

Case study on transboundary EIA

Workshop on transboundary environmental impact assessment (EIA) for Central Asian countries

Ukraine, 2 – 3 November 2017

Case study I: Country of Origin

- Proposed project: a big crude oil refinery to be build in your country
- Investor/developer: private foreign company in partnership with a national company
- Location of the project :
 - 3 km from the border with country A, and
 - 10 km from the border with country B

Please describe according to current legislation and practice

- What national procedures/decisions would apply
 - OVOS?
 - ecological expertise?
 - construction permit?
 - other (please specify)?
- When (at which stage/ at which of the above procedures/decisions) the environmental authorities would for the first time be involved and what information about the project they would get?
- Would there be any transboundary procedure?

If transboundary procedure would apply, please describe:

1. How would you determine whether transboundary impacts are possible?
2. On what information/data it can be determined?
3. Whom would you notify?
 - what would be the legal basis for notification?
 - what would be the content and language of the notification?
 - when will it be sent?

If transboundary procedure would apply, please describe:

4. At which stage of the national procedures/decisions the transboundary procedure would be conducted and when it would be finished?
5. How you would determine the detailed arrangements for transboundary procedure with the affected countries

Use of Guidelines on transboundary EIA for Central Asia

- Please describe:
 - How you would apply the Guidelines within your legislation in this case?
 - How the existing practice would be changed by following the Guidelines?

Case study II: Affected country

- You received notification regarding a big crude oil refinery to be build:
 - in another Central Asian country
 - 6 km from the border with your country

Task: What would be your reply (please provide short justification for your reply)

In case of positive reply to notification, please describe according to current legislation and practice:

1. What information would be needed to identify likely significant impacts on a territory of your country during the construction and operation of the planned oil refinery?
2. What information would be needed to form an opinion on the mitigation measures to be introduced by the developer to reduce the likely significant environmental impact on a territory of your country?

In case of positive reply to notification, please describe according to current legislation and practice:

3. What procedure would be used to identify the public concerned and authorities to be consulted (who decides and how)?
4. Who and how would inform the public concerned and authorities to be consulted?
5. What would be the procedure for collecting comments from the public concerned and authorities and submitting them to the Party of origin?

In case of positive reply to notification, please describe according to current legislation and practice:

6. What would be the procedure for intergovernmental consultations with the country of origin and who would be involved?
7. Who and how would inform the public concerned and authorities about the availability
 - of the adopted decision on the construction of the oil refinery?
 - of the results of monitoring of construction and operation of that refinery?

Use of Guidelines on transboundary EIA for Central Asia

- Please describe:
 - How you would apply the Guidelines within your legislation in this case?
 - How the existing practice would be changed by following the Guidelines?