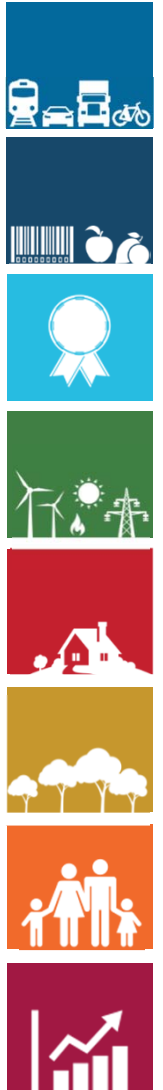




UNECE “Espoo” Convention on EIA in a Transboundary Context & Protocol on SEA

**Third Regional Conference on EIA,
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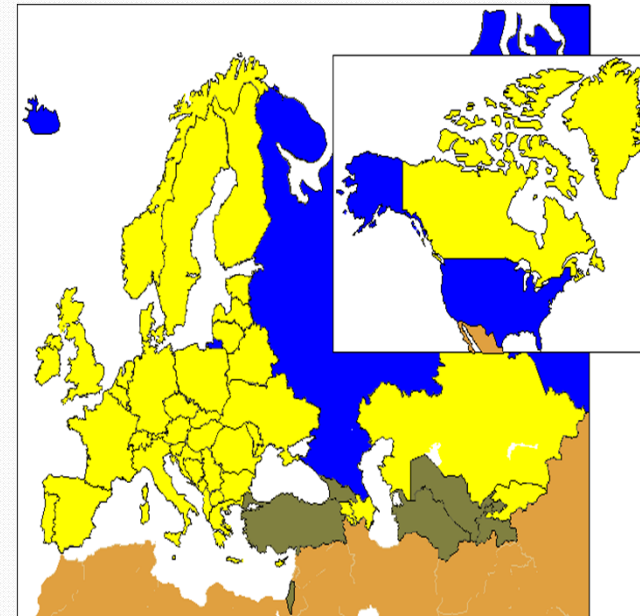


UNECE Espoo Convention: Basic facts

ENVIRONMENT



- Convention on Environmental Impact Assessment in a Transboundary Context
- 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
- Applies to planned activities with likely significant adverse environmental impacts across borders
 - Power plants&related; cross-boarder infrastructure; water related; mining, waste management; airports



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Espoo Convention objectives (implied)

ENVIRONMENT



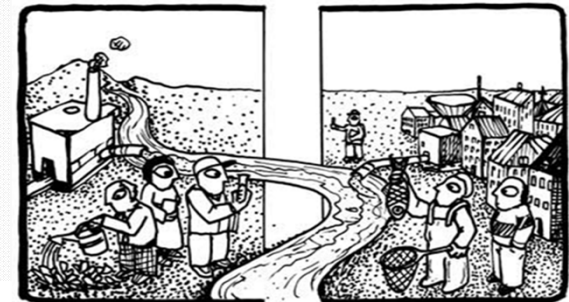
- To ensure environmentally sound and **sustainable development**
- *Rio Declaration and Agenda 21 (Principle 19): "States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith".*
 - 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**, at all administrative levels
 - To improve **quality of information** – leading to environmentally sound **decisions**

UNECE Espoo Convention: Requirements (Indicative)



ENVIRONMENT

- Requires Party to **notify & consult other Parties** on planned activity likely to have significant environmental impact across borders
- Requires **preparation and sharing of assessment** of environmental impacts
- **Allows affected Parties – authorities & public – to comment** on planned activities and on assessment of environmental impacts
- Provides for **bilateral consultations** between concerned Parties
- Party of origin makes **final decision**, taking into due account:
 - comments received (incl. authorities & public of affected Party)
 - outcome of environmental impact assessment
 - outcome of bilateral consultations
- Final decision is sent to affected Party



Espoo procedure (simplified)

ENVIRONMENT



- For a planned activity (or a major change to existing activity):
 - Party of origin (competent authority) must
 - Determine whether Convention applies (listed in appendix I; and with likely significant transboundary impact)
 - **Notify early** the affected Party/Parties (point of notification) asking for response by a certain date
 - Affected Party must
 - Inform its own authorities and public
 - Decide whether participate in procedure
 - Respond within deadline
 - (If no notification, art. 3.7 can be applied)



