

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

National Seminar
Dushanbe, Tajikistan, 22-23 July 2010

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www.unece.org/env/eia

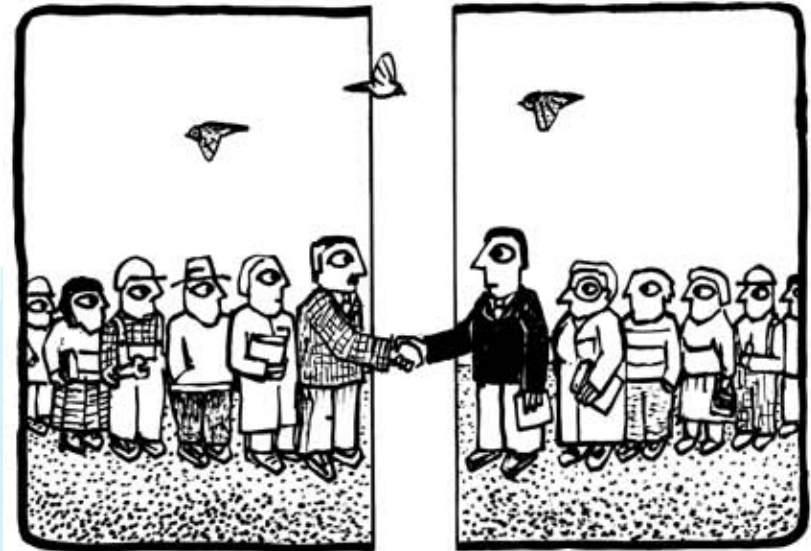


Environmental Impact Assessment (EIA) and transboundary issues

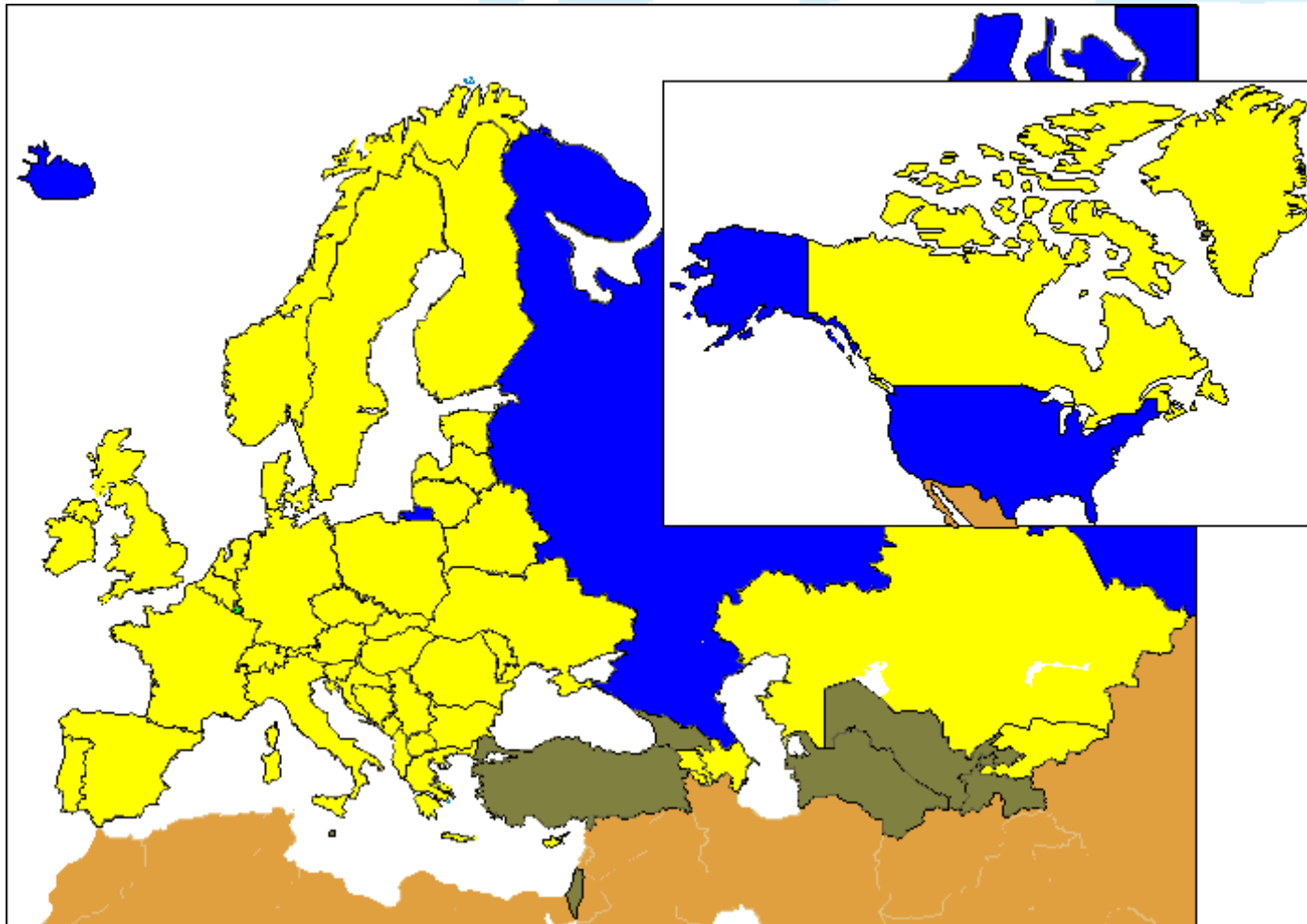
- Espoo Convention in brief
 - Status of ratification
 - Contacts
 - Multilateral agreements
- Transboundary EIA procedure
- Good practice
- Case study review
- Workplan under the Convention
 - Subregional cooperation and capacity-building
 - Promoting ratification & application of SEA Protocol

