



# Application of the SEA Directive to the EU 2021-2027 cofinanced programmes

**40th meeting of the Expert Group on ESIF  
(EGESIF)  
Brussels, 11-12 February 2020**

**Yvette IZABEL**  
Directorate-General for the Environment  
*Mainstreaming and environmental assessments*

## 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

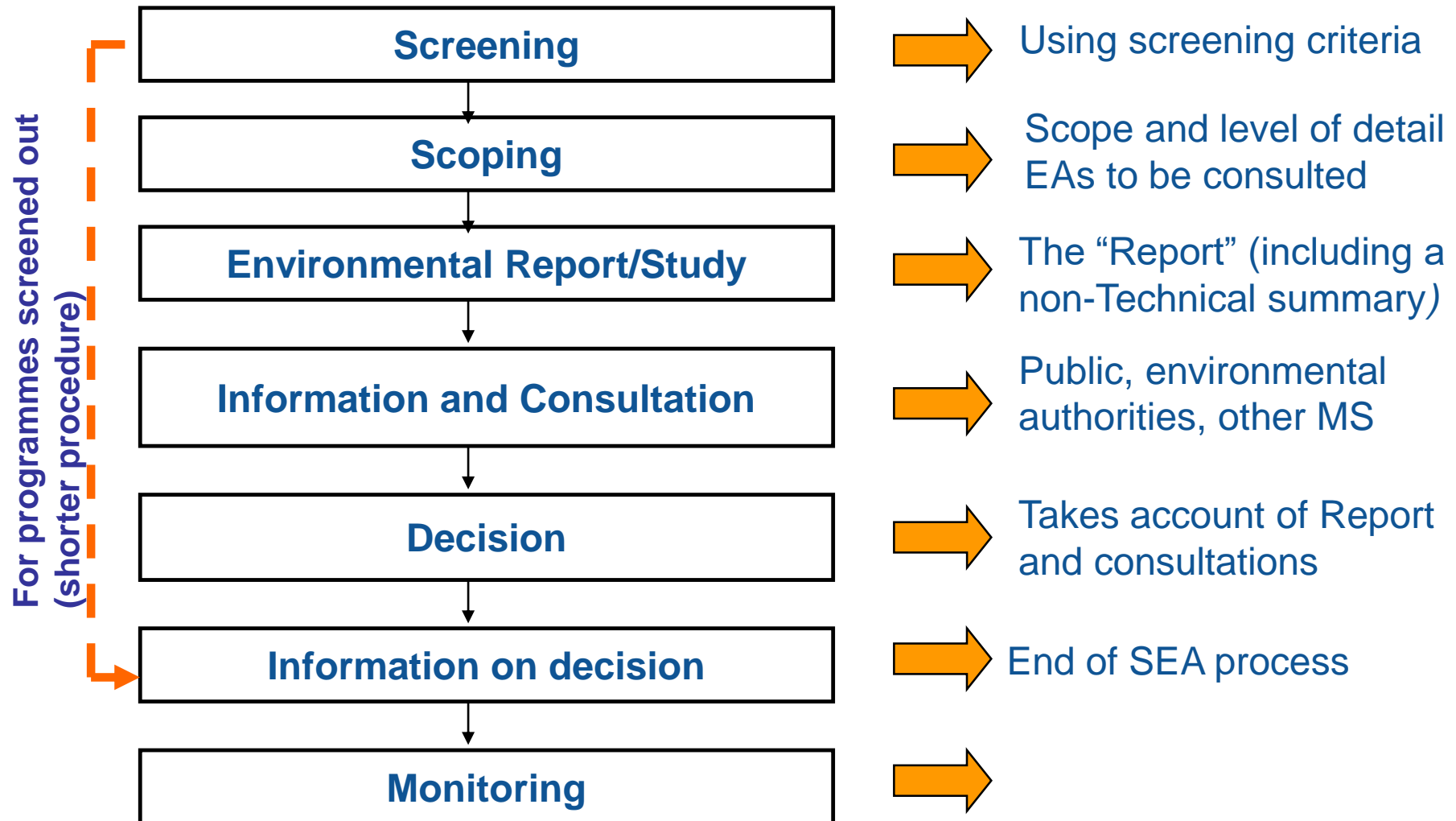
- Plan & programme set the framework for future development consent of projects listed in the EIA Directive

### OR

Impact on  
nature  
sites/species

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

# The environmental assessment procedure



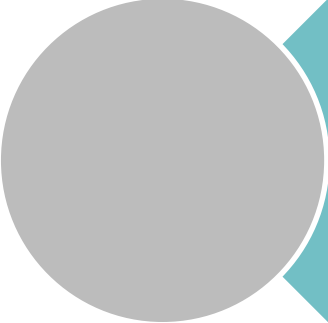
## When is a screening required?

