



# 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

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# Compatibility with SEA Protocol

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

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# 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

*Participants discuss examples from legal acts*

# 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

*Participants discuss examples from legal acts*

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# 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)

*Participants discuss examples from legal acts*

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# 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

*Participants discuss examples from legal acts*

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