

Workshop on SEA and EIA implementation in Bulgaria, Romania and Turkey

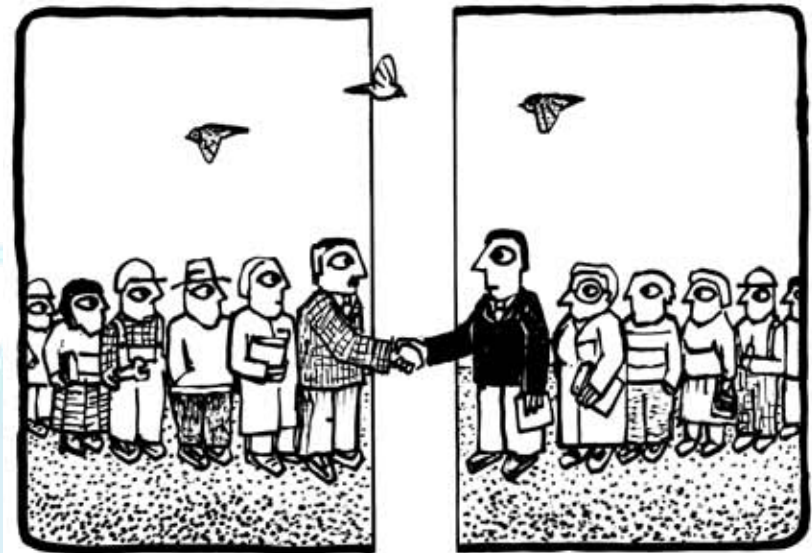
30 November – 1 December 2010

REC, Szentendre, Hungary

- International provisions for transboundary SEA and EIA

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International provisions for transboundary SEA and EIA

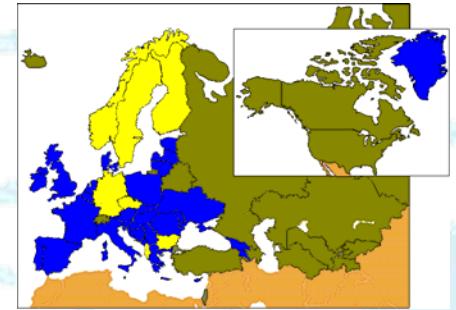
- Convention on EIA in a Transboundary Context (Espoo Convention)
- Convention's Protocol on SEA
- Multilateral agreement on implementation of Espoo Convention for countries of South-eastern Europe (Bucharest Agreement)
- Recommendations on EIA in a Transboundary Context, for Black Sea countries
- EU Directives on EIA and SEA

Convention on Environmental Impact Assessment in a Transboundary Context

State / Membership	Espoo	Protocol	Bucharest Agreement	Black Sea	EU
Bulgaria	Party	Party	Party	Yes	Member
Greece	Party	Signed	Signed	-	Member
Hungary	Party	Signed	-	-	Member
Romania	Party	Party	Signed	Yes	Member
Serbia	Party	Party	Signed	-	Potential candidate
The former Yugoslav Republic of Macedonia	Party	Signed	Signed	-	Candidate
Turkey	-	-	-	Yes	Candidate



Espoo Convention in brief



- Adopted at Espoo (Finland) in 1991
- Entered into force in 1997
- Now has 45 Parties
- Sets out obligations of Parties to
 - notify and consult each other on major projects under consideration likely to have significant adverse environmental impact across boundaries
 - assess environmental impact of such activities at early stage of planning
 - take into account in decision the results of consultations, including public participation, and the assessment

Espoo Convention Application

- Increasingly routine – number of Parties and number of cases
- Approximately 100 cases per year (over 700 to date)



Espoo Convention

What it involves

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



Espoo Convention

Challenges – and solutions

- Many practical difficulties can be overcome through better awareness and through bilateral/multilateral agreements or other arrangements (article 8)
 - content of notification
 - language
 - time frames
 - what if no response to notification
 - disagreement about need for notification
 - interpretation of various terms
 - requirement for post-project analysis
- Case-by-case agreement is otherwise required



Espoo Convention

Challenging project types

- projects crossing borders (joint projects)
 - including projects involving many Parties of origin
- projects (such as those relating to nuclear energy) for which there may be many affected Parties or where transboundary impact may be a risk rather than a likelihood

Black Sea recommendations

Procedure (sequential + overlaps)

- Identification of project subject to recommendations (screening)
- Sending notification & follow-up
- Receiving notification
- Comments on & objections to proposed activity
- Contacts between competent authorities
- Responding to notification
- Transmitting information
- Preparation of EIA documentation & its transmission
- Receiving EIA documentation
- Public participation & consultation of authorities
- Bilateral consultations
- Final decision
- Post-project analysis or monitoring



Black Sea agreement specifies



- Roles of different actors
 - Competent authorities in countries concerned
 - Proponent (developer)
 - Permanent Secretariat of Black Sea Commission
- For example, for notification
 - Country of origin should make available notification in English and should specify whether response should be in English. Notification could also, if required by concerned countries, be provided in Russian if country of origin & affected country both in following list: Georgia, Russian Federation and Ukraine.
 - Country of origin should request response from affected country within 30 calendar days
 - Country of origin should send printed copy of complete notification, possibly already including EIA documentation, to affected country's point of contact by reliable, rapid & verifiable means, such as recorded delivery

Bucharest Agreement specifies



- If national EIA legislation of Party of origin includes a scoping stage, point of contact of Party of origin shall notify point of contact of affected Party at that stage, or earlier
- Point of contact of affected Party shall respond to point of contact of Party of origin within 30 days upon receipt of notification, and shall indicate whether affected Party intends to participate in EIA procedure
- Notification shall contain information included in annex I
- Party of origin shall make available notification in English and shall specify whether response shall be in English

Protocol on SEA

article 10 - transboundary consultations

- Where Party of origin considers that implementation of a plan or programme likely to have significant transboundary environmental, including health, effects **or** where Party likely to be significantly affected so requests, Party of origin (as early as possible before adoption of plan or programme) notifies affected Party
- Notification contains, among other things:
 - Draft plan or programme & environmental report
 - including information on its possible transboundary environmental, including health, effects
 - Information regarding decision-making procedure
 - including indication of reasonable time schedule for transmission of comments

Protocol on SEA

article 10 - transboundary consultations

- Affected Party, within time specified in notification, indicates to Party of origin whether wishes to enter into consultations before adoption of plan or programme
 - If so, Parties concerned enter into consultations concerning likely transboundary environmental, including health, effects of implementing plan or programme and measures envisaged to prevent, reduce or mitigate adverse effects
- Where such consultations take place, Parties concerned agree on detailed arrangements to ensure that public concerned & authorities in affected Party are informed and given opportunity to forward opinion on draft plan or programme & environmental report within reasonable time frame

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