



# Economic and Social Council

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## Economic Commission for Europe

Meeting of the Parties to the Convention  
on Environmental Impact Assessment  
in a Transboundary Context

Meeting of the Parties to the Convention  
on Environmental Impact Assessment in  
a Transboundary Context serving as the  
Meeting of the Parties to the Protocol on  
Strategic Environmental Assessment

### Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

#### Twelfth meeting

Geneva, 13–15 June 2023

Items 5(b) and 6(a) of the provisional agenda

#### **Compliance and implementation: reporting and review of implementation**

**Promoting practical application of the Convention and the Protocol:  
draft guidance on assessing health impacts  
in strategic environmental assessment**

## Draft decisions by the Meeting of the Parties to the Protocol

### Proposals by the Bureau

#### *Summary*

In accordance with the mandate given to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment by the Meetings of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and to the Protocol on Strategic Environmental Assessment, the Working Group is tasked with making recommendations to these governing bodies regarding future work under the Convention and the Protocol.

In accordance with the above-mentioned mandate, the present document contains draft decisions V/5 and V/6, prepared by the Bureau for the Working Group's consideration, on, respectively: reporting and review of implementation of the Protocol; and assessing health impacts in strategic environmental assessment.

The Working Group is expected to review and agree on the text of the draft decisions to be forwarded for consideration by the Meeting of the Parties to the Protocol at its fifth session (Geneva, 12–15 December 2023). It should be noted that paragraph 5 of draft decision V/5 lists main findings of the draft fourth review of the implementation of the



Protocol (ECE/MP.EIA/WG.2/2023/[...]), as agreed by the Working Group at its eleventh meeting (Geneva, 19–21 December 2022), and paragraph 6 of draft decision V/5 lists those main findings that remain valid of the third review of the implementation of the Protocol (ECE/MP.EIA/SEA/14), as adopted by the Meeting of the Parties at its fourth session (Vilnius (online), 8–11 December 2020).

## Decision V/5

### Reporting and review of implementation of the Protocol

*The Meeting of the Parties to the Protocol,*

*Recalling* decision V/7–I/7 of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment (Meeting of the Parties to the Protocol) and decisions II/1, III/1 and IV/5 of the Meeting of the Parties to the Protocol on reporting and the review of implementation,<sup>1</sup>

*Recalling also* article 14 (4) of the Protocol, concerning the regular review of the implementation of the Protocol,

*Recalling further* articles 14 (7) and 13 (4) of the Protocol, on, respectively, reporting by Parties on measures they have taken to implement the Protocol and reporting by Parties on their application of article 13 on policies and legislation,

*Recognizing* that regular reporting by each Party provides important information that facilitates the review of compliance under the Protocol and thereby contributes to the work of the Implementation Committee,

*Recognizing also* that Parties' reporting 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,

*Recognizing further* the potential of reporting for collecting and disseminating good practice,

*Strongly emphasizing* the importance of timeliness and the quality of national reporting,

*Having analysed* the reports provided by Parties in response to the questionnaire on implementation of the Protocol during the period 2019–2021,

1. *Welcomes* the reports by Parties, and by two non-Parties (Georgia and Kazakhstan), on their implementation of the Protocol during the period 2019–2021, which have been made available on the treaty website;

2. *Expresses serious concern* that the following 3 Parties have not responded to the questionnaire: Bulgaria, North Macedonia and Serbia; and that the European Union only submitted a blank questionnaire and a separate note containing information that it chose to provide;

3. *Expresses concern* that the following 8 Parties responded to the questionnaire with a delay of several weeks or months: Cyprus, Denmark, Germany, Luxembourg, Netherlands, Portugal, Slovenia and Ukraine;

4. *Adopts* the fourth review of implementation of the Protocol as contained in document ECE/MP.EIA/SEA/2023/[...], and requests the secretariat, subject to availability of resources, to arrange for its publication in an electronic form in all three official languages of ECE;

5. *Notes* the findings of the fourth review of implementation of the Protocol,<sup>2</sup> including the following possible weaknesses or shortcomings and areas for further improvement in the implementation of the Protocol by Parties:

(a) Only about half of the Parties reported on time and an increased number of Parties failed to return their completed questionnaires within two months of the reporting

<sup>1</sup> All decisions of the Meetings of the Parties referred to in the present decision are available at <https://unece.org/environment-policy/environmental-assessment/decisions-taken-meetings-parties>.

