



## «Managing Environmental Security Risks with EIA and SEA»

### Environmental Impact Assessment in a Transboundary Context

### Joint Pilot project in Belarus and Ukraine on post-project analysis

### Final conference

### Report

15 April 2014, Minsk, Belarus



**EaP GREEN PROGRAMME**

## **A. ORGANIZATION OF THE FINAL CONFERENCE**

The final conference for the pilot project on post-project analysis between Belarus and Ukraine was held in Minsk, Belarus, on 15 April 2014. The conference was jointly organized by the United Nations Economic Commission for Europe (UNECE), United Nations Environment Programme (UNEP) and the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. Organizational and logistical support was provided by the United Nations Development Programme Office in Belarus (UNDP Belarus).

The conference took place in the framework of the “Managing Environmental Security Risks with EIA and SEA”, a joint project between UNECE, UNEP and UNDP, which is financed through the Environment and Security Initiative (EnvSec). The project’s overall objective is to build administrative capacity and enhance legal and institutional development for applying the transboundary environmental impact assessment (EIA) and strategic environmental assessment (SEA) procedures to projects and plans subject to environment and security challenges in Belarus and - where there is a transboundary context - Ukraine, and to foster stakeholder dialogue and access to information in relation to projects with transboundary environmental impacts and to plans. The UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) are used as the main instruments to achieve this. The project also contributes to implementing UNECE’s project component on SEA and EIA in a large regional project of the European Commission “Towards Greener economies in the Eastern Partnership” (EAP-Green).

The agenda of the conference is provided as Annex 1 to this report.

### **1. Objective of the final conference**

The objective of the final conference was to inform Government officials from participating states about the results of the pilot project, as well as to distribute recommendations for good practice on post-project analysis and also on transboundary EIA for the relevant authorities and other stakeholders in the participating countries.

### **2. Attendance**

The conference was attended by representatives of national authorities and research institutes in Belarus and Ukraine, as well as representatives of NGOs and private sector. Participants from Armenia, Azerbaijan, Georgia, Lithuania, Poland, the Republic of Moldova, the Russian Federation and Slovenia also took part in the conference. Representatives of international organizations, such as UNECE, UNDP and UNEP, as well as the Delegation of the European Union to the Republic of Belarus, participated to the conference together with numerous international experts.

### **3. Opening of the final conference**

The First Deputy Minister of Natural Resources and Environmental Protection, Mr. Vitaly Kulik, opened the conference and welcomed all the participants to the subregional conference organized under the Espoo Convention, and to the session dedicated to sharing the results of a pilot project on

post-project analysis in Belarus and Ukraine. Opening words were also given on behalf of the project partners: Mr. Mahir Aliyev (UNEP); Ms. Natallia Hubskeya (UNDP Belarus); and Ms. Elena Santer (UNECE). Ms. Vesna Kolar-Planinsic, the Chair of the Implementation Committee under the Espoo Convention also took the floor, and thanked the Ministry of Natural Resources and Environmental Protection for inviting the members of the Committee to the seminar. Ms. Elena Rakova also greeted the participants on behalf of the Delegation of the European Union to Belarus.

Mr. Kulik then asked Mr. Aliyev to act as the Chair of the meeting.

#### **4. Post-project analysis under the Espoo Convention**

Ms. Minna Torkkeli from the secretariat of the Espoo Convention introduced the participants to the scope of the Convention, including the procedure on post-project analysis (PPA). The Convention contains provisions for a post-project analysis which completes the transboundary environmental impact assessment of a project by providing feedback on the project implementation and allowing Parties to continue cooperating also during the project implementation phase. PPA is not a mandatory procedure, but it can be included as requirement in final decision in relation to monitoring. To be clear about the practical arrangements and responsibilities of both Parties, PPA can be included as requirement in bilateral or regional agreements.

