

Questionnaire for the report of LUXEMBOURG on the implementation of the Protocol on Strategic Environmental Assessment in the period 2019–2021

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not its experience in the application of, the Protocol.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Protocol (for example, Strategic Environmental Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 3

General provisions

I.3. According to article 3 (1) of the Protocol: "Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework." Please provide the main legislative, regulatory and other measures your country has adopted to implement the Protocol (art. 3, (1)) (more than one option may apply):

(a) Law on strategic environmental assessment (please provide exact title/reference number/year/access link, if any):

Amended Act of May 22, 2008, on the assessment of the environmental impact of certain plans and programs : <https://legilux.public.lu/eli/etat/leg/loi/2008/05/28/n2/jo>

(b) Strategic environmental assessment provisions are transposed into another law/other laws (please specify, providing title/reference number/year/access link, if any):

see above

(c) Regulation (please indicate title/reference number/year/access link, if any): /

(d) Administrative rule (please indicate title/reference number/year/access link, if any): /

(e) Other (please specify): /

Please explain: /

Article 4

Field of application concerning plans and programmes

I.4.1 Which plans and programmes referred to in article 4 (2)–(4) of the Protocol are set out in your country's legislation?

List the types of plans and programmes that require strategic environmental assessment in your country's legislation and provide references to the relevant legislation:

Under Article 2, paragraph 2, of the amended Act of May 22, 2008, an environmental assessment is mandatory for all plans and programs:

a) that are developed for agriculture, forestry, fisheries, energy, industry, transportation, waste management, water management, telecommunications, tourism, urban and rural planning or land use, and that establish the framework for authorization of future development projects listed in Annexes I and II of the amended Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, or

b) that, given their likely effects on sites, have been determined to require an assessment under Article 12 of the *Loi modifiée du 19 janvier 2004 concernant la protection de la nature et des ressources naturelles*.

I.4.2. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4 (2)):

By a case-by-case review based on the definition of plans and programs, taking into account the definition of project categories in Annexes I and II of the amended Directive 85/337/EEC.

I.4.3. Explain how the term “plans and programmes ... which determine the use of small areas at local level” (art. 4 (4)) is interpreted in your country’s legislation:

By a case-by-case review, in accordance with relevant criteria set out in Article 3 of the amended Act of May 22, 2008, using Annex II of Directive 2001/42/EC. In practice, the Article applies primarily in the case of ad hoc changes to a general development plan.

I.4.4. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4 (4)):

There is no definition. The determination that a plan or program has undergone a minor modification is based on a case-by-case evaluation in accordance with the relevant criteria set out in Article 3 of the amended Act of May 22, 2008. Under Article 2, paragraph 3, of the amended Act of May 22, 2008, the Minister of the Environment issues an opinion regarding the need to conduct an environmental assessment in the event of a minor modification to a plan or program.

Article 5 Screening

I.5.1 According to article 5 (1): “Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches.”

How do you determine which plans and programmes referred to in article 4 (3)–(4) should be subject to a strategic environmental assessment? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain: /

I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening.

Please explain whether your legislation provides for consultation with environmental and health authorities at the screening stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: /

I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.”

Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Under Article 12 of the amended Act of May 22, 2008, the public may file an application to the administrative tribunal to quash decisions made under Article 2, paragraph 7 (publication of the conclusion not to conduct a strategic environmental assessment), and Article 6, paragraph 3 (determination of the scope and level of detail of the information that must be provided in the environmental impact assessment report) of the Act. In addition, Article 12 stipulates that such recourse is also available to incorporated associations of national importance certified under Article 29 of the *Loi modifiée du 10 juin 1999 relative aux établissements classés*

Please explain: /

Article 6 Scoping

I.6.1 According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.”

Please explain how you determine the relevant information to be included in the environmental report.

Article 6, paragraph 3, of the amended Act of May 22, 2008, provides that the Ministry of the Environment shall make a decision or form an opinion, as appropriate, on the scope and level of detail of the information that must be included in the environmental impact report. The views of other authorities with specific responsibilities for the environment are also taken into consideration. In addition, the environmental report must be prepared by an individual or a public or private company certified under the *Loi du 21 avril 1993 relative à l'agrément de personnes physiques ou morales privées ou publiques, autres que l'État, pour l'établissement de tâches techniques d'étude et de vérification dans le domaine de l'environnement*

I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping.

