

# **Directives in Practice: Consequences of SEA and EIA for Infrastructure Programs – Are there any?**

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# Strategic environmental assessment - SEA

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- **Tool for policy integration (environmental one with sectors ones but not only)**
- **Identify and resolve conflicts as early as possible – policy level**
- **Background for EIA**
- **Not too much experience on SEA**
- **Political will vs. long term rationality**
- **Difficult public participation**

# Environmental Impact Assessment - EIA

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- **Assessment of environmental effects specially projects with potential major effects**
- **Assessment of different alternatives including no-action and ecological ones**
- **Recommendations of measures to minimize negative impact including compensation**
- **Habitat assessment – new tool**
- **Broad public participation**
- **Slow down the investment process**
- **Tool for assessment of impact or only formal requirements**

# Transport in SEA - Polish case I

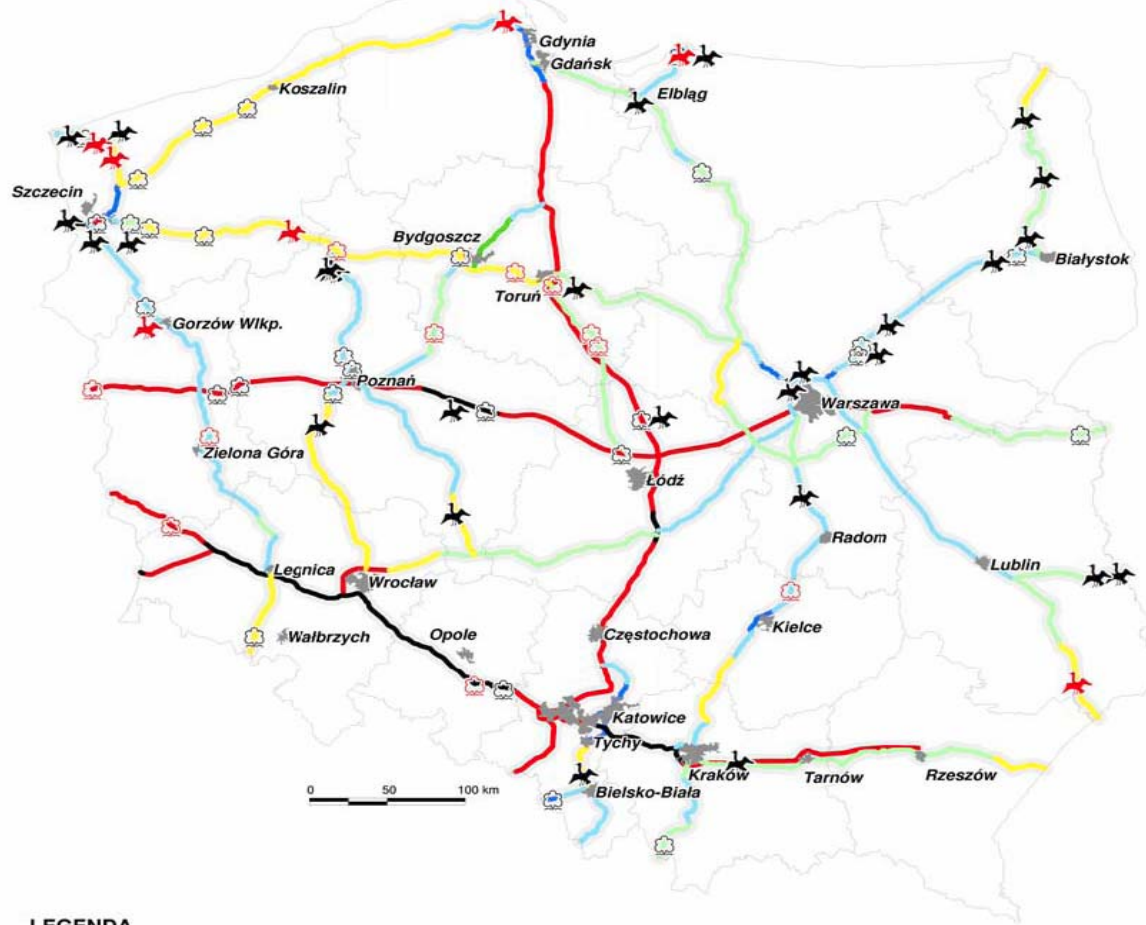
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- **Require by law**
- **Contradiction between strategy for transport infrastructure development 2007 – 2013 and Transport policy 2025**
- **The key documents were approved by cabinet or Ministry of Transport Infrastructure without SEA**
- **Weak position of Minister of Environment**

# Transport in SEA - Polish case II





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- **NGO opinions aren't taken to account seriously – arrogance of Minister of Infrastructure**
- **No substance arguments (for example economic ones) only political will strongly but in hidden way support by European Commission – contradictory policy**
- **Highway and mass motorization lobby is very strong, in political sense too**
- **The spirit and procedure of SEA Directive are not present in Poland but Directive was incorporated in our law.**










### LEGENDA

Miejsca występowania konfliktów drogowych

-  obszary specjalnej ochrony ptaków (PLB, PLC)
-  potencjalne obszary specjalnej ochrony ptaków (PLB)
-  obszary specjalnej ochrony siedlisk (PLH)
-  potencjalne obszary specjalnej ochrony siedlisk (PLH)

### Planowana przebudowa głównych dróg krajowych

-  autostrady w roku 2003
-  autostrady do roku 2013
-  drogi ekspresowe w roku 2003
-  drogi ekspresowe do roku 2013
-  drogi krajowe o nośności 11,5 t/oś w roku 2003
-  drogi krajowe o nośności 11,5 t/oś do roku 2013
-  drogi planowane do rozbudowy po roku 2013

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Robert Cyglicki

**70 potential conflicts  
between Natura 2000  
and roads constructing**

# Transport in EIA + Polish case I

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- **Lack of correlation between SEA and EIA**
- **Investments are dividing for small pieces and EIA is limited in these cases (salami slicing) – no functioning assessment**
- **The same company prepares investment project and EIA report**
- **Using the same reports only geographical names are changing**

# Transport in EIA + Polish case II

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- **Investor and EIA consultant aren't interested of public participation only sometimes local authority are interested to do that**
- **Facade consultation provide to strong conflicts with delay in the project implementation**
- **Consultant companies deal with transport issues in EIA aren't prepare for work (they have no idea about Natura 2000 or current EU requirements)**



# Key problems I

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- **Little understanding the role of EIA and SEA among politician, authorities, investors and general public**
- **Weak quality control of procedure including public participation and content**
- **Access to justice play too little role.**
- **Unclear regulation and responsibility**

# Key problems II

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- **Natura 2000 – unknown animal for SEA and EIA**
- **Alternatives are formal but not real**
- **Cumulated and long term effects not taken to account seriously**
- **Scoping too formal**
- **Limited use of post-realization analyzes**

# Conclusions I

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- **NGO promotion campaign „What SEA and EIA are about?“ focus on investors, non environmental NGO, authorities, courts;**
- **Strengthening NGO capacity with focus on improvement of quality control – What we need?**
  - **full formal procedures**
  - **substance correctness (good data and methodology of assessment)**
  - **correct non technical summary – fully reflect what is written in report**

# Conclusions II

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- **Documentation and reporting on SEA and EIA to ministry of environment – yearly - with public debate**
- **Improve the access to justice**
- **Independency of consultants – voluntary certification**
- **Commission of EIA on national level – difficult cases**

# **THANK YOU !**

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