

# Guidelines



Environmental Impact Assessment  
in a Transboundary Context in the

# Caspian Sea Region

Step by step procedures



First published in Azerbaijan by United Nations Environment Programme and Caspian Environment Programme

No use of this publication may be made for resale

United Nations Environment Programme  
Regional Office for Europe  
15, chemin de Anemones  
CH-1219 Chatelaine  
Geneva,  
Switzerland  
Tel +41 22 917 8504  
Fax +41 22 917 8024  
Email: [roe@unep.ch](mailto:roe@unep.ch)

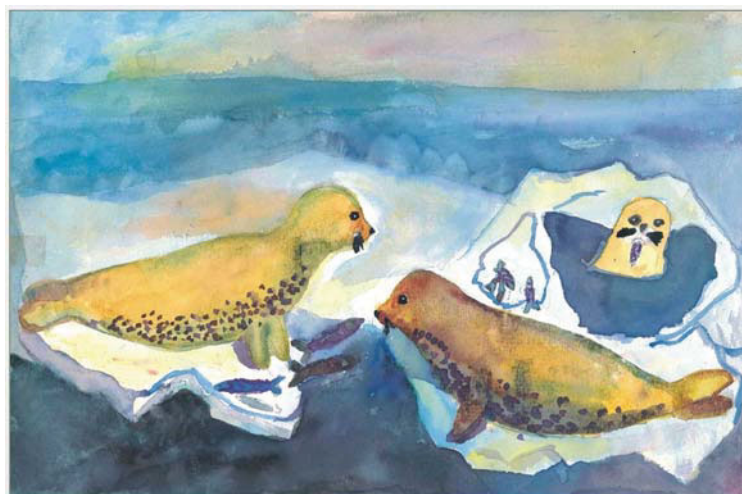
#### Disclaimer

The contents of this volume do not necessarily reflect the views of UNEP, Economic Commission for Europe (UNECE), and European Bank for Reconstruction and Development (EBRD) or contributory organizations. The designations employed and the presentations do not imply the expressions of any opinion whatsoever on the part of UNEP, UNECE (Espoo Secretariat), EBRD or contributory organizations concerning the legal status of any country, territory, city or area or its authority, or concerning the delimitation of its frontiers of boundaries.

Design and Layout Frederic Ballenegger and Rie Tsutsumi  
Front cover Frederic Ballenegger  
Picture Montola Nikita  
Printed by Ideal Business

# Guidelines on Environmental Impact Assessment in a Transboundary Context in the Caspian Sea Region

*Step by step procedures*



# Contents

	<b>Page</b>
<b>Foreword</b>	
<b>Acknowledgement</b>	
<b>Definitions</b>	
<b>Introduction</b>	<b>8</b>
1 Background information	8
2 Objectives and structure of the guidelines	9
<b>Guidelines for Country of Origin</b>	<b>11</b>
1 Applicability	11
2 Identification of project with potential transboundary impacts	11
3 Preparing Notification	12
4 Notification to affecter countries and Caspian Environment Programme	13
5 Follow-up and Response	16
6 Contacts between competent authorities and Public Participation Requirements	17
7 Transmittal of draft EIA documents to affected countries and Caspian Environment Programme	17
8 Public Consultation (draft EIA Stage)	17
9 Final Decision on EIA	18
<b>Guidelines for Affected Countries</b>	<b>20</b>
1 Applicability	20
2 Receiving notification of project with potential transboundary impacts	20
3 Preparing the response	20
4 Transmission of Response	21
5 Review of draft EIA and Public Consultation	21
6 Role of authorities in transmittal of comments to the country of origin/project developer	22
7 Receipt of final approval of project and communication to consulted public	22
<b>Guidelines for Developer</b>	<b>23</b>
1 Applicability	23
2 Identification of potential transboundary impact	23
3 Preparing notification	24
4 Notification to affected countries and Caspian Environment Programme	26

5	Follow-up and Response	27
6	Contacts between competent authorities and public consultation	27
7	Transmittal of draft EIA documents to affected countries and Caspian Environment Programme	28
8	Public Consultation (draft EIA stage)	28
9	Summary of Comments, Final Decision on EIA	29
10	Final Report	29
<b>Annex 1 Convention on Environmental Impact Assessment in a transboundary context, Espoo (Finland)</b>		<b>30</b>
<b>Annex 2 Notification Letter</b>		<b>43</b>
<b>Annex 3 Response Letter</b>		<b>46</b>
<b>Annex 4 Public Consultation</b>		<b>48</b>
<b>Annex 5 About Caspian Environment Programme</b>		<b>49</b>
<b>Annex 6 Flow chart</b>		<b>50</b>

# Foreword

The Framework Convention for the Protection of the Marine Environment of the Caspian Sea, the outcome of eight years of hard work, was signed by the five Caspian littoral states (Azerbaijan, Iran, Kazakhstan, Russia and Turkmenistan) early November 2003. As stressed by the UN secretary-General, Mr. Kofi Annan, the signing of the Caspian Framework Convention is a 'significant step forward for the region' and, once ratified, 'this landmark treaty will benefit the health and livelihoods of hundreds of millions of people'.

In the Caspian Sea, a number of activities, for example oil extraction, may adversely affect the environment, natural resources, and people's health across borders. Environmental Impact Assessment in a transboundary context can help to prevent and minimise such adverse transboundary environmental impacts. The assessment process will moreover contribute to the dialogue between countries concerning the establishment of environmental disaster prevention plans in the region, such as oil spill prevention plans.

