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European Investment Bank's experience with Transboundary projects

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Background

- EIA of transboundary projects carried for many years
- Most common situation - two countries - one where the project is located and another on whose territory it may cause significant environmental effects
- The countries responsible for authorising such projects often have different legal systems and EIA procedures and some are not parties to the Espoo Convention
- The environmental and socio-economic impacts of transboundary projects go beyond local, regional and national borders; multilateral cooperation is therefore usually required



Typology of the projects

- Joint cross-border or joint international projects, based on prior agreements between States;
- Projects initiated by one State that will occupy the territory or the maritime space under the jurisdiction of other States, based on prior agreements between States;
- Projects with likely impacts on shared resources with other State’;
- Other projects with likely environmental and social impacts on other States



Type of projects/activities

Espoo Convention applies to:

- ✓ activities included in Appendix I — (harmonised with projects listed in Annex I and II of the EIA Directive) that automatically require an application of the Convention if significant impacts may extend across the border;
- ✓ activities not included in the Appendix I but for which it was determined, based on the criteria listed in Annex III of the Convention, that are likely to have significant adverse transboundary effect



Content of the EIA Report – key elements

- ✓ determination of the likely area of impact in the affected country and the criteria by which it is delimited;
- ✓ baseline conditions – to be defined , especially for protected areas;
- ✓ direct, indirect and cumulative impact to be clearly identified and assessed and, if needed properly mitigated
- ✓ monitoring requirements

Consultation process

- ✓ Stakeholder identification - Identification of the public: Country of Origin + Affected Country(ies)
- ✓ Design of the process for information exchange, considering context specificities: culture, indigenous peoples, language, levels and forms of literacy, including visual and technological tools
- ✓ Notification sent to the Affected Country(ies) should contain :
 - information on the proposed activity,
 - the nature of the possible decision,
 - an indication of a reasonable response time
- ✓ Early and timely public participation in the consultation process: contributions in the project design and decision-making + preventive and remedial action

Consultation process

- ✓ Process of consulting affected or interested countries: potential impacts of a project, alternatives, mutual assistance in reducing any significant adverse transboundary impact
- ✓ Public Notification (advertisement for public participation)
- ✓ Culturally appropriate advertisement: to consult and comment the EIA, public meetings (where, when and how)
- ✓ Effectiveness, adequacy, completeness, relevance of information provided to stakeholders



Aspects to be considered in projects:

- ✓ availability of information and data necessary to assess the impact on environment (including biodiversity) (existing data, field survey, monitoring data, etc);
- ✓ clear methodology on assessment of impact (stages, information, consultation, decision, etc)
- ✓ assessment of a number of alternatives and their reflection in the EIA and Appropriate Assessment (AA) Reports
- ✓ number of EIA, AA, Water Framework Directive assessment reports and other specific studies need to be elaborated
- ✓ transboundary aspects
- ✓ consultation with statutory consultee and public
- ✓ identification of all relevant stakeholders in each country



What can be done?

- ✓ Early discussions and agreement between the environmental/water authorities from countries involved on procedural aspects, responsibilities and realistic time schedule based on national requirements
- ✓ Good understanding of the methodology for choosing final alternative and its relationship with EIA, AA , WFD or other specific assessments
- ✓ Early involvement of the general public, NGOs in the preparation of the project



Risk of Delays Due to.....

- ✓ Lack of cooperation between the environmental/water authorities from countries involved
- ✓ Lack of timely reply from notified countries under Espoo Convention
- ✓ Incomplete data basis for a full and well documented EIA procedure (including AA, WFD aspects)
- ✓ Lack of connection and coordination with the project design component on the understanding and formulation of project alternatives and mitigation measures