

SUBSIDIARY LEGISLATION 549.61**STRATEGIC ENVIRONMENTAL ASSESSMENT
REGULATIONS**

11th December, 2010*

*LEGAL NOTICE 497 of 2010, as amended by Act XXV of 2015 and
Legal Notice 82 of 2019.***Part I****Preliminary**

1. The title of these regulations is the Strategic Environmental Assessment Regulations. Citation.

2. (1) The objective of these regulations is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with these regulations, a strategic environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment. Objectives.
*Amended by:
L.N. 82 of 2019.*

(2) These regulations transpose the provisions of 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.

(3) These regulations shall have effect without prejudice to the provisions of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context done in Kiev on the twenty-first day of May 2003 ("the Kiev Protocol") which forms part of the laws of Malta, and which is reproduced in Schedule III.

(4) The text of the said Kiev Protocol is being published in the English Language only, in the English text of these regulations.

3. (1) In these regulations, unless the context otherwise requires - Interpretation.
*Amended by:
L.N. 82 of 2019.*

"the Act" means the Environment Protection Act; Cap. 549.

"competent authority" means the Strategic Environmental Assessment Focal Point, hereinafter referred to as the "SEA Focal Point" established under regulation 15;

"the Convention" means the Convention on Environmental Impact Assessment in a Transboundary Context done in Espoo, Finland on the twenty-fifth day of February 1991;

"environmental report" means the part of the plan or programme documentation containing the information required in regulation 6

*see sub-regulation (2) of regulation 1 as originally promulgated, and Legal Notice 519 of 2010.

and in Schedule I;

"make available to the public" means publishing in the Gazette or in at least one daily newspaper in the English language and in the Maltese language, a notice indicating where the document may be viewed or acquired; the price of the said document shall not exceed the cost of its printing and distribution;

"plans and programmes" means plans and programmes, including those co-financed by the European Community, as well as any modifications to them:

- (a) which are subject to preparation and, or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and
- (b) which are required by legislative, regulatory or administrative provisions;

"the public" shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

"responsible authority", in relation to a plan or programme, means the authority by which, or on whose behalf, any plan or programme is prepared. A responsible authority shall only cease to be lawfully responsible for its plan or programme at such time as a new responsible authority accepts formal responsibility in writing.

Where more than one responsible authority is responsible for a plan or programme, or parts of it, the responsible authority shall be:

- (a) the authority nominated by agreement between the responsible authorities responsible for that plan or programme; or
- (b) determined by the SEA Focal Point, if there is no such agreement;

"strategic environmental assessment" means the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision making and the provision of information on the decision in accordance with regulations 5 to 10.

(2) All other terms shall have the same meaning as assigned to them in the Act.

Part II

General Conditions

Scope.

4. (1) An strategic environmental assessment, in accordance with regulations 5 to 10, shall be carried out by the responsible authority for plans and programmes referred to in sub-regulations (2) to (4) which are likely to have significant environmental effects.

(2) Subject to the provisions of sub-regulation (3), a strategic environmental assessment shall be carried out for all plans and

programmes which -

- (a) are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or
- (b) in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.

(3) Plans and programmes referred to in sub-regulation (2), which determine the use of small areas at local level, and minor modifications to plans and programmes referred to in sub-regulation (2), shall require a strategic environmental assessment only where the responsible authority determines that they are likely to have significant environmental effects.

(4) In addition, the responsible authority shall determine whether its plans and programmes, other than those referred to in sub-regulation (2), which set the framework for future development consent of projects, are likely to have significant environmental effects.

(5) The responsible authority shall determine whether plans or programmes referred to in sub-regulations (3) and (4) are likely to have significant environmental effects either through case by case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose the responsible authority shall in all cases take into account relevant criteria set out in Schedule II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by these regulations.

(6) In the case by case examination and in specifying types of plans and programmes in accordance with sub-regulation (5), the authorities referred to in regulation 7(3) shall be consulted.

(7) The responsible authority shall ensure that its conclusions pursuant to sub-regulation (5), including the reasons for not requiring a strategic environmental assessment pursuant to regulations 5 to 10, are made available to the public, the designated authorities referred to in regulation 7(3) and the competent authority.

- (8) (a) Without prejudice to any of these regulations, the competent authority may at any time request a responsible authority at national or local level to submit a plan or programme description statement which provides sufficient detail for it to be able to identify the likely effects on the environment, such that it may determine whether a strategic environmental assessment is required.
- (b) The competent authority shall, after submission of the plan or programme description statement by the authority at national or local level, indicate whether

the plan or programme requires a strategic environmental assessment.

(c) The decision of the competent authority shall be final.

