

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

### **Information on the focal point for the Protocol**

1. Name and contact information:  
Pascale van Duijse  
pascale.van.duijse@minienw.nl

### **Information on the point of contact for the Protocol**

2. Name and contact information (if different from above):  
point-notification.espoo@rws.nl

### **Information on the person responsible for preparing the report**

3. Country: The Netherlands
4. Surname: Van Duijse
5. Forename: Pascale
6. Institution: Ministry of Infrastructure and Water Management
7. Postal address: P.O. Box 20901, 2500 EX, The Hague, The Netherlands
8. Email address: pascale.van.duijse@minienw.nl
9. Telephone number: +31 6 52740010
10. Date on which report was completed: 31 January 2023

## 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):

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

- *Wet Milieubeheer (Environmental Management Act). Full text in Dutch accessible through: [wetten.nl](http://wetten.nl) - Regeling - Wet milieubeheer - BWBR0003245 (overheid.nl).*

(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):

- *Besluit milieueffectrapportage (EIA decree). Full text in Dutch accessible through: [wetten.nl](http://wetten.nl) - Regeling - Besluit milieueffectrapportage - BWBR0006788 (overheid.nl).*

(e) Other (please specify): *not applicable.*

### 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:

*An SEA is mandatory if the legal and administrative plan or programme is a framework for activities that may be subject to an EIA or EIA screening.*

*Part C and Part D of the Annex to the EIA Decree explicitly describe which types of plans are included and where these plans are mentioned in relevant laws .*

*An SEA must also be carried out as part of the preparation of a plan which must be adopted pursuant to a statutory or administrative provision and require an appropriate assessment*

*pursuant to the Wet natuurbescherming (Nature Conservation Act) (the Dutch implementation of the Birds and Habitats Directive) due to an activity included in the plan.*

Plans and programmes prepared for:

Agriculture X

Forestry X

Fisheries X

Energy X

Industry including mining X

Transport X

Regional development X

Waste management X

Water management X

Telecommunications X

Tourism X

Town and country planning X

Land use X

Other (including those falling under article 4 (3)–(4)), please list

Please explain: *Part C and Part D of the Annex to the EIA Decree explicitly describe which types of plans are included and where these plans are mentioned in relevant laws. Full text of the EIA decree is accessible through: [wetten.nl](https://wetten.nl) - Regeling - Besluit milieueffectrapportage - BWBR0006788 ([overheid.nl](https://overheid.nl)).*

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

*We don't have a specific definition, but in the EMA it is stated that: A plan will, in any event, be considered the framework for such activities if:*

- it designates a site or route for such activities, or*
- in the plan one or more sites or routes are considered for those activities.*

*(Environmental management Act, art. 7.2, sub 2).*

**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:**

*This only applies to plans/programmes that would require an SEA consequently to being subject to an “appropriate assessment” pursuant to the Birds- and Habitats Directive. When this applies, article 3 sub 1 (a) of the EIA decree (entered into force December 18, 2020) provides the criteria:*

- public authority of a municipality is the competent authority for the plan
- the size of the area must be small relative to the total territory of the municipality
  - the competent authority has assessed that adoption or amendment of the plan does not have significant environmental effects

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

*This only applies to plans/programmes that would require an SEA consequently to being subject to an “appropriate assessment” pursuant to the Birds- and Habitats Directive. Article 3 sub 1 (b): this determination is done by the competent authority, where it is assessed that the minor modification does not have significant environmental effects.*

## **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:

*Please see the answers to questions I.4.1. and I.4.2. The ‘case by case basis’ (a) applies to deciding whether a specified (b) plan or programme is setting a framework for future developments that possible require an EIA (directly or after screening). This decision is made by the competent authority. The ‘specifying types of plans and programmes’ (b) applies to Part C and Part D of the Annex to the EIA Decree which explicitly describe which types of plans are included. There are no specific screening arrangements for other plans and programmes, except for plans or programmes that are subject to an “appropriate assessment” pursuant to the Birds- and Habitats Directive, see the answers to the questions I.4.3 and I.4.4.*

**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: *Article 3 sub 3 (a) of the EIA decree provides that in screening consultation needs to be held with the relevant authorities for that decision.*

**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): *By providing oral comments to the relevant authority.*

Please explain: *Article 3 sub 5 of the EIA decree requires that the competent authority includes the result of the screening including its justification in the plan. The public is provided with the opportunity to comment, including on the result of the screening.*

