

# MAKING STRATEGIC ENVIRONMENTAL ASSESSMENT WORK FOR BIODIVERSITY IN CROATIA

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**Abstract:** Strategic Environmental Assessment is a tool used in the EU for mainstreaming biodiversity and environmental issues into other sectors of socio-economic development. SEA offers a high level of environmental protection and can shape plans, programs, and strategies towards a more sustainable solution. Based on the EU Commission SEA report (2019) and interviews conducted with practitioners in national SEA processes, the possibility of shaping plans towards more sustainable solutions has rarely been fully achieved. What are the obstacles to effective SEA national implementation and how to overcome them was the focus of this paper. The research was conducted with three main groups of stakeholders: consultants, the Ministry of Economy and Sustainable Development, and environmental Civil Society Organisations. As a result, opportunities and specific intervention points were identified. The main opportunities consist of raising the level of SEA inclusiveness, educating stakeholders in the SEA process and improving the initiation timing of the SEA process. Further, opportunities were developed into specific interventions and ranked based on five criteria: Impact, Probability of success, Cultural fit, Added value, and Resource intensity. This paper suggests that stimulating the application of existing guidelines and educating the SEA committee have the highest potential impact and added value to SEA process improvement, but educating the SEA committee is a more complex task due to high cultural challenges. Improving a SEA non-technical summary and standardising the public hearing forms are interventions with a high probability of success, culturally fit, and not resource intensive but with low impact on the overall SEA process. Importantly, 10 out of 15 identified specific interventions are unique for this project, indicating this work's novelty. Finally, this paper suggests that for long-term improvement of the national SEA process, establishing the SEA Technical Working Group is highly beneficial.

**Keywords:** SEA Directive, SEA Technical Working Group, EU legislation, Conservation Standards, Conceptual model, Contributing Factors.

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## 1. INTRODUCTION

Strategic Environmental Assessment (SEA) is a cross-cutting tool of EU horizontal environmental legislation. Its objective is to provide for a high level of environmental protection and promote sustainable development by ensuring that environmental considerations are integrated into plans and programmes (PP) before their adoption. The SEA is the main tool designed by the EU to mainstream biodiversity and environmental issues in other sectors of socio-economic development (European Commission 2019, Milieu and Collingwood Environmental Planning 2019, Milieu and Collingwood Environmental Planning 2016).

Except for the high-level biodiversity integration, SEA as a tool can shape spatial plans and, therefore, modify and, in some cases, even remove questionable projects relatively early in the development process (European Commission 2019). These traits make SEA a unique tool in the EU toolkit for fostering sustainable development (European Commission 2019, Scottish Government 2013).

Croatia transposed the SEA Directive (2001/42/EC) into the Regulation on strategic environmental assessment of plans and programmes in 2008. (OG 64/08), and the Regulation was once amended in 2017 (OG 03/17). The first SEA in Croatia was finished in 2012 (Dvokut Ecro 2012), and several issues emerged during its development. Two years later, Croatia published national guidelines (Ministry of Environment and Nature Protection 2014) to clarify and solve some of the noticed procedural issues. Unfortunately, as this study showed, the SEA community did not widely adopt the document. Altogether, issues with SEA implementation are still present in Croatia, which mirrors the conclusion from many EU Member States (European Commission 2019).

Most of the interviewees stated similar problems referred to in this document as contributing factors based on the methodology described in Open Standards for the Practice of Conservation (The Conservation Measures Partnership, 2020).

The work presented in this paper was conducted through several stages. The first step included an in-depth analysis of the body of literature on the SEA and focused on finding all known contributing factors from other EU countries. Secondly, the mapping of national stakeholders was conducted. Thirdly, the list of contributing factors was expanded with specific national ones gathered through workshops and interviews with three stakeholder groups:

- **Ministry of Economy and Sustainable Development** – is the policy maker for all environmental laws and regulations, including SEA regulations, controls that the SEA procedures are in accordance with EU and national legislation.
- **Consultants in environment and nature protection** – companies authorised by the Ministry of Economy and Sustainable Development to conduct SEA processes
- **Environmental CSOs** – represent the public in the SEA process.

