

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1996/0304(COD) Procedure completed
Environment: assessment of effects of certain plans and programmes	
Subject 3.70 Environmental policy 3.70.20 Sustainable development	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		25/09/2000
		V/ALE SCHÖRLING Inger	
	Former committee responsible		
	ENVI Environment, Public Health and Consumer Protection		19/06/1997
		V GAHRTON Per	
	ENVI Environment, Public Health, Consumer Policy		02/09/1999
		V/ALE SCHÖRLING Inger	
	ENVI Environment, Public Health and Consumer Protection		01/05/1999
		PPE JACKSON Caroline	
Former committee for opinion			
BUDG Budgets			
ECON Economic and Monetary Affairs, Industrial Policy		03/07/1997	
	I-EDN BLOKLAND Johannes		
ENER Research, Technological Development and Energy		27/05/1997	
	PPE ESTEVAN BOLEA María Teresa		
JURI Legal Affairs, Citizens' Rights		The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Health	2354	05/06/2001
	Economic and Financial Affairs ECOFIN	2326	19/01/2001
	Environment	2253	30/03/2000
	Environment	2235	13/12/1999
Environment	2194	24/06/1999	

Key events

04/12/1996	Legislative proposal published	COM(1996)0511	Summary
14/05/1997	Committee referral announced in Parliament, 1st reading		
24/06/1998	Vote in committee, 1st reading		Summary
24/06/1998	Committee report tabled for plenary, 1st reading	A4-0245/1998	
15/09/1998	Debate in Parliament		Summary
20/10/1998	Decision by Parliament, 1st reading	T4-0604/1998	Summary
19/02/1999	Modified legislative proposal published	COM(1999)0073	Summary
24/06/1999	Debate in Council	2194	
26/07/1999	Vote in committee, 1st reading		
26/07/1999	Committee report tabled for plenary confirming Parliament's position	A5-0004/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0013/1999	Summary
30/03/2000	Council position published	05685/1/2000	Summary
18/05/2000	Committee referral announced in Parliament, 2nd reading		
11/07/2000	Vote in committee, 2nd reading		Summary
11/07/2000	Committee recommendation tabled for plenary, 2nd reading	A5-0196/2000	
06/09/2000	Debate in Parliament		
06/09/2000	Decision by Parliament, 2nd reading	T5-0358/2000	Summary
19/01/2001	Parliament's amendments rejected by Council		
27/02/2001	Formal meeting of Conciliation Committee		
21/03/2001	Final decision by Conciliation Committee		Summary
23/04/2001	Joint text approved by Conciliation Committee co-chairs	3619/2001	
17/05/2001	Report tabled for plenary, 3rd reading	A5-0177/2001	
30/05/2001	Debate in Parliament		
31/05/2001	Decision by Parliament, 3rd reading	T5-0299/2001	Summary
05/06/2001	Decision by Council, 3rd reading		
27/06/2001	Final act signed		
27/06/2001	End of procedure in Parliament		
21/07/2001	Final act published in Official Journal		

Technical information

Procedure reference	1996/0304(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/13718

Documentation gateway

Legislative proposal	COM(1996)0511 OJ C 129 25.04.1997, p. 0014	04/12/1996	EC	Summary
Economic and Social Committee: opinion, report	CES0608/1997 OJ C 287 22.09.1997, p. 0101	29/05/1997	ESC	Summary
Committee of the Regions: opinion	CDR0172/1997 OJ C 064 27.02.1998, p. 0063	19/11/1997	CofR	
Committee report tabled for plenary, 1st reading/single reading	A4-0245/1998 OJ C 226 20.07.1998, p. 0003	24/06/1998	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0604/1998 OJ C 341 09.11.1998, p. 0010-0028	20/10/1998	EP	Summary
Modified legislative proposal	COM(1999)0073 OJ C 083 25.03.1999, p. 0013	19/02/1999	EC	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading	A5-0004/1999 OJ C 054 25.02.2000, p. 0010	26/07/1999	EP	
Committee of the Regions: opinion	CDR0349/1999 OJ C 374 23.12.1999, p. 0009	15/09/1999	CofR	
Text adopted by Parliament confirming position adopted at 1st reading	T5-0013/1999 OJ C 054 25.02.2000, p. 0055-0076	16/09/1999	EP	Summary
Council position	05685/1/2000 OJ C 137 16.05.2000, p. 0011	30/03/2000	CSL	Summary
Commission communication on Council's position	SEC(2000)0568	07/04/2000	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0196/2000 OJ C 135 07.05.2001, p. 0012	11/07/2000	EP	
Text adopted by Parliament, 2nd reading	T5-0358/2000 OJ C 135 07.05.2001, p. 0079-0155	06/09/2000	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2000)0636	16/10/2000	EC	Summary
Joint text approved by Conciliation Committee co-chairs	3619/2001	23/04/2001	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0177/2001	17/05/2001	EP	
Text adopted by Parliament, 3rd reading	T5-0299/2001	31/05/2001	EP	Summary

