

Training Outline



1. Trainer's professional experience in brief

<p>-Insert your photo here- (optional)</p>	<p>Description of your professional background in 15 to 30 lines:</p> <p>Matjaž Harmel is an expert with more than 20 years of experience in the field of environmental protection, nature conservation and sustainable development. His background is forestry but after finishing his study he started working in the field of environmental and nature protection and rural development. A large part of his experience also relates to programming and evaluation both on national as well as on local level. On the beginning of his professional career he started with the preparation of rural development plans for underdeveloped parts in Slovenia. Since he is a consultant, he has extensive experience both in the field of programming, as well as with the preparation and application of projects and their implementation on the ground. He has extensive experiences in ex-ante and ex-post evaluations of cross border and rural development programmes as well as Strategic Environmental Assessments, Environmental Impact Assessments including Appropriate Assessments.</p>
<p>Name: Matjaž Harmel</p> <p>Current Position & Organization: Director, Zavita d.o.o.</p> <p>Contact: matjaz@zavita.si</p>	

2. Learning objectives

Please state briefly the learning objectives of that session, including a clear statement of detailed outcome objectives of each course, i.e. "After completing this course participants will be able to: [understand ... list comment critically ... describe ... outline identify ... develop ... etc]

The main objectives of the workshop are:

1. familiarizing participants with the requirements and procedures relating to:
 - implementation of SEA
 - implementation of EIA and
 - implementation of the AA
2. presentation of the key weaknesses in respect to the implementation of procedures of SEA/ EIA and AA
3. presentation of good / bad practices in relation to the implementation of SEA / EIA and AA

3. Training session abstract

Please provide a summary of the content of your training session with a clear logic and simple vocabulary.

Strategic Environmental Assessment (SEA) is one of the key instrument for integrating environmental concerns and sustainable development principles into strategic planning and decision-making. It is an internationally recognized tool for participatory planning used to analyze and incorporate environmental and health concerns into proposed policies, plans and programmes.

The Strategic Environmental Assessment (SEA) can be understood as *“a systematic and anticipatory process, undertaken to analyze the environmental effects of proposed plans, programmes and other strategic actions and to integrate the findings into decision-making”*.

The purpose of SEA can be defined as ensuring that environmental considerations inform and are integrated into strategic decision-making in support of environmentally sound and sustainable development. In particular, the SEA process assists authorities responsible for plans and programmes, as well as decision-makers, to take into account¹:

- Key environmental trends, potentials and constraints that may affect or may be affected by the plan or programme
- Environmental objectives and indicators that are relevant to the plan or programme
- Likely significant environmental effects of proposed options and the implementation of the plan or programme
- Measures to avoid, reduce or mitigate adverse effects and to enhance positive effects
- Views and information from relevant authorities, the public and – as and when relevant – potentially affected States

Generally, SEA should be applied for plans, programmes, policies and other documents of a strategic nature (including possibly also legal documents). However, not all above documents automatically require SEA. In principle, SEA should be carried out for the documents prepared and adopted by public authority based on the legal provisions in various sectors. The list of documents to be a subject of SEA might include²:

- Sector-specific policy, plans and programmes
- Spatial and land-use plans
- Regional development programmes
- Natural resources management strategies
- Legislative and regulatory bills
- Investment and lending activities

¹ Resource Manual to Support Application of the UNECE Protocol on SEA (UN and REC CEE, 2007)

² From Partidario, M., 2001: Strategic Environmental Assessment (SEA) Training Manual, and adapted by Sadler, B., McCabe, M., 2002: Environmental Impacts Assessment Training Resource Manual (UNEP)

- International aid and development assistance
- Structural adjustment fund and operations
- Macro-economic policy
- Budget and fiscal plans
- International trade agreements

Environmental Impact Assessment (EIA) can be defined as “*a systematic process to identify, predict and evaluate the environmental effects of proposed actions and projects*”³. It has been developed as a tool for preventing, reducing or offsetting the significant adverse environmental effects of development proposals, and enhancing positive ones⁴. In a broader sense, EIA should contribute to environmentally sound and sustainable development.

