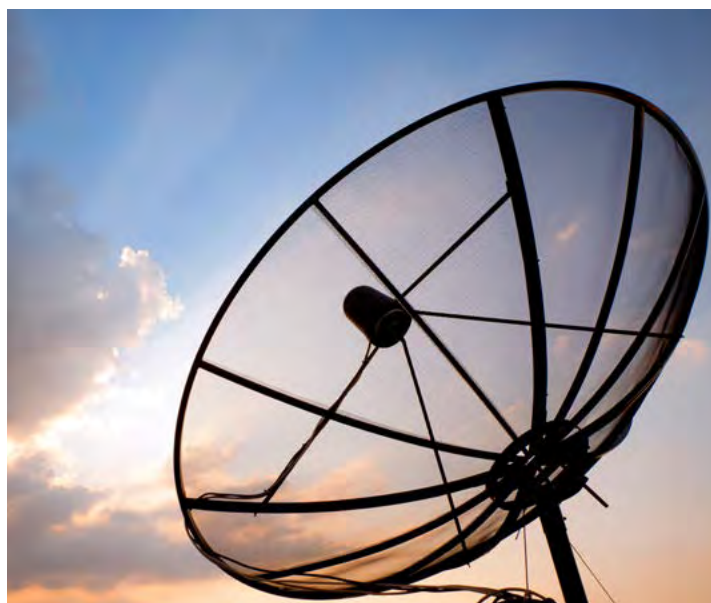


Third review of implementation of the Protocol on Strategic Environmental Assessment (2016–2018)



UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

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of the Protocol on Strategic
Environmental Assessment
(2016–2018)**



UNITED NATIONS

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PREFACE

The Protocol on Strategic Environmental Assessment (Protocol to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)) is an international agreement that provides for legal obligations and a procedural framework for the implementation of strategic environmental assessment in countries that are Parties to it. It was adopted on 21 May 2003 and entered into force on 11 July 2010; by 2021 it had 33 Parties, including the European Union, as identified on the Convention's website¹. The Protocol is open to all member States of the United Nations.

The Protocol was negotiated under the Espoo Convention to extend the principles and the scope of the Convention to plans, programmes, and, to the extent appropriate, to policies and legislation. Similarly to the Espoo Convention, the Protocol is intended to help make development sustainable by promoting international cooperation in assessing the likely impact of proposed development planning on the environment. However, unlike the Convention, which applies only to proposed activities that are likely to cause significant adverse impact across the national frontiers, the Protocol applies mainly to domestic plans and programmes that set framework for activities requiring an environmental impact assessment under national legislation. The Protocol ensures that explicit consideration is given to environmental factors well before the final decision is taken on plans and programmes which are likely to have significant environmental, including health, effects. It also ensures that the environmental and health authorities and people living in areas likely to be affected by adverse effects are informed of the plan or programme. The Protocol further provides an opportunity for the environmental and health authorities and public to make comments or raise objections to the proposed document and to participate in relevant strategic environmental assessment procedure. It also ensures that the comments and objections made are transmitted to the competent authority responsible for preparation of the plan or programme and are taken into account in the final decision. Should transboundary effects be likely, the Protocol provides also for transboundary consultations (Article 10).

The Protocol under article 13, paragraph 4, and article 14, paragraph 7, provides for the obligation of the Parties to report on measures it has taken to implement the Protocol. Moreover, each Party must report on its application of article 14, paragraph 7 regarding policies and legislation.

At its first session, in 2011, the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (Meeting of the Parties to the Protocol) decided to undertake a first review of the implementation of the Protocol covering the period 2010 -2012.² The review was undertaken on the basis of responses to a questionnaire circulated to all Parties. At its second session, in 2014, the Meeting of the Parties to the Protocol adopted the First review of implementation³ and decided to repeat the exercise for the period from 2013 to 2015.⁴

The third review of implementation⁵ as presented in this publication covers the 2016-2018 reporting period. It was mandated by the Meeting of the Parties to the Protocol at its third session (Minsk, 13-16 June 2017) and adopted by it at its fourth session, (Vilnius (online), 8–11 December 2020). The Parties agreed again to repeat the review of implementation exercise in advance of the fifth session of the Meeting of the Parties to the Protocol.⁶ The Meeting of the Parties noted the findings of the review (presented in section IV of the Review) and requested the Implementation Committee of the Convention and the Protocol to take into account general and specific compliance issues identified in the Review when assessing compliance by Parties with their obligations under the Protocol.

In addition to constituting a valuable source of information for the Implementation Committee, the present Review also provides useful information for Parties wishing to strengthen their implementation of the Protocol, for States considering acceding to the Protocol in their legal and administrative preparations, and for others wishing to understand better how the Protocol is implemented in national legislation and applied in practice.

¹ See <https://unece.org/environment-policy/environmental-assessment>.

² ECE/MPEIA/SEA/2, decision I/7 paragraph 5.

³ See ECE/MPEIA/SEA/2014/3. The reviews of implementation are available from: http://www.unece.org/env/eia/implementation/review_implementation.html.

⁴ ECE/MPEIA/20/Add.2 - ECE/MPEIA/SEA/4/Add.2, decision II/1 paragraph 11.

⁵ ECE/MPEIA/SEA/2020/8.

⁶ ECE/MPEIA/30/Add.3 - ECE/MPEIA/SEA/13/Add.3, decision IV/5 paragraph 11.



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Introduction

1. This report presents the third review of implementation of the Protocol on Strategic Environmental Assessment. It examines responses to a questionnaire on the Parties' legal implementation of, and their practical experiences with, the Protocol from 2016 to 2018, with a view to enhancing the implementation of, and compliance with, the legal provisions of the Protocol.

2. The report is structured as follows: section I, containing an outline of the methodology underpinning the draft third review; section II, comprising a review of certain aspects of the Parties' domestic legal and administrative frameworks implementing the Protocol; section III, containing a review of the Parties' practical application of, and experiences with, the Protocol during the survey period; and section IV, containing a summary of the main findings of the draft third review of implementation.



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