(9) The following plans and programmes are not subject to these regulations:

- (a) plans and programmes the sole purpose of which is to serve national defence or civil emergency,
- (b) financial or budget plans and programmes,
- (c) plans and programmes co-financed under the current respective programming periods for Council Regulations (EC) No 1260/99 and No 1257/99.

General obligations.

5. (1) The strategic environmental assessment referred to in regulation 4 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.

(2) Where plans and programmes form part of a hierarchy, the responsible authority shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with these regulations, at different levels of the hierarchy. For the purpose of, among other things, avoiding duplication of assessment, the responsible authority shall apply regulation 6(2) and (3).

Environmental report.

6. (1) Where a strategic environmental assessment is required under regulation 4(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives, taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Schedule I.

(2) The environmental report prepared pursuant to sub-regulation (1) shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

(3) Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision making or through other legislation may be used for providing the information referred to in Schedule I.

(4) The authorities referred to in regulation 7(3) as well as the competent authority shall be consulted when deciding on the scope and level of detail of the information which is to be included in the environmental report.

Consultations.
Amended by:
XXV. 2015.41;
L.N. 82 of 2019.

7. (1) The draft plan or programme and the environmental report prepared in accordance with regulation 6 shall be made available, by the responsible authority, to the authorities referred to

in sub-regulation (3), the competent authority and the public.

(2) The responsible authority shall ensure that the authorities referred to in sub-regulation (3) and the public referred to in sub-regulation (4) shall be given an early and effective opportunity within an adequate time-frame, to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure. Such time-frames shall not exceed sixteen weeks from the publication of the plan or programme and its environmental report.

(3) The designated authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes, shall be the following:

- (a) the Environment and Resources Authority or any successor entity responsible for the environment; and where applicable-
- (b) the Regulator for Energy and Water Services or any successor entity or entities;
- (c) the competent authority responsible for agriculture;
- (d) the competent authority responsible for fisheries;
- (e) the competent authority responsible for health;
- (f) any other authority which is deemed by the responsible authority to have an input into the strategic environmental assessment process.

(4) The responsible authority shall make the plan or programme and its environmental report available to the public electronically and in published form for viewing at its offices for the purposes of sub-regulation (2).

(5) In order to reach out to the public affected or likely to be affected by, or having an interest in, the decision making subject to these regulations, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned, the notice of availability of the plan or programme and the environmental report shall be published in at least the Gazette together with specific details of where the documentation is available and how comments can be submitted and by which date.

8. (1) Where the responsible authority considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant environmental report to the other Member State at the earliest stage possible.

Transboundary consultations.

(2) Where a Member State is sent a copy of a draft plan or

programme and an environmental report under sub-regulation (1), it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates, the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate such effects:

Provided that where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in regulation 7(3) and the relevant public in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time.

(3) Where Member States are required under this regulation to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable time for the duration of consultations.

(4) In the case where a Member State consults Malta on potential transboundary effects, the provisions of sub-regulations (1), (2) and (3) shall apply *mutatis mutandis*.

Decision making.

9. The environmental report prepared pursuant to regulation 6, the opinions expressed pursuant to regulation 7 and the results of any transboundary consultations entered into pursuant to regulation 8 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

Information on the decision.

10. (1) The responsible authority shall ensure that, when a plan or programme is adopted, the authorities referred to in regulation 7(3), the competent authority, the public and any Member State consulted under regulation 8 are informed and the following items are made available to those so informed:

- (a) the plan or programme as adopted;
- (b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to regulation 6, the opinions expressed pursuant to regulation 7 and the results of consultations entered into pursuant to regulation 8 have been taken into account in accordance with regulation 9 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and
- (c) the measures that have been decided concerning monitoring in accordance with regulation 11.

(2) The provisions of regulation 7(4) and (5) shall apply for the publication of the local information relating to sub-regulation (1) whilst the publication of the information of other Member States shall be effected through the respective Member State itself.

(3) Responsible authorities shall ensure that all outcomes of these regulations are reported to the competent authority immediately as the process evolves.

11. (1) The responsible authority shall monitor the significant environmental effects of the implementation of plans and programmes in order, among other things, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

Monitoring.

(2) In order to comply with sub-regulation (1), existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.

(3) The competent authority shall be kept informed on each outcome of the monitoring carried out.

12. (1) A strategic environmental assessment carried out under these regulations shall be without prejudice to any requirements under Directive 85/337/EEC and to any other legislative requirements.

Relationship with other legislation.

(2) For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from these regulations and other legislation, the responsible authority may provide for coordinated or joint procedures fulfilling the requirements of the relevant legislation in order, among others, to avoid duplication of assessment.

