

# EIA / SEA and Biodiversity (1)

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## Legal differences in EIA and SEA on biodiversity:

**Article 3 of the EIA Directive: ‘fauna and flora’**

**Article 1 para (vii) of the Espoo Convention: ‘fauna and flora’**

**Article 5 and Annex I lit. (f) of the SEA Directive:  
‘biodiversity, ..., fauna, flora, ...’**

**Article 2 para 7 SEA Protocol: ‘flora, fauna, biodiversity, ...’**

**Article 2 para 1 of the German Federal EIA Act (since 2005,  
implementing both, SEA and as well EIA):  
‘flora, fauna and biodiversity, ...’**





# EIA / SEA and Biodiversity (2)



## Convention on Biological Diversity (CBD)

**Entered into force on 29.12.1993**

**Currently: 193 Parties  
(including all 9 Baltic Sea Countries  
+ Norway, Belarus  
& European Community)**





# EIA / SEA and Biodiversity (3)

## Article 2 (Use of Terms) CBD:

For the purposes of this Convention:

**„Biological diversity“ means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.**



# EIA / SEA and Biodiversity (4)

## Article 14 (Impact Assessment and Minimizing Adverse Impacts) CBD:

1. Each Contracting Party, as far as possible and as appropriate, shall:
    - (a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;
    - (b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts in biological diversity are duly taken into account;
    - (c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;
- ...





# EIA / SEA and Biodiversity (5)

...

**(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and**

**(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.**

**2. The conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.**





# EIA / SEA and Biodiversity (6)



**CoP Decision VIII/28 Impact assessment:  
Voluntary guidelines on biodiversity-inclusive impact  
assessment**

**Link: <http://www.cbd.int/doc/publications/cbd-ts-26-en.pdf>**

**⇒ containing tools for EIA and SEA**

