

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

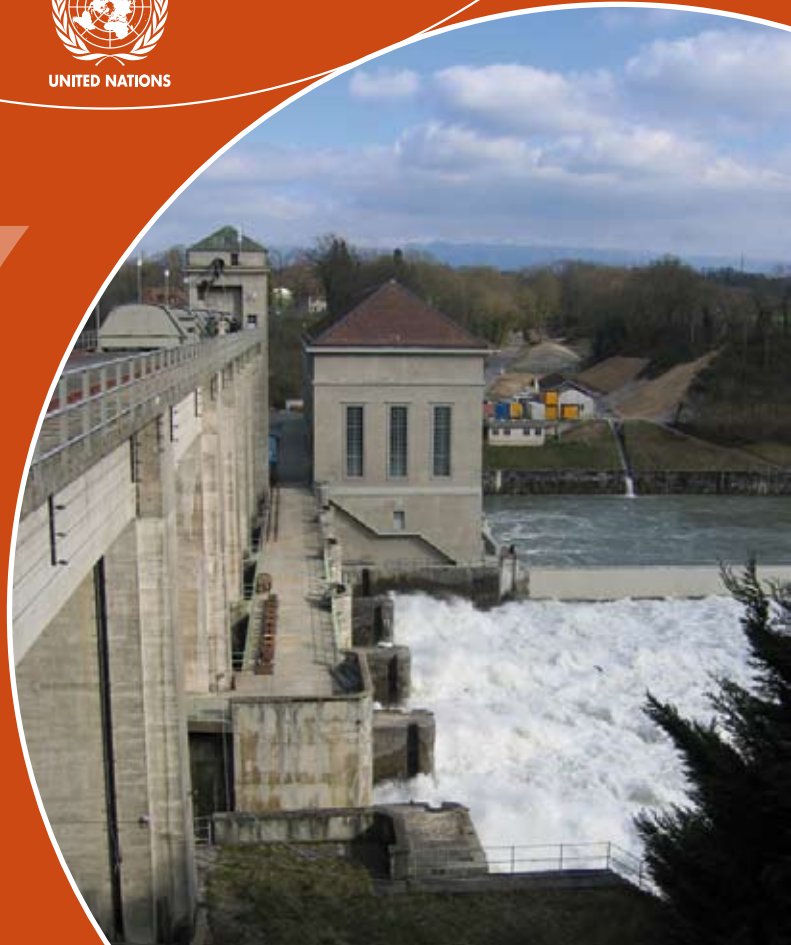
What **UNECE** does for you



UNITED NATIONS

...**UNECE** makes sure
States apply the
Espoo Convention

Environmental impacts do not stop at the border. Your environment may be harmed by an activity in another country. What rights do you have? Authorities and members of the public in a potentially affected country can inform the Convention's Implementation Committee if they believe a State Party is failing to fulfil its obligations under the Convention. Matthias Sauer, Chair of the Committee for 2008–2011, explains how the Convention and the Committee work.



What is the Espoo Convention?

Environmental consequences can often be anticipated. For instance, it is possible to assess the impact that a project is likely to have on the environment when it is still at the design stage. Environmental impact assessment—or “EIA”—is an important tool for an integrated approach to the protection of the environment, as it requires a comprehensive assessment of the environmental impacts of a given activity. EIA is part of the national legislation of many countries and we now have much experience with its implementation. However, if a project might have significant adverse environmental impact across borders, the EIA can be incomplete if other countries are not consulted.

In 1991, UNECE supported States in their negotiation of the Convention on Environmental Impact Assessment in a Transboundary Context. The Convention is designed to promote environmentally sound and sustainable development while also enhancing international cooperation in assessing environmental impacts, particularly of a transboundary nature. The Convention was adopted in the Finnish city of Espoo, hence it is often called “the Espoo Convention”. It entered into force in 1997 with 16 Parties. By 2008, it had 42 Parties. The Parties are those States—and the European Community—that have agreed to implement the Convention and to fulfil its obligations. More information can be found online at: <http://www.unece.org/env/eia>.