(3) For plans and programmes co-financed by the European Community, the strategic environmental assessment in accordance with these regulations shall be carried out in conformity with the specific provisions in relevant local and Community legislation.

13. (1) The competent authority and the Commission shall exchange information on the experience gained in applying these regulations.

Information, reporting and review.

(2) The responsible authority shall ensure that environmental reports are of a sufficient quality to meet the requirements of these regulations and the spirit of Directive 2001/42/EC.

(3) The competent authority shall communicate to the Commission any measures taken concerning the quality of these reports.

14. The obligation referred to in regulation 5(1) shall apply to the plans and programmes of which the first formal preparatory act was subsequent to the 21st July, 2004. Plans and programmes of which the first formal preparatory act was before this date and which are adopted or submitted to the legislative procedure more than twenty-four months thereafter, shall be made subject to the obligation referred to in regulation 5(1) unless the responsible authority decides on a case by case basis that this is not feasible and informs the public of its decision.

Implementation.

Part III

Establishment of the Competent Authority

Establishment of
competent
authority.

15. (1) There shall be created the SEA Focal Point which shall be tasked with overseeing the implementation of these regulations.

(2) The SEA Focal Point shall be composed of a Chairperson and two other members.

(3) The Chairperson and the members of the SEA Focal Point shall be appointed by the Prime Minister from among persons who in the opinion of the Prime Minister are persons of known integrity and who appear to him to have knowledge and experience in matters relating to the strategic environment assessment of plans and programmes.

(4) The Chairperson and the members of the SEA Focal Point shall hold office for a period of three years and shall be eligible for re-appointment.

(5) The Chairperson and members of the SEA Focal Point may only be removed from office by the Prime Minister on the grounds of gross negligence, incompetence or acts, omissions or conduct unbecoming a member of the Board.

Functions.

16. (1) The competent authority shall have the following duties and powers:

- (a) to create awareness on the scope and necessity of strategic environmental assessments;
- (b) to be informed by the responsible authority, or responsible authorities if applicable, that a strategic environmental assessment is being conducted on a particular plan or programme;
- (c) to be informed by the responsible authority, or responsible authorities if applicable, on why a strategic environmental assessment has not been undertaken on a plan or programme;
- (d) to implement fully the provisions of regulation 4(8);
- (e) to ensure to the best of its ability that the responsible authority, or responsible authorities if applicable, have followed the provisions of these regulations and to document the process adopted inclusive of any supporting documentation and consultation material;
- (f) to act as a repository of all material related to a strategic environmental assessment for a plan or programme;
- (g) to demand any information it deems is related to any strategic environmental assessment from any entity inclusive of information that results from a decision for a strategic environmental assessment to be undertaken or otherwise;
- (h) to provide guidance to responsible authorities;
- (i) to represent Malta in any local and international fora

on strategic environmental assessments;

- (j) to act as the Focal Point for other Member States who wish to consult Malta in cases of transboundary effects;
- (k) to promote the use of a strategic environmental assessments in Malta;
- (l) to audit the quality of a strategic environmental assessments to provide third party input into securing the true quality of the strategic environmental assessment process.

(2) Nothing contained in these regulations shall be construed as implying that the competent authority shall be responsible for the carrying out of any strategic environmental assessment. Any strategic environmental assessment as shall be required to be carried out in terms of these regulations shall fall under the responsible authority.

Part IV

Transitory Provisions

17. (1) To the extent that such responsibility is provided in terms of these regulations, the competent authority shall assume all responsibility assigned to the SEA Audit Team under the Strategic Environmental Assessment Regulations, 2005*, and shall enjoy all the rights and benefits previously enjoyed by SEA Audit Team with effect from the entry into force of these regulations.

Assessments
already in
progress.

(2) All documents and resources that were the property of the SEA Audit Team shall become the property of the competent authority, without the necessity for the conclusion of any legal procedures.

*revoked by these Regulations.

SCHEDULE I

Information referred to in regulation 6(1)

The information to be provided under regulation 6(1), subject to regulation 6(2) and (3), is the following:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
 - (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
 - (c) the environmental characteristics of areas likely to be significantly affected;
 - (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
 - (e) the environmental protection objectives, established at international, European or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
 - (f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the inter-relationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects;
 - (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
 - (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties, such as technical deficiencies or lack of know-how, encountered in compiling the required information;
 - (i) a description of the measures envisaged concerning monitoring in accordance with regulation 11;
 - (j) a non-technical summary of the information provided under the above headings.
-

SCHEDULE II

Criteria for determining the likely significance of effects
referred to in regulation 4(5)

