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Federal Ministry for the Environment,
Nature Conservation and Nuclear Safety
Germany

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**Second Meeting of the Parties to the
Convention on Environmental Impact Assessment in a Transboundary Context
25 to 27 February 2001, Sofia, Bulgaria**

Statement of the German Delegation

Mr Chairman,
Excellencies, Ladies and Gentlemen,

On behalf of Germany, I should like to express my thanks to the Government of Bulgaria for hosting this second meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context. I am convinced that the warm welcome and the excellent organisation will contribute to a successful meeting. Thanks are also due to the Secretariat and to all the others whose preparations since the first meeting of the Parties (18 – 20 May 1998 in Oslo, Norway) have strengthened the effectiveness of the Convention and will form a sound basis for the decisions to be taken at this meeting.

As Germany is situated in the centre of Europe with nine neighbouring countries and is linked with a range of other countries by waterways, by the North Sea and the Baltic Sea, there are indeed a lot of occasions to apply transboundary EIA.

Although Germany has signed the Espoo Convention already in 1991, the ratification is still pending. Ratification of Conventions is in Germany a somewhat complicated process due to its federal system, and the Espoo Convention is no exception. In addition, Germany has striven to include all relevant provisions relating to the Convention and to the EC Directive on EIA in a new comprehensive act, i.e. the first part of an Environmental Code which will deal with the authorization of projects in general and is meant to replace a large amount of existing legislation. However, in drafting the code questions arose with respect to the division

of responsibilities between the Federation and the Federal States under constitutional law. Since it was becoming apparent that it would not be possible to complete the project within a foreseeable timeframe, it had to be postponed. Instead, the provisions of the Convention will now be transposed in Germany by amending the German Act on EIA of 1990 and several other sectoral acts. Since the legal procedure for amending these acts started some time ago we assume that we will ratify the Convention in the second half of the year 2001.

Nevertheless, in spite of the outstanding ratification Germany does carry out transboundary EIA on the basis of the EC Directive on EIA (85/337/EEC, amended by Directive 97/11/EC), which is legally binding for all EC member States, and on the basis of the Espoo declaration of 1991 by which Germany has committed itself to apply the Convention as far as possible in accordance with existing German law until it is ratified.

However, Germany has a long tradition of cooperation on transboundary issues with France, Switzerland, Luxembourg, the Netherlands, Belgium and Poland, which in some cases started as early as the 1970s. Although these activities did not all focus on EIA but on the information on projects and plans (e.g. spatial plans) with likely transboundary impacts in general, they have proven to be an appropriate tool of mutual information and coordination.

Among the more EIA-related provisions I would like to mention inter alia the recommendations of the German-French-Luxembourgian (1986) and the German-French-Swiss Governmental Commissions (1996). These provide for a detailed procedure for projects with likely transboundary impacts. In addition there are several recommendations of bilateral Commissions on spatial planning.

Reference to the Espoo Convention is explicitly made in bilateral agreements between Germany and Poland (1994) and Germany and the Czech Republic (1996). These agreements are at present the basis for the practical application of the Espoo Convention and are currently being applied in several EIA cases. In the framework of these agreements the contracting parties also agreed to draw up specific agreements on transboundary EIA in order to further facilitate transboundary EIA procedures.

Such specific bilateral agreements are currently being negotiated between Germany and the Netherlands, Poland and the Czech Republic respectively. In addition Germany envisages joining the ongoing activities of Austria, Switzerland and Liechtenstein in this respect.

In all these activities we recognize with pleasure that the Convention has become a basis for a mutual understanding among officials and experts of what transboundary EIA means, and thus has effectively facilitated bilateral communication.

On the 10th anniversary of the Convention it has to be said that the Convention has proven to be an effective tool for environmental protection and has improved international cooperation as well.

In the past Germany has financed and has participated in numerous activities under the Convention and it goes without saying that we are also committed to participating actively in the work envisaged under the work programme to be adopted at the second meeting to the Convention. In this respect I think that especially the activities to strengthen the cooperation with other Conventions and to review the need for amendments to the Espoo Convention will be a successful approach to achieving an integrated system of environmental provisions. We also assume that the experiences which the Parties will acquire in implementing and applying the Convention will be worth taking into account in its revision. According to our experience thus far, this may well be true with regard to the range of types of activities to be covered by the Convention. I am also convinced that the activities on a protocol on strategic environmental impact assessment will further strengthen the Convention and make it an effective tool for environmental protection without borders.

Finally, I would like to express my best wishes for the work of this meeting.

Thank you for your attention.