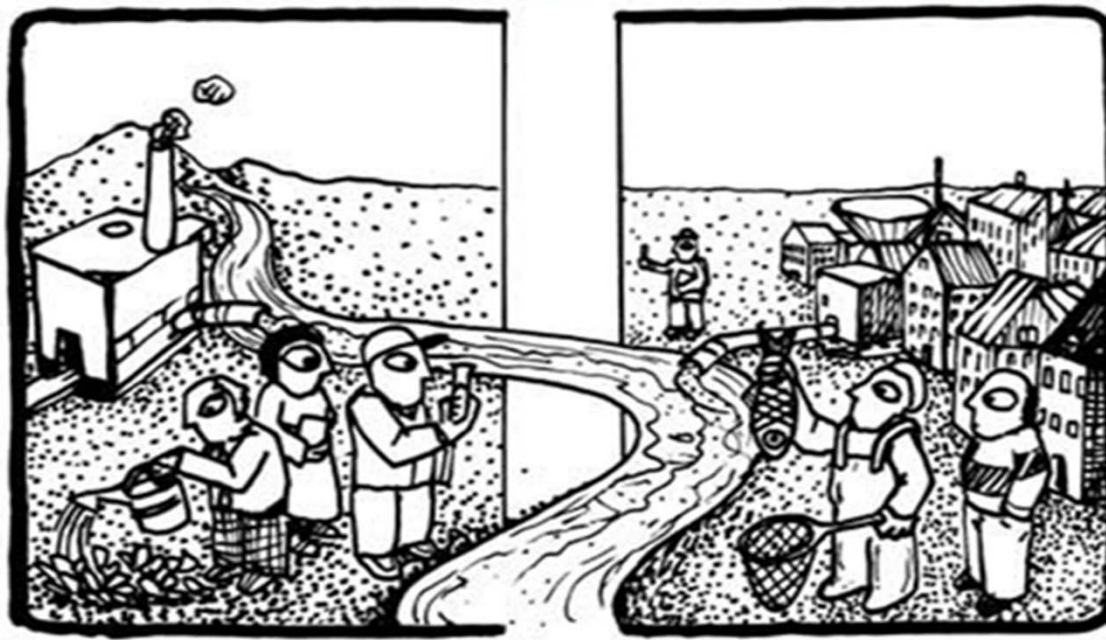


Introduction to the Espoo Convention and its Protocol on SEA

**Workshop on the globalization of the Espoo
Convention and the Protocol on SEA
9 November 2016, Geneva**

**Jiří Dusík, consultant to EIB
On behalf of the Secretariat to the
Espoo Convention and the Protocol on SEA**

Convention on Environmental Impact Assessment in a Transboundary Context



- Adopted and signed in Espoo (Finland) in 1991
- In force since 1997, now has 45 Parties
- Accession by non-ECE countries possible in future

Espoo Convention ratification



Espoo Convention process (*indicative*)

- Determining whether proposed projects may have significant transboundary impacts
- Notification of possibly affected Parties
- Preparation, provision and distribution of EIA Documentation to the authorities and the public in the areas likely to be affected
- Consultation between concerned Parties after completion of EIA Documentation on alternatives, mitigation measures, monitoring or other measures of mutual interest
- Due account of the EIA documentation and comments received from the public and through transboundary consultations in decision-making
- Post-project analysis

Legally binding, but flexible

- Common legal framework for transboundary EIA, but allows for differences between national EIA systems
- Simple, procedural provisions
- Guidance and assistance for practical application by the Convention bodies (Working Group on EIA & SEA, Implementation Committee)
- Cooperation between Parties is of key importance
 - Role of national focal points
 - Bilateral/multilateral agreements
 - Joint bilateral/multilateral bodies for conducting transboundary EIA procedures
 - Sharing of good practice (guidance, workshops)

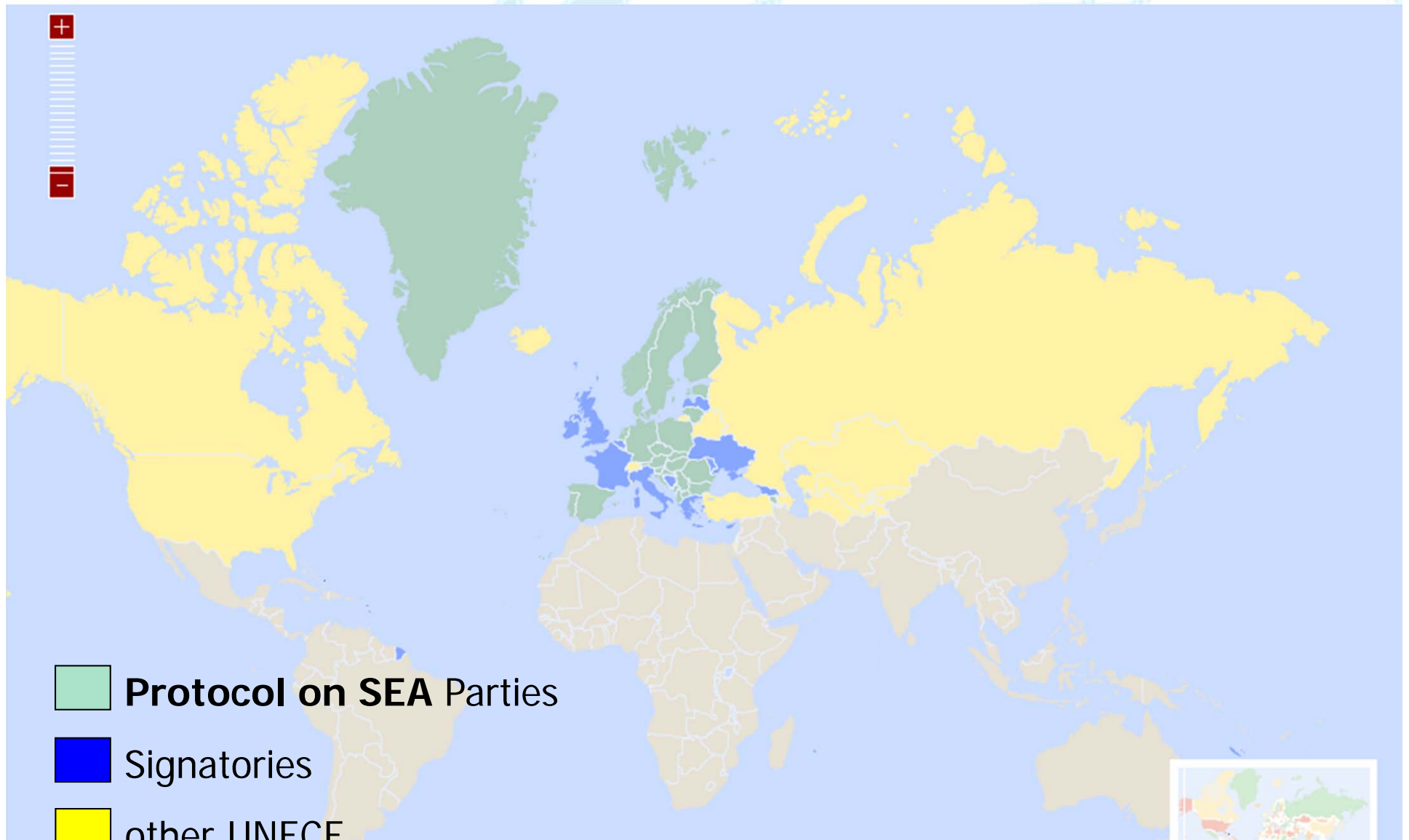
Growth in application

- Over 800 cases to date
- Growth from 10 cases/year a decade ago to over 100/year now, possible reasons:
 - Parties familiar with the process and find it useful
 - Total number of development projects increased
 - “Watchdog” role of NGOs and civil society
 - Vigilance of the Implementation Committee
- Routinely applied in Western part of UNECE region, and application elsewhere also developing

Protocol on Strategic Environmental Assessment (SEA)

- Negotiated under Espoo Convention and adopted by Extraordinary meeting of the Parties to the Convention (Kyiv, 2003) - But is legally distinct
- Entered on force in July 2010
- Now has 30 Parties
- Open to all United Nations Member States Upon approval by the Meeting of Parties
- Similar to a European Union Directive (in force 2004) – more explicitly addressed health considerations and also includes non-binding provisions on application to policies

Protocol on SEA ratification



Espoo Convention v. Protocol

- Espoo Convention (EIA) – all about transboundary impacts of projects
- SEA Protocol – mainly about SEA of plans & programmes within a state, with consideration of transboundary effects being secondary

Convention	Protocol
Projects (“concrete”)	Plans, programmes (<i>Government</i>) + policies, legislation (as appropriate)
Transboundary context	Domestic, and transboundary
Environmental protection & international cooperation	Sustainable development / greening the economy

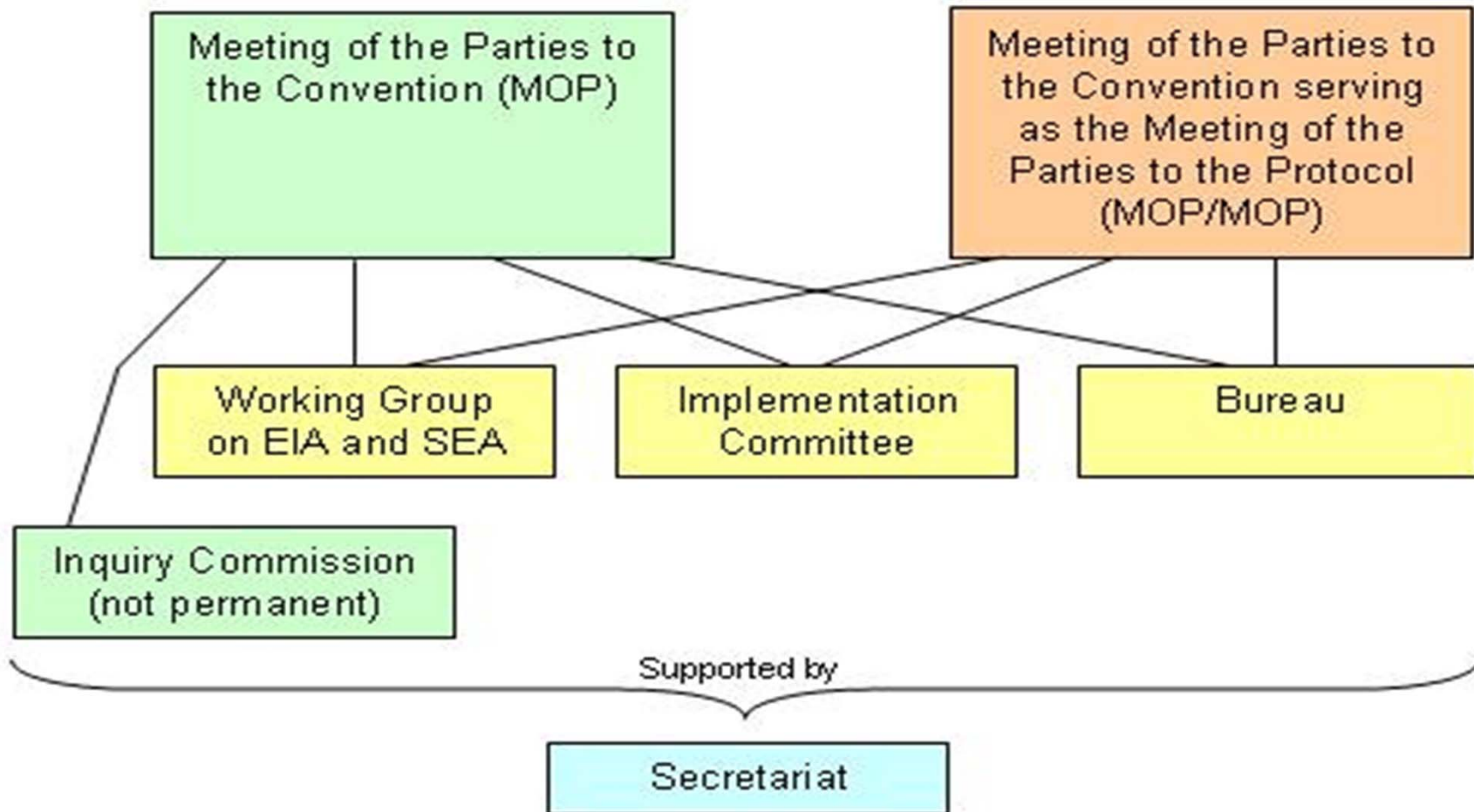
SEA Procedure (simplified)

- Determination of whether SEA is required under the Protocol
- Determination of the scope of the Environmental report (and thus of the assessment)
- Preparation of Environmental report
 - Analyze the context & baseline
 - Contribute to the development & comparison of alternatives
 - Complete the environmental report
- Consultation with relevant authorities and the public
- Inputs into decision-making
- Environmental monitoring of implementation

Article 10 - Transboundary consultations

- Notification of affected Party if implementation of a plan/programme is likely to have significant transboundary effects **or** where Party likely to be significantly affected so requests
- Parties concerned may enter into consultations concerning likely transboundary effects and measures envisaged to prevent, reduce or mitigate adverse effects
- Where such consultations take place, Parties concerned agree on detailed arrangements for consulting the public concerned & authorities in affected Party within reasonable time frame

Convention and Protocol bodies



Guidance available, include..

- Espoo Convention
 - Guidance on practical application of the Convention
 - Guidance on public participation in transboundary
 - Guidance on notification for the Convention
 - Guidance on transboundary EIA for Central Asian countries (2007)
 - Review of Implementation, 2006-2009
- SEA Protocol
 - Resource Manuals to support application of the Protocol, including Health chapter/annex (with REC-CEE); Simplified Manual
 - Training courses based on the Resource Manual and on the OECD/DAC guidance on SEA in development cooperation
 - Other on-line resources, case studies
- Both
 - Decisions by Meetings of the Parties (e.g. notification formats)
 - Opinions of the Implementation Committee (2001-2010)

Thank you!

- For more information:
 - www.unece.org/env/eia
 - www.unece.org/env/sea

