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**Exchange of good practices: guidance on land-use
planning, the siting of hazardous activities and
related safety aspects**Conference of the Parties to the
Convention on the Transboundary
Effects of Industrial Accidents**Ninth session**

Ljubljana, 28–30 November 2016

Item 7 (c) of the provisional agenda

**Development of the Convention: guidance by the
Conference of the Parties****Draft policy and legal guidance on land-use planning, the
siting of hazardous activities and related safety aspects****Note by the Bureaux***Summary*

The present guidance was prepared in accordance with the workplan for 2015–2016 for the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) (ECE/CP.TEIA/30, para. 87 and annex II). It was also prepared further to the decision of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) to include the activity in the

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workplan for 2014–2017 for the Convention and its Protocol on Strategic Environmental Assessment, with a view to promoting synergies with the Industrial Accidents Convention (ECE/MP.EIA/WG.2/2015/2, paras. 33–35).

The present document aims to support Parties in their application of the provisions of the three above-mentioned instruments in land-use planning, siting and related safety aspects of hazardous activities, including by illustrating good practice and promoting synergies in the application of those and other relevant international instruments. It is complemented by technical guidance on the same topic (ECE/CP.TEIA/2016/9).

The Conference of the Parties to the Industrial Accidents Convention is invited to consider the guidance and adopt, endorse or welcome it as appropriate. The Working Group on EIA and SEA is invited to review the text of the guidance to be forwarded to the next sessions of the governing bodies to the Espoo Convention and its Protocol (Minsk, 13–16 June 2017). Once adopted by the respective treaty bodies, the legal and technical parts of the guidance will be joined and issued as a publication.

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I. Introduction

A. Mandate

1. At its eighth meeting (Geneva, 3–5 December 2014), the Conference of the Parties to the United Nations Economic Commission for Europe (ECE) Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) adopted the workplan for 2015–2016. The workplan included an activity on the sharing of good practices and development of guidance on safety and land-use planning. This activity was to be carried out under the leadership of the European Union/European Investment Bank and in cooperation with the Protocol on Strategic Environmental Assessment (Protocol on SEA) to the ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the ECE Committee on Housing and Land Management (ECE/CP.TEIA/30, annex II).

2. The guidance was expected to explain how the notion of land-use plans and programmes used in other relevant legal instruments applied to the Industrial Accidents Convention's provisions on the siting of hazardous activities, as well as aligning the practice under the Industrial Accidents Convention with the provisions of the ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (*ibid*, para. 45).

3. At its fourth meeting (Geneva, 26–28 May 2015), the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Working Group on EIA and SEA) under the Espoo Convention and its Protocol on SEA agreed to include the activity in the workplan for 2014–2016, with a view to promoting synergies with the Industrial Accidents Convention (ECE/MP.EIA/WG.2/2015/2, paras. 33–34).

B. Objective

4. The primary purpose of the guidance is to assist Parties¹ in more effectively mitigating the effects of possible industrial accidents and the consequences on human health, the environment and cultural heritage within countries and across borders. The guidance aims to achieve this by:

(a) Clarifying the relevant provisions of the Industrial Accidents Convention, the Protocol on SEA and the Espoo Convention;

(b) Highlighting the synergies and interlinkages between these instruments;

(c) Providing examples of good practice and integrated approaches to implementing the provisions related to land-use planning, safety and hazardous industrial activities.

5. The Industrial Accidents Convention primarily deals with prevention of, preparedness for, and response to industrial accidents, with a view to reducing the risks of accidents and, when they do occur, their effects. The Protocol on SEA and the Espoo Convention ensure the assessment of the potential adverse impacts on environment and health of land-use planning and the siting of hazardous activities. It is therefore important

¹ Parties to the Industrial Accidents Convention, the Protocol on SEA and/or the Espoo Convention.

that the practices of land-use planning and the siting of hazardous activities, which are dealt with through the provisions of the Protocol on SEA and the Espoo Convention, respectively, are integrated with practices under the Industrial Accidents Convention.

6. Over the years, the practical implementation of these legal instruments has faced many challenges within and between countries. Accordingly, the present guidance intends to support public authorities and practitioners in applying their provisions in relation to land-use planning, safety and hazardous industrial activities.

7. The public authorities and practitioners that this guidance aims to support include: decision makers and policymakers at the national and local levels; proponents, developers and operators; and those who provide technical support in the fields of urban planning, environmental assessment or industrial accident risk management. It is not intended to be a detailed, hands-on instruction manual, but rather a source of advice on the right procedures and processes for cooperation within and between Parties.

8. Public authorities and practitioners should take into account the provisions of the above-mentioned instruments when developing or making decisions about:

- (a) Land-use plans, policies or programmes (including strategic environmental assessment (SEA));
- (b) Plans to site potentially hazardous activities (including environmental impact assessment (EIA));
- (c) Permits that authorize activities or modifications of these activities on specific sites (including hazardous industrial activities).

C. Methodology and scope

9. The guidance has been drafted by a consultant to the European Investment Bank based on:

- (a) A desktop review of general documentation and informational material;
- (b) An analysis of the 27 responses to a survey of national authorities of the relevant treaties, as well as interested stakeholders, conducted from 21 December 2015 to 18 January 2016. The survey identified the needs, existing good practices and lessons learned regarding the application of the relevant provisions of those instruments;²
- (c) Inputs from a legal expert and an SEA practitioner;
- (d) Support from a small group of experts on land-use planning;
- (e) Detailed comments from Parties.

10. A first draft of the guidance was presented at a joint workshop on 13 April 2016, in the context of the seventh meeting of the Working Group on the Development of the Industrial Accidents Convention (Geneva 12–14 April 2016) and the fifth meeting of the Working Group on EIA and SEA (Geneva, 11–15 April 2016).³ Following comments by

² The full results of the survey are available at:
http://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.5_April2016/ece.mp.eia.wg.2.2016.I.NF.11_A_LUP_Legal_Policy_ANNEX.pdf.

³ See ECE/MP.EIA/WG.2/2016/2, paras. 41–46 and annex, and ECE/CP.TEIA/WG.1/2016/2, paras. 17–18 and annex II, respectively.

workshop participants and the Working Groups, the draft was finalized for submission to the Conference of Parties to the Industrial Accidents Convention at its ninth session and the Working Group on EIA and SEA at its sixth meeting, with a view to its subsequent submission to the next sessions of the governing bodies of the Espoo Convention and the Protocol on SEA (Minsk, 13–16 June 2017).

