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**Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context**

**Working Group on Environmental Impact Assessment
(Fifth meeting, Geneva, 27-29 January 2003)
(Item 4(f) of the provisional agenda)**

**REPORT OF THE WORKSHOP ON THE IMPLEMENTATION OF
TRANSBOUNDARY EIA IN THE BALKAN AND BLACK SEA REGIONS
Submitted by the Government of Bulgaria**

1. The Workshop on the implementation of transboundary environmental impact assessment in the Balkan and Black Sea region was held on 11 April 2002 in Sandanski, Bulgaria, as a follow-up to the subregional workshop which was organized in Bulgaria, in Varna, 26-27 April 1999. This time the workshop aimed at discussing practical cases of transboundary EIA in the region, of bilateral or multilateral environmental impact assessment agreements as a good practice among the neighbouring countries in the Balkan and Black Sea region and analysing the needs and the practical information presented by the countries through a questionnaire.
2. The Workshop on the implementation of transboundary environmental impact assessment in the Balkan and Black Sea region was held back to back with a Workshop, which will elaborate guidance on the practical implementation of the Convention (Item 4(d) of the provisional agenda – MP.EIA/WG.1/2003/1). This was done by using the conclusions and recommendations immediately in the following Workshop on the guidance for good practice.
3. This second subregional Workshop considered ways and means to strengthen the cooperation between the countries in the region in implementing the Convention. Representatives from the following countries of the Balkan and Black Sea Regions: Armenia, Bulgaria, Republic of Moldova, The Former Yugoslav Republic of Macedonia and Yugoslavia participated as well as representatives from the Czech Republic, Finland, Germany, Kazakhstan, Latvia, Lithuania, Netherlands, Poland, Sweden and the secretariat. The workshop was opened by the Chairperson, Ms. V. Grigorova, from the Ministry of Environment and Water of Bulgaria.

4. The workshop started with a short introduction of the results of the first workshop on subregional cooperation as included in Decision II/8 on strengthening of subregional cooperation as adopted by the Second Meeting of the Parties (ECE/MP.EIA/4). At that time, the recommendations on the following issues were elaborated :

- a) Strengthening of the ratification process;
- b) Organization of periodical meetings of the designated points of contacts (they should be an institution with responsibilities related to environmental impact assessment) to investigate how the responsibilities could be met;
- c) Analysis of the practical experience of the countries with the implementation of the Convention in workshops;
- d) Strengthening of the bilateral and multilateral cooperation;
- e) Further elaboration of guidance for the “screening” of projects in Appendix I of the Convention both at the national and international level.
- f) Organization of meetings of the NGO’s from the different subregions for discussion the strengthening of the role of the NGO’s in the procedures of the EIA Convention.
- g) Using the format of notification as it is included in the decision I/4 of the First Meeting of the Parties (ECE/MP.EIA/2, annex IV).
- h) Identification of the need of EIA methodological guidance on prediction methods and methodological approaches in particular to the countries in transition.
- i) Better use of the ENIMPAS Database and to ensure that the information in the Database is regularly updated by the data managers.

5. An example of a practical case of EIA in a transboundary context was presented by a representative of the Bulgarian Ministry of Environment and Water: the EIA for the project “Second Bridge on the Danube between Vidin (Bulgaria) and Calafat (Romania)”. The most important aspects concerning the practical steps raised in the presentation were: the “screening” of the project as a subject of EIA in a transboundary context under the Convention, the preparation and signing of a bilateral agreement, including the decision to undertake EIA at an early stage of design, the establishment of a joint working group on environmental issues; the preparation of the EIA documentation by a joint team of experts; the consultations, the public access to information and the public hearings in both countries, the decision made on the project by the Bulgarian Ministry of Environment and Water, the final EIA and the procedure to be followed after the final decision.