Espoo Convention

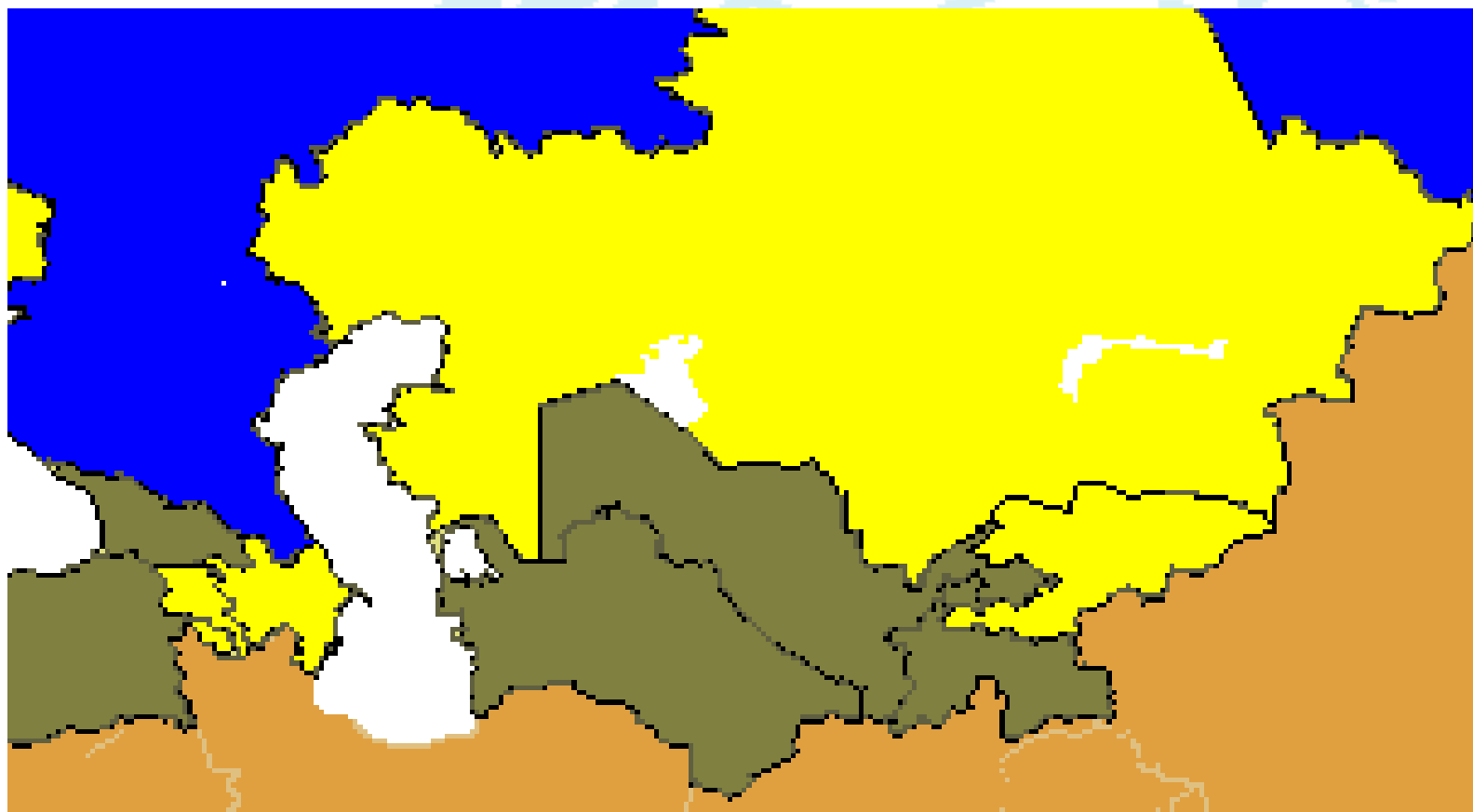
- Convention on Environmental Impact Assessment in a Transboundary Context
- Adopted in 1991 in Espoo, Finland, entered into force in **1997**
- Now 44 Parties, including the European Community
- UNECE provides Secretariat



