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

**Preparatory Meeting for the First Meeting
of the Signatories to the Protocol on
Strategic Environmental Assessment
(First meeting, Geneva, 27-28 November 2003)
(Item 6 of the provisional agenda)**

**BACKGROUND PAPER PRESENTING POSSIBLE ELEMENTS
FOR A WORK PLAN FOR THE SEA PROTOCOL**

Prepared by the Secretariat

1. The Protocol on Strategic Environmental Assessment (SEA Protocol) was adopted by the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (EIA Convention) at their extraordinary meeting in Kiev (Ukraine) on 21 May 2003. Thirty-five States and the European Community (EC) signed the Protocol in Kiev. The Parties also adopted a Resolution on the SEA Protocol that determined that a meeting of the Signatories should be held.
2. The Meeting of the Signatories is expected to address practical matters such as the extension of the mandate of the Convention's Implementation Committee to include the SEA Protocol and the definition of a voluntary financing mechanism. In addition, the Meeting of Signatories is expected to adopt a work plan and budget.
3. This document describes a number of possible activities that might be considered, among others, for inclusion in the work plan. All the ideas included in this document have previously been circulated to the delegations by electronic mail. Delegations may therefore be familiar with these draft elements, and certain delegations have already expressed preferences for particular elements to be included in the work plan, such as capacity building.

I. CAPACITY DEVELOPMENT MANUAL

4. The activities described in this document cover a range of issues. Many of the outputs from the activities might be combined in a single SEA Protocol implementation guide, similar to *The Aarhus Convention: An Implementation Guide* (ECE/CEP/72) clarifying and expanding upon the Protocol's provisions.

5. However, it is important to avoid focusing purely on guidelines. The professional consensus is that "there is no single "best" methodology for conducting [an SEA] of a policy, plan or program proposal"; instead authorities should "apply appropriate frameworks or techniques, and [...] develop approaches tailored to their particular needs and circumstances". ^{1/} Current guidance tends to be general or indeed "tailored" to a specific type of plan or programme, with guidance for development or land-use plans being particularly widespread. ^{2/} The suggested activity outputs focus, therefore, on clarification, good-practice examples, workshops and training rather than detailed, all-encompassing (or universal) methodological guidance.

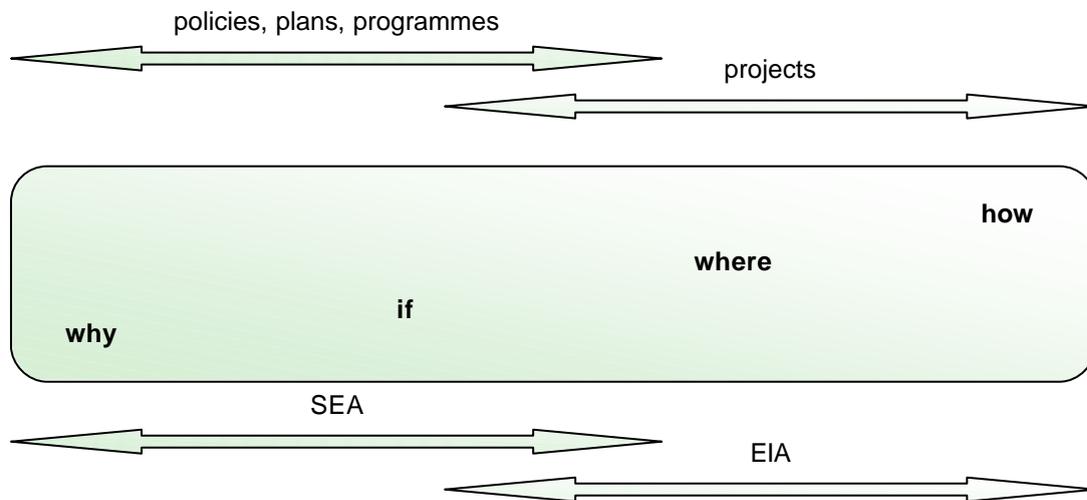
6. The Regional Environmental Center for Central and Eastern Europe (REC) has suggested that a 'capacity development manual for the UNECE Protocol on Strategic Environmental Assessment' might be developed. This would appear to be an interesting initiative to support the implementation of the SEA Protocol, in particular in Eastern Europe, the Caucasus and Central Asia. This idea was therefore discussed informally during the side event 'Towards Rapid Implementation of the Kiev SEA Protocol', held on 22 May 2003 at the Kiev Ministerial Conference 'Environment for Europe'. Such a manual could also contain guidance and clarification on the Protocol's provisions.

