



Overview of public participation in
strategic decision-making in the
UNECE area

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Scope of presentation:

- Meaning of 'strategic decision-making'
- UNECE Conventions
- EU law
- EU policy making
- Guidelines on promoting the application of the principles of the Aarhus Convention in International Forums

Espoo Convention 1991

Application: significant adverse transboundary environmental impact from proposed activities. 'Activities' are listed in annex I. In addition, the Parties shall endeavour to apply the principles of environmental impact assessment to policies, plans and programmes (Art 2(7)).

Public participation: The Party of origin shall provide ... an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities (Art 2(6)).

Final decision: must take due account of comments received (Art 9).

Industrial Accidents Convention 1992

- Adequate information to be given to the public (Art 9(1)).
- Whenever possible and appropriate, public to have an opportunity to participate in relevant procedures, to express its views and concerns on prevention and preparedness measures (Art 9(2)).
- Possibility of starting a legal action and appealing a decision affecting their rights (Art 9(3)).

Transboundary Watercourses Convention 1992

- Provision of information (Art 16)
- **Protocol on Water and Health 1999**
- In establishing targets for protection against water-related disease, public participation, within a transparent and fair framework, is required and due account must be taken of its outcome (Art. 6(2)).

Aarhus Convention 1998

- Public to be able to participate during the preparation of **plans and programmes** relating to the environment, within a transparent and fair framework (Art 7). Art 6(3), (4) and (8) are to be applied.
- To the extent appropriate, Parties shall endeavour to provide opportunities for public participation in the preparation of **policies** relating to the environment (Art 7).
- Parties shall strive to promote effective public participation during the preparation of **executive regulations** and other generally applicable **legally binding rules** that may have a significant effect on the environment.

Protocol to the Espoo Convention on Strategic Environmental Assessment 2003 (Not yet in force)

- Parties shall ensure early, timely and effective opportunities for public participation, when all options are open, in the strategic environmental assessment of specified plans and programmes (Art 8).
- In adopting a plan or programme, due account must be taken of comments received (Art 11).
- When Parties integrate environmental concerns in proposals for environmental policies and legislation and when they make practical arrangements, appropriate principles and elements of the Protocol are to be considered (Art 13).

Directive 85/337/EEC (as amended by 97/11/EC and 2003/35/EC)

- **Application:** specified projects - but some are of the nature of programmes (e.g. roads, railways, etc)
- **Public participation** requirements cover the project & its environmental effects (Art 6).

Directive 2001/42/EC 'SEA'

- **Application:** specified plans and programmes (Arts 2 & 3).
- **Consultation:** plan/programme and environmental report must be made available to the public (Art 6(1)). The interested or affected public has right to express its opinions thereon (Art 6(2)). These views must be taken into account during preparation of the plan/programme (Art 8).

Commission Communication on impact assessment
(COM/2002/276 final)

Updated in 'Better Regulation for growth and jobs in the
EU' (COM(2005)97 final)

- Systematic analysis of the likely impacts of intervention by public authorities. Integral to design of policy proposals to improve awareness of likely impacts.
- Consultation is key element: minimum requirement - application of the standards set out in '**Towards a reinforced culture of consultation and dialogue**' (COM(2002)704 final)

‘Almaty Guidelines’

- General guidance to Parties on promoting the application of the principles of the Aarhus Convention in international fora.
- For review at the third meeting of Parties.