

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT
PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

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Ref. ECE/IC/INFO/27 Serbia: Extension of the open-pit mine at Drmno in Serbia

14 January 2020

Dear Ms. Veder,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

At its forty-sixth session, held in Geneva from 10 to 13 December 2019, the Committee continued to consider the information it had gathered on the extension of the capacity of the open-pit mine at Drmno in Serbia, close to the border with Romania, further to information by a Romanian non-governmental organisation ClientEarth dated 29 October 2019. It noted ClientEarth's comments expressing concern that, at its forty-fifth session (Geneva, 10–13 September 2019), the Committee had agreed not to pursue further its information-gathering activities regarding the issue (ECE/MP.EIA/IC/2019/4, paras. 43 and 44).

Hereby, I am writing to you, at the request of the Committee, to emphasize that the Committee had agreed that there was no need for it to continue the information-gathering procedure regarding the extension of the open-pit mine based on the information received from the Parties concerned – notably Serbia, as the Party of origin, and Romania, as the affected Party. The Government of Romania had expressed its satisfaction with the transboundary environmental impact assessment procedure carried out by Serbia and its outcomes.

Referring to the Committee's previous opinions, the Committee also wishes to emphasize that ensuring effective public participation was an integral part of the transboundary environmental impact assessment procedure under the Convention (ECE/MP.EIA/WG.1/2006/4, para. 16), and a common responsibility of the affected Party and the Party of origin (ECE/MP.EIA/15, decision V/4, para. 6 (c)). According to the information received from the Governments of Romania and Serbia, the two Parties had

Ms. Maria Jolie Veder
ClientEarth
Ixelles, Belgrade

CC: Ms. Pippa Gallop, Ms. Ioana Ciuta, Bankwatch Romania, Bucharest

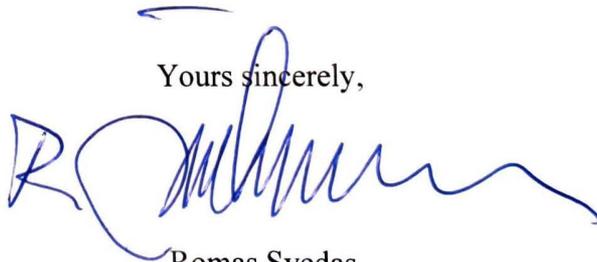
discussed and exchanged information regarding the Drmno pit mine during the transboundary procedure regarding the construction of the third block of the Kostolac power plant, including at a public hearing in September 2017. In the view of Romania, Serbia had fully answered all the questions from the Romanian authorities and public concerning the mine extension, including those from the NGO Bankwatch Romania (ECE/MP.EIA/IC/2019/4, para. 43 (a)).

Romania had also stated that it intended to observe any adverse transboundary impact of the activity further to the post-project analysis measures agreed on with Serbia in accordance with article 7 of the Convention, as set out in the final decision of 28 September 2017. In that context, the Committee wishes to invite ClientEarth and Bankwatch Romania to communicate their observations and concerns regarding the current exploitation by Serbia of the Drmno mine to the Government of Romania to enable it to address them under the post-project analysis procedure.

Let me also take this opportunity to point out that the Parties' decisions on outcomes of application of the Convention procedure were without prejudice to the rights of the public under other relevant international legal instruments, such as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and to national standards establishing a Government's obligations to the public.

Taking into account the Committee's conclusion that there is no need for it to continue the information-gathering procedure regarding the extension of the open-pit mine, you are kindly invited to provide your agreement that the correspondence between the Committee and ClientEarth be placed on the Convention's website, as an illustration of the Committee's approach to information gathering. In absence of a reply to this request by 14 February 2020, the Committee would understand that you agree with publication.

Yours sincerely,



Romas Svedas
Chair of the Implementation Committee