Building on the interviews and workshop, a list of opportunities and specific intervention points was developed. Finally, the SEA Technical Working Group was proposed to improve national SEA practice.

## 2. METHODS

### 2.1. Desktop study of the current SEA application in Croatia and the EU

During the first stage of the project implementation, an analysis of available publications on SEA has been conducted. The analysis served to find contributing factors that hinder SEA implementation in EU member states and find similarities with the Croatian system.

### 2.2. National Stakeholder Analysis

The second part of the analysis consisted of mapping stakeholder groups in Croatia that are associated with the SEA process. The list of stakeholders presented here with their power-interest diagram (**Figure 1**) encompasses the SEA Community as a whole.

1. National authority: Ministry of Economy and Sustainable Development (ME&SD)
  - a. Department for Environmental Impact Assessment and Sustainable Waste Management (Dep. for EIA)
  - b. Department for Nature Protection (Dep. for NP)
  - c. Institute for Environmental and Nature Protection (Institute for E&NP)
2. Public Authorities in charge of development and planning
  - a. National level: Ministries in charge of their sectoral developments and planning (16 bodies)
  - b. Regional level: County-level offices in charge of Planning (21 bodies)
  - c. Local level: Local governments in charge of planning (555 bodies)
3. SEA Committee
4. Consultants accredited for carrying out SEA
  - a. HUSZPO - The Croatian Association of Nature and Environmental Experts
  - b. Association for Environmental Protection Affairs as part of the Croatian Chamber of Economy
5. Civil society organisations
  - a. Zeleni Forum (Green Forum – Croatian network of CSOs in environmental protection)
6. Independent experts
7. Planners – experts developing different programs, plans and strategies

Influence/power of stakeholders	<b>Look for possibilities to engage them</b>	<b>Key player</b>
	<ul style="list-style-type: none"> <li>• ME&amp;SD (Dep. for NP, Institute for E&amp;NP)</li> </ul>	<ul style="list-style-type: none"> <li>• ME&amp;SD (Dep. for EIA)</li> <li>• Consultants accredited for carrying out SEA</li> </ul>
	<b>Educate</b>	<b>Keep Informed</b>
	<ul style="list-style-type: none"> <li>• SEA Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Zeleni Forum</li> <li>• Public Authorities in charge of development and planning</li> <li>• Independent consultants</li> <li>• Planners</li> </ul>

*Interest of stakeholders*

**Figure 1. Power-interest diagram**

### 2.3. Interviews and Workshops

In May 2021, three Ministry of Economy and Sustainable Development departments were interviewed. The departments were selected based on their role in the SEA process. The interviews were carried out over the Zoom platform. The list of interviewees is presented in **Table 1**.

**Table 1. List of institutions with a role in the SEA process participating in the interviews**

INSTITUTION	ROLE IN THE SEA PROCESS
Office for Ecological Network and Sustainable Use of Natural Resources as part of the Institute for Nature Protection	Giving official opinion on impacts on Natura 2000 network as part of SEA
Department for the Appropriate Assessment (for Natura 2000 network)	
Office for Assessing the Acceptability of plans and programs as part of the Department for Nature protection	Giving official opinion on impacts on the rest of biodiversity as part of SEA
Service for Strategic Assessment of the Impact of Strategy, Plan and Program on the Environment as part of the Department for EIA	Tailor the SEA legal framework including the framework regarding the SEA committee

The workshop with the CSO association was held on October 6<sup>th</sup> 2021. The workshop consisted of two parts: an info-sharing and an info-processing part, which led to the collection of CSO-specific issues in the SEA process.

The workshop was held in a virtual environment over the Zoom platform. The list of attendees is presented below (**Table 2**):

**Table 2. List of affiliations participating on the workshop with Civil Societies**

AFFILIATION
WWF Adria
Friends of the Earth Croatia

The workshop with the Consultants in Environmental and Nature Protection was held online on 13th October 2021. The workshop was designed with several polls going through every contributing factor at the time. Every poll question was closed, followed by a short discussion and info-sharing. The list of participants is listed below (**Table 3**).