If “NOT”: Procedure stops here

Espoo procedures (simplified) cont'd

ENVIRONMENT



- **Party of origin**

- Receive **EIA documentation** from developer/proponent
- Send EIA documentation to affected Party

- **Affected Party**

- Distribute EIA documentation to own authorities and **public**
- Arrange for **comments** on EIA documentation, sent directly to Party of origin/ through own competent authority

*Joint
responsibility*

- **Together:** Hold bilateral consultations

- **Party of origin**

- Make **final decision**, taking into account comments received and results of EIA and bilateral consultations
- Send final decision to affected Party, along with reasons and considerations on which it was based

- **Together:** Agree on need for post-project analysis

Espoo Convention: Summary of benefits



ENVIRONMENT

- Provides legal and procedural **framework for discussing** planned activities with neighbouring States (but flexibility regarding procedures)
- **Reciprocity**: being Party also obliges other Parties to notify & consult you
- **Enhanced international cooperation**, minimize misunderstandings, help avoid tensions/conflicts
- **Sovereignty** (decision-making power) is retained
- **Confidentiality** is respected: not prejudicial to industrial & commercial secrecy or national security
- **Guidance and assistance** for improving practical application available
- Better environmental protection
- Enhanced governance – transparency, participation, ownership
- Improves project design, including with better alternatives
- Decision-making better-informed & more objective

Espoo Convention: Challenges



ENVIRONMENT

- Social, economic, cultural **differences between Parties**
- **National implementation** of the Convention varies
- **Diversity** of legal & practical approaches **and lack of understanding** about them (e.g. western concept vs. OVOS/State expertise system)
- Difficulty in identifying **whom to notify** and ensure receipt
- Uncertainty about: **time frames** for procedural steps (delays), **translation** of documentation, **cost sharing**; procedure for consultations
- Problems with **final decision**: identification, receipt
- Challenging **project types**: Joint projects; Nuclear projects
- Challenges related to **public participation**
 - Legislation and practice on public involvement vary; Frequent lack of definition of «the public»; Late public involvement; Limited access to (understandable) information; Quality of the information; Limited or “overwhelming” public interest

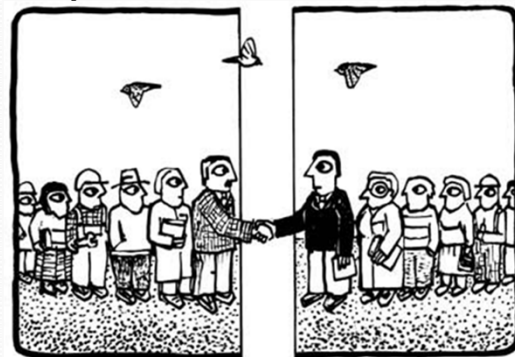
Espoo Convention: Solutions

ENVIRONMENT



Many practical difficulties can be overcome through **better awareness & cooperation between Parties** e.g. through:

- **Bilateral or multilateral agreements** or other arrangements (otherwise case-by-case agreement required)
 - **South-Eastern Europe: Bucharest Agreement** (in force since 2011)
 - Caspian Sea (not yet adopted);
 - Black Sea (recommendations)
- Joint bilateral/multilateral bodies
- Exchanges between national focal points
- Sharing of good practice (sub-regional workshops, guidance)
- Technical assistance & Capacity building (pilots etc)
- Review of compliance (work of the Implementation Committee)



