



Strategic Environmental Assessment (SEA) Do No Significant Harm (DNSH) principle Contribution to climate and biodiversity objectives

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Strategic Environmental Assessment (SEA)

Applicability of the SEA Directive

- Presentation at EGESIF meeting of [11/02/2020](#) (agenda point 11)
- SEA Directive applies on its own merits
- If criteria under Article 3(2) are met → SEA has to be carried out
- If criteria under Article 3(2) are not met → screening based on criteria in Annex II to determine if programme is likely to have significant environmental effects; if yes → SEA has to be carried out
- Steps (where SEA has to be carried out): environmental report → information and consultation → decision → information on decision
- SEA shall be carried out during the preparation of the programme and before its submission
- There can be cases where the programme does not fall under the scope of the SEA Directive (no SEA, no screening) – justification has to be submitted to the Commission

Commission assessment of SEA

- Commission assessment of the SEA based on:
 - Non-technical summary of the environmental report
 - Information on the consultation with the public and the environmental authorities
 - Descriptions of the measures concerning monitoring
 - Summary of how the environmental considerations and the opinions expressed have been taken into account
NB: The final statement required under Article 9(1) is to be issued after the adoption of the programme, once all modifications introduced
- Formal programme submission: in both cases (SEA was carried out or only a screening) the related documents should be transmitted to the Commission together with the other programming documents
- We recommend submitting these in SFC, under 'other documents'

Application of the 'do no significant harm' principle

DNSH in cohesion policy legal framework

CPR

- **Article 9: horizontal principles**

4. The objectives of the Funds shall be pursued in line with the objective of promoting sustainable development as set out in Article 11 TFEU, taking into account the UN Sustainable Development Goals, the Paris Agreement and the "do no significant harm" principle.

CPR, ERDF/Cohesion Fund, JTF, Interreg Regulation

- **Dedicated recital**

“the Funds should support activities that respect the climate and environmental standards and that would do no significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council”

Taxonomy Regulation



Climate change mitigation



transition to a circular economy



Climate change adaptation



pollution prevention and control;



sustainable and protection of water and marine resources;



protection and restoration of biodiversity and ecosystems.

- Article 9 defines the 6 environmental objectives
- Article 17 defines what constitutes significant harm to each of the six objectives

New obligation requires new assessment

Consistency across EU funding instruments

Consistent application across cohesion policy programmes

Commission explanatory note on the application of the 'do no significant harm' principle under cohesion policy (EGESIF meeting of [5/10/2021](#) and CPR Expert group meeting of [29/11/2021](#))

DNSH assessment of cohesion policy programmes

- Compliance with the principle has to be demonstrated already **during the programming stage**
- Assessment shall be carried out at the level of **types of actions in the programmes** (Art.17(3)(e)(i)), following the approach outlined in the RRF [technical guidance](#), or by applying other approach
- The DNSH assessment shall be **documented** by the national authorities, which shall be made available on request of the Commission services
- The programme shall state the results of the assessment under section 2.1.2 “Related types of action” for each type of action or for each specific objective (one of the 4 options):

“The types of actions have been assessed as compatible with the DNSH principle, since:

- they are not expected to have any significant negative environmental impact due to their nature*
 - they have been assessed as compatible under the RRF*
 - they have been assessed as compatible under the RRF DNSH technical guidance*
 - they have been assessed as compatible according to Member State’s methodology.”*
- The Commission will assess the programmes in line with Article 18 Interreg Regulation, and can request additional information supporting the compliance with the DNSH principle from national authorities

RRF approach

Two step approach: (1) screening, (2) substantive assessment

Part 1 – filtering the six environmental objectives to identify those that require a substantive assessment

<i>Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure</i>	Yes	No	<i>Justification if 'No' has been selected</i>
Climate change mitigation			
Climate change adaptation			
The sustainable use and protection of water and marine resources			
The circular economy, including waste prevention and recycling			
Pollution prevention and control to air, water or land			
The protection and restoration of biodiversity and ecosystems			

RRF approach

Part 2 – providing a substantive DNSH assessment for those environmental objectives that require it (following the results of the screening)

<i>Questions</i>	<i>No</i>	<i>Substantive justification</i>
<i>Climate change mitigation:</i> Is the measure expected to lead to significant GHG emissions?		
<i>Climate change adaptation:</i> Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?		
<i>The sustainable use and protection of water and marine resources:</i> Is the measure expected to be detrimental: (i) to the good status or the good ecological potential of bodies of water, including surface water and groundwater; or (ii) to the good environmental status of marine waters?		
<i>The transition to a circular economy, including waste prevention and recycling:</i> Is the measure expected to: (i) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or (ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures; or (iii) cause significant and long-term harm to the environment in respect to the circular economy?		
<i>Pollution prevention and control:</i> Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?		
<i>The protection and restoration of biodiversity and ecosystems:</i> Is the measure expected to be: (i) significantly detrimental to the good condition and resilience of ecosystems; or (ii) detrimental to the conservation status of habitats and species, including those of Union interest?		

Complementarity of SEA and DNSH assessment

- Scope is different (DNSH definition and SEA Directive)

DNSH	SEA
1. climate change mitigation	climatic factors
2. climate change adaptation	
3. water and marine resources	water
4. the circular economy	circular economy not explicitly mentioned but indirectly covered
5. pollution prevention and control	air, soil ...
6. biodiversity and ecosystems	biodiversity, fauna, flora
	<u>other elements:</u> population, human health, material assets, cultural heritage...