Please explain whether your country's legislation provides for consultation with environmental and health authorities at the scoping stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

Article 6, paragraph 3, of the amended Act of May 22, 2008, requires that, in addition to the Ministry of the Environment, the views of other authorities with specific responsibilities for the environment are also heard on the scope and level of detail of the information to be provided in the environmental report.

I.6.3 According to article 6 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.”

Please indicate whether your country’s legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain: /

Article 7 Environmental report

I.7.1. According to article 7 (2): “The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives.”

How do you determine “reasonable alternatives”? Please specify (more than one option may apply):

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain: /

I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.”

How do you ensure that quality of the reports is sufficient? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

The Ministry of the Environment and other authorities with specific responsibilities for the environment decide on the quality of the environmental reports via an opinion, in accordance with Article 7, paragraph 2 of the amended Act of May 22, 2008. In doing so, the Ministry of the Environment verifies, among other things, whether the reports contain at least all the information set out in Article 5 of the amended Act of

May 22, 2008 (Annex IV). For purposes of administrative streamlining, the public consultation and the consultation of authorities with responsibility for the environment occur simultaneously. In addition, the environmental report must be prepared by an individual or a public or private company certified under the *Loi du 21 avril 1993 relative à l'agrément de personnes physiques ou morales privées ou publiques, autres que l'État, pour l'établissement de tâches techniques d'étude et de vérification dans le domaine de l'environnement.*

Please explain:

In the event of the revamping of a general development plan, a guide has been published to clarify the strategic environmental assessment procedure and to standardize the content of environmental impact reports

Article 8 Public participation

I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”

How do you notify the public and make the draft plans and programmes and the environmental report available? Please specify (more than one option may apply):

- (a) Through public notices in printed media
- (b) Through electronic media
- (c) Placing copies in public offices for the public
- (d) Through other means:

Please explain:

Pursuant to Article 7, paragraph 2, of the amended Act of May 22, 2008, electronic advertising may be complemented by information sessions convened at the initiative of the authority responsible for the plan or program.

I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”

How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means:

Please explain:

Given that the purpose of the plan or program and the environmental impact report is made public through publication of excerpts in at least four daily newspapers printed and published in Luxembourg, information on the publication is accessible to the entire population.

I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”

How can the public concerned express its opinion on the draft plan and programme and the environmental report? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

Pursuant to Article 7, paragraph 1, subparagraph 2, of the amended Act of May 22, 2008, interested parties can provide comments and suggestions using the electronic medium via which the environmental report was published, or can forward their written comments directly to the authority responsible for the plan or program.

I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] has the opportunity to express its opinion ... within a reasonable time frame.”

Do you have a definition (for example, a number of days) in your legislation of the term “within a reasonable time frame”? Please specify:

- (a) No, it is defined on a case-by-case basis
- (b) Yes (please provide the definition):

Article 7, paragraph 1, of the amended Act of May 22, 2008, states that all interested parties can provide comments and suggestions within 45 days following the start of publication by which the public is made aware of the purpose of the plan or program and the related environmental impact report. The authority responsible for the plan or program will make the entire file available for consultation by interested parties for a 30-day period from the date of publication.

- (c) Other (please specify):

Please explain your selection: /

Article 9

Consultation with environmental and health authorities

I.9.1. According to article 9 (1): “Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.”

How are the environmental and health authorities identified? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

In the case of municipal general development plans (PAGs), an ad hoc administrative practice has been implemented to consult the authorities concerned.

I.9.2. According to article 9 (4): “Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.”

How are the arrangements for informing and consulting the environmental and health authorities determined? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: /

I.9.3. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.”

Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes (please refer to specific provisions and provide citations in order to clarify the issue)
- (b) No

Please explain:

I.9.4. How can the environmental and health authorities express their opinion?

- (a) By sending comments
- (b) By completing a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Please explain: Written opinions

Article 10

Transboundary consultations

I.10.1. According to article 10 (1): “Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.”

