

12. Worldwide Experience

12.1 EU SEA Directive and Its Implications

The SEA Directive (2001/42/EC), (http://www.europa.eu.int/comm/environment/eia/full-legal-text/0142_en.pdf) being in force since 2001, is applied to the EU Member States such as the United Kingdom, Germany, Finland and Austria, providing a comprehensive basis for appraising development plans and programmes. The Member States have to conduct SEA according to the states' own procedures while integrating a set of broad principles and common procedural requirements as laid down in the Directive where appropriate. The requirements include :

- Production of an environmental report including descriptions and evaluations of impacts and alternatives
- Consultation and public participation
- Taking the environmental report into account in decision-making
- Provision of information on the decision, including action recommendations
- Monitoring and review mechanisms

Under the Directive, the Member States have to consider systematically whether the plans and programmes they prepare come within its scope of application and hence whether they need to carry out an environmental assessment of their proposals. If this is the case, SEA being conducted have to comply with the Directive in respect of the contents of the environmental report, the requirements on quality assurance of the report, the provisions of consultation, the nature of the monitoring requirements, and finally the relations between the Directive and other Community legislation.

The Directive ensures that the environmental effects of a broad range of plans and programmes have to be assessed and can be taken into account while plans are actually being developed, and adopted in due course. Meanwhile, the Directive enables public involvement in which the public must be consulted on the draft plans and on the environmental assessment and their views have to be taken into consideration.

12.2 Mainland's Recent EIA Ordinance – Assessment of Plans

<http://www.people.com.cn/BIG5/huanbao/55/20021029/853066.html>

The EIA Law of the People's Republic of China has come into force since 1 September 2003, setting out the statutory requirements for EIA of plans and construction projects; and the legal

liability in the EIA process.

Under the Ordinance, environmental assessments have to be conducted for land-use planning, regional planning, and certain sectoral plans such as industry, agriculture, energy and transport during their planning stages. Those projects without environmental assessments could no longer obtain authorities' approval. For projects with significant potential environmental impacts, public comments have to be consolidated with public hearings before submitting environmental assessment reports to the relevant authorities for approval.

12.3 SEA Practices in Other Countries

- **United Kingdom**

Under the EU SEA Directive, the United Kingdom, as one of the member states of EU, requires an environmental assessment to be carried out for some types of plans and programmes if they are likely to have significant effects on the environment. Sustainability appraisals have also to be carried out thereby combining SEAs and sustainability appraisals into a single process. The two assessments/ appraisals are subject to scrutiny by inspectors testing the "soundness" of the plan and in case the inspectors consider the assessments/ appraisals as inadequate, this could undermine the integrity of the whole plan and may prevent adoption.

The Office of the Deputy Prime Minister has prepared a guidance on how to carry out SEAs in accordance with the EU SEA Directive. (http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_026670.pdf)

- **Canada**

In support of sustainable development, Canadian government applies SEA during their PPP formulation process. The *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals* is in place under which ministers expect a SEA of a PPP to be conducted should (i) they be required to submit to individual Minister or Cabinet for approval and (ii) implementation of the proposals may result in important environmental effects, either positive or negative.

The Directive establishes criteria to help federal departments and agencies concerned determine when SEA is appropriate and offers guidance on its preparation. The Directive was recently amended to include provisions for more transparency. As of January 2004, it is required public statements of environmental effects be prepared when a detailed assessment of environmental effects has been conducted through a SEA.

A Guidelines for implementing the Cabinet Directive is posted on Canadian Environmental Assessment Agency's website at http://www.ceaa.gc.ca/016/directive_e.htm.

- **World Bank**

The Operational Directive (OD) of 1989 on Environmental Assessment included provision for Sectoral and Regional EA (REA) and has been implemented ever since. The conversion of the original OD into the Operational Policy (OP) 4.01 format in 1999 confirmed the role of SEA and REA.

The first Environmental Strategy of the World Bank, approved in July 2001, emphasized the potential role of SEA for upstreaming and mainstreaming environmental concerns in PPPs, along with the development of the Country Environmental Analysis and the strengthening of the safeguard policies framework and application. Sectoral EA are used to examine the issues/ impacts to a particular policy, plan, programme, or a series of projects for a specific sector. It is used to evaluate and compare the impacts against those of alternative options; assess legal and institutional aspects; and provide recommendations to improve environmental management in the region. REA are used to examine issues/ impacts related to a particular policy, plan or programme, for a particular region. SEA and REA need to be conducted in a very participatory way and, when conducted under the OP 4.01, need to be disclosed in-country and on the World Bank's Internet site.

Since 2001, work on good practices and guidance on SEA has increased and intensified, both within the World Bank and with external partners, particularly United Nations organizations and bilaterals (Organization for Economic Cooperation and Development /its Development Assistance Committee).

SEA is increasingly mandated or "guided" in national systems, including in Bank's borrowing countries, the most advanced (countries in accession to Europe) or fastest growing or even in less advanced countries.

The World Bank is helping and wants to continue helping build capacity for effective SEA preparation and development. More information is available at <http://www.worldbank.org/sea> and queries about SEA development at the World Bank can be sent to sea@worldbank.org.