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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

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Item 6(b) of the provisional agenda

**IMPLEMENTATION OF THE PRIORITIES OF THE UNECE REFORM FOR  
STRENGTHENING SOME ACTIVITIES OF THE COMMITTEE**

**Transport, Health and Environment Pan-European Programme  
(THE PEP) and environmental aspects of transport**

**Strengthening of Environmental and Health Aspects of Transportation**

Note by the Secretariat

**I. MANDATE**

1. The “Work Plan on ECE Reform” calls upon the Committee on Inland Transport (ITC), in cooperation with the Committee on Environmental Policy and in consultation with WHO, to strengthen activities relating to the Transport, Health and Environment Pan-European Programme (THE PEP) and to environmental aspects of transportation and submit proposals thereon to the Executive Committee (E/ECE/1434/Rev.1, paragraph 36).
2. At its 69th session (6-8 February 2007), the ITC reviewed progress and endorsed proposals contained in Informal Document No.1 of its Bureau relating to the implementation of the work plan of the ECE reform (ECE/TRANS/2007/2). This included the proposal that the various modal ITC Working Parties review the state of art of the environmental impacts of their respective transport modes and initiate or strengthen work as appropriate (ECE/TRANS/192, paragraph 7).
3. Subsequently, the ITC Bureau, at its sixth meeting in June 2007, discussed the feasibility and implications of aligning the UNECE transport infrastructure agreements (AGR, AGC, AGN and AGTC) with the Convention on Environmental Impact Assessment in a Transboundary

Context (Espoo, 1991) and asked the secretariat to draft a note for consideration at its forthcoming meeting (TRANS/BUR.2007/5, para.10).

4. In accordance with these mandates, the secretariat has prepared this note.

## **II. CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT (ESPOO (EIA) CONVENTION) AND RELATED INSTRUMENTS**

### **A. The Espoo (EIA) Convention**

5. Environmental threats do not respect national borders. Governments have realized that to avert this danger they must notify and consult each other on all major projects under consideration that might have adverse environmental impact across borders. The Espoo Convention is a key step to bringing together all stakeholders to prevent environmental damage before it occurs. The Convention entered into force in 1997 and, at present, has 41 Contracting Parties.<sup>1/</sup>

6. The Espoo Convention sets out the obligations of parties to assess the environmental impact of certain activities, including the construction and rehabilitation of “motorways, express roads and lines for long-distance railway traffic ...” as well as “Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes” at an early stage of planning (Appendix I of the ESPOO (EIA Convention)).<sup>2/</sup>

7. The Espoo Convention also lays down the general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries. In particular, the Parties to the Convention shall take the necessary legal, administrative or other measures to implement its provisions, including environmental impact assessments (EIA) that permit public participation and preparation of relevant documentation. An EIA is to be undertaken prior to a decision to authorize or undertake activities that are likely to cause a significant adverse transboundary effects. It should, to the extent appropriate, apply to policies, plans and programmes. All affected Parties shall be notified of such activities in accordance with the procedures prescribed in the Convention.

8. The Espoo Convention encourages its Parties to enter into new multilateral agreements or other arrangements in order to implement their obligations under the Convention (Article 8). It also provides a list of elements on which such cooperative agreements could be based (Appendix VI). In particular, the Convention stipulates that concerned Parties may set up, where appropriate, institutional arrangements or enlarge the mandate of existing institutional arrangements within the framework of bilateral and multilateral agreements in order to give full effect to the Convention

9. Finally, the provisions in the Espoo Convention shall not affect the rights of Contracting Parties to implement national laws, regulations, administrative provisions or accepted legal

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<sup>1/</sup> For a complete list of Contracting Parties, refer to the table in the annex to this note.

<sup>2/</sup> For the complete text of the Espoo (EIA) Convention as well as additional information, refer to the relevant UNECE web site: <http://www.unece.org/env/eia/welcome.html>.

practices protecting information the supply of which would be prejudicial to industrial and commercial secrecy or national security.

