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Challenges of the Espoo Convention application in Eastern Europe, the Caucasus and Central Asia

Seminar on legislation and procedures for implementation of the Espoo Convention in Eastern Europe, the Caucasus and Central Asia,
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Issues to be addressed

• Genesis
• Issues of concern
• Suggestions
Genesis

• Traditions of OVOS/expertiza system
  – substance oriented
  – two separate legal regimes
    • OVOS - responsibility of developer
    • expertiza(s) - responsibility of various agencies

• Espoo Convention based on Western EIA concept
  – proces oriented
Issues of concern

- Scope of activities covered
- Scope of assessment
- Regulatory control
- Public participation
- Implementation of Espoo Convention
Activities covered

• Broad regulatory control and extensive list of activities which require expertiza
  – much more activities than activities listed in Espoo Appendix I

• Usually only activities where construction is involved
  – no deforestation (or afforestation)
  – no intensive rearing of poultry or pigs
Scope of assessment

• no individual scoping (usually)
• no clear requirement for
  – „identification of gaps in knowledge and uncertainties”
  – locational alternatives
• limited scope of alternatives assessed in practice
Regulatory control

• Two separate processes
  – OVOS
  – expertiza

• Separate control at expertiza stage
  – environmental, sanitary etc
  – in some countries - integrated expertiza

• No single „competent authority”
  – responsible for the entire procedure
  – for „final decision”
Public participation

• **OVOS stage**
  – responsibility of the developer
  – no clear procedures for notification and hearings
  – in practice rather propaganda than participation

• **Expertiza**
  – only non-mandatory „public expertiza”
  – no public consultation in practice
  – no clear requirement to take into account outcomes of OVOS
Transboundary procedure

- **Screening**
  - no precise screening mechanism
  - authorities involved late in the procedure

- **No clear transboundary procedure**
  - when Party of origin (who and when notifies?)
  - when affected Party
  - Espoo convention applied directly

- No scoping
- OVOS Statement (zajavlenije) vs OVOS Report (otchiot)
- No clear „final decision“
Suggestions

• Screening mechanism
  – list of projects for mandatory Espoo notification

• Environmental authorities involved in OVOS
  – declaration of intent
  – individual scoping
  – public participation

• EIA documentation
Suggestions -cd

• Clear indication what is „final decision”
• Clear designation of competent authorities
  – for contacts under Espoo Convention
  – for issuing final decision
• Procedures (who does what!)
  – as Party of origin
  – as affected Party