

Research and Identification of Existing On-line Training and other Source Materials on EIA, SEA, Sustainability Appraisal and Natura 2000 assessments

1. Introduction

This material consists of a review and analysis of the existing on-line training and other resource materials in Bulgarian and English. It will serve as a basis for adaptation of the identified materials to the needs of training of public officials and experts at Bulgarian governmental institutions working in the field of regional and local planning. It shall provide them with theoretical background and practical skills to integrate global environmental objectives into the regional and local development policies and practices, as well as into spatial planning documents. It is focused on development of a training program. The program shall be aimed at mainstreaming of global environment considerations into regional development planning and at training of methodology on assessment and reporting on fulfillment of Bulgaria's obligations under United Nations Convention on Biological Diversity (UNCBD), United Nations Framework Convention on Climate Change (UNFCCC), and United Nations Convention to Combat Desertification (UNCCD) –the Rio conventions.

2. Methodology for review and assessment of the suitability of the materials

In order to integrate global environmental objectives of the Rio conventions into the process of regional planning a proper assessment tool shall be identified. There are some well developed assessment instruments (SEA, EIA, Natura 2000 assessment and sustainability appraisal) which exist in normative framework and practice of most of the European countries, international organizations, other supranational structures (EU) and banking institutions (e.g. World bank). In this respect many guidelines and training manuals have been developed by internationally recognized consultants and governmental institutions. The aim of the present research is to identify some of the most comprehensive studies and training materials available on line on Internet and to propose the most suitable of them to be adapted to the design and contents of a training programme for the Bulgarian authorities competent in regional and local development (mainly the Ministry of the Regional Development and Public Works and the municipalities). The selection of materials is based on three indicators: a) training adaptability (e.g. focus on capacity building, case studies included, clear modular structure), b) relevance to the main objective of the project, and c) relevance to the national (Bulgarian) context. The outcomes of assessment on 5 points scale of the materials after the comparative analysis validates additionally the recommendations drawn and the training materials suggested below in p.4 and p.5.

The selection is carried out in two stages. The first stage includes primary identification of a number of resource and training materials and inclusion of the most suitable (about the half of the initial number) in a database (Annex 1). The second selection stage includes final selection of the most training adaptable materials made on the basis of their assessment in a table (Annex 2) with indicator scale and expert conclusion.

3. Main tools for integration of the environmental considerations into the regional planning according to the Bulgarian legislation and the practice of the EU members and the international organizations

3.1. Strategic Environmental Assessment (SEA)¹

SEA is an assessment process for integration of environmental considerations into strategic decision-making. "SEA is a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are fully included and appropriately addressed at the earliest appropriate stage of decision making on par with economic and social considerations" (Sadler and Verheem,1996). SEA extends opportunities for the public and interested authorities to participate in decision-making process and guarantees a better transparency of the process. Three important elements of SEA can be outlined - procedural nature, aim at integration of the environmental considerations into the planning process and strategic (programm/plan) level of application.

SEA became legally binding procedure in Bulgaria since 1st. July 2004 according to the Bulgarian Environmental Protection Act (EPA) and the Ordinance on conditions and procedures for carrying out environmental assessments (SEA Ordinance). The legal term for SEA in Bulgaria is Environmental Assessment (EA). The Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment does not refer to it either as to SEA. Nevertheless this assessment is termed SEA even in documents of the Commission.² SEA is legally required procedure in Bulgaria for assessment of regional and municipal plans and programmes. According to Annex 1 of SEA Ordinance in the sector of the development planning and land use the National Complex Development Schemes, Regional Development Schemes, General Development Plans, National Operational Programmes for Regional Development and Regional Development Plans are subject to obligatory SEA, while according to Annex 2 the Municipal Development Plans and Detailed Spatial Plans, and Specialized Detailed Spatial Plans are subjected to discretionary EA. A full implementation of the SEA policy, falling within the competence area of the MOEW, should to a large extent address and the integration of global environmental objectives (e.g. on climate change, biodiversity protection³, halting the land (soil) degradation as stated in the Rio conventions) in the regional development and spatial planning process. SEA is a tool which within a proper methodological and administrative set up could work efficiently and can be adapted to reflect and boost integration of strategic environmental objectives into the regional and local planning process. The comparison between SEA and the other assessment tools listed below is also presented in table (Annex 3).