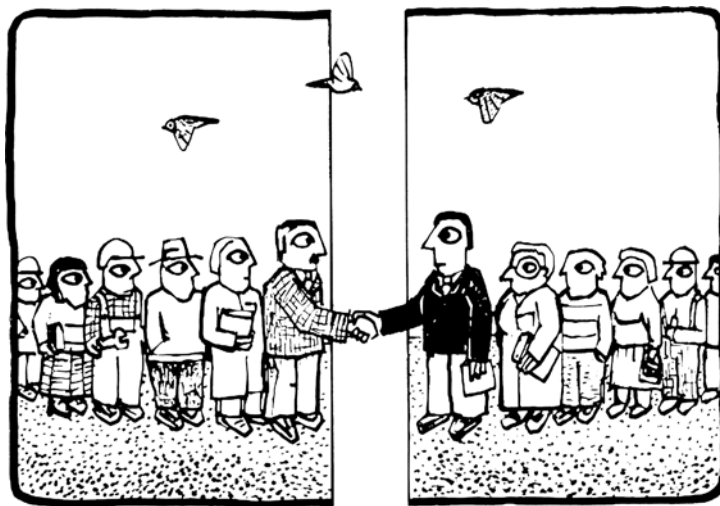
The Convention requires that an EIA be carried out for an activity planned in the territory of one Party that is likely to have a significant environmental impact within an area under the jurisdiction of another Party. It specifies what has to be considered at an early stage of planning and also lays down the obligations of the Parties concerned to notify and consult each other and the public of such an activity.

What does the Implementation Committee do?

The Implementation Committee reviews Parties’ compliance with their obligations under the Convention with a view to assisting them fully to meet their commitments. The Committee was established by the Meeting of the Parties to the Convention in February 2001. It consists of eight members nominated by Parties who are in turn elected by the Meeting of the Parties. For the period 2008–2011, the Committee members were nominated by Azerbaijan, Bulgaria, Croatia, Germany, Kyrgyzstan, Poland, Republic of Moldova and Slovenia. I have the honour of being the current Chair of the Committee.

The Committee considers any submission made by one or more Parties that have concerns about another Party’s compliance with its obligations under the Convention. Such a submission must relate specifically to those concerns and be backed up by supporting information. The Committee also considers any

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submission made by a Party that concludes that, despite its best efforts, it is or will be unable to comply fully with its obligations under the Convention—this is sometimes termed “self referral”.

The Committee must follow up on a submission by a Party to the Convention. In addition, where the Committee becomes aware of possible non-compliance by a Party with its obligations, it may request the Party concerned to provide more information—this is the “Committee initiative”. The Committee may also become aware of such a situation from the Convention’s Review of Implementation. This is a periodic report on how the Convention is being implemented, based on national reports produced by Parties completing a questionnaire.

Finally, the Committee must follow up on other decisions of the Meeting of the Parties. For example, the Committee may oversee country-specific performance reviews and technical assistance in drafting legislation.

So is the Committee a court or tribunal?

No, absolutely not. The Committee’s purpose is to help Parties with their implementation of the Convention. The Committee’s mandate makes this clear: the compliance procedure the Committee manages is meant to be “non-adversarial and assistance-oriented”. We realize that countries may be nervous about being the subject of the compliance procedure, but we hope that, as experience grows, countries will be willing to benefit from our help, including through self-referral. Indeed, our experience has included helping countries review and then modify or develop their legislation in order to implement the Convention.

