

ENVIRONMENT



Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) & Protocol on Strategic Environmental Assessment (SEA)

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Secretary to the Espoo Convention and its Protocol on SEA

Joint meeting for identification of synergies and possible cooperation
activities in marine regions
(16 June 2022)



UNECE

UNECE: 75 years of cooperation



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- **Established in 1947** by UN ECOSOC
- One of the 5 UN regional commissions (secretariat based in Geneva)
- **56 member States** (Europe, USA, Canada, Caucasus, Central Asia, Israel, Russia, Turkey)
- Mandate: **facilitate greater economic integration & cooperation in environment, energy, transport, trade + other sectors, by:**
 - **Policy dialogue**
 - **International legal instruments, regulations and norms**
 - **Technical assistance and capacity building**
- The only UN regional commission hosting **MULTILATERAL ENVIRONMENTAL AGREEMENTS** (5 conventions: Aarhus, Air; Espoo; Industrial Accidents; and Water and their, in total, 12 protocols)





“Espoo” Convention on Environmental Impact Assessment in a Transboundary Context

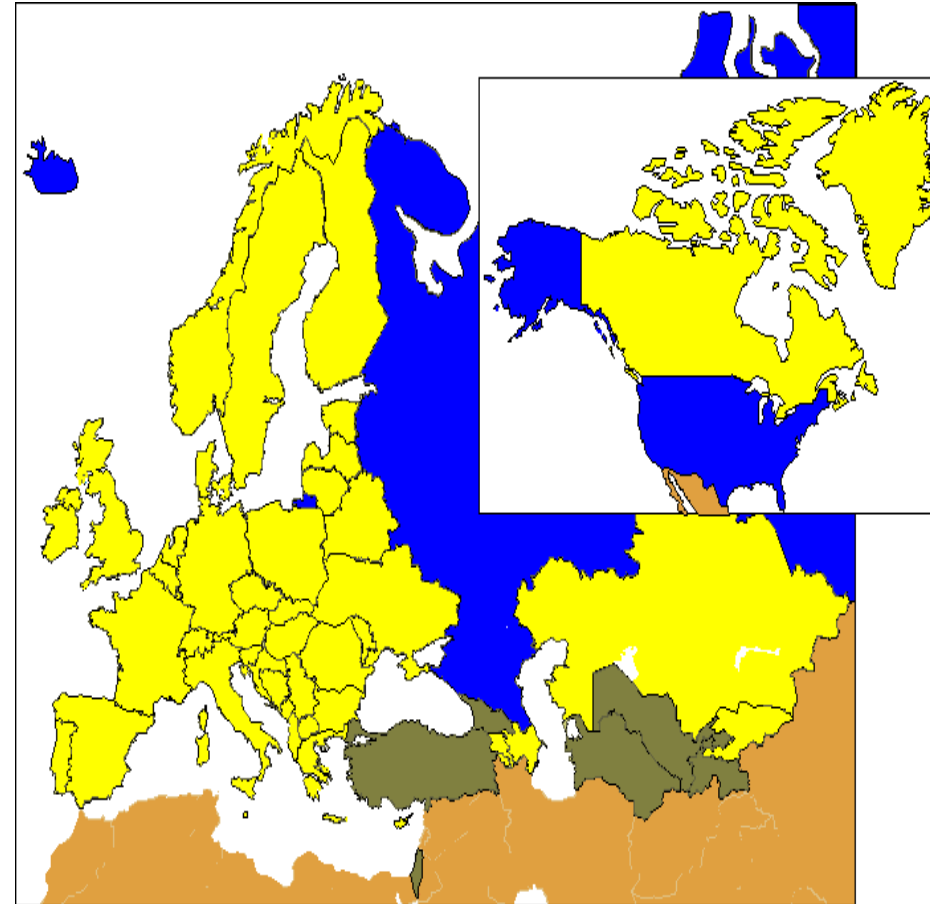
- Adopted in Espoo (Finland) in 1991, in force since 1997
- 45 Parties in UNECE region, including EU
- Amended in 2001 and 2004. Amendments in force since 2014 and 2017
- Supplemented by a Protocol on Strategic Environmental Assessment (Kyiv, 2003)