7. The secretariat has approached some international organizations to confirm that: (a) there is a demand for such materials; (b) others have not developed such materials; and (c) there is general support for such an initiative. This initiative was supported by the European Eco-Forum group of NGOs and by the regional offices of the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP) and the World Health Organization (WHO). Bearing in mind the similarities between the Protocol and the European Union's SEA Directive, DG Environment has also expressed an interest in the project.

II. SUBREGIONAL COOPERATION

8. Subregional cooperation is included in the current work plan of the Convention. A similar activity might be undertaken with respect to the Protocol to support the application of SEA through the provisions of the Protocol, in particular in countries with economies in transition, in Eastern Europe, the Caucasus and Central Asia. Demand-driven events in the form of workshops, seminars or training courses would be organized. The outcome of these meetings in the form of conclusions and recommendations could constitute the basis for future guidelines on subregional cooperation, in order to introduce or improve SEA systems and practice, covering the specific needs of countries in transition, in particular with regard to methodological support.

III. RELATIONSHIP BETWEEN THE SEA PROTOCOL AND THE EIA CONVENTION



9. The figure above illustrates the overlap between EIA and projects, on the one hand, and SEA and policies, plans and programmes, on the other. Large-scale projects have some of the characteristics of plans and programmes, just as small-scale plans and programmes may be confused with projects. ^{3/} The boundary between the EIA Convention and the SEA Protocol is further blurred by the common list of projects included as annex/Appendix I to both instruments. Given this overlap, or 'grey area', it is important that the two legal instruments (Convention and Protocol) indicate clearly whether an EIA or an SEA has to be done.

10. Two other aspects of the SEA Protocol, consideration of socio-economic effects and transboundary consultation, are tackled as below.

11. The SEA Protocol does not refer explicitly to socio-economic effects in its definition of "environmental, including health, effects": "any effect on the environment, including human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites, material assets, cultural heritage and the interaction among these factors" (art. 2, para. 7). In contrast, the EIA Convention does refer to socio-economic impacts in its corresponding definition of "impact": "any effect caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors" (Art. 1, para. vii).

12. There is thus the opportunity for ambiguity, or even dispute, as to whether socio-economic effects or impacts should be considered in large-scale projects included in Appendix I to the Convention (having characteristics of plans and programmes) or plans and programmes covering activities included in annex I to the Protocol (having characteristics of projects). Furthermore, one of the aims and indeed benefits of SEA is that issues can be resolved at the plan or programme level, rather than at the project level.

13. In conclusion, a study might be undertaken to examine how the Protocol and Convention relate to each other in practice, and to examine further possible areas of uncertainty besides those

identified above. The results of the study might be used to provide clarification as to how the Protocol and Convention would be applied and how they relate, and, if necessary, to develop guidance.

IV. HEALTH EFFECTS

14. The preamble to the SEA Protocol recognizes the importance of considering human health in SEA: “Acknowledging 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 and recognizing the work led by the World Health Organization in this respect”. In addition, the Protocol repeatedly refers to “environmental, including health, effects”. Thus, the Protocol places a special emphasis on human health and requires that consideration of health be included in SEA.

15. Human health has often been taken into account in EIAs and SEAs. However, “even when health aspects are addressed, assessments tend to estimate only the negative effects resulting from expected changes in [physical] environmental media, neglecting the effects of modifications on other health determinants, such as socio-economic ones, and the possibility of promoting health benefits”. ^{4/} Furthermore, the human health component of an EIA or SEA is not generally undertaken by a health professional, but rather by an environmental or social scientist, further diminishing the consideration of health.

16. At the International Workshop on Public Participation and Health Aspects in Strategic Environmental Assessment, participants agreed that health should be more broadly addressed in SEAs than at present. ^{5/} ‘Exposure’ (i.e. health effects arising from pollutants, etc.) should be included at least. Other issues that might be addressed include:

- (a) Health determinants and effects (with a need to specify which determinants and priority risk factors are to be addressed);
- (b) Positive and negative health effects (using appropriate indicators); and
- (c) Effects on particularly vulnerable groups.

17. The inclusion of socio-economic impacts in the EIA Convention, but the exclusion of socio-economic effects from the SEA Protocol, is highlighted by the Protocol’s emphasis on health, with health being dependent on both environmental and socio-economic determinants. ^{6/} Some consideration of socio-economic conditions (but not effects) will be necessary if human health effects are to be addressed adequately, including effects on vulnerable groups and considering effects besides those arising from exposure to pollutants.

