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## Transboundary procedures under SEA Protocol

*Development of national SEA system in Tajikistan*

**INITIAL WORKSHOP**

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# Legal basis

- Article 10 in SEA Protocol and art.7 in SEA Directive
  - Possibility to participate in scoping (as required under 2nd amendment to Espoo) not clearly mentioned
  - Initial consultations clearly required
- Procedural elements generally less elaborated than under Espoo Convention – but practice follow practice under Espoo

# Transboundary procedure - stages

## Stage I initiation of the procedure

- Notification and confirmation from affected country
- Request from affected country

## Stage II – full procedure

- Initial consultations (clearly required) and provision of information and documentation
- Possibility for commenting by foreign local authorities and public
- Inter-governmental consultations
- Final decision (adoption of strategic document) and Information about the decision

- Two aspects: as „Party of origin” and „Affected party”
- Practical arrangements needed to be establish
  - Ad hoc – usually in initial consultations after positive reply (confirmation) from affected country
  - In bilateral agreements

# Transboundary procedure – elements recommended to be regulated in national legal framework

- Clear reference in legislation
  - As Party of origin
  - As affected Party
  - Who bears costs?
- Obligation to notify
- Negotiations – who participates?
- Obligation to take due account in final decision