1. The characteristics of plans and programmes, having regard, in particular, to:
 - (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - (d) environmental problems relevant to the plan or programme,
 - (e) the relevance of the plan or programme for the implementation of Community legislation on the environment, such as plans and programmes linked to waste-management or water protection.
 2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - (a) the probability, duration, frequency and reversibility of the effects,
 - (b) the cumulative nature of the effects,
 - (c) the transboundary nature of the effects,
 - (d) the risks to human health or the environment (e.g. due to accidents),
 - (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - (f) the value and vulnerability of the area likely to be affected due to:
 - (i) special natural characteristics or cultural heritage,
 - (ii) exceeded environmental quality standards or limit values,
 - (iii) intensive land-use,
 - (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.
-

*Added by:
L.N. 82 of 2019.*

SCHEDULE III

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

The parties to this Protocol,

Recognizing the importance of integrating environmental, including health, considerations into the preparation and adoption of plans and programmes and, to the extent appropriate, policies and legislation,

Committing themselves to promoting sustainable development and therefore basing themselves on the 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 and Agenda 21, as well as the outcome of the third Ministerial Conference on Environment and Health (London, 1999) and the World Summit on Sustainable Development (Johannesburg, South Africa, 2002),

Bearing in mind the Convention on Environmental Impact Assessment in Transboundary Context, done at Espoo, Finland, on 25 February 1991, and decision II/9 of its Parties at Sofia on 26 and 27 February 2001, in which it was decided to prepare a legally binding protocol on strategic environmental assessment,

Recognizing that strategic environmental assessment should have an important role in the preparation and adoption of plans, programmes, and, to the extent appropriate, policies and legislation, and that the wider application of the principles of environmental impact assessment to plans, programmes, policies and legislation will further strengthen the systematic analysis of their significant environmental effects,

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

Conscious, therefore, of the importance of providing for public participation in strategic environmental assessment,

Acknowledging the benefits to the health and wellbeing of present and future generations that will follow if the need to protect and improve people's health is taken into account as an integral part of strategic environmental assessment, and recognizing the work led by the World Health Organization in this respect,

Mindful of the need for and importance of enhancing international cooperation in assessing the transboundary environmental, including health, effects of proposed plans and programmes, and, to the extent appropriate, policies and legislation,

Have agreed as follows:

Article 1

OBJECTIVE

The objective of this Protocol is 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 strategic environmental assessment;
- (d) Providing for public participation in strategic environmental assessment; and
- (e) Integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development.

Article 2

DEFINITIONS

For the purposes of this Protocol,

- 1. "Convention" means the Convention on Environmental Impact Assessment in a Transboundary Context.
- 2. "Party" means, unless the text indicates otherwise, a Contracting Party to this Protocol.
- 3. "Party of origin" means a Party or Parties to this Protocol within whose jurisdiction the preparation of a plan or programme is envisaged
- 4. "Affected Party" means a Party or Parties to this Protocol likely to be affected by the transboundary environmental, including health, effects of a plan or programme.
- 5. "Plans and programmes" means plans and programmes and any modifications to them that are:
 - (a) Required by legislative, regulatory or administrative provisions; and
 - (b) Subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government.
- 6. "Strategic environmental assessment" means the evaluation of the likely

environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the carrying out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme.

7. "Environmental, including health, effect" means any effect on the environment, including human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites, material assets, cultural heritage and the interaction among these factors.

8. "The public" means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups.

Article 3

GENERAL PROVISIONS

1. Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework.

2. Each Party shall endeavour to ensure that officials and authorities assist and provide guidance to the public in matters covered by this Protocol.

3. Each Party shall provide for appropriate recognition of and support to associations, organizations or groups promoting environmental, including health, protection in the context of this Protocol.

4. The provisions of this Protocol shall not affect the right of a Party to maintain or introduce additional measures in relation to issues covered by this Protocol.

5. Each Party shall promote the objectives of this Protocol in relevant international decision-making processes and within the framework of relevant international organizations.

6. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Protocol shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.

7. Within the scope of the relevant provisions of this Protocol, the public shall be able to exercise its rights without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

*Article 4*FIELD OF APPLICATION CONCERNING PLANS
AND PROGRAMMES

1. Each Party shall ensure that a strategic environmental assessment is carried out for plans and programmes referred to in paragraphs 2, 3 and 4 which are likely to have significant environmental, including health, effects.

2. A strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, 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 environmental impact assessment under national legislation.

3. For plans and programmes other than those subject to paragraph 2 which set the framework for future development consent of projects, a strategic environmental assessment shall be carried out where a Party so determines according to article 5, paragraph 1.

4. For plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and for minor modifications to plans and programmes referred to in paragraph 2, a strategic environmental assessment shall be carried out only where a Party so determines according to article 5, paragraph 1.