18. In the draft guidance on implementation in the United Kingdom of the EC SEA Directive, a distinction is made between population and human health on the one hand, and social inclusiveness and economic development on the other; ^{7/} the former is part of SEA, whereas the latter is part of the broader sustainability appraisal. ^{8/} Such a distinction is consistent with the Protocol’s inclusion of health effects and exclusion of socio-economic effects.

19. Health impact assessment (HIA) methodologies have been developed in a number of countries, notably Canada, the Netherlands and the United Kingdom. However, HIA and SEA

have evolved separately, and there are differences in methodology and terminology. In addition, health (not just environmental health) and environment are generally the responsibilities of different government ministries and authorities. It is not clear exactly how HIA should be integrated within SEA. However, it is clear that there are opportunities for integration and efficiency gains, for example in public participation. 9/

20. The draft United Kingdom guidance for the implementation of EC SEA Directive illustrates how health may be fully integrated into SEA, providing examples of SEA objectives and indicators for human health. 10/ Similarly, there are examples of HIAs that have been undertaken that illustrate health and planning authorities working together, and that would also fit straightforwardly into an SEA methodology. 11/

21. In conclusion, clarification is required as to the appropriate means and degree of consideration of health in SEA under the Protocol, including the necessary skills to be employed and the appropriate authorities to be consulted, and the degree to which socio-economic conditions should be considered where these relate to health. A study might be undertaken to determine how to integrate health fully into SEA, as required by the Protocol. Examples of best practice might be collated and distributed to the UNECE members. Workshops and other collaborative efforts might be used to develop partnerships between health and environmental authorities. This activity would best be undertaken in collaboration with the World Health Organization.

V. TRANSBOUNDARY CONSULTATION

22. The SEA Protocol, though it is primarily an instrument for SEA, does include echoes of the transboundary focus of the EIA Convention under which it was drawn up. The relationship between the two instruments, with respect to transboundary consultation, is discussed briefly below. This is followed by an examination of the practical implementation of the Protocol's article 10 on transboundary consultations.

A. Relationship with the EIA Convention

23. The key, but brief, provision regarding transboundary consultations, including public participation, is in article 10, paragraph 4, of the SEA Protocol. The EIA Convention, however, presents more detailed and concrete provisions (Art. 3, para. 8, Art. 4, para.2 and Art. 5). There is thus, as with socio-economic effects (para. 17 above), the opportunity for legal ambiguity, or even dispute, this time as to how transboundary consultations, including public participation, are to be conducted for large-scale projects and small-scale plans and programmes. The results of the study on the relationship between the Protocol and Convention, as recommended in paragraph 13 above, might be used to provide clarification as to how the Protocol (and Convention) should be applied to transboundary consultations (and how the two instruments relate in this regard), and, if necessary, to develop guidance.

B. Practical implementation

24. Article 10 of the Protocol addresses issues dealt with by much of Articles 2 to 6 of the EIA Convention. It may therefore be expected that similar issues will be raised in implementing this

provision as were encountered with the EIA Convention, and that significant clarification may be needed. In particular, the Convention's provision for notification (Art. 3) has required extensive elaboration through decisions of the Meeting of the Parties to the EIA Convention (decision I/3 on points of contact and decision I/4 on format for notification, ECE/MP.EIA/2). Similarly, decision II/3 of the Meeting of the Parties to the Convention related to public participation in a transboundary context (see para. 31 below).

25. In addition, if a Party of origin does not believe that "the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects", but another Party believes that it is "likely to be significantly affected", the Protocol does not provide for discussions without recourse to article 20 on the settlement of disputes. Such a provision does exist in the Convention (Art. 3, para.7). It may be expected that further elaboration will be required in this regard.

26. The Protocol's requirements with respect to transboundary consultation, and the requirements and modalities for notification of affected Parties, therefore need to be clarified. This clarification might be presented in an implementation guide, as described in paragraph 40 below. In addition, examples of the application of SEA to plans and programmes having transboundary effects need to be collated and distributed to the UNECE member States, perhaps via a protocol resource centre (para. 45 below).

VI. POLICIES AND LEGISLATION

27. The Protocol allows for the application of SEA methodology to policies and legislation, though the provision is not mandatory: "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" (art. 13, para.1).

