

**Economic and Social Council****EU+ MS additional revision  
proposal to para. 8 of the  
document amended by the  
Working Group at its 11<sup>th</sup>  
meeting (19-21 December 2022)**

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**Economic Commission for Europe**

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

Meeting of the Parties to the Convention  
on Environmental Impact Assessment in  
a Transboundary Context serving as the  
Meeting of the Parties to the Protocol on  
Strategic Environmental Assessment

**Working Group on Environmental Impact Assessment  
and Strategic Environmental Assessment****Eleventh meeting**

Geneva, 19–21 December 2022

Item 4 of the provisional agenda

**Compliance and implementation****Draft fourth review of the implementation of the Protocol on  
Strategic Environmental Assessment****Note by the secretariat***Summary*

The Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment decided that a draft fourth review of the implementation of the Convention during the period 2019–2021 based on Parties' reports would be presented at the fifth session of the Meeting of the Parties (Geneva (to be confirmed), 12–15 December 2023) (ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2).

This note presents the draft fourth review based on national reports received by 30 June 2022. The Working Group on Environmental Impact Assessment and Strategic Environmental Assessment is expected to consider the draft review and agree on its main findings. Delegations are invited to comment on the draft, with a view to its finalization prior to its submission to the Meeting of the Parties for adoption at its fifth session. Delegations are invited to provide their comments to the secretariat by 28 November 2022 to facilitate their presentation at the meeting.

Delegations may also wish to consider informal document ECE/MP.EIA/WG.2/2022/INF.8 (forthcoming) containing additional information on Parties' practical application of the Protocol.

## Introduction

1. This report presents the draft fourth review of the implementation of the Protocol on Strategic Environmental Assessment. It examines responses to a questionnaire on the Parties' legal implementation of, and their practical experiences with, the Protocol from 2019 to 2021, with a view to enhancing the implementation of, and compliance with, the legal provisions of the Protocol.
2. The methodology underpinning the fourth review is outlined in section I. Section II contains a review of certain aspects of the Parties' domestic legal and administrative frameworks implementing the Protocol. Section III contains a review of the Parties' practical application of, and experiences with, the Protocol during the survey period. Section IV contains a summary of the fourth review's main findings.
3. Due to limitations on the length of this report, supplementary information will be made accessible on the website for the Protocol.<sup>1</sup>

## I. Methodology

4. The fourth review of the implementation of the Protocol was prepared in line with the workplan adopted by the Meeting of the Parties at its fourth session (ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2,). Parties reported on their implementation and practical experiences by completing a questionnaire produced by the Implementation Committee and approved by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment.<sup>2</sup>
5. Based on those completed questionnaires received by 30 June 2022, the secretariat, with the assistance of a consultant, prepared a review for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its eleventh meeting (Geneva, 19–21 December 2022). The draft review ~~will~~ was then ~~be~~ finalized taking into account ~~any~~ the comments made by the Parties during and after the eleventh meeting of the Working Group and submitted for adoption by the Meeting of the Parties to the Convention at its next session (Geneva, ~~(to be confirmed)~~ 12–15 December 2023).
6. Only slightly more than 50 percent of the Parties reported by the deadline of 30 April 2022. By 30 June, completed questionnaires had been received from 22 of the 33 Parties to the Protocol, plus Georgia and Kazakhstan, who are not currently Parties to the Protocol. This gave a total of 24 individual responses that are included in this review.
7. Not all Parties answered every question; consequently, the number of responses (i.e. “n”) reported in the present document for individual questions is sometimes fewer than the maximum number of Parties that submitted a completed questionnaire. It should be noted that there are questions to which the respondents could provide multiple answers. Moreover, certain Parties provided multiple answers to questions for which the response options are meant to be mutually exclusive. Thus, the total number of data points for a question may exceed the number of respondents.
8. At the time of writing (July – September 2022), Bulgaria, Cyprus, Germany, Italy, Netherlands, North Macedonia, Portugal, Serbia, Slovenia and Ukraine had not submitted a completed questionnaire. Cyprus, Germany, Italy, Netherlands, Portugal, Slovenia and Ukraine did so after that period. Although not reflected in the present review of implementation, the completed questionnaires that were submitted at a later stage are nonetheless available on the Protocol website.

<sup>1</sup> See [www.unece.org/environment-policy/environmental-assessment/review-implementation-2019-protocol](http://www.unece.org/environment-policy/environmental-assessment/review-implementation-2019-protocol)

<sup>2</sup> Both blank (in English, French and Russian) and completed versions of the questionnaires are available on the Protocol's website. See [www.unece.org/env/eia/implementation/review\\_implementation.html](http://www.unece.org/env/eia/implementation/review_implementation.html).

9. The European Union did not complete the questionnaire.<sup>3</sup> Instead, it provided information on the application of European Union legislation on strategic environmental assessment; the results of its first internal evaluation of the European Union Strategic Environmental Assessment Directive<sup>4</sup>; enforcement of said Directive; and four strategic environmental assessment-related judgments of the Court of Justice of the European Union.

## **II. Review of Parties' implementation**

10. The present section of the report examines the key findings from part one of the questionnaire, which focuses on the Parties' domestic legal and administrative framework implementing the Protocol.

### **A. General provisions**

11. Question I.3 examines how the Parties have enacted the Protocol domestically. The majority of respondents (23) set the framework for implementation of the Protocol either directly in a single law or as part of broader environmental legislation related to environmental impact assessment legislation and/or other legislation (e.g., planning, land-use, or building acts). Malta implements the provisions of the Protocol through strategic environmental assessment regulations.

12. Several Parties report that they have also amended various sectoral legislative acts (for example, on land use, planning, building, nature and landscape protection, waste and water management) in order to align them with strategic environmental assessment legislation. Most of the Parties have also adopted relevant implementing regulations and/or guidance. For example, Austria states that, in total, there are approximately 39 acts implementing strategic environmental assessment, plus several ordinances.

### **B. Field of application concerning plans and programmes**

13. Question I.4.1 asks the Parties to list the types of plans and programmes that require a strategic environmental assessment under their domestic legislation. The plans and programmes most commonly referred to by the respondents were those expressly listed in article 4 (2). Several Parties do not include one or more sectors listed in article 4 (2) in their domestic legislation, specifically, regional development (Malta), and tourism and land use (Armenia). Some respondents include other sectors in their domestic legislation: for example, recreation and services (Armenia), traffic (Hungary), coastal zone management (Montenegro), aquaculture (Romania), use of public coastal areas and of marine environment (Spain), and the environment (Slovakia). Sweden also includes marine strategies, a programme of measures to achieve their environmental quality standards, and a plan for modern environmental permitting conditions. The possibility of an effect on a Natura 2000 site was a factor taken into account by European Union member States.

14. Norway does not specify the sectors covered but requires strategic environmental assessment for plans/programmes that set a framework for listed projects.

15. Some Parties identify in their domestic legislation (at the national or regional level) specific types of plans and programmes that are always (or generally) subject to strategic environmental assessment procedures (Austria, Finland, Hungary, Norway and Sweden). In Albania, a detailed list of plans and programmes with significant negative effects on the environment that are subject to strategic environmental assessment was adopted through a decision of the Council of Ministers. This approach is combined with the use of criteria and/or a case-by-case analysis for other plans or programmes not listed in domestic legislation, but that are deemed likely to have significant environmental effects or set a framework for future

<sup>3</sup> Therefore, information provided by the European Union is not included in the total number of responses.

<sup>4</sup> See [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32001L0042Directive\\_2001/42/EU](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32001L0042Directive_2001/42/EU).

development consent (for example, Hungary, Romania and Slovakia). Denmark reports that, despite listing specific plans and programmes, its legislation neither excludes nor narrows down the concept of plans and programmes further to the objectives of the Protocol (and the European Union Strategic Environmental Assessment Directive): i.e. to provide for a high level of protection of the environment.

16. The majority of respondents (20 out of 23) do not explicitly define in their domestic legislation what it means to “set the framework for future development consent” (question I.4.2); instead, they employ a variety of interpretations of, and approaches to, implementing this provision. Some respondents have transposed the phrase from the Protocol directly into national legislation (for example, Croatia). Most of the respondents interpret the phrase as setting the framework for projects, setting the framework for future construction permits or setting the framework/conditions for the approval/permitting of projects that may require an environmental impact assessment, without giving any additional details (for example, Bosnia and Herzegovina, Montenegro, Poland and Norway).

17. Some respondents provide additional criteria for or clarifications on what they deem as setting the framework for future development consent. For example, it may be determined based upon the degree to which a plan/programme establishes the location of future projects; the nature and operating conditions; or the allocation of resources (Czechia, Estonia, Finland, Georgia and Latvia). Some respondents identify whether plans or programmes set the framework for future development consent on a case-by-case basis (for example, Albania, Latvia, Lithuania, Luxembourg, Malta and Slovakia), while in Armenia, all plans and programmes in the listed spheres (sectors) are subject to strategic environmental assessment.

18. Similarly, most respondents (19 out of 23) appear not to specifically define in their legislation the phrase “plans and programmes ... which determine the use of small areas at local level” within the context of article 4 (4) (question I.4.3). Instead, they generally define the plans and programmes that may possibly require strategic environmental assessment in the legislation or decide this on a case-by-case basis, using applicable national and/or local criteria.

19. Examples of how the term “small areas at local level” is defined or interpreted domestically were given by some Parties:

- (a) Plans/programmes covering 10 km<sup>2</sup> or less (Lithuania);
- (b) Urban development plans at the local level (Croatia);
- (c) The area smaller than the entire cadastral area of the municipality that represents the area at the local level (Slovakia);
- (d) The area within commune/municipality (Poland and Spain).

