

# Convention on Environmental Impact Assessment in a Transboundary Context

## The Espoo Convention

*Selected elements in pictures*





Organization for Security and  
Co-operation in Europe

The views expressed in this document are those of the authors and do not necessarily reflect the views of the OSCE and UNECE. The presentation of the material in this publication is simplified and very selective, and does not in any way replace the texts of the Convention, the Protocol or any official guidance documents.

Prepared by Zoi Environment Network with contributions from the OSCE and the Espoo Convention Secretariat.

Concept: Viktor Novikov, Elena Santer, Ekaterina Molodtsova, Christian Melis

Art work: Ruslan Valitov

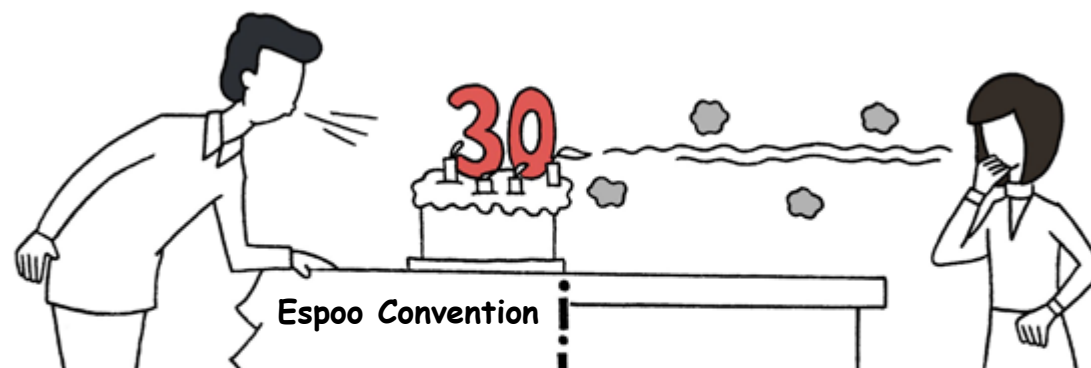
Layout: Yaroslav Tartykov



# Contents



The Espoo Convention and the Protocol on Strategic Environmental Assessment .....	5
The Espoo Convention establishes a clear procedure for environmental impact assessment (EIA) in a transboundary context .....	6
The convention is applied when options are still open to discussion ... ..	7
In the absence of notification... ..	8
Some methods for the dissemination of information about the project and consultation with the authorities and the public of the affected Party .....	9
Core principles .....	10
Selected activities subject to the convention .....	11
Some examples of environmental impact and factors to be considered in environmental impact assessments .....	14
The convention ensures the consideration of alternatives and the selection of the most appropriate mitigation measures .....	15
Forms and formats of cooperation .....	17
Particular situations: The Implementation Committee and the settlement of disputes .....	18
An example of good practice .....	19
Plans, programs and strategic documents that require strategic environmental assessment .....	20
Some examples of strategic environmental considerations .....	21
Strategic environmental assessment (SEA) steps: energy sector example.....	22
Cooperation on water resources in the Chu and Talas river basin: strategic environmental considerations.....	23
Tourism and roads development between Almaty and Issyk Kul Lake: strategic environmental considerations .....	24
Radioactive legacy waste clean-up and the role of the local Aarhus centres .....	25
Structure and functioning of the Espoo Convention .....	26
Synergies between the Espoo Convention and other conventions and goals .....	27
Additional information and guidance material.....	29



*In close cooperation with the UNECE, the OSCE supports the implementation of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), in particular, through joint capacity building activities in Central Asia.*

*To mark the 30th anniversary of the Convention's adoption, the present publication aims to illustrate the spirit of the Convention and its role in protecting the environment and promoting international cooperation.*



## The Espoo Convention

## Protocol on Strategic Environmental Assessment

### ADOPTED

Espoo (Finland) in **1991**  
In force since **1997**

Kyiv (Ukraine) in **2003**  
In force since **2010**

### NUMBER OF PARTIES AS OF DECEMBER 2020

**45** Parties, including the EU

**33** Parties, including the EU

### APPLIES TO:

planned activities

governmental plans and programmes

likely to have significant adverse  
environmental impacts across borders

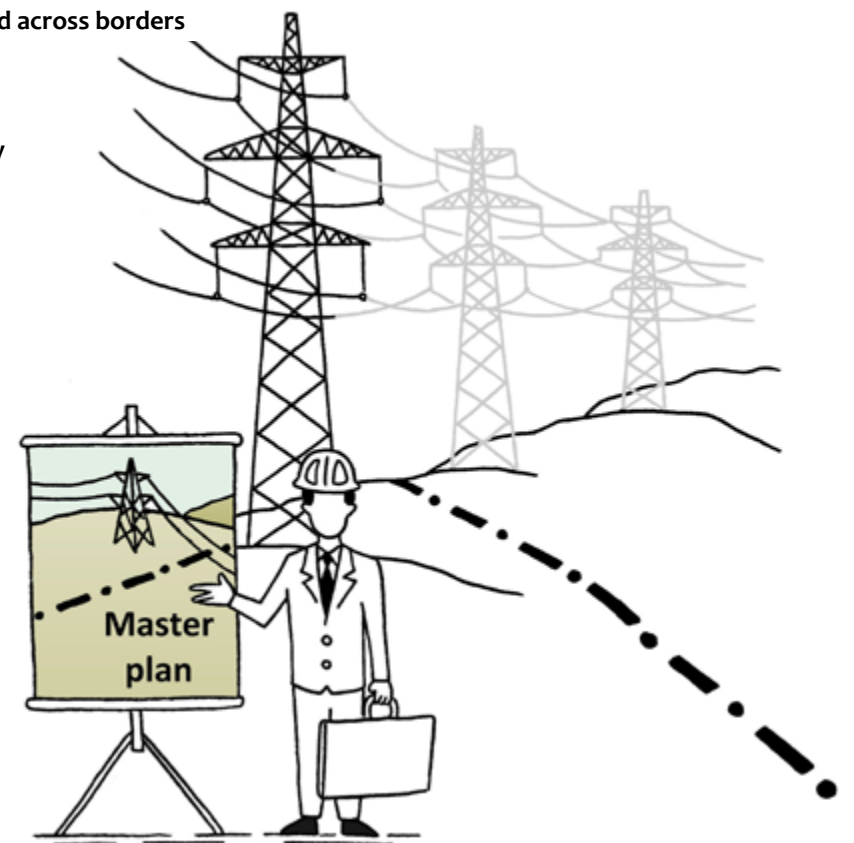
likely to have significant environmental or health effects at national level;  
setting a framework for establishing consent for development projects

across borders

nationally and across borders

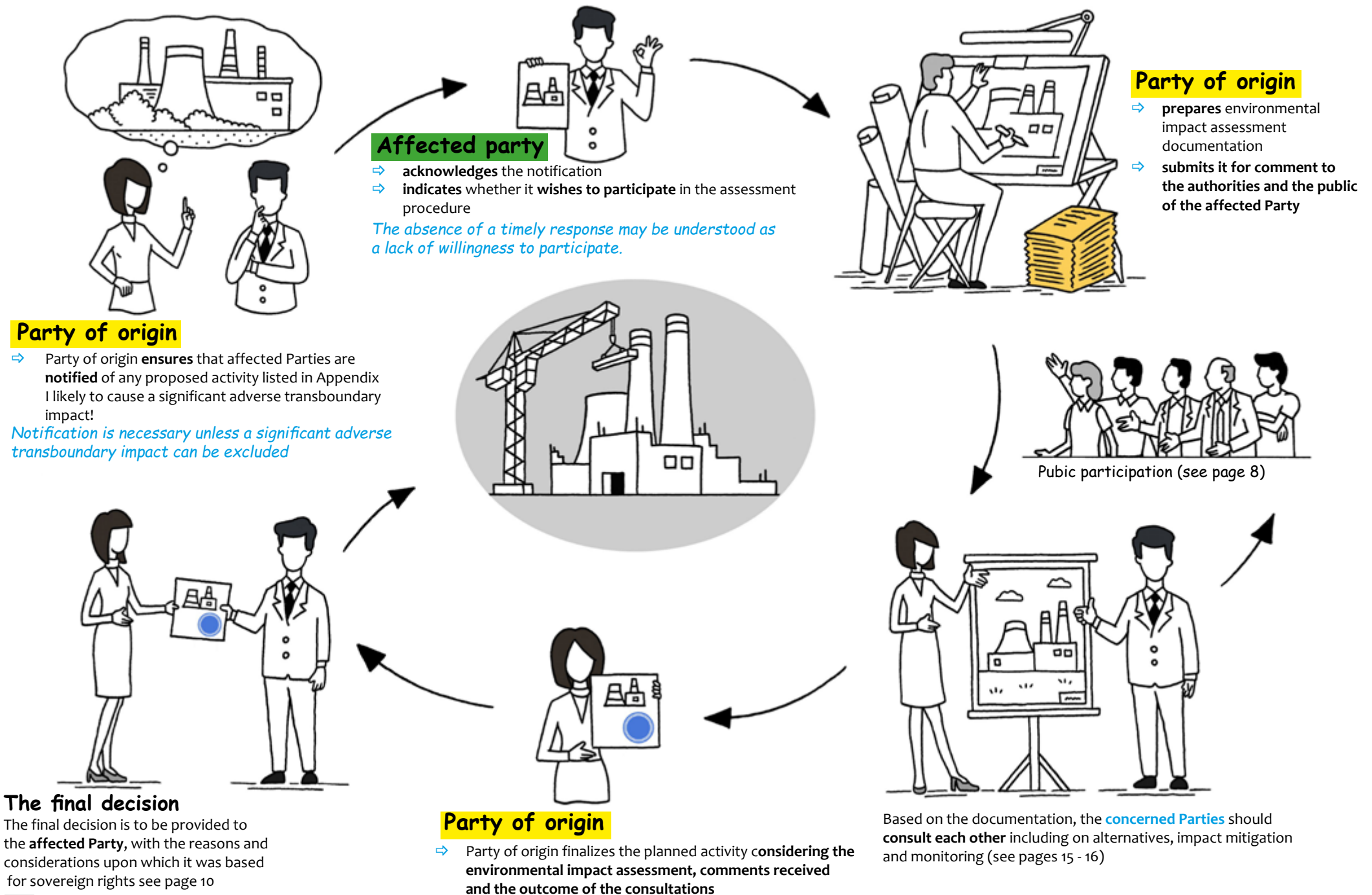
### OBJECTIVE

to prevent, reduce and mitigate any  
significant adverse impacts  
by  
integrating environmental  
considerations into economic  
development



For additional details on Appendix I of the Convention see pages 11 - 13

# The Espoo Convention establishes a clear procedure for environmental impact assessment in a transboundary context



The convention is applied when options are still open to discussion ...