As a last resort: formal legal dispute resolution process

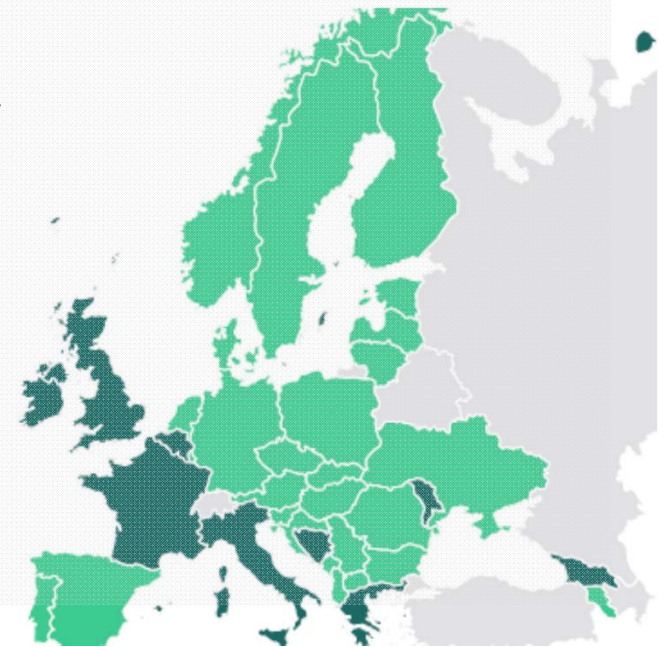
Protocol on SEA: Basic facts

ENVIRONMENT



- Protocol on SEA to the Espoo Convention
- Adopted in Kyiv, 2003, in force since 2010
- Has now 32 Parties, in UNECE region, including EU
- Open to all United Nations Member States
- Applies to public plans & programmes at national level or with likely transboundary impacts + to policies and legislation, as appropriate)
- Similar to EU SEA Directive but with stronger emphasis on health and public participation

● Parties
● Signatories



Parties in South-East Europe



ENVIRONMENT

State	UNECE Member State	Espoo Convention	SEA Protocol	Bucharest Agreement
Albania	Yes	Party (1991)	Party (2005)	Party (2015)
Bosnia & Herzegovina	Yes	Party (2009)	Party (2017)	-
Bulgaria	Yes	Party (1995)	Party (2007)	Party (2009)
Croatia	Yes	Party (1996)	Party (2009)	Signatory
Greece	Yes	Party (1998)	-	Signatory
Montenegro	Yes	Party (2009)	Party (2009)	Party (2009)
Romania	Yes	Party (2001)	Party (2016)	Party (2012)
Serbia	Yes	Party (2007)	Party (2010)	Signatory
The former Yugoslav Republic of Macedonia	Yes	Party (1999)	Party (2013)	Party (2011)

Benefits and potential of SEA



ENVIRONMENT

- Contributes to **high level of environmental and health protection** by preventing or minimizing likely adverse impacts of economic development planning (Provides 'early warning' about possible risks)
- Is a tool for **green growth**
- Can be used to **address climate change**; to identify risks and formulate necessary adaptation measures
- Contributes to achievement of global commitments on **sustainable development** by integrating them into national level action; can help **achievement of targets under almost all SDGs**
- Improves planning & decision-making; encourages innovation; saves time & money; streamlines planning across economic sectors; facilitates later project development & assessments
- Improves cross-sectoral and transboundary cooperation
- Strengthens governance

Protocol on SEA: Challenges (in many UNECE countries)



ENVIRONMENT

- 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
- From 2nd Review of Implementation: Need to ensure that SEA documentation systematically covers health, including transboundary effects; Translation issues; differences in national practice; lack of bilateral agreements to facilitate transboundary consultations