<sup>2</sup> ECE/MP.EIA/SEA/2023/[...], forthcoming.

deadline [(at the time of writing, 22 Parties have returned completed questionnaires compared to 30 Parties in the previous review)]. The failure by Parties to fulfil their obligation to report (in accordance with art. 14 (7)) in a timely manner complicated the review process;

(b) The lack of a central registry or database of national strategic environmental assessment procedures in many Parties made reporting on the number of procedures during the survey period complicated and imprecise;

(c) A wide range of implementation practices and experiences are reported by the Parties and this information could be used in developing material to enhance implementation. Ten Parties provide examples of what they consider constitute good implementation practices;

(d) Some Parties gained experience in the use of electronic technologies for remotely conducting consultation and participatory activities during the coronavirus disease (COVID-19) pandemic. Promoting lessons learned and good practices for the use of remote communication technologies could help promote effective and efficient consultation and participation practices;

(e) Varying monitoring practices are applied to implement article 12 of the Protocol, resulting in differences in the scope of monitoring, its duration, and on the use of indicators. It is recommended that further collection and sharing of good practice be promoted, and good practice recommendations be developed;

(f) A number of Parties use the *Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment* and the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*, but several Parties indicated a lack of awareness about said documents as the reason for not using them. Efforts to promote awareness and use of guidance documents should continue;

6. *Notes* again the conclusions previously reached in the third review of implementation,<sup>3</sup> the following of which remain valid and may need to be addressed:

(a) A variety of approaches exist to interpreting the term “set the framework for future development consent” referred to in article 4 (2) of the Protocol, with most Parties having no explicit definition of this term in their domestic legislation; the Parties also experience difficulties in interpreting the provisions of article 4 (4), in particular the terms “small areas at local level” and “minor modifications”;

(b) The Parties’ legislation and practice continue to differ considerably regarding the opportunities provided to the public concerned to participate in screening and scoping further to articles 5 (3) and 6 (3);

(c) Some consultations are complicated by difficulties arising from Parties’ differing practices in relation to the translation of documentation during transboundary consultations, in particular concerning the quality of, and time and resources required for, the translation, and with regard to the integration of the translation into time schedules for consultations and public participation;

(d) Further bilateral agreements or other arrangements to facilitate transboundary consultations between Parties might be useful, in particular to increase efficiency and to address differences between Parties’ implementation practices, including language-related issues, time frames, public participation, the interpretation of various terms and the organization of transboundary consultations;

(e) Ensuring quality of the environmental reports is an area of improvement in the application of the Protocol. Promoting use of quality control approaches could be recommended. Parties have also expressed the desire for adequate explanations to be provided of how the comments received in accordance with articles 8 to 10 have been taken into account;

<sup>3</sup> ECE/MP.EIA/SEA/14, paras. 84–85.

(f) Differing monitoring practices are applied to implement article 12 of the Protocol, resulting to difficulties concerning the scope of monitoring, its duration, monitoring measures and the use of indicators;

7. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the fourth review of implementation, and requests the Committee to take these into account in its work;

8. *Requests* the Implementation Committee to adjust, if necessary, the questionnaire for the next reporting round on Parties' implementation of the Protocol in the period 2022–2024, taking into account the suggested improvements to the questionnaires on the implementation of the Protocol, and to provide, if necessary, a modified version for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and for circulation by the secretariat thereafter;

9. *Notes* the reporting template prepared in 2021–2023 by the Implementation Committee in consultation with the European Commission, to facilitate reporting of the European Union under the Protocol;