20. Denmark states that “the use of small areas at local level” must be defined with reference to the size of the area concerned where the following conditions are fulfilled: the plan/programme is prepared and/or adopted by a local authority, as opposed to a regional or national authority; and, the area inside the territorial jurisdiction of the local authority is small in size relative to the territory of the jurisdiction.

21. In Armenia, all plans and programmes are subject to strategic environmental assessment, although in practice, screening decisions appear to be made on a case-by-case basis.

22. Only two Parties (Montenegro and Spain) and Georgia define the term “minor modifications” (question I.4.4). In Georgia, the term is interpreted as referring to modifications that do not conceptually alter the contents of plans and programmes, while in Montenegro, “minor modifications” mean any modification that affects or changes a plan or programme. A case-by-case approach is applied by both of these respondents to determine whether the planned modifications are considered minor. In Spain, the term is defined as “changes in the characteristics of plans or programmes already approved or adopted that do not constitute variations of the strategies, guidelines, proposals, or their chronology, but which produce differences in the characteristics of the expected effects, or the area of influence”.

23. Most respondents (19 out of 22) do not define “minor modifications”. Instead, these are screened through a case-by-case examination and/or using criteria. Austria reports that, in general, the type of plans and programmes for which minor modifications are possible are specified in the domestic legislation. For some of these identified plans and programmes, thresholds are used in combination with other criteria such as specific land uses.

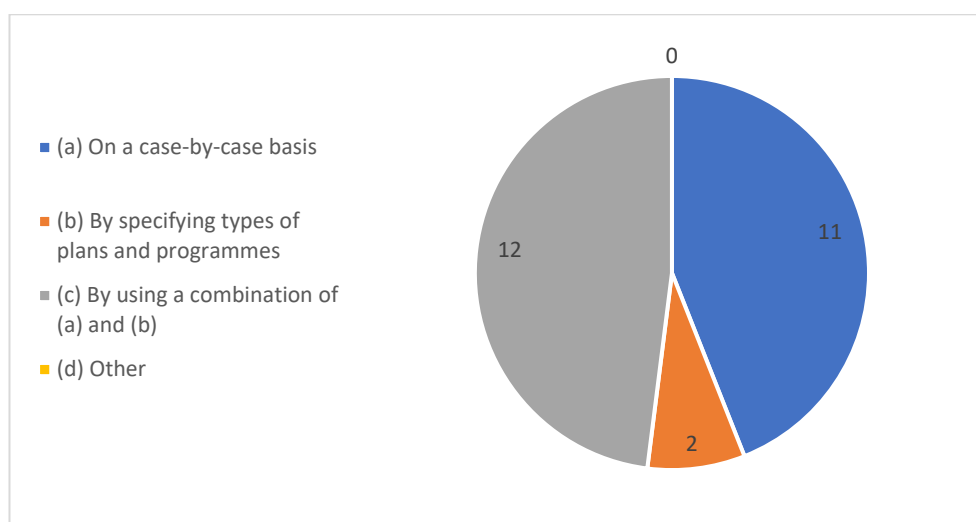
24. Armenia reports that minor modifications to a plan or programme are not regulated under its legislation.

## C. Screening

25. Figure I illustrates how respondents determine what other plans and programmes should be subject to strategic environmental assessment, as per articles 4 (3) and (4), and 5 (1) (question I.5.1). Eleven respondents determine this on a case-by-case basis, while the Republic of Moldova and Norway do this by specifying types of plans and programmes that require strategic environmental assessment. Twelve respondents use a combination of these two methods. Armenia states in its explanation that, although, according to the law, all plans and programmes require strategic environmental assessment, in practice, screening decisions appear to be made on a case-by-case basis.

Figure I

**Responses to question I.5.1: “How do you determine which other plans and programmes should be subject to a [strategic environmental assessment]?” (n=24)**

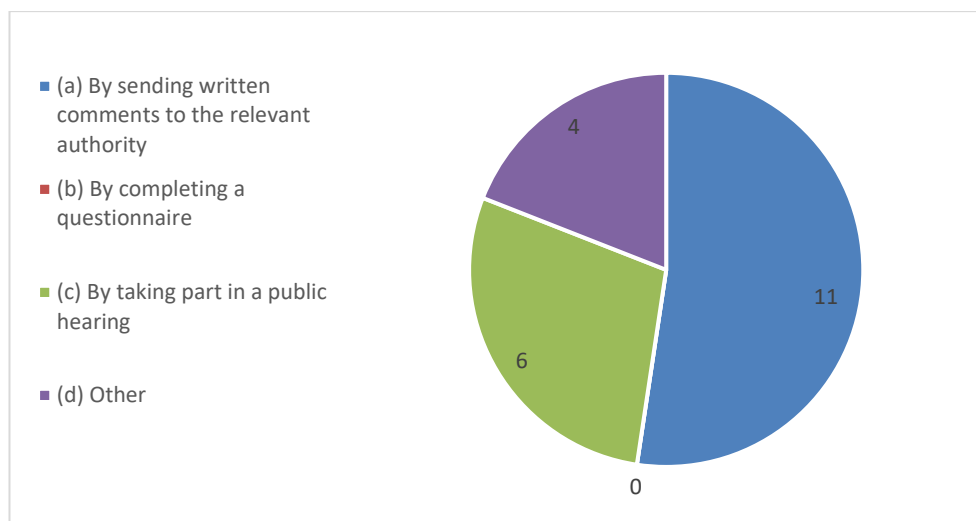


26. Twenty (out of 24) respondents define provisions for consultation with environmental and health authorities at the screening stage in their national legislation (question I.5.2). Three respondents (Denmark, Kazakhstan and Luxembourg) determine the authorities to be consulted on a case-by-case basis and two others (Estonia and Finland) indicate that authorities to be consulted are partly defined in legislation and partly on a case-by-case basis. Norway does not have provisions for consultation with environmental and health authorities at the screening stage.

27. Over half of the respondents (13 out of 24) provide opportunities for the public concerned to participate in the screening of plans and programmes in their legislation (question I.5.3). However, Latvia notes that, in the screening stage, “the public concerned” refers to non-governmental organisations (NGOs) only. Some respondents only inform their public about the results of screening (Croatia, Hungary, Lithuania, Malta and Poland). Austria responded “no” regarding participation of the public concerned in screening, but notes that, in some cases, the public may comment upon the outcome of screening. Of those respondents that provide opportunities for participation, they mostly do so by allowing the public to send written comments to the relevant authority and to take part in public hearings (see figure II below). Lithuania and Luxembourg indicate it is possible to challenge a decision not to conduct a strategic environmental assessment.

Figure II

**Responses to question I.5.3: “Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.” (n=24)**



## D. Scoping

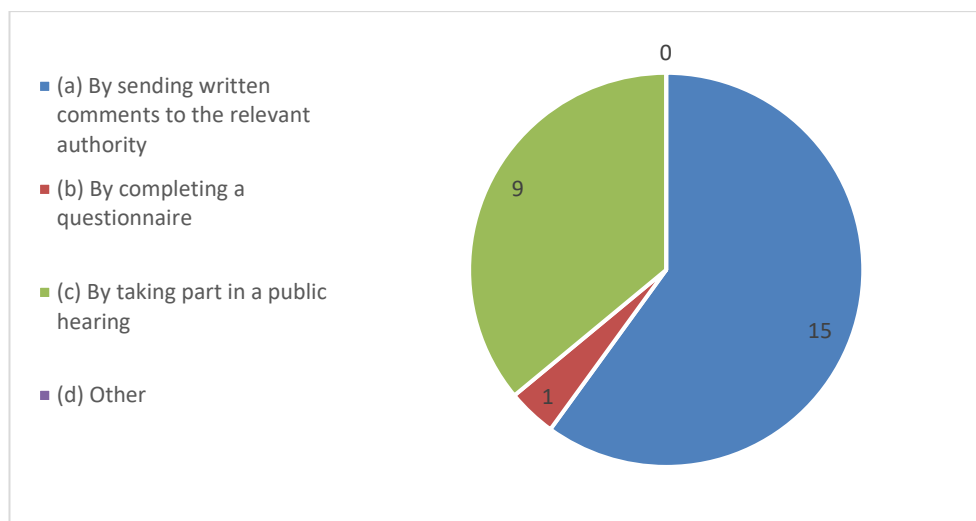
28. Question I.6.1 examines how the Parties determine the relevant information to be included in the environmental report. All respondents define information requirements in their legislation and/or guidance. Most respondents also indicate that the required content is aligned with annex IV to the Protocol. Furthermore, 13 out of 24 respondents take into account the results of consultations with relevant authorities and the public (where such opportunities are provided in scoping) when determining the relevant information to be included in the environmental report.

29. Nearly all respondents (22) define in their legislation provisions for consultation with environmental and health authorities at the scoping stage (question I.6.2). Two respondents (Denmark and Kazakhstan) determine the authorities to be consulted on a case-by-case basis and three respondents (Estonia, Finland and Norway) indicate that authorities to be consulted are partly defined in legislation and partly on a case-by-case basis. Norway indicates that its legislation does not specify which authorities to consult with, but environmental authorities will always be consulted, as will health authorities when relevant. In Romania, determination of the relevant information to be included in the environmental report is undertaken by a special working group consisting of representatives of the responsible planning authority, the competent environmental and health authorities, other concerned authorities, natural or legal persons certified according to the legal provisions, and employed experts, as appropriate.