**Table 3. List of affiliations participating on the workshop with consultants**

AFFILIATION
Eko Invest Ltd
Ekoneg Ltd
Elektroprojekt Inc, Zagreb
Fidon
Geonatura Ltd
Institut IGH Inc
Interkonzalting.hr
Ires Ekologija Ltd
Oikon Ltd
Urbanistički institut Hrvatske
Vita projekt Ltd

## 3. RESULTS

### 3.1. SEA Directive framework and scope

Defined in Articles 2(a) and 3(2) of the SEA Directive, plans and programmes which meet the following four criteria fall under the SEA framework:

- I. The plan and programme should be subject to preparation and/or adoption by a national, regional or local authority;
- II. legislative, regulatory or administrative provisions require it;
- III. It is prepared by any of the sectors listed in Article 3(2)(a) of the SEA Directive;
- IV. It sets the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment (EIA) Directive.

In the sense of the Directive, the term “plan and programs” also extends to other documents that meet the above-mentioned criteria and can include any act, including laws, policies, strategies, and amendments. That was made clear by several judgments of the Court of Justice of the European Union, whose interpretation of the SEA Directive is binding (C-290/15, C-671/16, C-160/17, C-321/18, C-43/18, C-305/18).

As mentioned above, plans and programmes should be interpreted as broad as possible. The SEA REFIT showed that among EU member states, laws and high-level political decisions practically never go through a SEA procedure (European Commission 2019). The exception is Scotland, with its SEA assessment practice. Scottish transposition of the SEA Directive goes beyond the requirements of the Directive as it applies to a wider range of authorities and applies to plans, programmes, and strategies, including policies and legislation (Scottish Government 2013).

In Croatia, the SEA procedure for laws and policies has never been conducted, which could be considered a long-term threat to biodiversity. This issue arose in 2018 when the first flood risk management plan was adopted as a law act evading the SEA procedure (OG 118/08). On the contrary, EU practice is that flood management plans go through in-depth strategic analysis, looking for alternative and nature-based flood management solutions. (European Commission 2019). In the 2018 case in Croatia, the management plan consisted mostly of building embankments in Natura 2000 sites, which by many experts was considered to have a high impact on biodiversity.

Finally, clarifying the scope of the SEA Directive is an issue stressed in the recent Justice & Environment, WWF and EEB SEA position paper (Justice and Environment at all. 2020).

### 3.2. The SEA Screening

The SEA screening is the first step of the SEA procedure. In Croatia, the screening of the SEA is carried out by a public authority following the procedure set out in the national SEA Regulation. Although part of the whole SEA process, in Croatia screenings are skipped, and SEAs are directly initiated. This is because SEA is mandatory for all strategies, plans and programs, which are the only scope of the screenings. For instance, screenings in countries such as Scotland and Ireland are used to assess if SEA is needed for laws or policies (Scottish Government 2013, EPA 2012). As mentioned earlier, SEA regulation in Croatia doesn't apply to laws and policies; therefore, SEA screening is considered redundant.

### 3.3. The timing of the SEA

A common issue among EU member states is the timing of the SEA procedure in relation to the development of the plan or programme (Milieu and Collingwood Environmental Planning 2016). Research has shown that the best value for money is when the SEA starts simultaneously with the plan or program (European Commission 2019). Early start offers a more strategic and inclusive approach and the possibility to explore a wide range of plan alternatives.

The Directive and the Croatian national law are not specific about the timing of the SEA. They both state that the SEA has to start before the plan or program is finished. Good practice emphasises that the SEA should start as early as possible in the planning or programming process, with the two procedures ideally carried out simultaneously.

In the EU practice, the SEA procedure (the screening) is initiated when the first draft of the plan or program is made. By then, all the fundamental decisions of the plan have already been taken, leaving little room for the SEA to improve on the plan's content.

In Croatia, SEA practice for spatial plans and their amendments has improved over the past years regarding the start of the SEA procedure, while for other plans, an improvement is not visible. Reasons for that could be found in the long national spatial planning tradition with authorities experienced in the inclusive process, contrary to exclusive sectoral planning practices.