Party of origin



Affected Party



Once the decision has been made the Party of origin

Provides the affected Party with

- ⇒ The final decision on the proposed activity
- ⇒ The reasons and considerations on which it was based
- ⇒ A clarification of why any comments were rejected



The Party of origin and the affected Party share the responsibility for

ensuring that the opportunity provided to the public of the affected Party is **equivalent** to that provided to the public of the Party of origin





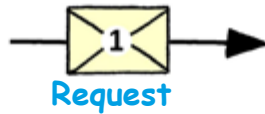
## In the absence of notification ...

### Potentially affected Party



When a Party considers that it would be affected and when no notification has taken place it should ...

**Request**  
... address the Party of origin as soon as it becomes aware of an activity with potential impact and request information on that activity.



Party of origin



### Argumentation

After receiving information the Affected Party provides its argumentation on why it considers that a significant adverse impact on its territory cannot be excluded

Affected Party

### Obligation

Provides information that is sufficient for the purposes of holding the discussions and, if available, the EIA documentation



Party of origin

Investors need **to be cautious** of committing funds before the impact of the project is clarified and request a transboundary EIA



Good will, international best practice

While the Espoo Convention does not apply to non-Parties, it is in their interest and well as that of project investors to show **good will** and **exchange information**, if requested



Country of origin,  
non-Party to Espoo

## Some methods for the dissemination of information about the project and consultation with authorities and the public of the affected Party

### Dissemination of information to the public

An article in a newsletter



Billboards

### Affected Parties may become aware of new projects in Parties of origin by Monitoring of information in mass media



### Methods of public participation

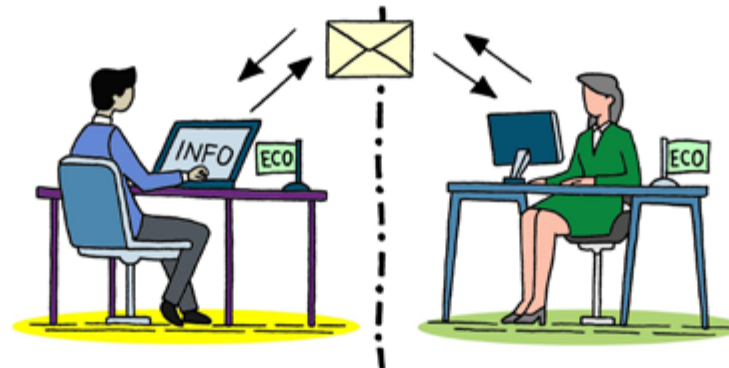
Public hearing



Public notice in mass media  
(radio, television, newspapers)



Direct provision of information by email  
from one focal point to another



Submission of written comments



In the absence of information the public may request information from the competent authorities of the affected Party or the Party of origin

Apply the provisions of the Aarhus Convention

Project websites



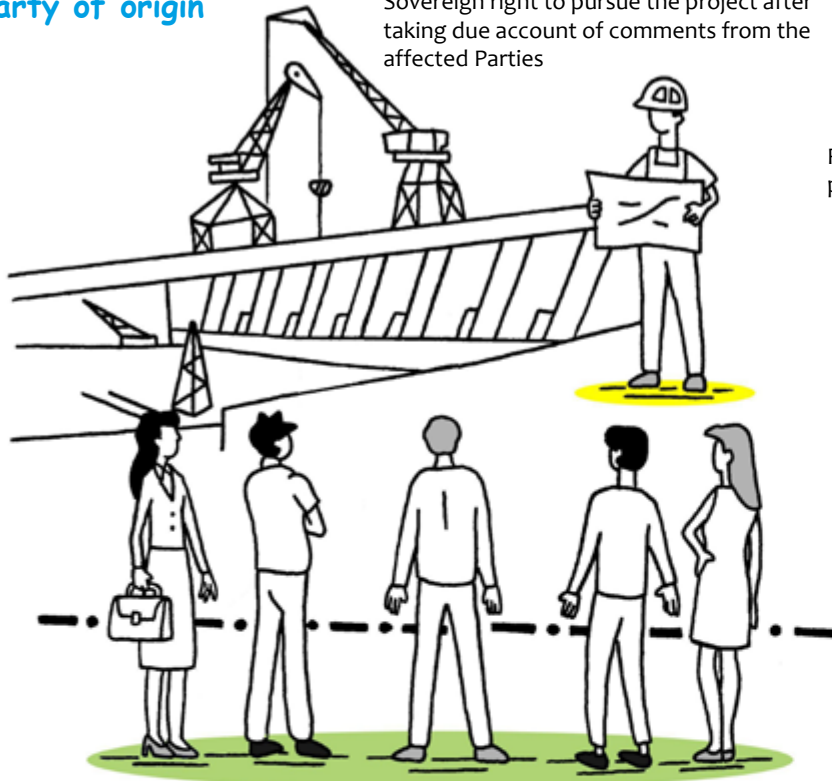
Official notification



## Core Principles

### Party of origin

Sovereign right to pursue the project after taking due account of comments from the affected Parties

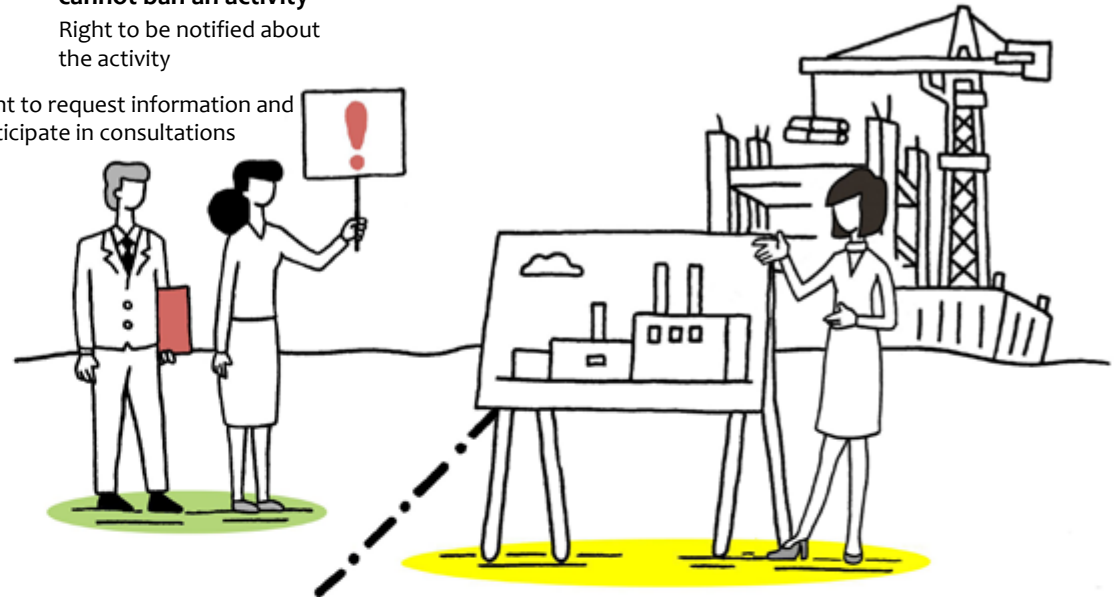


### Affected party

**cannot ban an activity**

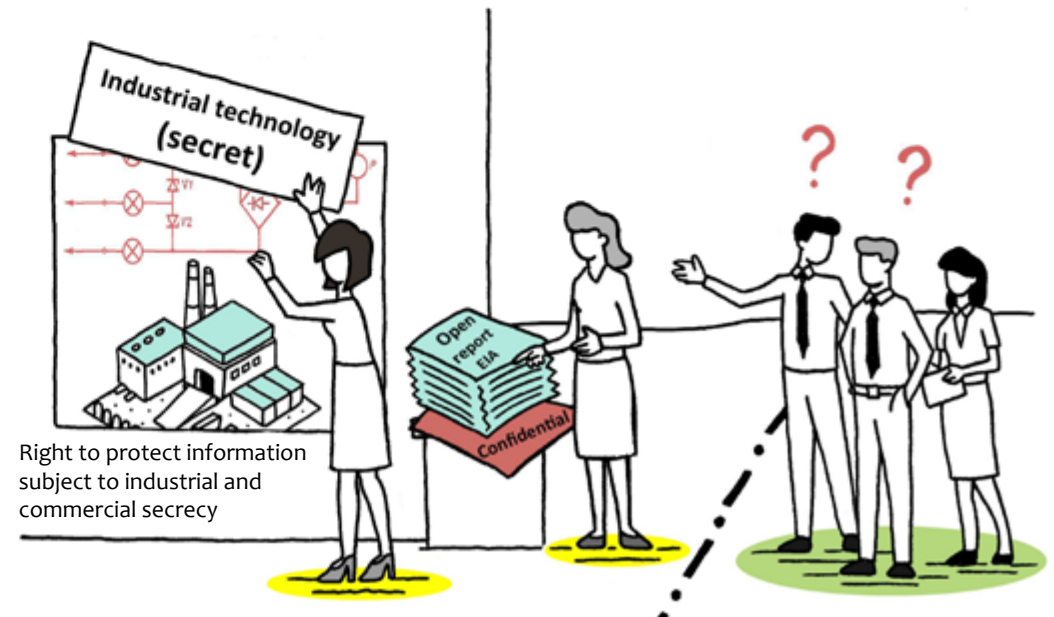
Right to be notified about the activity

Right to request information and participate in consultations



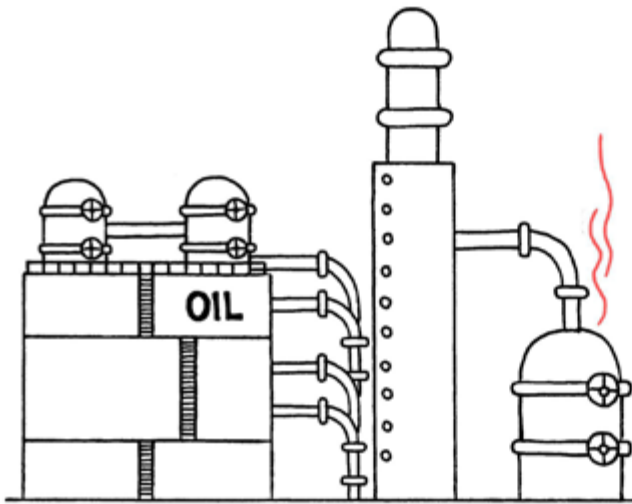
### Both Parties

Right to dialogue, participation and consensus, including on alternatives and mitigation measures