30. Seventeen (out of 23) Parties provide opportunities for the public concerned to participate in the scoping of plans and programmes under their legislation (question I.6.3). Austria responded “no” about participation of the public concerned in scoping but notes that in some cases the public can comment on the outcome of scoping. Those respondents that provide opportunities for participation do so mostly by allowing the public to send written comments to the relevant authority. Nine respondents also allow the public to take part in public hearings. Sweden reports that all options ((a)–(c)) are used (see figure III).

Figure III

**Responses to question I.6.3: “Please indicate whether your country’s legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.” (n=17)**

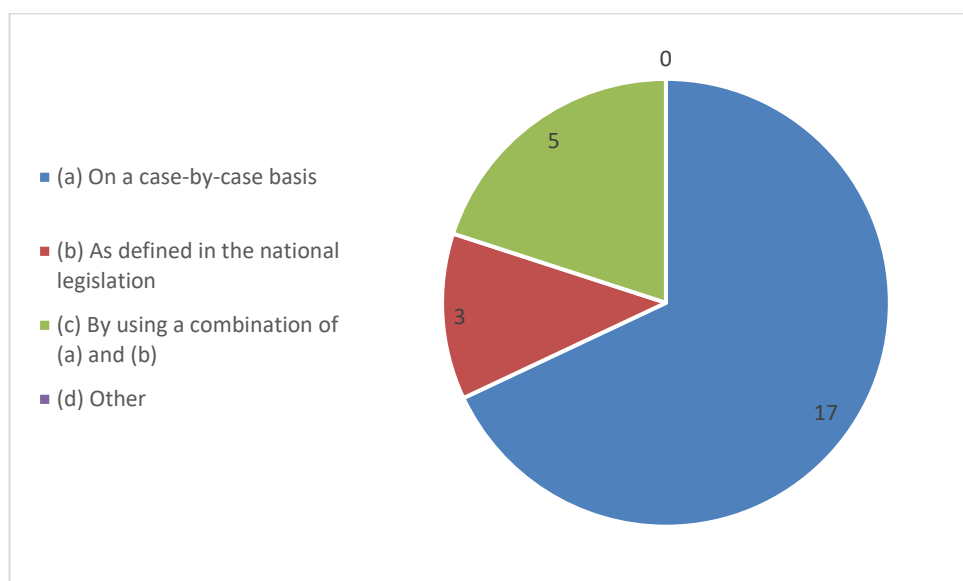


## E. Environmental report

31. Figure IV illustrates how the Parties determine “reasonable alternatives” in the context of the environmental report (question I.7.1). Seventeen (out of 24) Parties determine this on a case-by-case basis; three use national legislation (Bosnia and Herzegovina, Hungary and Republic of Moldova); and five (Albania, Armenia, Croatia, Malta and Montenegro) combine legislative requirements with a case-by-case approach to select reasonable alternatives. Austria and Poland neither define reasonable alternatives nor have a requirement regarding the number of alternatives that should be considered.

Figure IV

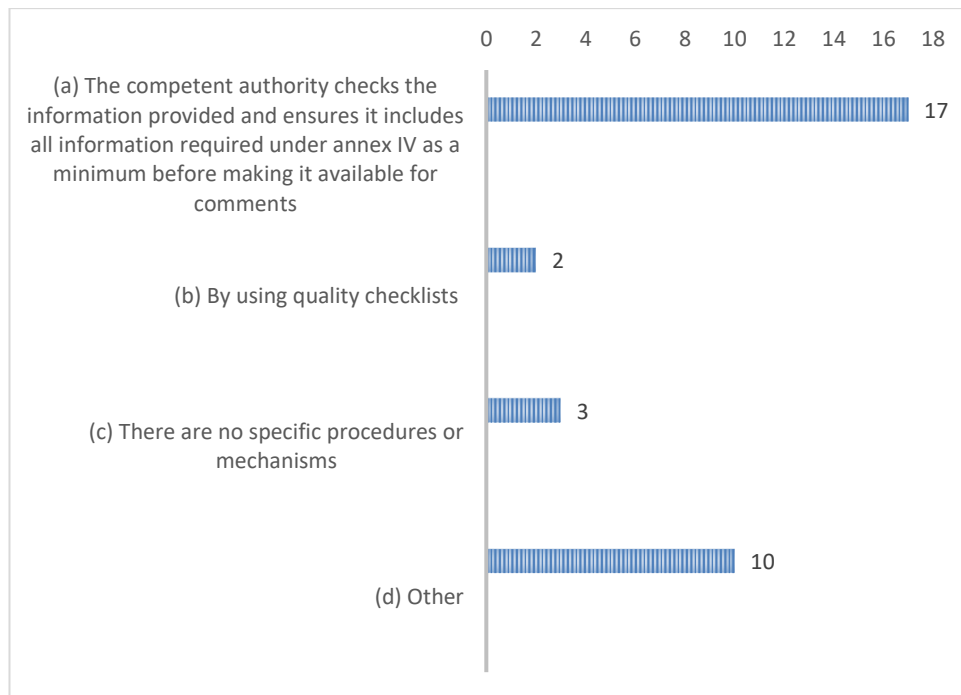
**Responses to question I.7.1: “How do you determine “reasonable alternatives” in the context of the environmental report?” (n=24)**



32. Question I.7.2 examines how Parties “ensure sufficient quality of the reports”. In most instances (17 out of 23; see figure V below), the competent authority checks the information provided and ensures that it includes all the information required under annex IV, as a minimum, before making it publicly available. Austria and Romania also use quality control checklists.

Figure V

**Responses to question I.7.2: “How do you ensure sufficient quality of the reports?”**  
(n=24)



33. Ten respondents use other means of quality assurance, including the use of guidelines to check the quality of reports (Austria, Romania and Finland) or using certified/qualified experts (e.g., Bosnia and Herzegovina, Croatia, Czechia, Estonia, Hungary, Luxembourg and Poland). Several respondents indicate that a quality check is also effectively undertaken during consultations with competent authorities and/or the public (Albania, Hungary, Kazakhstan, Lithuania, Luxembourg, Montenegro, Norway, Poland and Romania). Special working groups/evaluation committees to evaluate the strategic environmental assessment report may be established in Croatia and Montenegro, while external consultants can be employed to review quality in Denmark and Romania.

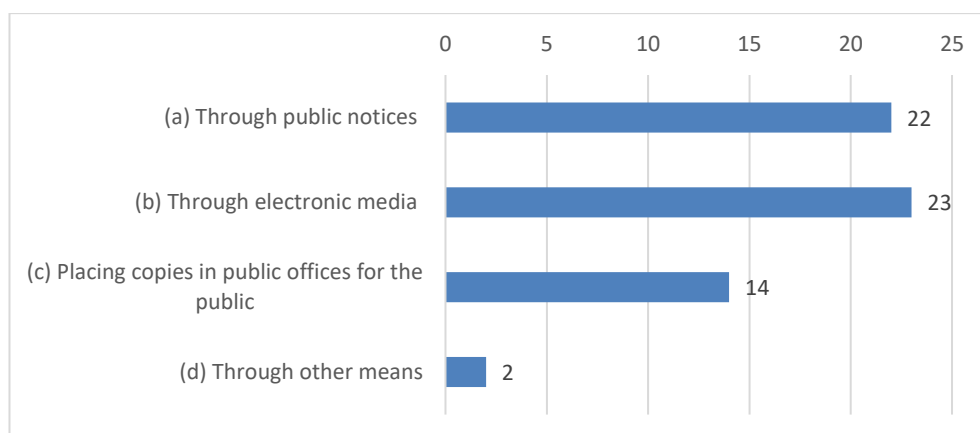
## F. Public participation

34. Figure VI demonstrates that virtually all respondents notify the public and make the draft plans and programmes and the environmental report available through both public notices and electronic media. In addition, Estonia states that other means are also employed, such as publication in the electronic journal of official announcements, in newspapers and via letters, while Norway also uses email.



Figure VI

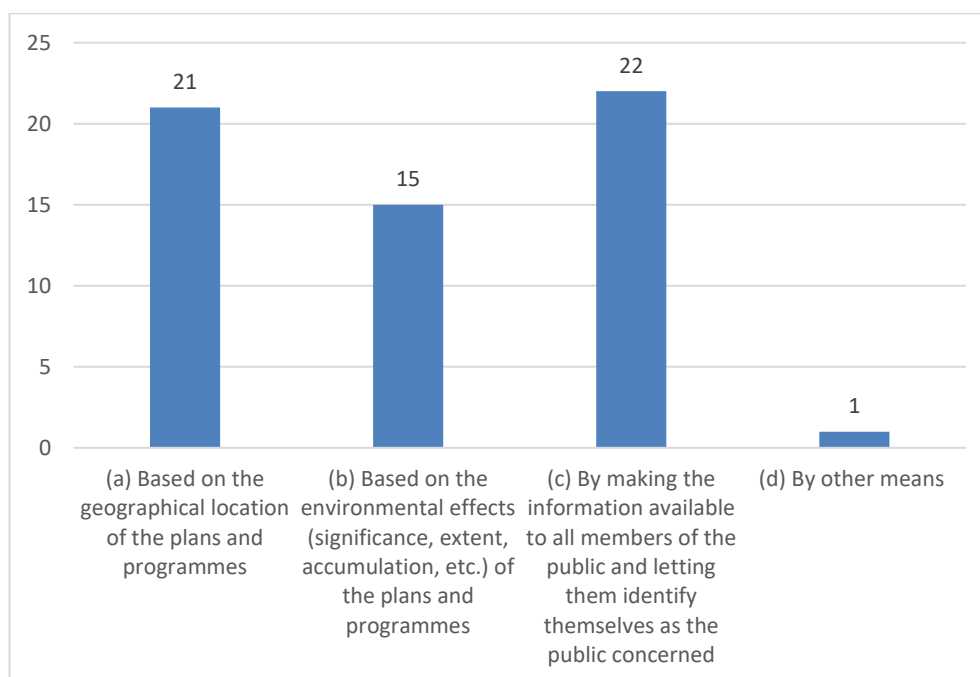
**Responses to question I.8.1: “How do you notify the public and make the draft plans and programmes and the environmental report available?” (n=24)**



35. The majority of respondents identify the public concerned (question I.8.2) based on the geographical location of the plan/programme and/or by making the information available to all members of the public and letting them determine whether they constitute the public concerned (see figure VII). Fifteen (out of 24) Parties also identify the public concerned based on the nature of the environmental effects (significance, extent, accumulation, etc.) of the plan/programme. A few Parties (3) allow any member of the public to express their opinion on the plan/programme, if they so wish. As “other means”, Hungary indicates that planning authorities may also define other groups of the public concerned.