Some evidence from the EU suggests that SEA for spatial plans is deemed effective (European Commission 2019). Those who oppose this statement argue that the SEA for spatial plans is in many ways like the EIA process (a big EIA), which is not the purpose of the SEA (European Commission 2019). The same opinion division was visible during the interview process, where some fractions of the Ministry highly valued the SEA spatial plan process, while the Consultant argued that it is an overly complex EIA.

### 3.4. Consultation in the SEA process

Consultation practices are important, as they foster communication among actors at different governance levels, enable public participation, increase transparency of the SEA process, and support the positive perception of 'plan ownership' by different stakeholders. However, in Croatia, the consultation practice is kept at a formal minimum.

#### 3.4.1. Public consultation

The transparency and the opportunity for public engagement in plans and programmes are considered one of the major benefits of the SEA (European Commission 2019). The Directive says that the public has to be informed before the completion of the plan. A good practice is to include the public as early as the scoping is initiated, but

this is rarely done. In Croatia, the public is first introduced to the plan when the plan and the SEA are completed, leading to nominal inclusiveness only. The interviewed civil society sector highly supported this statement.

Late public engagement is recognised as an issue that affects the effectiveness of the SEA at the EU level (European Commission 2019, Justice and Environment et al. 2020).

In Croatia, public awareness and knowledge of the EU environmental legislation constantly evolves. In 2015, the first public protests occurred against one SEA process (Ires Ecology 2015), and from that point, more and more CSOs became interested in engaging in the SEA consultation. Due to the current practice, their suggestions, comments, and amendments (no matter how elaborate) have been ignored or answered superficially, leaving the public no other choice but to protest, as the interviewee explained.

### 3.4.2. Communication among actors at different governance levels

The level of communication among different actors (excluding the public) varies between EU member states, with the overall conclusion that it should be improved (European Commission 2019). In Croatia, communication among different stakeholders is addressed at the scoping step of the SEA and during the SEA committee audits. The different sectors are asked for input on the environmental report's scope in the scoping phase. SEA committees are formed in that stage, including members from different sectors with more leverage over the SEA development process. Both processes are characterised by formality and strictly bureaucratic communication that hinders the flexibility of the SEA, leading to extensive and difficult-to-follow environmental reports.

### 3.5. The flexibility of the SEA

SEA should be flexible in its interpretation to assess the wide range of plans and programs. The SEA Directive leaves flexibility to each member state in the application. The Directive sets the rules for which plans should undergo the SEA process and defines the general step-by-step approach. The flexibility of the SEA process depends on the traditions of specific EU member states and the transposition into their national laws.

Scoping is the following step once the screening concludes that the plan is subject to a SEA. As mentioned above, scoping defines the scope and level of detail of the information to be covered in the environmental report. Member states have wide discretion in organising the scoping phase of a SEA, limited by the sole obligation to consult the authorities with specific environmental responsibilities.

In Croatia, public authorities responsible for the SEA carry out the scoping phase. In this process, opinions of sectoral public bodies listed in the SEA Regulation are collected. The scoping phase does not involve stakeholder analysis and consultation (except for the mandatory opinions) nor engage the public in any way. The general result of the scoping is that every component of the environment is considered equally important, no matter the plan's topics and outcomes. Leading to the production of overly detailed SEA environmental reports.

### 3.6. Environmental monitoring

Environmental monitoring among EU member states appears to be poorly implemented, as the SEA process stopped after the plan's adoption (European Commission 2019). Nationally, none of the interviewees have had any experience implementing the SEA monitoring program, leading to the same issue.

### 3.7. Conceptual model of contributing factors in Croatia

Finally, contributing factors have been conceptualised using Miradi Software (CMP 2013-2016) in a conceptual model (Figure 2).

### 3.8. Assessment of opportunities for improvement of the SEA practice in Croatia

Based on interviews and stakeholder workshops, an assessment of Croatian-specific opportunities and possible interventions has been created. Every opportunity and intervention have then been valued against several criteria (impact, probability of success, cultural fit, added value, and resource intensity, Table 4) to identify the most feasible opportunities to focus the activities of the SEA Technical Working Group.

Table 5 presents a full list of opportunities and interventions with all the ratings. The final score represents the average of the scores given for every criterion based on the interview and workshop inputs.