*Plans & programmes using small areas at local level.*

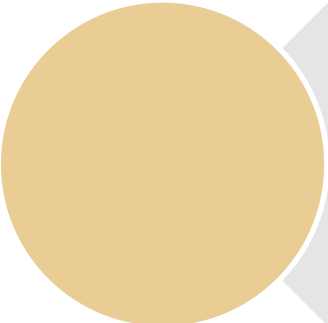
*Minor modifications to plans /programmes*

*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

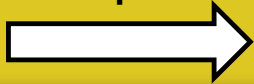
ESF  
Interreg?

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



**SEA is needed (annex I criteria)**

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



**screening is needed (annex II criteria)**

**OP does not set the framework for future development consent of projects (EIA and non EIA) and does not cover SEA sectors art. 3(2)**

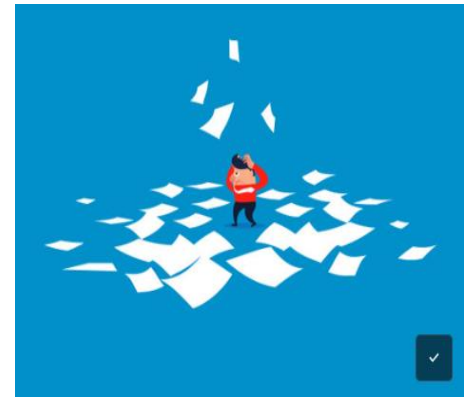


**no SEA + explanatory statement**

## 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, once all modifications are introduced.





## SEA for transnational and cross-border programmes



## Joint or separate SEA procedures?

### In the absence of specific rules/requirements in the MSs:

- Managing Authorities (MAs) and Environmental authorities (EAs) should agree on the procedure to be followed when starting the preparation of the Programme.
- Practical issues such as scope of the report, the preparation of a single or joint report(s), the timing and organisation of consultations should be decided early in the process.
- Joint body involving MAs and EAs from the MSs concerned could be set up (good practice).
- Regular meetings throughout the SEA process should be held (face to face or teleconference) to ensure general coordination.

## Single or separate environmental report(s) ?

- Scope of the report(s) (i.e. extent to which certain matters are assessed) : need to coordinate and agree. Consult all relevant EAs.
- **Single SEA report** = most advisable solution to cover the whole programme and assess its overall effects. However, separate reports are also acceptable.
- **In case of separate reports:**
  - avoid important differences in the scope and level of detail of the reports.
  - a synthetic presentation/summary of the overall effects of the OP providing an overview of the overall impacts of the Programme should be considered.



## Organising consultations with the public & EAs

**Environmental authorities** in all the MSs involved need to be consulted.

From a practical point of view, it is very likely easier to organise **consultations** in each MS (linguistic aspects, national rules in relation to public consultation, time frames..) rather than a single public consultation.

Consider the **documents** to be made available to the public: draft programme, environmental report + in case of separate procedures: non-technical summaries from the other MSs.

**Translation:** to ensure appropriate public participation, relevant information (draft programme + at least non-technical summary) should be made available in the languages of the MS involved.

***Need to give the public and the EAs an early and effective opportunity within appropriate time frames to express their opinion on the draft plan and the environmental report(s).***

## Decision making and info on the decision

### Articles 8 & 9

- The report and the opinions expressed are taken into account during the preparation of the OP + info on the decision

### In case of separate procedures

- Need to incorporate the results of the separate reports and of the different consultations into the programme.
- Statement(s) summarizing environmental integration

## 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](http://ec.europa.eu/regional_policy/sources/docoffic/working/doc/sea_handbook_final_foreword.pdf)