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Eight meeting of Working Group on EIA-Geneva 27-29 April 2005

## **Activities supporting the Espoo Convention**

The first meeting strengthening sub-regional cooperation among the countries of South-East Europe, was held on 16-17 December 2004 in Belgrade and the outcome of Workshop is the draft version of

## **Multilateral agreement under the Convention**

Mrs. Djurdja Djordjevic, representative of Serbia & Montenegro

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**First Version**

***Multilateral Agreement  
among the countries of South-East Europe***

Belgrade, December 2004

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The Parties to this Agreement,

Recognising that not all Governments in the South-East European region have become a Party to the Convention on Environmental Impact Assessment in a Transboundary Context,

Wishing to implement the provisions of this Convention in detail,

Have agreed as follows:

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## Article 1

For the purposes of this Agreement,

- i. “Parties” means, unless the text otherwise indicates, the Contracting Parties to this Agreement;
- ii. “Party of origin” means the Contracting Party or Parties to this Agreement under whose jurisdiction a proposed activity is envisaged to take place;
- iii. “Affected Party” means the Contracting Party or Parties to this Agreement likely to be affected by the transboundary impact of a proposed activity;

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- iv. “Concerned Parties” means the Party of origin and the affected Party of an environmental impact assessment pursuant to this Agreement;
- v. “Proposed activity” means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure;
- vi. “Environmental impact assessment” means a national procedure for evaluating the likely impact of a proposed activity on the environment;

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vii. “Impact” means any effect caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors;

viii. Significant impact.

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- ix. “Transboundary impact” means any impact, not exclusively of a global nature, within an area under the jurisdiction of a Party caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of another Party;
- x. “Competent authority” means the national authority or authorities designated by a Party as responsible for performing the tasks covered by this Agreement and/or the authority or authorities entrusted by a Party with decision-making powers regarding a proposed activity; Focal point, point of contact for notification.

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- xi. “The Public” means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups;
- xii. “The Convention” means the Convention on Environmental Impact Assessment in a Transboundary Context.



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## Article 2

Each Party has designated the following competent this authority responsible for performing tasks covered by this Agreement:

- For Albania,
- For Bosnia and Herzegovina,
- For Bulgaria,
- For Croatia,
- For Romania,
- For Serbia and Montenegro,
- For Slovenia,
- For The Former Yugoslav Republic of Madedonia,

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### Article 2

Each Party has designated the following competent authority responsible for performing tasks covered by this Agreement:

Name of the country :  
focal point for administrative matters:  
point of contact for notification:

### Article 3

The Parties to this Agreement shall take all the necessary legal administrative or other measures to implement the provisions of the, Convention by establishing bilateral or multilateral joint working expert groups case by case.

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**Article 4**

Each Party to this Agreement shall take the necessary legal, administrative or other measures to implement the provisions of this agreement *to proposed activities listed in Annex I to this Agreement (that are likely to cause significant adverse transboundary impact)*(Amended Appendix 1 of the Convention plus additional activities)

**Article 4**

Each Party to this Agreement shall take the necessary legal, administrative or other measures to implement the provisions of the Convention to proposed activities subject to EIA in accordance to National legislation, which is likely to cause significant adverse transboundary impact.

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**Article 5**

The Parties to this Agreement shall adopt (within one year of entry into force of this Agreement?) detailed guiding principles for the identification of significant adverse transboundary impact, based on the criteria set forth in Appendix III of the Convention.

**Article 5**

The Parties to this Agreement shall use the detailed guiding principles as included in Annex..... for the identification of significant adverse transboundary impact

**Article 5a**

Joint EIA?

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## Article 6

The Parties to this Agreement shall make available all communications, including notifications and EIA documentation, (in the following language(s)) in the English language and the language of the country of origin/ affected countries?

Costs of translation are borne according to arrangements within the country of origin or by the proponent.

Quality of translation?

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### Article 6a

If the public/ authorities in the affected country cannot be expected to understand the documentation in the language of the country of origin, then the following parts of the EIA-documentation should be translated:

Notification

- Response to notification
- Information relating to the potentially affected environment
- Comments by the public of the affected country?
- Project description
- Non-technical summary
- Chapter on transboundary impacts
- Chapter on environmental measures to be taken to offset the transboundary impact of the project
- The final decision (everything?)

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### Article 7

The authority of the Party of origin (point of contact) identified in Article 2 of this Agreement shall, when becoming aware of a proposed activity within the scope of this Agreement, without undue delay inform the authority of the Affected Party (point of contact) identified in Article 2 of this Agreement.

If the national EIA-legislation includes a scoping stage, it is advisable to notify the point of contact for notification in the affected country already at that stage. In such a case, the time period within which the affected country is expected to reply to the letter of notification shall be identical to the time national bodies within the country of origin are expected to review the scoping documentation?