Follow-up document	COM(2006)0639	27/10/2006	EC	Summary
Follow-up document	COM(2009)0469	14/09/2009	EC	Summary
Follow-up document	COM(2017)0234	15/05/2017	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2001/42](#)
[OJ L 197 21.07.2001, p. 0030](#) Summary

Environment: assessment of effects of certain plans and programmes

OBJECTIVE: This proposal for a Council directive aims to provide for a high level of protection of the environment by ensuring that an environmental assessment is carried out of certain plans and programmes in the context of town and country planning and that the results of this assessment are taken into account during the preparation and adoption of such plans and programmes. This approach complements the environmental impact assessment of projects provided for in Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. **SUBSTANCE:** The proposal applies only to formal plans and programmes, ie. those subject to adoption by a competent authority or prepared for adoption by a legislative act, for the purpose of establishing the framework for subsequent development consents. It covers town and country planning plans and programmes in sectors such as transport, waste management, water resource management, industry, telecommunications, tourism and energy. The proposal provides for an environmental assessment to be carried out before the adoption of a plan or programme or its submission to the legislative procedure by the competent authority of a plan or programme. It provides for the possibility of exemption in respect of: a) minor modifications of existing plans and programmes without significant environmental effects; b) plans and programmes which determine the particular use of small areas. The proposal describes the information which should be provided when an assessment is required. The competent authority must evaluate the scope of the information which must be included in the environmental statement. In this connection it must consult the environmental authorities and/or bodies concerned. It is provided that the environmental authorities and/or bodies concerned and the public concerned shall be given an opportunity to express their opinion on the information provided and on the draft plan or programme. They must also be informed of the adoption of the plan or programme or its submission to the legislative procedure. The proposal requires the competent authority to take into consideration the result of the assessment process before the adoption of a plan or programme or its submission to the legislative procedure though the final decision remains the responsibility of the decision-making body. Provision is also made for an exchange of information on the application of the directive between the Member States and the Commission. ?

Environment: assessment of effects of certain plans and programmes

The Committee welcomes the proposal, since it fits in with the concept of "sustainable development", aiming at better integration of environmental considerations from the land use planning stage onwards. Other highly important directives on environmental controls, procedures and authorizations have been adopted in recent years or are currently being adopted. The present proposal therefore adds to an already complex picture: the opportunity should be grasped to provide a clearer definition of existing hierarchies and the specific scope of the various directives, so as to prevent overlap, duplication and excessive red tape. The methodologies are less well-consolidated than suggested; such at least is the general view of both technical specialists and those affected by decisions. Mechanisms for ad-hoc comparison should be provided to make the technical requirements of environmental assessment clearer. The Commission could, in agreement with the Member States, issue non-binding indicative guidelines to assist Member States in taking better coordinated action; it should also encourage exchanges of information and experiences, specifically on methodology, under the terms of Article 11(1). Lastly, implementation of the directive should be adapted to the national, regional or local decision-making level appropriate to each case and to the Member State in which the plans or programmes are being adopted. The ESC therefore voices strong reservations concerning the reference in the body of the directive to Member States in connection with derogations (Article 4(3) and (4)); such derogations should be decided in conjunction with the competent regional or local authority. The Committee would make a number of suggestions to extend the directive's scope (Article 2), and is also concerned at the exclusion from its scope of plans submitted to the Commission under the Structural Fund's regulations. The inclusion of strategic environmental impact assessment in this field could do much to ensure that greater attention focuses on integrating environmental considerations into sectoral policies, as envisaged by the Fifth Action Programme.?

