

Spanish system of EIA and SEA Transboundary aspects

Adrián Vecino Varela
Subdirección General de Evaluación Ambiental
Ministerio de Medio Ambiente y Medio Rural y Marino
Vecino@magrama.es

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EA with transboundary effects, legal system applicable

- Legislation of Environmental Assessment:
 - Espoo Convention
 - European EIA Directive
 - National EIA Law
 - Regional EIA laws
- Specific agreements with Portugal:
 - Action Protocol between the Spanish Government and the Government of the Portuguese Republic for the application in environmental assessment of plans, programs and projects with transboundary effects (made in Madrid on 19th January 2008)
 - Convention on Cooperation for the Protection and Sustainable Use of Water of the Hydrographic Watershed Hispano-Portuguese (BOE n ° 37, 12/02/2000). Albufeira Convention



Summary of relevant aspects (1 / 2)

- The relationship with the other State is conducted through the Ministry of Foreign Affairs and Cooperation
- Bring the transboundary assessment to the practice requires close contact between the responsible for its execution in the two parties, always seeking the greatest efficiency and effectiveness of the process
- A key aspect is the prior knowledge of how environmental impact assessment is performed in each State, either the procedural aspects or the environmental documentation requirements
- Reach to clear agreements before the start of the proceedings, can avoid the processing type “trial and error” that often occurs



Summary of relevant aspects (2 / 2)

- Before starting it is important to clarify issues between the two countries :
 - Institutional aspects (responsibilities of each actors)
 - Deadlines (compliance with the laws of both countries)
 - Translations (what documents or what part thereof)
 - Financial matters (cost of studies, translations, public participation activities, etc.). Must prioritize the principle of "polluter pays"
 - Documentation requirements
- A special case is that in which both parties can be considered as a Party of origin and as a affected Party. In these transboundary projects the decision has to be taken on both sides of the frontier, so it will be necessary to comply with the requirements of environmental impact assessment of both countries, and the impact can be also on both sides of the frontier



