

INTERNATIONAL ENVIRONMENTAL LAW

and

**PROTOCOL ON STRATEGIC ENVIRONMENTAL
ASSESSMENT
TO THE CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT
IN A TRANSBOUNDARY CONTEXT**

Ministry of the Environment and Spatial Planning

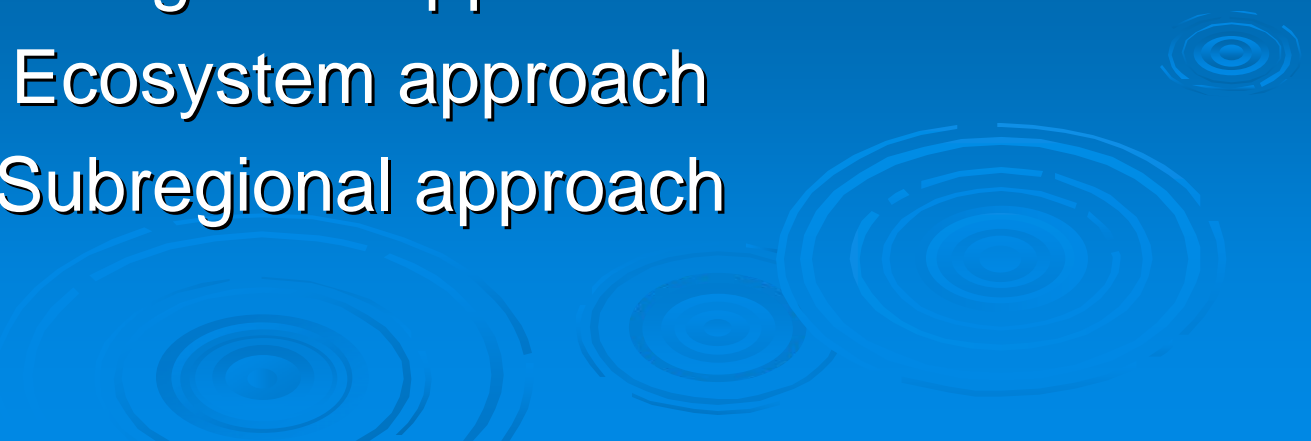
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Main topic

Strategic environmental assessment (SEA) is undertaken much earlier in the decision-making process than project environmental impact assessment (EIA), and it is therefore seen as a key tool for **sustainable development**.

Integrated approach
Ecosystem approach
Subregional approach



HISTORY

- The United Nations Conference on the Human Environment, Stockholm from 5 to 16 June 1972,
- World Charter for Nature - adopted by United Nations member nation-states on October 28, 1982
- conclusions of the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 1992), in particular principles 4 and 10 of the Rio Declaration on Environment and Development
- Agenda 21
- Outcome of the third Ministerial Conference on Environment and Health (London, 1999)
- World Summit on Sustainable Development (Johannesburg, South Africa, 2002)

The United Nations
Economic Commission for Europe
(UNECE or ECE)

- established in 1947
- to encourage economic cooperation among its member States
- one of five regional commissions under the administrative direction of United Nations headquarters
- environmental acts

The broad aim of UNECE's environment activities is to safeguard the environment and human health, and to promote sustainable development in its member countries in line with Agenda 21.

The practical aim is to reduce pollution so as to minimize environmental damage and avoid compromising environmental conditions for future generations

ESPOO CONVENTION

preparation of a legally binding protocol on strategic environmental assessment

- the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991,
- decision II/9 of its Parties at Sofia on 26 and 27 February 2001

SEA Protocol

- The Protocol was adopted by an Extraordinary meeting of the Parties to the Espoo Convention, held on 21 May 2003 during the Ministerial 'Environment for Europe' Conference (Kiev)
- After 16 ratifications - INTO FORCE

Aarhus Convention

importance of providing for public participation (DECISION MAKING PROCESS) in strategic environmental assessment

the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998,

taking note of the relevant paragraphs of the Lucca Declaration, adopted at the first meeting of its Parties

EU LEVEL

- after about 25 years of discussion, the European Commission agreed the **European 'SEA Directive'**
- Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment
- entered into force on 21st July 2001
- implementation by Member States before 21st July 2004.

EC Party of the SEA Protocol

- On 21 May 2003, on the occasion of the fifth Ministerial Conference "Environment for Europe" held in Kiev, Ukraine, 21- 23 May 2003, the European Commission, on behalf of the European Community, signed the SEA Protocol
- Council Decision of 20 October 2008 on the approval, on behalf of the European Community, of the SEA Protocol

Part of primary legislation

THE HIERARCHY OF THE LAW

- EU Law
- Constitution Law
- National legal acts /ratified international agreements
- governmental and ministerial acts

Effect of INTO FORCE

- Direct effect of the SEA Protocol
- Direct effect of EU/EC law

IMPORTANCE

- FOR EU MEMBERS
SEA DIRECTIVE and SEA PROTOCOL
- FOR NON-EU MEMBERS
SEA PROTOCOL

PRACTICAL CASES

- Adriatic
- *Dinaric Alps* or Dinarides
- Sava Basin

END OF PRESENTATION

Thanks for your attention

