

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

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UNECE Environmental Conventions

- 1979 Geneva Convention on Long-range Transboundary Air Pollution
- 1991 Espoo Convention on Environmental Impact Assessment in a Transboundary Context
- 1992 Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes
- 1992 Helsinki Convention on the Transboundary Effects of Industrial Accidents
- 1998 Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

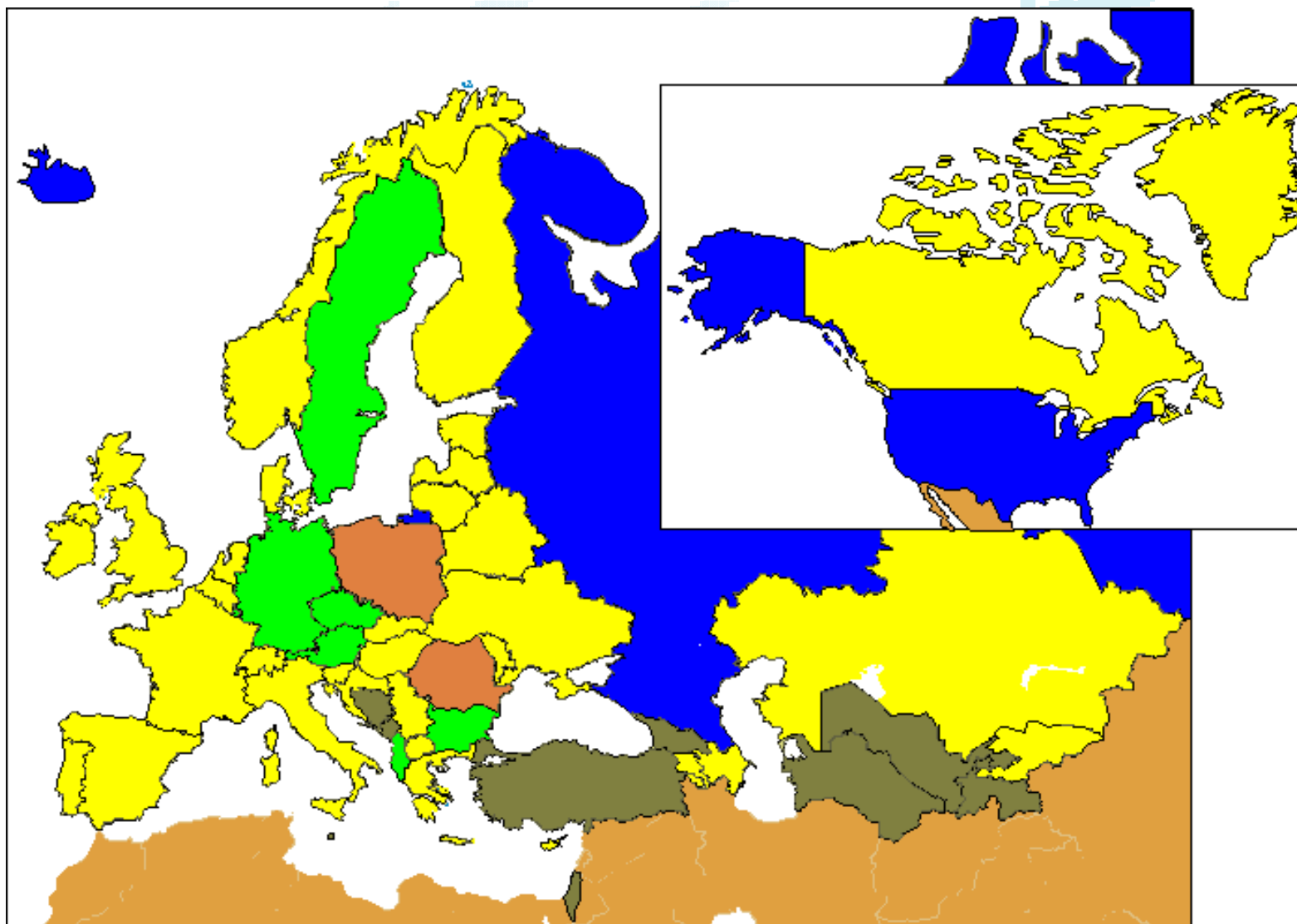


EIA Convention

- Experiences with the negotiations of the EIA Convention
- Experiences with the implementation of the EIA Convention