11. Originally, the activity was expected to focus on land-use planning and the application of the Protocol on SEA. However, it became apparent that, while land-use plans are subject to an SEA procedure, decisions on the siting of hazardous activities are subject to an EIA procedure and therefore the Espoo Convention was of relevance. Furthermore, and as foreseen, several aspects covered by the Aarhus Convention were also considered.

D. Structure of the guidance

12. The guidance is composed of two parts. The first part, set out in the present document, is the guidance on policy, legal and procedural matters, which provides support and clarification to public authorities and practitioners on the requirements, interlinkages and application of the relevant ECE instruments. The second part, set out in document ECE/CP.TEIA/2016/9, is the technical guidance on land-use planning and the siting of hazardous activities and related safety aspects, which focuses on the risk aspects of hazardous facilities.

13. Chapter II below outlines the main interlinkages, synergies and complementarities between the relevant ECE instruments. Chapter III shares Parties' practices in implementing the provisions related to industrial accidents, safety, EIA, SEA and consultation of the relevant authorities. Finally, chapter IV constitutes the core guidance document. It provides guidance on legal, procedural and administrative aspects of the instruments, and is complemented by a table with practical advice.

II. Interlinkages, synergies and complementarities between relevant legal instruments

14. The Industrial Accidents Convention promotes international cooperation in relation to industrial accidents capable of causing transboundary effects. Parties undertake measures to identify hazardous activities within their jurisdiction, consult with and notify each other, prevent such accidents and ensure that the public in the areas capable of being affected by an industrial accident is informed and provided with an opportunity to participate in procedures relating to prevention and preparedness measures.

15. With regard to the planning and safety of hazardous activities, Parties should not only consider the Industrial Accidents Convention, but also the Protocol on SEA and the Espoo and Aarhus Conventions. A majority of Parties to the Industrial Accidents Convention are also Parties to one or more of the other relevant ECE instruments. The treaties only rarely make direct reference to each other (e.g., Industrial Accidents Convention, article 4, para. 4; and Protocol on SEA, article 15), but in practice there are important interlinkages between the instruments that should be taken into account when designing national policies, plans, programmes or projects.

16. The primary functions of the relevant ECE legal instruments and their key interlinkages are outlined in table 1.

Table 1.
Primary function and interlinkages of selected legal instruments

<i>Instrument</i>	<i>Broad objective</i>	<i>Relevance to land-use planning, safety and hazardous industrial activities</i>	<i>Key interlinkages</i>
Industrial Accidents Convention	To prevent the occurrence of industrial accidents as far as possible, to mitigate or minimize their impacts and to promote active international cooperation between countries before, during and after an industrial accident.	Prevention and minimization of industrial accidents and their effects.	Environmental and health risks identified in SEA and EIA procedures for land-use planning and siting of hazardous activities can be used to inform industrial safety planning under the Industrial Accidents Convention.
Protocol on SEA	To provide for a high level of protection of the environment, including health, by: (a) ensuring that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes; (b) contributing to the consideration of environmental, including health, concerns in the preparation of policies and legislation; (c) establishing clear, transparent and effective procedures for SEA; (d) providing for public participation in SEA; and (e) integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development.	Informing decisions on land-use plans, programmes and policies.	Data on industrial safety generated and exchanged under the Industrial Accidents Convention should be used to address environmental and health risks identified in SEA procedures for land-use plans, policies or programmes under the Protocol.
Espoo Convention	To ensure international cooperation in assessing and managing environmental impacts of proposed activities (projects) in a transboundary context.	Informing decisions on the siting of hazardous activities.	Data on industrial safety that is generated and exchanged under the Industrial Accidents Convention should be used to address environmental and health risks identified in EIA procedures for making decisions or authorizing permits for hazardous activities under the Espoo Convention.
Aarhus Convention	To guarantee the rights of access to information, public participation in decision-making and access to justice in environmental matters, in order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.	Public participation, access to information and access to justice in the process of EIA, SEA and industrial safety planning procedures.	The public should be meaningfully engaged in the EIA, SEA and industrial safety planning procedures and decision-making.

17. The following areas where important interlinkages exist between the Industrial Accidents Convention, the Protocol on SEA, the Espoo Convention and, where relevant, the Aarhus Convention, are discussed in more detail below:

- (a) Addressing hazardous activities;
- (b) Screening;
- (c) Scoping;
- (d) Environmental report;⁴
- (e) Access to information, public participation and access to justice;
- (f) Transboundary procedure;
- (g) Decisions;
- (h) Monitoring.

A. Addressing hazardous activities

18. The four treaties all contain mechanisms to address hazardous activities. A hazardous activity under the Industrial Accidents Convention is “any activity in which one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in annex I hereto, and which is capable of causing transboundary effects” (article 1, subpara. (b)). Annex I to that Convention provides a list of hazardous substances to define hazardous activities.

19. Although the Espoo Convention does not define “hazardous activity”, it defines a proposed activity as “any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure” (article 1, subpara. (v); see also appendix I). According to the Protocol on SEA, an SEA is obligatory for plans and programmes prepared for town and country planning or land-use that set the framework for future development consent for projects (article 4, para. 2, and annex I). The list of projects in annex I to the Protocol on SEA is similar to the list of activities in appendix I to the Espoo Convention. These activities, assessed under EIA and SEA, should include hazardous activities in the meaning of the Industrial Accidents Convention.

20. The Aarhus Convention refers to decisions on “specific activities” (see article 6).⁵ Activities under annex I (activities determined by national law to have a significant effect on the environment) require a public participation procedure. Such a procedure is also required for plans and programmes relating to the environment (article 7). For siting decisions or plans or programmes relating to hazardous activities, public participation under the Aarhus Convention may be required.

⁴ The terminology of the Espoo Convention differs slightly. For the purposes of this guidance, “environmental report” also refers to the EIA documentation (here, the EIA environmental report).

⁵ *The Aarhus Convention: An Implementation Guide* (second edition) suggests that the term is similar to “proposed activity” under the Espoo Convention (United Nations publication, Sales No. E.13.II.E.3, p. 131).

B. Screening

21. Screening is undertaken at the beginning of an environmental assessment to determine whether a full assessment or procedure is formally required under the relevant regulations. In relation to land-use planning, safety and hazardous activities, screening is key to identify activities capable of causing transboundary effects.⁶

22. Under the Industrial Accidents Convention, screening is not stipulated. However, the definition of “hazardous activities” in article 1, subparagraph (b), as expanded in annex I, implies a similar process to screening and could be considered during the screening procedures under EIA and SEA.

23. To determine whether a plan or programme (other than those defined in article 4, para. 2, of the Protocol on SEA) is likely to have significant environmental, including health, effects, Parties to the Protocol carry out screening (article 4, paras. 3–4). Screening is done either through a case-by-case examination or by specifying types of plans and programmes, or by combining both approaches (as outlined in article 5).

