

BULGARIAN APPROACH IN DEVELOPING AND IMPLEMENTING THE REQUIREMENTS FOR POST-PROJECT ANALYSIS

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Introduction

Article 7 of the Espoo Convention

- the concerned Parties, at the request of any such Party , shall determine whether, and if so to what extent, a PPA shall be carried out, taking into account the likely significant adverse transboundary impact of the activity for which an EIA has been undertaken

Introduction

Appendix V of the Convention sets
the objectives of the PPA

- Monitoring compliance with the conditions as set out in the authorization or approval of the activity and the effectiveness of mitigation measures;
- Review of an impact for proper management and in order to cope with uncertainties;
- Verification of past predictions in order to transfer experience to future activities of the same type.

Current situation linked to development and implementation of PPA

Guidance on the Practical Application of the Espoo Convention – 2003

- PPA is not a mandatory activity that would be included in all transboundary EIAs;
- it has to analyse, as a minimum both the activity as well as its potential adverse transboundary impacts;
- the Party of origin has to inform the affected Party and carry out consultations concerning necessary measures.

Current situation linked to development and implementation of PPA

Guidance on the Practical Application of the Espoo Convention – 2003 (cont.)

- a PPA can be included in the final decision as a requirement related to the monitoring of the activity;
- Alternatively, it could be made part of the overall plan for the transboundary assessments;
- a PPA is typically based on the monitoring of the activity and its impacts.

Current situation linked to development and implementation of PPA

Guidance on the Practical Application of the Espoo Convention – 2003 (cont.)

- Monitoring can also be carried out jointly by the Parties and within the territory of all Parties concerned;
- The Parties should exchange any results gained of the monitoring

Current situation linked to development and implementation of PPA

Review of Implementation (MP.EIA/2004/2/Add.2/

PPA were undertaken whether or not compulsorily, generally indicated that they were done to:

- monitor compliance with the conditions in the licences;
- review predicted environmental impacts for proper management of risks and uncertainties;
- modify the activity or develop mitigation measures in case of harmful effects on the environment; and
- provide the necessary feedback in the project implementation phase.

Conclusions

- PPA varies considerably in the Parties to the Convention;
- In a limited number of countries it is mandatory to undertake a PPA as part of the EIA and the decision making process;
- No reported experience of informing another Party or being informed by another Party, of a significant adverse transboundary impact, identified as a result of PPA.

Bulgarian approach in development and implementation of the requirements of PPA

Legal framework –

Art. 100 of the Environmental Protection Act

- The Minister of Environment and Water and/or the Director of the Regional Inspectorate of Environment and Water) should oversee the implementation of the remediation measures described in the EIA report and the compliance with the conditions specified in the EIA decision.

Bulgarian approach in development and implementation of the requirements of PPA

Legal framework – the EIA Ordinance

- Art.22 – national context - further elaboration of the requirements of the EPA;
- Art.25 –transboundary context - the order of the steps which Bulgaria should follow if it is Party of origin.

Bulgarian approach in development and implementation of the requirements of PPA

Implementation

PPA is generally undertaken to monitor compliance with the conditions in the EIA decision in the process of:

- approval and design of investment projects;
- construction and operation of the facilities.

Bulgarian approach in development and implementation of the requirements of PPA

Implementation

- The proponent of the planned activity, subject to EIA, is responsible for the preparation of implementation plan for the measures to avoid, reduce or remedy significant adverse effects on the environment.
- The plan is attached to the EIA decision and adopted as its annex in order the competent authority would exercise control on it, too.

Bulgarian approach in development and implementation of the requirements of PPA

Implementation

- The control over the conditions in the EIA decisions is assigned to the Regional Inspectorates of Environment and Water (RIEW);
- The control includes verification, by documents and by on-site visits, of the results from the implementation of the plan for the measures to avoid, reduce or remedy significant adverse effects on the environment and assessment of their efficiency.

Bulgarian approach in development and implementation of the requirements of PPA

Implementation

- the RIEW are reporting the results of the control to the Ministry of Environment and Water periodically, in 6-months period;
- in case of non-compliance a protocol with the identified gaps is signed and sent to the proponent of the planned activity;
- sanctions have to be paid or corrective measures should be undertaken by the proponent within prescribed period of time.

Case studies

Case 1: EIA in a transboundary context for the Finalizing and Commissioning of Unit 2 of NPP Cernavoda

- Environmental Agreement issued in 2003 Romania, as Party of origin, included under item 31 the following condition:

“In fulfilling the Bulgarian party requests, following the commissioning of the objective, a post-project analysis shall be conducted, the terms of which will be agreed between the two parties.”

Case studies

Case 2: EIA in a transboundary project for Construction of NPP at the site of “Belene”

- the EIA Decision No 18-8/2004, issued by the Bulgarian Minister of Environment and Water, contains the following condition:

item 49:”Performance of an analysis on the execution of the project, according to the requirements of the EIA Convention in a transboundary context, as the conditions of its execution shall be précised additionally together with R.Romania. The information about the results of analysis made shall be submitted periodically at the MoEW.”

Case studies

Case 2: EIA in a transboundary project for Construction of NPP at the site of “Belene”

- the EIA Decision No 18-8/2004, issued by the Bulgarian Minister of Environment and Water, contains the following condition:

item 50:”Securing of the participation and cooperation of R.Bulgaria and R.Romania under the form of mutual committees for conclusion of effective working agreements to prepare for action upon emergency situations, regarding each reactor selected for commissioning at the Belene site, as well as for other nuclear power activities, performed at the Belene site.”

Conclusions

- The necessary legal requirements for PPA, including in a transboundary context, are in force in Bulgaria.
- Provisions for PPA in a transboundary context are set in the relevant documents (EIA decisions).
- Practical application of PPA is still only at a national level.
- It is expected that both countries, Bulgaria and Romania, will prepare the required documents on which they will agree on the next steps in the implementation of the PPA in a transboundary context.