Figure VII

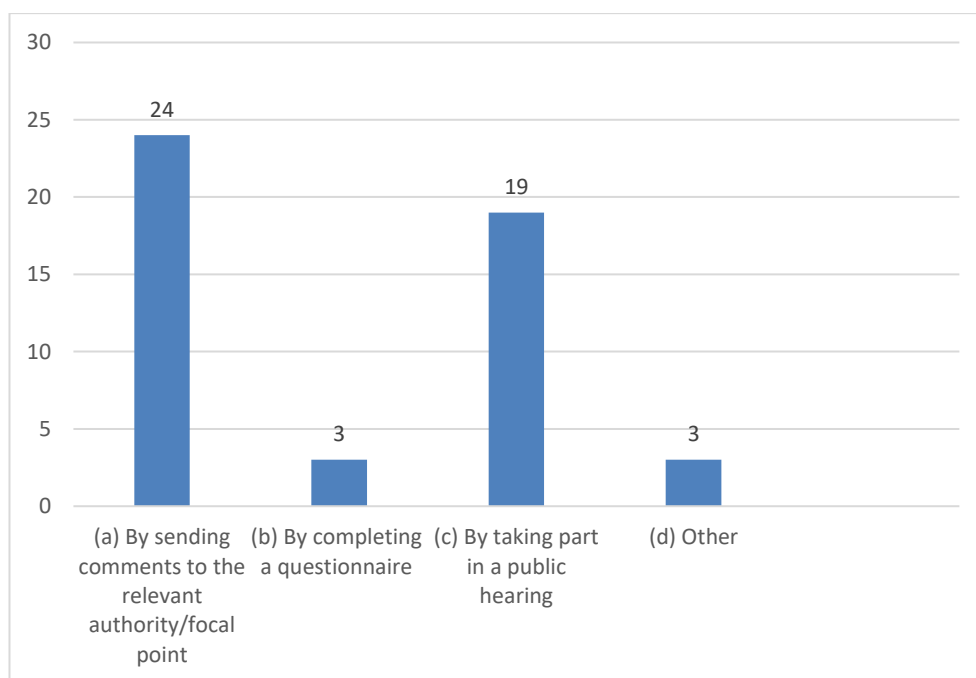
**Responses to question I.8.2: “How do you identify the public concerned?” (n=24)**



36. Figure VIII illustrates how the public concerned can express its opinion on a draft plan and programme and the environmental report (article 8 (4)) (question I.8.3). The data indicate that in all the responding Parties and non-Parties the public can send comments to the relevant authority or focal point, and, in most of them, they may also take part in a public hearing (19). Armenia, Hungary and Poland also allow the public to express its opinions via a questionnaire.

Figure VIII

**Responses to question I.8.3. “How can the public concerned express its opinion on the draft plans and programmes and the environmental report?” (n=24)**



37. Sweden only arranges public hearings for certain types of plans/programmes. In Czechia, the national law permits a public hearing to be dropped under certain circumstances (the decision is done on case-by-case basis depending on content of the assessed plan or programme and public participation during its screening procedure). Land use plans always require a public hearing in Czechia.

38. Question I.8.4 examines how Parties define the term “within a reasonable time frame”. The majority of respondents (20 out of 24) do not use a specific definition of “reasonable time frame”, rather this is determined by the number of days allocated to particular consultation exercises. In a few cases (4), the time frame is defined on a case-by-case basis.

## G. Consultation with environmental and health authorities

39. The majority of respondents identify the environmental and health authorities (art. 9 (1)) in their domestic legislation (20 out of 24, question I.9.1). Four respondents state that these authorities are defined on a case-by-case basis (Denmark, Kazakhstan, Luxembourg, and Sweden), while some (Armenia, Bosnia and Herzegovina, Croatia, Czechia, Estonia, Finland, Montenegro, Norway, Slovakia and Spain) combine these approaches.

40. In response to question I.9.2, most respondents (20 out of 24) report that the arrangements for informing and consulting environmental and health authorities are specified in their domestic legislation. Four Parties (Denmark, Luxembourg, Malta and Sweden) determine the arrangements on a case-by-case basis. Norway uses both approaches.

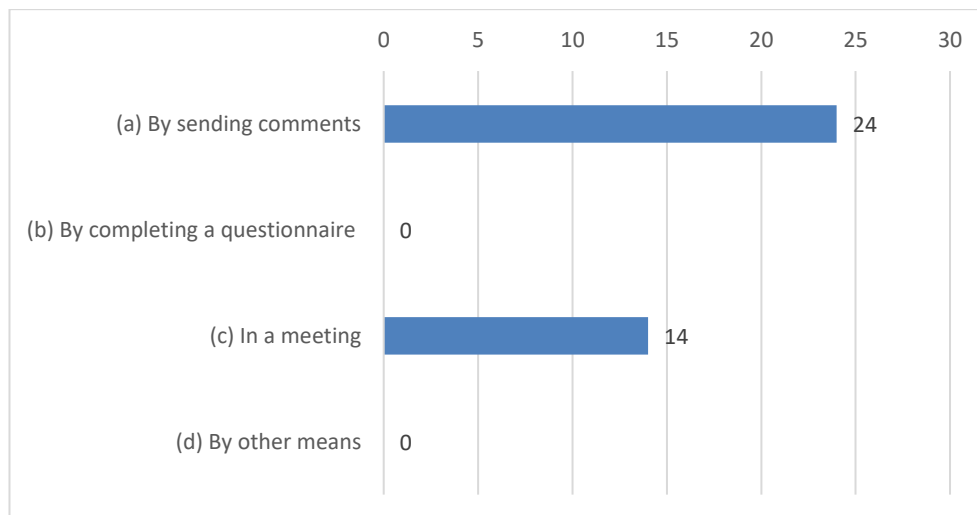
41. All respondents report that their national legislation requires consultations with environmental and health authorities (question I.9.3).

42. All respondents indicate that environmental and health authorities can express their opinion by submitting written comments (see figure IX below). In addition, over half of the respondents (14 out of 23) state that meetings may be organized with relevant authorities. In Romania, a special working group is formed for consultations, consisting of representatives of the authority responsible for the plan or a programme concerned, the competent environmental and health authorities, other authorities concerned by the effects of the plan/programme, one or more natural or legal persons certified according to the legal provisions, and employed experts, as appropriate. All members of the working group submit

their opinions on the environmental report to the environmental authority, which takes them into account when making the final decision. The final plan/programme can be adopted only if it is approved by the environmental authority.

Figure IX

**Responses to question I.9.4: “How can the environmental and health authorities express their opinion?” (n=24)**



## H. Transboundary consultations

43. Question I.10.1 examines at what point Parties, when acting as a Party of origin, notify affected Parties under article 10 of the Protocol. Over half of the respondents (13 out of 24) notify affected Parties during scoping. Sixteen respondents indicate that notification takes place when the draft plan/programme and the environmental report have been prepared; seven of those sixteen respondents chose both options (a) “During scoping” and (b) “When the draft plan or programme and the environmental report have been prepared”. Finland notifies potentially affected Parties during scoping for land use plans, but for other plans/programmes it does so only once the draft plan or programme and the environmental report have been prepared.

44. Several Parties state that they may unofficially inform a potentially affected Party/Parties prior to an official notification being sent (for example, Austria and Lithuania). Slovakia notifies potentially affected Parties as soon it learns that a plan/programme may have a transboundary impact.

45. The issue of the type of information that Parties include in a notification is examined in question I.10.2. Most respondents (18 out of 24) explain that, as a Party of origin, they include the information required by article 10 (2). Six respondents also include additional information, such as:

(a) The name and description of the strategic planning document, information on the authorities preparing and adopting it, schedules for the preparation of the document and for carrying out the strategic environmental assessment, a short description of the likely environmental impacts and the deadline for responding to the notification and submitting comments (Estonia). Additional information can also be included (e.g., on the involved national authorities and their tasks, etc), where relevant;

(b) The entire consultation documentation for the plan/programme, the environmental report, a description of the decision-making process, information on public participation and a request to respond, and, where applicable, additional background information (Hungary).

46. Fifteen (out of 24) respondents report that, as a Party of origin, their legislation does not specify a reasonable time frame for the transmission of comments from an affected Party (question I.10.3). Many of these respondents indicate that the time frame is agreed jointly

with an affected Party. Several respondents specify time frames in their domestic legislation, ranging from 1 to 3 months (see table 1).