Environment: assessment of effects of certain plans and programmes

The Committee adopted, with amendments, a report by Mr Per GAHRTON (Greens, Sw) on the Commission's proposal for a Council Directive on the environmental impact of certain development plans and programmes. At present, under Community law, an Environmental Impact Assessment must be carried out before major individual construction projects are authorized. However, there is currently no assessment of the

background plans and programmes (adopted at municipal, regional or national level) which set the framework within which individual projects are undertaken. This directive is intended to plug that gap. It proposes the establishment of a Strategic Environmental Assessment for development plans and programmes.?

Environment: assessment of effects of certain plans and programmes

The vote on the report by Mr GAHRTON (V, SE) took place during the October I part-session (Tuesday 6 October 1998). Presenting Mr Per GAHRTON's report, Mr Paul LANNOYE (V, BE) stressed that the Commission's proposal met a need and had therefore been favourably received by the Committee on the Environment. He highlighted the important extension in Annex 1. However, the proposal was deficient as it imposed limits on the possibility of assessing projects. Mr Paul LANNOYE therefore indicated the problem which would arise if the impact study was carried out at too late a stage in the process of planning projects, thereby making it difficult to go back. As a result, although this directive was heading in the right direction, the Committee on the Environment felt that it was too restrictive and therefore proposed a series of amendments to improve it. Among these amendments, Mr LANNOYE mainly mentioned those which aimed to ensure that the possibility of carrying out a study was not limited to town and country plans and programmes. The report also proposed a positive and non-restrictive list of plans and programmes requiring a study. Clarifications were also made as regards the conditions for citizens to participate in a public inquiry and the Committee on the Environment hoped that all the alternatives (including option O) would be considered, if necessary.

Environment: assessment of effects of certain plans and programmes

Adopting the report by Mr Per Gahrton (Green, S) on the effects of certain plans and programmes on the environment, Parliament considers that people and property are exposed to considerable risks by poor town and country planning, in particular failure by urban planners to take into account the potential risk involved in building in areas which are liable to flooding in the vicinity of rivers, streams and other water courses. Consequently, it calls for the directive to ensure a high level of environmental protection. To this end it calls for: - clearer expression of the objective of sustainable development; - agriculture, forestry, fishing, the marine environment and recreation to be specifically covered by the directive; - a precise statement of the conditions for public access and participation; - the directive to apply to all cases where projects are likely to have an impact on the environment; - the reasons for a decision not to carry out a strategic environmental assessment to be published; - a statement that alternative solutions must be analysed, including the zero option. Parliament also calls for strategic environmental assessment always to be carried out in respect of the following plans and programmes: - energy programmes, - forestry or agricultural programmes for the growing of crops, intended for the generation of heat and electricity by means of renewable energy sources; - agricultural and livestock development programmes, - hydrological plans, - urban, industrial and livestock waste management plans and programmes, - transport infrastructure development programmes, - tourism development programmes, - urban planning plans and regulations, - transport network programmes, gas pipelines, oil pipelines and high tension electricity power lines. Parliament also advocates that before approving town and country development plans the authorities responsible for town and country planning must carry out a specific study of the risk of flooding in the area concerned in cases where the planned development is located in an area in which water courses may have a significant impact. Urban development plans should also prohibit the construction of dwellings, campsites, farms and items of infrastructure in areas which are liable to flooding. Parliament calls for the Member States to be responsible for monitoring the implementation of the environmental protection measures contained in the plans and programmes and to establish appropriate monitoring systems with a view to assessing the effectiveness of the environmental impact corrective measures. ?