24. The Espoo Convention does not specify a screening procedure, but its appendix III, on general criteria to assist in the determination of the environmental significance of activities, provides screening criteria. These include a number of factors that are relevant to the safety aspects of hazardous activities, such as general references to risk, size, location and effects.

25. Therefore, all three instruments include a screening process to identify activities (including those capable of causing transboundary effects) to be addressed in EIA, SEA and industrial safety planning procedures.

C. Scoping

26. Scoping is the process of identifying the precise and case-specific scope of information needed to be included in the EIA documentation or environmental report to be submitted to the competent authority. Scoping requires that the environmental report reflect the information needs of the decision-making body and determines the topics to be considered as well as the depth or detail of the information to be presented on each topic.

27. The Industrial Accidents Convention does not specifically outline the scope of the information to be provided in the environmental report, as it is recognized that “the analysis and evaluation of the hazardous activity should be performed with a scope and to a depth which vary depending on the purpose for which they carried out” (annex V, para. 1). However, “matters which should be considered in the analysis and evaluation” are listed under annex V, paragraph 2, in relation to emergency planning (items 1–5), decision-making on siting (items 6–8 in addition to 1–5), information to the public (item 9, in addition to 1–4) and prevention measures (items 10–16 in addition to 1–9).

28. Appendix II to the Espoo Convention provides guidance on the minimum content of the environmental report, including a description of the proposed activity, reasonable alternatives, the potential environmental impact of the proposed activity, the mitigation measures and monitoring and management programmes.

⁶ By its decision 2000/3, the Conference of the Parties to the Industrial Accidents Convention adopted Guidelines Facilitating the Identification of Hazardous Activities (ECE/CP.TEIA/2, annex IV) as later amended by decision 2004/2 (ECE/CP.TEIA/12, annex II).

29. Article 6 of the Protocol on SEA sets out the scoping procedure. It establishes the arrangements for determining the relevant information to be included in the environmental report and the authorities to be consulted, as well as opportunities for public participation. Article 7 sets out the content of the environmental report, which the proponent prepares for consultation among authorities, public participation and possibly also transboundary consultations.

D. Environmental report

30. The Industrial Accidents Convention does not stipulate that an environmental report must be prepared. However, it does require that Parties exchange information, consult each other and undertake cooperative measures. Data on industrial safety that are generated and exchanged under the Convention (under article 15) should be used to address environmental and health risks in land-use plans and siting decisions in SEA and EIA environmental reports. In addition, measures envisaged in the off-site contingency plans prepared for hazardous activities can be included in the SEA environmental report (see article 8, para. 3).

31. Under the Protocol on SEA and Espoo Convention, an environmental report must be prepared and submitted to the competent authority. The environmental report requirements are similar under these two instruments (see sect. E above).

32. Safety aspects of hazardous activities can be addressed in SEA environmental reports in relation to policies, plans or programmes (i.e., land-use plans or policies), in order to fulfil the requirements of the Industrial Accidents Convention.

33. In addition, safety aspects of siting hazardous activities can be addressed in EIA environmental reports in relation to decisions and permits authorizing hazardous activities (projects) on specific sites.

E. Access to information, public participation and access to justice

34. In adopting land-use plans or siting decisions, Parties to the Industrial Accidents Convention have to abide by specific obligations relating to the free exchange of information between Parties or between Parties and other stakeholders, such as the public (see articles 9 and 15 and annexes XI and IV, item 5). Article 9 of that Convention also regulates public participation and access to justice issues in relation to matters covered by the Convention, without further detailing the procedures.

35. Similarly, the Espoo Convention (article 4) and its Protocol on SEA (article 5, para. 4, and articles 9 and 10) require Parties to provide for access to information by obliging them to share documentation with other Parties and the public for transboundary consultation purposes and public participation procedures. Both instruments provide for public participation and grant rights for the public to be informed, to express their views and to have those views taken into account. In a transboundary context, the public of affected Parties must have an opportunity to participate that is equivalent to the opportunity provided to the public of the Party of origin (see Espoo Convention, article 2, paras. 2 and 6, article 3, para. 8, and article 4, para. 2; and the Protocol on SEA, article 8).

36. The Aarhus Convention is in general the instrument of reference regarding access to information, public participation and access to justice in environmental matters. Its provisions should be observed by Parties to the Industrial Accidents Convention, the Protocol on SEA and the Espoo Convention that are also party to the Aarhus Convention to

complement the basic obligations on access to information, public participation and access to justice arising from those instruments. At the same time, the provisions of the Industrial Accidents Convention also complement the obligations of the Aarhus Convention. Specifically, article 9 of the Industrial Accidents Convention requires that adequate information is given to the public in the areas capable of being affected by an industrial accident, and that they are given an opportunity to participate in relevant procedures and have access to relevant administrative and judicial proceedings.

F. Transboundary procedure

37. The Industrial Accidents and Espoo Conventions have similar transboundary procedures. The Industrial Accidents Convention (article 4, para. 4) specifically refers to the Espoo Convention:

When a hazardous activity is subject to an environmental impact assessment in accordance with the [Espoo Convention] and that assessment includes an evaluation of the transboundary effects of industrial accidents ..., the final decision taken for the purposes of [that Convention] shall fulfil the relevant requirements of this [Industrial Accidents] Convention.

38. There is no formal link between the transboundary procedures of the Industrial Accidents Convention and the Protocol on SEA. However, article 10 of the Protocol requires transboundary consultations between Parties, which are triggered when one Party is developing a plan or programme that has the potential to cause significant transboundary environmental, including health, effects.

G. Decisions

39. Safety aspects of hazardous activities should be addressed in plans or programmes addressing land use or in decisions or permits authorizing activities or modifications of these activities on specific sites (siting decisions). Under the Industrial Accidents Convention, article 7 requires that Parties seek to establish policies on siting of hazardous activities and their modifications, as well as policies on significant developments in areas that may be affected by the transboundary effects of an industrial accident arising out of a hazardous activity. Annex VI, pursuant to article 7, outlines the matters that should be taken into consideration when making siting decisions, such as: the results of risk analysis and evaluation; consultations and public participation processes; environmental risk evaluations and any transboundary effects; and the siting of hazardous activities.

40. The Protocol on SEA also contains requirements for decision-making. Parties to the Protocol should undertake an SEA when developing policies, plans or programmes that influence the siting of hazardous activities in order to identify and incorporate environmental and health considerations at the earliest stage possible. Under article 11, when a plan or programme is being adopted, the conclusions of the environmental report, measures to prevent, reduce or mitigate adverse effects and comments received during the process, must be taken into consideration.