Results of the opportunity ranking suggest that the main opportunities consist of Raising the level of SEA inclusiveness, educating stakeholders in the SEA process, and Improving the initiation of the SEA process. On the other hand, while looking at the list of specific interventions, four interventions stand out:

1. Stimulate the application of existing SEA guidelines
2. Make a non-technical summary of SEAs useful for the general public
3. Standardize the Q&A forms as part of the public hearings in a way that is transparent and easy to follow
4. Education of the SEA committee.

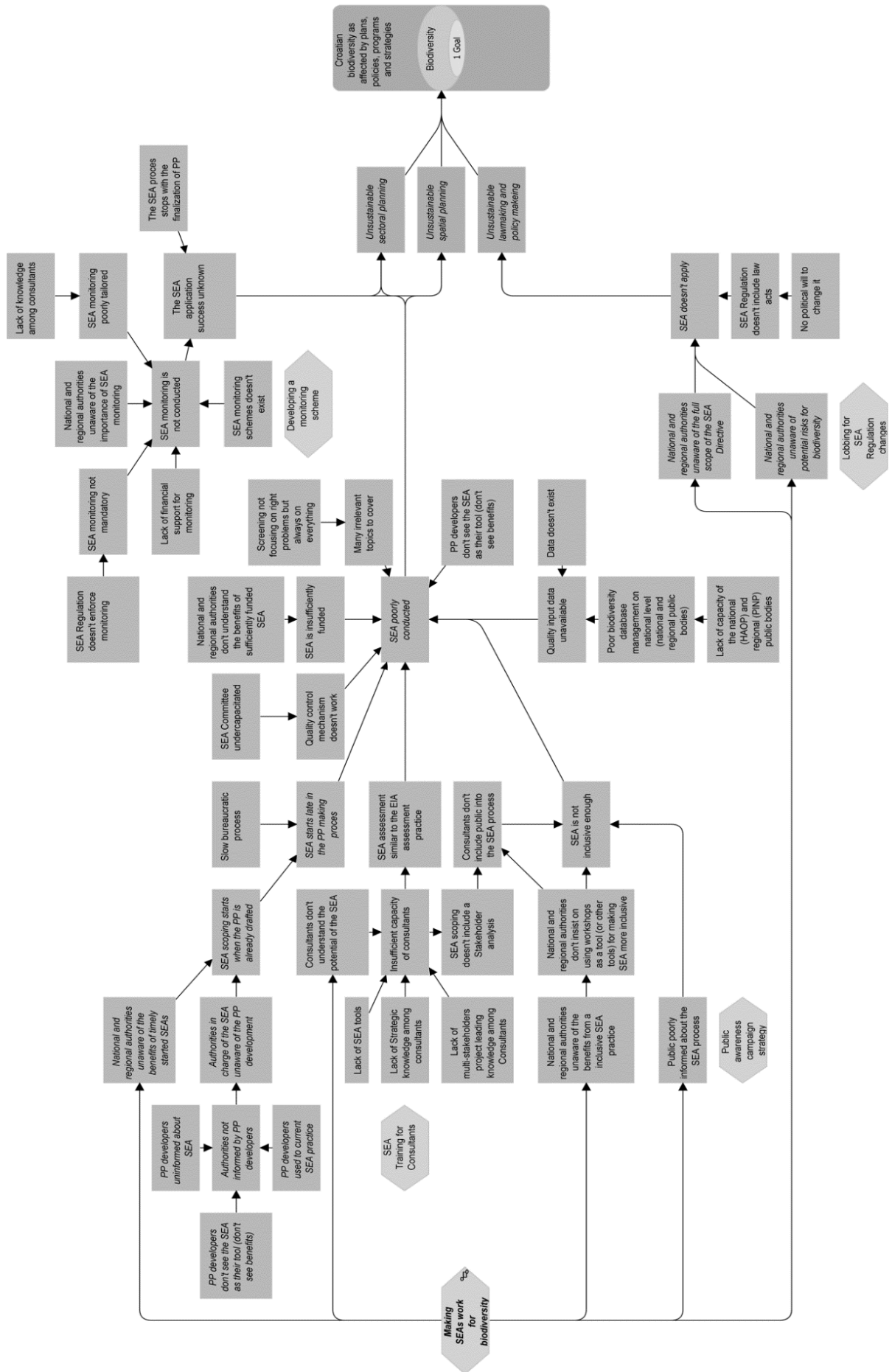


Figure 2. Conceptual model of SEA contributing factors in Croatia

**Table 4. Opportunities and specific intervention assessment criteria**

CATEGORY	CRITERIA	VALUE			
Impact	<i>To what degree (if successful) does this work contribute to the goals and main objectives?</i>	1- Poor	2- Fair	3- Good	4- Very Good
Probability of success	<i>What is the probability that we have an impact?</i>	1- Poor	2- Fair	3- Good	4- Very Good
Cultural Fit	<i>To what degree does this work fit with our history and culture?</i>	1- Poor	2- Fair	3- Good	4- Very Good
Added value	<i>To what degree is the intervention unique in this work?</i>	1- Poor	2- Fair	3- Good	4- Very Good
Resource intensity	<i>To what degree is this intervention demanding on our resources (time, budget)?</i> <i>Note: scoring is reversed</i>	1- Very high	2- High	3- Average	4 - Limited

This assessment suggests that stimulating the application of existing guidelines and educating the SEA committee have the highest potential impact and added value, but educating the SEA committee is a more complex task due to fairly high cultural challenges. Working on a non-technical summary and standardising the public hearings forms are interventions with a high probability of success, culturally fit, and not resource intensive. Conversely, those interventions have a fairly low impact on the overall SEA process.

Another important thing is that 10 out of 15 identified specific interventions are unique for this project (have a maximal added value), indicating this work's novelty.

### 3.9. Considerations towards SEA Technical Working Group

The SEA Technical Working Group, as a solution for long-term improvement of the SEA practice in Croatia, was presented to every stakeholder involved in the study. Their input on how the group should work was acknowledged and collected.