## **B. Protocol on Strategic Environmental Impact Assessment (SEA)**

10. Further to the Espoo Convention, a Protocol on Strategic Environmental Impact Assessment (SEA) has been adopted in 2003 that requires its Parties to evaluate the environmental consequences of development plans and programmes, possibly also policies and legislation, with emphasis on the national level. Strategic environmental assessment (SEA) is undertaken much earlier in the decision-making process than project related environmental impact assessment (EIA) and is therefore seen as a key tool for sustainable development.

11. The SEA Protocol, that has been accepted so far by 6 countries, but is not yet in force, will augment the Espoo Convention that focuses on the transboundary impact of project, by ensuring that individual Parties to it will integrate environmental assessment into their national plans and programmes at the earliest stages. The Protocol also provides for extensive public participation in the governmental decision-making process.<sup>3/</sup>

## **C. Health Impact Assessment (HIA)**

12. Project related EIAs have rarely provided sufficient emphasis on human health related impacts, despite its fundamental importance, focusing instead on the physical and biological environment. The SEA Protocol attempts to redress this imbalance by placing a special emphasis on human health, reflecting the Declaration of the Third Ministerial Conference on Environment and Health (London, 16-18 June 1999).<sup>4/</sup>

13. While the SEA Protocol does not provide a definition of health, it requires instead that relevant health issues or factors that need to be considered within an SEA are identified for each plan or programme, taking into account the results of consultations of relevant environmental and health authorities.

14. Health Impact Assessment (HIA) methodologies have been developed in a number of countries, notably Canada, the Netherlands and the United Kingdom. However, HIA and SEA have evolved separately and there are differences in methodology and terminology. In addition, health (not just environmental health) and environment are generally the responsibilities of different government ministries and authorities. It is not clear exactly how HIA should be integrated within SEA. However, it is clear that there are opportunities for integration and efficiency gains, for example in public participation.

15. The Transport, Health and Environment Pan-European Programme (THE PEP), jointly administered by the UNECE and WHO/Europe, addresses these linkages between transport, health and the environment. It provides a platform for the various Governmental authorities and other stakeholders for an exchange of best practices and for further advancing the integration of environmental and health aspects into transport policies and decisions.

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<sup>3/</sup> For the complete text of the SEA Protocol as well as additional information, refer to the relevant UNECE web site: <http://www.unece.org/env/eia/welcome.html>.

<sup>4/</sup> For more information on the London Declaration refer to: <http://www.euro.who.int/Document/E69046.pdf>.

### **III. UNECE TRANSPORT INFRASTRUCTURE AGREEMENTS**

16. Under the auspices of the UNECE more than 50 international legal instruments have been developed. Five of these instruments address in particular pan-European land transport networks and services:

- (a) European Agreement on Main International Traffic Arteries (AGR) of 1975 (37 Contracting Parties)
- (b) European Agreement on Main International Railway Lines (AGC) of 1986 (28 Contracting Parties)
- (c) European Agreement on Main Inland Waterways of International Importance (AGN) of 1996 (13 Contracting Parties)
- (d) European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) of 1991 (30 Contracting Parties)
- (d) Protocol on Combined Transport on Inland Waterways to the AGTC Agreement of 1997 (not yet in force)

17. Except for the Protocol on Inland Waterways to the AGTC Agreement, all of these legal instruments are in force and are permanently updated to respond to the requirements of trade and mobility of persons.

18. These Agreements provide UNECE Governments with a legal framework for the construction and development of coherent international networks for land transport in the UNECE region. In addition, the AGN and the AGTC Agreements stipulate performance and operational parameters and benchmarks for efficient inland water and rail-road transport services.

19. The second Pan-European Transport Conference (Crete, 14-16 March 1994) considered these legal instruments as the basic framework for infrastructure development in Europe allowing the identification of infrastructure priorities. Recently, the AGR and AGC networks have been extended to the Caucasus and Central Asia and work is underway to do the same with the AGTC Agreement.

20. In becoming Contracting Parties to these Agreements, States commit themselves to the implementation of its provisions, including the construction or upgrading of the underlying transport networks on the basis of standard parameters, within the framework of their national programmes.