5. The following plans and programmes are not subject to this Protocol:

- (a) Plans and programmes whose sole purpose is to serve national defence or civil emergencies;
- (b) Financial or budget plans and programmes.

Article 5

SCREENING

1. Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose each Party shall in all cases take into account the criteria set out in Annex III.

2. Each Party shall ensure that the environmental and health authorities referred to in article 9, paragraph 1, are consulted when applying the procedures referred to in paragraph 1 above.

3. To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.

4. Each Party shall ensure timely public availability of the conclusions pursuant to paragraph 1, including the reasons for not requiring a strategic environmental assessment, whether by public notices or by other appropriate means, such as electronic media.

Article 6

SCOPING

1. Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.

2. Each Party shall ensure that the environmental and health authorities referred to in article 9, paragraph 1, are consulted when determining the relevant information to be included in the environmental report.

3. To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.

Article 7

ENVIRONMENTAL REPORT

1. For plans and programmes subject to strategic environmental assessment, each Party shall ensure that an environmental report is prepared.

2. The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives. The report shall contain such information specified in Annex IV as may reasonably be required, taking into account:

- (a) Current knowledge and methods of assessment;
- (b) The contents and the level of detail of the plan or programme and its stage in the decision-making process;
- (c) The interests of the public; and
- (d) The information needs of the decision-making body.

3. Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.

Article 8

PUBLIC PARTICIPATION

1. Each Party shall ensure early, timely and effective opportunities for public participation, when all options are open, in the strategic environmental assessment of plans and programmes.

2. Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.

3. Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.

4. Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.

5. Each Party shall ensure that the detailed arrangements for informing the public and consulting the public concerned are determined and made publicly available. For this purpose, each Party shall take into account to the extent appropriate the elements listed in Annex V.

Article 9

CONSULTATION WITH ENVIRONMENTAL AND HEALTH AUTHORITIES

1. Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.

2. The draft plan or programme and the environmental report shall be made available to the authorities referred to in paragraph 1.

3. Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.

4. Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.

Article 10

TRANSBOUNDARY CONSULTATIONS

1. Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.

2. This notification shall contain, *inter alia*:

(a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and

(b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.

3. The affected Party shall, within the time specified in the notification, indicate to the Party of origin whether it wishes to enter into consultations before the adoption of the plan or programme and, if it so indicates, the Parties concerned shall enter into consultations concerning the likely transboundary environmental, including health, effects of implementing the plan or programme and the measures envisaged to prevent, reduce or mitigate adverse effects.

4. Where such consultations take place, the Parties concerned shall agree on detailed arrangements to ensure that the public concerned and the authorities referred to in article 9, paragraph 1, in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame.

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 articles 8 to 10.

2. Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities referred to in article 9, paragraph 1, and the Parties consulted according to article 10 are informed, and that the plan or programme 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.

Article 12

MONITORING

1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes, adopted under article 11 in order, *inter alia*, to identify, at an early stage, unforeseen adverse effects and to be able to undertake appropriate remedial action.

2. The results of the monitoring undertaken shall be made available, in accordance with national legislation, to the authorities referred to in article 9, paragraph 1, and to the public.

Article 13

POLICIES AND LEGISLATION

1. Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.

2. In applying paragraph 1, each Party shall consider the appropriate principles and elements of this Protocol.

3. Each Party shall determine, where appropriate, the practical arrangements for the consideration and integration of environmental, including health, concerns in accordance with paragraph 1, taking into account the need for transparency in decision-making.

4. Each Party shall report to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol on its application of this article.

*Article 14*THE MEETING OF THE PARTIES TO THE CONVENTION SERVING AS THE
MEETING OF THE PARTIES
TO THE PROTOCOL

1. The Meeting of the Parties to the Convention shall serve as the Meeting of the Parties to this Protocol. The first meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall be convened not later than one year after the date of entry into force of this Protocol, and in conjunction with a meeting of the Parties to the Convention, if a meeting of the latter is scheduled within that period. Subsequent meetings of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall be held in conjunction with meetings of the Parties to the Convention, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol.

2. Parties to the Convention which are not Parties to this Protocol may participate as observers in the proceedings of any session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol. When the Meeting of the Parties to the Convention serves as the Meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by the Parties to this Protocol.

3. When the Meeting of the Parties to the Convention serves as the Meeting of the Parties to this Protocol, any member of the Bureau of the Meeting of the Parties representing a Party to the Convention that is not, at that time, a Party to this Protocol shall be replaced by another member to be elected by and from amongst the Parties to this Protocol.