Table 1

**Responses to question I.10.3: “As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party?” (n=24)**

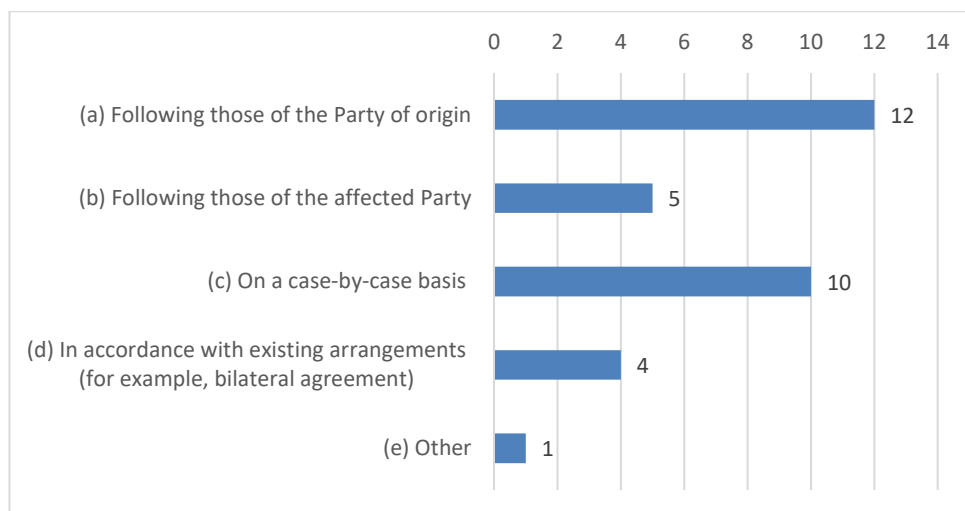
	<i>Yes/no (9/15)</i>	<i>Time frame for transmission of comments</i>
Albania	Yes	7 weeks
Armenia	Yes	60 working days
Austria	No	
Bosnia and Herzegovina	No	
Croatia	Yes	30 days
Czechia	No	
Denmark	No	Specific (sectoral) legislation may set framework and time frames for public consultations
Estonia	No	Minimum of 30 days. In practice, time frame of 30–60 days usually proposed by Party of origin
Finland	No	60-day time frame for all plans and programmes and 30 days for land use plans to indicate that affected Party wishes to enter into consultations. If consultations begin, reasonable time frame for comments is permitted
Georgia	Yes	Agreed with affected Party on case-by-case basis
Hungary	Yes	At least 30 days. Agreed on case-by-case basis. In practice 45–50 days
Kazakhstan	No	Agreed with affected Party
Latvia	No	
Lithuania	No	Consultations with affected Party
Luxembourg	No	Consultations with affected Party
Malta	No	Agreed on case-by-case basis, depending on plan/programme
Montenegro	Yes	30 days but can be extended as agreed by Parties
Norway	No	Indirectly, legislation says that time frames should be equal to national time frames: i.e. minimum of 6 weeks
Poland	No	Agreed with affected Party
Rep. of Moldova	Yes	45 days
Romania	No	Time frame of 4–5 weeks usually agreed with affected Party
Slovakia	No	
Spain	Yes	Reasonable time frame not exceeding 3 months
Sweden	Yes	Time frame should be reasonable and at least 30 days

47. Question I.10.4 examines how detailed arrangements, including the time frame for consultations, are agreed upon (art. 10 (3)–(4)) with an affected Party. Half of the respondents indicate that the arrangements follow the domestic legislative provisions of the Party of origin

(option (a), see figure X). Five respondents stated that the arrangements follow the domestic legislative provisions of the affected Party (option (b)), with three explaining that both (a) and (b) (Armenia) or (a), (b) and (c) (Estonia and Montenegro) are used. Ten respondents agree on arrangements on a case-by-case basis. Some Parties also report on bilateral agreements that they have with other Parties (Latvia, Poland, Slovakia and Spain).

Figure X

**Responses to question I.10.4: “How do the Parties agree on detailed arrangements?”**  
(n=24)



## I. Decision

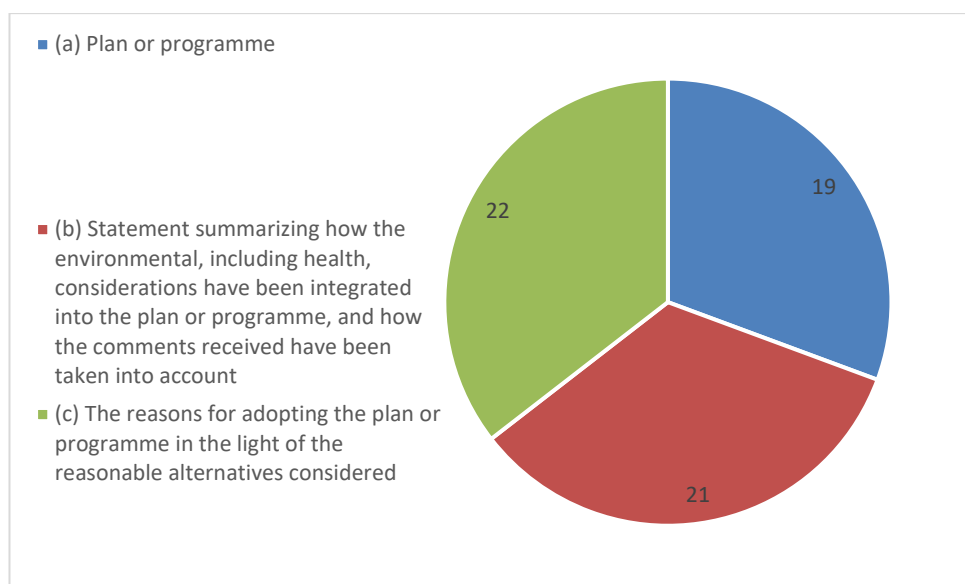
48. Question I.11.1 reviews the implementation of article 11 (1) of the Protocol. Virtually all respondents report that their legislation requires that due account be taken of the conclusions of the environmental report, mitigation measures and comments received, in accordance with articles 8–10, when a plan/programme is adopted. Several respondents also indicate that information must be provided in the written summary/statement (Austria, Czechia, Denmark, Luxembourg and Poland), including information on how the environmental report, comments, mitigation measures and some other information (for example, how environmental considerations are integrated into the plan/programme, monitoring measures and the reasons for adopting the plan/programme in the light of the alternatives) have been taken into account. Some respondents indicate that such information must be a part of the decision on adoption of the plan/programme (Finland), included in the justification of the decision (Norway), or attached to the decision (Georgia).

49. In Romania, the conclusions of the environmental report, the mitigation measures and what are deemed to be the “justified” comments from the public, including those received from transboundary consultations, are integrated with the environmental approval issued by the competent environmental authority. The planning authority must adopt the plan/programme only in the form for which the environmental approval was issued.

50. Respondents inform their own public and authorities (art. 11 (2)) (question I.11.2) in a number of ways, including using public notices; relevant newspapers or magazines (e.g., Finland, Latvia, Luxembourg, Malta, Norway, Poland, Republic of Moldova and Spain); and, notices and information sent to the concerned authorities (Denmark, Estonia, Finland, Georgia, Hungary and Slovakia) and the public (Estonia). Most respondents also use electronic media, including the websites of the planning and/or environmental authority. The majority of respondents (see figure XI) indicate that the information provided to the public and authorities includes: the plan or programme; a statement summarizing how environmental, including health, considerations have been integrated into the plan or programme; an explanation of how the comments received have been taken into account; and the reasons for adopting the plan or programme in the light of the reasonable alternatives considered (question I.11.3).

Figure XI

**Responses to question I.11.3: “What does the information provided to the public and authorities include?” (n=24)**



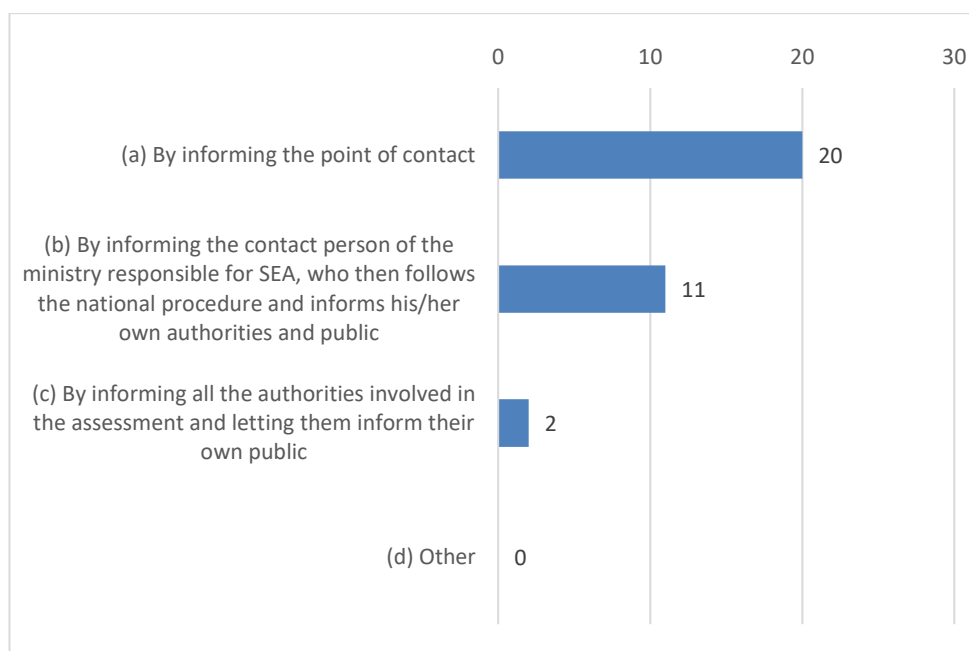
51. Many respondents state that their legislation contains requirements to directly inform the environmental authorities and/or authorities that had been consulted in the process. For example, in Czechia, the planning authority notifies all stakeholders within seven days of publishing the approved plan/programme and the summary statement. In Estonia, the planning authority will announce their decision to the concerned authorities and persons within fourteen days of a decision being made.