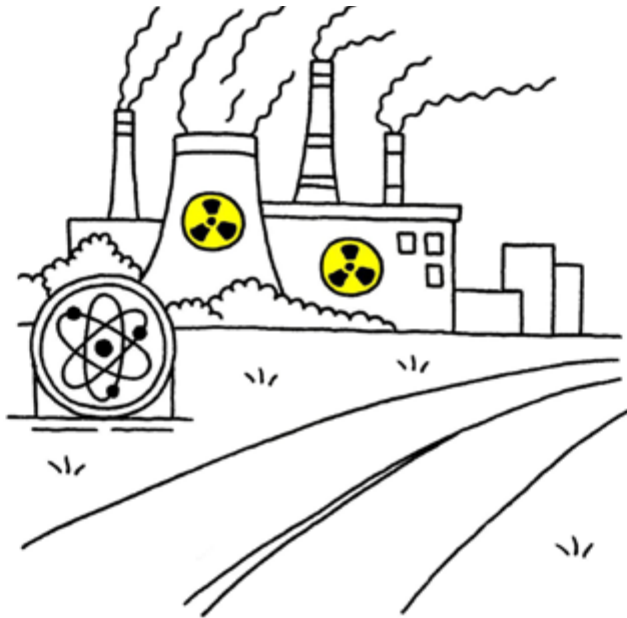




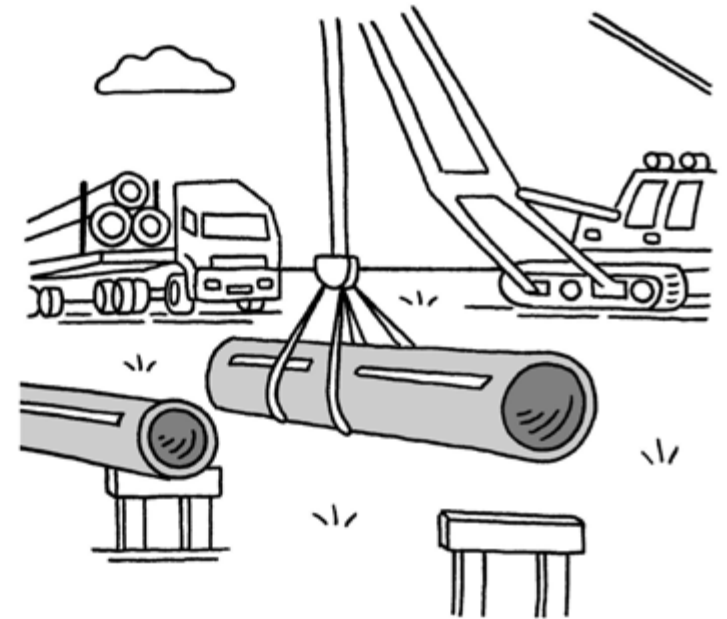
**Selected activities subject to the Convention**  
if a significant adverse transboundary impact cannot be excluded



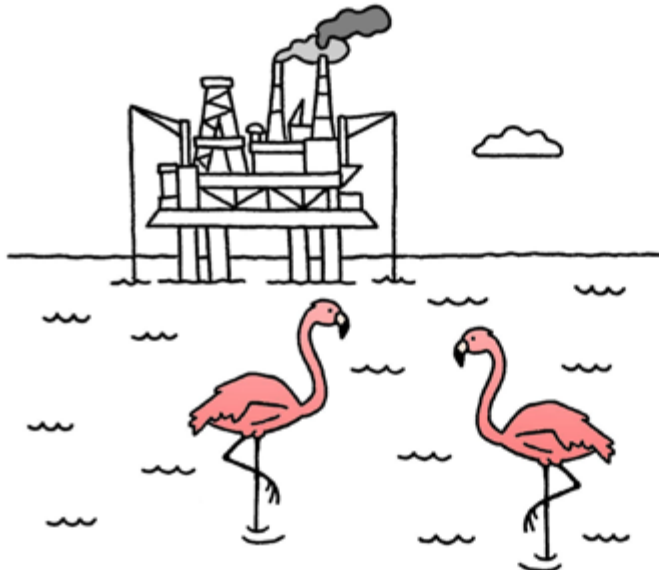
Crude oil refineries and installations for coal or bituminous shale gasification and liquefaction



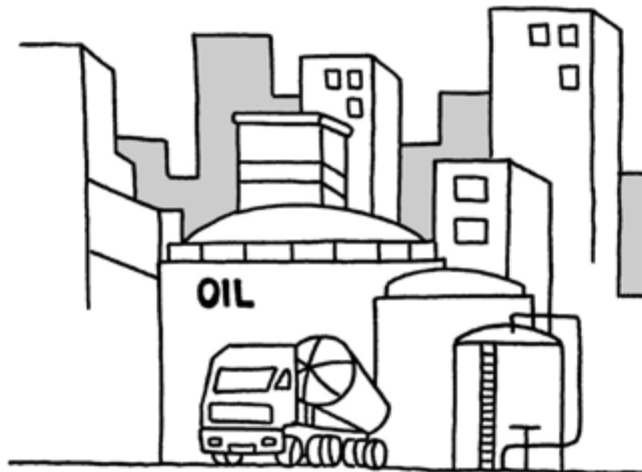
Thermal or nuclear power stations



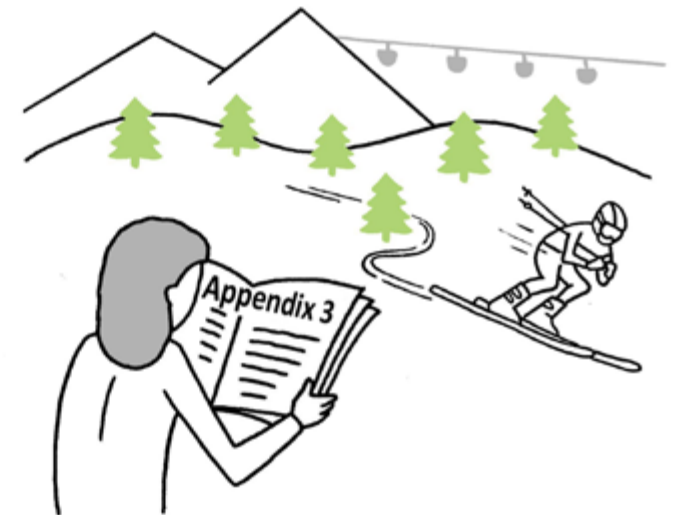
Large-diameter oil, gas and chemicals pipelines



Offshore hydrocarbon production



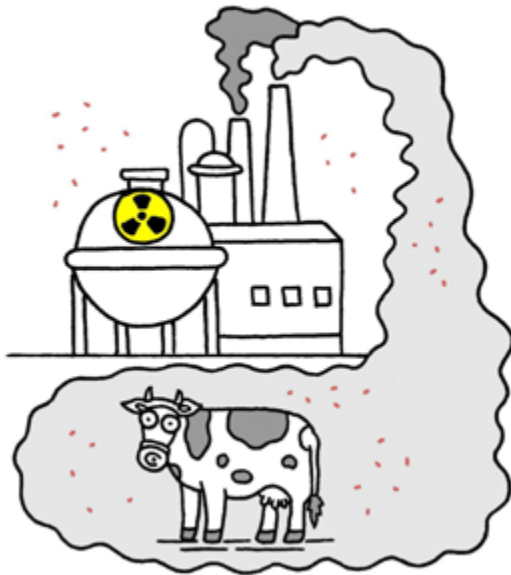
Major storage facilities for petroleum, petrochemical or chemical products



Other activities - consult article 2.5 of the Convention and Appendix 3



**Selected activities subject to the Convention**  
if a significant adverse transboundary impact cannot be excluded



Installations designed for the production or enrichment of nuclear fuels, or for the storage, disposal and processing of radioactive waste



Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals



Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos



Integrated chemical installations



Pulp and paper manufacturing



Waste-disposal installations for the incineration, treatment or landfill of toxic wastes

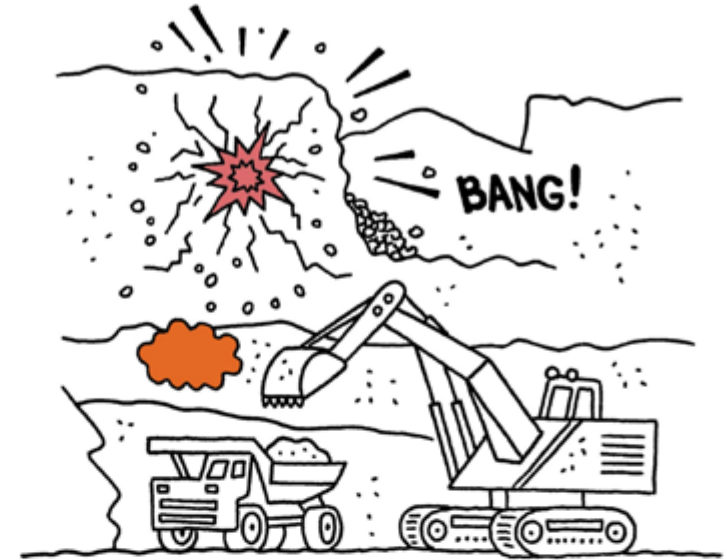
**Selected activities subject to the Convention**  
if a significant adverse transboundary impact cannot be excluded



