

9th meeting of the Working Group on EIA and SEA (Espoo Convention)

(Geneva, 24 – 26 August 2020)

Statement by the EU and its Member States

Agenda item 5: Draft guidance on assessing health impacts in strategic environmental assessment

1. The EU and its Member States would like to:
 - a. Thank the Bureau and the Secretariat for their preparatory work on the draft guidance on assessing health impacts in strategic environmental assessment;
 - b. Thank the European Investment Bank for providing the funding for this activity in the current working plan;
 - c. Thank the consultants, the European Investment Bank and the World Health Organization (WHO) for preparing the draft guidance.; and also
 - d. Thank the task force composed of a delegation of the European Union, namely representatives of Austria, Finland, Ireland and Slovenia for their recent inputs and comments.

2. The EU and its Member States recognize that the consideration of health effects is an important matter to be taken into account in SEA.

However, the EU and its Member States note that, although there has been significant progress in quality of the document, the draft Guidance is not fully in line with the objectives and expected outcome discussed in the eighth meeting of the Working Group, and therefore still needs to be revised in a broader way.

3. The EU and its Member States are concerned that this comprehensive revision still needed will have to be done before 1 October 2020, which is the deadline for the documents for the 8th Meeting of the Parties. The EU and its member states consider it necessary to examine postponing the decision on the Health Guidance until the next 9th Meeting of the Parties. The EU and its MS cannot agree on the endorsement of this draft guidance in its current state.

4. The EU and its Member States would like to make the following remarks about the content of the draft:
 - a. The Draft Health Guidance - even after the revision done with the assistance of the task force - in its current state appears rather abstract and theoretical. It does not necessarily fulfil the objectives and expected outcome set for this task. The Guidance should assist Parties and future Parties to the Protocol on SEA to efficiently and consistently address relevant health issues in SEA procedures. Although the guidance contains recommendations for good practice the EU and its Member States are strongly concerned that the Guidance could be a source of confusion and enquire the Parties to observe administrative arrangements which are not necessarily justifiable under the SEA Protocol.
 - b. For its definition of term “health”, the Draft Health Guidance applies the definition derived from the WHO Constitution (for example, see section II.A.12-13), which is the generally accepted definition of health within the UN system. But, when assessing health impacts in strategic environmental assessment under the Protocol, only environment related health aspects should be regarded. This aspect has to be clarified in the Guidance to avoid broadening the interpretation of the term ”health”.
 - c. Focusing on environment related health aspects is necessary in order to avoid overburdening and considerable uncertainties in strategic environmental assessment procedures and therefore optimize the efficiency of this instrument and streamline procedures.
 - d. There is no legal basis for applying this definition of “health” without considering any restrictions: The SEA Protocol was negotiated with a focus on environment related health and the Protocol explicitly speaks of “environmental, including health, effects”, which clarifies that the health aspects assessed in strategic environmental assessments must be directly linked to the environment. The Protocol as the underlying legal framework binds the Guidance. Consequently, the Guidance has to be limited to the scope of the Protocol. In the actual procedure of conducting the strategic environmental assessment, the addressing of health aspects therefore must be limited to environment related health aspects specific for every project itself (for example: impact on soil, water, climate, natural vegetation and land forms....).

- e. This Guidance could be improved if it included a reference or example of plans/programmes that have little or no interaction with health, therefore requiring no assessment of health impacts. This is not to suggest that health impacts are ignored, they have to be covered in all SEA procedures under the Protocol. However, the guidance will only be particular useful for the plans and programmes that have clear relationships with health objectives. Not all of the advice may be relevant or beneficial in every plan and programme planning situations. It should therefore be the responsibility of the public authority to decide how these guidelines can benefit their particular case.
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