52. Most respondents (see figure XII) inform the Parties consulted (art. 11 (2)) via the point of contact about the adoption of a plan/programme<sup>5</sup> (question I.11.4). Some respondents also indicate that, if the affected Party has nominated a contact person for transboundary strategic environmental assessment, this person will be informed; otherwise, it will be the point of contact under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) that receives the information.

<sup>5</sup> The list of national points of contact for notification established by decision I/2 of the Meeting of the Parties (ECE/MP.EIA/SEA/2) is available on the Convention’s website ([www.unece.org/env/eia/contacts.html](http://www.unece.org/env/eia/contacts.html)) and is kept up-to-date by the secretariat based on the information provided by countries.

Figure XII

**Responses to question I.11.4: “How do you inform the Parties consulted (art. 11 (2))?” (n=24)**



*Abbreviations:* SEA, strategic environmental assessment.

53. Eleven respondents inform the public and authorities of the affected Party via the contact person at the affected Party’s ministry responsible for the strategic environmental assessment in question, who then follows national procedures and informs the relevant authorities and the public; Bosnia and Herzegovina and Malta chose only this option, while nine other respondents also state that they inform the point of contact. Some respondents send information through diplomatic channels. Czechia and Poland indicate that how the Party consulted should be informed may be defined in relevant bilateral agreements.

## J. Monitoring

54. Question I.12 asks the Parties to describe their legal requirements for monitoring significant environmental, including health, effects as set out in article 12 of the Protocol. Many respondents provide information on the authorities responsible for monitoring the effects of plans and programmes. Some also identify other legal requirements, for example, related to information on the scope of monitoring, its duration, monitoring measures and indicators, or requirements to send monitoring data to the environmental authority and/or make these data public. Half of the respondents (12 out of 24) develop monitoring programme/measures within the strategic environment assessment report that are subject to consultation with environmental and health authorities, and after the adoption of the programme/plan, shall be performed by relevant authorities.

## K. Policies and legislation

55. Twelve (out of 23) Parties have national legislation on the application of principles and elements of the Protocol to policies and legislation (article 13 (1)) (question I.13). Poland explains to have specific provisions on SEA for policies. Malta indicates that its provisions on strategic environmental assessment apply only to policies. Denmark notes that according to the practice of the Court of Justice of the European Union, the Strategic Environmental Assessment Directive is applicable to proposals for policies and legislation; hence relevant provisions were transposed into the country’s national legislation.



### III. Practical application

56. This section of the report examines the key findings from part two of the questionnaire, which focuses on Parties' practical experiences with the application of the Protocol.

57. Most Parties (18 out of 22) provide data on the number of domestic and transboundary strategic environmental assessment procedures initiated during the survey period 2019–2021. 136 transboundary procedures were reported by 18 Parties; however, this number is an approximation as some respondents provide estimates and many Parties did not differentiate between transboundary procedures when they were involved as the Party of origin or as an affected Party. Data on the number of domestic procedures (question II.3) and transboundary procedures (question II.4) are summarized in tables 2 and 3, respectively.

58. Domestic strategic environmental assessment procedures appear to have been most frequent in the following sectors: agriculture, energy, transport, water management and town and country planning. A significant proportion of reported domestic procedures fall under town and country planning (for example, Finland (3,500), Republic of Moldova (88), Sweden (183)). Transboundary strategic environmental assessment procedures appear to have been most frequent in the following sectors: energy, waste and water management and town and country planning. Most of the reported transboundary procedures were for the water management sector (32).

59. Fifteen (out of 22) Parties provide information on the duration of their domestic strategic environmental assessment procedures; the data indicate that duration varies from 1 month (Bosnia and Herzegovina) to 33 months (Estonia) in different sectors. Some respondents indicate the maximum/average duration of the ordinary domestic strategic environmental assessment procedure (Estonia, Luxembourg and Spain); others provide information on the duration of domestic procedures in the relevant sectors (see table 4 below). Bosnia and Herzegovina and Lithuania report a timeline of six months for transboundary procedures in the waste management and town and country planning sectors. Czechia reports a timeline of 18 months for Interreg cross-border cooperation programmes.

60. Most Parties state that data on the cost of strategic environmental assessment procedures are not available. Montenegro indicates that costs for the environmental report are 5–15 per cent of the total costs of preparing a plan/programme, while Sweden provides examples of actual costs.

61. Ten Parties (out of 21) have a register of domestic and transboundary strategic environmental assessment procedures (cases), which is accessible to other Parties (question II.4). Electronic links to these registries are included in table 5.

Table 2  
Domestic strategic environmental assessment procedures initiated between 2019 and 2021

<i>Total/local level/national level</i>	<i>Agri.</i>	<i>For.</i>	<i>Fish.</i>	<i>En.</i>	<i>Industry</i>	<i>Trans.</i>	<i>Regional dev.</i>	<i>Waste man.</i>	<i>Water man.</i>	<i>Tel.</i>	<i>Tourism</i>	<i>Town and country planning</i>	<i>Land use</i>	<i>Other</i>	<i>Total (all sectors)</i>	<i>Statistical data (S) or estimates (E)</i>
Albania								1/1/0			6/6/0	19/19/0				S
Austria				1/0/1		3/0/3			3/0/3				590/560/30	14/0/14		E
Bosnia and Herzegovina						1/1/0	4/4/0					1/1/0				S
Croatia	2/0/2		2/0/2	2/0/1	1/0/1	4/3/1	7/6/1		3/0/3	1/0/1	2/0/2	8/8/0		1/0/0		E
Czechia	1/0/1		2/0/2	2/2/0		14/16/2	54/52*/2	2/0/2	15/6/9			1/0/1	764/764/0	24/10/14		S
Estonia															←20 a year	<u>E</u>
Finland	1/0/1		1/0/1			1/0/1	30/0/1	1/0/1	29/0/1			3500/3500**/8				E
Hungary	-/-/6	-/-/5	-/-/6	-/-/6	-/-/6	-/-/8	-/-/14	-/-/6	-/-/8	-/-/5	-/-/7	-/-/6	-/-/5			E
Latvia				1/0/1	1/0/1	1/0/1	9/0/9	1/0/1	1/0/1			48/48/0				S
Lithuania	-/-/1		-/-/1	-/-/3		-/-/2	-/-/4	-/-/1				-/305/2		-/-/1	360/345/15	
Luxembourg	1/0/1			-/-/1				1/0/1				86/83/3		-/-/1		S
Malta				2/0/2					1/0/1					1/0/1		E
Montenegro									1/0/1			9/0/9				E
Poland															1840/1790/50	E
Rep. of Moldova	1/0/1			1/0/1		1/0/1			2/0/2			88/88/0				S

<i>Total/local level/national level</i>	<i>Agri.</i>	<i>For.</i>	<i>Fish.</i>	<i>En.</i>	<i>Industry</i>	<i>Trans.</i>	<i>Regional dev.</i>	<i>Waste man.</i>	<i>Water man.</i>	<i>Tel.</i>	<i>Tourism</i>	<i>Town and country planning</i>	<i>Land use</i>	<i>Other</i>	<i>Total (all sectors)</i>	<i>Statistical data (S) or estimates (E)</i>
Romania	1/-/-		1/-/-	1/-/-	1/-/-	2/-/-	3/-/-	1/-/-	1/-/-	1/-/-				6/-/-		
Spain	2/-/2			4/-/4		7/-/7			12/-/12					7/-/7		
Sweden	1/0/1		1/0/1		1/0/1	22/21/ 1	9/0/9		6/5/1			183/183/0	142/0/1 42	20(E)/ 0/20		S

\* Including 22 Regional Development Principle Plans and their modifications (regional level).

\*\* 300 local master plans and 3,200 local detailed plans.

*Abbreviations:* Agri., Agricultural; En., Energy; For., Forestry; Fish., Fisheries; Regional dev., Regional development; Trans., Transport; Tel., Telecommunications; Waste man., Waste management; Water man., Water management.

*Note:* The table is based on incomplete information because not all respondents grouped their SEA procedures by the sectors listed in article 4 (2). Furthermore, some respondents were unable to quantify the number of SEA procedures initiated during the reporting period, especially at local level, due to a lack of or incomplete statistics.

