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Scoping and EIA Report

*National environmental assessment systems and requirements of the Espoo
Convention and its Protocol on Strategic Environmental Assessment
Training Workshop to support legal drafting process in Uzbekistan*

**19-20 August 2019
Tashkent, Uzbekistan**

Scoping

- No formal definition in Espoo or EIA Directive
- Under Espoo Convention (2nd amendment):
 - a procedure for the purposes of determining the content of the environmental impact assessment documentation
- Under EIA Directive (art.5.2 as amended 2014):
 - the scope and level of detail of the information to be included by the developer in the environmental impact assessment report



Scoping in EIA Directive

- Obligatory only if the developer so requests (art.5.2)
- Issued by the competent authority in form of the opinion
- On the basis of
 - the information provided by the developer in particular on the specific characteristics of the project, including its location and technical capacity, and its likely impact on the environment,
- Environmental authorities must be consulted

Scoping - practice

- In many Member States – mandatory element of EIA procedure both for Annex I and Annex II projects
- For Annex II projects often combined with screening into one procedural step
- Health authorities often consulted

Scoping - aspects

- Not resignation from any of legal requirements – only scope and level of detail of the respective information in order to adjust the general requirements to the specific project
- Public participation should be provided (Aarhus)
- Transboundary procedure should be initiated and affected Parties involved (Espoo – 2nd amendment)
- Scoping determination - TOR for EIA consultants

Concept and role of the EIA Report

- No definition in Espoo/EIA Directive
- Different names
- In some countries limited number of pages
- Role in EIA procedure
 - prepared „by competent experts” (usually external consultants)
 - on behalf of/paid by the developer
 - reflect the views of experts/consultants
 - only one of the elements of EIA – not conclusive

EIA documentation – art. 5 and Annex IV of EIA Directive

- EIA report (misleading name before 20014– „information to be provided by the developer”)
- Quality control – art. 5.3
- Details in art.5.3 and Annex IV
 - a description of the project (site, design and size of the project);
 - a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
 - the data required to identify and assess the main effects which the project is likely to have on the environment;
 - a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment
 - a non-technical summary

Quality control

- Approaches in different countries:
 - System of grading EIA/SEA reports by environmental authorities
 - Designation by authorities
 - Accreditation of EIA/SEA consultants
 - EIA/SEA Commissions
 - independent review
 - general requirements in legislation as to qualifications of EIA/SEA consultants
- Pros and cons of different approaches and relation to public tendering