### **IV. ENVIRONMENTAL AND HEALTH ASPECTS IN UNECE TRANSPORT INFRASTRUCTURE AGREEMENTS**

#### **A. Present provisions**

21. Apart from the AGC Agreement, none of the UNECE transport infrastructure agreements addresses explicitly and in substantive or concrete terms, requirements for the development and upgrading of land transport networks and services arising from environmental and health concerns.

22. Implicitly, the preparation of the AGTC Agreement on combined transport is the result of such concerns. This is stated in its preamble, which indicates that the promotion of combined or intermodal transport could assist in countering the adverse environmental impact of the increase in international transport of goods under the assumption that long-distance transport of goods by rail or inland waterways is, in principle, more environmentally friendly than pure road transport.

23. Also the AGN Agreement refers in its preamble to the important role of inland water transport that, in comparison with other modes, has ecological advantages and should be capable of lowering social costs and negative impact on the environment.

24. The AGC Agreement on rail transport is silent on this matter.

25. The AGR Agreement on road transport is the only UNECE transport infrastructure agreement that addresses directly environmental and health concerns. In Annex II, Chapter VI, entitled "Environment and Landscaping" the AGR Agreement stipulates that the impact of a road on the environment must be considered carefully with the general aim of maximizing the positive effects on the environment and correcting the negative ones. Also the concern to preserve the quality (visual and ecological) of the environment means that roads must be designed to harmonize with landscapes.

26. The AGR Agreement further requests that, when a new projects is proposed or existing roads are upgraded, consideration should be given to the direct and indirect effects of the roads and traffic on

- (a) people, fauna and flora;
- (b) soils, sub-soils, water, air, microclimate;
- (b) landscape, physical property and cultural heritage.

27. Furthermore, the AGR Agreement lists the main adverse effects of roads on the environment, focusing on four types of pollutions caused by water. It also identifies a number of factors and measures to be taken in addressing noise pollution as part of environmental impact assessments.

#### **B. New and strengthening of existing provisions**

28. While the Espoo Convention as well as the SEA Protocol and its application manual provide a blue print and detailed guidance to strengthen environmental and health aspects in transportation in general and EIA and SEA in particular for those countries that have acceded to these legal instruments, it might also be useful to include some of their provisions, including those on EIA and SEA, into the UNECE transport infrastructure agreements. Such an approach might facilitate the application of these provisions in the development of land transport infrastructure in the UNECE region also beyond those countries, mainly in Western Europe, that have already acceded to the Espoo Convention and the SEA Protocol.

29. In case such an approach is considered appropriate and would provide a value-added, references to the Espoo Convention and to the SEA Protocol could be inserted into each of the five UNECE transport infrastructure agreements. Thereby Parties to these agreements could be invited or requested to take note of the pertinent provisions of these legal instruments, including

EIA and SEA, and to apply them in the development of transport infrastructure networks and services either in principle, to the extent possible or in some or full detail (to be determined as appropriate).<sup>5/</sup>

30. Alternatively, the most pertinent provisions of the Espoo Convention and the SEA Protocol relating to transport infrastructure development could be extracted for insertion into the transport infrastructure agreements.

31. In a second step, such references or provisions could be considered by the relevant UNECE Working Parties responsible for the transport infrastructure agreements for inclusion into appropriate chapters and/or annexes of the AGR (by SC.1), AGC (by SC.2), AGN (by SC.3) and AGTC (by WP.24).

32. Both approaches would require amendments to these agreements. In the case of the AGR Agreement, the existing Annex II, VI., that had come into force in 2006, could be extended. In the case of the AGC Agreement, a new Article 3bis might need to be prepared, together with a new annex III containing specific provisions on environment and health, if required. In the case of the AGN Agreement a new paragraph in the preamble together with a new Article 3bis might be required, possibly together with a new annex V.<sup>6/</sup> Similarly, the AGTC Agreement and its Protocol could be modified by inserting a new Article 3bis, possibly together with new annexes V or IV respectively.