Specificities of the transboundary procedures between Spain and Portugal

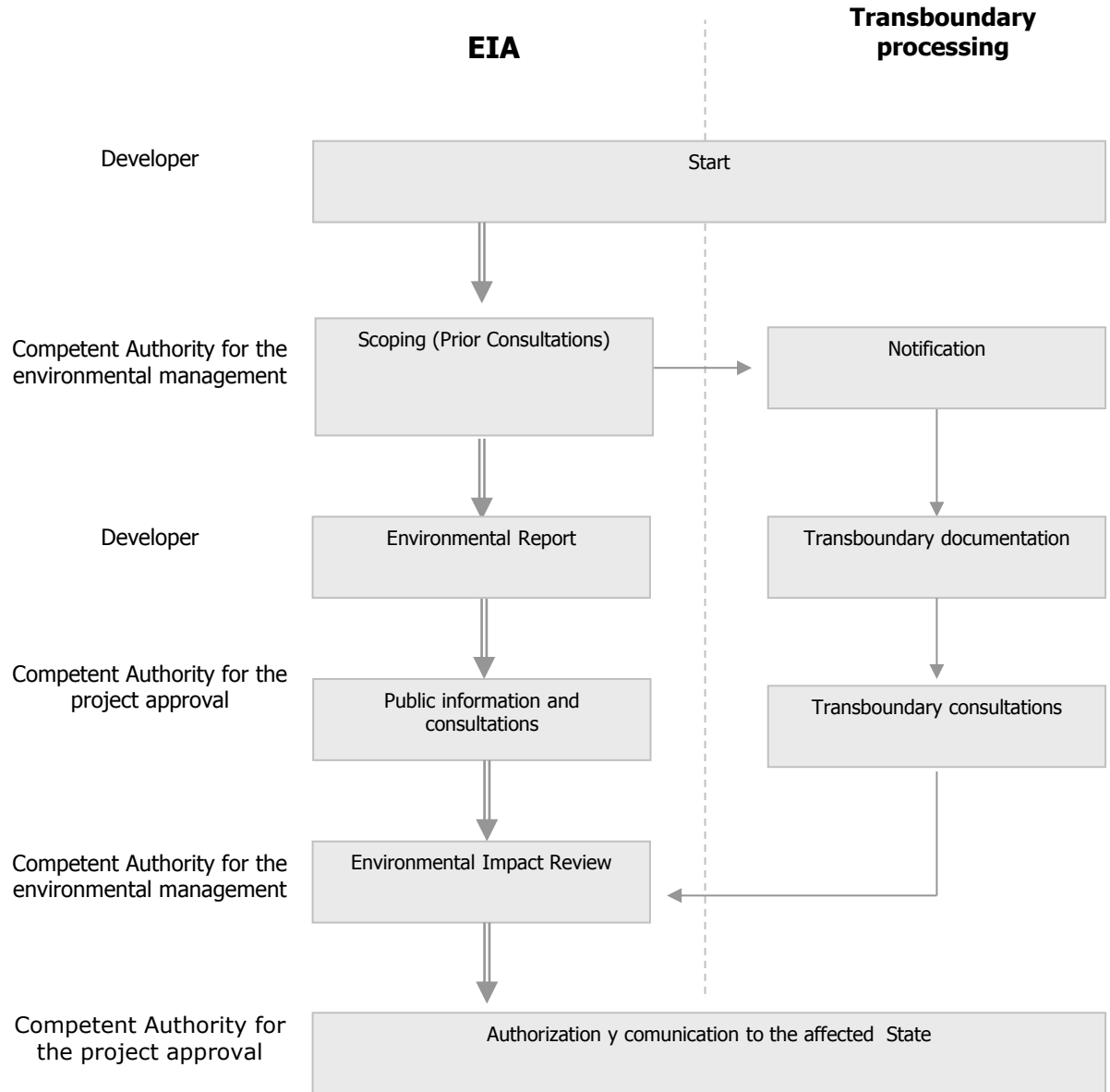
- These and other practical issues can be solved in advance through bilateral or multilateral agreements between countries (Article 8 and Appendix VI of the Espoo Convention)
- In 2008 Spain and Portugal signed a cooperation protocol focused on:
 - Procedural steps
 - Practical aspects of environmental documentation (translations)
 - Public participation agreements
 - Cooperation and collaboration in decision making
- Additionally, other existing instruments, such as the Albufeira Convention on transboundary waters, are used to help solving specific problems.



Specific aspects of the Protocol

- Coordination between Environmental Ministries of both countries
- Deadlines for notification and for consultations
- Requirement of a specific document on transboundary impacts and obligation of translation to the affected Country language
- Agreement that the public participation in the affected country is conducted by its authorities

Transboundary process





Example of Portuguese project: high speed rail link between Madrid-Lisboa/Porto, Corridor 1 Elvas-Badajoz

- Portugal embassy consulted Spain in February 2008 on possible transboundary impacts.
- The Ministry of Environment of Spain through the, consulted the affected authorities and public concerned in Spain.
- As result of the consultations the regional habitat of interest were taken into account: "Forest Gallery of *Salix alba* and *Populous alba* and species *Otis tarda* and *Little Bustard*" listed as sensitive in the regional catalog of endangered species in Extremadura.
- The location of a station on the border between Spain and Portugal should be examined with a more thorough environmental analysis, taking into account the evaluation of the Spanish project "Madrid-Lisboa/Oporto rail links. Corridor between Elvas and Badajoz"

