

May 20, 2008-05-2

Statement of the NGOs present at MOP-4: 10th anniversary of the Espoo Convention

Extend thanks to host country for support and hospitality.

I)

10 years after entry into force of the Espoo Convention **on Environmental Impact Assessment in a Transboundary Context** environmental law and decision making are unthinkable in the majority of the UN-ECE region without pursuing an Environmental Impact Assessment (EIA) of projects having transboundary environmental impacts. The horizontal approach of the Espoo Convention to have an **integrated view** on potential environmental impacts was a tremendous step forward in environmental policy and decision-making. The obligations under the Espoo Convention to carry an EIA for transboundary larger scale projects led to improvements in national legislation that, in principle, do not limit EIA to transboundary projects but include similar domestic procedures.

We stress the need for further improvement of the practical implementation of and compliance with the Convention. The application of the Convention by parties shows a **wide range of problems** that constitute obstacles to proper implementation of the Convention. It can be seen as common problem that, in transboundary context, countries do not show sufficient efforts to properly inform the public of the neighbouring country in an **understandable** (e.g. translations), **comprehensive** (e.g. not all documents shown) and **timely** (e.g. information after project has started) manner.

**Substantive deficiencies** can be observed in most of the cases NGOs have participated. From our experience one of the largest shortcomings is the **lack of alternative assessments**. This is an important tool to reduce environmental impacts since many projects might have less environmental impact if they would be carried out in other locations or by other means that serve for the same purpose. Further problems occur in the actual assessment of the environmental impact. In many cases some environmental impacts are not taken into account. Often projects are cut into smaller pieces that have less environmental impact if assessed separately (**salami slicing**). In addition **cumulative impacts** of other projects and **indirect effects** are rarely taken into account.

In many states, the **Aarhus Convention** became the basic tool for NGOs to participate and enforce the Espoo Convention since it provides for public participation and access to justice in proceedings related to the Espoo Convention. Governmental authorities and the public **need better understanding of the value that public participation** adds to the decision making process. We stress the need for meaningful participation, where public participation is not a mere step in formal procedural requirements to fulfill. For both the Aarhus and Espoo Convention it can be stated that there is a vital need for **financial assistance to the public concerned** since participation is time consuming and very expensive due to need of technical and legal expertise.

The implementation of and compliance with the Convention requires stronger daily commitments by UN-ECE members. Compliance mechanism, including the **Implementation Committee**, should become stronger to play an important role in promoting better

compliance and implementation. In this context we welcome the decision on non-compliance by Ukraine and Romania. The procedure should allow public trigger of non-compliance cases which overcomes political reasons that prevent countries from using the compliance mechanism. In fact, the Ukrainian case could have been dealt five years earlier.

It has been four year since the adoption of the **SEA Protocol** to the Espoo Convention.. If this agreement is to contribute to the environmental protection in Europe, and EECCA countries in particular, two issues require further commitments by countries: **quick ratifications** and **early public involvement**.

II)

We note with concern quick development of nuclear power project in the UN ECE region, after several years of a ban. Too often EIA procedures under Espoo are not applied, or not applied properly, to such projects. In this regards three specific project should be mentioned: Belene NPP in Bulgaria (where NGOs in FRYM were denied access to information and participation), Belarus recently approved plans to construct its first NPP (where public cannot participate while Belarus is now considering options for NPP location), and Mochovce NPP in Slovakia (on the border with Austria, where two new blocks were not subject to EIA under Espoo).

III)

We call upon the parties to develop a new instrument, possibly an amendment to the Convention, to allow public trigger of transboundary EIA. Neither Espoo, no Aarhus has any clear procedures for the public from neighboring countries to participate in decision-making on projects that in principle are within the scope of Espoo Convention, but were not subject to EIA under Espoo.