41. Similarly, an EIA under the Espoo Convention can inform and analyse siting decisions for hazardous activities. Article 6 of the Convention seeks to ensure that the final decision on the siting of a proposed activity (which may include a hazardous activity) takes into account the outcome of the EIA, the assessment documentation (environmental report), the comments received and the outcome of the consultations during the EIA process. In addition, under article 4, paragraph 4, of the Industrial Accidents Convention, when a

hazardous activity is subject to an EIA in accordance with the Espoo Convention and it involves transboundary effects, the final decision on the EIA must fulfil the relevant requirements of the Industrial Accidents Convention.

H. Monitoring

42. In relation to monitoring, the Industrial Accidents Convention promotes the exchange of information between Parties, operators and competent authorities as part of multilateral and bilateral cooperation. This cooperation includes the sharing of programmes for monitoring, planning, research and development, as well as the methods used for the prediction of risks, including criteria for the monitoring and assessment of transboundary effects (see annex XI).

43. Both the Protocol on SEA (article 12) and the Espoo Convention (appendices II and V) envisage monitoring the actual effects of the plans or activities that have undergone environmental assessment. As stated above, the results of monitoring (relevant to hazardous industrial activities) should be shared between Parties, operators and competent authorities to fulfil the requirements of the Industrial Accidents Convention.

III. Experiences and good practices of member States based on the survey findings

44. Over the past twenty to thirty years, EIA and SEA procedures have been used to ensure that potential environmental impacts arising from policies, plans, programmes and projects are identified and assessed at the earliest stage possible, and subsequently communicated to the decision maker, minimized and monitored. An important part of the process is that opportunities for the public to be meaningfully involved are provided. SEA addresses both development and conservation objectives, as they are applied to land-use policies, plans and programmes, which set the framework for many development projects that, individually or cumulatively, may cause significant adverse effects on the environment and human health. Similarly, EIA addresses development and conservation objectives, as they are applied to projects, such as the siting of hazardous activities.

45. There are many examples of Parties' efforts to coordinate or integrate the overlapping and interlinked assessment obligations for a siting decision related to EIA, land-use planning related to SEA and industrial accidents analyses and evaluations. Box 1 below provides examples of integrated procedures that were gathered through the survey.

46. Good-practice examples of a fully integrated process of industrial safety planning, EIA and SEA are found in Bulgaria, Belgium (Flanders Region) and Portugal, as shown in boxes 2, 3 and 4 below. The competent safety authorities — the competent authorities for the purposes of the Industrial Accidents Convention — of the United Kingdom of Great Britain and Northern Ireland and Estonia have demonstrated particularly good practice in ensuring the inclusion of safety considerations in their land-use plans and siting decisions, as shown in boxes 5 and 6.

Box 1

Integrated procedures for EIA, SEA and analyses and evaluations related to industrial accidents safety in land-use planning

Armenia

The Armenian Law on EIA and Appraisal requires the inclusion of a description of the main risks of potential accidents in EIA reports.

Austria

The relevant requirements of the Protocol on SEA are integrated into land-use planning procedures in Austria. Risks and safety aspects relevant to the SEA procedure are considered on an individual basis. In certain cases, these aspects may influence the development of alternatives, mitigation measures or other SEA-related steps.

Bulgaria

The Environmental Protection Act of Bulgaria considers industrial accidents safety in both SEA and EIA instruments. The Act includes the main stages of the EIA procedure for EIA coordinated with the Seveso III Directive.⁷ The Minister of Environment and Water identifies the SEA procedures to be carried out in order to ensure safe distances around hazardous facilities.

Estonia

In Estonia, the Chemicals Act requires an assessment of the hazards and risks relating to a facility when SEA or EIA is performed in the planning and design phase and that the public is informed during these proceedings.

Finland

In Finland, EIA studies and reports addressing socioeconomic, social, cultural and other impacts must support proposed land-use plans. The entire area where a material impact is expected following the plan's implementation must be assessed. For certain areas, a separate comprehensive industrial safety assessment is undertaken alongside land-use planning.

Sweden

Under Swedish law, all accidents are considered to lead to environmental consequences — e.g., impacts on humans, property or cultural heritage or causing air, water or soil pollution. Potential impacts are described under the EIA or SEA with sufficient detail necessary for siting or land-use plan decision-making. All reasonable preventive measures to reduce any environmental impacts are addressed. The activity permit might be severely limited or not issued when preventive and mitigation measures are deemed insufficient to minimize damage caused by accidents.

⁷ Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC.

United Kingdom

The likely impact of plans, programmes or projects on human health and/or the environment are issues that should be considered, where relevant, as part of an EIA or SEA in the United Kingdom. The impacts include those resulting from accidents.

Box 2

Bulgaria: safety considerations as criteria for screening land-use plans determining the use of small areas at local level

The Minister of Environment and Water (for national plans) and Directors of Regional Inspectorates of Environment and Water (for local plans) are the competent environmental authorities in Bulgaria for SEA regarding land-use plans. They perform the following screening tests.

For land-use plans for siting of facilities, these authorities:

- (a) Check whether the investment proposal was subject to EIA. If so, they check whether the dangerous substances, major accidents risks and measures for prevention, control and limitation of consequences of major accidents for the environment and human health were evaluated and documented;
- (b) Check whether a safety report was adopted;
- (c) Verify safety distances from the facility to residential, public use or recreational areas, and transport routes.

If the conditions in (a)–(c) are all met, then, as a rule, SEA is not required. If they are not all met, an EIA must be conducted. A detailed development plan and land-use change cannot be adopted until safety distances are ensured.

For land-use plans for new residential or public use areas, or transport routes, these authorities:

- (a) Inform the developer of the presence and location of any existing facilities on the territory of the plan or plan modifications, including the risk potential of the facilities, permitted activities and the type and maximum allowed quantities of dangerous substances. For enterprises with high-risk potential, the approved safety report provides additional information. The developer uses the information to define safety distances and monitoring measures;
- (b) Require the developer to submit (to the environmental authority) the screening documentation, including details about safety distances and an analysis of the expected adverse effects resulting from the increased risk and the consequences from a major accident situation from existing hazardous facilities;
- (c) Send the screening information to the competent authorities for opinions on constructions if there are special legislative requirements for safety distances for the facility;
- (d) Issue a screening decision including information on safety distances, any conditions and measures.

The screening decision is publicly accessible and subject to appeal.

Box 3

Belgium (Flanders Region): integrating industrial accidents safety considerations into land-use planning via the SEA process

In the Flanders Region of Belgium, the legal and regulatory framework coordinates SEA and industrial accidents safety considerations under the SEA land-use planning procedures.