One of the questions that has been asked is how much work time every stakeholder spends working with SEA. This question is relevant to the working group foundation. The logic behind this is that the stakeholder group working the most with the SEA have more incentive to host and use a working group than stakeholders that are marginally involved in the SEA process (even if they have greater power). The result shows that consultants who work with SEA spend more working time working on SEA than other stakeholders (**Figure 3**). The level of interest for SEA was visible during workshops where the consultants were the most numerous (18 participants from 11 companies).

An important question for the function of the working group is also: Who is most interested in high-quality SEA procedures? To answer this question, we should consider why stakeholders could be interested. Direct environmental improvements from a better SEA process should be of interest to the country in fulfilling ambitious multinational agreements such as the Paris Agreement and the post-2020 global biodiversity framework. Thus, the Ministry, by extension, should share an interest in high-quality SEA procedures.

The consultants could be interested in high-quality SEAs if the quality improvement improves the financial aspect of their work. Independent experts could also benefit from higher-quality procedures in a similar manner as consultants. Finally, the public should be interested as more participatory SEAs would allow them to shape policies that affect them.

Finally, The SEA Technical Working Group should be an independent network and forum for all those active in the SEA field hosted by one of the two associations of consultants accredited for carrying out SEA (Croatian Association of Nature and Environmental Experts (HUSZPO) or Association for Environmental Protection Affairs as part of Croatian Chamber of Economy). The Group aims are defined:

- to offer a network and forum for good experiences and existing challenges.
- to be a focal point for sharing advice on better SEA implementation (including, among other things, producing guideline documents and organising dedicated workshops and meetings)
- to be inclusive and participative, finding solutions with all stakeholders involved in the process.
- to bring together the experience, competence and creativity of all SEA actors and thus expand the "SEA horizon" and contribute to the quality assurance of SEA tool overall.

Ideally, the group meets every quarter to six months, and their members must be professionals and experts in the SEA field.



