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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

IMPLEMENTATION COMMITTEE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

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19 September 2014

Dear Mr. Munoz Garcia,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment.

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol requested the Committee to take into account in its work general and specific compliance issues identified in the First Review of Implementation (ECE/MP.EIA/SEA/2014/3, adopted by decision II/1), based on questionnaires returned by Parties (available at <http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/areas-of-work/enveiaimplementationreview-implementation/review-of-implementation-2013-protocol.html>).

At its thirty-first session, held in Geneva from 2 to 4 September 2014, the Committee noted that in its reply to the questionnaire regarding the conditions for non-governmental organizations (NGOs) to take part in the assessment procedure (question 4), Spain had indicated that the NGOs' purpose had to be environmental protection and they had to have at least two years of activity.

The Committee recalled that article 2, paragraph 8, of the Protocol defines "the public" as "one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups". It then considered that while the criteria set by Spain could be justified "in accordance with national legislation or practice", Spanish legislation seemed to set conditions for NGO participation in the assessment procedure which might be more restrictive than necessary for the fulfilment of effective public participation under the Protocol.

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In the light of the above, the Committee asked me to write to you on its behalf to seek clarification on this matter, and in particular how the conditions for NGO participation are applied in practice: for example, are NGOs devoted exclusively to health excluded from “the public”? Or are NGOs that do not explicitly mention in their statutes “environmental protection” but are engaged in agriculture, fisheries, waste management and other sectors (see art. 4, para. 2) excluded from “the public”.

You are kindly requested to provide written clarification to the Convention’s secretariat no later than **21 November 2014** for the Committee’s consideration at its next session.

Yours sincerely,



Felix Zaharia
Chair, Implementation Committee,
Protocol on Strategic Environmental Assessment