33. The adoption of amendments to the body and the annexes of these agreements require a large majority, if not a consensus among Contracting Parties and normally require substantive legal actions at national levels to bring such amendments into force. In addition, the amendment procedures stipulated by these agreements necessitate considerable time before they could come into force.

## V. FOLLOW-UP

34. In view of the above and in line with the mandate provided in the “Work Plan on ECE Reform”, the Bureau may wish to consider the appropriate approach for strengthening its activities on environmental aspects of transportation. Recalling its earlier discussions on this subject, the Bureau may provide guidance to the ITC for its preparation of proposals to be transmitted to the Executive Committee of the UNECE (E/ECE/1434/Rev.1, paragraph 36).

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<sup>5/</sup> Such an approach has been used in the recent amendment of the “Harmonization” Convention. In its new Annex 8 on the facilitation of border crossing procedures for international road transport references have been made to the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections (1997).

<sup>6/</sup> As an example of possible provisions for inclusion into the body of the AGN Agreement, the following might be considered: (1) Add a new paragraph before the last preamble entry to read as follows: “Recognizing the need to address the environmental aspects in the development of the inland waterway infrastructure”; (2) Add a new article 3 bis to read as follows: “When elaborating their infrastructure development programmes, a Contracting Party shall aim to prevent, reduce and control significant adverse transboundary environment impact from planned activities through the establishment of a public environmental impact assessment procedure, in accordance with relevant international legal instruments [text based on Article 2 of the Espoo Convention]. Similar provisions based on the SEA Protocol might be added as well.

35. In addition to or as an alternative to the above substantive and legal work relating to the UNECE transport infrastructure agreements, the ITC, at one of its forthcoming sessions, might be invited to engage in substantive discussions on ways and means of strengthening its activities on environmental aspects of transportation, taking account of activities undertaken in the framework of THE PEP and the newly established International Transport Forum.

36. As a result of such considerations, a road map, plan of action or resolution addressing these issues in substance and in terms of procedures could be prepared and adopted by the ITC.

**Annex**

Contracting Parties to the Espoo Convention, the SEA Protocol and  
the UNECE Transport Infrastructure Agreements

Contracting Party	Espoo Convention	SEA Protocol	AGR	AGC	AGN	AGTC	Protocol to AGTC
Albania	x	x	x	x			
Armenia	x		x				
Austria	x			x		x	
Azerbaijan	x		x				
Belarus	x		x	x		x	
Belgium	x		x	x		x	
Bosnia + Herzegovina			x	x			
Bulgaria	x	x	x	x	x	x	x
Canada	x						
Croatia	x		x	x	x	x	
Cyprus	x						
Czech Republic	x	x	x	x	x	x	x
Denmark	x		x			x	x
Estonia	x						
Finland	x	x	x				
France	x		x	x		x	
Georgia			x			x	
Germany	x	x	x	x		x	
Greece	x		x	x		x	
Hungary	x		x	x	x	x	
Ireland	x						
Italy	x		x	x	x	x	
Kazakhstan	x		x			x	
Kyrgyzstan	x						
Latvia	x		x	x		x	
Liechtenstein	x						
Lithuania	x		x	x	x		
Luxembourg	x		x	x	x	x	x
Moldova	x		x	x	x	x	
Montenegro			x	x		x	
Netherlands	x		x		x	x	x
Norway	x	x	x			x	
Poland	x		x	x		x	
Portugal	x		x	x		x	
Romania	x		x	x	x	x	x
Russian Federation			x	x	x	x	
Serbia			x	x		x	
Slovakia	x		x	x	x	x	
Slovenia	x		x	x		x	
Spain	x						
Sweden	x	x	x				
Switzerland	x		x		x	x	x
The Former Yugoslav Rep. of Macedonia	x		x	x			
Turkey			x	x		x	
Ukraine	x		x	x		x	
United Kingdom of Great Britain and Northern Ireland	x						
European Community	x						
<b>Total</b>	<b>41</b>	<b>Not yet in force</b>	<b>37</b>	<b>28</b>	<b>13</b>	<b>30</b>	<b>Not yet in force</b>

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