Section A4.6: SEA of plans & programmes – Decision

Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment
A4.6 Decision

- Legal obligations
- Possible practical considerations
A4.6.1 Legal obligations

- Article 11 – Decision
  1. Each Party shall ensure that when a plan or programme is adopted due account is taken of:
     a) The conclusions of the environmental report;
     b) The measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and
     c) The comments received in accordance with art. 8-10.
  2. Each Party shall ensure that, when a P/P is adopted, the public, the authorities referred to in art. 9, para. 1, and the Parties consulted according to article 10 are informed, and that the P/P is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received in accordance with articles 8 to 10 have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.

- In Directive, see Articles 8 & 9
A4.6.1 (cont’d) Legal obligations

• Decision-maker must take into account
  – conclusions of environmental report
    • including measures to prevent / reduce / mitigate adverse effects of various P/P alternatives
  – opinions expressed by
    • relevant environmental & health authorities
    • the public concerned
    • any affected Parties
Protocol on SEA

A4.6.1 (cont’d) Legal obligations

- Following P/P adoption, must inform
  - relevant environmental & health authorities
  - the public (not just the public concerned)
  - any affected Parties

- Adopted P/P must be made available, plus a statement:
  - Summarizing how environmental considerations (in environmental report) integrated into adopted P/P
  - Summarizing how their opinions (of authorities & ‘the public concerned’) have been taken into account
  - Summarizing reasons why P/P adopted in light of reasonable alternatives considered
  - For EU Member States, describing monitoring measures decided upon
A4.6.2 Possible practical considerations

- In adopting P/P, decision-maker might take into account, in particular:
  - Compatibility with P/P & environmental objectives
  - Residual environmental effects

- Some elements of SEA process may be integrated within P/P-making process
  - Some SEA analyses may inform entire P/P-making process
  - So draft P/P might explain how SEA influenced P/P-making process

- Informing of the public & the information in the statement – compatible with Aarhus Convention
- No provision for confidentiality