

Economic Commission for Europe

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context

Meeting of the Parties to the Convention
serving as the Meeting of the Parties
to the Protocol on Strategic
Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Fourth meeting

Geneva, 26–28 May 2015

Item 5 of the provisional agenda

Exchange of good practices

Seminar on post-project analysis

**To be held at the Palais des Nations, Geneva (Room V)
on Wednesday, 27 May (10 a.m.–1 p.m.)**

I. Introduction

1. The workplan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Protocol, was adopted by joint decision VI/3–II/3 and foresees the organization of a half-day seminar on post-project analysis within the meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment in 2015.
2. The seminar has been organized by Belarus, Ukraine and the secretariat with the assistance of an international consultant and financial support from the Greening Economies in the Eastern Neighbourhood (EaP GREEN) programme.
3. The value of post-project analyses in managing environmental effects of development projects has been long recognized. Already in 1988, the Senior Advisors to Economic Commission for Europe (ECE) Governments on Environmental and Water Problems had decided to undertake a project on the use of EIA auditing. A task force was established, led by Canada with the participation of Finland, the Federal Republic of Germany, Hungary, Netherlands, Norway, Poland, Sweden, Union of Soviet Socialist Republics and the United States of America. The task force analysed examples on post-project analyses undertaken at that time on the basis of knowledge and experience around the end of 1988, with a view to determine successful approaches that could provide insights on improved environmental impact assessment (EIA) systems.
4. The work of the task force was completed in 1988. The resulting report and all relevant background material was approved by the Senior Advisors to ECE

Governments on Environmental and Water Problems in March 1989 and issued as an official UN publication in January 1990.¹

5. The Espoo Convention, adopted in 1991, includes article 7 on post-project analysis and places the issue in the context of transboundary consultations. According to that article:

1. The concerned Parties, at the request of any such Party, shall determine whether, and if so to what extent, a post-project analysis shall be carried out, taking into account the likely significant adverse transboundary impact of the activity for which an environmental impact assessment has been undertaken pursuant to this Convention. Any post-project analysis undertaken shall include, in particular, the surveillance of the activity and the determination of any adverse transboundary impact. Such surveillance and determination may be undertaken with a view to achieving the objectives listed in Appendix V.
2. When, as a result of post-project analysis, the Party of origin or the affected Party has reasonable grounds for concluding that there is a significant adverse transboundary impact or factors have been discovered which may result in such an impact, it shall immediately inform the other Party. The concerned Parties shall then consult on necessary measures to reduce or eliminate the impact.

6. Moreover, Appendix V sets out the following objectives of a post-project analysis: (a) Monitoring compliance with the conditions as set in the authorization or approval of the activity and the effectiveness of mitigation measures; (b) Review of an impact for proper management and in order to cope with uncertainties; (c) Verification of past predictions in order to transfer experience to future activities.

7. Since the Convention entered into force in 1997, Parties have reported on the implementation of the Convention on four occasions: first review (to mid-2003); second review (mid-2003 to end 2005); third review (start 2006 to end 2009); and fourth review (start 2010 to end 2012).² All reviews have demonstrated limited experience in carrying out post-project analysis. According to the last review of implementation of the Convention, adopted by decision VI/1 of the Meeting of the Parties, Parties lacked legal requirements for a post-project analysis in line with article 7 of the Convention and most countries had reported that post-project analysis had not been carried out at least in the transboundary context. Some of the challenges included the difficulties in collecting information on post-project analysis or verification by the Parties in the absence of national registration systems.

8. In the period 2011-2013, a project was implemented jointly by the ECE, the United Nations Environment Programme and the United Nations Development Programme, and was financed through the Environment and Security Initiative (EnvSec) on the pilot application of post-project analysis on the Khotislavskoe chalky deposit in Belarus, close to the border with Ukraine. The outcomes of the project were discussed at the Subregional conference, presenting results on pilot project on post-project analysis with Belarus and Ukraine and capacity building on SEA (Minsk, 15 April 2014).³

9. Experience shows that there is still little experience on post-project analysis, notably transboundary post-project analysis according to the Convention. The aim of the present seminar is to provide insights on the practice, needs and expectations of the Parties to the Convention, exemplified through the cases presented by Parties which indicated that they have had experience on post-project analysis, as well as

¹ The publication is available in the English and French languages at:
<http://www.unece.org/env/eia/pubs/ppa.html>.

