



Main legislative 'dilemmas' regarding EIA and SEA legislative frameworks

Sharing experience with introducing strategic environmental
assessment and environmental impact assessment in selected
countries of Eastern Europe, the Caucasus and Central Asia

Hotel Glebovka, Kiev region
30 October-2 November 2017

Content

- Context
- Conceptual difference between international standards and traditional OVOS/expertiza system
- EIA and SEA
- Legislative dilemmas and approaches to legislative reform

Context

- Obligations under UNECE instruments
 - Espoo convention
 - Aarhus convention
 - SEA Protocol
- Implementation problems
- Need for a modern framework
- Relations with EU

Concept of Espoo and Aarhus Conventions

- Based on Western EIA concept
 - designed for market economy
 - assuming well established development control
- Procedural and process oriented
- Obligations put on authorities

Concept of OVOS/expertiza

- Traditions of OVOS/expertiza systems in Eastern Europe, the Caucasus and Central Asia
 - Designed for centrally planned economy
 - Substance oriented
- Two separate legal regimes
 - OVOS
 - only for projects
 - responsibility of developer
 - Expertiza(s) - responsibility of various agencies

Issues of concern

- Scope of activities covered
- Scope of assessment
- Regulatory control
- Public participation
- Final decision
- Transboundary impact
- No procedures for assessing strategic documents

Conclusions

- Conceptual discrepancy between OVOS/expertiza systems and requirements of the Espoo Convention and Aarhus Convention)
- Risk of repeated cases at the Espoo Implementation Committee and Aarhus Compliance Committee
- Need for systemic approach

SEA and EIA

- Procedural similarities
- Scope of assessment
 - Physical impact in EIA vs achievement of environmental objectives in SEA
 - Larger scale and less precise data
- Role in the procedure: developers in EIA vs planning agencies in SEA (see General Guidance..)
- Legal framework
 - One law with separate schemes for EIA and SEA – **YES**
 - One scheme for EIA and SEA – **NO**

Legislative dilemmas and approaches to legislative reform

- Relation to expertiza
 - Abolishment of expertiza and work towards totally new EIA/SEA system
 - Combination of modern EIA/SEA with expertiza
- Scope - implementation of
 - UNECE standards
 - EU standards
 - Biodiversity assessment

Legislative dilemmas and approaches and approaches to legislative reform

- Form
 - One new law on EIA/SEA and expertiza
 - Separate laws on EIA and SEA
 - Amendments to existing laws
- Legislative technique
 - Most details in legislation
 - Only main principles in legislation while details in executive regulations

General Guidance

- General Guidance on enhancing consistency between the Convention and environmental impact assessment within State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia, which was adopted by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/2014/2).