6. Representatives from the other countries presented their experience in the implementation of the EIA in a transboundary context:

- a) The representative of Armenia stressed that there is no practical experience with cases of transboundary EIA but there are provisions in bilateral agreements with neighbouring countries which allow the implementation of the provisions of the Convention. The national EIA system also includes provisions to implement the EIA procedure in a transboundary context. Some projects, initiated and supported through international financing institutions, are implementing provisions of the Espoo Convention.
- b) The representative from Bulgaria reported on the replies to a questionnaire on transboundary EIA in the Balkan and Black Sea Region which was sent to 14 countries. The responses and comments given in the questionnaire were considered as valuable and they will be submitted to the work on guidance on implementation of the Espoo Convention.
- c) The representative from Republic of Moldova informed the meeting about the national EIA system and the possible ways to implement the Convention. Some practical details were provided such as the shared knowledge of the Russian language with certain neighbouring countries which facilitates the issue of translation.
- d) The representative from The Former Yugoslav Republic of Macedonia reported on the situation in this country to implement EIA: at the moment there is no existing legislation but a draft EIA law has been prepared. However, the country has ratified the Convention and thus the provisions of the Convention became directly part of the national legislation, which will facilitate the gaining of practical experience with projects having potential transboundary environmental impacts.
- e) The representative of Yugoslavia informed the meeting of the institutional framework within the country and consequences for the implementation of the Convention. Some questions raised in the presentation were later discussed such as the different competent authorities at the federal level and at the republican level, lack of regulation concerning the responsibilities regarding EIA in a transboundary context and the consequences of this in the practical application. Detailed information about the existing national legislation on EIA and the EIA procedures on republican level was provided to bring more light to the questions raised.
- f) The results of a project developed under the Greek-Bulgarian environmental cooperation was considered to be an interesting example of cooperation between the countries to strengthen the implementation of the Convention. The project has been coordinated by the Centre for European Constitutional Law (Greece) and the NGO "Wilderness Fund" (Bulgaria). As a result of the research on the transboundary EIA and its implementation in both countries some conclusions and proposals for concluding bilateral EIA agreement and establishing a joint EIA committee have been elaborated.

7. The participants discussed and concluded with the following items as outcomes of the workshop:

- a) The recommendations from the first subregional workshop (ECE/MP.EIA/4, Annex VIII) were reviewed, it was considered that some of them were ambitious and this might be the reason for the slow progress in implementing them;
- b) The programme and the character of the discussions during the present workshop have shown a step forward in the development of experience with the implementation of the Convention in the Balkan and Black Sea region;
- c) Most of the countries in the region do not have practical experience with the implementation of EIA in a transboundary context but they continue to strengthen their knowledge on how to implement the Convention;
- d) There are countries in the region without a national EIA system but some of them have ratified the Convention and as a Party they could implement its requirements directly;
- e) Countries with a federal structure may have difficulties with the application of the Espoo Convention because of lack of a clear indication of responsibilities at the federal and republican level;
- f) Infrastructure projects of a transboundary nature are common projects in the countries in transition in the Balkan and Black Sea region and thus require a joint EIA to be carried out, joint working groups for the preparation of the EIS and a joint working group for the procedural aspects;
- g) Transboundary activities (such as a bridge or a road) are not explicitly covered by Annex I of the Convention but it is understood that they should be dealt with as infrastructure projects with transboundary impacts;
- h) Unclear definitions of some of activities in Appendix I of the Convention could be solved by further work on amendments of the Convention or by more practical experience through bilateral or multilateral agreements;
- i) The financing, with the support of international financial institutions, of large scale projects in the countries in transition leads to the question of who is "the proponent" and who has to start the EIA procedure;
- j) Translation problems have to be solved on a case by case basis taking into account the specific language possibilities among the countries in the region;
- k) Non-governmental organisations and academic and research institutions could further support the implementation of the Convention by holding common meetings with the concerned authorities and stimulate them to take the adequate action considering their scientific work and experience;
- l) The knowledge and the environmental awareness of judicial courts should be improved to avoid any delays or to stop the investment process in case of an appeal in a transboundary context;

- m) The transposition and harmonisation of EU environmental legislation was considered to be helpful in the implementation of environmental impact assessment in a transboundary context; and
- n) The participants stressed the importance of convening further workshops at the subregional level under the work plan of the Convention.