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If the national EIA-legislation includes a scoping stage, the party of origin shall notify the point of contact for notification in the affected country already at that stage. In such a case, the time period within which the affected country is expected to reply to the letter of notification shall be identical to the time national bodies within the country of origin are expected to review the scoping documentation.

### **Article 8**

The notification shall contain the information included in Annex II to the present Agreement.



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### Article 9

The authority of the Affected Party identified in Article 2 shall respond to the authority of the Party of origin within 30? (Macedonia) days upon receipt of the notification whether it intends to participate or not in the environmental impact assessment procedure.

Joint working expert groups- “case by case” (Bulgaria)

### Article 10

he authority of the Affected Party identified in Article 2 shall provide the authority of the Party of origin with reasonable obtainable information relating to the potentially affected environment under the jurisdiction of the Affected Party together with the submission of the communication with the intention to participate in the environmental impact assessment procedure.

Joint working expert groups- “case by case” (Bulgaria)

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### **Article 11**

The authorities of the Party of origin and the affected Party identified in Article 2 shall, within ... days of the submission of the communication with the intention to participate in the environmental impact assessment procedure by the affected Party in accordance with Article 9, agree on the detailed arrangements for public participation in a transboundary context.

The competent decision-making authority of the country of origin consults with the focal point for notification of the affected country, and possibly further regional (cantonal, provincial) focal points for notification, on the arrangement for the distribution of the EIA-documentation to the authorities and the public of the affected country:

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- They consult on the number of EIA-documentation necessary for the affected country as well as on the particular arrangements (location, timing) for making the EIA-documentation available to the public of the affected country.
- They also consult if the comments submitted by the public shall be sent directly to the competent decision-making authority of the country of origin, or if they shall be received by the focal point for notification of the affected country and then passed on in their entirety to the competent decision-making authority of the country of origin.

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- They consult on the costs of making the EIA-documentation available to the public and to the authorities of the affected country. Costs will be borne according to the arrangements in place within the country of origin.
- In addition, they consult on the necessity of translation of the EIA-documentation, or parts thereof, as well as on the translation of the comments by the public and by the authorities of the affected country.

To guarantee a timely process in line with the timing of the national EIA-procedure, they seek to submit the EIA- country documentation to the authorities and the public of the affected parallel to its submission to the authorities and to the public in the country of origin.

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### Article 11 bis

An Article on the timeframe for the preparation of the EIA documentation ?

### Article 12

The environmental impact assessment documentation shall contain the information described in Annex III of this agreement (Appendix II of the Convention).

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### **Article 13**

The authorities of the Party of origin and the affected Party identified in Article 2 shall, within **30?/ without undue delay** days of the submission of the environmental impact assessment documentation, agree on the detailed arrangements for holding consultations.

**Joint working expert groups- “case by case” (Bulgaria)**

### **Article 13a**

**The parties to this agreement shall agree on guidelines on the implementation of this agreement, based on the elements included in Annex 4 of this agreement.**

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### Article 14

The Parties to this Agreement shall ensure that the final decision on the proposed activity clearly specifies how the comments by the public and the authorities of the affected Party have been dealt with. The comments shall be treated equally and irrespective of national boundaries.

The decision on the activity shall be made available for comments to the public and the authorities of the affected country for the same amount of time as it is made available to the public and the authorities of the country of origin.

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### **Article 15**

In case the legislation of the Party of origin includes possibilities for the public and authorities of the affected Party to have access to administrative or judicial procedures to challenge final decisions on proposed activities, the final decision shall include information about these possibilities.



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### **Article 16**

The expenses of the environmental impact assessment procedure shall be borne by the proponent of the proposed activity, unless the authorities of the Party of origin and the affected Party identified in Article 2 determine otherwise because of the particular circumstances of the matter

### **Article 16 bis**

The competent decision-making authority of the country of origin and the authorities of the affected country (focal point for notification) may agree to carry out a post-project analysis or monitoring. The specific content of the post-project analysis shall be agreed among them.

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## Article 17

If a potentially affected country wishes to be notified about the proposed activity, the contact points of the affected party and the party of origin shall without undue delay enter into consultations in order to find a common agreement.

Articles on the final provisions (meeting of the Parties to the Agreement? Secretariat to the Agreement? Amendments to the Agreement? Dispute procedure? Signature and entry into force ? Withdrawal ?) may be prepared at a later stage. **Should we add guidelines?**  
(Stefan's proposal)

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Annex I

**Amended Appendix 1 of the Convention plus additional activities**

List of activities

Annex II

Further details on the content of the notification

**Caspian sea example Annex 2**

Annex III

The content of the EIA documentation

Appendix 2 of the Convention

Annex IV

**Add guidelines (Stefan's proposal)**