The SEA screening verifies the presence of establishments subject to the Seveso III Directive within a 2-kilometre radius of the concerned plan (Seveso test), which is part of the scoping. The SEA needs to incorporate relevant conclusions from the safety report, if available. Public participation is obligatory for each land-use plan. Transboundary consultations take place whenever a transboundary impact is expected.

Consultations with the environmental and safety authorities are a statutory obligation when Seveso III Directive establishments are present. During siting, a number of authorities participate in the SEA and EIA processes, including the initiator or advisory authority (such as Urban Planning Flanders), the EIA/SEA unit for process management and quality control and other authorities with specific environmental responsibilities. Advice is sought by relevant provinces or municipalities.

Box 4

Portugal: integrating industrial accidents safety considerations into land-use planning via the SEA process

In Portugal, Decree-Law 150/2015 coordinates the industrial accidents safety considerations under the Seveso III Directive with SEA procedures for land-use planning.

When new sites or changes to existing sites are subject to EIA, the EIA includes a land-use compatibility assessment and information on major accidents. The land-use compatibility assessment is included in the environmental report.

The SEA Decree sets out procedures for carrying out transboundary consultations for plans or programmes likely to have significant environmental transboundary effects (usually on other European Union member States). The outcomes of transboundary consultations are transmitted to the national authorities preparing the plans and programmes. Portugal also participates in the SEA of other European Union member States when their plans and programmes are likely to have significant environmental effects in Portugal. The Portuguese Environment Agency is consulted for Spanish plans and programmes, and the results are transmitted to the Spanish authorities. The consultations are included in the environmental report and the relevant version of the plan or programme.

The legal framework for public participation is in line with the Aarhus Convention and the European Union Directive on SEA.⁸ The public concerned (i.e., citizens, companies, and environmental non-governmental organizations) is defined on a case-by-case basis, depending on the type of plan or programme

⁸ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

and its location. For local or regional plans or programmes, it is mandatory to consult municipalities or the regional coordination body.

Box 5

United Kingdom: consultation with the competent safety authorities during siting of proposed developments near hazardous activities

The Health and Safety Executive (HSE) serves as the competent safety authority in the United Kingdom. It notifies the local planning authorities of the location of hazardous activities. A planning authority then seeks the advice of HSE when considering applications for planning permissions for specific developments in the vicinity of hazardous activities. Consultations with HSE in planning are mandatory in these cases. When consulted by the planning authority regarding an application relating to hazardous substances consent, HSE uses the zones within the area to check compatibility of the consent with existing development in the vicinity.

Box 6

Estonia: the role of competent safety authorities in decision-making regarding land use

The Estonian Rescue Board (crisis management department and regional and local rescue centres) is responsible for prevention and emergency preparedness for industrial accidents. The Board is actively involved in siting and land-use procedures and related EIA and SEA processes, including screening and scoping, and has a number of binding powers in this respect.

Comprehensive, special or detailed spatial plans and building design documentation must be submitted to the Board for approval when:

- (a) Selecting the location of a new establishment;
- (b) Expanding the operations of an existing establishment or increasing production, provided that a plan needs to be initiated or amended or a building permit needs to be granted;
- (c) Planning an area located in the danger zone of a hazardous enterprise, an enterprise with a major hazard, or planning construction works there.

The Board assesses whether:

- (a) The plan or construction works increase the major-accident hazard or the severity of its consequences;
- (b) The planned accident prevention measures are sufficient.

The operator of the establishment also submits additional information to the local authority and to the Board before the plan is adopted or the building permit is granted.

The Board may reject a proposal if a planned activity in the plan or in the building design documentation increases the risk of a major accident occurrence, or the severity of its consequences, and the planned accident prevention measures are insufficient.

IV. Guidance on legal, procedural and administrative aspects

47. Guidance is provided below on how to implement obligations under the legal instruments in an integrated manner, with a particular focus on screening, scoping, the environmental report and the flow of information. The guidance is followed by table 2, which outlines relevant provisions of the Protocol on SEA and the Industrial Accidents Convention on land-use planning, siting and modification of hazardous activities and their linkages. It also provides recommended practical advice for integration of the obligations under the two instruments.

A. General obligations and approaches to their implementation

48. The Industrial Accidents Convention requires that Parties develop and implement policies and strategies for reducing the risk of industrial accidents and improving preventive, preparedness and response measures (article 3, para. 2). Parties have to take appropriate legislative, regulatory, administrative and financial measures for the prevention of, preparedness for and response to industrial accidents (article 3, para. 4).

49. In implementing the above general obligations, as well as specific obligations under article 7 of the Industrial Accidents Convention, most Parties seek to ensure that the objectives of preventing industrial accidents and limiting the consequences of such accidents are taken into account in their land-use or other relevant policies and strategies referred to in article 3, paragraph 2, in particular through controls on:

- (a) The siting of new hazardous activities;
- (b) Modifications to existing hazardous activities;

(c) The type and location of new developments, including transport routes and residential and public use areas, which, by virtue of being in the vicinity of a hazardous activity, may increase the risk or consequences of an industrial accident.

50. To be effective, the obligations under the Industrial Accidents Convention, in particular on safety considerations, should be formally included in land-use planning and siting decisions, alongside the obligations arising from the Espoo Convention and the Protocol on SEA (see chapter II and table 1).

51. There are many ways to achieve this formal inclusion, including through the introduction of substantive and procedural obligations into the land-use planning and siting framework.

52. Substantive obligations may be included either in binding normative acts or in soft law instruments such as guidelines or guidance notes. Procedural obligations are typically included in binding normative acts.

53. Reliance only on substantive or only on procedural obligations may not be sufficient. Better results can be achieved when combining substantive and procedural obligations.

54. It is of paramount importance to ensure the comprehensive and effective flow of information between all stakeholders, including operators of hazardous activities, the public, competent safety authorities, planning authorities and environmental and health authorities. This requires that the appropriate framework be established for the provision of information between the Party of origin and affected Parties and to authorities and the public.

B. Substantive obligations

55. The obligations under the Industrial Accidents Convention related to minimizing the risk to the population and the environment through siting decisions (article 7) should be formally included in land-use decision-making. This could be achieved through a clear legal requirement that land-use plans, programmes or other relevant policies and strategies, decision-making procedures for implementing those policies and strategies, and specific decisions on siting, take into account, inter alia, the need in the long term to:

(a) Maintain appropriate safety distances between hazardous activities and residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes;

(b) Protect areas of particular natural sensitivity or interest in the vicinity of hazardous activities, where appropriate through adequate safety distances or other relevant measures;

(c) Take additional technical measures necessary for the safe performance of the existing hazardous activity and for the prevention of industrial accidents so as not to increase the risks to human health and the environment.