3.2. Natura 2000 assessment

The Law on Biological Diversity (LBD) introduced with its last amendments in 2006 (which entered into force after the accession of Bulgaria to the EU) a special assessment requirement. Art.31⁴ of LBD provides for that project developments and planning documents shall take into consideration the conservation objectives of special areas of conservation (SAC) and that a statement of endorsement/non-endorsement of the project/plans(PP) shall be issued by the competent authority. Article 31a provides for a special Ordinance to be adopted by the Council of Ministers which shall establish the terms and procedure of carrying out of the special assessment⁵. This assessment may precede, in case it is necessary, further proceeding with the EIA/SEA assessment and the final draft of the project/plan. In case that the project/plan is endorsed, the

¹ Referred to as *strategic environmental assessment* in academic publications and in the Protocol on the Strategic Environmental Assessment to the Convention on the environmental impact assessment in transboundary context (1991) and as *assessment of the effects* of certain plans and programmes according to Directive 2001/42/EC. SEA will be the term used throughout the text to indicate the assessment of plans and programmes required under EPA.

² Although the word 'strategic' does not appear in either the title or the text of the Directive, it is often referred to as the 'strategic environmental assessment' Directive (or SEA Directive) because it deals with environmental assessment at a higher, more strategic, level than that of projects (which are dealt with in the Environmental Impact Assessment (Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment, EC, 2003)

³ "...Conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources" (Art.1 of the Convention on Biological Diversity)

⁴ The plans and projects referred to in Article 30 (1) herein and the building-development proposals that either individually or in interaction with other plans and projects are likely to have a significant negative impact on the special areas of conservation, shall be assessed as to the compatibility thereof with the protection purposes of the relevant special area of conservation. (Art.31, par.1 LBD)

⁵ Up to the end of February 2007 there is no information on adoption and entry into force of the Ordinance.

competent authority shall instruct the proponent on conditions, requirements and measures concerning the protection of the SAC throughout the implementation of PP. The information and analyses prepared under this special assessment shall be used in the environmental report on SEA. This assessment is specialized at measuring the effects of PP on biodiversity and provides for its protection and its application can support with practical and methodological inputs and results the coming next SEA and/or EIA procedures.

3.3. Sustainability appraisal (SA)

It is an assessment tool legally required and applied in the United Kingdom.⁶ Sustainability appraisal can be defined as “a systematic and iterative process undertaken during the preparation (and review) of a plan which identifies and reports on the extent to which implementation of the plan will achieve the environmental, economic and social objectives by which sustainable development can be defined and identifies opportunities for improving plan performance in relation to these”⁷.

The purpose of SA, mandatory under the Planning and Compulsory Purchase Act, 2004, is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of revisions of Regional Spatial Strategies (RSS) and for new or revised Development Plan Documents (DPD) and Supplementary Planning Documents (SPD). The main stages of SA are setting the context and objectives, establishing the baseline and deciding on the scope, developing and refining options and assessing effects, preparing the SA Report, consulting on the draft plan/strategy and the SA Report and monitoring the significant effects of implementing the plan/strategy. Since SA reflects all the three elements/pillars of sustainable development, it could provide a valuable methodology for balanced and adequate reflection of environmental considerations into the development objectives and strategic decisions.