Table 5. Assessment of opportunities and specific interventions

#	Opportunity	#	Specific intervention	Impact	Probability of success	Cultural fit	Added value	Resource intensity	Weighted Sum	Weighted Average
1	Raise the level of SEA inclusiveness	1.1	Stimulate the application of existing SEA guidelines	4	3	3	4	3	17.0	3.4
		1.2	Make a non-technical summary of SEAs useful for the general public	2	4	4	3	4	17.0	3.4
		1.3	Include the interested public in several stages of the SEA process (public hearings, workshops)	3	2	1	3	2	11.0	2.2
		1.4	Standardize the Q&A forms as part of the public hearings in a way that are transparent and easy to follow	2	4	4	3	4	17.0	3.4
2	Education of stakeholders in the SEA process	2.1	Develop guidelines for SEA in Spatial Development for consultants	3	2	3	4	1	13.0	2.6
		2.2	Develop guidelines for SEA in other strategic documents for consultants	3	2	3	4	1	13.0	2.6
		2.3	Education of local, regional and national authorities	3	1	2	4	1	11.0	2.2
		2.4	Education of Civil Society Organisations	2	2	2	4	2	12.0	2.4
		2.5	Education of the SEA committee	4	3	2	4	2	15.0	3.0
3	Improve the initiation of the SEA process	3.1	Improve the workflow with local and regional authorities	4	2	2	4	1	13.0	2.6
		3.2	Stimulate the application of existing SEA guidelines	4	3	3	4	3	17.0	3.4
4	Develop approaches for PP monitoring			2	1	1	4	2	10.0	2.0
5	Increase SEA fundings			4	1	2	2	3	12.0	2.4
6	Increase the cooperation between planners and consultants			3	3	2	4	2	14.0	2.8
7	Make SEA content tailored for specific projects			3	2	2	3	2	12.0	2.4
<b>TOTAL</b>				<b>46</b>	<b>35</b>	<b>36</b>	<b>54</b>	<b>34</b>		



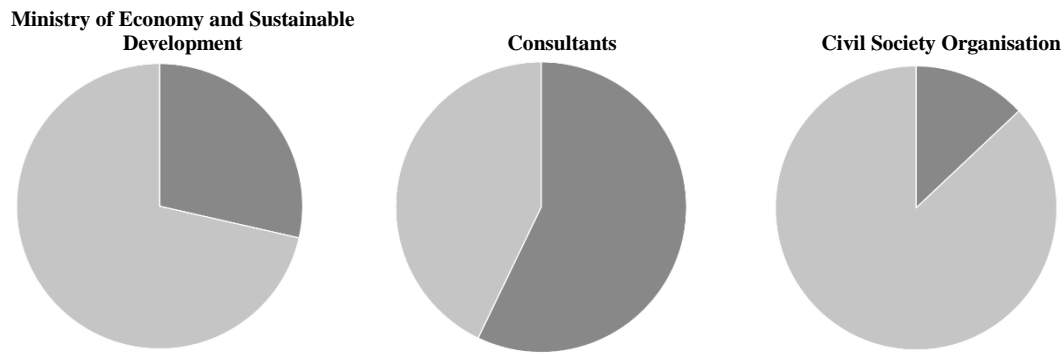


Figure 3. Percentage of working time spent on SEA-related works among different stakeholders (dark grey - SEA, light grey - other).

#### 4. CONCLUSION

This study can be seen as a first step towards national SEA practice improvement, contributing by highlighting current SEA constraints and limitations. SEA is poorly understood: various projects, different in geographical scale and thematic scope, share the SEA name. Approaching all of them at once doesn't offer the level of detail needed for a change. A topic- and scale-specific approach through the SEA Technical Working Group seems to be the best approach to overcome this issue.

Through the project, a national overview of challenges and opportunities in implementing SEA has been performed, with common problems being identified and shared among stakeholders.

On the other hand, agreement between stakeholders on the vision of good SEA practice was not achievable. Contention over specific definitions still exists; for instance, the word "participative" is perceived differently among different stakeholders. The Ministry considers the process participative based on the legal obligation to have a public hearing. CSOs see it as not participative at all, saying that the public hearings are *proforma*. Based on those two opposite opinions, there is a need to find the right participation balance, which could be addressed by the SEA Working Group.

Finally, this project focused on the SEA practitioners at the ministry level and identified that future work should include local and county-level officials as well as plan developers.

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