## 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.

*The competent authority determines the relevant information to be included in the SEA. In this determination, it consults advisers and relevant authorities. The competent authority has to hold a mandatory consultation under article 7.9 EMA. It can decide which parties are to be consulted in order to determine the relevant information to be included in the SEA.*

*On a voluntary basis the competent authority can also ask for an advice of the NCEA on the scope and level of detail of the environmental report (which information the report should contain).*

**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 7.8 of the EMA provides that the competent authority consults the advisors and public authorities that have a legal predetermined role in the preparation of the plan regarding the scope and detail of the relevant information. This is determined on a case-by-case basis.*

**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): *Article 7.9 of the EMA provides the procedure. This procedure allows for written and oral comments, but additionally other options are not excluded. It is therefore possible for competent authorities to organise hearings or meetings for the public or specific stakeholders.*

Please explain:

*The procedure prescribes that the public is informed at an early stage about the intention to develop a plan or programme and to carry out a SEA for this plan of program. In this publication the competent authority is obliged to – amongst other things such as information on the outline of the plan - give information on who is given the opportunity to express their views on what. In practice this is more or less always the public (everybody) who is given the opportunity to express their views on the intention to develop a specific plan or programme together with the scope and level of detail of the SEA (relevant impacts, alternatives etc).*

## **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: *Reasonable alternatives as required in article 7.23 EMA sub d. For ‘reasonable’ often used indicators are feasibility, affordability and problem solving capacity.*

**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): *It is mandatory for the competent authority to ask the Netherlands Commission for Environmental Assessment (NCEA) for an advice on the environmental report (does the SEA contain all relevant information necessary for the decision on the plan or programme at stake). On a voluntary basis the competent authority can also ask for an advice of the NCEA on the scope and level of detail of the environmental report (which information the report should contain). See also the response to I.6.1. The responsibility for ensuring a sufficient quality of the environmental report lies ultimately with the competent authority of the plan or program.*

## 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:

*The draft plan or programme and the environmental report are made public by a publication in one or more daily national, regional and/ or local (news)papers or in another suitable manner depending on the plan or programme in question. In the case of a national plan, a notification about the draft-plan and SEA report is also published in the governmental gazette. The draft-plan or programme is made available for the public both through physical form and optionally an electronic medium. A member of the public can request a hard copy to be provided.*

#### 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:

*It is a combination of a, b and c. By law everybody is entitled to express their views on any draft-plan or programme if they wish to do so (c). When it concerns a local or regional plan, the publication is usually made in the regional and/or local (news)papers, as in practice the competent authority usually identifies the public for a certain plan or programme as part of the process in order to communicate as effectively and efficiently as possible (a) and (b).*

**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): *By providing oral comments to the relevant authority.*

Please explain:

*By law everybody is entitled to express their views on the environmental report and draft plan or programme by sending comments to the relevant authority. It is also possible to provide comments orally or by taking part in a public hearing. The latter is however not required by legislation.*

**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):  *Art. 3:16 General Administrative Act: the time frame is six weeks.*
- (c) Other (please specify):

Please explain your selection: *The time frame to put forward views on the SEA report (together with the draft plan or program) is stipulated by law and is six weeks.*

## **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:

*Governance and governmental authority in the Netherlands is decentralised, with the Ministry of Infrastructure and Water Management the main responsible authority for environmental management. There is no national environmental management authority. Both EIAs and SEAs can be performed at national, provincial or municipal level. The ‘competent authority’ is the administrative body deciding on the potential plan or programme, who therefore also has to perform the SEA. For national plans and programmes this means the responsible minister, for provincial plans the Provincial Executive and for municipal (land use or zoning) plans the responsible town council.*



*In Dutch SEA practice the main authorities are*

- *the competent authority; the government body which decides upon the plan or programme and therefore also has to do the SEA;*
- *'all relevant authorities', whom the competent authorities have to inform about the plan or programme and about the SEA; this may be local or provincial authorities, state services, water boards or others, depending on the plan or programme in question.*
- *The Cultural Heritage Agency of the Netherlands, the Ministry of Agriculture, Nature and Food Quality, and the Ministry of Infrastructure and Water Management who have to be informed by the competent authority about the plan or programme and about the (scope of the) SEA.*

**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:

*The arrangements for informing and consulting the relevant authorities are determined by the General Administrative Act in conjunction with Article 7.11 of the EMA which stipulates that everybody can put forward comments. In practice this means, that these authorities are also duly informed when the consultation will start.*

