



HUSZPO

HRVATSKA UDRUGA STRUČNJAKA ZAŠTITE PRIRODE I OKOLIŠA

TREĆA REGIONALNA KONFERENCIJA O PROCJENI UTJECAJA NA OKOLIŠ

THIRD REGIONAL CONFERENCE ON ENVIRONMENTAL IMPACT ASSESSMENT

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**Multilateral Agreement among the countries
of South-East Europe for implementation of
the Convention on Environmental Impact
Assessment in a Transboundary Context
or
Bucharest Agreement**

The “Small Espoo Treaty”


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Subregional cooperation in South East Europe



Subregional workshops:

- ❖ Bulgaria (Nov 2008)
 - Subregional workshop, including the relationship between EIA and SEA, Koprivshtitsa (Bulgaria), 17-19 November 2008;
- ❖ Montenegro (Dec 2009)
 - Subregional workshop on raising awareness of application of the Espoo Convention, Podgorica, 15-16 December 2009;
- ❖ Workshop on SEA and EIA implementation in Bulgaria, Romania and Turkey, 30 November – 1 December 2010, REC, Szentendre, Hungary



Countries of South-Eastern Europe signed a Multilateral Agreement among them for the Implementation of the Convention on Environmental Impact Assessment in a Transboundary context during the Fourth meeting of the Parties to the Convention held in Bucharest, from May 19th to 21st, 2008 (so called **“BUCHAREST AGREEMENT”** or **“SMALL ESPOO”**).

The aim of the Agreement is to provide a common EIA procedure concerning major projects between SSE countries that may have an adverse trans-boundary environmental impact, as well as to provide smooth implementation of the Espoo Convention, especially by conducting joint EIA.

Seven countries are signatories: Bulgaria, Croatia, Greece, Macedonia, Montenegro, Romania and Serbia, while Albania has joined the agreement in 2015.

➡ Depository: Romania



State	Signature, Succession to signature(d)	Ratification, Acceptance (A), Approval (AA), Accession (a), unspecified but one of previous actions (u)
Albania	-	26 March 2015 / 25 April 2015
Bosnia & Herzegovina	-	-
Bulgaria	20 May 2008	23 January 2009 AA / 25 February 2011
Croatia	20 May 2008	-
Greece	20 May 2008	-
Montenegro	20 May 2008	28 December 2009 u / 25 February 2011
Romania	20 May 2008	29 December 2011 / 28 January 2012
Serbia	20 May 2008	-
The former Yugoslav Republic of Macedonia	20 May 2008	26 January 2011 u / 25 February 2011

Bucharest Agreement

Main provision



- The Bucharest Agreement has eight pages, 24 Articles and one Annex. The Parties to the Agreement committed themselves to take all the necessary legal, administrative and other measures to implement the provision of the Espoo Convention (Article 3) as well as to implement the provision of the Agreement in regard with the proposed activities listed in Appendix I of the Convention that are likely to cause significant adverse trans-boundary impact (Article 4);
 - The question on whether the activity will undergo a trans-boundary EIA procedure or not, is to be answered by the Parties themselves who are obliged to firstly develop and adopt a set of criteria for the identification of the significant adverse transboundary impact, based on the general criteria set forth in Appendix III of the Convention (Article 5).
 - When there is a special case in applying the Convention, e.g. joint cross-border projects (“joint proposed activity” under the jurisdiction of two or more states), the Agreement envisage in its Article 6 that the Parties concerned shall conduct EIA public consultation and communication according to arrangements determined by one or more Joint Working Groups.

Bucharest Agreement specifies



- If national EIA legislation of Party of origin includes a scoping stage, point of contact of Party of origin shall notify point of contact of affected Party at that stage, or earlier (Article 7.1., 7.2.);
- Point of contact of affected Party shall respond to point of contact of Party of origin within 30 days upon receipt of notification, and shall indicate whether affected Party intends to participate in EIA procedure (Article 7.3.);
- Notification shall contain information included in annex I (Article 7.4.);
- Party of origin shall make available notification in English and shall specify whether response shall be in English (Article 8.1.)