Espoo Convention current status



Central Asia



Status

State	Convention	1st & 2nd amendments	Protocol on SEA
Armenia	Party	-	Signatory ...
Azerbaijan	Party	-	-
Georgia	-	-	Signatory ...
Kazakhstan	Party	-	-
Kyrgyzstan	Party	-	-
Russian Federation	Signatory	-	-
Tajikistan	-	-	-
Turkmenistan	-	-	-
Uzbekistan	-	-	-
56 member States	44 Parties	19 & 16 Parties	18 Parties

Status

- 1st amendment only 19 Parties (not in force)
It will open Convention to all UN Member States
- 2nd amendment only 16 Parties (not in force)
It will make review of compliance and reporting mandatory. It will introduce scoping.

Points of contact & focal points

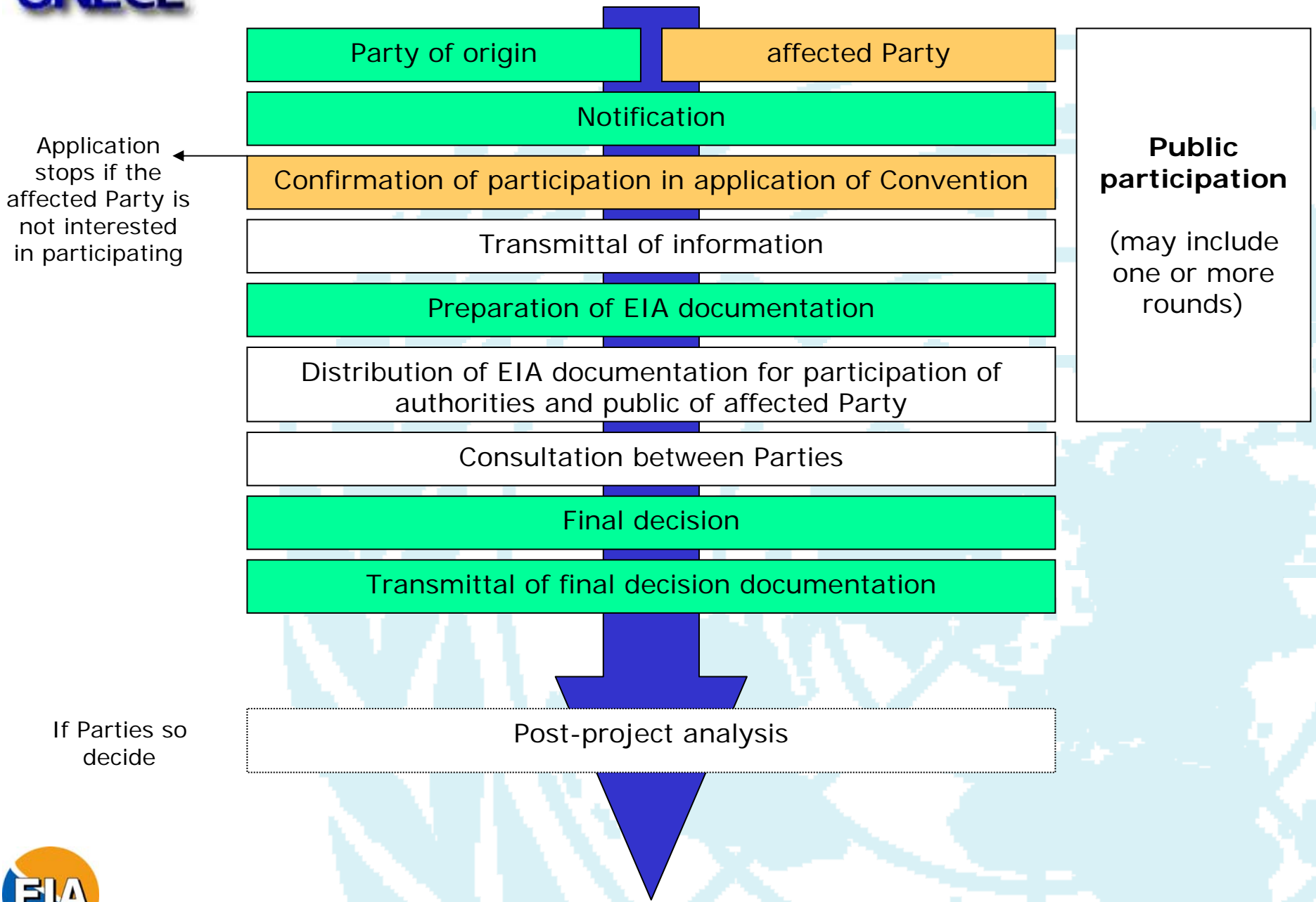
State	Point of contact	Focal point
Kazakhstan	Ministry of Environmental Protection	Mrs. Eldana SADVAKASOVA, Ministry of Environmental Protection
Kyrgyzstan	State Agency on Environmental Protection & Forestry	Mr. Topchubek TURGUNALIEV, State Agency on Environmental Protection & Forestry
Tajikistan	? State Committee for Environmental Protection and Forestry	
Turkmenistan	Ministry of Foreign Affairs	Mr. Magtumkuli AKMURADOV, Ministry of Nature Protection
Uzbekistan	Ministry for Foreign Affairs + State Committee for Nature Protection	Ms. Nina KOROLEVA, State Committee for Nature Protection

Main obligations under the Espoo Convention

- Stipulates the obligations of the parties to assess environmental impacts of certain projects at an early planning stage (projects listed in the Appendix I):
 - Large diameter oil and gas pipelines
 - Large dams and reservoirs
- Lays out means and procedures for preventing, reducing and controlling significant adverse transboundary impacts from proposed activities
- Clarifies that the impact assessment process must be carried out by the party responsible for causing said impacts
- A domestic EIA-system is not stipulated explicitly but nevertheless needed for the practical application of the Convention

What it involves

- Establishment of an EIA procedure
- Initiation (screening)
- Notification (Party of origin)
- Confirmation of participation (affected Party)
- Transmittal of information; (public participation)
- Preparation of EIA documentation
- Distribution of the EIA documentation for the purpose of participation of authorities and public of the affected Party
- Consultations between Parties
- Final decision and transmittal of final decision documentation
- Post-project analysis / monitoring



Benefits

- Providing information & leading to changes in design
- Improving decision-making
- More generally