**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: *Please see I.9.2.*

**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:

*Please also see the answer to question I.8.3.: By law everybody is entitled to express their views on the environmental report and draft plan or programme by sending comments to the relevant authority. It is also possible to provide comments orally or by taking part in a public hearing. The latter is however not required by legislation.*

## 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:

*Article 7.9 EMA provides that the Affected Party is notified in the scoping phase when important potential transboundary effects are expected / are not unlikely to occur. Often this is preceded by an “informal notification” giving information on the plan or project and – when available - information on the possible transboundary effects. This also gives the opportunity to request assistance of the Affected Party on matters such as which authorities to consult in the transboundary procedure etc. When the draft plan or programme and the environmental report are prepared, the Affected Party is provided with this information and notified again. When the Affected Party has not been notified in the scoping phase because at the time potential transboundary effects were not to be expected, it is also possible that the Affected Party is notified as soon as possible in case the information gathered for the environmental report shows that there are important potential transboundary effects, e.g. when the draft plan and/or environmental report has been prepared.*

**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): n.a.

Please explain: *The information required is provided.*

**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):  *Six weeks, 3:16 General Administrative Act*

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:

*Not applicable. The time frame given to the Affected Party for the transmission of comments is identical to the timeframe given nationally, which is six weeks.*

**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:

*In general, the procedure of the Party of Origin is followed. When applicable, bilateral agreement/arrangements with Germany and the Flanders Region (Belgium) provide the procedure. However, on request of the Affected Party certain working arrangements may be agreed upon in consultation (e.g. which matters to address, whether or not to organise a meeting etc).*

## **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:

*The EMA obligates the competent authority to motivate the (draft) plan or programme (decisions taken). Article 7.14 EMA states that, among other things, the plan should include:*

- *the way in which environmental effects described in the environmental report are taken into account (including mitigation and possibly compensation measures)*
- *the considerations of the competent authorities regarding the comments and views (and consultations) expressed by the public, all relevant authorities and the NCEA (including the public and authorities of the Affected Party).*

**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)  : *EMA article 7.15.*

(b) Other (please specify):

Please explain:

*Plans and programs are made public through a publication in a governmental paper and/or a daily, news or local paper, or in another suitable manner. A national plan has to be published in all events in the Government Gazette, unless stipulated otherwise in a legal provision. Also, all persons or organisations (private, governmental, advisory) that have submitted comments or advice are informed about the final plan or programme (decision) and through which channel it has been made publicly available.*

### **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:

Your comments: *Article 7.14 EMA.*

### **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: *the public (private persons), NGO's, private companies, authorities and Parties that have submitted comments are informed about the final plan or programme (decision). In other words, the Parties are informed in an identical manner as the national public and authorities.*

## **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:**

*Article 7.14 (3) EMA states that the competent authority needs to provide information and time frames regarding monitoring in the plan or programme. Pursuant to article 7.39 EMA the competent authority is under an obligation to assess the consequences of the execution of the plan. Article 7.42 EMA stipulates possible consequences of monitoring results: if monitoring indicates significantly more adverse effects on the environment than was expected, the competent authority shall, if it deems necessary, take available measures to limit or reverse those effects as much as possible.*

## **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: *This is not laid down in national legislation. With regards to new legislation, the procedure of the ‘Integraal Afwegingskader’ (framework for integrated assessment when proposing new legislation) prescribes the application of an ‘milieueffecttoets’ (description of the environmental impacts).*

## Part two

### Practical application during the period 2019–2021<sup>1</sup>

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<sup>a</sup> by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.<sup>b</sup> 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..."<sup>c</sup>

<sup>a</sup> United Nations publication, ECE/MP.EIA/SEA/14.

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

<sup>c</sup> 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

*In case of plans close to national borders but not having any recognized transboundary effects, it is recommended -and common practice- that this is explicitly mentioned in the SEA report. Ultimately this is up to the competent authority. Our bilateral agreements/arrangement with Germany and the Flanders region (Belgium) specify that in case of plans or programs which cover an area within 5 km of the border the neighbouring country is also informed when there are no important transboundary effects (to be expected).*

<sup>1</sup> 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.