4. The Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and, for this purpose, shall:

(a) Review policies for and methodological approaches to strategic environmental assessment with a view to further improving the procedures provided for under this Protocol;

(b) Exchange information regarding experience gained in strategic environmental assessment and in the implementation of this Protocol;

(c) Seek, where appropriate, the services and cooperation of competent bodies having expertise pertinent to the achievement of the purposes of this Protocol;

(d) Establish such subsidiary bodies as it considers necessary for the implementation of this Protocol;

(e) Where necessary, consider and adopt proposals for amendments to this Protocol; and

(f) Consider and undertake any additional action, including action to be carried out jointly under this Protocol and the Convention, that may be required for the achievement of the purposes of this Protocol.

5. The rules of procedure of the Meeting of the Parties to the Convention shall be applied *mutatis mutandis* under this Protocol, except as may otherwise be decided by consensus by the Meeting of the Parties serving as the Meeting of the Parties to this Protocol.

6. At its first meeting, the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall consider and adopt the modalities for applying the procedure for the review of compliance with the Convention to this Protocol.

7. Each Party shall, at intervals to be determined by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol, report to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on measures that it has taken to implement the Protocol.

Article 15

RELATIONSHIP TO OTHER INTERNATIONAL AGREEMENTS

The relevant provisions of this Protocol shall apply without prejudice to the UNECE Conventions on Environmental Impact Assessment in a Transboundary Context and on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Article 16

RIGHT TO VOTE

1. Except as provided for in paragraph 2 below, each Party to this Protocol shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 17

SECRETARIAT

The secretariat established by article 13 of the Convention shall serve as the secretariat of this Protocol and article 13, paragraphs (a) to (c), of the Convention on the functions of the secretariat shall apply *mutatis mutandis* to this Protocol.

Article 18

ANNEXES

The annexes to this Protocol shall constitute an integral part thereof.

Article 19

AMENDMENTS TO THE PROTOCOL

1. Any Party may propose amendments to this Protocol.
2. Subject to paragraph 3, the procedure for proposing, adopting and the entry into force of amendments to the Convention laid down in paragraphs 2 to 5 of article 14 of the Convention shall apply, *mutatis mutandis*, to amendments to this Protocol.
3. For the purpose of this Protocol, the three fourths of the Parties required for an amendment to enter into force for Parties having ratified, approved or accepted it, shall be calculated on the basis of the number of Parties at the time of the adoption of the amendment.

Article 20

SETTLEMENT OF DISPUTES

The provisions on the settlement of disputes of article 15 of the Convention shall apply *mutatis mutandis* to this Protocol.

Article 21

SIGNATURE

This Protocol shall be open for signature at Kiev (Ukraine) from 21 to 23 May 2003 and thereafter at United Nations Headquarters in New York until 31 December 2003, by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraphs 8 and 11 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign

States members of the Economic Commission for Europe to which their member States have transferred competence over matters governed by this Protocol, including the competence to enter into treaties in respect of these matters.

Article 22

DEPOSITARY

The Secretary-General of the United Nations shall act as the Depositary of this Protocol.

Article 23

RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Protocol shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations referred to in article 21.

2. This Protocol shall be open for accession as from 1 January 2004 by the States and regional economic integration organizations referred to in article 21.

3. Any other State, not referred to in paragraph 2 above, that is a Member of the United Nations may accede to the Protocol upon approval by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

4. Any regional economic integration organization referred to in article 21 which becomes a Party to this Protocol without any of its member States being a Party shall be bound by all the obligations under this Protocol. If one or more of such an organization's member States is a Party to this Protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organization and its member States shall not be entitled to exercise rights under this Protocol concurrently.

5. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 21 shall declare the extent of their competence with respect to the matters governed by this Protocol. These organizations shall also inform the Depositary of any relevant modification to the extent of their competence.

Article 24

ENTRY INTO FORCE

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the sixteenth instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 above, any instrument deposited by a regional economic integration organization referred to in article 21 shall not be counted as additional to those deposited by States members of such an organization.

3. For each State or regional economic integration organization referred to in

article 21 which ratifies, accepts or approves this Protocol or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

4. This Protocol shall apply to plans, programmes, policies and legislation for which the first formal preparatory act is subsequent to the date on which this Protocol enters into force. Where the Party under whose jurisdiction the preparation of a plan, programme, policy or legislation is envisaged is one for which paragraph 3 applies, this Protocol shall apply to plans, programmes, policies and legislation for which the first formal preparatory act is subsequent to the date on which this Protocol comes into force for that Party.

Article 25

WITHDRAWAL

At any time after four years from the date on which this Protocol has come into force with respect to a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the Depositary. Any such withdrawal shall not affect the application of articles 5 to 9, 11 and 13 with respect to a strategic environmental assessment under this Protocol which has already been started, or the application of article 10 with respect to a notification or request which has already been made, before such withdrawal takes effect.

