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## Determining a need for transboundary EIA

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EIA, 26 – 27 October 2020*

Action implemented by:





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## Determining a need for transboundary EIA (Tb EIA) *versus* EIA screening

- A need for transboundary EIA (Espoo Convention, Appendix III): Criteria to determine a need for Tb EIA for the activities not included in Appendix I (i.e. for a wide range of activities)
  - *Size*
  - *Location*
  - *Effects*
- EIA screening (EU EIA Directive): If EIA is needed for the projects in Annex II
  - **Information about the project to be provided by the developer (Annex IIa)**
  - Selection criteria (Annex III)
  - Size (annex II), Location, Likely Effects + **characteristics of the project**



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## Espoo Convention, Appendix III

**Size:** proposed activities which are **large for the type of the activity**;

**Location:** proposed activities which are located in or close to an area of **special environmental sensitivity or importance** (such as wetlands designated under the Ramsar Convention, national parks, nature reserves, sites of special scientific interest, or sites of archaeological, cultural or historical importance); also, proposed activities in locations where the characteristics of proposed development would be likely to have **significant effects on the population**;

**Effects:** proposed activities with **particularly complex and potentially adverse effects**, including those giving rise to **serious effects on humans or on valued species or organisms**, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained by the carrying capacity of the environment



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## EU EIA Directive, Annex II

**Characteristics of projects:** size and design of the whole project; the cumulation with other existing and/or approved projects; the use of natural resources, etc.

**Location of projects:** wetlands, riparian areas, river mouths; coastal zones and the marine environment; mountain and forest areas; nature reserves and parks;

**Type and characteristics of the potential impact:** including **the transboundary nature of the impact**



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## In which EIA steps to determine likely transboundary impacts?

- **Early in EIA** e.g. as a part of the national screening procedure:
  - *Pros:* Allows sufficient time for entire transboundary consultations, enables to well prepare for it etc.
  - *Cons:* The data and information available might not allow to determine the likely transboundary impacts
- **Later on (scoping, EIA report):**
  - *Pros:* The likely transboundary impacts can be well identified and clearly described
  - *Cons:* A need for the transboundary consultations may complicate and delay the national EIA procedure



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## Example: Czech Republic

- Screening and scoping is one joint procedural step based on 'notification' (i.e. similar to the scoping report)
- Notification has to include also information **about likely significant adverse transboundary impacts**
- Screening has also to consider '**nature of the likely impacts including its transboundary nature**'
- EIA report has to include also 'complex characteristics of the likely impacts, considering the significance and their interrelationships, with a **special emphasis on the possibility of the transboundary impacts**'
- So, the likely transboundary impacts can be determined earlier or later and SEA process can proceed with necessary transboundary consultations accordingly