As there is not yet a lot of experience on applying the post-project analysis among the Parties to the Convention, it was noted that the conference is very useful for sharing the experience Belarus and Ukraine have gained on applying the PPA. The aim of the pilot project was to conduct the post-project analysis of the chalky deposit “Khotislavskoye” (2nd phase), which has been subject to a transboundary EIA procedure between Belarus and Ukraine. The chalky deposit is situated within 250 meters from the Belarus-Ukrainian border, in the vicinity of the Shatsky lakes Natural Reserve area. The objectives of the pilot project were to:

- Establish practice in the post-project analysis of projects subject to a transboundary EIA procedure.
- Improve cross-border dialogue between Belarus and Ukraine in monitoring and mitigating transboundary impacts.
- Improve practices for providing the public of concerned countries with access to information about transboundary environmental impacts.

#### **5. Cooperation between Belarus and Ukraine in the field of post-project analysis**

Mr. Aleksandr Andreev (Ministry of Natural Resources and Environmental Protection) and Mr. Oleksandr Tarasenko (Ministry of Ecology and Natural Resources of Ukraine) introduced the participants to the pilot project. The participants took note of the transboundary EIA procedure on the development of the chalky deposit “Khotislavskoye” (2nd phase), which was initiated in 2009, when Belarus sent a notification to Ukraine. Ukraine provided comments on the EIA documentation and consultations were held according to article 5 of the Convention in 2010. The EIA procedure was officially completed in June 2011, when Belarus sent the final decision to Ukraine. To address the concerns Ukraine had presented on the transboundary environmental impacts, the Parties agreed to continue cooperation during the implementation of the activity. The proposal for the pilot project

was then developed to assist the countries in applying the post-project analysis. The pilot project for post-project analysis was initiated at a start-up workshop held in Brest, Belarus on 9-10 April 2013. During the workshop, a bilateral working group on monitoring was established.

## **6. Work done by the bilateral working group on environmental monitoring**

Ms. Lesya Nikolayeva, a consultant to UNEP, Ms. Olga Vasniova, from the Belarusian Research Geological Exploration Institute and Mr. Oleksandr Vasenko, from the Ukrainian Scientific Research Institute of Ecological Problems, introduced the work done by the bilateral working group on environmental monitoring. It was pointed out that joint monitoring between Belarus and Ukraine was carried out for the first time in the framework of the pilot project, and the project succeeded in promoting openness and building trust through sharing of the monitoring data. The pilot project allowed the affected Party to express its remaining concerns regarding the possible significant adverse environmental impacts of the activity in a constructive manner. Both countries were also very satisfied for the possibility to discuss and agree on the methods used for sampling, their conservation and analysing environmental data.

The bilateral working group met three times during the pilot project and carried out field works on monitoring in the territory of both countries. The working group also collected and analysed all the information available from the period 2011-2013 on the environmental monitoring in the vicinity of the project area. No adverse environmental impacts from the activities at the chalky deposit were detected so far (up to 10 meters depth) and the planned environmental measures were considered to be efficient. The regular and comprehensive monitoring from both sides will help to observe the situation in the area of quarry and detected in time the possible changes in the future. Some deviations in the monitored parameters appeared, but they were identified as natural variation due to specific environmental conditions. Detailed results of the monitoring as well as recommendations made by the working group on monitoring and improving the PPA are presented in the report by the bilateral working group for the environmental monitoring of the “Khotislavskoye” quarry, available in English and Russian at the website of the Convention<sup>1</sup>. The experts of the bilateral working group also pointed out that when the exploitation of chalky deposits reaches 25 metres depth, there might be need to assess whether the mitigation measures currently in place are sufficient for preventing adverse transboundary impacts. The participants noted that through the pilot project the two countries established a basis for long-term environmental monitoring and information exchange programme to support joint decision making regarding prevention and mitigation measures during further exploitation of the “Khotislavskoye” quarry. They further welcomed intentions of Belarus and Ukraine to continue monitoring of the impacts at “Khotislavskoye” quarry area and exchange of information after the completion of the project.

A representative from the Republic of Moldova asked how the financing for the joint monitoring was ensured, and what Belarus and Ukraine considered to be the appropriate timeline for post-project monitoring of an activity that possibly has adverse transboundary impacts.