Article 26

AUTHENTIC TEXTS

The original of this Protocol, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Protocol.

DONE at Kiev (Ukraine), this twenty-first day of May, two thousand and three.

ANNEXES

ANNEX I

List of projects as referred to in article 4, paragraph 2

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.

2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and

fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.

4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons of finished product; for friction material, with an annual production of more than 50 metric tons of finished product; and for other asbestos utilization of more than 200 metric tons per year.

6. Integrated chemical installations.

7. Construction of motorways, express roads* and lines for long-distance railway traffic and of airports† with a basic runway length of 2,100 metres or more.

8. Large-diameter oil and gas pipelines.

9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons.

10. Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.

* For the purposes of this Protocol:

- "Motorway" means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:

(a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;

(b) Does not cross at level with any road, railway or tramway track, or footpath; and

(c) Is specially sign posted as a motorway.

- "Express road" means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

†For the purposes of this Protocol, "airport" means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

11. Large dams and reservoirs.
12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.
13. Pulp and paper manufacturing of 200 air-dried metric tons or more per day.
14. Major mining, on-site extraction and processing of metal ores or coal.
15. Offshore hydrocarbon production.
16. Major storage facilities for petroleum, petrochemical and chemical products.
17. Deforestation of large areas.

ANNEX II

Any other projects referred to in article 4, paragraph 2

1. Projects for the restructuring of rural land holdings.
2. Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes.
3. Water management projects for agriculture, including irrigation and land drainage projects.
4. Intensive livestock installations (including poultry).
5. Initial afforestation and deforestation for the purposes of conversion to another type of land use.
6. Intensive fish farming.
7. Nuclear power stations and other nuclear reactors* including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kilowatt continuous thermal load), as far as not included in Annex I.
8. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of 15 kilometres or more and other projects for the transmission of electrical energy by overhead cables.
9. Industrial installations for the production of electricity, steam and hot water.
10. Industrial installations for carrying gas, steam and hot water.

*For the purposes of this Protocol, nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site

11. Surface storage of fossil fuels and natural gas.
12. Underground storage of combustible gases.
13. Industrial briquetting of coal and lignite.
14. Installations for hydroelectric energy production.
15. Installations for the harnessing of wind power for energy production (wind farms).
16. Installations, as far as not included in Annex I, designed:
 - For the production or enrichment of nuclear fuel;
 - For the processing of irradiated nuclear fuel;
 - For the final disposal of irradiated nuclear fuel;
 - Solely for the final disposal of radioactive waste;
 - Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels in a different site than the production site; or
 - For the processing and storage of radioactive waste.
17. Quarries, open cast mining and peat extraction, as far as not included in Annex I.
18. Underground mining, as far as not included in Annex I.
19. Extraction of minerals by marine or fluvial dredging.
20. Deep drillings (in particular geothermal drilling, drilling for the storage of nuclear waste material, drilling for water supplies), with the exception of drillings for investigating the stability of the soil.
21. Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.
22. Integrated works for the initial smelting of cast iron and steel, as far as not included in Annex I.
23. Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.
24. Installations for the processing of ferrous metals (hot-rolling mills, smitheries with hammers, application of protective fused metal coats).
25. Ferrous metal foundries.
26. Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic

processes, as far as not included in Annex I.

27. Installations for the smelting, including the alloyage, of non-ferrous metals excluding precious metals, including recovered products (refining, foundry casting, etc.), as far as not included in Annex I.

28. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process.

29. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines.

30. Shipyards.

31. Installations for the construction and repair of aircraft.

32. Manufacture of railway equipment.

33. Swaging by explosives.

34. Installations for the roasting and sintering of metallic ores.

35. Coke ovens (dry coal distillation).

36. Installations for the manufacture of cement.

37. Installations for the manufacture of glass including glass fibre.

38. Installations for smelting mineral substances including the production of mineral fibres.

39. Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

40. Installations for the production of chemicals or treatment of intermediate products, as far as not included in Annex I.

41. Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides.