As a Party of origin, when do you notify the affected Party?

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Please explain:

Given that the environmental assessment must be conducted by the authority responsible for the plan or program (Article 4 of the Act of May 22, 2008), it is up to that authority to notify the affected Party. Depending on the plan or program and the authority responsible for it, notification may also already have taken place for the scoping of the evaluation.

I.10.2. According to article 10 (2): “[The] notification shall contain, inter alia:

- (a) **The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and**
(b) **Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.”**

As a Party of origin, what information do you include in the notification? Please specify:

- (a) The information required by article 10 (2)
(b) The information required by article 10 (2), plus additional information (please specify):

Please explain: /

I.10.3. According to article 10 (2): “The notification shall contain, inter alia: ... an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party? Please specify:

- (a) No
(b) Yes (please indicate how long):

If “Yes”, please explain whether that schedule contains individual time frames for a response to the notification and for provision of comments and specify those in days, weeks, months, as relevant:

Within the framework of bilateral relations between the two states affected, it will be assured that the authorities and public of the state whose territory is likely to be significantly affected are informed and have an opportunity to provide their comments within a reasonable time frame.

I.10.4. According to article 10 (3)–(4), when the affected Party expresses its wish to enter into consultations before the adoption of the plan or programme, the Parties concerned shall enter into consultations further to detailed arrangements agreed by them with a view to ensuring that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion within a reasonable time frame.

How do the Parties agree on detailed arrangements?

- (a) Following those of the Party of origin
(b) Following those of the affected Party
(c) On a case-by-case basis
(d) In accordance with existing arrangements (for example, bilateral agreement)
(e) Other (please specify):

Please explain: /

Article 11 Decision

I.11.1. According to article 11 (1): “Each Party shall ensure that when a plan or programme is adopted due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.”

Please specify how your country ensures that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8–10

Please explain:

Article 9 of the amended Act of May 22, 2008, stipulates that the environmental impact report, the comments and suggestions received during the consultation process, and the results of transboundary consultations must be taken into consideration in the development of the plan or program in question, prior to its adaptation or submission to the legislative or regulatory process.

In addition, the provisions of Article 10 of the amended Act of May 22, 2008, pursuant to which the authority responsible for the plan or program is obligated to inform the public regarding the consideration of the recommendations of the environmental report and the public consultation, imply that the said authority must make the statement on the implementation of the recommendations in a clear manner.

In the case of general development plans (PAGs), the Ministry of the Environment can require that certain measures be incorporated for new areas modifying the delimitation of the green zone to be able to approve them in accordance with the provisions of the *Loi modifiée du 18 juillet 2018 concernant la protection de la nature et des ressources naturelles*.

I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ... and the Parties consulted ... are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.”

How and when do you inform your own public and authorities?

- (a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

Under Article 10 of the amended Act of May 22, 2008, the public and the authorities are informed as follows: “*The public, as well as the Ministry and other authorities with specific responsibilities for the environment whose views were heard pursuant to the provisions of Article 6, paragraph 3, are informed of the adoption of a plan or program.*”

Advertising is by electronic media and by publication of excerpts in at least four daily newspapers printed and published in Luxembourg.

The following documents are made available within one month of the date of adoption of the plan or program:

a) the plan or program as adopted;

b) a statement summarizing how the environmental considerations were integrated into the plan or program, including the environmental impact report prepared in accordance with Articles 5 and 6, the comments and suggestions received under Article 7, and the results of consultations pursuant to Article 8 that have been taken into consideration as provided for under Article 9, as well as the rationale for the selection of the plan or program as adopted given the other reasonable solutions that were considered;

c) the measures taken related to the monitoring under Article 11. ”

- (b) Other (please specify):

Please explain: /

I.11.3. Does the information provided to the public and authorities include?

- (a) Plan or programme:

(b) Statement summarizing how the environmental, including health, considerations have been integrated into the plan or programme, and how the comments received have been taken into account:

(c) The reasons for adopting the plan or programme in the light of the reasonable alternatives considered:

I.11.4. How do you inform the Parties consulted (art. 11 (2))?

(a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for strategic environmental assessment, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

Article 12

Monitoring

According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes.