Table 3  
Transboundary strategic environmental assessment procedures between 2019 and 2021

<i>Total/local level/national level</i>															
<i>Party of origin (affected Party)</i>	<i>Agriculture</i>	<i>Forestry</i>	<i>Fisheries</i>	<i>Energy</i>	<i>Industry</i>	<i>Transport</i>	<i>Regional Development</i>	<i>Waste management</i>	<i>Water management</i>	<i>Tel.</i>	<i>Tourism</i>	<i>Town and country planning</i>	<i>Land use</i>	<i>Other</i>	<i>Total</i>
Albania															0(0)
Austria				4		1									5
Bosnia and Herzegovina								1/-/-							
Croatia				1/0/1		1/0/1	1/0/1	4/0/4	1/0/1				1/0/1		2(7)
Czechia						1/1/0	4/4/0		4/3/1		1/1/0		1/1/0	6/5/1	
Estonia						1/0/1		1/0/1						5/0/5	3(4)
Finland									6/4/2			2/1/1			
Hungary				-/-/3		-/-/5		-/-/1			-/-/1	-/-/2			2 (12)
Latvia												1(3)			1(3)
Lithuania												1/1/0			
Luxembourg		1/-/-		3/-/-				2/-/-	3/-/-			3/-/-		1/-/-	
Montenegro									2/-/-			1/-/-			
Poland				1/0/1										1/0/1	
Rep. of Moldova				1/0/1				1/0/1							
Romania				1/-/-		1/-/-		1/-/-							
Slovakia						3/-/-	5/-/-				1/-/-				
Spain									4/-/-					4/-/-	

<i>Total/local level/national level</i>														
<i>Party of origin (affected Party)</i>	<i>Agriculture</i>	<i>Forestry</i>	<i>Fisheries</i>	<i>Energy</i>	<i>Industry</i>	<i>Transport</i>	<i>Regional Development</i>	<i>Waste management</i>	<i>Water management</i>	<i>Tel.</i>	<i>Tourism</i>	<i>Town and country planning</i>	<i>Land use</i>	<i>Other Total</i>
Sweden				10/4/6					12/5/7			1/1/0	4/4/0	3/0/3

*Note:* The table is based on incomplete information because not all respondents grouped their SEA procedures by the sectors listed in article 4 (2). Furthermore, some respondents were unable to quantify the number of SEA procedures initiated during the reporting period. Most Parties, but not all, did not separate out the transboundary procedures in which they were the Party of origin from those in which they were an affected Party.

Table 4  
**Estimated average duration of strategic environmental assessment procedures**  
 (Months)

<i>Domestic/ /(transboundary)</i>	<i>Agriculture</i>	<i>For.</i>	<i>Fisheries</i>	<i>Ener.</i>	<i>Industry</i>	<i>Transport</i>	<i>Regional development</i>	<i>Waste management</i>	<i>Water management</i>	<i>Telecommunications</i>	<i>Tourism</i>	<i>Town and country planning</i>	<i>Land use</i>	<i>Other</i>
Albania								5–6			5–6	5–6		
Austria														
Bosnia and Herzegovina						1	1	(6)				1		1
Croatia	12		12	18		12	12		18	12		12–18		
Czechia			13	14		11	6		11			6	11	11 (18)
Estonia														
Finland												22 12 for local detailed plans		
Hungary	3-5	3-5		3- 5/(3- 5)	3-5	3-5/(3- 5)	3-5	3-5/(5)	3-5	3-5	3-5/(4)	3-5/(3-5)	3-5	
Lithuania												(6)		
Luxembourg	8													
Malta				9–26					7					
Montenegro									24					
Spain	22	22	22	22	22	22	22	22	22	22	22	22	22	22
Sweden	22		13											

Table 5

**Links to registers of domestic and/or transboundary strategic environmental assessment procedures (cases)**

<i>Party</i>	<i>Domestic procedures</i>	<i>Transboundary procedures</i>
Croatia	<a href="https://mingor.gov.hr/oministarstvu-1065/djelokrug-rada/upravaza-procjenu-utjecaja-na-okolis-i-odrzivogospodarenje-otpadom-1271/procjenautjecaja-na-okolis-puo-spuo/strateskaprocjena-utjecaja-na-okolis-spuo4015/4015">https://mingor.gov.hr/oministarstvu-1065/djelokrug-rada/upravaza-procjenu-utjecaja-na-okolis-i-odrzivogospodarenje-otpadom-1271/procjenautjecaja-na-okolis-puo-spuo/strateskaprocjena-utjecaja-na-okolis-spuo4015/4015</a>	<a href="https://mingor.gov.hr/oministarstvu-1065/djelokrug-rada/uprava-zaprocjenu-utjecaja-na-okolis-i-odrzivogospodarenje-otpadom-1271/procjenautjecaja-na-okolis-puo-spuo/strateskaprocjena-utjecaja-na-okolis-spuo-4015/4015">https://mingor.gov.hr/oministarstvu-1065/djelokrug-rada/uprava-zaprocjenu-utjecaja-na-okolis-i-odrzivogospodarenje-otpadom-1271/procjenautjecaja-na-okolis-puo-spuo/strateskaprocjena-utjecaja-na-okolis-spuo-4015/4015</a>
Czechia	<a href="https://portal.cenia.cz/eiasea/view/SEA100_koncepce">https://portal.cenia.cz/eiasea/view/SEA100_koncepce</a>	<a href="https://portal.cenia.cz/eiasea/view/sea100_mezistatni?lang=cs">https://portal.cenia.cz/eiasea/view/sea100_mezistatni?lang=cs</a>
Denmark	-	<a href="https://mst.dk/service/annoncering/espoo/">https://mst.dk/service/annoncering/espoo/</a>
Latvia	<a href="https://www.vpvb.gov.lv/lv/darbibasjomas-strategiskais-ietekmes-uz-vidinovertejums">https://www.vpvb.gov.lv/lv/darbibasjomas-strategiskais-ietekmes-uz-vidinovertejums</a>	<a href="https://www.vpvb.gov.lv/lv/jaunami">https://www.vpvb.gov.lv/lv/jaunami</a>
Malta	<a href="https://environment.gov.mt/en/sea/Pages/plansProgrammes.aspx">https://environment.gov.mt/en/sea/Pages/plansProgrammes.aspx</a>	<a href="https://environment.gov.mt/en/sea/Pages/plansProgrammes.aspx">https://environment.gov.mt/en/sea/Pages/plansProgrammes.aspx</a>
Montenegro	<a href="https://epa.org.me/obavjestenja-sea/">https://epa.org.me/obavjestenja-sea/</a>	<a href="https://www.gov.me/mepg">https://www.gov.me/mepg</a>
Poland	<a href="http://bazaoos.gdos.gov.pl/web/guest/home">http://bazaoos.gdos.gov.pl/web/guest/home</a>	<a href="http://bazaoos.gdos.gov.pl/web/guest/home">http://bazaoos.gdos.gov.pl/web/guest/home</a>
Rep. of Moldova	<a href="https://mediu.gov.md/ro/content/consultarea-proiectului-planului-programului">https://mediu.gov.md/ro/content/consultarea-proiectului-planului-programului</a> <a href="https://mediu.gov.md/ro/content/evaluarestrategic%C4%83-de-mediul-ambiental-la-nivelna%C8%9Bional">https://mediu.gov.md/ro/content/evaluarestrategic%C4%83-de-mediul-ambiental-la-nivelna%C8%9Bional</a>	<a href="https://mediu.gov.md/ro/content/republicamoldova-parte-afectata%C4%83">https://mediu.gov.md/ro/content/republicamoldova-parte-afectata%C4%83</a>
Spain	<a href="https://sede.miteco.gob.es/portal/site/seMITECO/navSabiaPlanes">https://sede.miteco.gob.es/portal/site/seMITECO/navSabiaPlanes</a>	<a href="https://sede.miteco.gob.es/portal/site/seMITECO/navSabiaPlanes">https://sede.miteco.gob.es/portal/site/seMITECO/navSabiaPlanes</a>

## A. Information contained in the environmental report

62. Thirteen (out of 22) Parties indicate that strategic environmental assessment documentation always includes specific information on health effects (question II.1), while nine respondents (Austria, Croatia, Denmark, Estonia, Finland, Latvia, Luxembourg, Norway and Sweden) state that the strategic environmental assessment documentation only includes information on health effects where such effects are identified.

63. Question II.2 examines whether the environmental report always includes specific information on potential transboundary environmental, including health, effects. Over half of the Parties report that strategic environmental assessment documentation includes such information only when transboundary effects are identified (13 out of 22). Nine Parties (Albania, Armenia, Czechia, Hungary, Montenegro, Poland, Republic of Moldova, Romania and Slovakia) state that such information is always included in strategic environment assessment documentation.

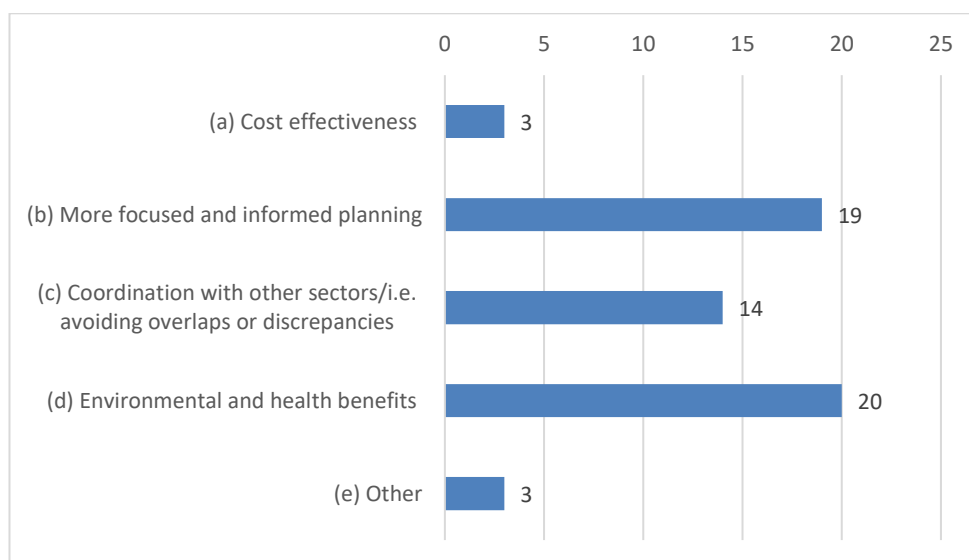
64. Question II.10 (a) asks the Parties to describe their procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted, as provided for in article 3. Most Parties (21 out of 22) describe relevant procedures and/or provide references to national legislation. Norway reports that health authorities are consulted when relevant.