Translation of documentation

- Duty of the affected Party to translate information related to the potentially affected environment and comments received by public and authorities, if necessary (Article 8.2);
- Right of the affected Party to request subsequent communication and EIA report in English (Article 8.3);
- Determination of documentation to be translated by the project proponent into the official language of the affected Party (Article 8.4);
- ❑ E.g.: Investment project "Used oil recycling plant placed in Oltenita, Calarasi", for which the Romanian Party has translate the technical report in Bulgarian language, in order to be available for the concerned public;
- ❑ For the Rosia Montana project the proponent translated, as well, the non-technical summary in Hungarian;
- ❑ Considering the project with Hungary, Paks NPP II project, the non-technical summary of the EIA documentation was translated into Romanian language as well the chapter on the transboundary impact.
- ❑ Construction of new nuclear power of the latest generation of NPP, Kozloduy, Bulgaria- non-technical summary and the EIA report was submitted in Romanian language.

Joint Working Groups

- Possibility of establishing one or more joint working groups for subsequent communication and the exchange of information between the concerned Parties (Article 9);



THE FINAL EIA DECISION

Within the procedure, foreseen by the Agreement, the involved Parties need to specify in the final EIA decision how the public comments of the affected Party have been taken into account (Article 12), and whether there is a judicial procedure of the Party of origin to challenge the final decision (Article 13).

Post-project analysis and consultation

❖ Post-project analysis or monitoring according to national legislation also might be agreed among the competent authorities of the involved Parties (Article 14). Finally, it is on the Parties to undertake “without under delay” consultation and mutually agree on whether the proposed activity is an activity listed in the Appendix I of the Espoo Convention (e.g. whether there is likelihood of significant adverse trans-boundary impact – Article 15).

Meetings

❖ If there is a written request for a meeting of any Party supported by at least one other Party, the meeting will be arranged within 90 days (Article 16). With regard to the amendments to the Agreement, Article 18 states that proposed amendments might come from any Party in writing form. The agreement also envisages the possibility for withdrawing from it, by giving written notification to the Depositary (the Government of Romania), at any time after 2 years from the enforcement (Article 23).



Public participation Rights (1/2)

- ❖ The Bucharest Agreement is the first multilateral agreement signed under the Espoo Convention, in addition to the number of bilateral agreements signed so far. It may contribute also to the on-going EU accession process for SEE countries and to align national EIA procedure with the EU EIA Directive (which incorporates Espoo Convention's and other UNECE Convention's provisions).
- ❖ As countries on the Balkan are geographically located today in such a way that large water resources and pathways overlap borders- there are now 13 internationally shared river basins and four trans-boundary lake basins- there is rationale for the agreement that facilitates the implementation of the EIA in a trans-boundary context. In all cases, purpose of a bilateral agreement is to enable the effective application of the Convention, especially in case of joint projects, where counties involved are considered both **as the Party of origin and the affected Party**.

Public participation Rights (2/2)

For a “joint proposed activity”, the Bucharest Agreement gives the right to all concerned Parties to skip relevant procedures and practical arrangements for disclosure of information, public consultation and communication set under this Agreement and conduct EIA public consultation and communication according to special arrangements.



These arrangements are to be the product of one or more Joint Working Groups. If case by case consultation would be provided for joint project activities that will take place under the jurisdiction of more than one Party (e.g. nuclear power plants, hydropower plants, cross border pipelines etc.), this would actually reduce standards for public participation making it more difficult, inaccessible and non transparent.

Romanian-Bulgarian case on transboundary EIA Bridge over the Danube River between Vidin (Bulgaria) and Calafat (Romania)

- Between towns of Vidin (Bulgaria) and Calafat (Romania);
- Agreement between Governments for bridge construction, **with joint EIA**;
- Joint Working Group on environmental issues;
- Project Implementation & Management Units in competent authorities;
- Proponent: Bulgarian Ministry of Transport & Communications;
- Public participation in each country;
- A joint EIA documentation was elaborated in English, Romanian and Bulgarian;
- Costs covered by competent authorities;
- 17 comments received during 2 public hearings





