

The background of the slide is a repeating pattern of green hands of various shades, some reaching up and some down, symbolizing cooperation and global unity.

Convention on Environmental Impact Assessment in a Transboundary Context

Transboundary water cooperation and international water law,
Athens

Nick Bonvoisin / 14-15 June 2016



UNECE

Environmental Impact Assessment

- the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made.
- Purpose: to ensure that decision-makers consider environmental impacts when deciding whether to proceed with a project



Role of EIA

- Collection of information
- Consideration of alternatives
- Integration of environmental concerns with economic, social etc. concerns
- Avoidance of irreversible effects
- Procedural tool
 - Advisory vs decisive role

Espoo Convention essentials

- Negotiated by UNECE member States
- Adopted in 1991 in **Espoo**, Finland, and entered into force in 1997



Membership

45 Parties, including the European Union



- *Parties, signatories and other UNECE member States*

Transboundary procedure in international law

- General obligation – in most treaties related to shared resources
- Details of transboundary procedure
 - Espoo Convention
 - SEA Protocol
 - Industrial Accidents Convention
 - EIA Protocol to Teheran Convention
- Role
 - harmonization of national procedures
 - transboundary procedure
- EU law
 - EIA Directive
 - SEA Directive
 - IPPC/IED Directive
 - Seveso III Directive



Rio Declaration on Environment and Development (1992)

- Principle 2: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.
- Principle 17: Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.
- Principle 19: States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

Substantive vs. procedural obligations

- Substantive obligations
 - Avoiding or minimising harm
 - Compensating damage

“The Parties shall, either individually or jointly, take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities”

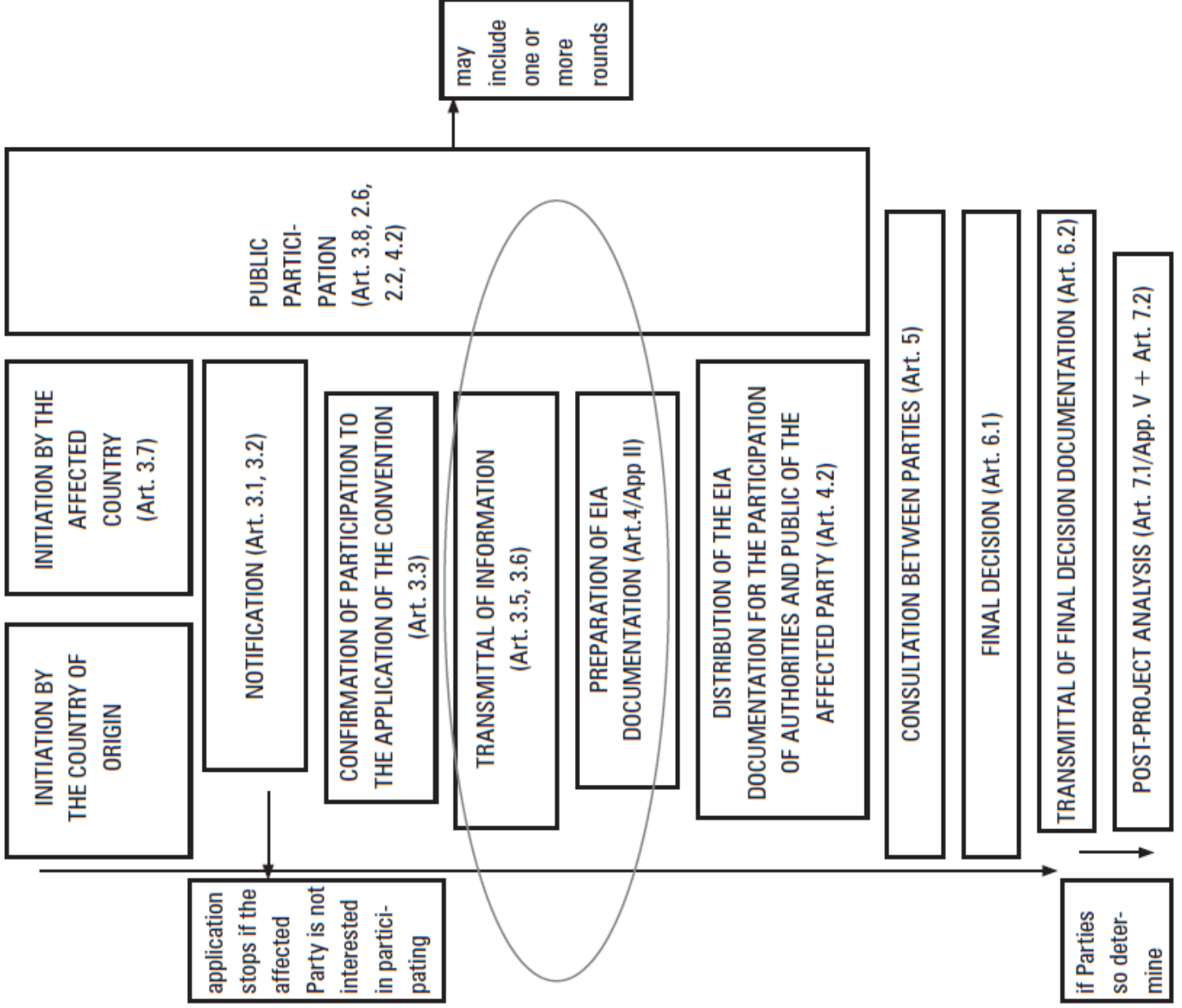
- Procedural obligations
 - Notification
 - Transboundary procedure