## B. Benefits

65. Most respondents report “more focused and informed planning” (19 out of 21) and “environmental and health benefits” (20 out of 21) as being benefits of strategic environmental assessment (question II.7, see figure XIII). Over half of the respondents (14 out of 21) also indicate, among the benefits, “coordination with other sectors/i.e. avoiding overlaps or discrepancies”, and three respondents (Armenia, Bosnia and Herzegovina and Estonia) highlight its contribution to “cost effectiveness”. Some respondents list other benefits, including: integration of environmental issues into sectoral plans and programmes; early awareness amongst the public and enhanced opportunities to participate in planning processes; early involvement of the environmental authorities in the planning process; and, improved consultations between environmental and planning authorities.

Figure XIII

**Responses to question II.7: “Please list the benefits of strategic environmental assessment that are identified by your country:” (n=21)**





66. In response to question II.10 (b), ten Parties provide examples of the application of strategic environmental assessment in the following key areas/themes outlined in the workplan for 2021–2023:

- Biodiversity (Bosnia and Herzegovina, Finland)
- Circular economy (Finland and Malta)
- Energy transition (Croatia, Finland, Montenegro and Slovakia)
- Smart and sustainable cities (Bosnia and Herzegovina, Finland and Slovakia)
- Sustainable infrastructure (Bosnia and Herzegovina, Croatia, Finland and Spain)
- Maritime spatial planning (Denmark, Estonia and Lithuania)

67. Some respondents provide a title and/or a description of the relevant plan/programme, while others describe their experiences in the form of a good practice example (see para. 80 below).

68. Most respondents indicate that (certain) strategic environmental assessments contributed to the attainment of the Sustainable Development Goals either somewhat (11 out of 20) and/or significantly (7 out of 20). Three respondents (Denmark, Finland and Hungary) report that they have no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals (question II.10 (c)). Hungary has no data on this topic.

### **C. Difficulties experienced**

69. The majority of respondents (19 out of 22) report no substantial difficulties in interpreting particular terms contained in the Protocol (question II.8). Slovakia indicates difficulties in interpreting the terms “plan” and “programme”, while two respondents describe substantial practical difficulties, including challenges with:

- Determining the contents of, and level of detail for, the environmental report (Austria)
- Identifying reasonable alternatives and the timing of the strategic environmental assessment (Austria)
- Coordination between entities and within the governmental administration (Bosnia and Herzegovina)
- The time required for communication with the authorities responsible for foreign affairs in transboundary procedures (Bosnia and Herzegovina)

70. Some respondents state, in response to question II.9, that the best way to overcome problems is through cooperation between concerned authorities and Parties (Estonia). Other means of overcoming problems suggested by the respondents include: guidance, publishing a collection of strategic environmental assessment examples or fact sheets, information exchange among authorities, and experience sharing amongst the Parties (Austria and Estonia).

### **D. Monitoring**

71. Twelve (out of 22) Parties have carried out monitoring in accordance with article 12 (question II.11) and some Parties provide good practice examples (e.g., Estonia and Romania). Differing monitoring practices and approaches are used. For example, in Poland the effects of implementing the plan/programme can be monitored by the Regional Inspectorate for Environmental Protection in the course of routine monitoring or as a result of controls placed upon projects. In Finland, monitoring of environmental effects is usually arranged as part of the more extensive monitoring of the implementation of the plan or programme, and may also coincide with the regular revision of the plan or programme. Some respondents use indicators (Estonia and Spain). Nine respondents have not carried out

monitoring, with three of these respondents stating that no information was available on this issue.

## **E. Translation practices**

72. With regards to difficulties in transboundary procedures, over half of the Parties (13 out of 22) have not experienced substantial problems with translation and interpretation (question II.12 (a) (i)). Several Parties (9) provide concrete examples of their experience and/or difficulties, including: issues concerning the time and resources required for translating documentation; problems with the quality of translations; translation of only some parts of the documentation or summaries, rather than all of it; a need to translate the documentation into multiple foreign languages; and, the translation of documentation into English instead of the official language of an affected Party. As examples of positive experience or solutions, respondents report early cooperation between the points of contact of the affected Party and the Party of origin (Finland); indicating in the reply to the notification requirements to translate documentation into an official language (Hungary); and, indicating the scope of information to be translated by the Party of origin (Poland).

73. Several Parties (Austria, Croatia, Finland, Hungary, Romania and Slovakia) usually translate the entire plan/programme and environmental report (question II.12 (b)). Others translate part of the plan/programme (or its description), including those parts related to transboundary effects, and/or the non-technical summary. Some Parties provide the documentation in English, but affected Parties often request that the documentation be translated into their national language(s).

## **F. Public participation in a transboundary context**

74. The majority of Parties (18) have carried out public participation in a transboundary context pursuant to article 10 (4) (question II.12 (c)), which requires them to ensure the participation of the public concerned and the authorities in the affected Party/Parties. Some respondents follow the principle that the public and authorities in the affected Party should be provided with opportunities to participate that are, first, equivalent to the opportunities provided to their counterparts in the Party of origin (for example, Austria, Estonia and Poland) and, second, also meet any applicable national legal requirements. The most common approaches respondents use to achieve this as the affected Party include: notification of their own public and providing access to the information through electronic and/or printed media; sending the information to, and consulting with, the environmental and health authorities; and, transmission of the comments received from the public and authorities to the Party of origin. Some Parties may also organize public hearings on the territory of the affected Party (e.g., Denmark and Latvia).

75. Nine respondents express a positive view of the effectiveness of public participation in response to question II.12 (d). However, the Parties report that, in many cases, public interest in plans and or programmes is lower than for projects, although the public is more active when a draft plan/programme sets the framework for a controversial activity.

76. Nine respondents report on their experiences of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes (Croatia, Czechia, Denmark, Hungary, Latvia, Poland, Romania, Slovakia and Spain) (question II.12 (e)).

## **G. Case studies**

77. Ten respondents use annex III to report examples of what they consider constitute good implementation practices for strategic environmental assessment nationally (Albania, Armenia, Croatia, Malta and Poland) and/or in a transboundary context (Denmark, Estonia, Montenegro, Romania and Spain). Most of the respondents describe a domestic strategic environmental assessment procedure in the following sectors: tourism (Albania), town and country planning (Armenia), regional development (Croatia), waste management (Malta),

and water management (Poland). Montenegro describes both domestic and transboundary procedures in the town and country planning and energy sectors, while Estonia and Romania share experiences of transboundary consultations for a maritime spatial plan and the energy sector, respectively. Some respondents highlight specific elements that they consider represent good practice, such as the use of electronic tools for public participation (maritime spatial plan, Denmark) and bilateral agreements (hydrological and flood risk management plans, Spain).

## H. Experience in using guidance

78. Thirteen respondents have used the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*<sup>6</sup> (question II.13). Five respondents indicate that they did not use this guidance because they were unaware of it. Some Parties report using national guidelines (Finland) or the guidelines and recommendations of the European Commission (Luxembourg).

79. Fourteen respondents have used the *Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment*,<sup>7</sup> while six respondents state that they were unaware of this guidance. Poland notes that issues related to translation and public participation are explained very clearly and that, in these areas, the Manual is very helpful, but recommends including more comprehensive information on monitoring.

## I. Contributions to the funding of the workplans

80. For information on contributions to the funding of the workplans see the seventh review of the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/WG.2/2022/3, paras. 82–83).

## IV. Findings

81. An analysis of the national reports on the Parties' implementation of the Protocol between 2019 and 2021 confirms most of the conclusions reached in the *Third review of implementation of the Protocol on Strategic Environmental Assessment (2016–2018)*<sup>8</sup> and these conclusions should be reiterated by the Meeting of the Parties to the Protocol at its fifth session (Geneva (to be confirmed), 12–15 December 2023).<sup>9</sup> The main additional conclusions drawn from the fourth implementation review are as follows:

(a) Only about half of the Parties reported on time and an increased number of Parties failed to return their completed questionnaires within two months of the reporting deadline (at the time of writing, 22 Parties have returned completed questionnaires compared to 30 Parties in the previous review). The failure by Parties to fulfil their obligation to report (in accordance with art. 14 (7)) in a timely manner complicated the review process;

(b) The lack of a central registry or database of national strategic environmental assessment procedures in many Parties made reporting on the number of procedures during the survey period complicated and imprecise;

(c) A wide range of implementation practices and experiences are reported by the Parties and this information could be used in developing material to enhance implementation. Ten Parties provide examples of what they consider constitute good implementation practices;

(d) Some Parties gained experience in the use of electronic technologies for remotely conducting consultation and participatory activities during the coronavirus disease (COVID-19) pandemic. Promoting lessons learned and good practices for the use of remote

<sup>6</sup> United Nations publication, Sales No. E.15.II.E.7.

<sup>7</sup> United Nations publication, ECE/MP.EIA/17.

<sup>8</sup> United Nations publication, ECE/MP.EIA/SEA/14, paras. 84 (a)–(b) and (d)–(e), and 85 (a)–(b).

<sup>9</sup> Decision V/5 on reporting and review of implementation of the Protocol (forthcoming).

communication technologies could help promote effective and efficient consultation and participation practices;

(e) Varying monitoring practices are applied to implement article 12 of the Protocol, resulting in differences in the scope of monitoring, its duration, and on the use of indicators. It is recommended that further collection and sharing of good practice be promoted, and good practice recommendations be developed.

(f) A number of Parties use the *Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment* and the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*, but several Parties indicated a lack of awareness about said documents as the reason for not using them. Efforts to promote awareness and use of guidance documents should continue.

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