EIA PROCEDURE

- No notification
- Both Parties = Parties of Origin and Affected Parties
- Coordination of Consent Procedures – by the JWG
- Common EIA documentation – elaborated by an international consulting company together with certified local consultants from Bulgaria and Romania
- Consultation of others authorities- within JWG

Two stages:

- a preliminary EIA according to Bulgarian legislation,
- a final EIA according to Romanian legislation.
- the Bulgarian Ministry of Environment and Water issued its EIA. The information on the EIA decision was published in a Bulgarian national newspaper, and copies were given to the project proponent, to the local municipality and to the concerned authorities. The decision was translated into English and sent to the Romania competent authority.

Opinions on transboundary EIA procedure and public debates – Romania

A. Positive:

- Public debates on the both sides;
- Public debates were attended by a large number of people, including the neighboring villages;
- The authorities of both Parties attended each public debate;
- EIA team attended the public debate;
- Availability of EIA documentation by means on Internet;
- Transboundary EIA procedure was observed (no notification);
- Presentation of the EIA report by the experts who elaborated it;
- An appropriate presentation during the public debates (maps, photographs, schemes, drawings);
- Favorable opinions from the public – decreasing unemployment in the region & better links with South Europe connection Berlin – Salonic (4th Transport Corridor);

B. Negative:

- Participants to the public debate: 95% men;
- Too many information presented in a short time;
- A small number of public comments;
- An emphasis on the economic and mobility aspects;
- The average age of the participants to the public debate: retired people, lack of young people.



Improvement of Navigation Conditions on the Romanian-Bulgarian Common Sector of the Danube

- ❖ In July 2017, the EIA experts from Romania has contacted the EIA experts from Bulgaria in order to carry out the approval of the Environmental Impact Assessment (EIA) Study before starting construction. A draft of the feasibility study has been already issued and the study enters now to the EIA procedure.
- ❖ The Romanian's Ministry of Transport is the proponent of the proposed activity. It will be a joint EIA Study; the environmental impact assessment documentation will be elaborated for the both Parties, respectively for the both banks of the Danube River. The documentation will be made available in English and Bulgarian languages;
- ❖ The authorities will be in contact and will make available all the documentation to the concern public, for the both banks/territory of the Danube;
- ❖ It will be assessed the impact of the works on the Romanian side as well as on the Bulgarian side and vice-versa, including the Appropriate Assessment for the Natura 2000 sites, on both banks of the Danube.
- ❖ Will be a single EIA Decision which will be issued by Romanian Party, where Each Party shall, with respect to its territory, assess environmental impacts on its territory to the border. The final decision specifies how the comments by the public and authorities have been taken into account.

SEA PROTOCOL

SEA procedures for joint cross-border plans and programmes- cases studies (1/2)

Although, the Bucharest Agreement does not cover the provision of the Protocol on SEA, we have been carrying out : Co-ordinated or joint procedures under the SEA Protocol **with joint SEA report**

➤ INTERREG V-A Romania-Bulgaria Programme

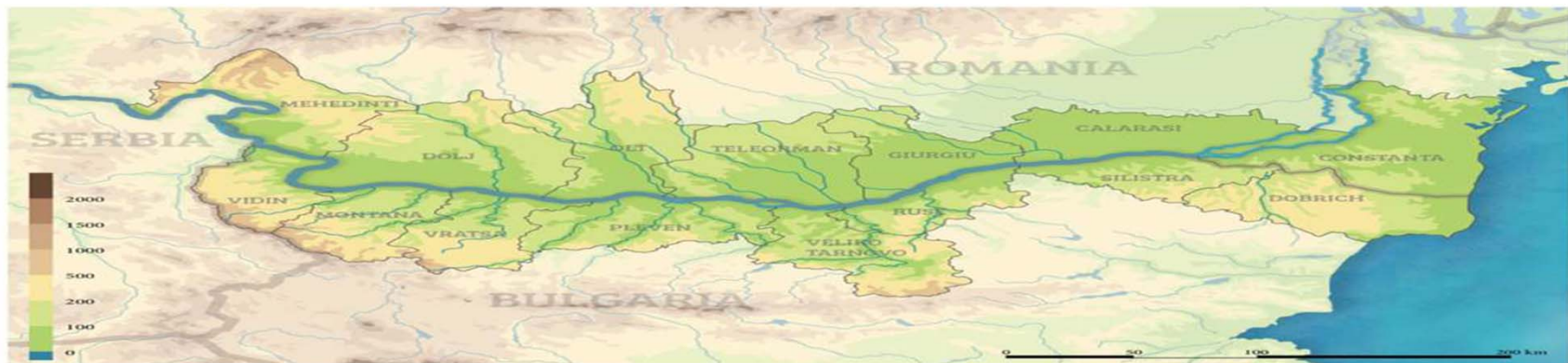
Eligible area: 7 counties in Romania (Constanța, Mehedinți, Dolj, Olt, Teleorman, Giurgiu, Călărași)