...

2. The results of the monitoring ... shall be made available ... to the authorities ... and to the public.”

I.12. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes:

The provisions respecting the monitoring of significant environmental impacts are set out in Article 11 of the amended Act of May 22, 2008, as follows:

1. “In order to identify, at an early stage, any unforeseen adverse effects resulting from the implementation of a plan or program and to be able to take appropriate corrective action, the authority responsible for the implementation shall monitor any unforeseen environmental impact of the plan or program in question.

2. The terms and conditions for the monitoring referred to in paragraph 1 are established by Grand-Ducal Regulation. This Grand-Ducal Regulation also determines the conditions under which the Minister may initiate such identification or the undertaking of the above-mentioned corrective actions. ”

Article 13

Policies and legislation

According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”

I.13. Does your country have national legislation on the application of principles and elements of the Protocol as regards policies and legislation? Please specify.

(a) Yes (please specify which articles of the Protocol apply):

(b) No

Please explain:

Part two

Practical application during the period 2019–2021¹

Please report on your country's practical experiences in applying the Protocol (not your country's procedures, as described in part one). The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol and innovative approaches to improving its application. Parties' reporting also provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol.

Part two also focuses on issues identified in the third review of implementation^a by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the objectives of the Long-term strategy and the action plan for the Convention and the Protocol related to: "Adapting the reviews [of implementation] to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice..."^c

^a United Nations publication, ECE/MP.EIA/SEA/14.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c Ibid., decision VIII/3–IV/3, annex, item II.A. 9.

A. Some specific questions related to domestic and transboundary implementation in the period 2019–2021

II.1. Does your country's strategic environmental assessment documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

II.2. Does your country's strategic environmental assessment documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

¹ Part II of this questionnaire is not considered to be a reporting obligation according to the Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

B. Example of application of the Protocol in your country during the period 2019–2021

II.3. Please provide, using the table provided in annex I to this questionnaire, the (approximate) number of domestic strategic environmental assessment procedures initiated during the 2019–2021 period, list them grouped by the sectors listed in article 4 (2), and indicate their average duration and costs.

II.4. Please provide the (approximate) number of transboundary consultations referred to in article 10 of the Protocol that your country, during the reporting period, initiated, as a Party of origin, and participated in, as an affected Party. Please use the table in annex II to this questionnaire listing the transboundary procedures grouped by the sectors listed in article 4 (2), indicating their average duration.

II.5. Do you have a register of the domestic and transboundary strategic environmental assessment procedures (cases) that can be accessible for other Parties to consult, as needed?

<i>Domestic procedures</i>	<i>Transboundary procedures</i>
(a) Yes <input type="checkbox"/>	(a) Yes <input type="checkbox"/>
(b) No <input checked="" type="checkbox"/>	(b) No <input checked="" type="checkbox"/>
If so, please provide the access link to the register:	If so, please provide the access link to the register:

II.6. According to paragraph 10 of decision IV/5 on reporting and review of implementation of the Protocol,² the lists of domestic and transboundary strategic environmental assessment procedures included in the responses to questions II.3 and II.4 of the questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” in the table below and explain, as relevant:

<i>Domestic procedures (list provided under question II.3 and link to register referred in question II.5, if provided)</i>	<i>Transboundary procedures (list provided under question II.4 and link to register referred in question II.5, if provided)</i>
(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain:	(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain:
(b) No (no objection) <input checked="" type="checkbox"/>	(b) No (no objection) <input checked="" type="checkbox"/>

C. Experience with the strategic impact assessment procedure in 2019–2021

II.7. Please list the benefits of strategic environmental assessment that are identified by your country:

- (a) Cost effectiveness
- (b) More focused and informed planning

² ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3.

-
- (c) Coordination with other sectors/i.e. avoiding overlaps or discrepancies
- (d) Environmental and health benefits
- (e) Other

Please provide your comments: better awareness of the authorities responsible for the plans and programs, better consultation between the environmental authority and the authorities responsible for the plans and programs.

II.8. Has your country experienced substantial difficulties in interpreting particular terms contained in (or particular articles of) the Protocol?