Environment: assessment of effects of certain plans and programmes

The Commission's amended proposal took up the European Parliament's amendments that underline the importance of sustainable development as a vital objective of the European Union, which explain the fact that the envisaged procedure is a minimal procedure, and which stresses the advantages of the undertaking of strategic environmental assessments to companies in providing them with a more coherent framework for the deployment of their activities. The introduction of suitable deadlines seeks to maintain the length of the consultation procedure within reasonable limits while giving sufficient time to enable the interested public and the environment authorities to be consulted. The EP amendment which proposes that the application of the Directive and the effectiveness of its provisions should be the subject of a first evaluation after five years after its entry into force, and subsequently re-examined every seven years. The deadline for the implementation of the Directive was amended and a target date set by which Member States should transmit a list of plans and programmes that will fall within the scope of the Directive. The same date will be applicable for the publication of this list by the Commission. The Commission fixed at two years the deadlines for these purposes. Lastly, it should be noted that several improvements proposed by the Parliament with respect to the information to be provided in the report with the declaration on environmental effects were incorporated in the annex.?

Environment: assessment of effects of certain plans and programmes

The Council adopted its common position with regard to a proposal for a Council Directive on the assessment of the effects of certain plans and programmes on the environment based on Article 130s(1) (presently Article 175(1) of the Treaty). The objective of the Directive is to provide for an environmental assessment to be carried out and the results to be taken into account during the preparation and prior to the adoption of certain plans and programmes likely to have significant effects on the environment. It is meant as a complement to the environmental assessment of projects under the "EIA" Directive (85/337/EEC), which takes place at a later stage of the decision-making process. The Council followed, partly or in spirit, the EP's amendments accepted by the Commission in its amended proposal, as well as elements of amendments proposed by the EP but not retained by the Commission. The rewriting and restructuring of the text means that the amendments could not be reproduced literally, and may be found in different locations in the text than in the original proposals. The main proposals introduced by the Council to the Commission's proposal include the following: -the Council introduced the idea of integration of environmental considerations into the preparation and adoption of plans and programmes as an important objective, alongside the reference to sustainable development as requested by the EP; -The Commission proposal amended following the EP's opinion already referred to plans and programmes setting the framework or future development consent, and the Council agrees to build on this approach; -A provision has

been added to allow avoiding duplication of work where plans and programmes form part of a hierarchy and the assessment is carried out at different levels of the hierarchy; -The Council sought to specify, in line with the Aarhus Convention, that the public to be consulted includes relevant NGOs, such as those promoting environmental protection and others; -The Council agreed that co-ordinated or joint procedures could be provided for when obligations regarding an assessment arose from different pieces of legislation; -The review clause was made more explicit, in particular, regarding the possibility to extend the scope of the Directive to other sectors and types of plans and programmes; -The Commission was invited to report on the relationship between this Directive and Structural Funds Regulations in good time before the next programming period. -Finally, the Council agreed on a 3-year period for the implementation of the Directive, given its procedurally complex nature.?

Environment: assessment of effects of certain plans and programmes

The Commission accepted fully, in principle or in part fifteen of the twenty-nine amendments proposed by the EP in the First Reading (whilst voting, the 33 original amendments were merged to finally 29). They were incorporated in the amended Proposal. All of these amendments of the EP have been incorporated into the common position fully, in principle or in part. The scope of application of the future Directive formed the key issue of the negotiations. In its amended proposal, the Commission, responding also to a request of the EP, went for a rather broad scope for which an environmental assessment was mandatory for all plans and programmes in unlimited planning or programming areas or sectors when fulfilling certain conditions. Only as regards minor modifications and certain plans or programmes at local level Member states were given the possibility of determining themselves whether an environmental assessment was necessary or not. The result achieved in the Common Position is quite different. The Common Position clearly splits the scope of application into mandatory and non-mandatory parts, resulting in a limitation of the plans and programmes covered in comparison to the amended Commission proposal. Additionally, the definition of plans and programmes is more limited because further formal requirements were added and several exemptions for certain types of plans and programmes have been inserted into the Common Position which reduce the scope of application. In conclusion and in general, the changes introduced by the Council clarify and improve the text of the proposed Directive. As regards the scope of application of the future Directive, however, the Commission is of the opinion that it is too limited in comparison to the approach pursued in the Commission Proposal.?