28. Those Parties wishing to apply SEA to policies and legislation may well require advice. Clear and simple advice is likely to do much to promote the application of the Protocol to policies and legislation. There is already considerable experience within the UNECE member States of applying SEA to policy and legislation, and thus extensive literature and guidance material are available.

29. In addition, the European Commission's intention is to subject all major policy initiatives (including regulatory proposals) to an assessment of their potential economic, social and environmental impacts, and it is preparing technical guidelines for implementation (which were due in September 2002). ^{12/} Impact assessment will be required for: "regulatory proposals, such as directives and regulations, and, in an appropriate form, other proposals such as white papers, expenditure programmes and negotiating guidelines for international agreements that have an economic, social or environmental impact."

30. A very short questionnaire might be sent to UNECE member States that already have legislation or guidelines in place for the SEA of policies and legislation. This questionnaire might be used to identify examples of best practice in the application of SEA to policies and legislation, and to identify suitable guidance material for distribution. The EC technical guidelines for SEA of

major policy initiatives might also be promoted. Training events and workshops would be needed to develop skills in SEA methods for policies and legislation.

VII. PUBLIC PARTICIPATION

31. Decision II/3 of the Meeting of the Parties to the EIA Convention highlights some of the values of public participation in EIA in a transboundary context:

“Public participation in EIA in a transboundary context will help to:

- (a) Improve relations between peoples and countries, and prevent transboundary environmental conflicts;
- (b) Develop civil society and democracy in the countries of the ECE region;
- (c) Promote the timely disclosure of relevant information to participants in the environmental decision-making process;
- (d) Make people understand and respect the final decisions on projects;
- (e) Give an insight into environmental protection and long-term environmental problems” (ECE/MP.EIA/4, app. I, para. 8).

32. These values are equally valid for SEA and the Protocol recognizes this in its preamble (“Conscious, therefore, of the importance of providing for public participation in strategic environmental assessment”). Indeed, the “overall objectives of participation in SEA differ little from those in the later project-related EIA stages, i.e. legitimacy and efficiency”. ^{13/} One example of how SEA may increase efficiency is by resolving public concerns once at the plan or programme level, for infrastructure development say, rather than repeatedly at the subsequent project (road or railway line EIA) level.

33. However, the NGO group European Eco-Forum has expressed some unease at the Protocol’s use of the expression “public concerned” (arts. 5, 6, 8 and 10), for which there is no definition, with respect to public participation. ^{14/} In addition, article 7 of the Aarhus Convention explicitly addresses public participation in the preparation of plans and programmes.

34. Clarification is needed of the expression “public concerned” as well as of the relationship between the SEA Protocol and the Aarhus Convention regarding public participation. This clarification might be presented in an implementation guide, as described in paragraph 40 below. It may also be necessary to develop and distribute guidance on public participation, similar to that elaborated and continuing to be elaborated for the EIA Convention. Training events and workshops would be valuable in disseminating and promoting best practice. This activity would best be undertaken in close collaboration with the Aarhus Convention’s secretariat.

VIII. CAPACITY-BUILDING

35. The Resolution on the Protocol on Strategic Environmental Assessment (see para. 1 above) declared that the Signatories to the SEA Protocol “emphasize the importance of capacity building for the effective implementation of the provisions of this Protocol.” Indeed, there is a general need to develop capacity in SEA in all UNECE member States, with the need being especially acute in Eastern Europe, the Caucasus and Central Asia. Capacity-building should

address all elements of SEA but there is a particular need with respect to public participation. Indeed, this need was also identified in decision II/3 of the Meeting of the Parties to the EIA Convention, in relation to EIA but equally valid for SEA (ECE/MP.EIA/4).

36. There may be a special need to provide training in the assessment of health impacts given the novelty of such assessment in many member States. A variety of SEA training materials and courses are available.

37. In addition, a particular training requirement was identified at the second meeting of the Implementation Committee, where three members of the Committee (Armenia, Republic of Moldova and the former Yugoslav Republic of Macedonia) noted the need to provide training for completion of the questionnaire on implementation of the EIA Convention (MP.EIA/WG.1/2003/3). A similar training need may be expected for the SEA Protocol.

38. A workshop might be held to determine the needs for capacity-building, including training needs, focusing on Eastern Europe, the Caucasus and Central Asia. Appropriate SEA training resources (institutions, methods, courses, materials and funds) would then need to be identified. The subsequent training should address, amongst other aspects, those issues identified elsewhere in this discussion paper. Special training should be provided for certain needs (for example, completion of the questionnaire).

