



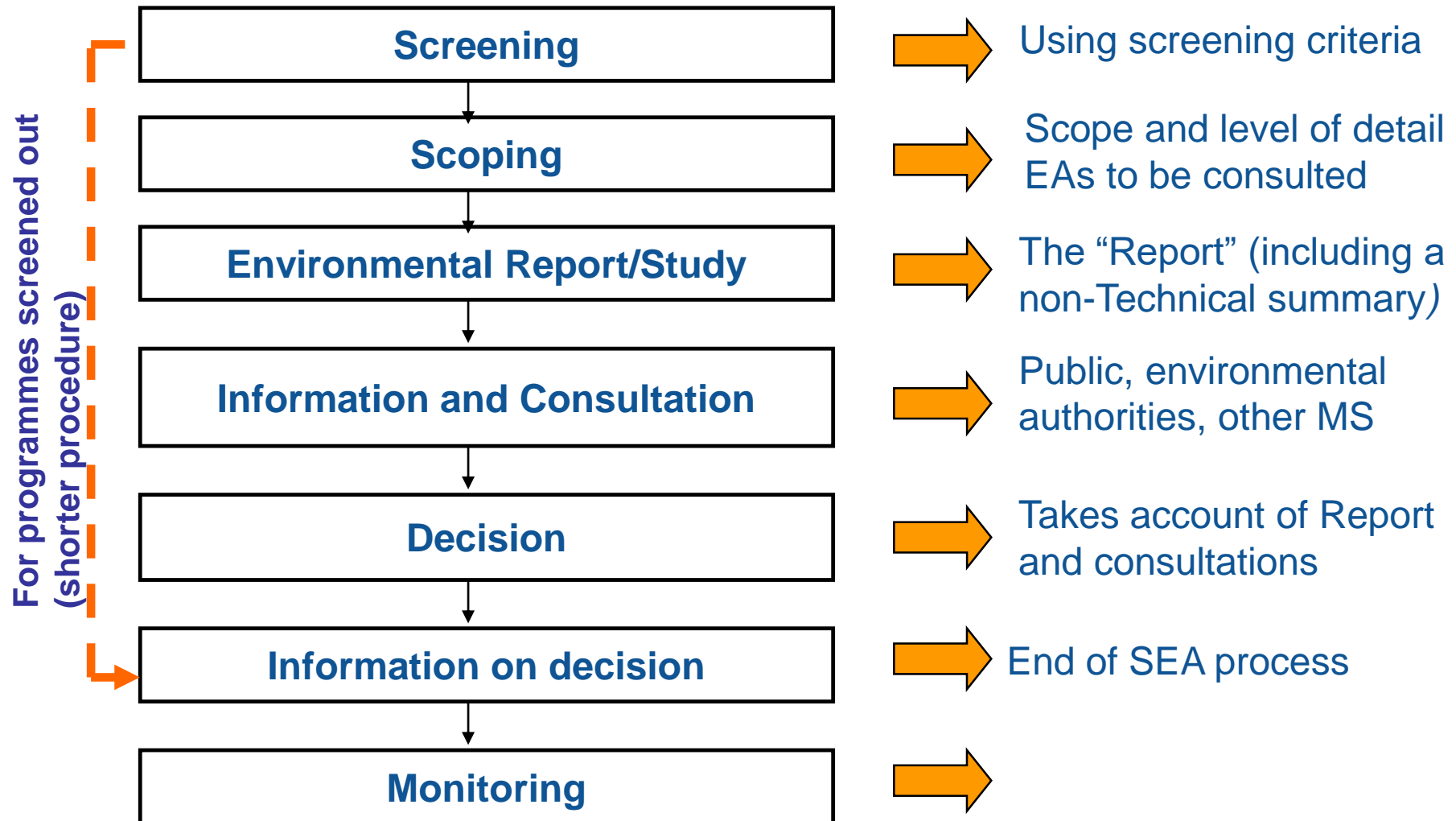
Application of the SEA Directive to the EU 2021-2027 cofinanced programmes in particular EMFF

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DG environment

ENV.E.1 Mainstreaming & environmental assessments

The environmental assessment procedure



When is an SEA required?



Sectors

- Agriculture, forestry, **fisheries**, energy, industry, transport, waste/ water management, telecom, tourism, town & country planning or land use

AND

Future EIA
projects

- Plan & programme set the framework for future development consent of projects listed in the EIA Directive

OR

Impact on
nature
sites/species

- Plan & programme require an assessment under Article 6 or 7 of the Habitats Directive

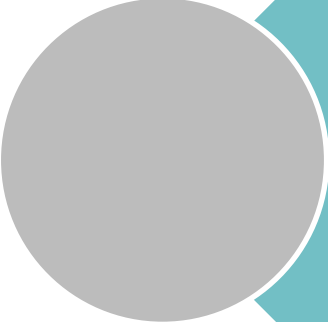
When is a screening required?

Plans & programmes using small areas at local level.