Construction of motorways, express roads and airports



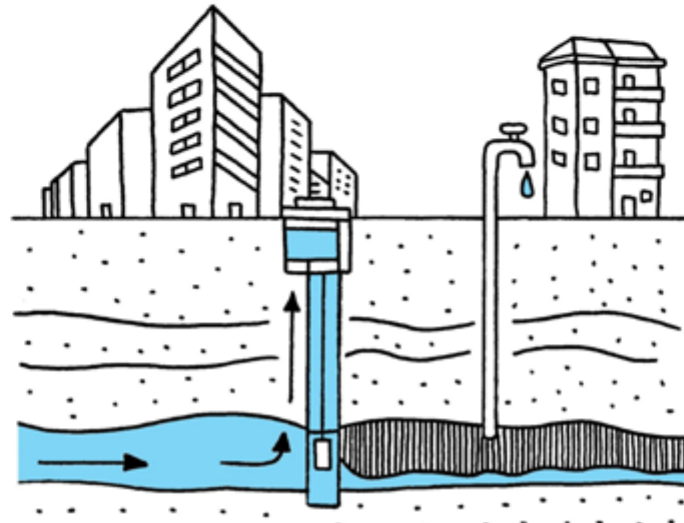
Trading ports and inland waterways



Major mining, on-site extraction and processing of metal ores or coal



Large dams and reservoirs



Groundwater abstraction



Deforestation of large areas

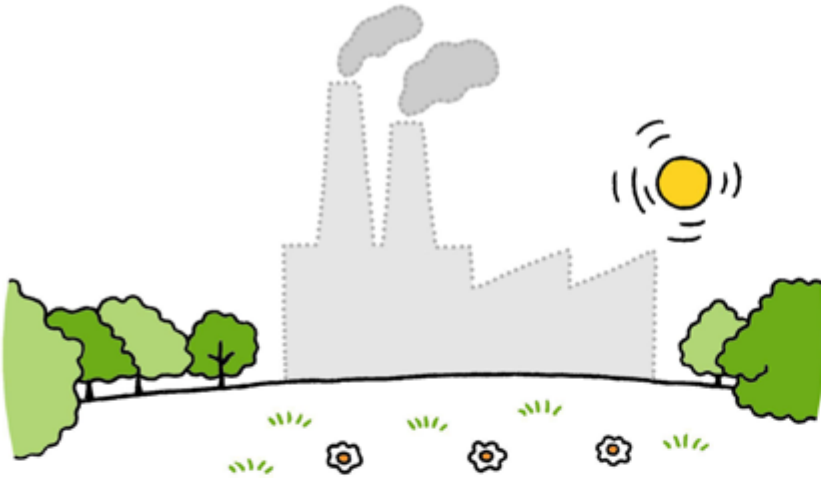


## Some examples of environmental impact and factors to be considered in environmental impact assessments

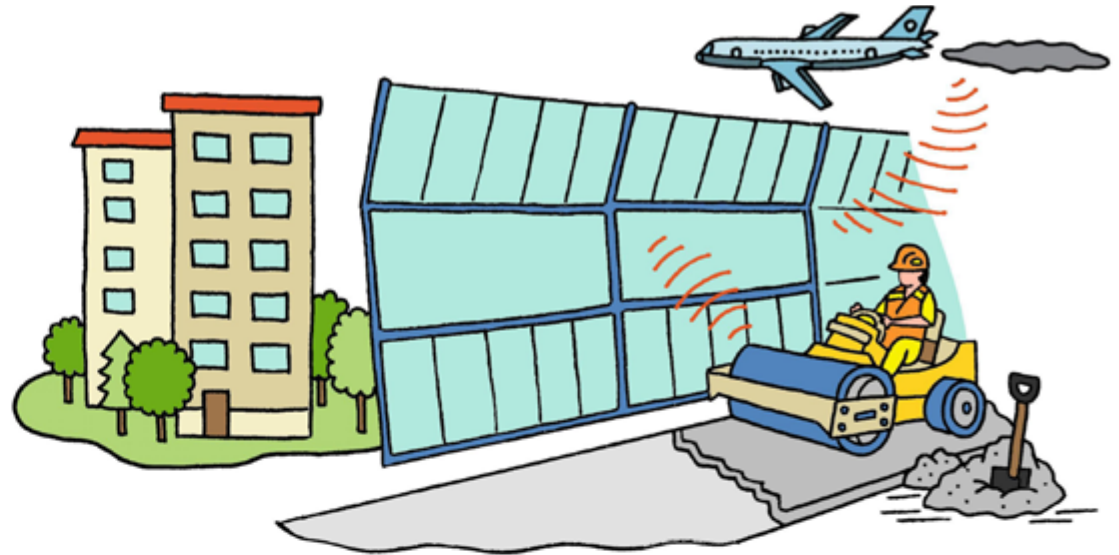


# The convention ensures the consideration of alternatives and the selection of the most appropriate mitigation measures

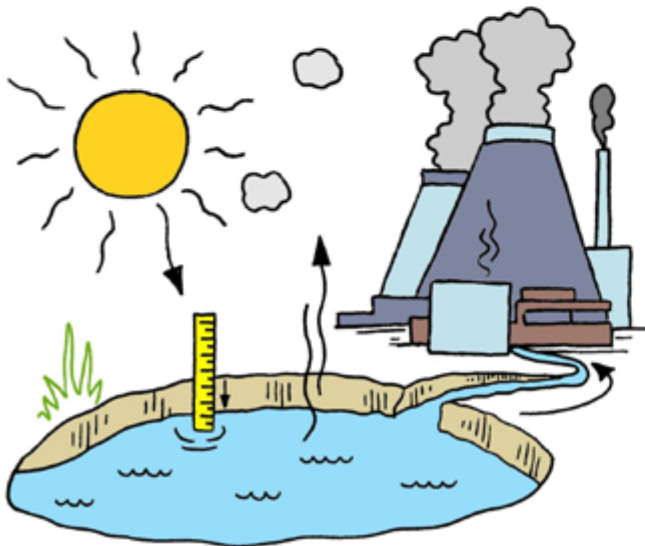
## Alternative solutions for the reduction of the environmental impact of a project



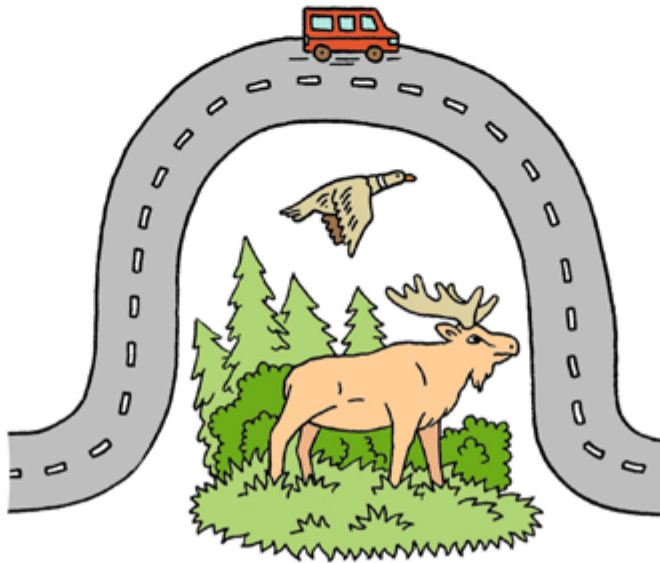
Zero alternative (abandon the project idea)



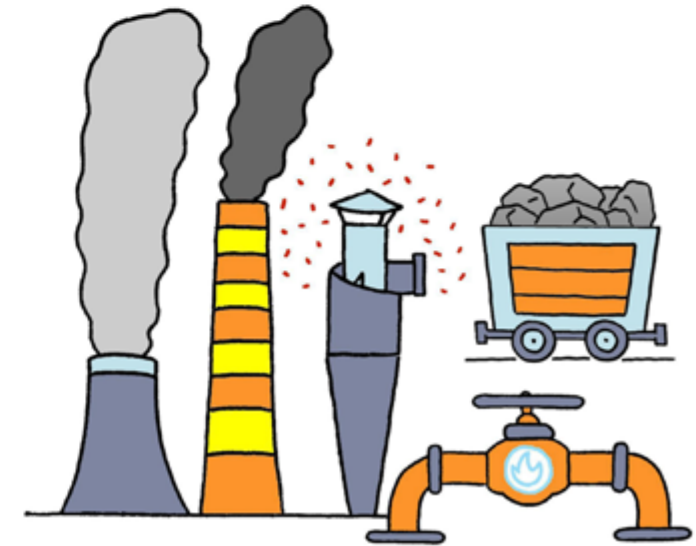
Alternative road materials, noise reduction measures



Consideration of the likely impact on climate change



Solutions for protected sites and key biodiversity areas

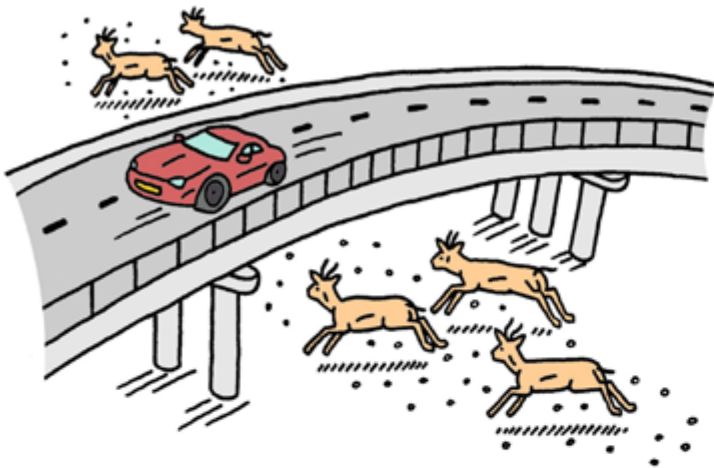


Switch fuels, emission control

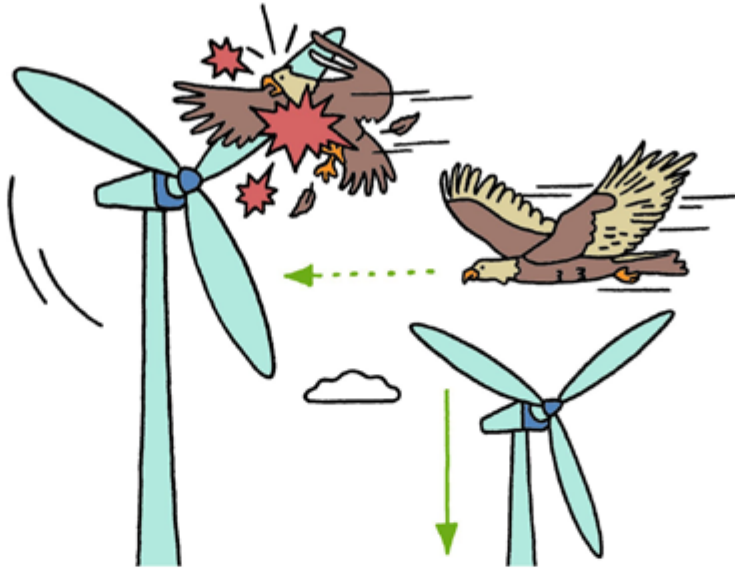


## The convention ensures the consideration of alternatives and the selection of the most appropriate mitigation measures