Benefits

Providing information & leading to changes in design

- Identification of key environmental issues of project, & awareness of environmental consequences of project implementation
- Improvement of project design, & higher standards of mitigation
- Protection of environment, including avoidance of environmentally sensitive areas through project re-siting or re-design
- Identification of project alternatives and mitigation & compensatory measures that reduce environmental impact of project
 - Suggestions may come from the public, EIA experts, the developer and other stakeholders
- Opportunities to consider climate change adaptation

Benefits

Improving decision-making

- Better informed & more objective decision-making
- Better framework for preparing conditions & legal agreements to govern future operation of project
- Public participation in government decision-making



Benefits

More generally

- **Promotion of sustainable development in general**
- **Promotion of good governance in the longer term**, with public hearings providing “important indirect benefits that can contribute to the capacity for democratic governance and an active civil society”
- Promotion of understanding between community & developer
- Promotion of standards
- **Enhancement of international cooperation**, including
 - awareness of importance of environment in such cooperation
 - avoidance of conflict
- Encouragement of new approaches
- Enhancement of the developer’s environmental credibility

Good practices

- **Preliminary consultations about Notification stage**
 - starting point for discussions between developer, country of origin and affected country through the Ministries of Environment and Foreign Affairs
- Establishment of “**Joint Bilateral/ Multilateral Body**” for conducting transboundary EIA processes
 - joint EIA working group created to make the transboundary evaluation of the project
 - periodical meetings
 - working languages should be agreed
- **EIA report**
 - agreed evaluation criteria on both sides of the border
 - agreement on alternative solutions

Good practices

- **Public participation**
 - must be promoted by countries involved
 - take place before the decision making process
 - formal steps for public participation in the EIA process followed
 - countries involved should reach an agreement on tasks and the shared costs implied:
 - translations (what is translated, when and who will pay)
 - joint hearings could be promoted
 - common agreement between parties on publicity in the press, radio and other mass media
 - common agreement on how public comments and objections are received, evaluated and presented in the EIA documentation

Good practices

- **Assessment of the EIA report**
 - ensuring credibility and technical accuracy of the EIA report
 - ensuring that it includes the opinions of those consulted
- **Final Decision**
 - should include the results of the bilateral/multilateral evaluation and of the public participation
 - is announced by the governmental authority (often by the Ministry of Environment) of the country of Origin
 - it should be legally binding
 - appeals settlement procedure (legal system)

Application

- Increasingly routine – number of Parties and number of cases
- Very approximately 30-50 cases per year

Nuclear power plant project in Finland

- Party of origin: Finland
- Notification sent to the affected Parties through the Ministry of Environment.
- The following Parties were notified: Austria (at its own request), Denmark, Estonia, Germany, Latvia, Lithuania, Norway, Poland and Sweden. In addition, the Russian Federation was notified, though it is not a Party to the Convention.
- Finland & Estonia bilateral agreement
- The Ministry of Employment and Economy is Competent Authority



Nuclear power plant project in Finland

- Application of the Espoo Convention:
 - To the nuclear power plant project. This activity is listed in the Appendix I to the Espoo Convention –
“Nuclear power stations and other nuclear reactors”
 - To a related, planned nuclear waste storage facility. This activity is listed in the Appendix I to the Espoo Convention –
“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”

Nuclear power plant project in Finland

- EIA procedure is divided in two steps:
 - “EIA programme”, setting out the scope of the EIA, is submitted to the authorities. The authorities and the public could provide comments
 - A final “EIA report” is elaborated taking into consideration the comments received in the first step
- A summary of the EIA programme was translated into the language of each notified Party and this summary was intended for use by the public
- The whole EIA programme was available in Finnish, Swedish and English
- Summary of the EIA report was translated into the language of each participating Party. The whole EIA report was available in Finnish, Swedish and English

Nuclear power plant project in Finland

- The public from the affected Parties had the opportunity to comment on the EIA programme and EIA report. Comments, and a description of how they were considered, were included in the EIA report
- Licensing process included four steps:
 - (1) the “decision in principle”
 - (2) ratification of the decision in principle by Parliament
 - (3) issue of the construction licence and
 - (4) issue of the operating licence

