

Overview of interlinkages, synergies and complementarities between the Industrial Accidents Convention, the Protocol on SEA and other relevant UNECE instruments

Workshop on land-use planning, the siting of hazardous activities and related safety aspects

Geneva, 13 April 2016

Content

- Relevant legal instruments
- Scope of obligations
- Field of application and activities covered
- Public authorities and their respective roles and competences
- Screening
- Scoping and environmental report
- Access to information
- Public participation and access to justice
- Transboundary procedure
- Decision and monitoring

Relevant UNECE instruments

- Industrial Accidents Convention
- Protocol on Strategic Environmental Assessment (SEA Protocol)
- Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

Relevant UE instruments

- Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances (Seveso III Directive)
- Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)
- Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (EIA Directive)

Scope of obligations

- Harmonization of domestic procedures vs transboundary procedures
- Espoo Convention - mostly transboundary
- EIA and SEA Directives and SEA Protocol - mostly domestic
- Aarhus - domestic procedure with non-discrimination clause
- Industrial Accidents Convention - unclear

Field of application

- Specific activities (siting) and plans and programmes (land use planning)
- Specific activities (siting)
 - Hazardous activities (Industrial Accidents Convention)
 - Proposed activities (Espoo and Aarhus)
 - Projects (EIA Directive)
- Plans and programmes (SEA Directive, SEA Protocol, Aarhus)

Public authorities and their respective roles and competences

- Competent authorities (Industrial Accidents and Espoo)
 - For decision-making
 - For transboundary procedure
- Public authorities (Aarhus)
- Authorities (environmental and health) to be consulted – SEA Protocol and EIA and SEA Directives

Screening

- Criteria for screening
 - General
 - Specific reference (SEA Directive)
 - Role of Annex V and Annex VI to the Industrial Accidents Convention
- Procedural safeguards – safety authorities as environmental authorities to be consulted
- Involvement of safety authorities in EIA/SEA screening and the obligation to identify hazardous activities

Scoping and environmental report

- Role of environmental report and scoping in EIA/SEA procedures
 - Information needs of the decision-making body (art. 7.2 of SEA Protocol)
 - Matters in Annex V and VI of Industrial Accidents Convention
- Consultation with environmental authorities
- Safety issues in environmental reports

Access to information

- Exchange of information between Parties
 - Within transboundary procedures
 - Ongoing (art.9 of Industrial Accidents Convention)
- Flow of information between operators and authorities
- Public access to information
- Relation to Aarhus Convention
 - Procedures
 - exemptions

Public participation and access to justice

- Public participation in siting
 - EIA procedures
 - Outside EIA – hazardous activities under art.6.1 (b) of Aarhus
- Public participation in land use planning
 - SEA procedures
 - Outside SEA –plans and programs subject to art.7 Aarhus
- Procedural details in art.6 and art.7 Aarhus
- Access to justice
 - In relation to access to information
 - In relation to public participation

Transboundary procedure

- Detailed procedures in respective instruments
 - Siting – Espoo Convention and EIA Directive
 - Land use planning – SEA Protocol and SEA Directive
- Transboundary procedure in Industrial Accidents Convention
 - Direct application of Espoo (art.4.4 of Industrial Accidents Convention)

Decision and monitoring

- Specific requirements under Espoo and SEA Protocol regarding
 - Form
 - Content
 - Statement of reasons
 - Informing on taking the decision
- Monitoring under Espoo and SEA Protocol and flow of information under the Industrial Accidents Convention