56. To make the above legal requirements operational, they may be supplemented in the form of either legal requirements or guidance, by referring to matters set out in annex V, paragraph 2, subparagraphs (1) to (8), and annex VI to the Industrial Accidents Convention, which should be considered during the respective decision-making.

57. The above substantive obligations may be included in the respective decision-making in different ways, alongside the obligations arising from the Espoo Convention and the Protocol on SEA, in particular by:

(a) Establishing a clear legal requirement obligating planning authorities to address the above matters in their decisions;

(b) Establishing a clear legal requirement to address the above matters in the respective EIA or SEA procedures;

(c) Combining the two methods set out in (a) and (b) above.

58. In coordinated or combined procedures, the effects covered under the Industrial Accidents Convention can be reported along with the environmental report (either separately or as part of it). These effects should at least be summarized within the environmental report to allow their systematic consideration within the EIA or SEA process, further to the Espoo Convention and Protocol on SEA, respectively.

59. Reporting the fulfilment of substantive obligations in the statement of reasons and considerations on which the decision has been based represents a standard practice in many countries. Hence, it may be useful to introduce a special requirement to this effect into the respective legal schemes.

C. Procedural obligations

60. Procedural obligations aimed at ensuring that industrial accidents and safety considerations are formally included in land-use decision-making may take different forms, for example by:

(a) Involving competent safety authorities in the decision-making;

- (b) Involving competent safety authorities in the respective EIA or SEA procedures;
- (c) A combination of the two methods set out in (a) and (b) above.

61. National frameworks where competent safety authorities' involvement is expected in land-use, EIA or SEA procedures often provide only a general reference — “where appropriate” — to ensure their participation, without specifying concrete criteria for determining whether they should be involved. However, there are practical examples of procedural mechanisms that facilitate the identification of situations in which the competent safety authority must be involved.

62. In the SEA or EIA procedures, when specifying which public environmental or health authorities to consult, the safety authorities should also be specified for consultation. The obligation in article 9, paragraph 1, of the Protocol on SEA to appoint the responsible environmental or health authorities should also include the obligation to designate competent safety authorities for the purposes of the Industrial Accidents Convention. Therefore, authorities designated under article 17, paragraph 1, of the Industrial Accidents Convention could be considered as the environmental authorities to be consulted during the EIA or SEA procedures.

63. Under the Protocol on SEA, the environmental and health authorities must be consulted during screening (article 5, para. 2), scoping (article 6, para. 2) and on the draft plan or programme and environmental report (article 9, para. 2). A similar good practice approach is taken in several national frameworks where environmental and health authorities are consulted in all the stages of the EIA procedure.

64. In most national frameworks, the procedural involvement of the competent safety authorities, if envisaged, in the land-use decision-making or respective EIA or SEA procedures is of a consultative nature. However, there are examples where their more prominent role further assures the inclusion of safety considerations into the procedures.

D. Screening

65. Screening criteria under the Espoo Convention and the Protocol on SEA include a number of factors where safety aspects of hazardous activities may be of relevance, such as the general reference to risks to the environment (including health) or the degree to which a plan may affect a valuable area (see annex III to the Protocol). Such reference may be overly general and insufficient to address properly the relevance of the hazards of industrial accidents. It may be useful to include in the national EIA scheme the likelihood of an accident among the screening criteria, as in the European Union SEA Directive.

66. The screening procedure may become even more effective if the general reference to the likelihood of an accident is supplemented by more specific criteria, either in the legislation or in guidance notes. These specific criteria should take into account the relevant matters indicated in annexes V and VI to the Industrial Accidents Convention. They may apply both in the case of the siting of hazardous activities and in the case of land-use plans or the siting of any other activities in the vicinity of hazardous activities.

67. Moreover, a reference to the possibility of accidents might benefit from being supplemented by a legal requirement to include relevant information in the screening document that the developer is required to submit for the purpose of screening under the national EIA scheme.

68. The involvement of competent safety authorities in screening might serve as well for properly identifying activities that should be subject to assessment, as a complementary measure assisting them in identifying the hazardous activities.

69. The screening criteria under the Espoo Convention or any national EIA scheme may apply for the purpose of fulfilling the obligations under article 7 of the Industrial Accidents Convention in relation to the determination of the significance for new hazardous activities as well as modifications to existing hazardous activities.

70. In determining whether a proposed plan or programme sets the framework for future development consent of projects listed in annexes I and II to the Protocol on SEA, the hazardous activities listed in annex I to the Industrial Accidents Convention should be considered. This consideration can be done in consultation with the competent safety authorities.

E. Scoping and the environmental report

71. Planning authorities need to be provided with relevant information in order to undertake adequate and sufficient consideration of safety issues in their decision-making on land-use policies, plans or programmes or siting. The respective environmental reports provide important sources of information that are provided by the proponent of the policies, plan, programme or project to the authorities, as long as the scope of information has been adequately and sufficiently determined during the scoping phase. In addition, the contingency plans that are prepared by the proponent under the Industrial Accidents Convention are useful sources of information for the authorities.

72. Therefore, proper determination of the scope of assessment in the EIA or SEA procedure is required, and depends on the information provided for the purpose of the policy, plan, programme or project.⁹ The Espoo Convention and the Protocol on SEA do not detail what information is to be presented for the purpose of scoping. Many Parties, however, provide clear requirements in this respect in their national legislation.

73. To improve the consideration of safety issues in decision-making, requirements included in some national legislation could be supplemented with one that information regarding safety issues be addressed. Parties should consider introducing a direct obligation to address safety aspects of hazardous activities in the environmental reports prepared in accordance with the Espoo Convention and the Protocol on SEA.

74. Competent safety authorities should be involved both in scoping and in the review of the environmental reports. For example, the European Union EIA Directive¹⁰ indicates that the competent authority should issue an opinion on the scope and level of detail of the information to be included by the developer in the environmental report. When determining the scope, the competent authority should take into account information provided by the

⁹ For example, the Parties to the Protocol on SEA decided to develop a *Simplified Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/18), which suggests that the objectives of the plan or programme, relevant environmental problems and more general environmental objectives can support the determination of the scope of an SEA environmental report.

¹⁰ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014.

developer, in particular in relation to the specific characteristics of the project, its location and technical capacity and its likely impact on the environment.

75. Depending on the advice from the scoping consultations with environmental, health and safety authorities, the land-use plan proponent may conduct an EIA or SEA separately, concurrently or jointly with the industrial accidents analysis and evaluation. In any case, it would be useful to have in place arrangements for sharing information generated and for coordinating the recommendations for reducing effects, safe distances and other matters.