10. *Requests* States parties to the Protocol to complete the questionnaire, and the European Union its reporting template, respectively, as reports on their implementation of the Protocol during the period 2022–2024, taking note of the obligations to report arising from articles 14 (7) and 13 (4) of the Protocol;

11. *Urges* Parties to report [by the deadline to be agreed by the Working Group] [by the end of April 2024];

12. *Invites* Parties to provide good practice examples of their implementation of the Protocol, and evidence on what made their practice successful;

13. *Requests* the secretariat to post national reports on the treaty website in the languages in which they are available;

14. *Also requests* the secretariat to post the lists of domestic and transboundary strategic environmental assessment cases included in the responses to the questionnaire on the treaty website, unless the countries object to this practice;

15. *Decides* that a draft fifth review of implementation of the Protocol during the period 2022–2024 based on the reports by Parties will be presented at the sixth session of the Meeting of the Parties to the Protocol, and that the workplan should reflect the elements required to prepare the draft fifth review;

16. *Requests* the secretariat to foresee the subsequent publishing of the fifth review of implementation, once adopted, in an electronic format in the three official languages of ECE.

## Draft decision V/6

### Assessing health impacts in strategic environmental assessment

*The Meeting of the Parties to the Protocol,*

*Recalling* the preamble to the Protocol,<sup>4</sup> which acknowledges the benefits to the health and well-being of present and future generations that will follow if the need to protect and improve people's health is taken into account as an integral part of strategic environmental assessment,

*Recalling* also the Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment,<sup>5</sup> and particularly its annex A1.1. on health, prepared in collaboration with the World Health Organization,

*Recalling further* its decision VII/3–III/3 on adoption of the workplan for the implementation of the Convention and its Protocol for the period 2017–2020, annex II, item IV.1,<sup>6</sup> which foresees the development of guidance for the assessment of potential health impacts of plans and programmes and for the involvement of health authorities,

*Recalling* its commitment to finalizing and formally adopting the guidance in the intersessional period 2021–2023, subject to the availability of resources,<sup>7</sup>

*Highlighting* the importance of consulting health authorities alongside the environmental authorities to ensure that environmental, including health, considerations are taken into account in the development of plans and programmes and, to the extent appropriate, in policies and legislation,

*Wishing* to assist Parties in complying with their obligations under the Protocol, and to promote its effective application,

*Wishing also* to assist future Parties in their efforts to develop compliant legislation and practice on strategic environmental assessment, including regarding the assessment of health impacts and the involvement of health authorities,

1. *Welcomes* the development of draft guidance in the period 2019–2020 by two consultants, with funding from the European Investment Bank, in consultation with the secretariat, the World Health Organization and a task force composed of representatives of Austria, Finland, Ireland and Slovenia;

2. *Welcomes also* the subsequent efforts in the period 2022–2023 by the Chair and volunteering members of the Bureau and the European Union and its member States to further develop the draft guidance;

3. *[Endorses]* the Guidance on Assessing Health Impacts under the Protocol on Strategic Environmental Assessment [(ECE/MP.EIA/SEA/2023/...];

4. *Recommends* that the Parties take into account the contents of the Guidance when implementing the Protocol;

5. *Calls on* the Parties to widely disseminate the Guidance to authorities and relevant stakeholders;

6. *Proposes* that the Guidance be used in the capacity-building activities included in the workplan;

<sup>4</sup> Protocol on Strategic Environmental Assessment, seventh preambular para.

<sup>5</sup> United Nations publication, ECE/MP.EIA/17.

<sup>6</sup> ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

<sup>7</sup> ECE/MP.EIA/30/Add.1 ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, Vilnius Declaration, para. 13.; ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2; and ECE/MP.EIA/30–ECE/MP.EIA/SEA/13, para. 33.

7. *Expresses appreciation* for the good and long-standing cooperation with the World Health Organization in raising awareness of and supporting the implementation of the Protocol;

8. *Invites* Parties to submit good practice examples on the assessment of health and the involvement of health authorities in strategic environmental assessment.

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