3.4. Environmental Impact Assessment (EIA)

EIA is a project-based assessment which does not involve assessment of the effects of strategic decisions (e.g. regional planning documents). It takes place at the end of decision-making cycle, considers limited number of feasible alternatives and entails a reactive approach to the development proposals. According to EPA (Art.81, par.1, p.2) EIA shall be conducted for development proposals for execution of construction, activities and technologies, listed in Annexes 1 and 2. These Annexes include concrete development proposals in different economic sectors. Although EPA states that the objective of the environmental assessment (SEA) and of EIA is to integrate environmental considerations into the process of development as a whole with a view to introducing the principle of sustainable development in accordance with Articles 3 and 9 of EPA, EIA has a limited effect as assessment tool concerning e.g. the regional development plans and programmes.

4. Main findings of the research - suitability of the identified materials for the purpose of the project

4.1. General remarks

The materials reviewed within the assignment are organized around the four main areas: SEA, EIA, SA and NATURA 2000 assessment as shown in the database in Annex 1. General expert and specific (indicator-based) assessment on the suitability of the different assessment tools and of the materials referring to them, was carried out so that the overall outcome (selected at least 6 sources) will meet the aim of the assignment.

4.2. General knowledge materials

⁶ “Environmental appraisal” of policies, plans and programmes has been carried out in the UK since 1990 and was broadened to “sustainability appraisal” in the late 1990s.

⁷ Sustainability Appraisal of Unitary Development Plans in Wales: A good practice guide. Welsh Assembly Government (2002)

The most suitable source materials on SEA which will provide a general knowledge of the topic on the basis of comparative analysis and procedural guidance are listed below.

4.2.1. A Strategic Environmental Assessment Tool Kit, issued by The Scottish Executive

The Tool kit develops the contents of “A Practical Guide to the Strategic Environmental Assessment Directive” developed jointly by the Office of the Deputy Prime Minister (ODPM, now DCLG), Department of the Environment in Northern Ireland, Scottish Executive and Welsh Assembly Government which is also included in the database under No.1.1.3. This source is selected on basis of the advantages of its modular structure and of the comprehensive review of the stages of SEA and includes references to further guidance materials after each chapter. Each chapter of the Tool Kit is designed to stand alone which facilitates the readers/trainers to focus quickly on the area which best meets their needs. It aims at meeting a variety of needs, from the individuals with general interest to practitioners carrying out an SEA, so it could be adapted to different target audience. The Tool Kit includes a set of SEA templates for users, which offer a guide on the structure of the SEA documentation. Two sets of templates are included – one set with guidance notes and the other without. The diagrams and tables enhance the comprehension of the material and could be used for training practice. The material is written in a professional but not heavy language which could be translated into Bulgarian with consideration of the specific legal terms.

I would recommend this material to serve as a basic material for developing of training programme which will be supported by the next materials, listed below in 4.2.2.-4.2.5.

4.2.2. Manual for environmental assessment of plans and programmes in Bulgaria by the SENTER International/Ministry of Environment and Waters in Bulgaria

One obvious advantage of the manual is its focus on Bulgaria and on the introduction of the SEA in the country. It has English and Bulgarian versions. It has been prepared in collaboration of and under the editing of Bulgarian Ministry of Environment and Waters. It is one of the methodological materials posted on the web page of the ministry and has in practice influence on the work of the ministry officials and SEA experts although it has no obligatory power. It was prepared in 2002 before entry into force of the SEA ordinance and provides some useful guidelines for the introduction of SEA in Bulgaria and methodology on integration of the environmental assessment and planning process. It also explains the benefits of the SEA as an instrument of sustainable development. The material considers the particularities and stages of the planning process in Bulgaria at municipal and regional level as regulated in the two laws: on spatial planning and regional development. In its second part it presents a pilot environmental assessment of the Vratsa municipality strategy plan by giving insights in the priorities and objectives of the strategy and the process of aligning them with the national objectives in the field of environment.

I would recommend that material, especially the first two case studies, presented in the manual as background materials for training programme.