Towards global application of the Espoo Convention

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- **Future opening to all UN member states** (5 ratifications missing)
- **Non-UNECE countries encouraged to apply Convention's procedures & practice + participate as observers**
- **Pre-accession preparations: legal alignment & capacity development**



Espoo Convention: Field of application

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Art. 2(2)

- Proposed activities & major changes to activities
 - Likely to cause significant adverse transboundary impact
 - Listed in appendix I
- + other activities, if agreed by Parties (Art. 2(5) + appendix III)

Espoo Convention: appendix I examples

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8. Large-diameter **pipelines** for the transport of oil, gas or chemicals
9. **Trading ports** and also for inland waterway traffic
15. **Offshore hydrocarbon** production
22. Major **wind-power** installations

10. **Waste-disposal installations** for the incineration, chemical treatment or landfill of toxic and dangerous wastes.
11. Large **dams and reservoirs**
16. Major **storage facilities** for petroleum, petrochemical and chemical products.
18. Works for the **transfer of water resources between river basins**
19. **Waste-water treatment** plants with a capacity exceeding 150 000 population equivalent.

Espoo Convention requirements (indicative)



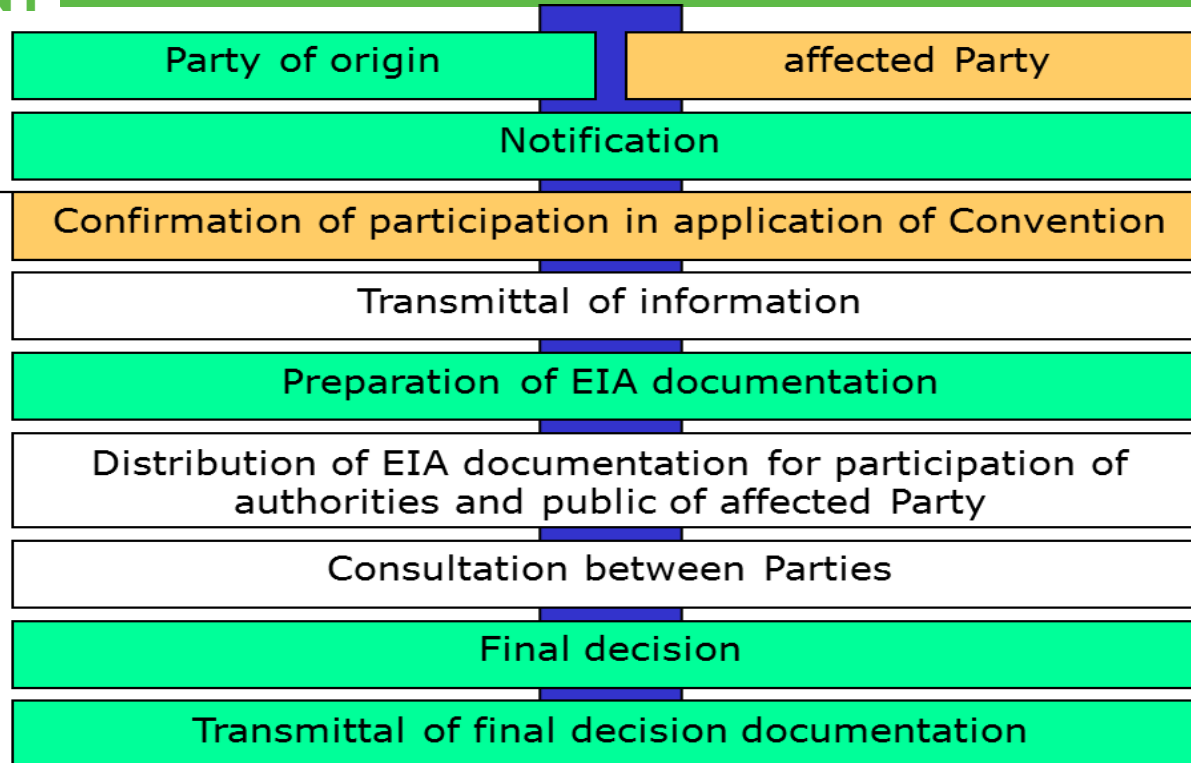
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- Requires Parties to **notify & consult other Parties** on planned activities
- Requires **preparing & sharing EIA** documentation
- **Allows affected Parties' authorities & public to comment** on planned activities & assessment of environmental impacts
- **Final decision must take into account**
 - comments received (incl. from authorities & public of affected Party)
 - outcome of EIA
 - outcome of consultations
- Final decision must be sent to affected Party –with reasons& considerations on which it was based