IX. PROTOCOL IMPLEMENTATION

A Overview

39. The final section of this document addresses a number of practical matters to support the implementation of the SEA Protocol. These include the establishment of an implementation committee, a resource centre and an implementation guide.

40. As noted in paragraph 4 above, an SEA Protocol implementation guide might be developed to provide clarification of the Protocol. It is suggested that, besides issues identified earlier in this document, the technical issues discussed in this final section should also be addressed in such a guide. In addition, a collection of good-practice examples might be collated and distributed, and key information provided in a Protocol resource centre.

B Implementation committee

41. At the second meeting of the Parties to the EIA Convention, decision II/4 established an Implementation Committee “for the review of compliance by the Parties with their obligations under the Convention with a view to assisting them fully to meet their commitments” (ECE/MP.EIA/4).

42. Given the experience of implementing the EIA Convention, it should be possible to identify practical measures that can be taken, even at this early stage, to promote the most effective implementation of the SEA Protocol (in accordance with art. 3). For example, recognizing the expected similarities between implementation issues for the EIA Convention and for the SEA Protocol, and the need to minimize cost and maximize efficiency, it is suggested that

the functions of the EIA Convention's Implementation Committee could be expanded to include the SEA Protocol.

43. Furthermore, a questionnaire on the implementation of the Convention was circulated earlier in 2003. This questionnaire could be extended to address the Protocol.

C Resource centre

44. At their first meeting, the Parties to the EIA Convention adopted decision I/5, which established "under the auspices of the Convention, for a trial period of two years between the first and second meeting of the Parties, the Database on Environmental Impact Assessment in a Transboundary Context, to support the implementation of the Convention" (ECE/MP.EIA/2). At the second meeting of the Parties it was agreed (decision II/6) to continue operation of the database until the third meeting (ECE/MP.EIA/4).

45. A similar database, or 'resource centre', for the SEA Protocol could significantly assist Parties to implement the Protocol, as well as to monitor and evaluate that implementation. Such a resource centre would allow the exchange of information on matters related to SEA and would provide support to Parties and non-Parties in the establishment and maintenance of a network.

46. The Signatories to the SEA Protocol might provide SEA information for the resource centre, including: legal frameworks, consultation authorities, non-statutory consultees (NGOs and other stakeholders or stakeholder representatives), guidance, good-practice examples, SEAs and research activities. A study might ascertain how information might best be shared among the Signatories, whether a resource centre is an appropriate means, where such a resource centre might reside and what it might contain.

D Technical issues

47. The following technical issues might be examined with a view to providing clarification in an implementation guide, identifying good-practice examples and determining suitable information for inclusion in a Protocol resource centre.

Consultation

48. The Protocol requires the Parties to designate the environmental and health authorities to be consulted, whether as a Party of origin or an affected Party (Arts. 5, 6, 9 and 10). The early and consistent identification of these authorities will enable more rapid consultation. As the development process becomes more open and transparent, the number of consultees and participants will increase, so it will become increasingly important to manage the consultation process efficiently.

49. The majority of environmental and health authorities in each of the Parties to the Protocol could be identified, and this information made commonly and publicly available via the resource centre. The appropriate authorities could be classified according to the type of plan or programme, and perhaps subdivided by sectors derived from annex II to the Protocol or by their main interest (e.g. health, environment, education, transport).

