



# The transboundary environmental impacts of coal activities

Coal activities have significant impacts on people's health and the environment. They are felt not only within their country of origin, but extend far beyond.

Studies have shown that coal power plants may have transboundary environmental impacts that affect the level of pollution in countries that would otherwise not face such harm. The 2017 'Dark Cloud' report<sup>1</sup> showed that France, a country with little coal in its energy mix, suffered the biggest health impacts from coal power plants within the EU. The equivalent of 1,200 premature deaths per year were associated with coal-related air pollution from neighbouring countries such as the UK, Poland, Germany and Spain. The 2018 'Last Gasp' report identifies the transboundary health impacts caused by individual coal plants in Europe<sup>2</sup>.

Aside from the transboundary impacts that cause air, water and soil pollution, and which mainly affect nearby countries, a second category of transboundary impact can be identified as climate impacts caused by coal plants' CO<sub>2</sub> emissions, which can affect countries worldwide.

For any country to properly assess and improve the state of its own environment and to mitigate significant environmental harm, it must not only be aware of the potential impacts of polluting activities in its own country, but also of those located in the countries around it. The Espoo Convention provides the tools to properly assess and mitigate these transboundary impacts.

Parties to the Espoo Convention are obliged to follow its relevant provisions and steps during the permitting process of a coal activity in their country. These steps are not only prescribed by the Convention, but also to guarantee an acceptable standard of environmental protection and to ensure that the concerned public is able to effectively exercise its environmental rights.

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## Coal activities that trigger transboundary procedural obligations under the Espoo Convention

Under the Espoo Convention, the “Parties of Origin” (i.e. the Party in which country the coal activity is located) are required to carry out a transboundary Environmental Impact Assessment (EIA) when a proposed activity includes<sup>3</sup>:

- the operation of new coal plant(s) of at least 300MWth, or major changes to these coal plants;
- major coal quarries and coal mining activities, or major changes to those activities.

When these thresholds are not met, a screening procedure to assess the potential transboundary environmental impact of a coal activity may still be required<sup>4</sup>.



Similar obligations for the activities described above are also found in EU law<sup>5</sup> and other international environmental agreements. For instance, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) requires the public to have access to information and participate in procedures concerning large (coal) combustion plants.

This includes the public affected or likely to be affected by environmental impacts felt abroad<sup>6</sup>. The requirements under the Aarhus Convention should be applied when implementing the procedural obligations in the Espoo Convention (see box below).

Failure to comply with the obligations in the Espoo Convention disregards the affected party's right and the right of its public to protect their health and environment. By not following the Espoo Convention's provisions, concerned parties are unable to mitigate the transboundary impacts of coal activities and ensure the wellbeing of both people and the planet.

### Complying with the Espoo Convention procedural obligations

The Party of Origin needs to implement the following steps in the decision-making process when considering the transboundary impact of coal activities:

- 1. The initiation of the procedure:** This step must include a screening procedure to determine the potential transboundary impacts of the coal activity.
- 2. Notification:** Notify the Affected Parties of the activity and its potential transboundary impacts.
- 3. Transfer of information & public participation:** Share all documentation on the transboundary EIA with the Affected Parties that have confirmed their wish to engage in the transboundary procedure. In addition, the Party of Origin must allow public participation in the EIA procedure, including public of Affected Parties.
- 4. Consultation:** Consult on the outcome of the EIA with the Affected Parties.
- 5. The final decision:** The Party of Origin must take into due account the results of the transboundary consultation procedure.

1 [http://env-health.org/IMG/pdf/dark\\_cloud-full\\_report\\_final.pdf](http://env-health.org/IMG/pdf/dark_cloud-full_report_final.pdf)  
2 <https://beyond-coal.eu/last-gasp/>

3 Espoo Convention. Art 1 (V), Art 2 (2), (3) and (4), Appendix I.

4 Espoo Convention, Article 2 (5).

5 Directive 2011/92/EU as amended by Directive 2014/52/EU ('EIA Directive') Article 8 together with Annex I and II, Directive 2010/75/EU ('IED') Article 14 (1) (g), Article 26.

6 Aarhus Convention, Article 6.

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