Mr. Vasenko explained that the monitoring network was already in place in Ukraine, where the responsibility on environmental monitoring lies with the authorities. Mr. Andreev complemented that in Belarus the proponent covers the costs of monitoring. However, it should be noted that the

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<sup>1</sup> <http://www.unece.org/env/eia/meetings/subregional2014.html>

pilot project funded the work of the bilateral working group. Both countries confirmed that they will continue monitoring at the site until the activity is over.

A representative from Armenia asked whether during the post-project analysis the monitoring results should be compared with the forecast presented in the EIA documentation.

Ms. Vasniova replied that this comparison was done, and the forecast was discovered to reflect the reality well.

## **7. Recommendations for post-project analysis in Belarus and Ukraine and for improving transboundary EIA procedure**

Ms. Nina Stoyanova and Mr. Roman Shakhmatenko, who are consultants that supported the bilateral working group and the task force in the implementation of the pilot project, introduced the recommendations made on improving the post-project analysis, including public participation and access to information as well as the transboundary EIA procedure.

The main recommendation regarding improving transboundary EIA procedure, was to determine clear steps and set conditions for participation of the affected Party in the EIA process conducted by the Party of origin, in order to insure equal rights to: i) be informed at each phase of the EIA procedure, including after issuing of the final decision on further development of the activity that has been subject to the assessment; ii) be provided with possibilities to make comments on the proposed activity and the EIA documentation, including making proposals for mitigation measure and post-project monitoring; iii) be provided with environmental information concerning the state of environment and environmental impacts in the project area.

The first recommendation concerning improvement of post-project analysis was to establish a format for the final decision, which includes separate segments for conditions, mitigation measures and post project monitoring. Using such format, in particular in the transboundary context, would help addressing existing gaps in the Belarusian and Ukrainian legislation concerning the definition and content of a final decision. The format also provides conditions for further cooperation between the countries in the framework of the post-project analysis procedure. A template for the final decision had been developed upon a request from the task force.

The second recommendation was to include provisions of the post-project analysis as an addendum into the draft bilateral agreement between Belarus and Ukraine on implementation of the Espoo Convention. The addendum should describe in detail the process of post-project analysis, including methods for information exchange as well as setting up national working groups on monitoring.

Mr. Jerzy Jendroska, a member of the Espoo Convention Implementation Committee, commented the recommendations developed under the pilot project. In general, he stressed that all recommendations regarding transboundary EIA need to be embedded in the national legislation, to ensure that e.g. the proponents will follow the recommendations. Also, it needs to be kept in mind that PPA should be based on transboundary consultations and comments from the public. Mr. Jendroska also made several detailed comments to the recommendations.

Ms. Elena Laevskaya from Belarussian State University, Law department added that it is not clear who are the stakeholders referred to in the format of a final decision. She also questioned the

proposal to nominate experts to the national working groups on monitoring without specifying the names of the experts.

Mr. Andreev supported Ms. Laevskaya regarding nomination of the experts and commented on the recommendation to prepare the programme of post-project analysis before the final decision is taken. The programme could be specified also after the decision has been taken. In addition, he questioned whether a uniform template for a final decision can be developed as countries have different national legal systems, and levels of decision-making.

It was agreed that participants can send written comments within one week regarding the draft recommendations to the Espoo Convention secretariat.

#### **8. Public participation workshop**

Mr. Viktor Khodzin informed the participants on the public participation workshop organized in Khotislav, Belarus, in February 2014, to share the results of the pilot project and discuss the draft recommendations developed. The main concerns of the public related to the activities at the "Khotislavskoye" quarry have been the possible degradation of surrounding areas, reduction of surface water and groundwater; impacts to the water level of Shatsky lakes, air pollution and negative impacts on flora and fauna.