4.2.3. Handbook on SEA for Cohesion Policy 2007-2013, prepared under the project Greening Regional Development Programmes (GRDP)

The Handbook is a good source to provide information and procedural guidance for carrying out SEA for Cohesion Policy programming documents. It is elaborated with input also from the Bulgarian Ministry of Regional Development and Public Works which enhances its relevance to the objectives of the project. It contains review and analysis of good practices, practical solutions, and challenges in integrating the environment into regional development. The material provides an overview of the Cohesion Policy programming process and its connection with the SEA Directive and describes the key responsibilities of the public authorities in charge of the programming process, as well as describes the relevant consultation and communication mechanisms.

I recommend at least Chapter 2 (SEA and the Cohesion Policy Programming Process) and Chapter 3 (General Principles for Management of the SEA during the Programming for Cohesion Policy Funding) to be included in the training materials.

4.2.4. Strategic Environmental Assessment: Training manual for South Eastern Europe by Regional Environmental Center for Central and Eastern Europe (REC for CEE)

The manual has a very good structure adaptable to the training needs of government officials working on the application of the SEA, practitioners carrying out SEAs and stakeholders wishing to participate in SEA process. The material is organized in modules and slide format and its primary target are the CEE countries, including Bulgaria. It is designed to assist trainers in preparing and delivering of training courses that provide understanding of and basic capability in application of SEA.

4.2.5. Strategic Environmental Assessment: A Concept in Progress. Annotated Training Module prepared for the World Bank Institute by the International Institute for Sustainable Development (IISD)

The module is a well structured and training adaptable material consisting of annotated slides. It could be further developed on basis of the other sources listed within the present review. The annotations will help designing of the modules of the training programme. It could be employed in the setting up of the presentations building upon the previous training manual.

I recommend both materials (4.2.4. and 4.2.5.) to serve as support materials in the designing the structure of the training modules.

4.3. Specific knowledge materials

I would propose three resource materials on Biodiversity/NATURA 2000 assessment and on sustainability appraisal, the first two because of their content close to the objective of the project to integrate the CBD commitments for Bulgaria into the regional and spatial planning and the third one because of presented assessment approach based on the interaction of the social, economic and environmental considerations and focused on the appraisal of regional spatial strategies and local development documents.

4.3.1. Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners by Countryside Council for Wales, English Nature, Environment Agency, Royal Society for the Protection of Birds

The guidance explains step-by-step how biodiversity aspects can be considered at each stage in SEA. It examines links between SEA and other procedures, such as sustainability appraisal, appropriate assessment' under the Habitats Directive, and project Environmental Impact Assessment. It provides a 'toolkit' of more specific techniques for protecting biodiversity through SEA. The material gives systematic explanations and definitions on SEA and biodiversity, and the principles for their integration. The links to other types of environmental assessment in Chapter V is valuable for any trainer who would like to compare and distinguish them for training purposes. The Tool Kit included in the end of the guidance presents various options of assessment approaches, ranging from expert judgment to risk assessment and compatibility appraisal. All the concepts are explained and visualized by charts and tables which would be good training instruments.

I recommend that material to be leading training material on the biodiversity protection considerations integration and to be supplemented by the methodological guidance on the assessment under Habitats Directive.

4.3.2. Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC by European Commission, Environment DG

The specific scope of the guidelines and its methodological orientation to assessments of projects or plans which could significantly effect Natura 2000 sites is suitable for designing of a programme for training of integration of the biodiversity protection objectives into the regional and local planning. Various tables, charts and boxes provide examples on that integration (e.g. of conservation objectives, box 9) and case studies (of adverse impacts upon site integrity, box 11). The procedure of assessment is analyzed in its all stages: screening, appropriate assessment, assessment of alternative solutions, assessment where there are no alternative solutions and the adverse impacts remain. The guidance explains also the internal steps within those stages to be followed as well as the relevant outcomes. It could be easily adapted to the structure of the modules on the CBD and can give general methodological support to overall design of the training program.