Espoo Convention: Main procedural steps



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Application stops if the affected Party is not interested in participating

Public participation
(may include one or more rounds)

If Parties so decide

Post-project analysis



Espoo Convention: Main benefits



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- **Common framework** for inter-State discussions & cooperation (binding but flexible procedures)
- **Enhances international cooperation**, helps avoid tensions
- **Improves**
 - **Environmental protection:** impacts avoided/reduced by mitigation, revising project design, resiting etc.
 - **Governance:** transparency, participation, ownership
 - **Planning:** improved project design, better alternatives, higher environmental standards, costly mistakes avoided
 - **Decision-making:** better informed & more objective, decisions better understood & accepted
- **Sovereignty retained**
- **Confidentiality respected:** preserves industrial & commercial secrecy + national security

Costs and time demands of transboundary EIA

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- Projects subject to Convention usually larger
- Generally costs < 0.5 % of overall capital cost (60-90% for preparing EIA documentation)
- Costs > 1% unusual
 - Very controversial projects in sensitive environments
 - Where good EIA practice not followed
- Timescales: typically 1 year.
- Large projects that would take 2 years with only domestic EIA, might take 3 years with transboundary EIA

Challenges

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- Social, economic, cultural differences between Parties
- National implementation varies
- Diversity of legal & practical approaches
- Unclarity about: time frames for procedural steps, translation of documentation, cost sharing; procedure for consultations
- Differences in definitions of/approach to key terms (e.g impact; transboundary; significance; major change; final decision)
- Procedural challenges: Late involvement/failure to meet deadlines; limited access to information; insufficient information quality (translation/interpretation)
- Difficulty in identifying whom to notify and ensure receipt
- Challenging project types: Joint projects & nuclear projects

Espoo Convention & Protocol resources



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Networks of national focal points & points of contact for notification

MOP decisions

Review of compliance

National reporting + Reviews of Implementation

Exchange of experiences at meetings and workshops

Guidance documents and good practice recommendations

Subregional cooperation (e.g. Baltic Sea)

