

## EEB BRIEFINGS

### Strategic Environmental Assessment (SEA)

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EEB weblink: <http://www.eeb.org/activities/SEA/Index.htm>

The EP and Council Directive on 'Strategic Environmental Assessment' was adopted on 27 June 2001 and came into force on 21 July 2004 (Official Journal L197/30 of 21.07.01)

The Directive aims to, *"provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development"*. Unlike project level EIA, which primarily concerns private developers, the SEA Directive relates to plans and programmes prepared by public authorities.

#### **Plans and Programmes for which the SEA is mandatory:**

- in agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use
- with likely significant effects on Natura 2000 sites

#### **Some Exemptions:**

- National defence, civil emergency, financial or budget plans/programmes
- National Development Plans developed for the purpose of the use of the EU Structural Funds (period 2000-2006/7)
- Voluntary Plans and Programmes
- 'small areas' may not necessarily require SEA, the Member States decide.

#### **When does the SEA Directive apply?**

- It applies to Plans and Programmes whose 'first preparatory act' is after 21 July 2004.
- If the 'first preparatory act' in developing a PP is before 21 July 2004 and a decision has not been made by July 2006, then it may require SEA.

#### **The SEA Directive gives the public some rights:**

- It requires consultation at several stages
- Whether an SEA is required or not, the public must be informed of these decisions
- If an SEA is not required, a reason must be given to justify this decision

#### **Important to make the Sea directive a strong tool for the environment:**

- Member States were required to send a list to the Commission before 21 July 2004 setting out which Plans and Programmes (P/P) would be subject to the SEA Directive in their country; it is crucial to have a comprehensive list;
- The public authority will need to undertake the SEA at an early stage during the preparation of the plan or programme
- The SEA report examines
  - the likely significant environmental effects of the p/p
  - reasonable alternatives
- Member States have to monitor the significant environmental effects of the implementation of the P/P with a view to:
  - the early identification of unforeseen adverse effects
  - the appropriate remedial action

Shortcoming: The SEA directive does not specify what the term “monitoring” means.

**The Benefits we could get from the SEA directive if it works:**

- Environmental integration
- Investigation of a wider range of alternatives
- Greater participation in decision making
- Overcoming problems with project level EIA, taking into account accumulating effects

- **Undertaking an SEA should benefit the decision making process;** an SEA should therefore not be seen as a cumbersome obligation but as a tool which may lead to an improvement of the P/P, thus gain acceptability or support for the P/P and result in a smoother realisation. Public authorities should, therefore, seriously consider applying the Directive even in cases where they are not legally obliged to do so. The EEB argues that there should be a presumption in favour of SEA.

**DIFFICULT PRACTICE:**

In July 2004 only 9 out of the 25 Member States had informed having transposed the Directive!

**NGO Actions:**

- Contact the relevant authorities to see if they are informed of the SEA requirements and make them aware that you/your organisation keeps an eye on SEA application;
- Check if the SEA is applied as foreseen by the Directive or if the authorities tend to a narrow interpretation (screening process) to avoid SEAs;
- When a P/P is adopted the Member State must ensure that the following information is made available to the public
  - The adopted plan
  - How the environmental considerations were integrated into it
  - How the environmental report and the results of consultation were taken into account
  - The reasons for choosing the P/P in the light of other reasonable alternatives
  - The provisions for monitoring environmental effects.

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Taking part in public processes of the SEA is an extremely important task for NGOs to make the SEA directive work as a tool to challenge environmentally unsound P/P. To encourage NGO involvement and to facilitate the exchange of information and experiences the EEB has set up a SEA group. If you are interested, please let us know, send an e-mail to: [info@eeb.org](mailto:info@eeb.org)