Environment: assessment of effects of certain plans and programmes

The committee adopted the recommendation for second reading by Inger SCHÖRLING (Greens/EFA, S) amending the Council's common position on the directive on the assessment of the effects of certain plans and programmes on the environment. The amendments broadly sought to reinstate Parliament's position at first reading and focused mainly on: widening the scope of the directive by not limiting it to plans and programmes which set the framework for future development consent of projects; limiting the number of exemptions by including extractive industry and financial plans and by closing the loophole for Member States to exclude entire categories of plans and programmes from the scope of the directive; the possible inclusion of policies in the future review of the directive, thereby expanding its scope; improving information requirements and transparency by enlarging the definition of "the public" and by involving the public concerned at an earlier stage in the decision-making process; improving consultation with countries outside the Community which are likely to be affected by plans and programmes carried out in one of the Member States; and improving the quality of SEA (Strategic Environmental Assessment) reports by prescribing that Member States take appropriate measures to guarantee that reports meet at least the minimum requirements of the directive and that these measures are communicated to the Commission.?

Environment: assessment of effects of certain plans and programmes

In approving the report drafted by Mrs Inger SCHÖRLING (Greens,EFA, S), the European Parliament has adopted the Council common position for adopting a directive on the assessment of the effects of certain plans and programmes on the environment. The amendments made to this text focus mainly on widening the scope of the Directive by not limiting it to plans and programmes which set the framework for future development consent of projects. In addition, the European Parliament also points out that the Member States shall be responsible for monitoring the implementation of the environmental measures contained in the plans and programmes to which this Directive relates and shall establish appropriate monitoring systems with a view to ensuring and assessing the effectiveness of environmental impact corrective measures. Member States shall also ensure that appropriate measures are taken in order to guarantee that environmental reports are of sufficient quality to meet the minimum requirements of the Directive and to prevent decisions being taken on the basis of an environmental report which does not comply with these requirements.?

Environment: assessment of effects of certain plans and programmes

The objective of this proposal is to provide for a high level of environmental protection and to contribute to the integration of environmental considerations into planning with a view to promoting sustainable development. 17 amendments have been adopted by the Parliament in relation to this proposal. The Commission can accept one amendment fully, one partly in principle and seven in principle. Eight amendments and the remaining part of the amendment 9 which relates to the requirement for a reasoning to require a SEA are not accepted. The amendment adopted fully relates in particular to: - the UN Convention on Biological Diversity. The amendment accepted partly in principle relates to: - the making available to the public the reasoning to require or not to require SEA in case a screening determination has been made. The Commission considers that such a justification is appropriate only when it is determined that no SEA is necessary. In this case a justification would represent useful information for the public and increase the transparency of the decision-making. For these reasons, this amendment is accepted partly in principle. As far as the amendments accepted in principle are concerned, these relate to: - public access to information, public participation in decision-making and access to justice in environmental matters; - the adding of monitoring measures decided to the information to be given on the decision and thus contributes to transparent decision-making; - the establishment of monitoring systems; - strengthening the provision on the quality of the environmental reports; - broadening the scope of the Directive slightly to planning that was started before the transposition date of the Directive and where the plan would be adopted after more than one year after that date; - specifying the environmental aspects to be dealt with in the environment report; - broadening the information requirements of the

environmental report. The environment report should include both information on measures for monitoring the effects of the implementation of the plans or programmes on the environment and information on measures for monitoring the effectiveness of the mitigation measures. With regard to the amendments not accepted by the Commission, these concern in particular: - the possibility of screening plans and programmes by specifying types of plans and programmes or by combining this case by case; - making available to the public the reasoning to require or not to require SEA after a screening determination has been made. Such a requirement would create unnecessary administrative burden especially since the SEA process itself provides for information and consultation rights to the public; - including all future plans and programmes under the current Structural Funds and rural development Regulations or under new EC Regulations into the scope of this Directive; - turning the requirement of the common position for making assessments at different levels of a planning hierarchy into the possibility to make assessments at only one level; - the proposition to open transboundary consultations up to States other than Member States; - making the use of coordinated or joint procedures mandatory when the obligation to carry out assessments of the effects of plans or programmes on the environment arises simultaneously from this Directive and other Community legislation; - broadening the Commission reporting requirement on the relation between this Directive and the Structural Funds and Rural Development Regulations; - adding plans and programmes which are funded by the European Union to the definition of plans and programmes. ?