*Please see Annex I.*

**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.

*Transboundary SEA procedures are not separately administrated so it is unfortunately impossible to give a number. As mentioned in Annex I, there is no central registration for domestic SEA procedures either. For the period 2019-2021, the estimated number of SEA procedures is 91. Mostly, those are domestic procedures with no expected important transboundary effects.*

*There is no specific administration for SEAs which include transboundary consultations. The table in annex II shows numbers for each category in which the Netherlands was an affected party based on our communication as Espoo Point of Contact for the years 2019 and 2020 (not 2021). The table does not include numbers for cases in which the Netherlands was the Party of Origin, as there is no central registration for transboundary consultations. However, as Point of contact we were included in different procedures.*

*At the time of filling out the questionnaire for the Espoo convention, as a result of an oversight on our side, we submitted numbers for both EIAs and SEAs in Annex I. Consequently, the numbers in annex I of the questionnaire for the Espoo convention are not fully correct.*

**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,<sup>1</sup> 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>

<sup>1</sup> ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3.

	<i>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: (b) No (no objection) <input checked="" type="checkbox"/>	(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"/>

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

Please provide your comments: *We have not conducted a study on the benefits of SEA recently, so we cannot base our answer on scientific data. In general we feel that options b and c both apply.*

**I.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: N.a.**

**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

*Article 7.7 EMA lays out the contents of the SEA report. It should consider environmental impacts, this can include health aspects when relevant. Article 7.8 of the EMA provides that the competent authority consults the advisors and public authorities that have a legal predetermined role in the preparation of the plan regarding the scope and detail of the relevant information.*

- (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.)

*We are not able to provide an elaborate example..*

(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 Goals<sup>1</sup> (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their

---

<sup>1</sup> 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);

achievement *Certain SEAs contributed to the attainment of the Sustainable Development Goals. There are also municipalities that focused on the SDGs in their municipal strategic vision and SEA. However, we cannot provide elaborate examples since we do not systematically gather them.*

**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

*Yes, monitoring was carried out for plans and programmes but it is difficult to cite good practice cases. The number and kinds of plans and programmes that were subject to SEA monitoring are not yet centrally administered.*

**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  
(ii) Other issues

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

*The notification, a summary of the environmental report and the relevant parts concerning transboundary impacts in the environmental report.*

- (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 affected authorities and by announcing the start of the public consultation period in a governmental paper and/or a daily, news or local paper, or in another suitable manner. In numerous SEA procedures public hearings are organised in both the Netherlands and the affected country.*

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

*Effectiveness of public participation is very dependent on the level of detail or concreteness*

---

(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](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).

of the plan or programme. Stakeholders are often less interested to participate when the plan or programme (and consequently the SEA) is more strategic and little or not concrete.

(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

No

Please specify reasons for not using the Good Practice Recommendations:

(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:

Yes

No

Please specify reasons for not using the Manual:

(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,<sup>1</sup> 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/1<sup>2</sup>, 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 2019–2021

Please indicate when the contribution was provided (year), amount and currency:  
*Please see the response in the questionnaire for the Convention.*

(ii) Individual contribution in 2019

Yes  Amount and currency:

No  Please explain the reason: *We made a multi-year contribution.*

(iii) Individual contribution in 2020:

Yes  Amount and currency:

No  Please explain the reason: *We made a multi-year contribution.*

(iv) Individual contribution in 2021:

Yes  Amount and currency:

No  Please explain the reason: *We made a multi-year contribution.*

(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. *Please see the response in the questionnaire for the Convention.*

No  Please explain the reason

## **F. Suggested improvements to the report**

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

---

<sup>1</sup> ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

<sup>2</sup> ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

## Annex I

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

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

\* The information provided constitutes:

Statistical data

Estimates

\*\* Once the need for strategic environmental assessment is determined

Your comments: *There is no central registration for domestic SEA procedures. Also on an individual level, we do not monitor duration time or costs specific for SEA. For the period 2019-2021, the estimated number of SEA procedures is 91.*

*It is not possible to categorize the estimated number of SEA procedures, as they are not registered by sector as referred to in article 4, paragraph 2 of the Protocol. However, a large part are SEAs on spatial plans (town and country planning either on national, provincial or local level), water plans (water management) or spatial planning strategies concerning a certain theme (e.g. wind energy or pipelines).*

## 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:					
Fisheries:					
Energy:	5		5		
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:	4	1	3		
Telecommunication:					
Tourism:					
Town and country planning:	2	2			
Land use:					
Other, including those falling under article 4 (3)–(4):					

*As mentioned under II.3, this table only refers to procedures in which the Netherlands was the Affected Party for 2019 and 2020.*

## 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 Goals<sup>1</sup> or climate objectives.**

---

<sup>1</sup> 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](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).