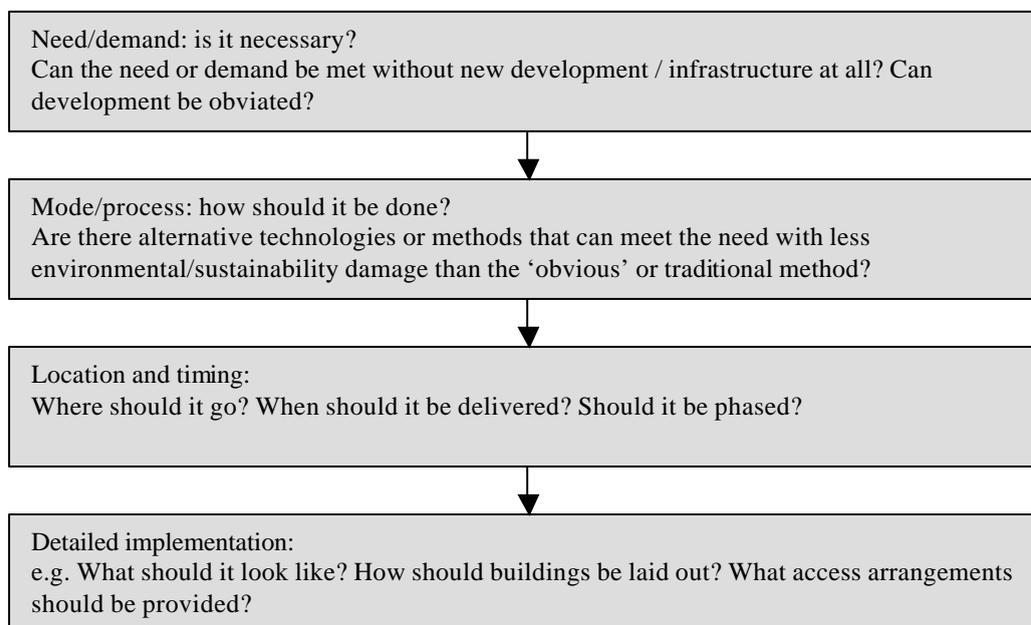
Alternatives

50. The SEA Protocol requires that alternatives be justified, described, examined and reported (art. 7 and annex IV); there is also a requirement to explain why the adopted programme or plan is to be adopted in the light of reasonable alternatives (art. 11).

51. The objective of the Protocol is to ensure that “environmental, including health, considerations are thoroughly taken into account” (art. 1), and there is a requirement for public participation “when all options are open” (art. 8). 15/ For these requirements to be met, SEA needs to be undertaken at an early stage, when the issues have been defined but the options to resolve these issues—forming the basis of a plan or programme, or even a policy—have not yet been narrowed down.

52. A review of a number of SEAs suggested that the proper consideration of alternatives is a “fundamental challenge for SEA”. 16/ Furthermore, the review suggested that alternatives “should be seen as general reference points and not as specific options among which a choice has to be made”.

53. However, a different study suggested that “successful SEA assesses the impacts of alternative options rather than option alternatives”, meaning an examination of “alternatives for meeting the objectives set, such as alternative modes of transport”, rather than, for example, “alternative locations or routes [for] a road scheme where the option of a road has already been decided”. 17/ Indeed, a hierarchy of options for dealing with issues to be resolved by the plan or programme can be worked out (see figure below). 18/ The options may be narrowed (or indeed widened) at both the scoping and analysis stages (see below).



54. In conclusion, the full and open consideration of alternatives is fundamental, and different options need to be considered at different levels of decision-making, as well as for different types of plans or programmes. Examples of suitable options to be considered in different sectors might

be collated and distributed among UNECE members, perhaps via an SEA Protocol resource centre. 19/ Clarification on the nature of alternatives to be considered might be included in the implementation guide.

Screening

55. Screening may be defined as “the process of deciding whether a policy, plan, programme or project should be subject to a form of environmental assessment (SEA or EIA), i.e. whether it is likely to have significant effects on the environment”. 20/ As noted at the Aarhus Conference, “screening and scoping are crucial to identify priority issues”. 21/

56. The screening process defined in the SEA Protocol is complex, and screening against the criteria set out in annex III (as per art. 5, para.1) is subjective. A study might be undertaken to clarify how Parties may undertake screening, recognizing that some clarification might best be provided country by country. For example, annex II might be annotated on a national basis to identify which projects do require EIA under national legislation, thus removing one step from the screening process.

57. Furthermore, the criteria introduced in annex III to the Protocol could be expanded upon, providing a clearer indication of what is significant and, where possible, providing indicative quantitative thresholds. The Danish Ministry of Environment and Energy, for example, has produced an expanded checklist for screening government proposals. 22/

58. Another approach, already employed in EIA, is to develop a list of exclusions, where the presumption is that a plan or programme in the list is unlikely to have significant environmental, including health, effects.

Scoping

59. “Scoping” may be defined as the “process of deciding the scope and level of detail of the SEA, including environmental effects and options to be considered, assessment methods to be used, and the structure and contents of the resulting Environmental Report”. 23/ The SEA Protocol makes reference only to the “determination of the relevant information to be included in the environmental report” (art. 6). There is a need to clarify what the scoping process should achieve and how this might be done.

60. For example, there is no explicit requirement in the Protocol to produce a scoping report, but it would appear an appropriate vehicle for the consultation exercise implied in article 6, paragraphs 2 and 3. Such a report might also include a determination of the objectives, indicators and perhaps targets to be applied in the assessment, the initial range of plan or programme options to be included in the study, and a description of the methodology to be employed. 24/ With all these elements included in a scoping report, the relevant authorities (and, perhaps, the public) would have the opportunity to participate in the definition of the underlying assumptions of the assessment to follow.

