted in light of reasonable alternatives considered

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SEA Monitoring

Relevant requirements of the Protocol

Article 12 (Monitoring) requires:

- monitoring of the significant environmental effects of the implementation of the adopted plan or programme (art 12.1).
- monitoring results to be made available to the relevant environmental and health authorities and to the public (art. 12.2).
- The only explicit reason given for monitoring is **to identify**, among other things, **unforeseen adverse effects and to enable remedial action to be taken** (art. 12.1).

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SEA Monitoring

The agency responsible for the Plan (PPP) has to ensure monitoring and analysis of actual effects of the PPP on environment and health

In case of significant unforeseen effects, the has to:

- ensure mitigation and compensation measures
- notify relevant environmental authority
- decide about modifications of the PPP

Relevant state authorities have to monitor the actual effects of the PPP on environment and health and can submit request for modification of the PPP

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Thank you for your attention!

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