- (a) No
- (b) Yes (please indicate which ones):

II.9. Please indicate how your country overcomes these difficulties, if any. Please provide examples that may include, among other things, working with other Parties to find solutions or using existing guidelines or fact sheets:

II.10. With regard your country's experience with domestic and/or transboundary procedures:

- (a) Please describe your country's procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted as provided for in article 3:

Under the Act of 2008, population and human health are environmental factors to be assessed

- (b) To contribute to the sharing of knowledge and experience on themes outlined in the workplan for 2021–2023, please provide at least one example of your country's application of strategic environmental assessment in one or several of the following areas:

- Biodiversity
- Circular economy
- Energy transition
- Development cooperation
- Smart and sustainable cities
- Sustainable infrastructure
- Maritime spatial planning

(When describing your experience, please indicate the name of the plan/programme subject to strategic environmental assessment, provide background information or describe the context in which the document has been developed, describe the stages of the procedure and other issues of interest for other Parties. Please flag good practice, and/or lessons learned, referring, as relevant, to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals or climate objectives. When providing an example, you may also make use of the template in annex III to the present questionnaire.)

- (c) Please indicate whether strategic environmental assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

Yes, (certain) strategic environmental assessments significantly contributed to the attainment of Sustainable Development Goals

Yes, (certain) strategic environmental assessments somewhat contributed to the attainment of Sustainable Development Goals

No, there is no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals in practice

If “Yes”, please list the most relevant Sustainable Development Goals³ (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement:

Reduction of land consumption in accordance with the national plan for sustainable development as part of the revision of the municipal general development plans (Objectives 11 and 15).

II.11. Please indicate whether your country has been carrying out monitoring according to article 12.

(a) No

(b) Yes :

If so, please specify types of plans or programmes subject to the monitoring according to article 12, citing good practice examples or elements of good practice (for example, consultation or public participation), if available

³ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf.

II.12. With regards to your country's experience with transboundary procedures, in response to each of the questions below, please either provide one or two practical examples or describe your country's general experience. You might also want to include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

The translation issue mainly concerns Luxembourg plans and programs, and considers that the languages of our neighbouring countries are also the official administrative languages of Luxembourg. In practice, therefore, there are no major problems observed.

(ii) Other issues

(b) What elements of the environmental report and other documentation does your country usually translate as a Party of origin?

In principle, it is envisaged that not all the documents will be translated, but apart from the non-technical summary, all parts of the documentation concerning significant potential transboundary impacts as well as the official notification of public consultations. In practice, however, depending on the plan and the responsible authority, all documentation may need to be translated, especially if the plan or program may have implications for several neighbouring countries.

(c) As an affected Party, please specify whether and how your country has ensured the participation of the public concerned and the authorities pursuant to article 10 (4):

(i) No

(ii) Yes (please indicate how):

By informing the public in accordance with Article 7, paragraph 2, of the amended Act of May 22, 2008 (press, website), generally with a link to the website(s) set up by the country of origin

(c) What has your country's experience been of the effectiveness of public participation?

Generally without problems, except for the occasional short delays in announcing the project to the public and in meeting the deadlines for feedback imposed by the countries of origin.

(e) Does your country have examples of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes (please describe):

D. Experience regarding guidance in 2019–2021

II.13. Has your country used in practice the following documents:

Good Practice Recommendations on Public Participation in Strategic Environmental Assessment (ECE/MP.EIA/SEA/2014/2)

Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)

Yes

Yes

No

No

Please specify reasons for not using the Good Practice Recommendations:

Please specify reasons for not using the Manual:

(i) Lack of awareness about the document

(ii) The document is not relevant

(iii) The document is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Good Practice Recommendations: in practice, the guides and recommendations of the European Commission are the reference documents consulted

(i) Lack of awareness about the document

(ii) The Manual is not relevant

(iii) The Manual is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Resource Manual:

E. Contributions to the funding of the workplans

II.14. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Convention and covered both the Convention and the Protocol:

(i) Yes

(ii) No

If your response is “No”, please provide the information regarding the contributions to the trust fund below.

