

# Environment: assessment of effects of certain plans and programmes

1996/0304(COD) - 14/09/2009 - Follow-up document

This report from the Commission is on the application and effectiveness of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment (SEA) Directive).

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment requires certain public plans and programmes (P&P) to undergo an environmental assessment before they are adopted.

The Directive requires the Commission to send a first report on its application and effectiveness to the European Parliament and the Council before 21 July 2006. With a view to further integrating environmental protection requirements, this report should, if appropriate, be accompanied by proposals for amendment, in particular on the possibility of extending its scope to other areas/sectors and other types of public plans and programmes (P&P).

Due to delays in transposing the Directive in many Member States and to the limited experience of its application, the information available on 21 July 2006 was not sufficient to produce a report as planned.

The overall picture of the **application and effectiveness of the SEA Directive across all Member States is a varied one** in terms of the institutional and legal arrangements of the SEA procedure, and in terms of how Member States perceive its role. This diverse picture also determines the way in which Member States view the benefits and drawbacks and what measures are likely to improve the implementation and effectiveness of the Directive.

The general findings of this first report suggest that the application of the SEA in Member States is in its infancy, and that further experience is **needed before deciding on whether the Directive should be amended** and, if so, how this should be done. Member States seem to prefer stability in the legislative requirements, to allow SEA systems and processes to settle down and provide the opportunity to establish robust ways of using SEAs to improve the planning process. The next **evaluation report should be prepared in 2013**.

Overall, it can be concluded that the **SEA Directive contributes to the systematic and structured consideration of environmental concerns in planning processes and better integration of environmental considerations** upstream. In addition, by means of its requirements (environmental report, consultation and information of the authorities and public concerned etc.) it ensures better and harmonized planning procedures, and contributes to transparent and participatory decision making processes.

In the **longer term**, consideration may be given to some amendments to take into account the entry into force of the SEA Protocol, extend the scope of the SEA Directive (so as to better address certain issues such as climate change, biodiversity and risks), and reinforce synergies with other pieces of environmental legislation.

There is a need to develop capacity in the Member States so as to ensure effective implementation of the SEA Directive. In order to do this, capacity building must be strongly encouraged, in particular through targeted campaigns for the recruitment and training of SEA experts and guidance documents.

Lastly, some Member States have highlighted the need for **further guidance**, in particular on the interpretation of certain key concepts of the Directive (screening criteria, identification of alternatives, coordination mechanisms and/or joint procedures for fulfilling the requirements for assessment under other Directives, specific guidance on the link between SEA and EIA). EU guidance on consideration of better integration of climate change and biodiversity issues in SEA could be developed by the Commission in cooperation with the Member States.