Legislative assistance

Training + awareness raising workshops

Pilot projects



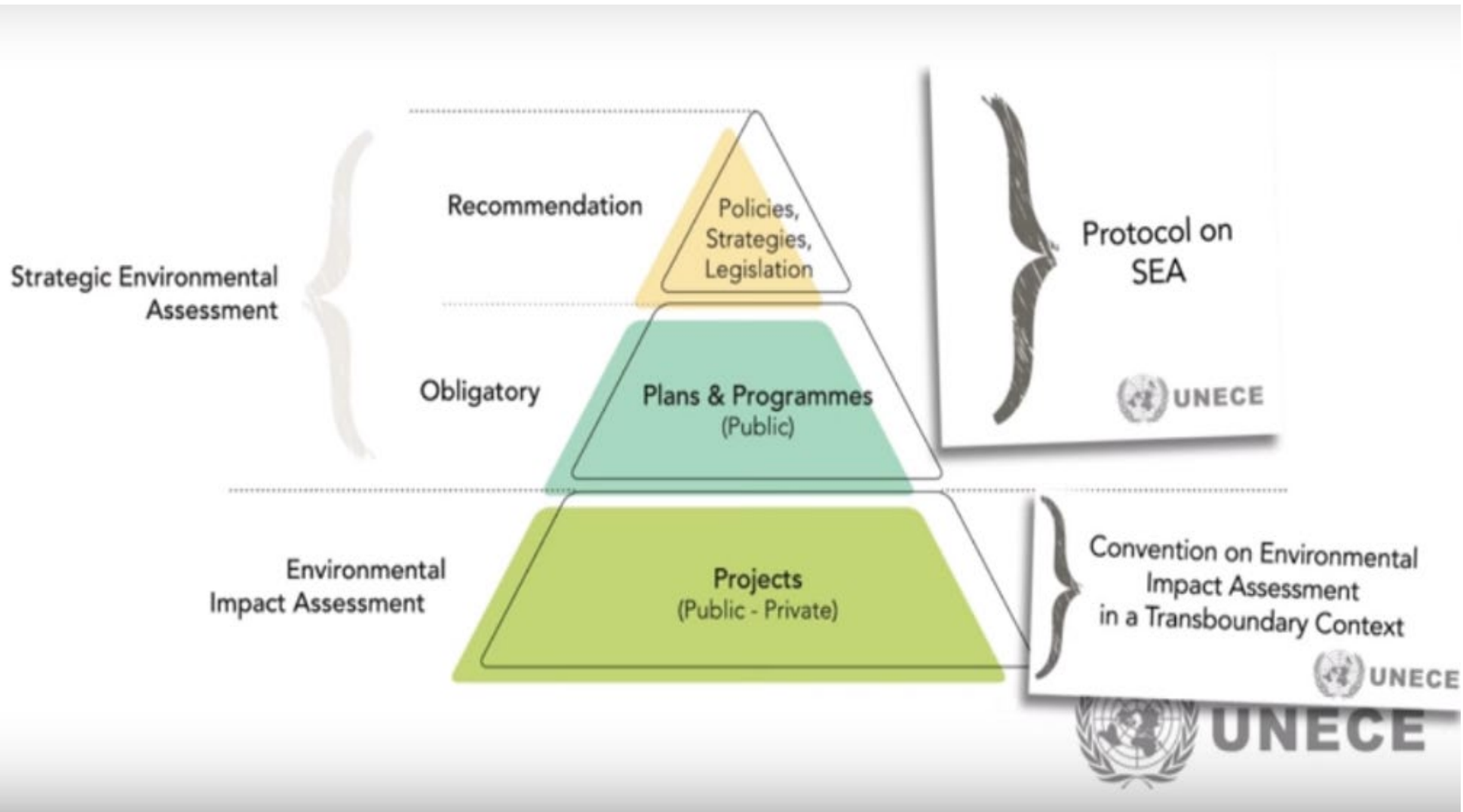
Protocol on Strategic Environmental Assessment

- Adopted in Kyiv, 2003, in force since 2010
- Presently has 33 Parties, in UNECE region, including EU
 - Open to all UN Member States



SEA Protocol: Field of application

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Application

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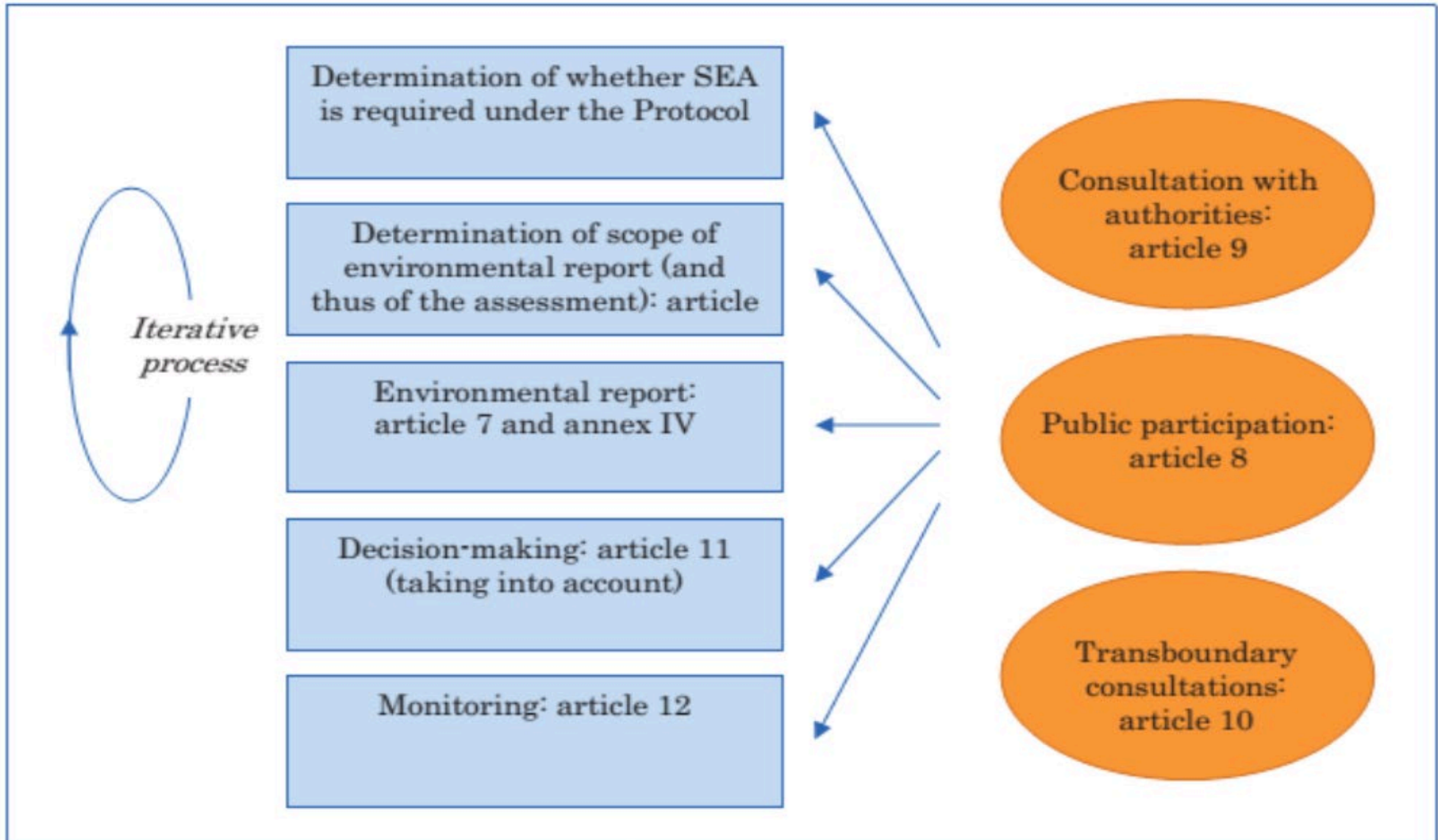
- In sectors/areas listed in art. 4.1: agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use

that

“Set the framework for future development consent for projects”

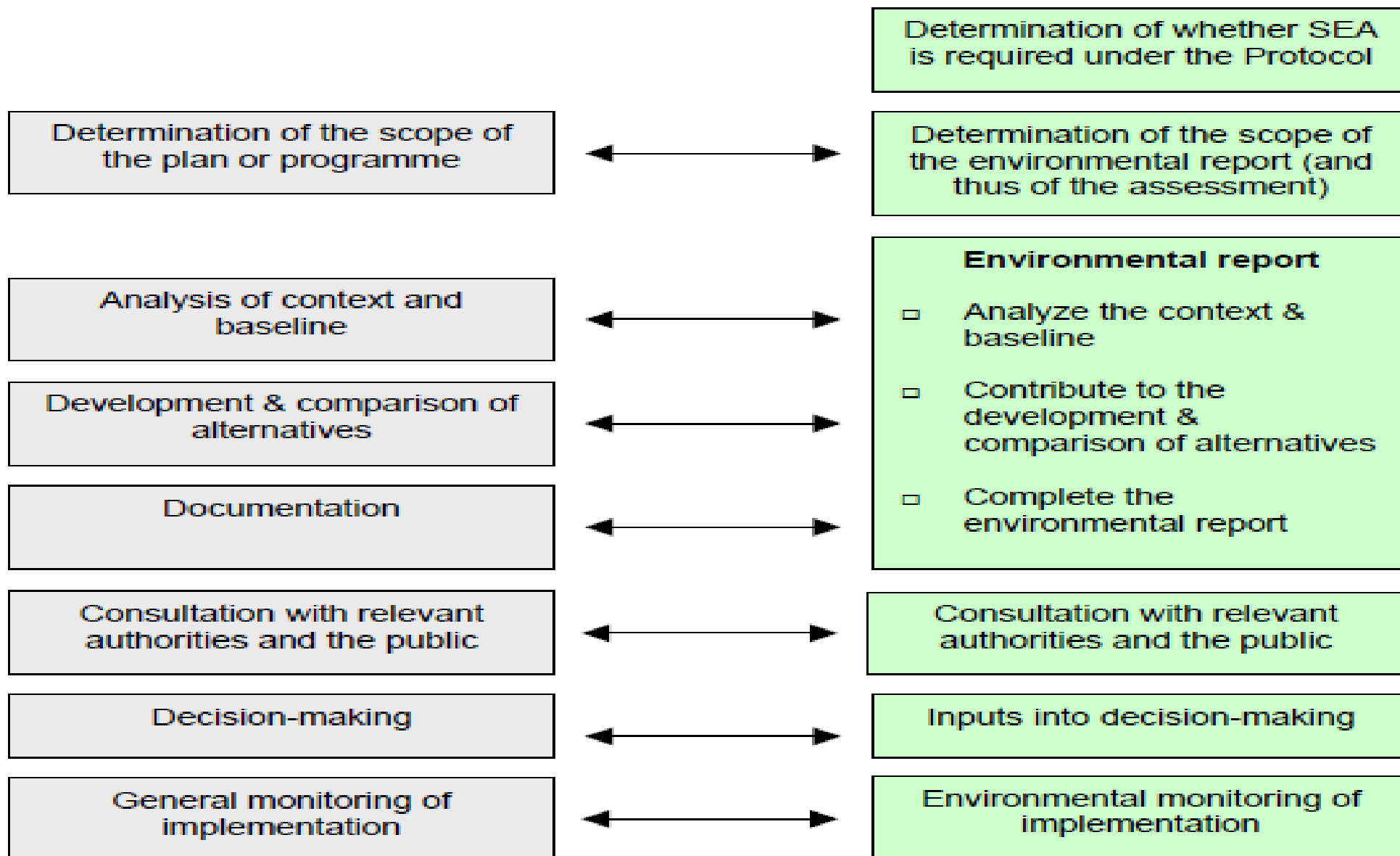
- Listed in annex I
- Listed in annex II + requiring EIA under national legislation