Environment: assessment of effects of certain plans and programmes

The Conciliation Committee reached agreement on a joint text for the directive. The main points of the agreement may be summarised as follows: - Monitoring of environmental effects: a separate article would be included obliging Member States to monitor the environmental effects of plans and programmes in order to identify possible adverse effects and thereby undertake appropriate remedial actions at an early stage; - Scope of the directive and inclusion of the Structural Funds: it was agreed that the temporary derogation from the scope of the directive for the Structural Funds and the Rural Development regulations would be limited until the end of the current programming period. Parliament also insisted on a clarification in the text that plans and programmes co-financed by the EC were covered by the directive, as this would affect Community financing for the accession countries. It was also agreed that the Commission would issue a report on the relationship between SEA and the Structural Funds, which would be taken into account when drawing up the Commission proposal for new Structural funds legislation; Transboundary consultation with third countries: it was agreed to add a recital referring to the ongoing negotiation at international level under the Espoo Convention regarding the transboundary aspects of environmental impact assessment. Furthermore, Member States were invited to inform third countries, on a reciprocal basis, about plans and programmes having an effect on the environment of those countries; Public consultation: under the compromise reached, when preparing plans and programmes, Member States would have to inform the public including relevant NGOs and give them the opportunity to express their opinion.?

Environment: assessment of effects of certain plans and programmes

The House voted to endorse the resolution by Mrs Inger SCHÖRLING (Greens/EFA, S) on the joint text approved by the Conciliation Committee for a directive on the assessment of effects on the environment of certain plans and programmes. (Please refer to the previous documents).?

Environment: assessment of effects of certain plans and programmes

PURPOSE : to provide 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. COMMUNITY MEASURE : Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the assessment of the effects of certain plans and programmes on the environment. CONTENT : the Directive provides that an environmental assessment shall be carried out for plans and programmes which are likely to have significant environmental effects. It relates in particular to agriculture, forestry, fisheries, energy, industry, transport and town and country planning or land use which set out the framework for the future development consent of projects listed in Annex I and II to Directive 85/337/EEC. The environmental report and the opinions expressed by the relevant authorities and the public, as well as the results of any transboundary consultation, shall be taken into account during the preparation of the plan or programme before its adoption or submission to the legislative procedure. The environmental report prepared shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and the level of details in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment. In addition, the Member States shall identify the public including the public affected or likely to be affected, or having an interest in, the decision-making subject to this Directive, including relevant any non-governmental organisations concerned. Where a Member States considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, a copy of the draft plan or programme and the relevant environmental report shall be forwarded to the other Member State. Member States shall also ensure that, when a plan or programme is adopted, the authorities, the public and any Member State consulted are informed and the following items are made available to those so informed: - the plan or programme as adopted; - a statement summarising how environmental considerations have been integrated into the plan or programme. ENTRY INTO FORCE : 21/07/2001. IMPLEMENTATION : 21/07/2004.?

Environment: assessment of effects of certain plans and programmes

Article 12(4) of Directive 2001/42/EC requires the Commission to ?report on the relationship between this Directive and Regulations 1260/1999/EC and 1257/1999/EC well ahead of the expiry of the programming periods provided for in those Regulations, with a view to ensuring a coherent approach with regard to this Directive and subsequent Community Regulations.? This report is intended to meet that obligation.

According to the report, the ex ante environmental evaluations carried out for the current period to 2006 appear to have had a beneficial influence on the design of SF programmes thanks to a more developed approach when compared with the preceding period (up to 2000). In

particular, evaluations have considered more than simply the level at which particular targets should be set but also the rationale for them (whether they are the right targets) and what is the best way of achieving them. It is very important for the ex ante evaluation to establish a clear connection between results, outputs and impacts and the causal relationships between them. It is clear that the evaluation requirements of Regulation 1260/1999 have helped to promote an evaluation culture and capacity in the Member States. In some cases very little evaluation was carried out prior to the advent of significant SF applications.