61. Article 6, paragraph 3, includes a non-mandatory provision for public participation in scoping. This might be achieved through publication of a scoping report or through a scoping meeting. Parties might choose to go further with, for example, public scoping meetings and public

workshops to discuss the scoping report (following the example of the United States Department of Energy). 25/ Other techniques (e.g. ‘visioning’ events, focus groups) may be appropriate for certain types of plans and programmes. 26/

62. The issues identified above might be addressed, at least in part, by (a) defining what an optional scoping report might contain (in an implementation guide); (b) identifying possible methods of consultation (through good-practice examples); and (c) optionally identifying appropriate NGOs and other stakeholders to participate in the SEA of diverse plan and programme types (to be listed in a Protocol resource centre).

Effects analysis

63. Numerous environmental analysis methodologies have been proposed but, as for SEA as a whole, the general consensus is that “there is no single “best” methodology”. 27/ (See also para. 5 above regarding universal methodological guidance.)

64. The methodology for the environmental analysis stage consistent with the SEA Protocol (arts. 2 and 7 and annex IV) might include: assessing the plan or programme options and selecting preferred options; screening the plan or programme elements to determine which require detailed assessment and predicting the effects on their objectives and targets; developing mitigation measures; and reporting methods, results, assumptions, uncertainties and limitations.

65. Screening of elements can generally most easily be achieved by using checklists. Numerous methods are available for predicting environmental effects, though SEA differs from EIA in the need to focus on indirect, secondary and cumulative effects. Techniques such as life-cycle analysis and the use of geographical information systems may be appropriate. Where effects can be quantified with confidence and with reasonable effort, they should be. Qualitative methods should be used “to cope with uncertainty and lack of quantitative information”. 28/ Generally, the higher the level (or ‘tier’) of the plan or programme, the less likely it is that a reliable quantitative analysis will be possible. In all cases, the effort expended on each prediction should be commensurate with the expected significance of the potential effect.

66. Guidance on effects analysis would most likely be developed in the form of examples of best practice for different types of plans and programmes, combined with some clarification of the Protocol’s requirements (in the implementation guide).

67. In addition, a review checklist might be developed to verify the completeness of the SEA report. For example, the European Commission has produced an environmental impact statement review checklist for EIA; 29/ a similar checklist might be derived for the SEA Protocol.

Monitoring

68. As objectives, indicators and targets would most likely have been defined during the SEA process, monitoring the effects of a plan or programme (art. 12) should be both achievable and worthwhile. However, experience in monitoring the effects of plans and programmes is limited, so Parties are likely to require assistance in implementing article 12.

69. For transport infrastructure plans, the EC proposes that an “environmental action and

monitoring plan” should be part of the SEA report and it should include: “setting up an implementation and monitoring framework for the strategic competent authority to monitor plan implementation, with reference both to its objectives and to its environmental impacts; giving environmental planning guidance, indicating which decisions at lower tiers require an SEA or an EIA, or how screening and scoping could take place; defining appropriate corrective actions to reduce unanticipated adverse impacts”. ^{30/} This would appear a worthwhile approach to monitoring that Parties might wish to follow.

70. In conclusion, guidance, probably in the form of good-practice examples, is required to assist in the design and implementation of monitoring. Such examples might be collected and then distributed to the UNECE member States, perhaps via a Protocol resource centre.

1/ Canadian Environmental Assessment Agency, Strategic Environmental Assessment: The 1999 Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals – Guidelines for Implementing the Cabinet Directive (1999).

2/ See, for example, Levett-Thérivel, Draft guidance on the Strategic Environmental Assessment Directive (Office of the Deputy Prime Minister, United Kingdom, October 2002).

3/ Swedish National Board of Housing, Building and Planning and Swedish Environmental Protection Agency, Planning with environmental objectives! A guide (2000).

4/ C. Dora and F. Racioppi, “Health Impact Assessment as part of Strategic Environmental Assessment: moving the European policy framework towards a greater integration of health consideration in the development of policies, plans and programs”, Proceedings of Symposium at ISEE-ISEA Conference 2002 on Health Impact Assessment (HIA) - a maturing tool for decision-making, 14 August 2002, Vancouver, Canada (2002).