² For details see: http://www.unece.org/env/eia/implementation/review_implementation.html.

³ <http://www.unece.org/index.php?id=34690#/>.

through the results of the recent project on post-project analysis between Belarus and Ukraine.

II. Provisional programme

Introductory remarks (10:10–10:15 am) by the Chair, Mr. Aleksandr Andreev, Ministry for Natural Resources and Environmental Protection of the Republic of Belarus.

Introductory remarks (10:15–10:20 am) by the moderator, Mr. George Kremlis, DG Environment, European Commission.

Presentations (10:20–11:20)

1. Extraction of sand deposits in the Baltic Sea (Middle Bank) - (Poland–Sweden), Ms. Katarzyna Twardowska, Poland
2. The experience of the Affected Party: Reinforcement of hydraulic power plant of Bemposta (Portugal–Spain), Mr. Adrián Vecino Varela, Spain
3. Post-project analysis at the national level: The effects of a wind turbine park on white-tailed eagles at Smøla island, Norway, Mr. Terje Lind, Norway

Coffee break (11:20–11:35 am)

Presentations (*cont'd*) (11:35–12:20)

4. The Khotislavskoye experience and the recommendations (pilot supported by the secretariat), Ms. Nina Stoyanova, expert, with inputs by Ms. Lesya Nikolayeva (UNEP), and Belarus (country of origin).
5. Transboundary post-project analysis in the Ostrovets nuclear power plant, Mr. Aleksandr Andreev, Belarus

General discussion (12:20–12:45)

Lessons learned and aspects to consider

Concluding remarks by the moderator and close of the seminar

III. Speaker biographies

Aleksandr Andreev

Since July 2005, Mr. Aleksandr Andreev is Head of the Department of State Environmental Expertise in the Ministry of Natural Resources and Environmental Protection (Republic of Belarus). He has engaged in legislative activity relating to EIA procedures; interpretation of existing legislation in the field of EIA and the associated provisions relating to spatial planning, environmental expertise, urban development, and the protection of nature. He has actively participated in intergovernmental negotiations of bilateral agreements under the requirements of the Espoo Convention (Belarus-Poland; Belarus-Lithuania, Belarus-Ukraine). He also takes part in the working group on the assessment of the Belarusian legislation with a view to implementing the Protocol on SEA. Belarus is already a Party to the Espoo Convention, but has yet to join the Protocol.

George Kremlis (moderator)

Mr. Kremlis started his career in the European Union in 1981, at the European Commission's Legal Service. From 1990 to 1993 he was a Member of the Greek Competition authority and also held different functions in Greece, as Advisor to the Greek Minister of National Economy, National Co-ordinator for the European

Economic Community (EEC) internal market, Head of the EEC Committee under the Greek Prime Minister, and Secretary General for European Affairs in the Ministry of National Economy. Mr. Kremlis joined DG Environment in 1995, where he currently serves as Head of the “Enforcement, Cohesion Policy and European Semester, Cluster 1” Unit, responsible for the enforcement of EU environmental law and of the compliance with environmental law of projects (and plans and programmes) co-financed by the EU as well as the evaluation of their impacts. He is also responsible for environmental integration in Cohesion Policy and the Trans European Networks for Energy and Transport. In his current position, he is Chairman of the European Network of Environmental and Managing Authorities and the EIA/SEA (Environmental Impact Assessment / Strategic Environmental Assessment) Experts Groups. He is also Member of the Bureau under the Convention and its Protocol on SEA. Previously, he was Head of the Legal Unit, Head of the “Legal affairs and Governance” Unit and Head of the Unit “Cohesion Policy and Environmental Impact Assessments”, all within the DG Environment. In addition, From March to August 2011, he served as Acting Director of the Directorate “Legal Affairs and Cohesion” and from June 2013 to January 2014 as Director ad interim of the Directorate “Implementation, Governance and Semester”.