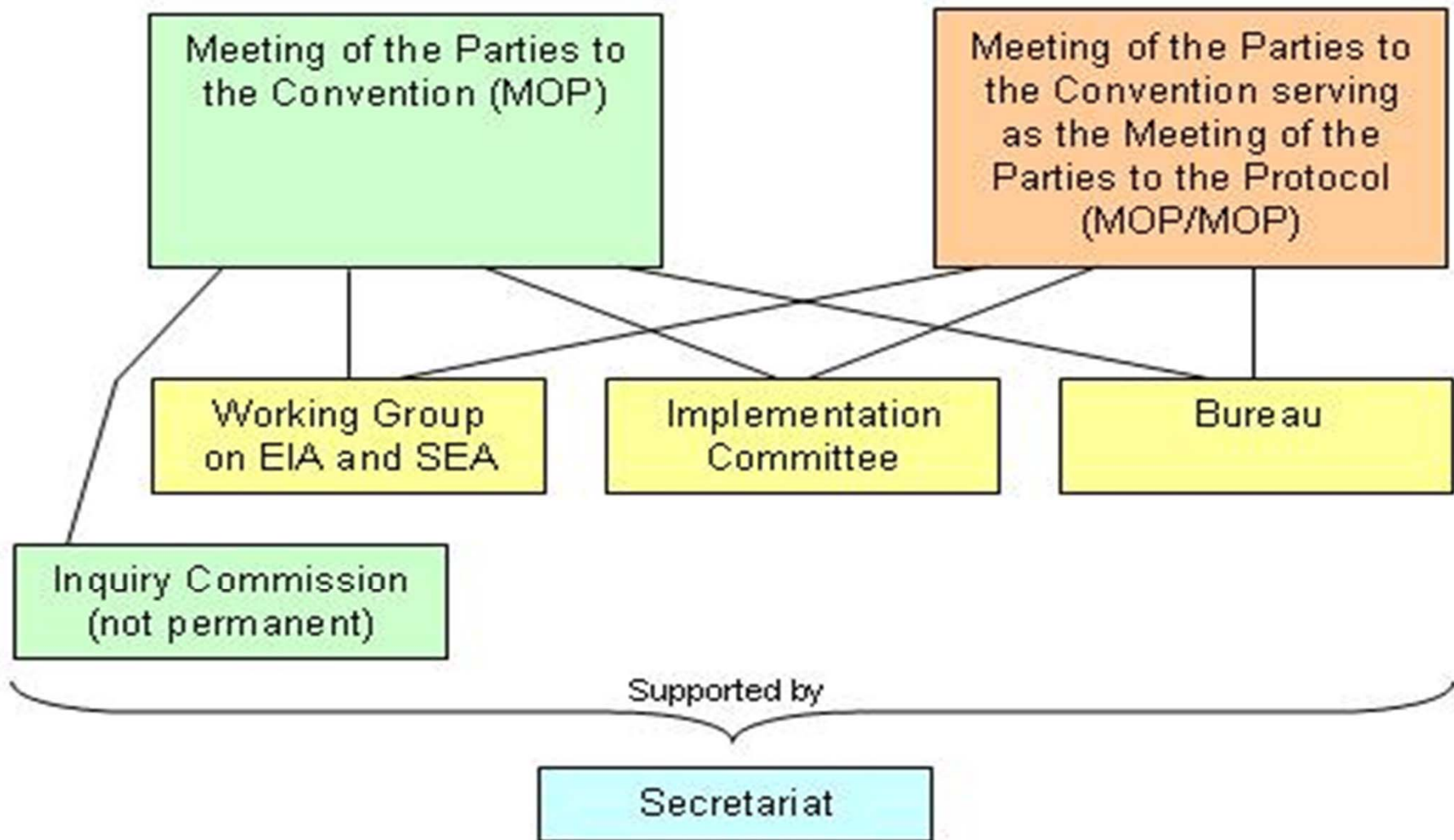
Protocol on SEA: Some solutions...



ENVIRONMENT

- Technical assistance to support legal reforms (adoption of laws; and implementing regulations)
- Awareness raising activities: addressing decision-makers/high-level government officials; sectoral ministries and parliamentarians;
- Capacity building: “training of trainers” events; pilot implementation of SEA; “study tours”
- Use of networks of focal points;
- Exchange of good practice at sub-regional+ regional levels
- Strengthening cooperation through bilateral + multilateral agreements
- Preparation of guidance documents
- Cooperation with IFIs
- Positive “repackaging” and linking with global commitments

Convention and Protocol bodies



Selected resource materials

<http://www.unece.org/env/eia/publications.html>



ENVIRONMENT

- Guidance on the Practical Application of the Espoo Convention
- Good practice recommendations on the application of the Convention to nuclear energy related activities
- Introductory video on the Protocol SEA
- Protocol on SEA: Facts and Benefits (Good Practice Recommendations on Public Participation in SEA)
- Resource Manual to Support Application of the SEA Protocol + Simplified Resource Manual
- Application of the Protocol on Strategic Environmental Assessment: Manual for Trainers (draft May 2017)
- Reviews of implementation and national reports
http://www.unece.org/env/eia/implementation/review_implementation.html
- Opinions of the Implementation Committee (2001-2017)
http://www.unece.org/env/eia/implementation/implementation_committee.html
- Decisions by the Meetings of the Parties



Thank you!

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<http://www.unece.org/env/eia/welcome.html>

