

Session I General provisions and definitions

Developing legislative framework for the environmental impact assessment and strategic environmental assessment in line with the UNECE Espoo Convention and its Protocol on SEA in Belarus

Day 2 Training workshop

20 September 2016





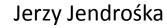




Content

- Compatibility with SEA Protocol
- General provisions
- Use of definitions basic rules
- Issues of concern
 - Definition of SEA
 - Definition of SEA Report
 - Definition of planning authorities











Compatibility with SEA Protocol

- Formal compatibility
 - Definitions
 - Field of application
 - Procedural provisions
 - Annexes
- Practical compatibility
 - Conceptual compatibility
 - Scheme implementable in practice













General provisions

- Aims of the act and reference to international obligations
- Scope of assessment not only compliance with technical standards
- Principles
 - Precautionary principle vs scientific basis principle



Use of definitions - basic rules

- Definitions from the Protocol -"mandatory" vs "non-mandatory"
- Definitions from the Protocol and "own" definitions
 - Change of definitions from the Protocol not allowed
 - Supplementing definitions from the Protocol allowed
- "Own" definitions allowed provided compatibility with the Protocol



Definition of SEA

- Procedural vs substantive definition
 - Definition in SEA Protocol
 - Relation to other provisions
 - Possible solution
- Definition and concept of SEA



Definition of SEA Report

- Not defined in SEA Protocol but used in national laws
- Relation to definition of SEA
- Concept of SEA
- Relation to
 - Public participation
 - Transboundary procedure (Case under IC Espoo Lithuania vs Belarus)



Definition of authorities

- Not defined in SEA Protocol but used in national laws in different ways
- Public authorities
 - Definition in Aarhus Convention
 - Environmental and health authorities
 - Planning authorities
- Planning authorities and "zakazchik"
- Definition of planning authorities