42. Installations for the storage of petroleum, petrochemical, or chemical products, as far as not included in Annex I.

43. Manufacture of vegetable and animal oils and fats.

44. Packing and canning of animal and vegetable products.

45. Manufacture of dairy products.

46. Brewing and malting.

47. Confectionery and syrup manufacture.

48. Installations for the slaughter of animals.
49. Industrial starch manufacturing installations.
50. Fish-meal and fish-oil factories.
51. Sugar factories.
52. Industrial plants for the production of pulp, paper and board, as far as not included in Annex I.
53. Plants for the pre-treatment or dyeing of fibres or textiles.
54. Plants for the tanning of hides and skins.
55. Cellulose-processing and production installations.
56. Manufacture and treatment of elastomer-based products.
57. Installations for the manufacture of artificial mineral fibres.
58. Installations for the recovery or destruction of explosive substances.
59. Installations for the production of asbestos and the manufacture of asbestos products, as far as not included in Annex I.
60. Knackers' yards.
61. Test benches for engines, turbines or reactors.
62. Permanent racing and test tracks for motorized vehicles.
63. Pipelines for transport of gas or oil, as far as not included in Annex I.
64. Pipelines for transport of chemicals with a diameter of more than 800 mm and a length of more than 40 km.
65. Construction of railways and intermodal transshipment facilities, and of intermodal terminals, as far as not included in Annex I.
66. Construction of tramways, elevated and underground railways, suspended lines or similar lines of a particular type used exclusively or mainly for passenger transport.
67. Construction of roads, including realignment and/or widening of any existing road, as far as not included in Annex I.
68. Construction of harbours and port installations, including fishing harbours, as far as not included in Annex I.
69. Construction of inland waterways and ports for inland-waterway traffic, as far as not included in Annex I.

70. Trading ports, piers for loading and unloading connected to land and outside ports, as far as not included in Annex I.
71. Canalization and flood-relief works.
72. Construction of airports^{*} and airfields, as far as not included in Annex I.
73. Waste-disposal installations (including landfill), as far as not included in Annex I.
74. Installations for the incineration or chemical treatment of non-hazardous waste.
75. Storage of scrap iron, including scrap vehicles.
76. Sludge deposition sites.
77. Groundwater abstraction or artificial groundwater recharge, as far as not included in Annex I.
78. Works for the transfer of water resources between river basins.
79. Waste-water treatment plants.
80. Dams and other installations designed for the holding-back or for the long-term or permanent storage of water, as far as not included in Annex I.
81. Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.
82. Installations of long-distance aqueducts.
83. Ski runs, ski lifts and cable cars and associated developments.
84. Marinas.
85. Holiday villages and hotel complexes outside urban areas and associated developments.
86. Permanent camp sites and caravan sites.
87. Theme parks.
88. Industrial estate development projects.
89. Urban development projects, including the construction of shopping centres and car parks.
90. Reclamation of land from the sea.

^{*}For the purposes of this Protocol, "airport" means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

ANNEX III

Criteria for determining of the likely significant environmental, including health, effects referred to in article 5, paragraph 1

1. The relevance of the plan or programme to the integration of environmental, including health, considerations in particular with a view to promoting sustainable development.
2. The degree to which the plan or programme sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources.
3. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
4. Environmental, including health, problems relevant to the plan or programme.
5. The nature of the environmental, including health, effects such as probability, duration, frequency, reversibility, magnitude and extent (such as geographical area or size of population likely to be affected).
6. The risks to the environment, including health.
7. The transboundary nature of effects.
8. The degree to which the plan or programme will affect valuable or vulnerable areas including landscapes with a recognized national or international protection status.

ANNEX IV

Information referred to in article 7, paragraph 2

1. The contents and the main objectives of the plan or programme and its link with other plans or programmes.
2. The relevant aspects of the current state of the environment, including health, and the likely evolution thereof should the plan or programme not be implemented.
3. The characteristics of the environment, including health, in areas likely to be significantly affected.
4. The environmental, including health, problems which are relevant to the plan or programme.
5. The environmental, including health, objectives established at international, national and other levels which are relevant to the plan or programme, and the ways in which these objectives and other environmental, including health, considerations have been taken into account during its preparation.

6. The likely significant environmental, including health, effects* as defined in article 2, paragraph 7.

7. Measures to prevent, reduce or mitigate any significant adverse effects on the environment, including health, which may result from the implementation of the plan or programme.

8. An outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken including difficulties encountered in providing the information to be included such as technical deficiencies or lack of knowledge.

9. Measures envisaged for monitoring environmental, including health, effects of the implementation of the plan or programme.

10. The likely significant transboundary environmental, including health, effects.

11. A non-technical summary of the information provided.

ANNEX V

Information referred to in article 8, paragraph 5

1. The proposed plan or programme and its nature.

2. The authority responsible for its adoption.

3. The envisaged procedure, including:

(a) The commencement of the procedure;

(b) The opportunities for the public to participate;

(c) The time and venue of any envisaged public hearing;

(d) The authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;

(e) The authority to which comments or questions can be submitted and the time schedule for the transmittal of comments or questions; and

(f) What environmental, including health, information relevant to the proposed plan or programme is available.

4. Whether the plan or programme is likely to be subject to a transboundary assessment procedure.

*These effects should include secondary, cumulative, synergistic, short-, medium- and long-term, permanent and temporary, positive and negative effects.