- Transposition in MS + specific ToR for SEA
- Objective is different

How to make the best use of the SEAs to demonstrate compliance with the DNSH?

SEA is ongoing:

- Add an additional chapter within the SEA report on the compliance with the DNSH principle (if SEA ongoing); or
- Add specific considerations on how the DNSH was complied with, in the light of the information and assessment under the SEA report.

SEA has been finalized:

- Prepare a summary paper/table outside the SEA report on the DNSH compliance.

Note: Solutions going beyond the SEA Directive requirements.

Is a DNSH assessment necessary for all actions?

- Assessment shall be carried out for all types of action
- For “soft” actions (e.g. actions contributing to the Interreg-specific objective 1 (Art.14(4)):
screening is likely provide the result that no substantive assessment is necessary (step 1 in the RRF guidance)
- Short justification necessary why no substantive assessment is necessary
- Statement in the programme:
The types of actions have been assessed as compatible with the DNSH principle, since they are not expected to have any significant negative environmental impact due to their nature.
- The above does not apply automatically to these types of action, the screening has to be carried out, and its results will determine the way to proceed

What is the role of Member States in selection of operations, specific to DNSH?

- The DNSH principle has to be taken into account also during programme implementation
- No legal requirement to carry out a DNSH assessment for all operations
- Prerequisite: sufficiently clear definition of the scope the *types of actions* in the programme, that take into account the DNSH principle in their design, and allow for an exhaustive DNSH assessment of the programme
- The operations selected have to fall within the scope of the types of actions defined in the programme (that are DNSH compatible)
 - applying selection criteria that are aligned to the definition of the type of action, including elements on which basis the type of actions was subject to a positive DNSH assessment
 - the Monitoring Committee / Steering Committee may decide to apply DNSH specific selection criteria

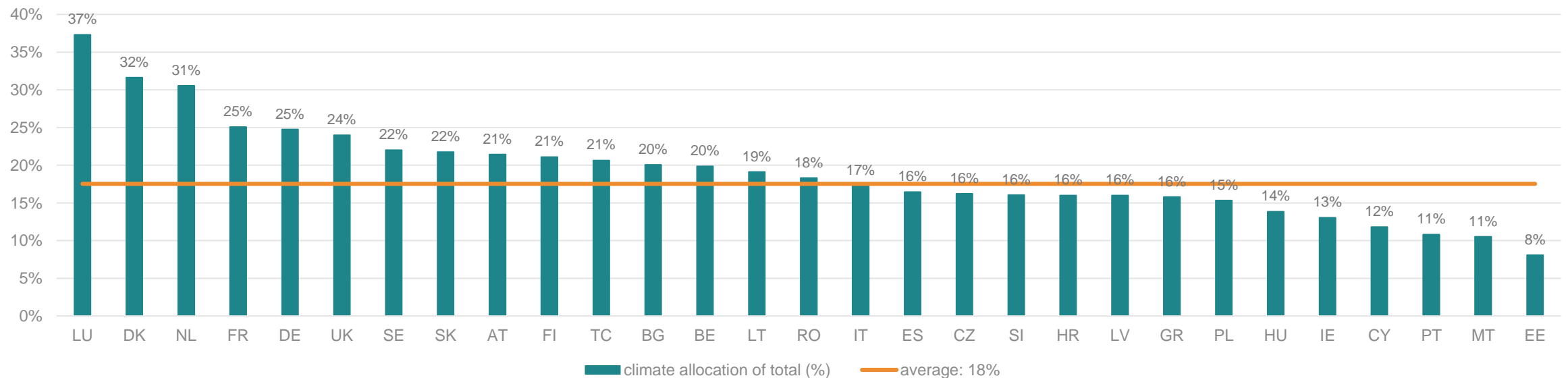
Contribution to climate and biodiversity objectives

Contribution to climate objectives

- The Special European Council of 17-21 July 2020 set an overall climate target of 30% applicable to the total amount of expenditure from the EU budget 2021-27
- Article 6 CPR: *The ERDF and the Cohesion Fund shall contribute with 30% and 37% respectively of the Union contribution to expenditure supported for the achievement of the climate objectives set for the Union budget*
- INTERREG Regulation recital (5): *the Funds will contribute to mainstream climate actions and to the achievement of an overall target of 30 % of Union budget expenditure supporting climate objectives*
- Calculated by applying the climate coefficients assigned to the intervention fields (CPR Annex I)

Contribution to climate objectives

- Climate contribution assessed before programme adoption and monitored during programme implementation
Article 31: review of programme implementation
Article 32: financial data reporting
- 2014-2020 climate allocation under ERDF ([datastory](#)):



Contribution to biodiversity objectives

- MFF inter-institutional agreement: “*working towards the ambition of providing 7.5% in 2024 and 10% in 2026 and in 2027 of annual spending under the MFF to biodiversity objectives*” (reflected in Recital (11) CPR)
- Biodiversity Strategy for 2030: biodiversity action requires at least EUR 20 bn per year stemming from private and public funding at national and EU level
- Financing gap foreseen for 2026 and 2027 to reach the target – **cohesion policy programmes shall increase funding for biodiversity compared to 2014-2020**
- In 2014-2020 cooperation programmes had 9.4% of their allocation contributing to biodiversity objectives (2014-2020 [datastory](#))
- Tracking by applying coefficients to the expenditure categorised by intervention fields

Thank you