

**Protocol on Strategic Environmental  
Assessment to the Convention on  
Environmental Impact Assessment in  
a Transboundary Context**

**Protocole à la Convention sur l'évaluation  
de l'impact sur l'environnement dans un  
contexte transfrontière, relatif à l'évaluation  
stratégique environnementale**

**Протокол по стратегической экологической  
оценке к Конвенции об оценке  
воздействия на окружающую среду в  
трансграничном контексте**





**ECONOMIC COMMISSION FOR EUROPE**

**Protocol on Strategic Environmental Assessment  
to the Convention on Environmental Impact  
Assessment in a Transboundary Context**

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environnementale**

**ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ КОМИССИЯ**

**Протокол по стратегической экологической оценке  
к Конвенции об оценке воздействия на окружающую  
среду в трансграничном контексте**

**UNITED NATIONS**  
New York and Geneva



**NATIONS UNIES**  
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**ОРГАНИЗАЦИЯ ОБЪЕДИНЕННЫХ НАЦИЙ**  
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## NOTE

The present publication contains the authentic text of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in Transboundary Context in English, French and Russian, as edited following a correction procedure that addressed editorial errors of a technical nature identified in the three language versions. The three authentic language versions were corrected at the request of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol with a view to aligning them (see ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2, decision II/6).

## NOTE

Est reproduit dans la présente publication le texte authentique du Protocole à la Convention sur l'évaluation de l'impact sur l'environnement dans un contexte transfrontière, relatif à l'évaluation stratégique environnementale en anglais, en français et en russe, tel que revu par les services d'édition à l'issue d'un processus de correction qui a rectifié des erreurs rédactionnelles de nature technique repérées dans les trois versions linguistiques. Les trois versions faisant foi ont été corrigées à la demande de la Réunion des Parties à la Convention agissant comme réunion des Parties au Protocole dans un souci d'harmonisation (voir ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2, décision II/6).

## ПРИМЕЧАНИЕ

Настоящая публикация содержит аутентичный текст Протокола по стратегической экологической оценке к Конвенции об оценке воздействия на окружающую среду в трансграничном контексте на английском, русском и французском языках с редакционными поправками, внесенными в него в соответствии с процедурой исправлений, в результате чего были устранены редакционные ошибки технического характера, выявленные в тексте на трех языках. Аутентичные тексты на трех языках были исправлены по просьбе Совещания Сторон Конвенции, действующего в качестве Совещания Сторон Протокола, с целью их согласования (см. ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2, решение II/6).

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**PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT  
TO THE CONVENTION ON ENVIRONMENTAL IMPACT  
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

**done at Kiev (Ukraine), on 21 May 2003**



# PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

*The Parties to this Protocol,*

*Recognizing* the importance of integrating environmental, including health, considerations into the preparation and adoption of plans and programmes and, to the extent appropriate, policies and legislation,

*Committing* themselves to promoting sustainable development and therefore basing themselves on the conclusions of the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 1992), in particular principles 4 and 10 of the Rio Declaration on Environment and Development and Agenda 21, as well as the outcome of the third Ministerial Conference on Environment and Health (London, 1999) and the World Summit on Sustainable Development (Johannesburg, South Africa, 2002),

*Bearing in mind* the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991, and decision II/9 of its Parties at Sofia on 26 and 27 February 2001, in which it was decided to prepare a legally binding protocol on strategic environmental assessment,

*Recognizing* that strategic environmental assessment should have an important role in the preparation and adoption of plans, programmes, and, to the extent appropriate, policies and legislation, and that the wider application of the principles of environmental impact assessment to plans, programmes, policies and legislation will further strengthen the systematic analysis of their significant environmental effects,

*Acknowledging* the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998, and taking note of the relevant paragraphs of the Lucca Declaration, adopted at the first meeting of its Parties,

*Conscious*, therefore, of the importance of providing for public participation in strategic environmental assessment,

*Acknowledging* the benefits to the health and well-being of present and future generations that will follow if the need to protect and improve people's health is taken into account as an integral part of strategic environmental

assessment, and recognizing the work led by the World Health Organization in this respect,

*Mindful* of the need for and importance of enhancing international cooperation in assessing the transboundary environmental, including health, effects of proposed plans and programmes, and, to the extent appropriate, policies and legislation,

*Have agreed* as follows:

## *Article 1*

### OBJECTIVE

The objective of this Protocol is to provide for a high level of protection of the environment, including health, by:

(a) Ensuring that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes;

(b) Contributing to the consideration of environmental, including health, concerns in the preparation of policies and legislation;

(c) Establishing clear, transparent and effective procedures for strategic environmental assessment;

(d) Providing for public participation in strategic environmental assessment; and

(e) Integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development.

## *Article 2*

### DEFINITIONS

For the purposes of this Protocol,

1. "Convention" means the Convention on Environmental Impact Assessment in a Transboundary Context.

2. “Party” means, unless the text indicates otherwise, a Contracting Party to this Protocol.

3. “Party of origin” means a Party or Parties to this Protocol within whose jurisdiction the preparation of a plan or programme is envisaged.

4. “Affected Party” means a Party or Parties to this Protocol likely to be affected by the transboundary environmental, including health, effects of a plan or programme.

5. “Plans and programmes” means plans and programmes and any modifications to them that are:

(a) Required by legislative, regulatory or administrative provisions; and

(b) Subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government.

6. “Strategic environmental assessment” means the evaluation of the likely environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the carrying-out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme.

7. “Environmental, including health, effect” means any effect on the environment, including human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites, material assets, cultural heritage and the interaction among these factors.

8. “The public” means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups.

### Article 3

#### GENERAL PROVISIONS

1. Each Party shall take the necessary legislative

4. The provisions of this Protocol shall not affect the right of a Party to maintain or adopt additional measures in relation to issues covered by this Protocol.

5. Each Party shall promote the objectives of this Protocol in relevant international decision-making processes and within the framework of relevant international organizations.

6. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Protocol shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.

7. Within the scope of the relevant provisions of this Protocol, the public shall be able to exercise its rights without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

### Article 4

#### FIELD OF APPLICATION CONCERNING PLANS AND PROGRAMMES

1. Each Party shall ensure that a strategic environmental assessment is carried out for plans and programmes referred to in paragraphs 2, 3 and 4 which are likely to have significant environmental, including health, effects.

2. A strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and which set the framework for future development consent for projects listed in annex I and any other project listed in annex II that requires an environmental impact assessment under national legislation.

3. For plans and programmes other than those subject to paragraph 2 which set the framework for future

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