Scope (*indicative examples*)

- Crude oil refineries
- Thermal power stations (large) and nuclear power stations
- Integrated chemical installations
- Construction of motorways, lines for long-distance railway traffic and airports (large)
- Large-diameter pipelines for the transport of oil, gas or chemicals
- Inland waterways and ports for inland-waterway traffic (large)
- Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes
- Large dams and reservoirs
- Groundwater abstraction activities or artificial groundwater recharge schemes (large)
- Major storage facilities for petroleum, petrochemical and chemical products
- Deforestation of large areas
- Works for the transfer of water resources between river basins (large)
- Waste-water treatment plants (large)

Procedural steps *(not a straight line)*

- Notification
- Confirmation of participation
- Transmittal of information
- Public participation
- Preparation of EIA documentation
- Distribution of the EIA documentation for the purpose of participation of authorities and public of the affected country
- Consultation between Parties
- Final decision
- Transmittal of final decision documentation
- *Voluntary step*: post-project analysis



Early stages, before notification

- Screening
 - proposed activity (listed in annex)
 - which may have impact
 - significant
 - adverse
 - transboundary
- Institutional arrangements
- Financial aspects
- Time schedule



Notification

- Timing the notification
- Contents of notification
- Responding to the notification and confirmation of participation



Transmittal of information



Public participation

- Public
 - national
 - from affected Party (from areas likely to be affected)
 - equivalent opportunities
- Joint responsibility of Parties concerned!
- Cases under Espoo and Aarhus Conventions
- Possibility to submit comments
 - directly to the competent authority in the Party of origin
 - through the Party of origin (for example via Point of Contacts)
- Comments
 - concerning proposed activity
 - concerning EIA documentation
 - “any comments” according to Aarhus Convention
- Public participation at various stages
- Public to be informed about the final decision and possibilities to appeal

Later steps

- Preparation of EIA documentation
- Distribution of the EIA documentation for the purpose of participation of authorities and public of the affected country
- Consultation between Parties
- Final decision
 - comments received (authorities & public of affected Party)
 - outcome of EIA
 - outcome of bilateral consultations
- Transmittal of final decision documentation



Bilateral and multilateral agreements



For more information please visit
www.unece.org/env/eia