The overall lesson from past experience is that a well-organised and adequately resourced evaluation system, underpinned by appropriate structures and a clear sense of purpose or focus, is an important instrument in maximising the benefits of Community co-funding. Evaluations carried out at an early stage in planning, by experienced evaluators, focused on appropriate questions and with the commitment of key stakeholders, can deliver a rounded approach to sustainable development which takes account of the interest of different stakeholders and enables environmental opportunities to be developed. There is no clear evidence of whether the decision taken to exempt the programming period 2000-2006 of SEA had harmful consequences on the environment since a separate ex ante environmental evaluation was required. During the 2007-2013 programming period, this separate evaluation will be effectively superseded by the SEA, which will be an important tool in promoting sustainable development, and will benefit in turn from the evaluation expertise developed during the programming period 2000-2006.

Environment: assessment of effects of certain plans and programmes

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.

Environment: assessment of effects of certain plans and programmes

The Commission presented its second report on the implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive).

The report presented the experience gained in applying the SEAD between 2007 and 2014. Its findings will feed into an evaluation of the SEAD that will be carried out as part of the Commission's Regulatory Fitness and Performance (REFIT) programme.

As a reminder, the SEAD is essentially a process directive, which establishes certain steps that Member States must follow when identifying and assessing environmental effects. The strategic environmental assessment (SEA) process is about helping policy makers take well-informed decisions, based on objective information and the results of consultation with the public/stakeholders and relevant authorities.

The report noted that in 2007-2014, Member States did not raise major implementation concerns.

The EU Court of Justice (CJEU) has delivered a comprehensive case-law relating to the SEAD, and thus facilitated its application. The CJEU has confirmed the broad interpretation of the terms and provisions of the Directive.

Where necessary, Member States amended their national legislation to ensure compliance with the Directive.

Effectiveness of the SEA Directive: all Member States have acknowledged that the SEA procedure has influenced the planning process and has improved the quality of plans and programmes. The process appears to be more effective when there is a political will to effectively influence the planning process.

Moreover, the SEA procedure would be more likely to influence regional and small-scale plans and programmes (e.g. land use planning) rather than national plans and programmes for which the strategic decisions are often taken at political level and for which there is little margin for these to be reviewed after the SEA procedure.

Main challenges: some of the challenges in the application of the Directive relate to the different elements of the SEA procedure. This is especially true for plans and programmes that address a broad scope of issues (e.g. national or sectoral).

Member States have encountered two types of challenges in preparing the environmental report: (i) the availability and quality of the data; (ii) the technical knowledge and experience of the experts preparing the report and the authorities in charge of its quality review.

In addition, there are still uncertainties about some key concepts such as reasonable alternatives.

In order to ensure compliance when implementing and applying the SEA Directive, the alternatives that are assessed have to be reasonable taking into account the objectives and the geographical scope of the plans and programmes before setting up their final content.

The SEAD does not define the term reasonable alternatives, nor does Member States transposing national legislation. There is no common approach to define the types and the number of alternatives to be assessed.

As Member States have also noted, due to the specifics when preparing plans and programmes, identifying reasonable alternatives could be a challenge. For example, it is challenging to identify and assess reasonable alternatives at the planning stage either because the plans and programmes strategically address a particular matter, or because of the general content of the plans and programmes.

Member States have considerable discretion in organising the process of informing and consulting the public and the relevant authorities in the different stages of the SEA procedure.

However, Member States have noted that the extent to which the results of the SEA procedure are considered in the final decision of plans and programmes often depends on the decision-making specifics, and can vary.

Relationship with other legislation: the report noted that the interplay between the procedures under the EIA Directive ([EIA Directive](#)) and SEA procedures seems to be a real challenge.

The CJEU confirmed that EIA and SEA procedures differ in several respects. It is therefore necessary to comply with the requirements of both Directives concurrently.

However, practice shows that the boundaries between the two procedures are not always distinct and tend to overlap, in particular as regards plans, programmes or projects related to land use and/or spatial planning.

In conclusion, the Commission called on all Member States to pursue their implementation efforts to ensure compliance with the SEAD. Where necessary, they should also take proactive initiatives, such as guidance documents, training, information sharing, and establishing environmental information databases.

Based on this report, the Commission will consider in the upcoming evaluation how to increase the positive impacts of the SEAD and better demonstrate its EU added value, effectiveness and efficiency.