F. Flow of information

76. An adequate flow of information is necessary to ensure that land-use decision-making properly considers the objectives of the Industrial Accidents Convention. To achieve this, it is important for Parties to establish procedures that support the flow of information and to agree in advance on the scope of information to be provided in specific cases.

77. Therefore, appropriate mechanisms should be in place for regular provision of information between competent safety authorities and planning authorities, including contingency plans referred to in article 8 of the Industrial Accidents Convention and the information received pursuant transboundary consultations under article 4 of that Convention. Such mechanisms may be independent from the appropriate consultation procedures required by the Protocol on SEA and the Espoo and Aarhus Conventions.

78. For land-use planning purposes under SEA procedures, it is necessary to have all information available for comment by the public, the relevant environmental and health authorities and the competent safety authorities. The information must include the proposed policy, plan or programme and the accompanying environmental report, and could usefully be supplemented by relevant information from the analysis and evaluation of hazardous activities under annex V to the Industrial Accidents Convention.

79. Furthermore, Parties should use a coordinated procedure (if not a single one) for soliciting feedback. The decision-making on the proposed plan or programme should address outcomes of any analyses and consultations conducted under the Industrial Accidents Convention along with the environmental report and outcomes of consultations under the Protocol on SEA.

80. In relation to siting decisions, the EIA procedures should be designed to ensure that operators provide sufficient risk information about the hazardous activity and make available technical advice on those risks, either case by case or on a generic basis, when decisions are taken. Parties should also strive to ensure that the procedures are coordinated and that the relevant authorities consult each other on risk information.

81. Coordinated procedures under the relevant instruments require that the information on an adopted policy, plan, programme or project be presented to the public in a coordinated way. When producing a statement of reasons and considerations on which a land-use planning or siting decision has been based, all the information requirements of the relevant instruments (Industrial Accidents Convention, article 9, para. 1; Protocol on SEA, article 11, para. 2; Espoo Convention, article 6, para. 2) should be satisfied.

82. For industrial safety planning, SEA and EIA procedures, the quality of the documentation used during the public participation process, in particular screening and scoping documents and environmental reports, depends on the information available. As preparers of the respective documentation, usually private consultants, rely mostly on publicly available information, proper arrangements should be made to ensure that

information, in particular that referred to in annex VIII to the Industrial Accidents Convention, is permanently available to the public, including in electronic databases that are easily accessible through public telecommunications networks. The information should be periodically reviewed and, where necessary, updated, including in the event of modifications to hazardous activities.

83. Regarding information that is confidential (for example, for security reasons) or commercially sensitive and therefore not publicly available, the proponent preparing an SEA or EIA report should request the information from the relevant authorities. The authorities should be obliged to provide the information upon reasonable request.

Table 2

Overview of the relevant provisions of the Protocol on SEA and the Industrial Accidents Convention on land-use planning, siting and modification of hazardous activities and their linkages

<i>Provisions with logical linkages</i>	<i>Protocol on SEA</i>	<i>Industrial Accidents Convention</i>	<i>Recommendations</i>
Application to plans	Art. 4, para. 3: “[An SEA] shall be carried out for plans and programmes which are prepared for [mentioned sectors] and which set the framework for future development consent for projects listed in annex I and any other project listed in annex II that requires an [EIA] under national legislation”.	Art. 7: “the Party of origin shall ... seek the establishment of policies on the siting of new hazardous activities and on significant modifications to existing hazardous activities” and “on significant developments in areas which could be affected by transboundary effects of an industrial accident ... [The] Parties should consider the matters set out in annex V, paragraph 2, subparagraphs (1) to (8), and annex VI hereto”.	The SEA process should consider whether the proposed land-use plan influences or takes into account the hazardous activities addressed under the Industrial Accidents Convention. This can be done by consulting the nationally designated authorities for implementation of the Industrial Accidents Convention.
Projects set in the framework of plans and programmes (Protocol on SEA) “Hazardous activities” (Industrial Accidents Convention)	Art. 4, para. 3: “projects listed in annex I and any other project listed in annex II that requires an [EIA] under national legislation”.	Art. 1 (b): “Hazardous activity” means “any activity in which one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in annex I hereto, and which is capable of causing transboundary effects”.	The SEA screening can be required to specify whether the proposed plan or programme addresses land use related to existing or proposed installations for hazardous substances. This can be done by consulting the nationally designated authorities for implementation of the Industrial Accidents Convention. Detailed information about new proposed “hazardous activities” might not be available in the SEA process, but such early consultations can nevertheless specify whether the proposed land use influences or takes account of the existing or proposed installations where industrial accidents can happen.
“Environmental, including health, effect” (Protocol on SEA) “Effects” resulting from an “Industrial	Art. 2, para. 7: “Environmental, including health, effect” means “any effect on the environment, including human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites,	Art. 1, subpara. (c): “Effects” means “any direct or indirect, immediate or delayed adverse consequences...on: (i) Human beings, flora and fauna; (ii) Soil, water, air and landscape; (iii) The interaction between the factors in (i) and (ii)”.	Effects caused by industrial accidents under the Industrial Accidents Convention can be considered as a subset of environmental, including health, effects under the Protocol on SEA.

<i>Provisions with logical linkages</i>	<i>Protocol on SEA</i>	<i>Industrial Accidents Convention</i>	<i>Recommendations</i>
accident” (Industrial Accidents Convention)	material assets, cultural heritage and the interaction among these factors”. Annex IV, footnote to item 6: “These effects should include secondary, cumulative, synergistic, short-, medium- and long-term, permanent and temporary, positive and negative effects”.	Art. 1, subpara. (a): “Industrial accident” is “an event resulting from an uncontrolled development ... involving hazardous substances either: (i) In an installation ... or (ii) During transportation”.	
Determination of the scope of the assessment (Protocol on SEA)	Art. 6, para. 1: “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report”.	Art. 6, para. 2: “the Party of origin shall require the operator to demonstrate the safe performance of the hazardous activity by the provision of information ... including but not limited to, analysis and evaluation”.	For an SEA of a proposed land-use plan, the nationally designated authorities for implementation of the Industrial Accidents Convention should be consulted to determine what kind of information (including the level of detail) from annex V should be provided in the environmental report in the SEA process to maximize the linkages and reduce overlaps.
Analysis and evaluation (Industrial Accidents Convention)	Art. 6, para. 2: “Each Party shall ensure that the environmental and health authorities ... are consulted when determining the relevant information to be included in the environmental report”.	Annex V, item 1: “The analysis and evaluation of the hazardous activity should be performed with a scope and to a depth which vary depending on the purpose for which they are carried out.”	
Environmental report (Protocol on SEA)	Annex IV (content of the environmental report):	Annex V (Analysis and evaluation):	Depending on the advice from scoping consultations, the proponent of the land-use plan may conduct SEA and analysis and evaluation of industrial accidents separately, concurrently or jointly. Nevertheless, arrangements should be made for sharing information generated and the recommendations for reducing the effects, safe distances, etc., should be coordinated.
Analysis and evaluation (Industrial Accidents Convention)	<p>“1. The contents and the main objectives of the plan or programme and its link with other plans or programmes.</p> <p>2. The relevant aspects of the current state of the environment ...;</p> <p>3. The characteristics of the environment ...;</p> <p>4. The environmental, including health, problems ...;</p>	<p>“(1) The quantities and properties of hazardous substances on the site;</p> <p>(2) Brief descriptive scenarios ... of industrial accidents possibly arising from the hazardous activity ...</p> <p>(3) For each scenario: (a) The approximate quantity of a release; (b) The extent and severity of the resulting consequences ... in favourable and unfavourable conditions ...; (c) The time-scale within which the industrial accident could develop ... (d) Any action which</p>	

