

Information for the attention of Implementation Committee, Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

To be sent through the Secretary to the Convention:

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Date sent to the Secretary	Not applicable
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Sent by ("the source"):

Name	
Organization	UNECE secretariat
Postal address	
Country (State)	
Telephone	
Fax	
E-mail	
Website	

Concerning:

Party or Parties (States) of origin, under whose jurisdiction a proposed activity is envisaged to take place	Republic of Moldova (1994).
Affected Party or Parties (States), likely to be affected by the transboundary impact of a proposed activity	Ukraine (1999) and Romania (2001).
Activity (project), identified in the list of activities in Appendix I to the Convention	Appendix I, item 9: "Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes". Appendix I, 16: "Major storage facilities for petroleum, petrochemical and chemical products".
Likely significant adverse trans-boundary impact of the activity (project)	Inter alia, risk of oil pollution in the event of an accident. Sensitive areas downstream in the Danube Delta.
Provisions of the Convention (Articles) compliance with which is being contested	Notification. Article 3, paragraph 1: "For a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any Party which it considers may be an affected Party as early

	as possible and no later than when informing its own public about that proposed activity.”
Description of issue	<p>The Giurgiulesti International Free Port is located on the banks of the Danube River in the Republic of Moldova, in the immediate vicinity of Romania and Ukraine (see Annex I). The port consists of an oil terminal (started in 1996, finished in 2006, and operating since September 2007), a dry cargo-terminal, and an industrial free zone (the last two planned to be started in 2008). The oil terminal includes one berth that can accept ships draughts of 7 m, eight tanks with a total storage capacity of 63,600 cubic metres, tanker track loading facilities and, from mid-2008, rail tank car loading/unloading facilities.</p> <p>The oil terminal was originally financed by the European Bank for Reconstruction and Development (EBRD), but in 2005 the Moldovan government signed an agreement to transfer the debt to the Azeri company <i>Azpetrol</i>, which completed the terminal construction (which had been stopped in 1998). The port (including the oil terminal) is now owned and operated by the Moldovan company <i>Danube Logistics SRL</i>, whose shareholders are the Dutch EASEUR Holding BV (80%) and the EBRD (20%)¹.</p> <p>According to the EBRD, and following the Bank requirements, in September 1994 there were notifications of scoping to several Ukrainian and Romanian governmental and non-governmental organizations. Both parties were invited to participate at the scoping meetings that took place in September 1994, but reportedly they did not attend. Additionally, the EIA report was sent to the Romanian and Ukrainian authorities, but no answer was obtained.</p> <p>In 2005 and 2006 (on 19.01.2005; 11.04.2005; 08.12.2005; and 27.02.2006), during construction of the oil terminal, Ukraine requested an expert assessment of possible transboundary impacts, but without a positive response. Concerns about the activity were reportedly raised within frameworks of international organizations: UNESCO, International Commission for the Protection of the Danube River (ICPDR), European Commission, Council of Europe and some secretariats of environmental Conventions (not Espoo). ICPDR reportedly recommended the Republic of Moldova notify concerned parties about the activity and an expert group appointed by ICPDR concluded that transboundary pollution could occur (<i>references not found</i>).</p>

¹ Danube Logistics (2008). Giurgiulesti International Free Port - Owner and Operator. Retrieved from: <http://www.gifp.md/en/about/danube-logistics.html>

For use by secretariat:

Reference number	EIA / IC / I /
Date received	Not applicable
Original language of information	English
Translation into English by	Not applicable
Date forwarded to Committee	
Date forwarded to Party or Parties	
Remarks by secretariat	The secretariat suggests requesting additional information from the Republic of Moldova, particularly regarding decision-making on the activity, and from Romania and Ukraine, regarding information they have received.
Date first discussed by the Committee (possibly including preliminary determination of admissibility)	
Additional information requested of source	

For use by the Committee:

The source of the information is known and not anonymous	
The information relates to an activity listed in Appendix I to the Convention likely to have a significant adverse transboundary impact	
The information is the basis for a profound suspicion of non-compliance	
The information relates to the implementation of Convention provisions	
Committee time and resources are available	

Annex I



Figure 1. Port Location at regional level.

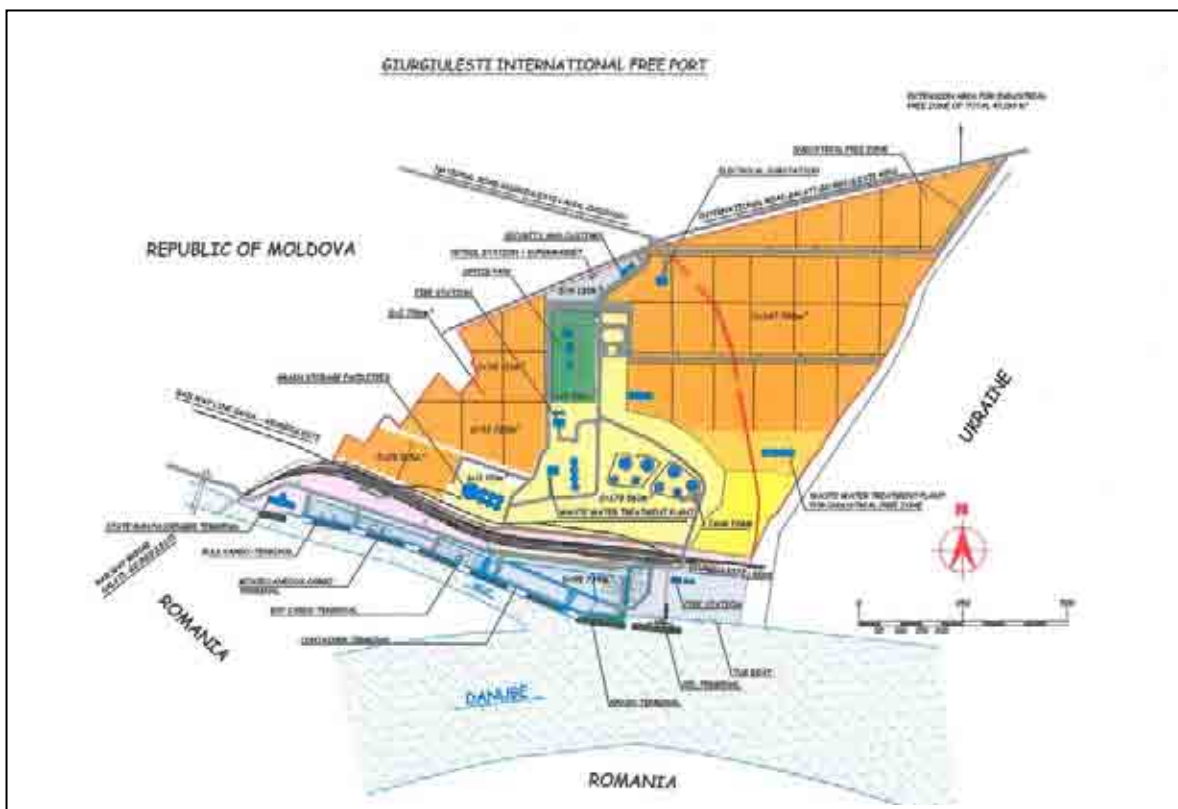


Figure 2. Master Plan².

² Danube Logistics (2008). Retrieved from :
<http://www.gifp.md/en/facilities/master-plan.html>