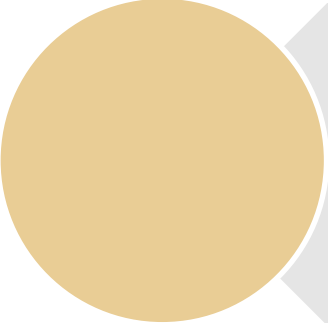
Minor modifications to plans and programmes

Plans & programmes setting the framework for future “non-EIA projects” and “non-SEA sector”.

When is the SEA not applicable ? (exemptions)



Plans & programmes the **sole purpose of which is to serve national defence or civil emergency and**



Financial or budget plans/programmes.

Which EU programmes are likely to be covered by the application of the SEA?

- Programmes co-financed by the EU fall under the scope of the SEA
- ... provided that they correspond to the characteristics of a plan (as defined in the directive)

ERDF

Cohesion
fund

CAP
(strategic
plans)

EMFF
Fisheries

ESF
Interreg?

Activities related to marine & fisheries in EIA and SEA

SEA sectors

- Agriculture, forestry, **fisheries**, energy, industry, transport, waste/ water management, telecom, tourism, town & country planning or land use

EIA projects

- Intensive fish farming
- Reclamation of land from the sea
- Shipyards
- Construction of harbours, port including fish harbours
- Coastal work to combat erosion & maritime works capable of altering the coast (dykes, moles, jetties & other defence works)

Are the EMFF programmes covered by SEA Directive?

- Programmes financed by the European Union fall under the scope of the SEA Directive (Art 2).
- Provided that they fulfill Article 3 requirements on the scope of the SEA Directive (*SEA sectors + setting framework of future authorization of EIA projects*)

How is it decided to carry out an SEA or a screening?

- Consult the ***environmental authorities*** on the need to carry out a SEA, a screening.
- When an SEA is not needed, provide justification:
 - no future development of projects at all;
 - nature of the activities of the programme (only cooperation/network; social interventions only);
 - future projects not listed in the annexes of the EIA Directive etc..).



A statement by the EA justifying that the SEA is not applicable should be prepared.

PO covers SEA sectors (art. 3.2) + sets framework for development consent of future EIA projects



SEA is needed (annex I criteria)

PO determines use of small areas, PO in “non-SEA” sectors, setting framework for development consent of future projects (not listed in EIA), minor modifications of P&P



screening is needed (annex II criteria)

Programme does not set the framework for future development consent of projects or does not cover areas of art. 3(2)

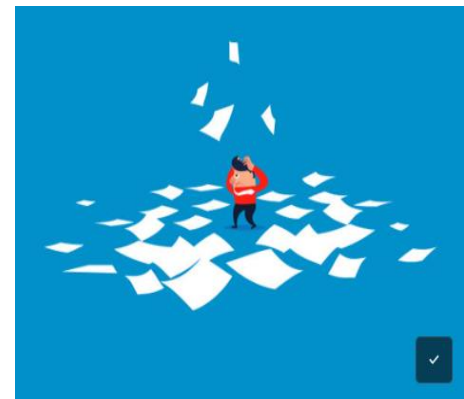


no SEA + explanatory statement

On the basis of what information will the Commission assess the SEA of the OPs?

- A non-technical summary of the environmental report.
- Information on the consultations with the public and the environmental authorities (article 6).
- A description of the measures concerning monitoring.
- A summary of how environmental considerations and the opinions expressed have been taken into account (art. 9.1).

N.B. The final statement required by Article 9(1) is to be issued after the adoption of the programme.



SEA, Natura 2000, biodiversity and climate change ?

- Some OPs are likely to have significant effects on biodiversity and on Natura 2000 network.
 - When it is possible to identify at the programme level, effects on Natura 2000 sites, an Article 6(3) appropriate assessment under the Habitats directive is required.
 - For instance programmes with the location infrastructure projects.
- Article 6(3) assessments may form part of the SEA process. However, the assessments should be reported separately.
- See Commission Guidance on how to take climate change and biodiversity into consideration in the SEA and EIA process.

Lessons learnt (1/2)

Findings related to contents and process:

- it is difficult to assess to what extent findings of SEA were fully used during planning, amendment and implementation
- Where possible, analysis should build on SEA 2014..
 - *Learn from the experience of those involved in evaluation 2014*

Planning:

- Realistic planning and time schedule, allowing for unexpected delays
- SEA should finish before the final version of the OPs – and its main conclusions should feed into them

Lessons learnt (2/2)

- True ***involvement of stakeholders***, including NGOs.
 - *Invite all relevant stakeholders, allow enough time for consultations and discussions, organize consultations to ensure effective participation*
- Cooperation of ***environmental authorities*** is key, at local, regional and national level!
- Environmental statement/ article 9 declaration

Useful sources of information

- ❑ **EIA / SEA Homepage:** <http://ec.europa.eu/environment/eia/home.htm>
 - Guidance on the implementation of the SEA Directive
 - Studies and reports on the implementation of the EIA/SEA Directives

- ❑ **Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment:**
<http://ec.europa.eu/environment/eia/pdf/SEA%20Guidance.pdf>

- ❑ **GRDP Handbook on SEA for Cohesion Policy 2007-2013 (Interreg IIIC, GRDP greening regional development programmes)**
 - http://ec.europa.eu/regional_policy/sources/docoffic/working/doc/sea_handbook_final_foreword.pdf