LINK (in English)

Finnish Ministry on Employment and the Economy (EIA programmes and reports): <http://www.tem.fi/index.phtml?l=en&s=1910>

Bridge over River Danube

- Between towns of Vidin (Bulgaria) and Calafat (Romania)
- Agreement between Governments for bridge construction, with joint EIA
- Joint Working Group on environmental problems
- Project Implementation & Management Units in competent authorities
- Proponent: Bulgarian Ministry of Transport & Communications
- Public participation in each country
- EIA in English, Bulgarian & Romanian
- Costs covered by competent authorities
- 17 comments received during 2 public hearings



Workplan under Espoo Convention

- Compliance with & implementation of Convention
- Subregional cooperation & capacity-building
- Exchange of good practices
- Promoting ratification & application of SEA Protocol





Subregional cooperation

Subregion	Activities
Baltic Sea	Lithuania workshop (2009), ?(2010), Moscow?
Black Sea	Romania (2010) – seminar on EIA of large energy project in subregion
Caucasus	Georgia workshop (2010?)
Central Asia	Kazakhstan-Kyrgyzstan pilot project (2009) Tajikistan workshop (2010)
Eastern Europe	Belarus pilot project (2009-2010) 2 subregional workshops expected in 2010
Mediterranean Sea	Tunisia (2010) follow-up workshop on a specific topic (2010)
South-Eastern Europe	Bulgaria (2008), Montenegro (2009), Bosnia & Herzegovina ?(2010); only 2 countries from subregion approved agreement

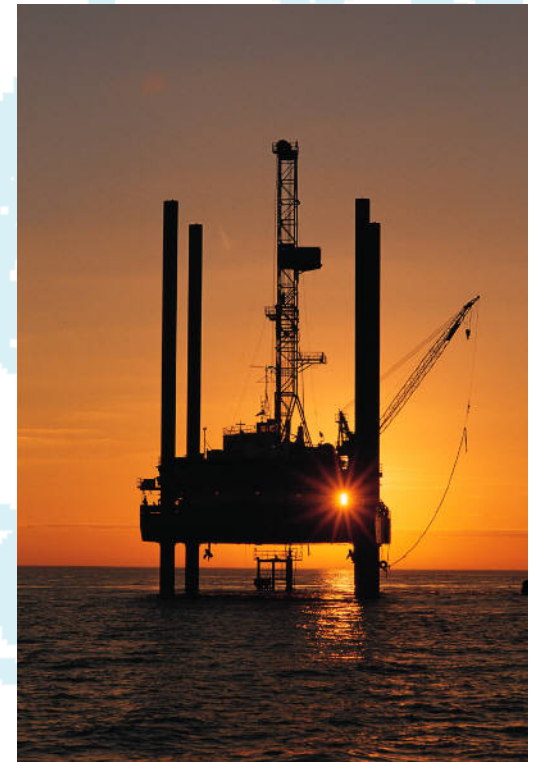
Espoo Convention

key guidance

- Guidance on public participation in EIA in a transboundary context
- Guidance on the practical application of the Espoo Convention
- Review of implementation of the Espoo Convention
- Guidance on notification according to the Espoo Convention
- What UNECE does for you ... UNECE makes sure States apply the Espoo Convention

Guidelines

- Caspian Sea (but now transboundary EIA protocol under negotiation)
- Central Asia (on-going)
- Black Sea (under discussion)



Exchange of good practices

- Large-scale projects
- Nuclear energy-related activities
- Legal implementation, especially in countries of Eastern Europe, the Caucasus and Central Asia

Promoting ratification & application of SEA Protocol

- through UNDP
 - countries of West Balkans, September 2008
 - Belarus, August 2009
- national awareness workshops
 - Slovenia & Kyrgyzstan (with Tajikistan), 2010
- with WHO/Euro
 - health in SEA
- also GTZ/InWent further to OECD/DAC Guidance

Contacts

- For more about the Espoo Convention, visit our website: www.unece.org/env/eia
- Or email: eia.conv@unece.org