

Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Fourth meeting

Geneva, 26–28 May 2015

Item 3 of the provisional agenda

Compliance and implementation

Protocol questionnaire

Prepared by the Implementation Committee

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session (Geneva, 2-5 June 2014) requested the Implementation Committee to simplify, where appropriate, the questionnaire; to provide a modified version of the questionnaire on the implementation of the Protocol during the period 2013–2015, for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment; and to take into account the suggestions provided by Parties for improving the questionnaire and the report (decision II/1 on reporting and review of implementation of the Protocol, paras. 6 and 7; and decision VI/3–II/3 on the adoption of the workplan, annex).

Following this request, the Implementation Committee has prepared the revised questionnaire, presented in this document. A previous version of the proposed questionnaire has been discussed by the Bureau at its meeting on 5 and 6 February 2015. Comments by the World Health Organization were also taken into account.

The Working Group is invited to consider the questionnaire. Subject to any revisions made by the Working Group, the questionnaire will be translated during summer into French and Russian. The Committee will then again consider the questionnaire in all three languages, before the secretariat distributes it to Parties to the Protocol in December 2015.

Questionnaire for the

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

in the period 2013-2015

Information on the focal point for the Protocol

Name and contact information:

Information on the point of contact for the Protocol

Name and contact information (if different from above):

Information on the person responsible for preparing the report

- i. Country:
- ii. Surname:
- iii. Forename:
- iv. Institution:
- v. Postal address:
- vi. E-mail address:
- vii. Telephone number:
- viii. Fax number:

Date on which report was completed:

PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE PROTOCOL

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3 – General provisions:

1. Provide main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (you can choose more than one option).
 - a) Law on SEA (please indicate number/year/name):
 - b) SEA provisions are transposed into another law(s) (please specify):
 - c) Regulation (please indicate number/year/name):
 - d) Administrative (please indicate number/year/name):
 - e) Other (please specify):

Your comments:

Article 4 – Field of application

2. Has your national legislation a list of the types of plans and programmes that require SEA in your legislation (art. 4, para. 2) If so, please specify. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2).
3. Explain how the terms “plans and programmes . . . which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation.
4. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4).

Article 5 – Screening

5. How do you determine which other plans and programmes should be subject to a SEA according to article 4, paragraphs 3 and 4 (art. 5, para. 1)? Please specify.
 - a) On a case-by-case basis
 - b) By specifying types of plans and programmes

- c) By using a combination of (a) and (b)
- d) Other (please specify):

Your comments:

6. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

If yes, please specify (you can choose more than one option).

- a) By sending written comments to the competent authority
- b) By sending written comments to the local municipality
- c) By providing answers to a questionnaire
- d) By taking part in a public hearing
- e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- f) There are no opportunities for public participation in screening and/or scoping
- g) Other (please specify):

Your comments:

Article 6 – Scoping

7. How do you determine what is relevant information to be included in the environmental report in accordance with article 7, paragraph 2 (art. 6, para. 1)?

Your comments:

Article 7 – Environmental report

8. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify.

- a) On a case-by-case basis
- b) As defined in the national legislation (please specify):
- c) By using a combination of (a) and (b)“
- d) Other (please specify)

Your comments:

9. How do you ensure sufficient quality of the reports? Please specify.

- a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments
- b) By using quality check lists
- c) There are no specific procedures or mechanisms
- d) Other (please specify):

Your comments:

Article 8 – Public participation

10. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (you can choose more than one option).

- a) Through public notices
- b) Through electronic media
- c) Through other means (please specify):

Your comments:

11. How do you identify the public concerned (art. 8, para. 3)? Please specify (you can choose more than one option).

- a) Based on the geographical location of the plans and programmes
- b) Based on the environmental effects (significance, extent, cumulation, etc) of the plans and programmes
- c) By making the information available to all public and letting them identify themselves as public concerned
- d) By other means (please specify):

Your comments:

12. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (you can choose more than one option).