4.3.3. Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents Guidance for Regional Planning Bodies and Local Planning Authorities by The Office of the Deputy Prime Minister (as of 5 May 2006 Communities and Local Government)

The Guidance is a very valuable source because of its focus on the regional and local planning and of its broader scope treating equally and comprising the consideration of social, economic and environmental aspects, which is an ultimate aim of all Rio conventions. Further this material could assist its users with information on the application of and compliance with the SEA Directive. With a proper adjustment to the legal and institutional set up in Bulgaria it could be an excellent platform for a focused training program. With its 15 appendixes as supporting materials it gives a large flexibility for trainers to adopt them to the local conditions and regulations.

The material could be used to introduce a comprehensive understanding of SA as a broader assessment tool than SEA in integration of sustainable development objectives, and to provide additional experiences, for example, in applying SA to local development documents (chapter 3).

5. Conclusions and recommendations

After the review of the training and resource materials within the assignment some of them are selected to provide basic knowledge on different assessment tools, mostly on SEA because of its fullest relevance to Bulgarian context. Other materials were identified to serve as more specific training materials focused on biodiversity protection (e.g. in the NATURA 2000 assessment, defined as “appropriate assessment” according to the Habitats directive) and linked to the objectives of the CBD. In result of that review it became clear that there is no one single and ready-to-use training material because of the specific thematic and national scope of the training programme. SEA in methodological and legal terms proved to be the most suitable assessment instrument. This conclusion is derived also from the comparative analysis of the legal and practical applicability of the assessment tools under p.3 of that review.

All selected materials in the database could be potentially adapted and further developed in the structure and content of the modules of a training programme. On the other hand the eight suggested materials – providing general and specific knowledge on SEA, biodiversity/NATURA 2000 assessment and sustainability appraisal - can be best applied in combination and order proposed in 4.2. and 4.3. The arrangement and integration of most appropriate chapters, appendixes and supporting materials into the scheme of the training program depends to larger extent on modules design and target audience of the training programme but generally the following selection could be elaborated:

1. The first set of modules providing understanding of SEA main components, procedures and methods could be mainly based on the **Strategic Environmental Assessment Tool Kit**, issued by The Scottish Executive. Additionally the “Handbook on SEA for Cohesion Policy 2007-2013” can introduce the purpose and process of SEA within the Cohesion Policy programming process. The content and structure of the

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Annotated Training Module on SEA of the World Bank Institute and of the Training manual for South Eastern Europe on SEA of REC for CEE could be considered additionally in preparation of the detailed content of training modules.

2. The second set of training modules may be constructed to reflect specifically the materials specialized in biodiversity protection, with basic source: **Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners**. Further the guidance “Assessment of plans and projects significantly affecting Natura 2000 sites” shall be considered for its relevance to the specific assessment required by Art.31 of LBD and its forthcoming application. The wide scope and prospective of application of SA to integration of environmental, social and economic considerations can be presented in module based on “Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents Guidance for Regional Planning Bodies and Local Planning Authorities”.

3. The **Manual for environmental assessment of plans and programmes in Bulgaria** could be of a special interest and use for the training programme as the best available study in Bulgarian on SEA to date being also a methodological material endorsed by the Ministry of Environment and Waters. Some of its chapters could be directly used in a training programme for the ministry officials, especially Chapter 4 and the findings, and recommendations in the first two case studies⁸ of Chapter 5.

One last recommendation is that in the best case a training manual with several modules adaptable to specific audience shall be developed that will take into account all selected materials within this review and its recommendations. A case study on a most recent conducted SEA of regional development plans could be carried out to be used as a pilot training case.

Annex 1 Resource and training materials database

⁸ Pilot Environmental Assessment of Vratsa municipality strategy plan for 2000-2006 and the Environmental Assessment of the Regional Development Plan of Czech Republic.

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