8 districts in Bulgaria (Vidin, Vratsa, Montana, Pleven, Veliko Tarnovo, Ruse, Silistra, Dobrich);

Managing Authority – Romanian Ministry of Regional Development and Public Administration;

National Authority – Bulgarian Ministry of Regional Development and Public Works;

Separate consultation debates- in each country - with authorities with environmental and health responsibilities as well as with the concerned public.





SEA PROTOCOL

SEA procedures for joint cross-border plans and programmes- cases studies (2/2)

- Other similar programs for which the common cross-border procedure has been carried –out:
 - ❖ Ex –ante evaluation and strategic environmental assessment for the Joint Operational Programme for the Husrkroua ENI CBC Programme 2014-2020; (Hungary was the managing authority, and the Ministry of Regional Development and Public Administration was the National Authority. The EIA report elaborated by Hungary was made available to the public);
 - ❖ Romania-Ukraine Joint Operational Programme 2014-2020;
 - ❖ Joint Operational Programme Romania – Republic of Moldova 2014-2020;
 - ❖ Black Sea Basin ENI CBC 2014-2020;
 - ❖ Romania-Serbia IPA CBC Programme 2014-2020;
 - ❖ Operational Programme of the Danube Transnational Co-operation Programme 2014-2020.



Conclusion and recommendation from the case studies (1/2)

- Possibilities for establishment of Joint Working groups between all involved Parties;
 - Cutting the cost for translation of documents for the environmental authorities;
 - Possibilities for agreeing the timetable for all steps of the EIA Transboundary Procedure among the all involved Parties.
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- Established bilateral agreements speed up the transboundary EIA process; such agreements are especially required if the administrative systems and procedures differ in the countries involved.
 - The possibility of using a common language is a considerable advantage when sharing experience and information- both written and spoken.



Main Conclusion (2/2)

Sub regional cooperation is a vital element of the implementation of the Espoo Convention. Moreover, the sharing of views, practical experience and information about procedures play an important role in improving national EIA practice.

Sub regional cooperation should remain a flexible tool, following the needs identified. The purpose of this agreement is to facilitate future choices of topics, avoid overlapping with work already done and suggest topics that may be investigated to help improve the implementation of the Convention.



Thank You!

Contacts:

For more about the Bucharest Agreement, visit website of Romanian's Ministry and Environment:

www.mmediu.ro,

Or UNECE web page:

http://www.unece.org/env/eia/bucharest_agreement.html

Or email:

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General Conclusion

- avoids the application of particular aspects to each of the national laws of the states concerned, and, consequently, of the delays in the decision-making process;
- puts a strong emphasis on improving and developing the implementation of the Espoo Convention in the countries of South-Eastern Europe;
- strengthen the systematic analysis of the significant environmental effects of projects in the region;
- ensures a concrete and clear approach of each project with a potential significant effect on the environment, aiming at better cooperation and collaboration between the Sub-Region Parties. The agreement includes, besides the obligation to assess the environmental impact, and the **monitoring of the effects of the projects' implementation on the environment;**
- contribute to the personalization of the provisions of the Espoo Convention for each signatory State of the Agreement and take into account the deadline for responding to the Party's notification, the written language of each State, public involvement, and other necessary aspects throughout the environmental impact assessment.