### Alternative solutions for reducing the environmental impact of a project



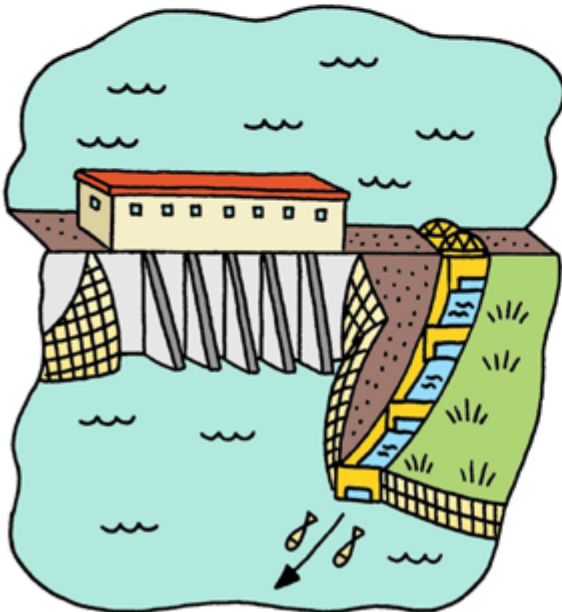
Solutions for migratory mammal species



Solutions for endangered and migratory birds



Siting solutions



Solutions for migratory fish



Pollution prevention



Accident preparedness and warning systems

## Forms and formats of cooperation

### Bilateral agreements to implement the Convention:

language to use, timeframe for response to notification, timeframe and terms for public participation, handling activities not listed in Appendix I, criteria of significance

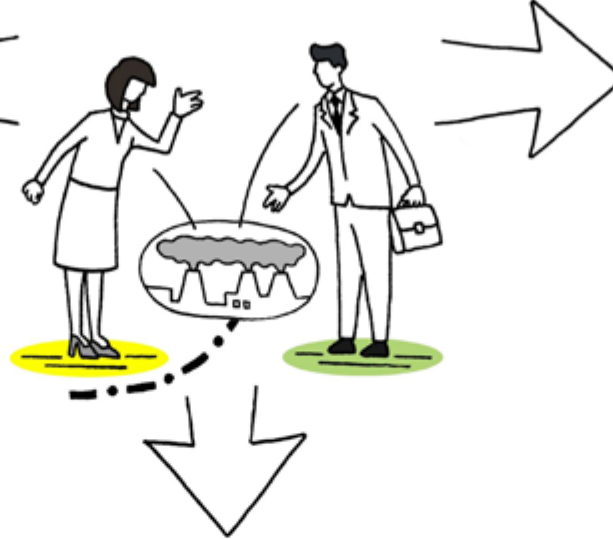


## Particular situations, Implementation Committee and the settlement of disputes

### Mutually agreeable solutions and dialogue



### Complex international cases

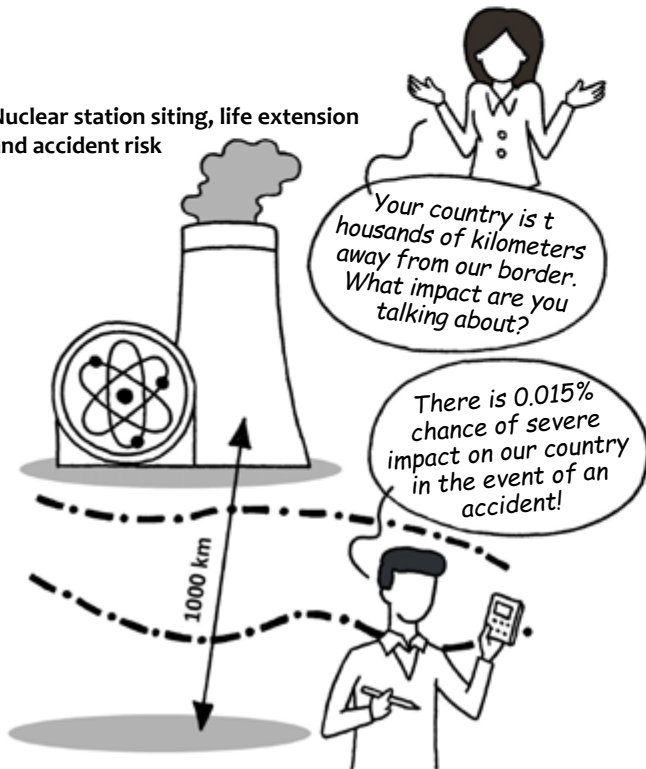


### International Court of Justice

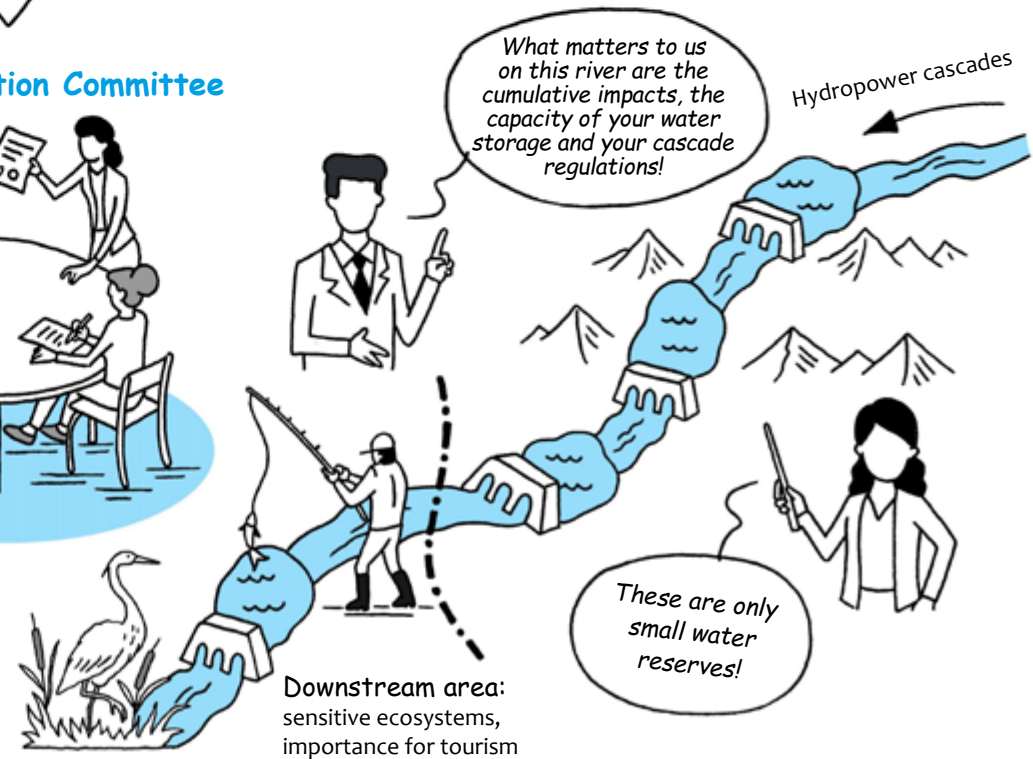
### Arbitration (Appendix 7)



### Nuclear station siting, life extension and accident risk



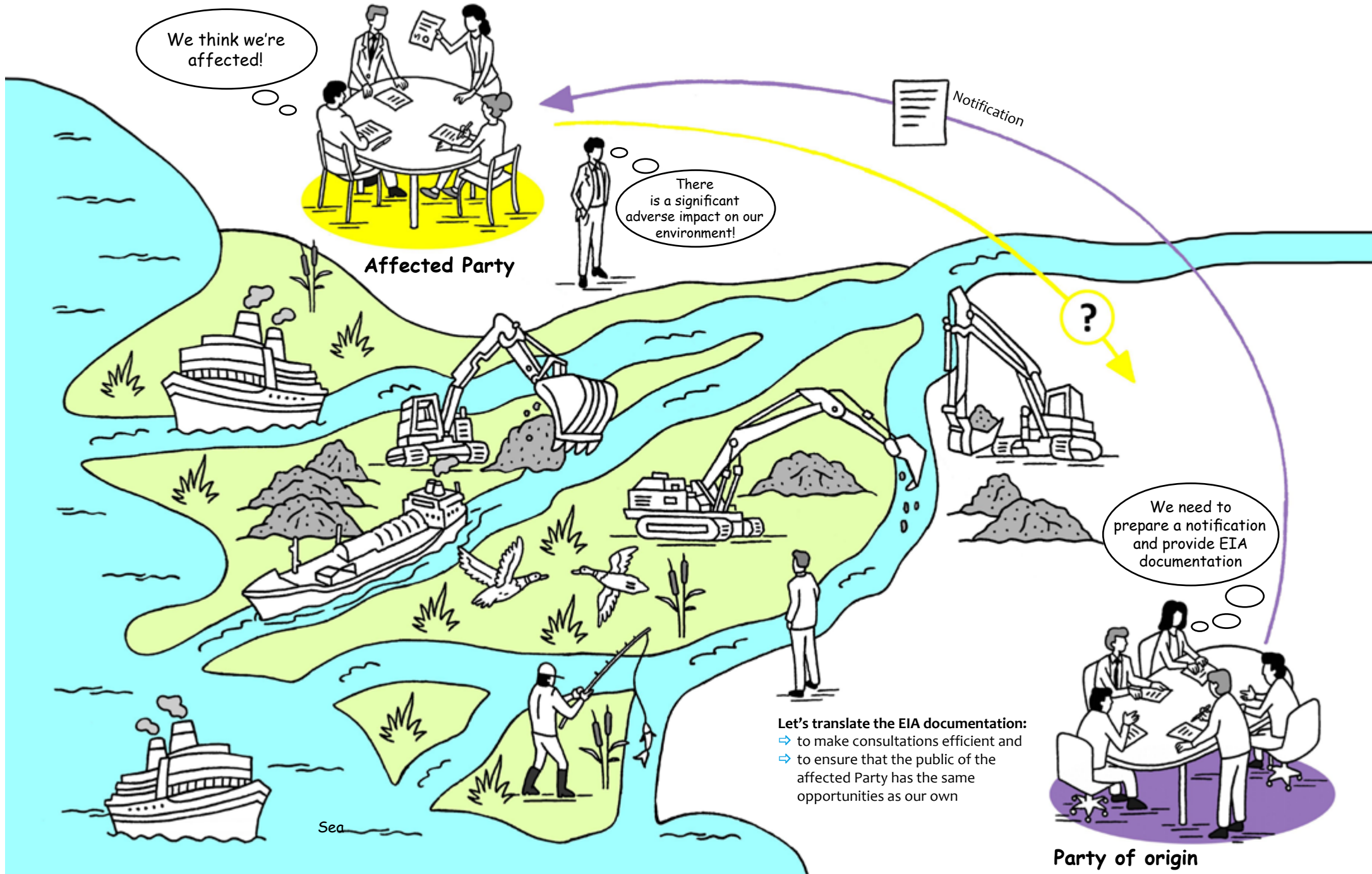
### Implementation Committee





## An example of good practice

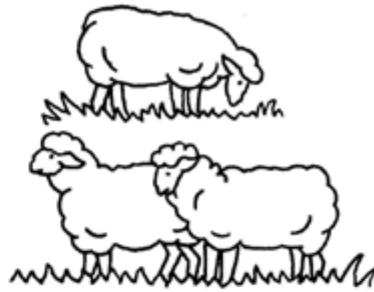
Extensive sections of a river and estuary vital for economic activity and the conservation of biodiversity



