



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

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Palais des Nations
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08 September 2010

Dear Ms. Ziskova,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991).

At its nineteenth session, held in Geneva from 31 August to 2 September 2010, the Committee considered your letter received on 24 May 2010 in response to the Committee's letter requesting further clarification on how Slovakia had furnished Ukraine with the environmental impact assessment (EIA) documentation. That letter was further to information provided by Ukraine and the secretariat regarding a proposed nuclear power plant in Slovakia. The Committee also recalled that the EIA documentation was eventually received by Ukraine in October 2009, as confirmed in an attachment to a letter from Ukraine on 28 December 2009.

The Committee decided not to begin a Committee initiative further to the information provided as there was insufficient evidence of non-compliance. Nonetheless the Committee made several observations and recommendations of a general nature and asked that these also be communicated to the concerned Parties:

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Ms. Daniela Ziskova
Head of Department, Environmental Impact Evaluation & Assessment
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(a) If, on the one hand, the Party of origin sent a notification to the point of contact in the affected Party and can prove that it did so and, on the other hand, the affected Party did not initially receive the notification, there is no need for the Party of origin to send again the notification provided that:

(i) the Party of origin accepts the participation of the affected Party in the transboundary EIA procedure,

(ii) the affected Party receives all information provided for in article 3, paragraphs 2 and 5, as well as the EIA documentation;

(b) The affected Party cannot impose conditions on the notification beyond those provided in the Convention unless provided in a bilateral agreement or other arrangement between the concerned Parties;

(c) A bilateral agreement can be an effective mechanism to address communication between concerned Parties and the sending of information;

(d) If a Party of origin is uncertain of the means of communication with an affected Party, it should send information both by post and through diplomatic channels, and use e-mail or any other appropriate communication to verify receipt;

(e) If a Party fails to provide correct and up to date contact details of its point of contact and focal point to the secretariat, and as appropriate the Party of origin in an on-going procedure, the Party of origin in on-going and new procedures cannot be held responsible for a failure to provide information to that Party in accordance with the Convention. Changes to the point of contact or the focal point should be communicated immediately.

The Committee also decided to ask you whether the secretariat might publish the exchange of communications on this issue on the Convention's website. If there is no reply to this question by 31 December 2010, the Committee would understand that the Government of Slovakia agrees to publication.

Yours sincerely,



Matthias Sauer

Chair, Implementation Committee,
Convention on Environmental Impact Assessment
in a Transboundary Context