

## ENVIRONMENTAL IMPACT ASSESSMENT

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## RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

### 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.

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## RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

### 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.

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## ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

**EIA** - procedure enabling the assessment of all the impacts the proposed activity might have on the environment

**Goal** - to embody the environmental protection to development programs and projects and to incorporate the environmental aspects to decision-making processes

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## ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 1969** National Environmental Policy Act (USA)
- 1991** **Convention on environmental impact assessment in a transboundary context** (Espoo)
- 1998** Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)
- 2003** Protocol to Espoo convention on the strategic environmental impact assessment (SEA) (Kiev)

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## ESPOO CONVENTION

**Aim:**

- to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities.

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## CZECH NATIONAL LAW

- Act No. 100/2001 Coll., on environmental impact assessment
- Act No. 183/2006 Coll., Building Code
- Act No. 114/1992 Sb. on nature protection

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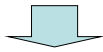
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## Aspects of the EIA procedure



### 1) Delimitation of activities:

- projects
  - plans, programmes and policies
  - changes of projects and plans

### Appendix I – activities that are likely to cause a significant adverse transboundary impact

- ➡ - first category activities
- second category activities (screening procedure)

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## Aspects of the EIA procedure



### 2) Timeliness:

- Land-use planning
- EIA procedure
- Development consent
- Construction permit
- Permit to use

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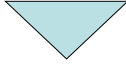
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## Aspects of the EIA procedure



### 3) Complexity

- any direct and indirect effect caused by the proposed activity on flora, fauna, soil, water, air, climate, landscape and historical monuments must be explored including interactions among these factors
- „cradle to grave“ assessment

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## Aspects of the EIA procedure

### 4) Two-steps procedure to ensure the quality of the outcome:

- notification
- screening and scoping procedure
- documentation
- review of the documentation
- environmental impact statement

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## Aspects of the EIA procedure

### 5) Participation of experts

- authorized persons



- ad hoc commission

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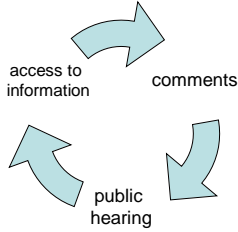
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## Aspects of the EIA procedure

### 6/ Participation of the public



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## CEL - EIA STEPS

- Announcement of the projected activity
- Screening and scoping procedure
- Documentation
- Review of the documentation
- Public discussion
- Environmental impact statement

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## CEL - REALIZATION OF THE PROJECT – PHASES (simplification)

- Compliance with the land-use planning documentation
- Environmental impact statement
- Development consent based on binding opinions issued by environmental authorities (nature protection authority, air and water protection authorities etc.)
- Building/construction permit including IPPC/approvals of individual envi authorities
- Permit to operate

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## TRANSBOUNDARY EIA

- Convention on Environmental Impact Assessment in a Transboundary Context (**Espoo Convention**)
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (**Aarhus Convention**)

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## TRANSBOUNDARY EIA IN PRACTICE

- The Chernobyl Nuclear Power Plant was situated around 15 kilometres away from the Belarusian border and Belarus was the country affected the most by the disaster in 1986.
- Yet in 2013 Belarus started construction of a new atomic power plant in Astravyets in close vicinity to its border with the Republic of Lithuania and around 50 kilometres away from its capital city, Vilnius.
- Both states in question became a party to the Espoo Convention.

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## TRANSBOUNDARY EIA IN PRACTICE

Nuclear Power Plant Under Construction in Belarus



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## DEFINITIONS

- "**Parties**" means, unless the text otherwise indicates, the Contracting Parties to this Convention;
- "**Party of origin**" means the Contracting Party or Parties to this Convention under whose jurisdiction a proposed activity is envisaged to take place;
- "**Affected Party**" means the Contracting Party or Parties to this Convention likely to be affected by the transboundary impact of a proposed activity;

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## DEFINITIONS

- "**The Public**" means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups.
- "**Competent authority**" means the national authority or authorities designated by a Party as responsible for performing the tasks covered by this Convention and/or the authority or authorities entrusted by a Party with decision-making powers regarding a proposed activity;