## Plans, programs and strategic documents that require a strategic environmental assessment



Town and country planning



Agriculture



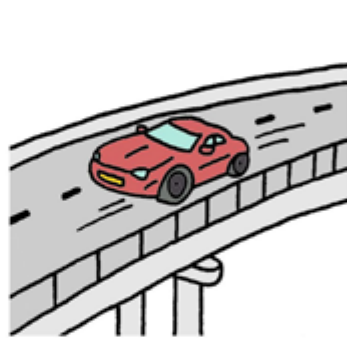
Forestry



Fisheries



Energy



Transport



Industry, including mining



Tourism



Regional development



Water management



Telecommunications



Waste management

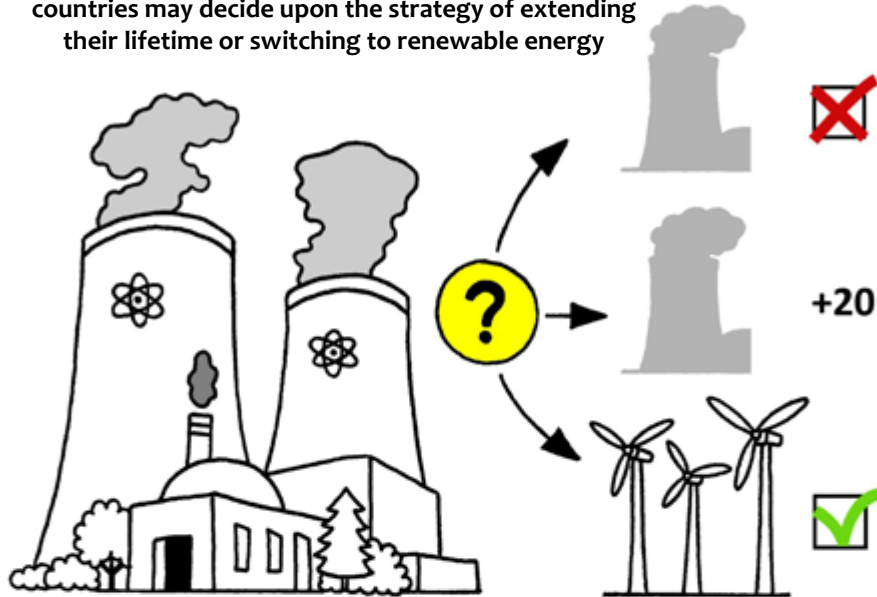


Land use

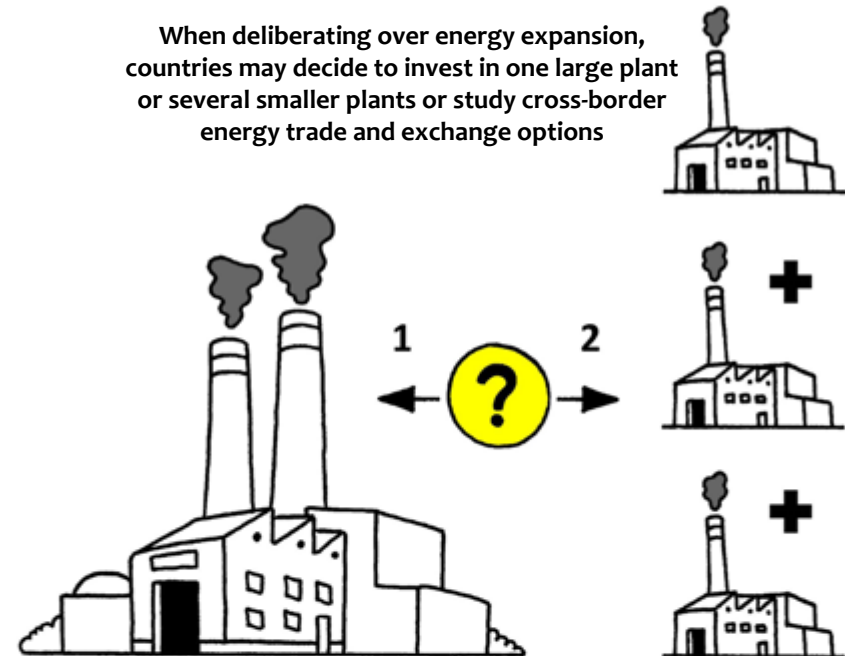
## Some examples of strategic environmental considerations

### SEA Protocol

When deliberating over nuclear power plants, countries may decide upon the strategy of extending their lifetime or switching to renewable energy



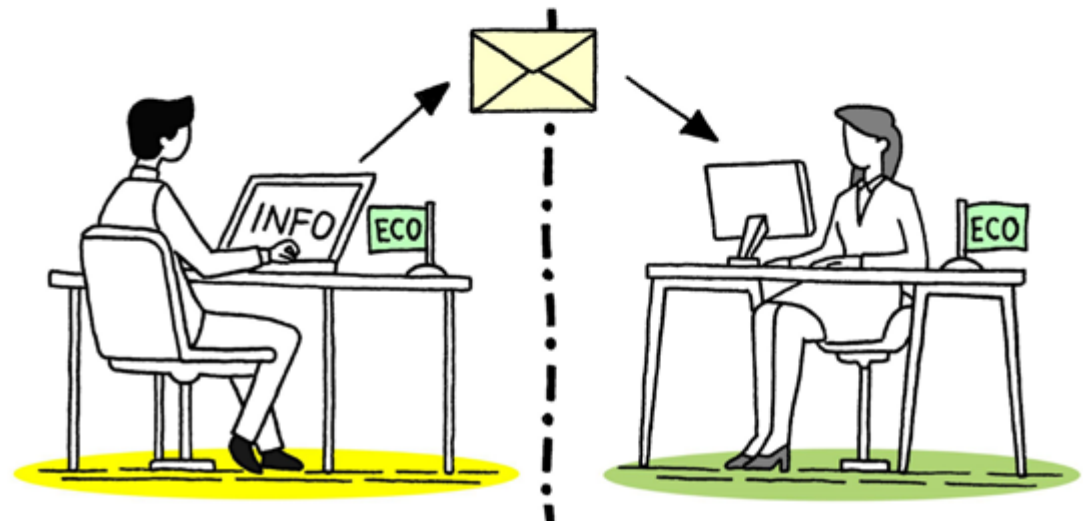
When deliberating over energy expansion, countries may decide to invest in one large plant or several smaller plants or study cross-border energy trade and exchange options



Consultations with the general public on strategic decisions and their environmental implications

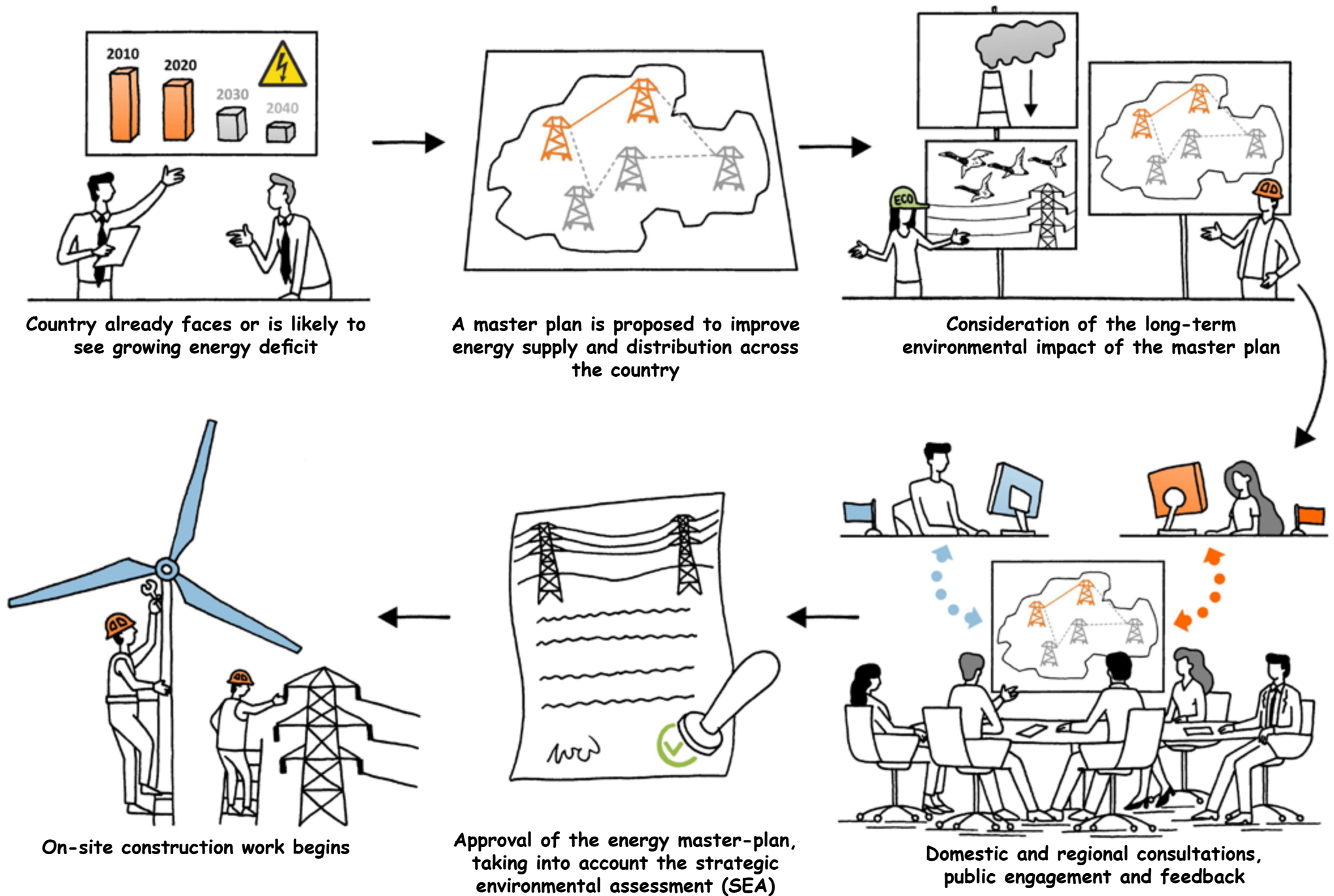


Transboundary consultations, if any plans are likely to have cross-border implications





