



## Delegation of the Region of Valencia in Brussels

Conference: "The Interact TranSEA project for territorial cooperation and environment: which contribution to the Strategic Environmental Assessment (SEA)?"  
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### ABSTRACT:

#### **OVERLAP BETWEEN STRATEGIC ENVIRONMENTAL ASSESSMENT AND NATURE NET 2000: how to advance in the conservation of European biodiversity by a good regional planning.**

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### PRESENTATION

The present communication is product of Works developed by the Administration of the autonomous community of the Region of Murcia into the **European Project ENPLAN** "Plans and Programs Environmental Assessment" financed by European Commission (European Initiative Interreg IIIB-MEDOC). Its aim was open a reflection analyse and experimentation period of the application of Strategic Assessment Directive<sup>1</sup> before 2001/42/CE Directive transposition (or "SEA" Directive).

#### **¿WHAT DOES 2001/42/CE DIRECTIVE SAY ABOUT BIODIVERSITY AND NATURE NETWORK 2000?**

SEA Directive is a very important instrument for the application of the Agreement about Biologic Diversity in the European Union, requiring it *"to the Parts who integrate, as far as possible and according to circumstances, the conservation and the sustainable use of biologic diversity in pertinent plans and sectorial or Intersectorial programs"*.

2001/42/CE Directive establish the criterion of the affection possibility on Nature Net 2000 as one of the two basic criterion of which arise the necessity of applying SEA because of being defined as “*Plans and Programs with significant effects on environment*”<sup>2</sup>. It is necessary to emphasize the Directive’s imperative character in this respect (“*they must*”).

SEA Directive is supported for this essential decision (its application compass) in existence Directives (“EIA” Directive and “Habitats” Directive), and it (as then it will be seen) in an absolutely autonomous and accumulative way, but always preventing the application of coordinated or jointed procedures.

Besides, it is foreseen that mentioned Plans and Programs established the use of little local areas and the introduction of smaller modifications in plans and programs which just needed environmental assessment if Member States decided that is probable that have significant effects in environment. At time of have that decision, nevertheless, the States must have to bear in mind that even Plans which prevented reduced actions of territorial compass may have significant negative effects on Nature 2000 and, for it, must present SEA.

### **HOW DO COMMUNITY ENVIRONMENT ASSESSMENT RELATE WITH HABITATS DIRECTIVE?**

Environmental Impact Assessment Directive (EIA), Habitats and Strategic Environmental Assessment (SEA), mentioned on order of appearance, constitute a **coherent system in environmental assessment of projects, plans and programs in European Union**, with special attention to those which may affect **in Nature Network 2000 of protected areas**, which protection in long term has been declared by Member States as an objective with first order public interest.

Relations between these three Directives are very narrow. As EIA Directive EIA as SEA Directive the affection possibility to Nature Network 2000 of European protected areas is one of the basic criterion at the moment of deciding when is considered that a project or a plan can have a significant effect on environment and, therefore, it must be submitted to EIA or SEA, respectively.

For its part, “*assessment about repercussions on Nature 2000*” regulated by Habitats Directive, and which affects both to projects and to plans and programs, has specific technical and procedural requirements, which are indispensable for guarantee European biodiversity conservation. A project which needs a repercussions assessment will also, with much frequency, need an EIA.

For its part, SEA Directive clarifies that it will be object of environmental assessment all those plans and programs included in the definition of its art. 2 and that:

- a) are elaborated with respect to agriculture, energy, industry, transport, residues, water resources, urban and rural land management, and others, **and which establishes the frame for the future authorization of projects enumerated in annexes I and II of 85/337/CE Directive**,
- b) or that **attending to probable effect in some areas, has been established that they required an assessment conformed to disposed in articles 6 and 7 of 92/43/CEE Directive.**

Therefore, the fact that a plan or a program includes projects for which must be realised an EIA or a repercussions assessment on Nature 2000, it's a **fundamental criterion** that determines the SEA's processing.

Now well, the effects assessment of determined plans and programs in environment doesn't substituted, devalues or reduces in any way the environment impact assessment, but **rather on the contrary, it reinforces it**. In this respect, it's important clarify that projects which are derived from plans and programs which had been previously present a SEA, it's possible that the should present an environment impact assessment, if this way the application of EIA Directive needs it. The same thing can be said about "repercussions assessments on Nature 2000" regulated by the article 6 of Habitats Directive, or of assessments which imposes Water Framework Directive.

### **WHEN AND HOW ARE STRATEGICALLY ASSESSTATED PLANS WHICH COULD AFFECT NATURE 2000?**

It can be affirmed that, as letter b) of 3.2 article of 2001/42/CE Directive is redacted, the determination of significant effects on Nature 2000 precedes, it's previous, to SEA. **SEA borns- in this case- from the determination that it will be necessary repercussions assessment**. It's, therefore, repercussions assessment which "unleashed" SEA.

In this juridical context, it's unavoidable a decision adequately justified and documented at the moment of deciding or declaring if the plan or program "has direct relation with the area's management or it's necessary for it", on one hand, and on the other, if it can affect unfavourably to the coherence and integrity of it.

### **GOOD PRACTICES IN SEA DIRECTIVE APLICATION IN REGIONAL PROJECTS.**

Into ENPLAN Project previously indicated, in Region of Murcia it was carried on the experimentation with **Sustainable Development Plan and Natural Resources Ordination of the Northwest Region (PDS y ORN)**. During ENPLAN correspondent Phase it was elaborated in experimental way the Environment Inform of the Sustainable Development Plan and Natural Resources Ordination of the Northwest Region.

### **CONCLUSSIONS**

It is indispensable to integrate adequately requirement which Habitat Directive establishes in its connexion with strategic environment assessment of plans and programs. It requires, therefore, that at the moment of designing, applying and improving to the maximum the interregional cooperation opportunities that offer communitarian initiative, be understood how **the possibility of affection on Nature Network 2000 is one of the angular stones of 2001/42/CE Directive**. It doesn't treat only that Environmental Reports do an adequate study of wild fauna and flora, but also of the whole assessment system specific, techniques, and juridical requirements, essential a regional development and European biodiversity conservation go by the

hand in favour of a sustainable development for all the Europeans and beyond.