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Typical challenges in SEA and EIA practice

26 October 12:30 – 13:50 CET

*Subregional Workshop on the Practical Application of SEA and Transboundary
EIA, 26 – 27 October 2020*

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Selected challenges (but there are many others)

- SEA
 - Late initiation of SEA
 - Too wide focus of assessment
- EIA
 - Changes of the project design
 - Insufficient baseline



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Late initiation of SEA

Often leads to difficulties to integrate SEA inputs to the plan or programme: thus the **primary goal of SEA might not be met!**

How to mitigate this:

- Awareness raising among the planning authorities on SEA to ensure they understand **what and when needs to be arranged** (preparation of ToR for SEA, tendering procedure, coordination of communication between SEA and planners);
- Proper planning of interactions between SEA and planning in initial stages of planning process and/or SEA process: **internal SEA workplan** with indication of **way of communication with planners** and **SEA inputs to be provided to the planning**

SEA Output / Feedback from Planning Agency (PA)	Date	Proposed Communication with Planning Agency (PA)	Other consultations
Draft presentation of Case Examples illustrating key Policy impacts	January 17, 2014	Written feedback to be provided by PA	
Final version of presentation of Case Examples	January 27, 2014 <i>(if feedback from PA received by Jan 23)</i>	Informal meeting to present Case Examples to PA January 27 – 29, 2014	
Summary of Policy preliminary environmental analysis with recommendations for adjusting Policy and issues to be considered in detailed plans	January 24, 2014	Informal meeting to present main conclusions to PA January 30 – 31, 2014	Meeting with Planning Committee to present Policy Environmental Analysis and Case Examples <i>(to be discussed with PA)</i> Tentatively in February 3 – 6, 2014
Presentation of the main pre-scoping/scoping preliminary conclusions	January 30, 2014		Working meeting to present main conclusions to PA and Coordinating Ministries January 30 – 31, 2014-01-10 <i>(to be organized back-to-back with the meeting on Policy conclusions – see row above)</i>
Preliminary feedback by Planning Committee on proposed SEA recommendations	By February 21, 2014	Written preliminary feedback on how proposed recommendations can be reflected in the Policy – feedback will be discussed at the Planning Committee meeting (see below) <i>PA should optimally coordinate inputs from the agencies participating at the Planning Committee</i>	



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Too wide scope of SEA

Why

- Certain reluctance of environmental and health authorities to exclude irrelevant environmental or health issues from further analyses
- Too rigid SEA legislation sometimes, which does not allow to revise the scope of assessment in later steps

How to mitigate this

- **Proper justification of selection of the key issues** in the scoping report (including explanation why certain issues are proposed to be excluded);
- Allowing **flexibility when drafting the SEA report** i.e. to adjust to scope of the assessment compared to the scoping conclusions.



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SEA scoping report for Operational Programme Technology for Competitiveness (Czech Republic)

Cultural heritage: Although specific Programme measures (mainly on energy efficiency) can be in potential conflict with requirements of the cultural heritage protection, the project developers have to follow the legal requirement as a part of the permitting procedure. Therefore, addressing the issue of the cultural heritage in SEA would not bring any added value, and thus is suggested to be excluded from the scope of SEA.

Noise (at the national level related mainly to the transport and urban areas): The Programme does not related to the noise issues at the strategic level. It is possible to expect minor positive effects of the Programme as a result of investments in modern technologies (with better noise parameters). However, because these specific effects can be only evaluated at the project level, it is suggested to exclude noise from SEA.



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Changes of the project design

Changes can occur

- **During EIA:** It is essential to have a good communication with the project developer/design team, final EIA report has to correspond the final project design
- **Between end of EIA and permitting process:** Usually subject to legal regulations to check if such changes may have any effects on the EIA conclusions (coherence check/coherence stamp) – see next slide
- **During construction:** To be addressed in the Construction Environmental Management Plan and environmental supervision.

Important: An extent/scope of a project particular change is not a decisive factor – what matters is a possible significancy of the environmental or health impacts!



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Management of Change – Legal Background

- ❖ Not many countries have clear change management provisions
- ❖ Sometimes there are provisions about suspension of environmental permits / environmental review conclusions if changes are made to the approved project design documentation **and** if these changes may lead to an increased use of natural resources and/or increased impact on the environment
- ❖ Typically no legal procedures regarding:
 - who and when should notify the relevant state bodies about the changes
 - how the changes can be revealed by the state bodies or monitored (if no notification)
 - How and whether an environmental assessment procedure (and state environmental review) should be re-launched (re-screened? re-scoped?)
- ❖ Clearer requirements at EBRD, IFC, KfW and other lenders
 - the Developer promptly notifies the lender of any **proposed** changes to the scope, design, implementation or operation of the project that are likely to cause an adverse change in the environmental or social risks or impacts of the project.
 - The Developer carries out an additional assessment and stakeholder engagement and proposes changes, for approval by the lender, to the mitigation, monitoring, and management plans.



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Insufficient baseline

Data availability often represents an important challenge: Thus, baseline analysis may be driven by availability of data, rather than by the relevance of the environmental/health issues to the project.

How to mitigate this:

- **Following the scoping results** i.e. focusing baseline analysis (including data collection) on the key issues;
- **Field surveys and measurements** (biodiversity survey can be time and resources demanding, while measuring the actual noise levels is not that complicated);
- **Getting data and information from the local authorities and/or other stakeholders** (e.g. universities may often have specific studies, local public may have information about the environmental issues).