<i>Provisions with logical linkages</i>	<i>Protocol on SEA</i>	<i>Industrial Accidents Convention</i>	<i>Recommendations</i>
	<p>5. The environmental, including health, objectives established at international, national and other levels ...;</p> <p>6. The likely significant environmental, including health, effects.</p> <p>7. Measures to prevent, reduce or mitigate any significant adverse effects ...;</p> <p>8. An outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken ...;</p> <p>9. Measures envisaged for monitoring ...;</p> <p>10. The likely significant transboundary environmental, including health, effects.</p> <p>11. A non-technical summary of the information provided.”</p>	<p>could be taken to minimize the likelihood of escalation;</p> <p>(4) The size and distribution of the population in the vicinity ...;</p> <p>(5) The age, mobility and susceptibility of that population;</p> <p>(6) The severity of the harm inflicted on people and the environment ...;</p> <p>(7) The distance from the location of the hazardous activity at which harmful effects on people and the environment may reasonably occur ...;</p> <p>(8) The same information ... for planned or reasonably foreseeable future developments;</p> <p>(9) The people who may be affected by an industrial accident.”</p>	
Public participation	<p>Art. 8, para. 2: “Each Party ... shall ensure the timely public availability of the draft plan or programme and the environmental report.”</p> <p>Art. 8, para. 4: “Each Party shall ensure that the public has the opportunity to express its opinion ... within a reasonable time frame.”</p> <p>Art. 8, para. 5: “Each Party shall ensure that the detailed arrangements for informing the public and consulting the public</p>	<p>Art. 9, para. 2: “The Party of origin shall ... give the public ... an opportunity to participate in relevant procedures ... and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.”</p> <p>Annex III, item 9: “The Parties concerned shall inform the public in areas reasonably capable of being affected ..., arrange for the distribution of the analysis and evaluation documentation to it and to the authorities ...</p>	<p>All information (the proposed land-use plan, the environmental report and the analysis and evaluation) should be available for public comments. There should also be a coordinated procedure for soliciting public feedback. This could be based on annex V to the SEA Protocol and annex VIII to the Industrial Accidents Convention.</p>

<i>Provisions with logical linkages</i>	<i>Protocol on SEA</i>	<i>Industrial Accidents Convention</i>	<i>Recommendations</i>
	concerned are determined and made publicly available...”	[and] ensure them an opportunity for making comments on, or objections to, the hazardous activity”.	
Consultations with relevant authorities	<p>Art. 9, para. 2: “The draft plan or programme and the environmental report shall be made available to the environmental and health authorities.”</p> <p>Art. 9, para. 3. “Each Party shall ensure that environmental and health authorities are given ... the opportunity to express their opinion”.</p>	See the above requirements specified within annex III, item 9, that require consultations with both the public and authorities in the relevant areas.	The proposed land-use plan, environmental report and the analysis and evaluation can be made available for comments by the relevant authorities.
Decision-making	Art. 11, para. 1: “Each Party shall ensure that ... due account is taken of: (a) The conclusions of the environmental report; (b) The measures to prevent, reduce or mitigate the adverse effects...; and (c) The comments received”.	<p>Annex VI: “The following illustrates the matters which should be considered [in decision-making on siting]:</p> <ol style="list-style-type: none"> 1. The results of risk analysis and evaluation ...; 2. The results of consultations and public participation processes; 3. An analysis of the increase or decrease of the risk ...; 4. The evaluation of environmental risks ...; 5. An evaluation of the new hazardous activities ...; 6. A consideration of the siting of new, and significant modifications to existing hazardous activities ..., as well as the establishment of a safety area around hazardous activities”. 	Decision-making on the proposed plan or programme should address outcomes of any analyses and consultations conducted under the Industrial Accidents Convention along with the environmental report and outcomes of consultations under the Protocol.

<i>Provisions with logical linkages</i>	<i>Protocol on SEA</i>	<i>Industrial Accidents Convention</i>	<i>Recommendations</i>
Information on decision	Art. 11, para. 2: “Each Party shall ensure that, when a plan or programme is adopted, the public, the relevant environmental and health authorities and the Parties ... are informed, and that the plan or programme is made available”.	<p>Art. 9, para. 1: “The Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident” and “shall include the elements in annex VIII”.</p> <p>Annex VIII:</p> <p>“1. The name of the company, address of the hazardous activity and identification by position held of the person giving the information;</p> <p>2. An explanation in simple terms of the hazardous activity ...;</p> <p>3. The common names or the generic names or the general danger classification of the substances and preparations ...;</p> <p>4. General information resulting from an environmental impact assessment ...;</p> <p>5. The general information relating to the nature of an industrial accident ..., including its potential effects ...;</p> <p>6. Adequate information on how the affected population will be warned and kept informed ...;</p> <p>7. Adequate information on the actions the affected population should take ...;</p> <p>8. Adequate information on arrangements made ..., including liaison with the emergency services ...;</p> <p>9. General information on the emergency services’ off-site contingency plan ...;</p>	Information on the decision (i.e., the adopted land-use plan) should be provided jointly or in a coordinated manner, in order to reduce overlap between the information provided under article 11, para. 2, of the Protocol on SEA and under article 9, para. 1, of the Industrial Accidents Convention.

<i>Provisions with logical linkages</i>	<i>Protocol on SEA</i>	<i>Industrial Accidents Convention</i>	<i>Recommendations</i>
		10. General information on special requirements and conditions ... , including licensing or authorization systems; 11. Details of where further relevant information can be obtained.”	