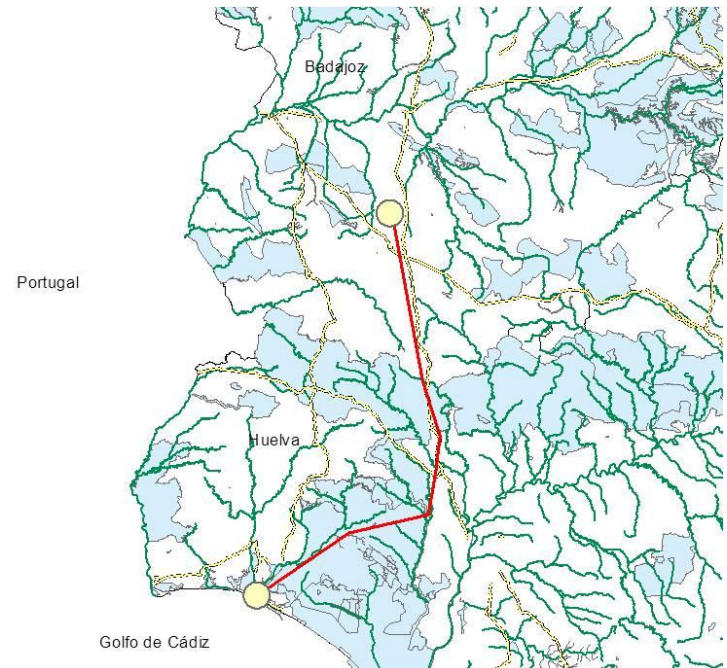
Example of Spanish project. Balboa Refinery

REFINERY FACILITIES

- WWTP
- Storage park
- Hydrogen production plant
- Cogeneration
- Hybrid cooling towers

ASSOCIATED INFRASTRUCTURE

- Driving collection and release of water. Driving takes 40 km from Alange dam, Machel River. Driving discharge of 20 km to the Guadajira River
- Actions in Huelva Port. 10 km offshore. Storage park in the industrial port
- Crude oil pipeline. About 200 km
- Production Pipelines. To Huelva and Merida
- Pipeline for natural gas supply
- Power supply