Experiences with negotiations of EIA Convention

- Seminar on Environmental Impact Assessment, Warsaw Poland, 1987
- Negotiations on the Convention 1988 – end 1990 (six meetings)
- 1991 Signing of the convention in Espoo, Finland
- September 1997 – Entry into Force of the Convention
- May 1998 – 1st Meeting of the Parties, Oslo, Norway
- February 2001 – 2nd Meeting of the Parties, Sofia, Bulgaria
- June 2004 – 3rd Meeting of the Parties, Cavtat, Croatia
- May 2008 – 4th Meeting of the Parties, Bucharest, Romania
- Currently 42 Parties (41 countries and the European Community)



Experiences with implementation of EIA Convention

- application of the Convention (Art. 2.2, 2.5/App. I+III)
- notification (Art. 3.1)
- confirmation of participation (Art. 3.3)
- transmittal of information (Art. 3.6)
- public participation (Art. 3.8)
- preparation of EIA documentation (Art. 4/App. II)
- distribution of the EIA documentation for the purpose of participation of authorities and public of the affected country (Art. 4.2)
- consultation between Parties (Art. 5)
- final decision (Art. 6.1)
- transmittal of final decision documentation (Art. 6.2)

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 EIA procedure that permits public participation and preparation of the EIA documentation described in Appendix II.

Appendix I: List of Activities (a)

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. ...

Article 3: Notification (a)

1. For a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.

Decision I/3: Points of Contact

The Meeting,

Recalling Article 3, paragraph 1, of the Convention and the relevant decision taken at the second meeting of the Signatories in 1992,

1. Agrees that notifications of proposed activities likely to cause significant adverse transboundary impact shall be transmitted to the relevant points of contact as appended unless otherwise provided for in bilateral or multilateral agreements or other arrangements. Where no point of contact has been nominated, the notification shall be transmitted to the Ministry of Foreign Affairs of the affected Party or Parties;

Article 3: Notification (b)

2. This notification shall contain, inter alia:
 - a) Information on the proposed activity, including any available information on its possible transboundary impact;
 - b) The nature of the possible decision; and
 - c) An indication of a reasonable time within which a response under paragraph 3 of this Article is required, taking into account the nature of the proposed activity;and may include the information set out in paragraph 5 of this Article.

Transmittal of Information - Article 3: Notification

6. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the potentially affected environment under the jurisdiction of the affected Party, where such information is necessary for the preparation of the EIA documentation. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.

Public Participation - 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 - Appendix II (a)

Information to be included in the EIA documentation shall, as a minimum, contain, in accordance with Article 4:

- (a) A description of the proposed activity and its purpose;
- (b) A description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative;

Article 4: Preparation of the EIA Documentation - Appendix II (b)

- (c) A description of the environment likely to be significantly affected by the proposed activity and its alternatives;
- (d) A description of the potential environmental impact of the proposed activity and its alternatives and an estimation of its significance;
- (e) A description of mitigation measures to keep adverse environmental impact to a minimum;
- (f) An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used;
- (g) An identification of gaps in knowledge and uncertainties encountered in compiling the required information;
- (h) Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis; and
- (i) A non-technical summary including a visual presentation as appropriate (maps, graphs, etc.).

Distribution of EIA documentation for purpose of participation of authorities & public of affected country - 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 EIA 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.

Consultation between Parties - Article 5: Consultations on the Basis of the EIA Documentation

The Party of origin shall, after completion of the EIA documentation, without undue delay enter into consultations with the affected Party concerning, inter alia, the potential transboundary impact of the proposed activity and measures to reduce or eliminate its impact. Consultations may relate to:

- a) Possible alternatives to the proposed activity, including the no-action alternative and possible measures to mitigate significant adverse transboundary impact and to monitor the effects of such measures at the expense of the Party of origin;

Article 5: Consultations on the Basis of the EIA Documentation

- b) Other forms of possible mutual assistance in reducing any significant adverse transboundary impact of the proposed activity; and
- c) Any other appropriate matters relating to the proposed activity.

The Parties shall agree, at the commencement of such consultations, on a reasonable time-frame for the duration of the consultation period. Any such consultations may be conducted through an appropriate joint body, where one exists.