EIA aims at providing information on environmental consequences to decision-makers and thus EIA is supposed to be applied prior to a decision or commitment on implementation of certain projects or activities being made.

Two general aims of EIA, which are mentioned above i.e. (i) to provide information on environmental consequences to decision-makers, and (ii) to support sustainable development, can be translated into following objectives⁵:

- To ensure that environmental considerations are explicitly addressed and incorporated into the decision making process related to development projects and activities;
- To anticipate and avoid, minimize or offset the adverse significant biophysical, social and other relevant effects of development proposals, and enhance the positive ones;
- To protect the productivity and capacity of natural systems and the ecological processes which maintain their functions; and
- To promote development that is sustainable and optimizes natural resource use and management opportunities.

EIA is applied for development proposals – e.g. infrastructure (highways), industrial facilities (oil refineries, chemical plants), energy production (hydropower plants) etc. Originally, EIA was supposed to be conducted only for major projects and activities (nuclear power plants, airports) having likely significant impacts, however a tendency for its application for smaller projects (e.g. residential areas) can be seen e.g. in the European Union countries.

³ Environmental Impact Assessment Training Resource Manual (UNEP, 2002)

⁴ Environmental Impact Assessment: A guide to good practice and procedures (Department for Communities and Local Government, 2006)

⁵ Based on “Principles of Environmental Impact Assessment Good Practice” (IAIA, 1999)

Appropriate Assessment

AA is generally governed by Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC. One of the biggest challenges of Art. 6(3) of the Habitats Directive which deals with the proper AA is that it does not differentiate between AA of projects and AA of plans. While the former is relatively easy to accomplish, the fact that the Directive requires identical conditions and considerations for the level of plans, programmes and strategies (hereinafter: plans) makes its implementation extremely difficult. Therefore, while general compliance with the requirements of Art. 6 must be maintained, there will be a number of specific approaches towards plans needed to accomplish the required output compared to AA of projects.

Article 6(3)

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Types of plans/projects that require AA

When determining the need for an SEA/EIA (screening), the following issues should be borne in mind:

- Screening should not focus on the given plan/project only. The Directive demands to seek for the likelihood of significant effect on Natura 2000 sites not only of it alone but, if relevant, also in combination with any other plan/project which might multiply its effects. In case of plans/projects of similar type or nature the rule “first come, first serve” applies: the very first plan is assessed as such, and any subsequent plan entering the assessment process must take into account possible effects of all the preceding plans.
- If the screening procedure leads to the conclusions that significant effect on one or more Natura 2000 sites cannot be excluded conduct of the appropriate assessment is necessary.

Main weaknesses in implementation SEA/EIA/AA

Below we highlight the most common shortcomings that occur in the implementation of individual steps within the process of SEA / EIA / AA.

- Screening phase
 - Avoiding implementation of SEA / EIA / AA
 - Inappropriate transposition of Directives into legislation
- Scoping phase
 - no or poor implementation of scoping
 - insufficient attention to key environmental/nature protection issues
- **Assessment**
 - All assesment based on experts oppinion
 - Weak data for assessment
 - Assessment of non relevant impacts
- **Mitigation measures**
 - Unrealistic mitigation measures
 - No monitoring of implementation of mitigation measures foreseen
 - Mitigation measures not included into plans/projects
- **Public consultation**
 - Only required consultation
 - Lack of active consultation
 - No targeted consultation

4. Suggested reading list, sources, useful links

Please provide the participants with a reading list including book chapters, articles, reports, web pages, etc. that will allow them to either prepare for the session or use it as a resource to further explore and learn about what you wanted to teach them. Please also include the sources from where the information has come from (even if it is the consultants own work, please reference relevant publications). This is aimed to ensure the quality of the training sessions under Themis.