In addition to sharing the results of the environmental monitoring conducted in the framework of the pilot project in 2013, answers were provided to numerous questions from the public and government officials in Ukraine and Belarus during the meeting. Mr. Khodzin pointed out that public participation is a crucial element of the post-project analysis, as it can relieve the unnecessary fears and concerns related to adverse environmental impacts.

#### **9. Following the good practice gained during the pilot-project for other activities subject to transboundary EIA procedure**

Mr. Andrew Katanaev from RUE "Belniplerienergoprom" (Belarusian Nuclear Power Station) informed the participants that Belarus considers post-project analysis as an efficient tool to continue constructive dialogue with the affected Parties after initiation of the project. Thus Belarus' intends to conduct post-project analysis of the nuclear power plant. To this extend, in 2014, Belarus will prepare and agree with the affected Parties on a plan for post-project analysis. Implementation of the post-project analysis is foreseen starting from 2015.

#### **10. Closing of the conference**

To conclude, Mr. Andreev stated that Belarus will introduce changes in its national legislation soon regarding post-project analysis, and that the recommendations developed under the pilot project will be taken into account. Mr. Andreev also proposed to continue developing general recommendations under the Espoo Convention on post-project analysis.

Mr. Aliyev then closed the meeting.

## Annex 1. Agenda

Tuesday, 15 April 2014	
Chairperson, Mr. Mahir Aliyev, United Nations Environment Programme	
9.30	<p><b>Opening of the conference</b></p> <p><i>First Deputy Minister of Natural Resources and Environmental Protection of the Republic of Belarus (tbc)</i>  <i>Ms. Natallia Hubsckaya, UNDP</i>  <i>Mr. Mahir Aliyev, UNEP</i>  <i>Ms. Elena Santer, UNECE Secretariat to the Espoo Convention</i>  <i>Ms. Elena Rakova, Delegation of the European Union to the Republic of Belarus</i></p>
10.00	<p><b>Introduction to the pilot project on the post-project analysis of exploitation of the chalky deposit «Khotislavskoye»</b></p> <p><i>Ms. Minna Torkkeli, UNECE Secretariat to the Espoo Convention</i></p>
10.15	<p><b>Cooperation between Belarus and Ukraine in the field of post-project analysis – achievements and lessons learned</b></p> <p><i>Mr. Aleksandr Andreev, Ministry of Natural Resources and Environmental Protection of the Republic of Belarus</i>  <i>Mr. Oleksandr Tarasenko, Ministry of Ecology and Natural Resources of Ukraine</i></p>
10.45	<b>Coffee break</b>
11.00	<p><b>Presentation of the final report by the bilateral working group on environmental monitoring</b></p> <p><i>Ms. Lesya Nikolayeva, UNEP consultant</i>  <i>Ms. Olga Vasniova, Belarussian Research Geological Exploration Institute, Belarus</i>  <i>Mr. Oleksandr Vasenko, Ukrainian Scientific Research Institute of Ecological Problems</i></p>
11.30	<b>Questions and answers</b>
11.45	<p><b>Lessons learned from public participation during the post-project analysis</b></p> <p><i>Mr. Viktor Khodzin, local consultant, Belarus</i></p>
12.00	<p><b>Recommendations for good practice on post-project analysis and on transboundary EIA, including for public participation and access to information</b></p> <p><i>Ms. Nina Stoyanova, UNECE consultant</i></p> <p><b>Comment on the recommendations developed</b></p> <p><i>Mr. Jerzy Jendroska, Member of the Implementation Committee to the Espoo Convention</i></p>
12.45	<b>Questions and answers</b>
13.00	<b>Lunch</b>
14.00	<p><b>Addendum on post-project analysis to the bilateral agreement between Belarus and Ukraine for the implementation of the Espoo Convention</b></p> <p><i>Ms. Nina Stoyanova, UNECE consultant</i>  <i>Mr. Roman Shakhmatenko, local consultant, Ukraine</i></p>
14.20	<p><b>Discussion: Benefits, barriers and the way forward for application of the post project analysis</b></p> <p><b>Conclusions of the morning session, adoption of proposals and recommendations</b></p>