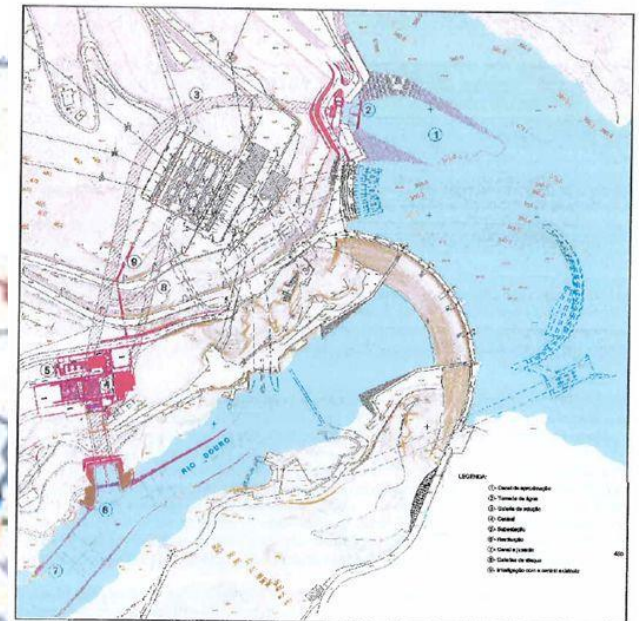
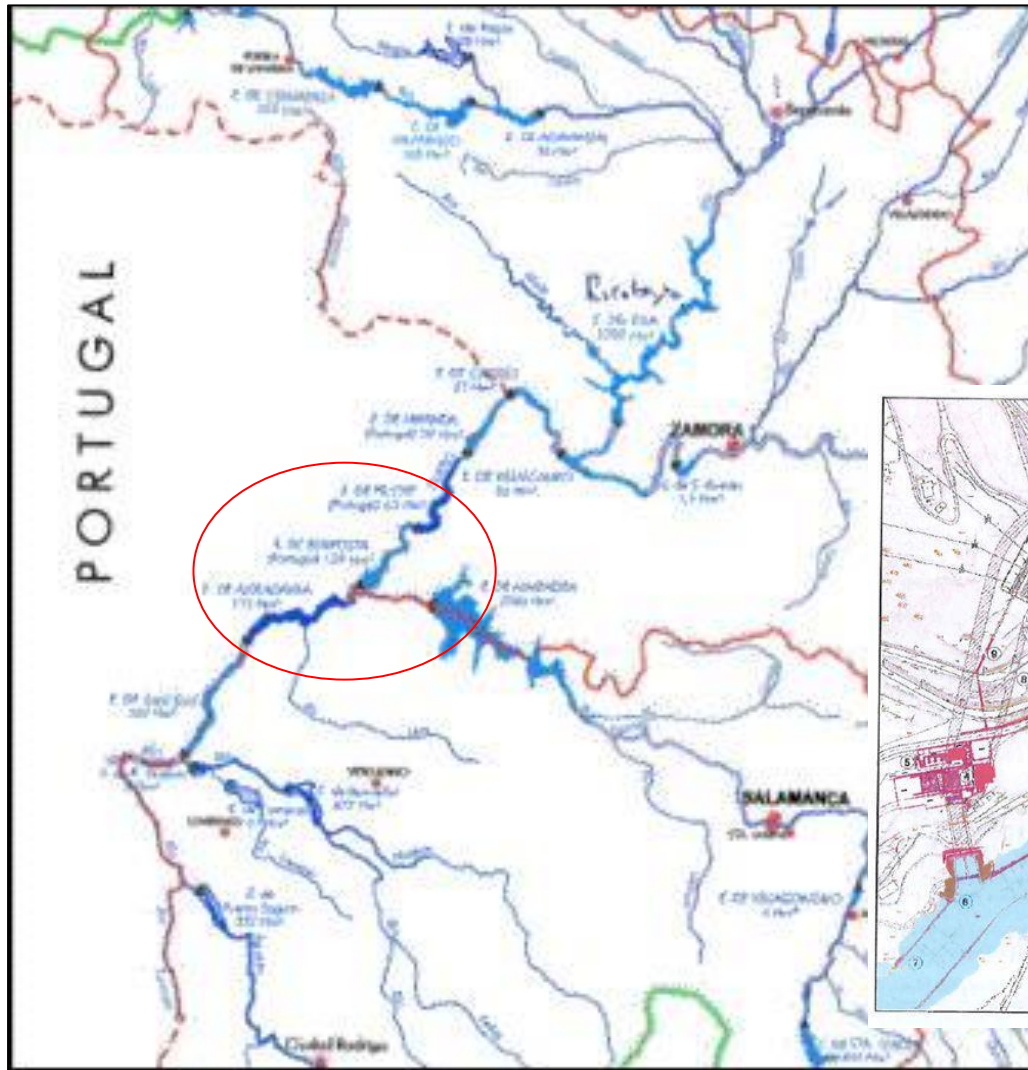




Balboa Refinery. Transboundary process

1. Participation requested to Portugal
2. Sending report summary (in Spanish)
3. Response of Portugal with transboundary issues to be analyzed (including internal consultations)
4. Consultation to Portugal with the Environmental documentation on transboundary impacts (in Spanish and Portuguese) and environmental impact assessment of the whole project (in Spanish)
5. Response of Portugal (including internal consultation and public participation)
6. Environmental impact review and decision of the project

Example of a Portuguese project. Reinforcement of hydraulic power plant of Bemposta





Reinforcement of hydraulic power plant of Bemposta.

- **Transboundary concerns:**
 - Proximity of a protected area (“Arribes del Duero”) belonging to the EU Natura 2000 Network
 - There was a need of the regulation of upstream and downstream dams in different periods of the works, with potential problems in water quality.
- **Conclusions of transboundary consultations:**
 - Follow up of the quality of upstream and downstream dams, in the framework of the Albufeira convention (Water)
 - Emergency bilateral group and response protocol in case of quality problems.
 - Minimum stream flow and minimum capacity available in dams
 - Calendar of works and follow up of the fauna in the protected area (birds)



Thanks for your attention