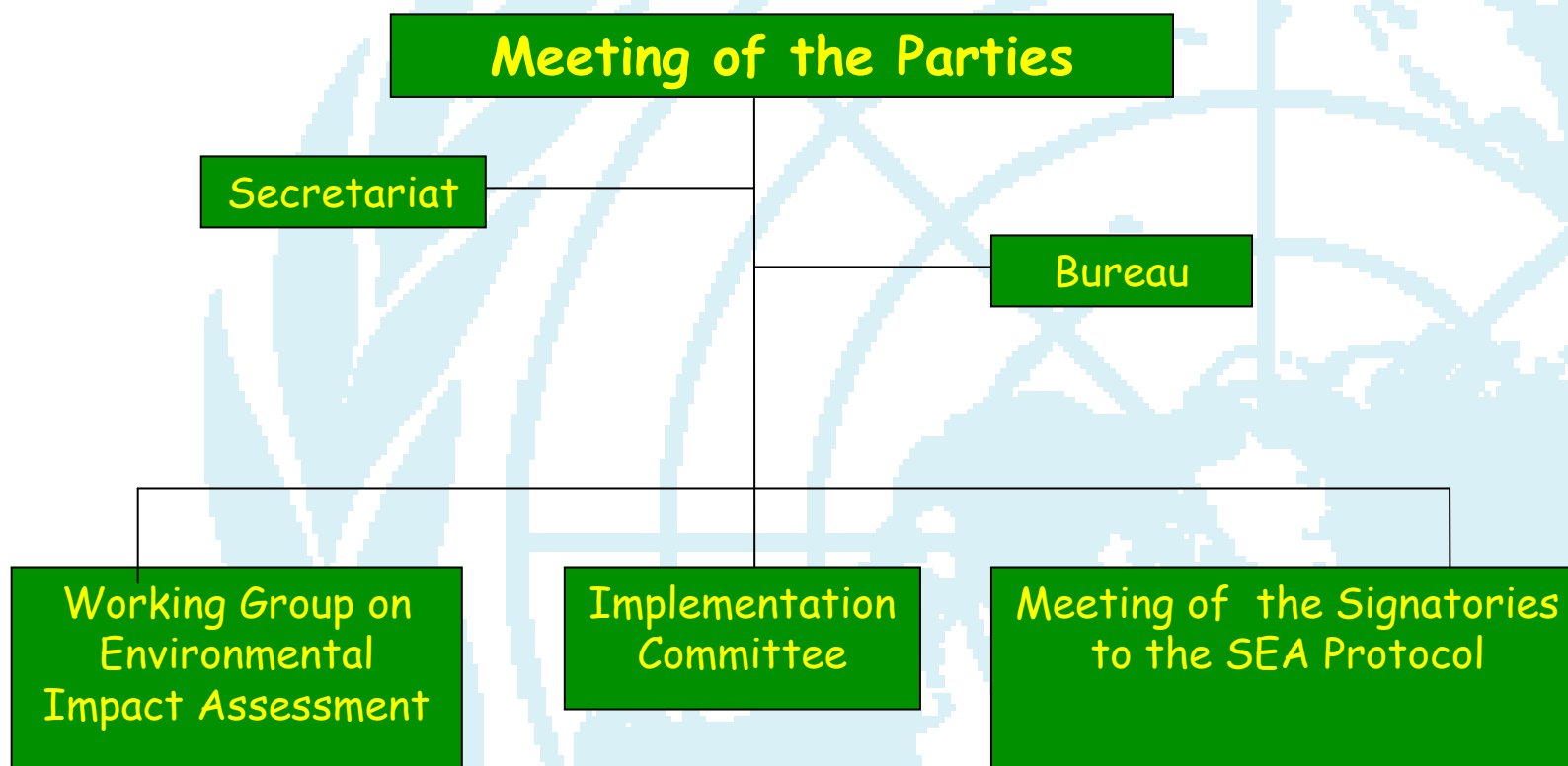
Article 6: Final Decision

1. The Parties shall ensure that, in the final decision on the proposed activity, due account is taken of the outcome of the EIA, including the EIA documentation, as well as the comments thereon received pursuant to Article 3, paragraph 8 and Article 4, paragraph 2, and the outcome of the consultations as referred to in Article 5.

Transmittal of final decision documentation - Article 6: Final Decision

2. The Party of origin shall provide to the affected Party the final decision on the proposed activity along with the reasons and considerations on which it was based.

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Espoo Convention on Environmental Impact Assessment in a Transboundary Context

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