



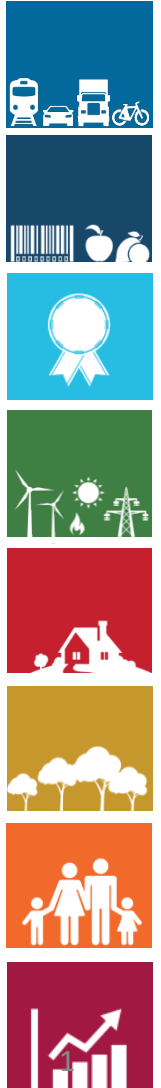
(Espoo) Convention on Environmental Impact Assessment in a Transboundary Context

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Twenty-seventh meeting of the Working Group of the Parties to the Aarhus Convention (Geneva, 26 – 28 June 2023)

Item. 6: Thematic session on the promotion of the principles of the Aarhus Convention in international forums

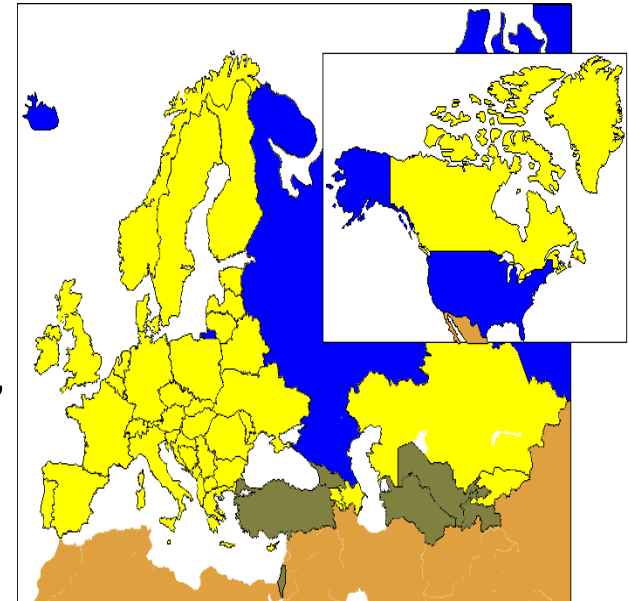


Introduction to the Espoo Convention

ENVIRONMENT



- Negotiated under United Nations Economic Commission for Europe (UNECE)
- Adopted in **Espoo (Finland)** in 1991, in force since 1997
- Has **45 Parties**, in UNECE region, including EU
- **Accession by all UN member States possible in the future**
- Supplemented by the **Protocol on Strategic Environmental Assessment (SEA)** (Kyiv, 2003, in force since 2010, open to all UN member States)



UNECE

Espoo Convention objectives (implied)

ENVIRONMENT



- To ensure **environmentally sound and sustainable development**
- To **enhance international co-operation** in assessing environmental impact
- To **prevent, mitigate** and monitor significant adverse **transboundary environmental impact**
- To give explicit **consideration** to environmental factors early in **decision-making** (= precautionary approach, principle of prevention)
- To improve **quality of information** – leading to **environmentally sound decisions**

Preamble, paras. 2, 3, 4, 7

Key role in promoting transparent and participatory planning
and decision-making



UNECE

Espoo Convention: relevant key obligations



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Party of origin must:

- **Undertake an EIA** for a proposed activity, listed in appendix I, (or a major change to it), likely to cause a significant adverse transboundary impact.
- **Notify early** affected Party/Parties (not later than its own public; info on: proposed activity, possible impacts, decision-making, time-frame for response + procedure) **(art.3)**
- Prepare and **provide to the affected Party EIA documentation** (art 4 + appendix II, including: description of alternatives; mitigation measures; **non-technical summary**)
- Make a **final decision**, taking into account comments received (from authorities & public) and results of EIA and consultations **(art.6)**
- **Send final decision** to affected Party + reasons and considerations on which it was based.