## Strategic environmental assessment (SEA) steps: energy sector example



## Cooperation on water resources in the Chu and Talas river basin: strategic environmental considerations

Chu and Talas rivers shared by Kazakhstan and Kyrgyzstan are vital for farming and human uses

Forest shelter belts and other measures protect rivers and contribute to efforts to adapt to climate change

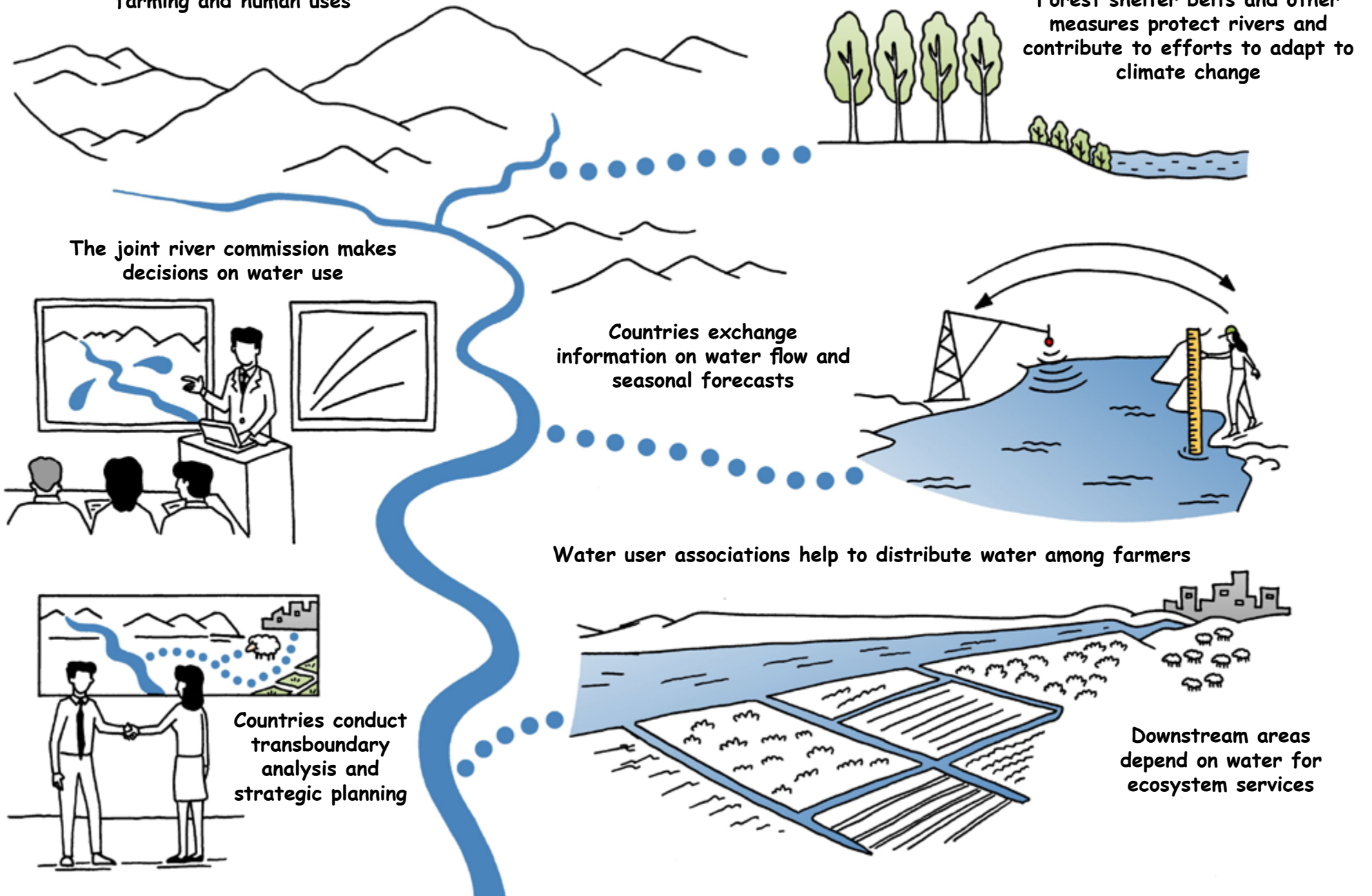
The joint river commission makes decisions on water use

Countries exchange information on water flow and seasonal forecasts

Water user associations help to distribute water among farmers

Countries conduct transboundary analysis and strategic planning

Downstream areas depend on water for ecosystem services

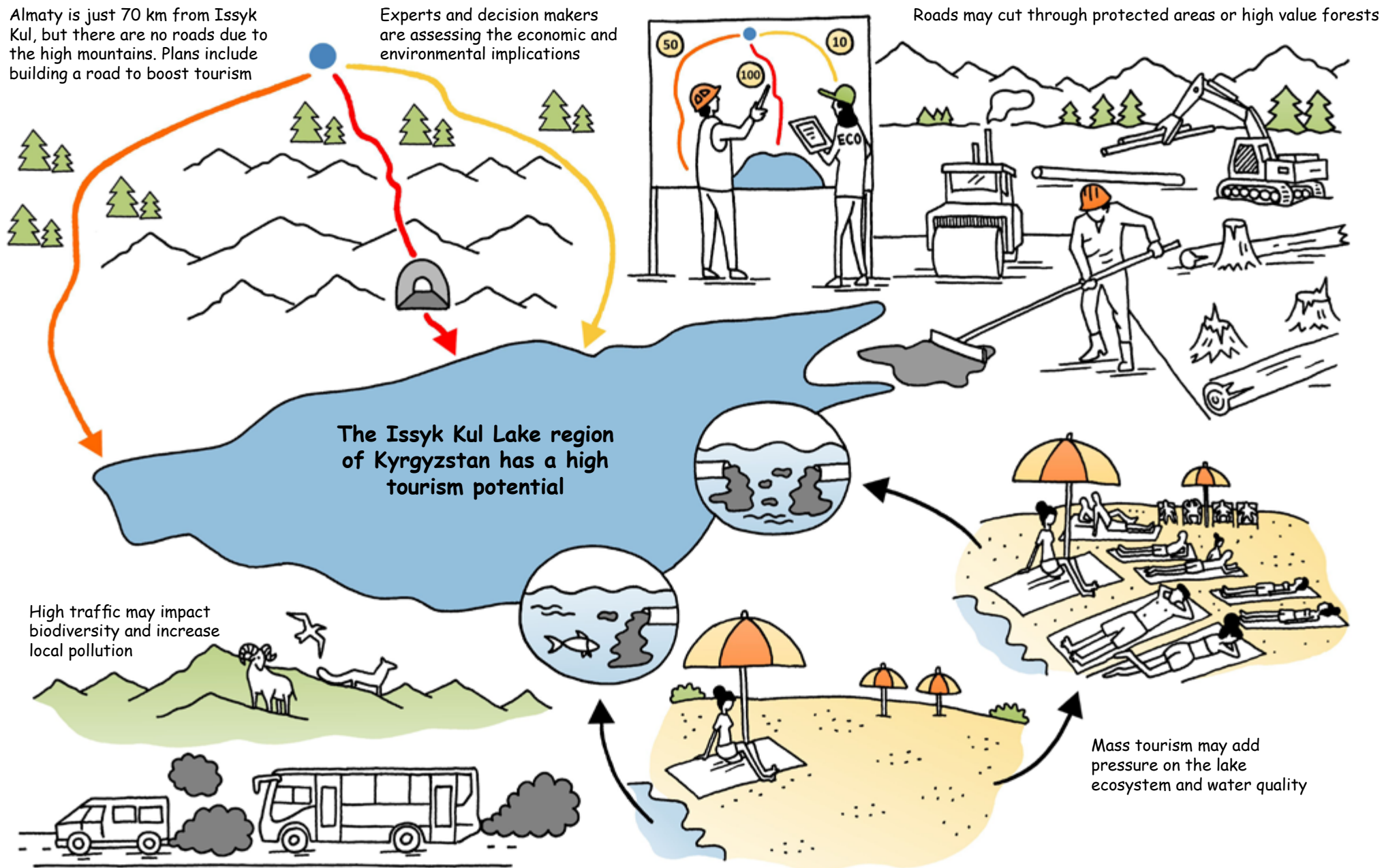


## Tourism and roads development between Almaty and Issyk Kul Lake: strategic environmental considerations

Almaty is just 70 km from Issyk Kul, but there are no roads due to the high mountains. Plans include building a road to boost tourism

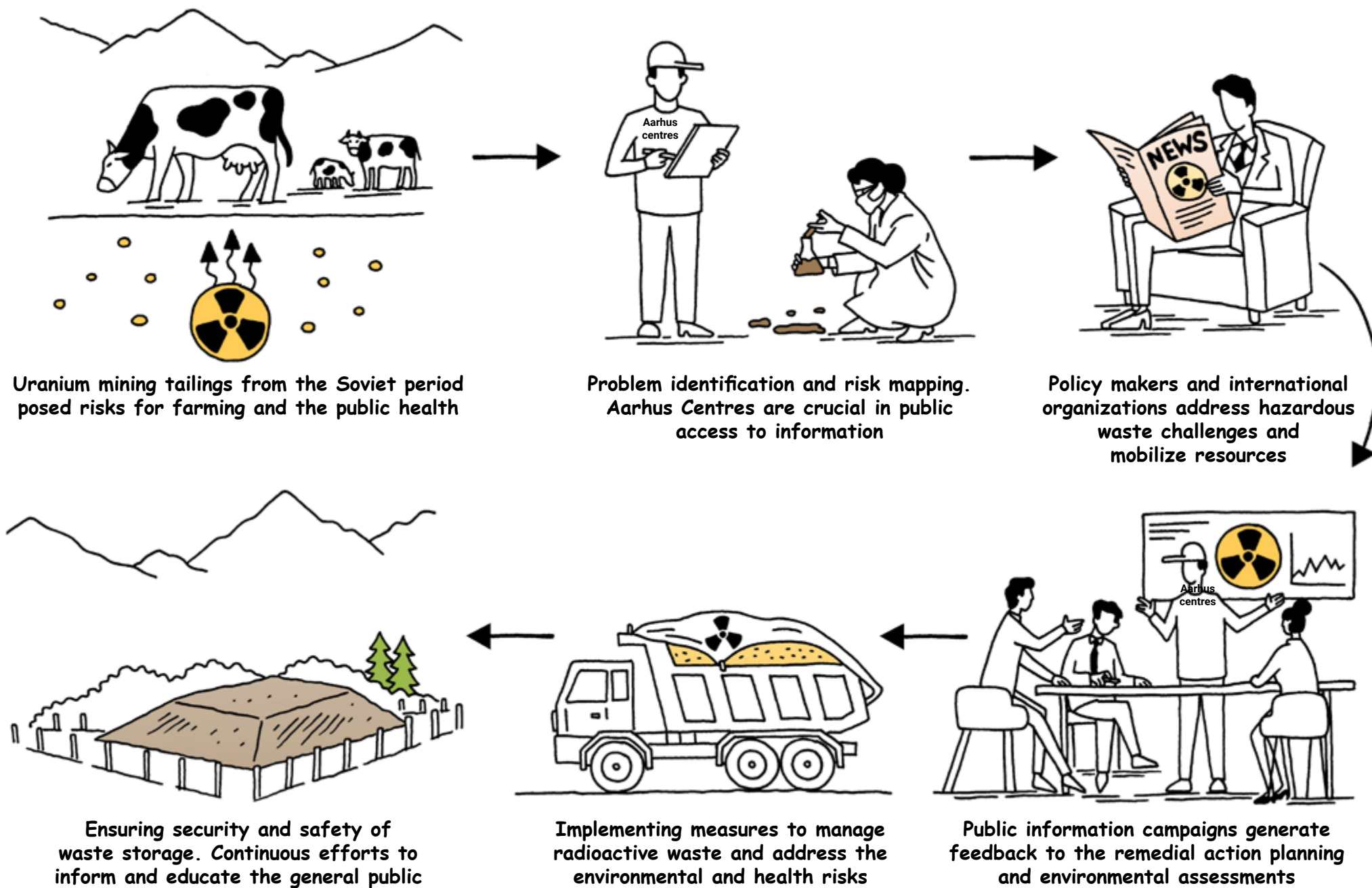
Experts and decision makers are assessing the economic and environmental implications