Mr. Kremlis is a lawyer before the Greek Court of Cassation and Visiting Professor in a number of universities, in Greece and abroad, especially in post-graduate studies. He is the co-author of a four volume Commentary of the EU Treaties (in Greek) and the author of numerous publications, in English, French and Greek, including books and articles, on EU Policy and Law, in particular institutional law, business law, private international law, environmental law, and comparative law.

Katarzyna Twardowska

Since 2009, Dr. Twardowska is Deputy Director of the Department for EIA, General Directorate for Environmental Protection, Poland. She is handling matters related to the participation of the General Director for Environmental Protection in the EIA and SEA procedures, including in a transboundary context and in the conduct of intergovernmental negotiations of bilateral agreements under the requirements of the Espoo Convention and its Protocol on SEA (such as with Belarus, Germany, Slovakia). Dr. Twardowska participates in the preparation of legislation relating to EIA procedures; the interpretation of existing legislation in the field of EIA and the associated provisions relating to spatial planning, investment process and the protection of nature. She is Point of Contact regarding Notification and Focal Point for Administrative Matters under the Convention and the Protocol.

Adrián Vecino Varela

Mr. Adrián Vecino Varela is an agricultural engineer and has 20 years of experience in environmental matters. He is working for the Spanish Ministry of Agriculture, Food and Environment, where he currently holds the position of Head of Division in the General Department of Environmental Assessment. In the last 10 years in the Ministry, he has worked on environmental assessment issues, both in the assessment of specific plans, programs and projects, and also in general issues, such as the follow up of the implementation of the Espoo Convention and its Protocol on SEA and the EU EIA and SEA Directives.

Terje Lind

Mr. Lind is Deputy Director General at the Ministry of Climate and Environment of Norway. His work focuses on integrated marine management, marine spatial planning, EIA, the Oil for Development programme and other international and development cooperation matters. Prior to that, he was Head of the Section for EIA, Planning Department, where he was responsible for preparing the first comprehensive legislation on EIA and SEA in Norway, subsequent revisions, and

the running of the EIA/SEA system in practical terms, and was involved in regional, spatial and land use planning issues. From 1996 to 1999, Mr. Lind served as the Chair of the Bureau of the Espoo Convention and under his chairmanship the first MOP was organized. He later led the international negotiations of the Protocol on SEA up to their successful conclusion in 2003. He has extensive experience in international and development cooperation programs, many of them long-term (e.g. South Africa, Mozambique and The Palestine Territories), and especially in the context of the EU, Nordic and OECD cooperation matters. Before joining the Ministry of the Environment, Mr. Lind worked for ten years at the Ministry of Petroleum and Energy, Petroleum Department, in the area of opening up new exploration areas and the development of petroleum discoveries. Prior to that, he was a researcher at the Norwegian Institute for Urban and Regional Research, specializing in regional and spatial aspects of the oil and gas industry. Mr. Lind holds degrees from the University of Oslo and an MSc degree in geography from the University of Aberdeen, Scotland. Mr. Lind was born 6 November 1947, is a Norwegian citizen, lives in Oslo and is married and has two grown-up children.

Nina Stoyanova

Ms. Nina Stoyanova, Dipl. Engineer, is an experienced international environmental expert, specialised in SEA, EIA and integrated pollution prevention and control (IPPC). From 2001 to 2011, she worked as a civil servant in the Bulgarian Ministry of Environment and Water dealing with EIA implementation, including the preparation of legislation and institutional set up, administration, enforcement and practical SEA and EIA-related tasks at the national and transboundary context. During that period, she gained experience in consultative processes between different competent authorities, the general public, non-governmental organisations, experts and investors in the field of EIA, SEA, IPPC and Natura 2000. From 2008 to 2011 Ms. Stoyanova served as a member of the Implementation Committee under the Convention. Since 2012, she is manager of a sole owner Limited Liability Company providing consultancy services in the field of environmental protection including the preparation of specific expert documentation on environmental matters with a focus inter alia on EIA, SEA, IPPC, the Seveso Directive, Natura 2000, public participation and consultations. In parallel, Ms. Stoyanova is engaged as an expert in different projects of the UNECE and the European Commission, providing consultancy services in projects in various countries (Albania, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine and Uzbekistan).