



The EU SEA Directive: Nuts & Bolts

Directive 2001/42/EC

Policy overview and timeline

- **1985** – EIA Directive (Directive 85/337/EEC)
- **1991** - UNECE Espoo Convention (into force since 1997)
- **1992** – Rio Declaration on Environment and Development
- **1997** – 1st amendment to the EIA Directive (alignment to the Espoo Convention; selection criteria for screening)
- **1998** - UNECE Aarhus Convention (in force since 2001)
- **2001** - SEA Directive (Directive 2001/42/EC)
- **2002** – World Summit on Sustainable Development, Johannesburg. The plan of implementation stresses the importance of strategic frameworks and balanced decision making as fundamental requirements for advancing the sustainable development agenda.
- **2003** - UNECE SEA Protocol (in force since 2010)
- **2003** - 2nd amendment to the EIA Directive (2003) (alignment to the Aarhus Convention (public participation))
- **2009** - 3rd amendment to the EIA Directive (2009) (amendment of the annexes to include projects of storage and transfer of CO₂)
- **2011** Codification of the EIA Directive (Directive 2011/92/EU)
- **2014** Revision of the EIA Directive (Directive 2014/52/EU)
- **2019** REFIT evaluation of the SEA Directive (conclusion: the SEA Directive is fit for purpose)

WHY do we need SEA?

- To provide for a **high level of protection of the environment**.
- To contribute to the **integration of environmental considerations** into the preparation of public plans and programmes with a view to **promoting sustainable development**.
- Public plans and programmes which are **likely to have significant effects** on the environment are subject to an assessment.

Directive 2001/42/EC (SEA Directive)

- The EU is a Party to the UNECE SEA Protocol

SEA: WHICH plans and programmes?

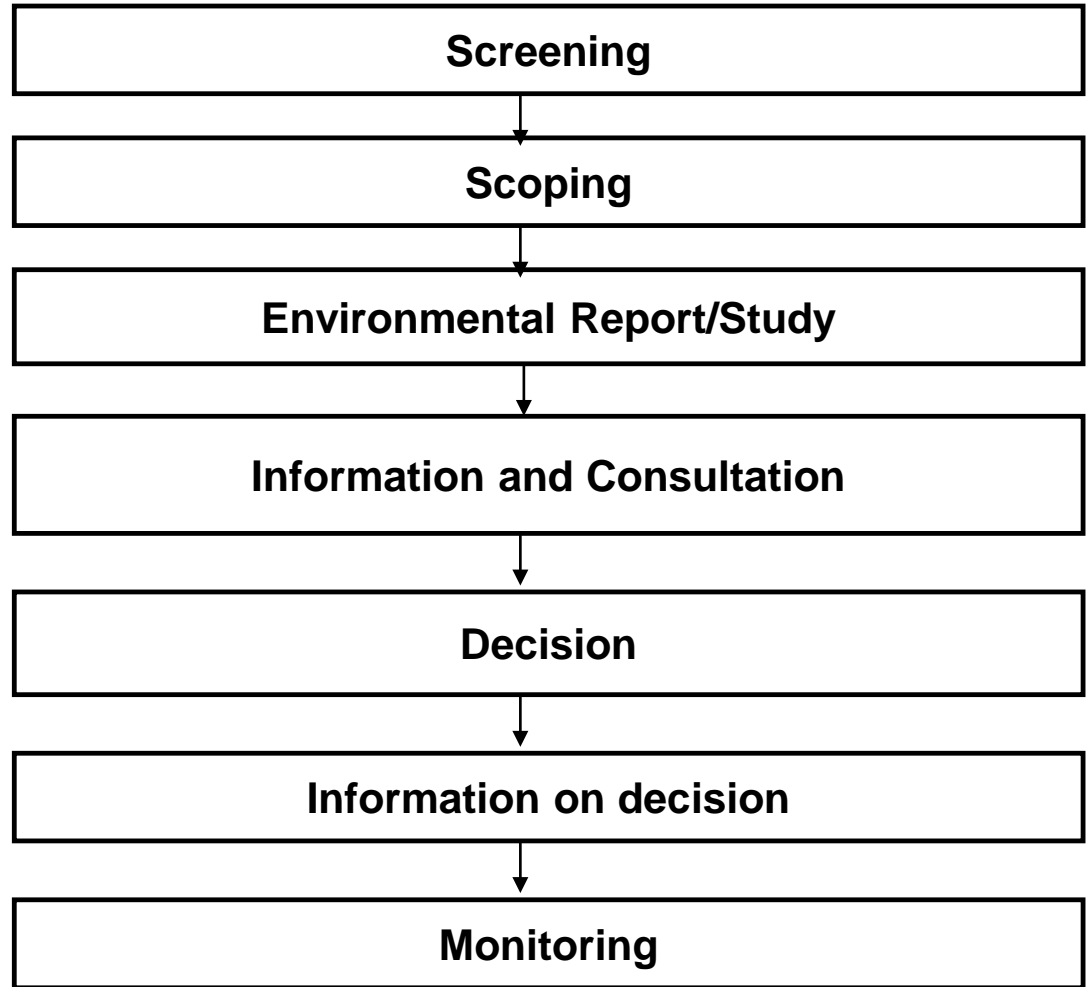
- prepared and/or adopted by an **authority** at national, regional or local level AND
- **required** by legislative, regulatory or administrative provisions.
- **Prepared for** agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use AND
- **Setting the framework** for future development of **projects** listed in the EIA Directive.