SEA

The major international legal documents for SEA are the European Commission's Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive), and SEA Protocol to the UNECE Espoo Convention (SEA Protocol). The SEA Directive greatly influenced the negotiation of the SEA Protocol. However, there are several differences between these two legal instruments, including the geographical scope (UN countries and EU member states respectively) and the consideration and integration of environmental concerns in the preparation of policies and legislation (the SEA Directive stipulates SEA only on plans and programmes, while the SEA Protocol promotes its application also on policies and legislation).

The SEA Directive is in force since 2001 and should have been transposed by July 2004 by all EU member states. Its requirements have had to be integrated in the national legal frameworks. For more information on the SEA Directive see <http://ec.europa.eu/environment/eia/home.htm>

The SEA Protocol was adopted in Kyiv (Ukraine) in 2003 at an extraordinary meeting of the Parties to the Espoo Convention during the 'Environment for Europe' Ministerial Conference and signed by 36

states and the European Community. More information on the SEA Protocol can be found at http://www.unece.org/env/eia/sea_protocol.htm

EIA

The newly amended EIA Directive (2014/52/EU) entered into force on 15 May 2014 to simplify the rules for assessing the potential effects of projects on the environment. The main amendments are as follows:

- Member States now have a mandate to simplify their different environmental assessment procedures.
- Timeframes are introduced for the different stages of environmental assessments: screening decisions should be taken within 90 days (although extensions are possible) and public consultations should last at least 30 days. Member States also need to ensure that final decisions are taken within a "reasonable period of time".
- The screening procedure, determining whether an EIA is required, is simplified. Decisions must be duly motivated in the light of the updated screening criteria.
- EIA reports are to be made more understandable for the public, especially as regards assessments of the current state of the environment and alternatives to the proposal in question.
- The quality and the content of the reports will be improved. Competent authorities will also need to prove their objectivity to avoid conflicts of interest.
- The grounds for development consent decisions must be clear and more transparent for the public. Member States may also set timeframes for the validity of any reasoned conclusions or opinions issued as part of the EIA procedure.
- If projects do entail significant adverse effects on the environment, developers will be obliged to do the necessary to avoid, prevent or reduce such effects. These projects will need to be monitored using procedures determined by the Member States. Existing monitoring arrangements may be used to avoid duplication of monitoring and unnecessary costs.

More information about new EIA Directive can be found at <http://ec.europa.eu/environment/eia/review.htm>

Appropriate Assessment

Habitats Directive and other links connected to management and assessment of Natura 2000 sites - <http://ec.europa.eu/environment/nature/legislation/habitatsdirective/>

EC (2002): Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. 76 pp., Luxembourg

EC (2012): Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the Commission. 30 pp., Brussels.

Guidelines

- A Practical Guide to the Strategic Environmental Assessment Directive. Office of the Deputy Prime Minister, UK, 2005
- Handbook on SEA for EU Cohesion Policy 2007-2013. GRDP, 2006
- Dusik, J., Smutny, M., Harmel, M.: Guidance for undertaking SEA: General methodological recommendations for practitioners. Prepared within EU-funded project 'Strengthening capacities for Strategic environmental assessment at regional and local level' implemented by EPTISA and DVOKUT ECRO d.o.o., 2014
- Sadler, B., McCabe, M.: Environmental Impact Assessment Training Resource Manual. UNEP, 2002
- United Nations' EIA Course Module (eia.unu.edu)
- Environmental Impact Assessment: A guide to good practice and procedures. Department for Communities and Local Government, 2006
- Martin Smutny, Matthew Cashmore, Klemen Strmšnik ECRAN Working Group: Training Manual, september 2014

5. Glossary (List of key concepts)

OPTIONAL - Please list here the key concepts you used and a brief definition for each (or www reference). Can be used as a quick summary/guide.

<Insert text here>

6. Any other information

Please include here any other information or material you want.

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