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## GENERAL OBLIGATIONS

- To take all appropriate and effective measures to **prevent, reduce and control significant adverse transboundary environmental impact** from proposed activities.
- To establish the EIA procedure, with respect to proposed activities listed in Appendix I.
- To ensure that in accordance with the provisions of this Convention an EIA is undertaken **prior to a decision to authorize or undertake a proposed activity listed in Appendix I.**

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## Lithuania's Allegations

- A document submitted by Belarussian side to Lithuania in June 2013 was designated as the final EIA report → the opportunity provided to the public of the affected Party was not equivalent to that provided to the public of the Party of origin.

Art. 2(3): The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in [Appendix I](#) that is likely to cause a significant adverse transboundary impact.

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## Lithuania's Allegations

- The time frame given to authorities and to the public of the affected party to comment upon the EIA report was not reasonable – 1000 ps. document

Art. 4(2). The Party of origin shall furnish the affected Party, as appropriate through a joint body where one exists, with the environmental impact assessment documentation. The concerned Parties shall arrange for distribution of the documentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity.

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## Lithuania's Allegations

- The translation of the document submitted to comments by Lithuanian side was of a poor quality,
- Participation of the foreign public was obstructed by organizing the public hearings in the territory of Belarussia,



- The opportunity provided to the public of the affected Party was not equivalent to that provided to the public of the Party of origin.

Art. 3(8). The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.

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## GENERAL OBLIGATIONS: Notification

- **Notification** by the Party of origin (Art. 3)
- The Party of origin shall provide an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the **opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.**

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## GENERAL OBLIGATIONS: EIA documentatiton

- The Party of origin shall furnish the affected Party, as appropriate through a joint body where one exists, with the **EIA documentation.**
- The concerned Parties shall arrange for distribution of the documentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity.

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## GENERAL OBLIGATIONS: Consultations

- After completion of the environmental impact assessment documentation, the Party of origin shall, without undue delay enter into **consultations** with the affected Party concerning, inter alia, the potential transboundary impact of the proposed activity and measures to reduce or eliminate its impact.
- The Parties shall agree, at the commencement of such consultations, on a reasonable time-frame for the duration of the consultation period.

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## GENERAL OBLIGATIONS: Consultations

- The Parties shall ensure that, in the final decision on the proposed activity, due account is taken of the outcome of the environmental impact assessment, including the environmental impact assessment documentation, as well as the comments and the outcome of the consultations (Article 5).
- The Party of origin shall provide to the affected Party the final decision on the proposed activity along with the reasons and considerations on which it was based.

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## THE PROCEDURE OF TRANSBOUNDARY EIA

1. Notification of the affected state (Art. 3(8)).
2. Preparation of EIA documentation (Art. 4(2)).
3. Consultation between party of origin and the affected state on the basis of information supplied by the state of origin (Art. 5).
4. Final decision (Art. 6)
5. Post-project analysis (Art. 7).

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## REVIEW OF COMPLIANCE

- The Parties shall review compliance with the provisions of this Convention on the basis of the compliance procedure, as a non-adversarial and assistance-oriented procedure adopted by the Meeting of the Parties. The review shall be based on, but not limited to, regular reporting by the Parties. The Meeting of Parties shall decide on the frequency of regular reporting required by the Parties and the information to be included in those regular reports.

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## DISPUTE SETTLEMENT

- If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

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### A small pacific island state's challenge to a Czech coal-fired power plant extension

- Coal-fired plant at Prunerov is the 18th biggest source of greenhouse gases in the European Union, emitting about 40 times more carbon dioxide than the entire Pacific island federation.
- Micronesia (a small island some 6,000 km away) has filed a plea with the Czech Ministry of Environment; it claimed that:
- Prague has failed to provide and asses all potential impacts and possible alternatives to minimize adverse affects of power plants - something Micronesia said was required under Czech law.

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