Integration of the SEA procedure in the planning process

Art. 4 of the SEA Directive

- **SEA should be carried out:**
 - *During the preparation of plans/programmes;*
 - *Before their adoption.*
- **SEA may be integrated** in existing planning procedures for the adoption of plan and programmes or in new ones for the requirements of the Directive.

The SEA procedure



- ➔ Using screening criteria
- ➔ Scope and level of detail
Obligatory to consult the env authorities
- ➔ The “Report” (including a **non-Technical summary**)
- ➔ Public, environmental authorities, transboundary procedure (Art.7, and if applicable)
- ➔ Takes account of environmental report and consultations
- ➔ End of SEA process
- ➔ Significant environmental effects

Outcomes of the SEA REFIT evaluation (1/2)

SWD (2019)414, 22 November 2019

Effectiveness

- **Contributed to the high level of environmental protection** in the EU and this continues to be a **valid objective**.
- **Influenced** the final content of plans/programmes.
- Limitation factors: the definition of the terms “plans and programmes”; quality of the monitoring.

Efficiency

- The **costs are reasonable**; depend on level of complexity and detail of the plan.
- **The benefits** in applying the SEA procedure **outweigh the cost**

Outcomes of the SEA REFIT evaluation (2/2)

SWD (2019)414, 22 November 2019

Relevance & EU Added Value

- Enabling **citizens' participatory rights** in particular at strategic level.
- The flexibility of the SEA procedure makes it **highly adaptable** in addressing EU priority issues (e.g. SDGs, climate adaptation and mitigation, etc.).
- Driver for **transparent and participatory decision-making**, including transboundary one.

Coherence

- SEA Directive is **coherent with key EU policy and legislative instruments** (e.g. climate change, energy, transport, cohesion, etc.).

The SEA Directive:

- Remains a **major horizontal piece of environmental legislation** that relevant in pursuing its objectives.
- **Brings benefits** to the EU wider goals (including international ones, e.g. SDGs).
- Has **clear EU added value**.
- It is **coherent** with other relevant EU legislation prescribing environmental assessments.
- **However:**
 - The **effectiveness** of the Directive **differs** between sectors and types of plans/programmes.
 - The CJEU confirmed the **broad scope** of the Directive and it has to be **considered on a case-by-case basis** and against the **specific legal order transposing** the SEA Directive in the individual Member State.

EIA & SEA webpage

<https://ec.europa.eu/environment/eia/sea-refit.htm>

European
Commission

European Commission > Environment > Environmental Impact Assessment

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Overview - Legal context

SEA REFIT

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Useful links and contacts

REFIT Evaluation of the SEA Directive



Council Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)

Results

On the 22 November 2019 the Commission has adopted a Staff Working document (SWD (2019) 414 final) on the Evaluation of the SEA Directive 2001/42/EC. This evaluation has examined the extent to which the SEA Directive is fit for purpose by looking into what works and what can be improved, the extent to which the objectives of the Directive have been achieved and why some elements or features are successful or not.

The Staff Working document (EN version) is available [here](#).

Summary in [EN](#), [FR](#) and [DE](#).

The evaluation has shown that the SEA Directive brings multiple benefits to the EU, contributing to wider goals on attaining the sustainable development goals (SDGs) and environmental protection, by integrating environmental concerns into the appropriate plans and programmes. To this end, it has clear EU added value. The Directive is coherent with other EU legislation prescribing environmental assessments. The benefits it provides do not cause disproportionate costs for the national administrations. The effectiveness of the Directive differs between sectors and the types of plans and programmes to which it is applied, but depends significantly on how it is transposed into national law and further implemented in each Member State. In addition, the broad scope of application that has been provided for in the case law of the CJEU needs to be considered on a case-by-case basis and against the specific legal order transposing the SEA Directive in the individual Member States.



Thank you for your attention!