Affected Party must:

- **Respond within deadline** to the Party of origin whether it participates in the EIA procedure – *(if no interest: Treaty application stops)*

Joint responsibility:

- **Ensure public participation** (information sharing & consultation of affected Party's public)(art. 2.2; 2.6.; 3.8; 4.2)
- **Consultations between the authorities on the EIA documentation** (art. 5)

Espoo Convention: provisions on public participation

- Joint responsibility of governments of Party of origin and affected Party
- Affected Party's public must have equivalent opportunities to participate (art.2.6)

Article 2. General Provisions

2. Each Party shall take the necessary legal, administrative or other measures to implement the provisions of this Convention, including, with respect to proposed activities listed in [Appendix I](#) that are likely to cause significant adverse transboundary impact, the establishment of an environmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in [appendix II](#).

6. The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.

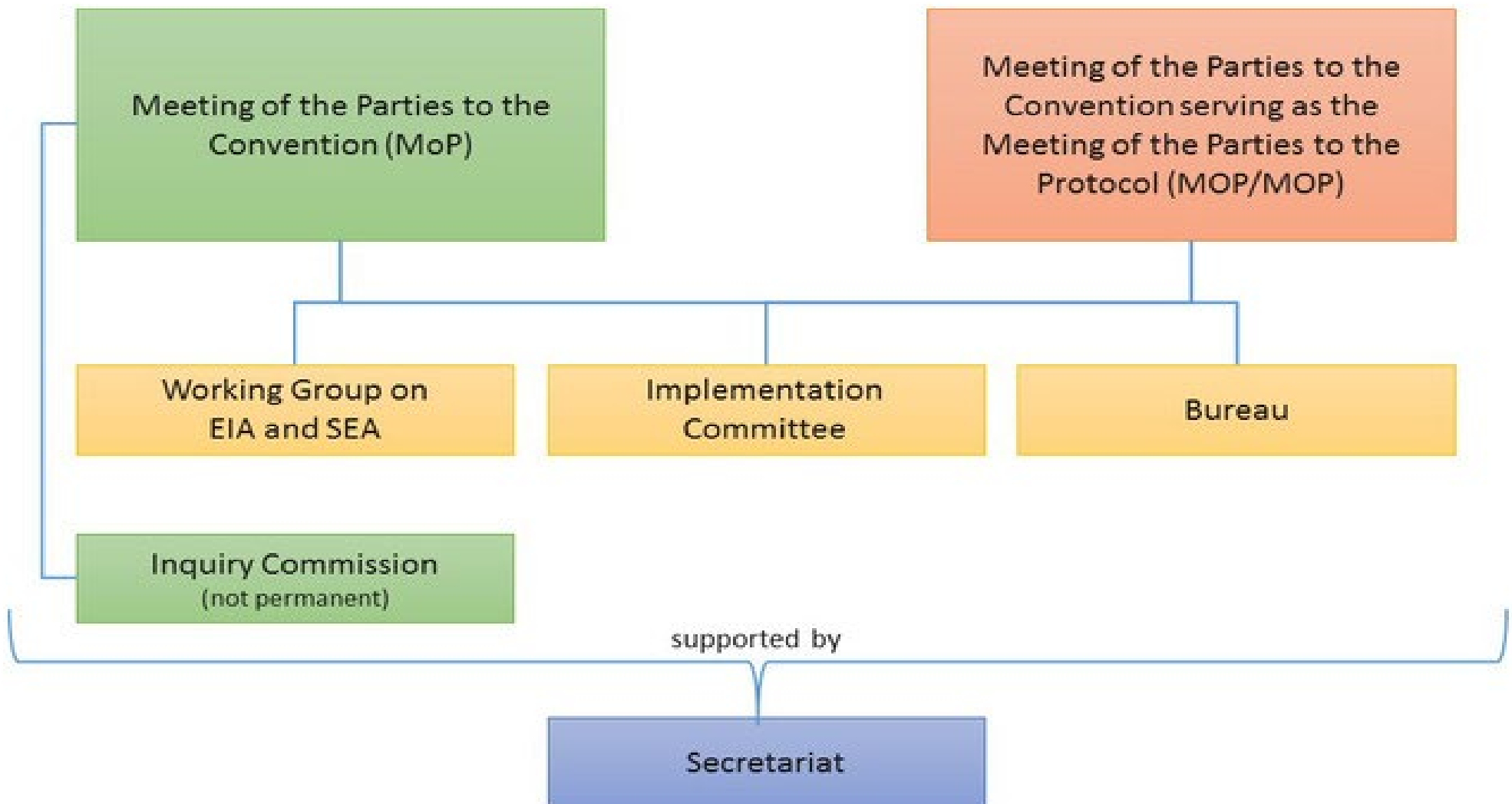
Article 3. Notification

8. The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.

Article 4. Preparation of the EIA documentation

2. The Party of origin shall furnish the affected Party, as appropriate through a joint body where one exists, with the environmental impact assessment documentation. The concerned Parties shall arrange for distribution of the documentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity.