Protocol on SEA: Procedure



Plan or programme making

SEA



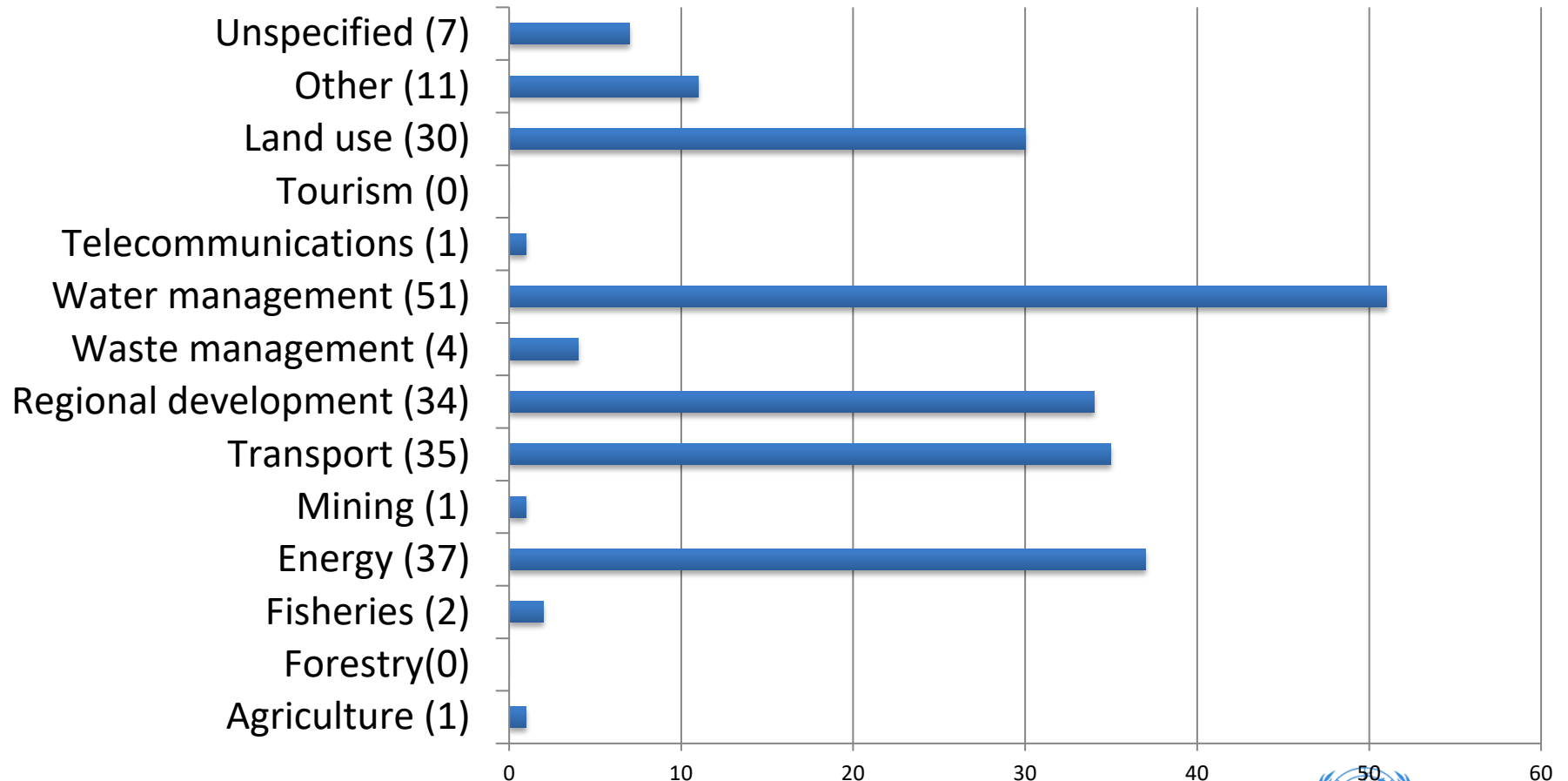
Note: Public participation, consultation with authorities and transboundary consultations are not included in full in this simplified diagram.

Transboundary SEA

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Question II.4: 26 responses



Costs and time demands



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- ✓ Vary with scope + complexity of SEA/scale of plans&projects, number of alternatives, methodology
- ✓ Mainly during initial SEA application when testing + developing approaches + tools and compiling basic data
 - ✓ Subsequent SEAs can build on previous experience
- ✓ Modelling/data processing tools + fees for SEA practitioners
- ✓ Generally 5-10% of planning costs
- ✓ 30 days (small municipal plan) – 150/300 days (complex large scale plan)
- ✓ Integrating SEA with planning process minimizes costs and delays:
 - ✓ Shared data collection, consultations with authorities + public, review processes
 - ✓ Information sharing allows for iterative process + integration of SEA findings



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- ✓ **SEA prevents costly mistakes saving time and money**

Protocol on SEA: Key benefits



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- **High level of environmental protection**
 - **Intervenes earlier; captures cumulative effects**
- **Better planning (more focused, rigorous, open to alternatives & innovation)**
- **More cost effective and coordinated decision-making**
- **Prevention of costly mistakes**
- **Strengthened governance**
- **Transboundary cooperation, prevention of tensions**
- **Promotes sustainable development & greening of economies; climate change mitigation & adaptation**

Protocol on SEA: Challenges (in several UNECE countries)



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- Lack of proper legal and regulatory basis
- Insufficient awareness and understanding of the procedure and its benefits across the sectors (seen as costly, time consuming and complicated)
- Insufficient public interest – and high-level political backing
- Lack of capacities to implement at regional and local levels
- Lack of proper institutional structures/culture for consultation across sectors and tiers of governments and for public participation
- Health in SEA, including transboundary effects;
- Transboundary consultations: Translation issues; differences in national practice; lack of bilateral agreements to facilitate consultations



Thank you

More information from:

www.unece.org/environment-policy/environmental-assessment
E-mail: eia.conv@un.org