5/ J. Dusik, “Introduction”, Proceedings of International Workshop on Public Participation and Health Aspects in Strategic Environmental Assessment, November 23-24, 2000, Szentendre, Hungary, (Regional Environmental Centre for Central and Eastern Europe, November 2001).

6/ The importance of socio-economic determinants of health is noted by, for example, C. Dora and F. Racioppi, op. cit.

7/ Levett-Thérivel, op. cit.

8/ Sustainability Appraisal is a form of socio-economic, environmental and natural resource assessment, primarily of development plans, employed in the United Kingdom since the late 1990s.

9/ See, for example, J. Dusik, op. cit.

10/ Levett-Thérivel, op. cit.

11/ See, for example, Cambridgeshire Health Authority, prepared by Land Use Consultants in association with Anne Gordon Associates, Cambridgeshire and Peterborough

Structure Plan Review: Health Impact Review (March 2002).

12/ European Commission, Communication from the Commission on Impact Assessment, COM(2002) 276 final (Brussels, 5 June 2002).

13/ J. Petts, “Public Participation and Environmental Impact Assessment”, in Handbook of Environmental Impact Assessment, J. Petts, ed. (Blackwells, Oxford, United Kingdom, 1999).

14/ See, for example, ECO-Forum, Bratislava Declaration on the Pan-European Agenda for the Forthcoming Kyiv Environmental Ministers Conference (2002). The declaration was adopted by the Plenary of the European ECO-Forum (pan-European Coalition of Environmental Citizens Organisations), 8 December 2002, Bratislava, Slovakia.

15/ Similarly, the Aarhus Convention includes as paragraph 4 of article 6 (public participation in decisions on specific activities): “Each Party shall provide for early public participation, when all options are open and effective public participation can take place”; according to article 7, article 6, paragraph 4, applies also to plans and programmes.

16/ M. Hilden and others, The application of EIA principles and procedures in strategic decision making in Finland, Iceland, Norway and Sweden, Nordisk Nyhedsbrev. Indholdsfortegnelse, 11/1998 (1998).

17/ Imperial College Consultants Ltd and others, SEA and Integration of the Environment into Strategic Decision-Making, European Commission Contract (May 2001).

18/ Levett-Thérivel, op. cit.

19/ See, for an example of local transport options, United Kingdom Department for Environment, Transport & the Regions, Planning Policy Guidance Note 12: Development Plans, (The Stationery Office, December 1999).

20/ Imperial College Consultants Ltd and others, op. cit.

21/ Croatia and the Regional Environmental Centre for Central and Eastern Europe (REC), Sofia Initiative: Environmental Impact Assessment – Policy Recommendations on the use of Strategic Environmental Assessment in Central and Eastern Europe and in Newly Independent States, Background Paper for the Fourth Ministerial Conference: Environment For Europe, Århus, Denmark, 23 - 25 June 1998. (UNECE, 1998).

22/ Denmark, Ministry of Environment and Energy, Guidance on procedures for environmental assessments of bills and other Government proposals (1997). The Prime Minister’s Circular No. 159 of 16 September 1998 subsequently revised the legal provisions underlying the guidance.

23/ Levett-Thérivel, op. cit.

24/ Numerous sources of indicators are available, e.g. (a) European Environment Agency, Reporting on Europe’s Environment: The Dobris Report (European Environment Agency, Copenhagen, 1995); (b) United Nations Commission for Sustainable Development, Indicators of Sustainable Development: Guidelines and Methodologies (2001); and (c) Organisation for Economic Co-operation and Development, Environmental Indicators: Towards Sustainable

Development 2001 (OECD, Paris, 2002).

25/ J.W. Webb and L.L. Sigal, “SEA of an Environmental Restoration and Waste Management Programme, US”, in The Practice of Strategic Environmental Assessment, R. Thérivel and M.R. Partidário, eds. (Earthscan, London, 1996).

26/ See, for example, R. Thérivel and A.L. Brown, “Methods of Strategic Environmental Assessment”, in Handbook of Environmental Impact Assessment, J. Petts, ed. (Blackwells, Oxford, United Kingdom, 1999).

27/ Canadian Environmental Assessment Agency, op. cit.

28/ R. Thérivel and A.L. Brown, op. cit.

29/ European Commission, Guidance on EIA: EIS Review (Luxembourg: Office for Official Publications of the European Communities, June 2001).

30/ European Commission, prepared by DHV for Directorate-General Energy and Transport, Manual on Strategic Environmental Assessment of Transport Infrastructure Plans (1999).