Espoo Convention and Protocol on SEA bodies and secretariat



Rules of procedure of the treaty bodies

ENVIRONMENT

Meetings of the Parties to the Convention and the Protocol & Working Group on EIA and SEA

[Rules of procedure](#) (decision I/1, adopted in 1998, as amended in 2011)

Bureau: Referred to in decision I/1.

Guidance on election criteria, tasks and procedures adopted in 2020.

Implementation Committee

- **Structure and functions of the Committee and procedures for the review of compliance** (decision III/2, appendix; decision VI/2, annex I)
- **Operating rules** (decision IV/2, annex IV; MOP decision V/4, annex; decision VI/2, annex II)

Consolidated version available [here](#).

Access to information – publicly available documents



ENVIRONMENT

➤ MOP & Working Group on EIA and SEA

- Agendas + official documents (Rule 10: min. 2 (practice 2,5) months before meetings; in E, R, F)
- Informal documents (1-2 months ahead, in E)
- Proposals/amendments to be circulated min. 24 hrs prior (Rule 32) but, in practice, recommendation to publish comments & statements 3 weeks before (or circulate, if no consent) – to facilitate preparations, coordination and consensus
- Presentations & statements (published, if consent)
- Informal presentation of agreed conclusions circulated + published the same day/day after; meeting report around 1 month later, including adopted MOP decisions

➤ Bureau: Meeting agendas and reports (in E) (not working documents)

➤ Implementation Committee (Operating rule 16):

- Meeting agendas, reports, findings and recommendations (once agreed by IC)
- Case files: Submissions and replies (one month after receipt)
- Full information on cases: once closed (unless opposition by Party)
- Progress reports from Parties (follow-up)
- Committee's opinions (=case law), as mandated by MOPs

Access to information – publicly available information

ENVIRONMENT



- Up-to date **database of points of contact for notification and focal points for administrative matters** of Parties and non-Parties
- Status of ratification
- Regional and country-specific capacity-building events' pages
- Guidance documents (publications); videos etc.
- Parties' implementation reports and (if consent) lists of projects
- Reviews of implementation

Public participation (1)

ENVIRONMENT



OBSERVERS admitted to Meetings of the Parties and the Working Group on EIA and SEA

WHO?

UN bodies and States that are not Parties (rule 6) as well as other national/international **bodies and agencies** (e.g. NGOs, IGOs, academia, private sector) qualified in fields relating to EIA, in matters of their direct concern (- if invited by the Chair and not objected to by at least 1/3 of Parties present) (rule 7)

HOW?

- Inform secretariat of wish to be represented (the first time).
- Possibility to make statements and to comment documents/items during sessions and in writing
- No voting rights (rule 7)
- Limited financial travel support available: usually, Bureau selects 5-6 NGOs for each intersessional period (based on review of e.g. relevancy in terms of qualifications, experience; international dimension; contributions/inputs; funding/financial status)
- (As of 2023, back to in-person meetings (no on-line participation due to lack of resources) (but as public meetings these are livestreamed)

MEETING INVITATIONS + INFO: E-mail distribution list of stakeholders

ENVIRONMENT



Admission of observers to meetings of the Implementation Committee

- Meetings open to observers (other Parties, States, bodies, agencies, public) – unless IC decides otherwise
- Parts of meetings on compliance matters: in closed sessions/not open (unless IC plus concerned Party decide otherwise)

(paras. 2 and 3 structure and functions of the IC, operating rule 17 (1))

Practical application

- IC meetings usually take place without observers
- IC can invite other Parties to a meeting to present information on a case

(para. 9 structure and functions)



Bureau: admission of observers

- Meetings open only to Bureau members nominated by Parties elected by the MOPs (representatives of Parties)
- Observers allowed exceptionally upon invitation



Thank you

More information from:

www.unece.org/env/eia/welcome.html

E-mail: eia.conv@un.org