II.15. Through paragraph 4 of decision VII/4–III/4 on budget, financial arrangements and financial assistance,⁴ applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “Urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties.” For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1⁵, regarding funding of the adopted workplans, the Meeting of the Parties decided that: “All the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget.”

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

(i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

(ii) Individual contribution in 2019

Yes Amount and currency:

No Please explain the reason:

(iii) Individual contribution in 2020:

Yes Amount and currency:

No Please explain the reason:

⁴ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

⁵ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

(iv) Individual contribution in 2021:

Yes Amount and currency:

No Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023

(b) Did your country make in-kind contributions in the reporting period?

Yes Please describe how:

No Please explain the reason

F. Suggested improvements to the report

II.16. Please provide suggestions for how this report could be improved:

Annex I

List and number of domestic strategic environmental assessment procedures initiated in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:	1	0	1	8	
Forestry:					
Fisheries:					
Energy:			1		
Industry including mining:					
Transport:					
Regional development:					
Waste management:	1	0	1		
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:	86	83	3	/	
Land use:					
Other, including those falling under article 4 (3)–(4):			1		

* The information provided constitutes:

Statistical data

Estimates

** Once the need for strategic environmental assessment is determined

Your comments: Regarding SEAs in the urban and land use planning sector: The duration of the procedure is difficult to specify as the vast majority of the files concern municipal general development plans. Municipalities are not required to report their final decision and monitoring measures to the Ministry. In addition, the time frame for final adoption depends on the management of the file and the finalization of the plan (e.g., processing of claims) by the respective municipalities. The time required to process an SEA in the Ministry (scoping opinion, opinion on the report) can be estimated at 4 months for each of the two stages mentioned above.

In addition to the files mentioned in the table—i.e., the files subject to an SEA procedure—there are still 135 files (as a rule, ad hoc modifications of a general development plan) for which an opinion has been drawn up on the need to carry out an SEA procedure based on the derogation criteria (small areas at the local level, minor modifications).

Annex II**List and number of transboundary strategic environmental assessments in the reporting period**

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:	1				
Fisheries:					
Energy:	3				
Industry including mining:					
Transport:					
Regional development:					
Waste management:	2				
Water management:	3				
Telecommunication:					
Tourism:					
Town and country planning:	3				
Land use:					
Other, including those falling under article 4 (3)–(4):	1				

* The information provided constitutes:

Statistical data

Estimates

** Once the need for strategic environmental assessment is determined

Your comments:

Annex III

Template for describing a good practice example of implementing a strategic environmental assessment at the national level or in a transboundary context

I. General information

1. Title of plan/programme
2. Authority responsible for the plan's/programme's development
3. Nature of the related strategic environmental assessment procedure:
 - (a) Domestic
 - (b) Transboundary
4. Please indicate which stage(s)/step(s) of the strategic environmental assessment procedure is/are considered to represent good practice:

The entire procedure

Screening (art. 5)

Scoping (art. 6)

Environmental report (art. 7)

Public participation (art. 8)

Consultation with environmental and health authorities (art. 9)

Transboundary consultations (art. 10)

Decision (art. 11)

Monitoring (art. 12)

5. Please indicate to which topic(s) of the 2021–2023 workplan the example is related:

Biodiversity

Circular economy

Development cooperation

Energy transition

Smart and sustainable cities

Sustainable infrastructure

II. Background

Please provide a short description of the plan/programme, the context of its development and general information about the strategic environmental assessment

III. Procedure under the protocol on strategic environmental assessment and elements of good practice

Please describe, in more detail, the procedural step/steps that is/are considered to represent good practice and then explain why that is:

III.1. Field of application (art. 4)**III. 2. Screening (art. 5)****III. 3. Scoping (art. 6)****III.4. Environmental report (art. 7)****III.5. Public participation (art. 8)****III.6. Consultation with environmental and health authorities (art. 9)****III.7. Transboundary consultations (art. 10)****III.8. Decision (art. 11)****III.9. Monitoring (art. 12)****IV. Lessons learned and advice to other parties:****IV.1. Please indicate:**

- (a) Challenges in carrying out the procedure, if any, and how those were tackled
- (b) Lessons learned

IV.2. As relevant, please also refer to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals¹ or climate objectives.

¹ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);

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- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
 - (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf.