



При финансовой поддержке
Европейского Союза



**EU/UNDP/UNECE joint project “Supporting Kazakhstan`s
Transition to a Green Economy Model**

General information about the Protocol on Strategic Environmental Assessment (SEA)

**Elena Laevskaya, UNECE international expert
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Content

- ▶ Introductory information about SEA
- ▶ Historical context of legal frameworks development
- ▶ Protocol on SEA - general description

SEA in doctrine

- ▶ *Systematic process of assessment of potential ecological impacts, particularly related to the health of population, of policies, plans and programmes (including the amendments) adopted by state authority in order to provide their implementation and making decisions taking into account economical, environmental and social aspects (health of human)*
- ▶ **Principles:**
- ▶ SEA “ built in” the process of plan/programme implementation
- ▶ Beginning - on the early stage of planning
- ▶ Assessment of alternatives and “0” option
- ▶ Record of societies` and state stakeholders` (healthcare) opinions
- ▶ Record of transboundary impacts and fulfilment monitoring
- ▶ Effective methods of analysis

SEA in system of environmental assessments

- ▶ In an international practice SEA is one of the types of environmental assessments
- Strategic environmental assessment (SEA) (plans and programmes, adopted/confirmed by state authorities)
- Environmental impact assessment (EIA) (separate projects/certain types of activities)
- Environmental conditions/biodiversity assessment (EIA and SEA are limited with Environmental conditions impact assessment of Convention on biodiversity, art.14)

Why SEA is of interest

- ▶ Allows to consider environmental aspects on the stages of government plans (macro level), which consequently, increases efficiency of decisions regarding certain types of activities (micro level), allows to prevent high level threat to environment, population health.
- ▶ Provides social support (consideration of public and private wills), is able to prevent social conflicts
- ▶ Provides opportunities for international cooperation/provides transboundary impact consideration
- ▶ Is an instrument of forming a “green” economy, adaptation to climate change (provides effective level of environmental protection and well-being)

Historical context of development of legislation about SEA

- ▶ First experience - US law about national policy on environmental protection 1969 (legal basis of environmental impact assessment of plans, programmes, policies, legislative proposals (SEA))
- ▶ Unlike the USA, EU adopted the legislation on SEA in 2001
- ▶ International and supranational (EU) frameworks - agreements and directives (harmonization and transboundary procedures)
- ▶ National legal frameworks in countries (in EU - adopted, in EECCA countries - forming)
- ▶ SEA practice in EU in a year: about 1500 SEA in Finland, about 400-500 in Great Britain and France, about 270 in Austria (preliminary assessment of plans and programmes (screening) - about 300 per year in Salzburg region)

Legal frameworks to conduct SEA in Europe

- 1992 - 92/43 Directive about conservation of natural habitat and wild fauna and flora (project, programme plans impact assessment on habitat of econet - Nature 2000)
- 1992 - Convention on transboundary impacts of industrial accidents
- 1998 - Aarhus convention (public involvement, including in plans and programmes implementation)
- 2001 - *2001/42 Directive about impact assesment of some plans and programmes for environment (SEA)*
- 2003 - 2003/35 Directive about public involvement in setting up certain plans and programmes regarding the environment
- 2003 - *UNECE Protocol on SEA to Espoo Convention (SEA, including transboundary context)*

Basis to form SEA legal frameworks - UNECE Protocol on SEA

- ▶ Adopted in 2003 in Kiev (enacted in 2010) to Convention on environmental impact in transboundary context 1991 (Espoo Convention)
- ▶ International self-agreement
- ▶ Synergism with other agreements: Espoo Convention, Aarhus Convention, Industrial accidents Convention, Biodiversity Convention, Transboundary Water Convention, FCCC and others)
- ▶ Global instrument open for any state - UN member (from 2014) (38 countries signed, including EU ; number of Parties - 30)
- ▶ Some facts: Armenia, Ukraine - signed, ratified; Georgia, Moldova - signed, Russia, Belarus, Kazakhstan - did not sign, are not Parties (Kazakhstan, Belarus are Parties of Espoo Convention)

Protocol on SEA - definition of SEA

▶ Article 2.6

Strategic environmental assessment means potential environmental impacts , including those related to population health, and includes definition of environmental report scope and its preparation, provide with public involvement and taking opinions, also consideration of plan or programme of environmental report conditions and results of public involvement and their expressed opinion

In English definition after words “public involvement...” word “and consultations”

Protocol on SEA: principles of SEA

- ▶ **Special object - “plans and programmes” (policies and legislations - additionally)**
 - Designing and (or) endorsed/confirmed by **state authorities**
 - «plans and programmes» **not only by names, but also by content** (state planning documents - strategies, concepts, schemes and others)
 - Not all of, **but in particular spheres** (agriculture, forestry, fishing industry, energy, industry (including mining industry), transport, regional development, waste management, water industry, telecommunications, tourism, planning of urban and rural development or land utilization, that define the basis of future allowance to implement projects listed in Application I and other projects listed in Application II that EIA requires in accordance with national legislation (art. 4.2m of Protocol)
 - **SEA is not required** - plans/programmes, the only goal is to serve the needs related to national defence or emergency situations in civil sphere; financial/budget plans/programmes
 - Another plans/programmes (not related to mentioned spheres, or related to small territories, slight changes) - **SEA is conducted on the basis of preassessment**

Protocol on SEA: principles of SEA

- ▶ **SEA is not a technical answer, it is a procedure**, including
 - Definition of SEA scoping: *what is content of SEA and of environmental report?* (art.6)
 - Preparation of environmental report and its content (art.7) (description and analysis of impacts/alternatives, including zero option)
 - Consultations state authorities involvement (in environment protection and healthcare and public bodies at different stages (art.8,9))
 - Transboundary consultations (art.10)
- ▶ **Record of conclusions, measures, comments, opinions taken in SEA are obligatory** during plans/programmes confirmation (art.11)
- ▶ **Monitoring** of significant environmental impacts of plans/programmes (unexpected adverse conditions during implementation and measures on situation remedies (art.12))

Protocol on SEA: some principles of its introduction to national legislation

- ▶ Protocol conditions - not “ceiling”, but “floor”
- ▶ SEA of policy and legislation - elective
- ▶ Introduction of SEA principles is possible in case of political will both with ratification and without
- ▶ SEA - responsibility of state authorities that set up planning documents
- ▶ Related not only to legislation about environment protection (ecological), but also to legislation about planning, healthcare, public involvement, information, state authorities competence, urban planning and others
- ▶ Pilot projects form vision about SEA content, necessary sources

Thank you for your attention!

For further information contact:

Tea Aulavuo

Secretary of Convention on EIA and
Protocol on SEA

Tel: +41 22 9171723

E-mail: tea.aulavuo@unece.org

Web-site:

[http://www.unece.org/env/eia/w
elcome.html](http://www.unece.org/env/eia/welcome.html)

Elena Laevskaya

UNECE International expert

E-mail: evlaevskaya@gmail.com