Roads may cut through protected areas or high value forests





## Radioactive legacy waste clean-up in the Ferghana Valley and the role of the local Aarhus Centres





# Structure and functioning of the Espoo Convention

## Secretariat

based in Geneva services  
MoPs and other bodies of the  
convention

## Temporary and ad-hoc working groups

can be formed to  
develop specific  
guidance  
documents

## Implementation Committee -

reviews compliance  
by the Parties with  
their obligations  
under the treaties  
to assist them in  
fully meeting their  
commitments.

## Bureau ...

An advisory body that  
reviews and provides  
guidance on the  
implementation of the  
workplan, budgetary  
matters and the  
preparation of the  
MoP

## Meeting of the Parties (MoP)

makes decisions, every 3 years

## Inquiry Commission

– established as  
requested under article  
3.7 – in the absence  
of notification – to  
examine whether a  
significant adverse  
transboundary impact  
from any activity in  
question is likely.

Consist of 3  
technical experts:  
1 representative  
of each Party  
concerned and  
1 independent  
expert.

## Working group on EIA and SEA

a subsidiary body to the Meeting of the Parties assisting  
in the implementation of the convention and the protocol  
and the management of the workplan, meets annually

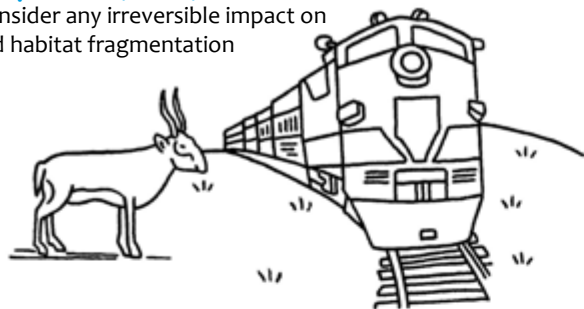
National Focal Points for administrative matters

Points of Contact for notification

## Synergies between the Espoo Convention and other conventions and goals

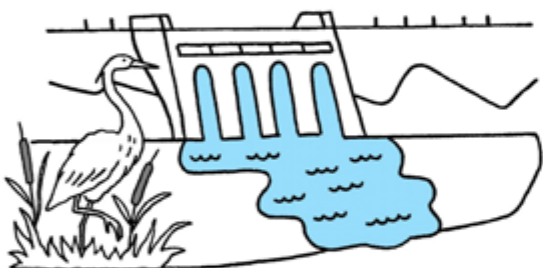
### Convention on Biological Diversity (CBD) and Convention on Migratory Species (CMS):

EIAs have to consider any irreversible impact on biodiversity and habitat fragmentation



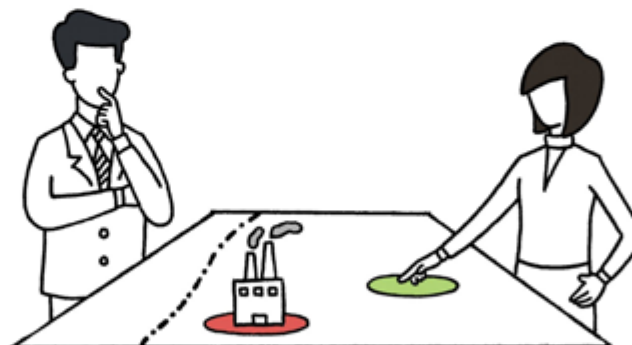
### The UNECE (Aarhus) Convention

on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters



### Water Convention and Ramsar Convention:

rational water use and wetlands protection, also requires EIAs



Nuclear Safety Agreements,  
IAEA regulations and  
procedures

### Industrial Safety (TEIA) Convention:

accident preparedness and risk reduction to be taken into account in EIAs

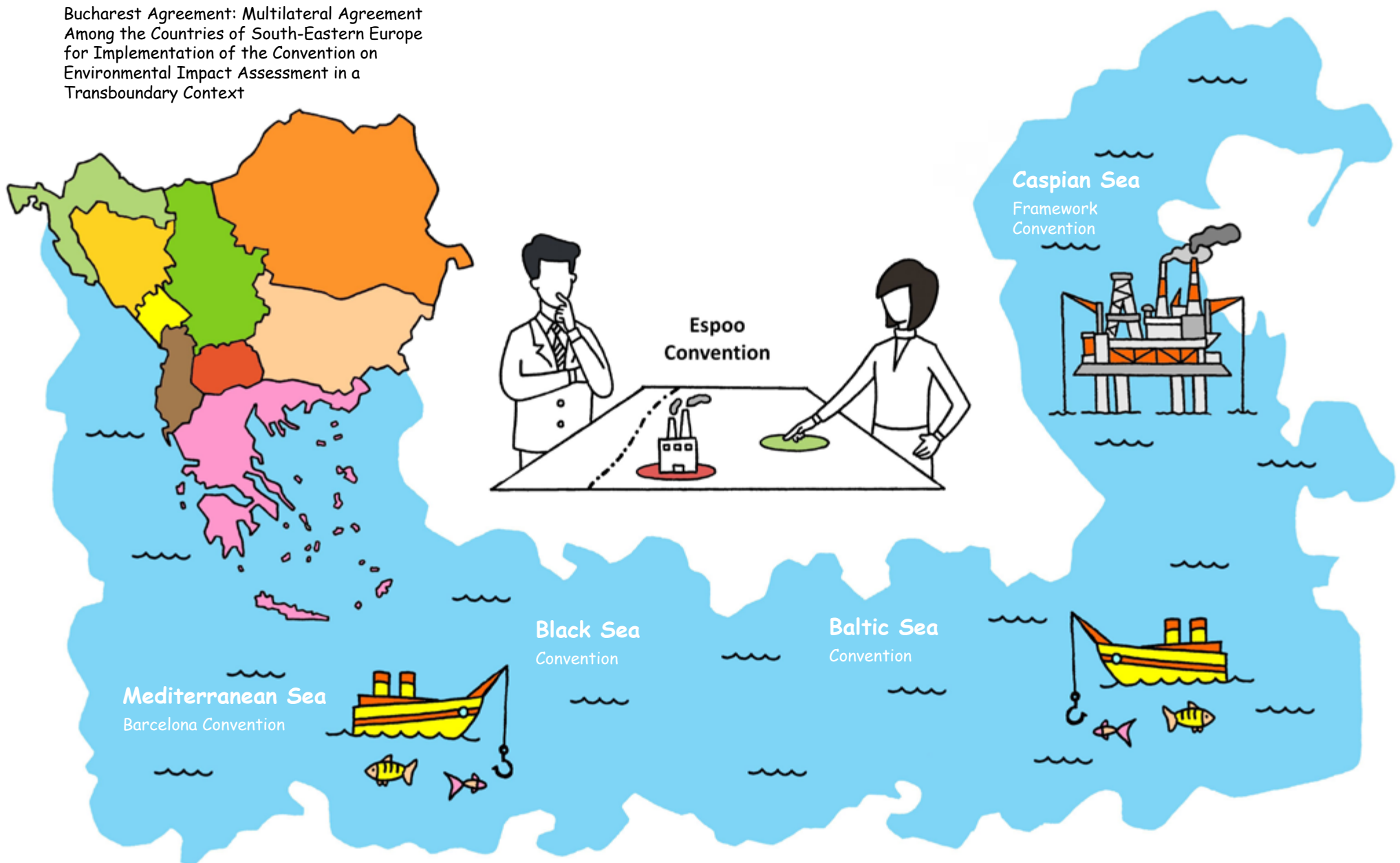


### Climate Convention (UNFCCC) and the Paris Agreement:

climate-proofing planned projects in sensitive areas, contributing to the reduction of greenhouse gas emissions, to be taken into account in EIAs

## Synergies between the Espoo Convention and other conventions and goals

Bucharest Agreement: Multilateral Agreement Among the Countries of South-Eastern Europe for Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context



**Additional information and guidance material available at:**  
**[unece.org/publications/environmental-assessment](https://unece.org/publications/environmental-assessment)**

Text of the Convention on Environmental Impact Assessment in a Transboundary Context

Text of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context

Guidance on Notification according to the Espoo Convention

Guidance on the Practical Application of the Espoo Convention

Decisions of the Meetings of the Parties

Opinions of the Implementation Committee

Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries

Guidance on land-use planning, the siting of hazardous activities and related safety aspects

Good practice recommendations on application of the Convention to Nuclear related activities

UNECE Espoo Convention, the Protocol on SEA and SDGs

Protocol on Strategic Environmental Assessment: Facts and Benefits

Good Practice Recommendations on Public Participation in Strategic Environmental Assessment

Guidance on the applicability of the Convention to the lifetime-extension of nuclear power plants