- a) By sending comments to the relevant authority/focal point
- b) By providing answers to a questionnaire
- c) Orally
- d) By taking part in a public hearing
- e) Other (please specify):

Your comments:

13. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify.

- a) Yes (please provide the definition):
- b) No, the time frame is given by a number of days for each commenting period
- c) No, it is defined case by case
- d) Other (please, specify):

Your comments:

14. How do you define designated authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme? Are they specified in legislation or defined on a case-by-case basis? Who are they?
15. a) Does your country have in place a legislative or other framework providing for detailed arrangements for informing and consulting the environmental and health authorities according to article 9, paragraph 4?
- b) If there is a framework in place, what are in brief the steps provided?
- c) Do these procedural steps differ between the SEA stages (i.e. screening, scoping, etc) and, if yes, in what way?

Article 10 – Transboundary consultations

16. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify.
- a) During scoping
- b) When the draft plan or programme and the environmental report have been prepared
- c) At other times (please specify):

Your comments:

17. As a Party of origin, what information, do you include in the notification (art. 10, para. 2)? Please specify.
- a) The information required by article 10, paragraph 2
- b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

18. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify.

- a) Yes (please, indicate how long):
- b) No
- c) Your comments:
- d)

19. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify.

- a) Following those of the Party of origin
- b) Following those of the affected Party
- c) Other (please specify):

Your comments:

Article 11 – Decision

20. When a plan or programme is adopted, explain how your country ensures that due account is taken of the (art. 11, para. 1).

- a) Conclusions of the environmental report
- b) Mitigation measures
- c) Comments received in accordance with articles 8 to 10

Your comments:

21. How and when do you inform your own public and authorities (art. 11, para. 2)?

22. How do you inform the public and authorities of the affected Party (art. 11, para. 2)?

Please specify.

- a) By informing the point of contact
- b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public
- c) By informing all the authorities involved in the assessment and letting them inform their own public
- d) Other (please, specify):

Your comments:

Article 12 – Monitoring

23. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2).

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2013 -2015

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

24. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object).

a) Yes

b) No

Your comments:

CONSIDERATION OF HEALTH EFFECTS

25. Does your SEA documentation always include specific information on health effects? Please specify.

a) Yes

b) No, only when potential health effects are identified

DOMESTIC AND TRANSBOUNDARY IMPLEMENTATION IN THE PERIOD 2013–2015

26. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify.

a) Yes

b) No, only when potential transboundary effects are identified

CASES DURING THE PERIOD 2013-2015

27. Please provide the (approximate) number of domestic and transboundary SEA procedures initiated during the given period and list them by referring to the sectors in article 4, paragraph 2.

EXPERIENCE WITH THE STRATEGIC IMPACT ASSESSMENT PROCEDURE IN 2013-2015

28. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them. Does your country work together

with other Parties to find solutions? If not, how does your country overcome the(se) problem(s)? Please, provide examples, if available.

29. Please share with other Parties your country's experience of applying the Protocol in practice, if such information is available. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

a) Your country's experience with domestic procedures:

- i. Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes?
- ii. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

b) Your country's experience with transboundary procedures:

- i. What difficulties has your country experienced in relation to translation and interpretation, and what solutions have your country applied?
- ii. What does your country usually translate as a Party of origin?
- iii. Has your country carried out transboundary public participation according to article 10, paragraph 4? If so, how? What has been your country's experience of the effectiveness of public participation?
- iv. Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes? If yes, describe such examples, if possible.

EXPERIENCE REGARDING GUIDANCE IN 2013–2015

30. Are you aware of any use in your country of the Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment available online¹? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.

c) Yes:

d) Part of it (Please specify):

e) No:

Your comments:

AWARENESS OF THE PROTOCOL

31. Does your country see a need to improve the application of the Protocol in your country and, if so, how does it intend to do so?

SUGGESTED IMPROVEMENTS TO THE REPORT

32. Please provide suggestions for how this report may be improved.

¹ http://www.unece.org/env/eia/pubs/sea_manual.html