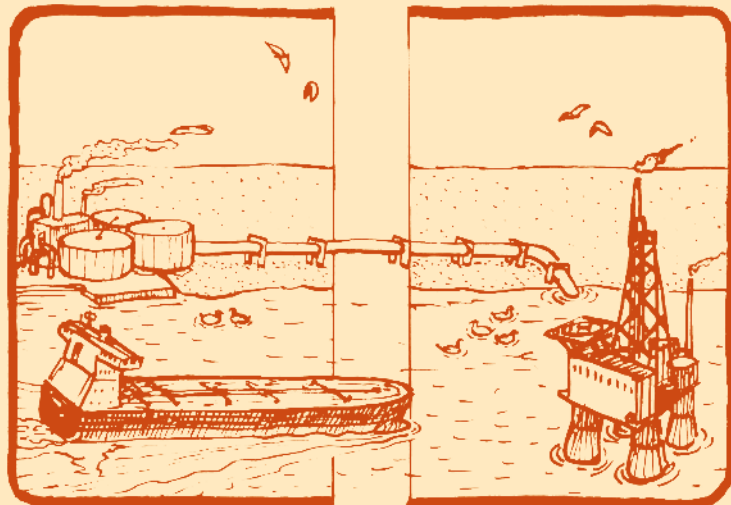
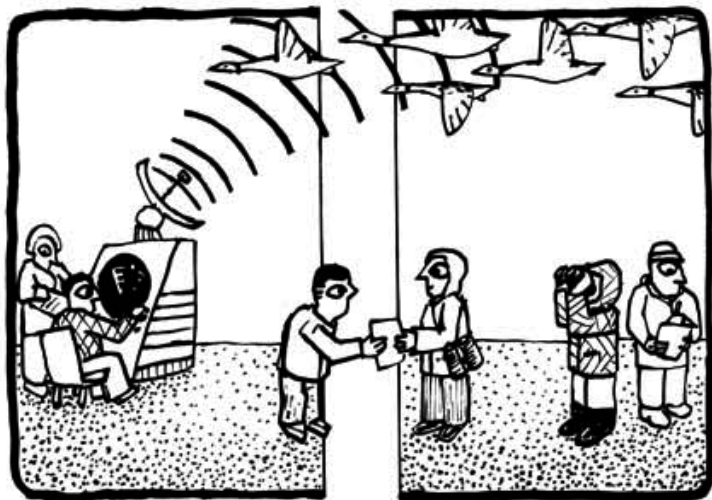
Can the public, local authorities and others provide information?

Yes, the Committee can become aware of possible non-compliance by a Party

with its obligations by other means as well. Information from the public can form the basis of a Committee initiative. The Meeting of the Parties has recognized that the Committee may become aware by any source of information, not just coming from the Governments of Parties. The source of such information may therefore be a non-governmental organization, a local government body, a private company or a member of the public.

Does the Committee always have to respond?

No. The Committee has only limited resources and must consider carefully whether the information it receives truly suggests possible non-compliance by a Party. The Meeting of the Parties has agreed a series of conditions, or criteria, to help the Committee to decide whether to begin a Committee initiative. These are:



- 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; appendix I includes a long list of different development activities such as oil refineries, power stations, motorways, ports, major mining installations, etc.
- The information is the basis for a profound suspicion of non-compliance
- The information relates to the implementation of the Convention's provisions
- Committee time and resources are available

The Committee is committed to considering the information on a non-discriminatory, non-arbitrary and unbiased basis. But I would like to emphasize that there is no automatic trigger for a Committee initiative!

What information has to be provided?

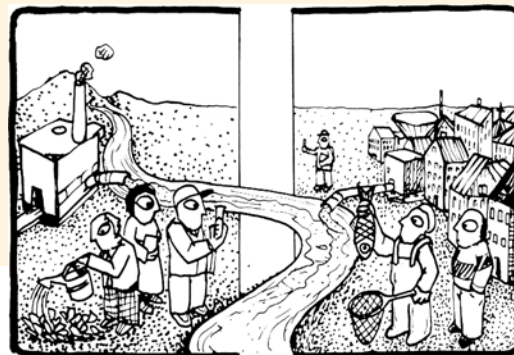
For the Committee to consider such information initially, it really needs to understand the full nature of the concern and whether it fulfils the criteria mentioned above. We therefore ask that the following are provided:

- The name and full contact details of the source of the information
- The Party or Parties of origin under whose jurisdiction the proposed activity is expected to take place
- The affected Party or Parties likely to be affected by the transboundary impact of a proposed activity
- Whether the activity—or development project—in question is identified in the list of activities in appendix I to the Convention
- The likely significant adverse transboundary impact of the activity on the affected Party or Parties
- The provisions or articles of the Convention with which compliance is being contested
- A description of the issue
- Any other supporting information

Later, the Committee may decide to request more information.

How can the Committee be contacted?

The Committee has developed a special form to streamline the sending of information. A person or organization with relevant information simply completes the form, which is available on the Convention's website (<http://www.unece.org/env/eia>), and sends it by post or e-mail to the Convention secretariat at UNECE. The secretariat then forwards the information to the Committee for its consideration. NB: If the Committee decides to contact the Party or Parties concerned, the source of the information will be identified.



For more information, please visit
<http://www.unece.org/env/eia>

You can also contact us by e-mail:
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