Environmental Impact Assessment in a transboundary context, requires a fully harmonised procedure in the region. This is the first attempt to establish a harmonised regional procedure for the implementation of the Convention on Environmental Impact Assessment in Transboundary Context

It has not been easy to reach agreement on a set of harmonised procedures for Environmental Impact Assessment in a transboundary context. However, the difficulties arising from differences in national Environmental Impact Assessment procedures and in language were overcome and the guidelines could be successfully developed and agreed upon by consensus.

It is a pleasure for me to commend these guidelines to the attention to the five Caspian littoral states: I am confident that the guidelines will provide the Governments with practical step by step procedures to implement Environmental Impact Assessment in a transboundary context in the Caspian Sea region, and I hope that this will contribute to further regional cooperation and protection of the marine environment of the Caspian Sea.



Frits Schlingemann  
Director and Regional Representative  
UNEP Regional Office for Europe

# Acknowledgements

Practical guidelines for the regional implementation of the requirements of the UNECE Convention on Environment Impact Assessment in a Transboundary Context (the “Espoo” Convention) were developed by the five Caspian littoral states (Azerbaijan, the Islamic Republic of Iran, Kazakhstan, Russia and Turkmenistan), with support from the United Nations Environment Programme (UNEP), the United Nations Economic Commission for Europe (UN/ECE), the European Bank for Reconstruction and Development (EBRD), and the Caspian Environment Programme (CEP). The guidelines aim to provide practical step-by-step procedures for the implementation of EIA in a transboundary context in the Caspian Sea region, based on the Espoo Convention.

The development of the guidelines was first recommended at a Regional Environmental Law workshop held in Baku in December 2001. At two meetings in Moscow in November 2002 and Baku in October 2003, participants discussed and reached consensus on the detailed procedures. The meeting in Moscow was supported by the Centre for International Projects and the meetings in Baku were supported by the Caspian Environment Programme.

Elizabeth Smith (EBRD) and Rie Tsutsumi (UNEP) drafted the guidelines, which were extensively commented by Wiek Schrage (UNECE Espoo Convention Secretariat). The five Caspian littoral states held national consultative meetings involving ministries, NGOs, local authorities (from the Caspian coastal area), and project developers (in particular, oil and gas companies). Comments were also provided by the Caspian Environment Programme Coordination Unit, Economics and Trade Branch (ETB), UNEP Regional Office for Europe (ROE), and Svetlana Golubeva, who completed the Russian translation. A special thanks to Hamid Ghaffarzadeh, Programme Coordinator of the CEP, who organised the publication of the guidelines, and to all who participated in the development process at the meetings in Baku and Moscow, and in the national consultations.

On 4 November 2003, a month after the guidelines were agreed, the Framework Convention for the Protection of the Marine Environment of the Caspian Sea was signed. The importance of communication and the implementation of environmental impact assessments are noted in the Convention.

# Definitions

For the purposes of this Guideline

(i) "Country of origin" means the country under whose jurisdiction a proposed activity is envisaged to take place;

(ii) "Affected Country" means the country likely to be affected by the transboundary impact of a proposed activity which originates outside its jurisdiction;

(iii) "Concerned Parties" means the Country of origin and the affected Country(ies), and in some cases, the interested public, of an environmental impact assessment pursuant to the Espoo Convention;

(iv) "Proposed activity" means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure;

(v) "Environmental impact assessment" means a national procedure for evaluating the likely impact of a proposed activity on the environment;

(vi) "Impact" means any effect caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors;

(vii) "Transboundary impact" means any impact, not exclusively of a global nature, within an area under the jurisdiction of a country caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of another country;

(viii) "Competent authority" means the national authority or authorities designated by a country to be responsible for performing the tasks covered by Espoo Convention and/or the authority or authorities entrusted by a country with decision-making powers regarding a proposed activity;

(ix) "The Public" means one or more natural or legal persons.

(x) "Point of Contact " means the official point of notification in a country under the Espoo Convention.

(xi) "Focal Point" means a person knowledgeable about the Convention for administrative matters, but should not be confused with the 'Point of Contact' above.



# Introduction

## 1 Background information

The Caspian Sea, surrounded by the five littoral states of Azerbaijan, Islamic Republic of Iran, Republic of Kazakhstan, Russian Federation, and Turkmenistan, is the largest inland body of water on earth. The isolation of the Caspian basin together with its climatic and salinity gradients have created a unique ecological system. The increasing anthropogenic pressure has resulted in the degradation of water quality, the overexploitation and impoverished Caspian Biota.

Recognizing the seriousness of the growing environmental problems of the Caspian Sea region and their impact on the social and economic development, four of the five Caspian littoral states adopted the Almaty Declaration on Cooperation of the Environmental Protection of the Caspian Sea Region (1994). They decided to undertake a coordinated action and called for the assistance of the international community. As a response, a joint United Nations Development Programme (UNDP), World Bank (WB) and United Nations Environment Programme (UNEP) mission to the Caspian region in 1995 confirmed the severity of the environmental problems in the region and recommended the development and implementation of a Caspian Environment Programme (CEP) and Framework Convention for the Protection of the Marine Environment of the Caspian Sea as a long-term strategy for the protection and management of the Caspian environment.

There are a large number of potential projects with possible transboundary impact in the region, including oil extraction projects, and the call for the establishment of a set of harmonised procedure for EIA in a transboundary context has been getting bigger. The absence of the agreed procedure for EIA in a transboundary context is problematic not only for the protection of ecosystem but also for project developers who would like to ensure all legal requirements, including national and international commitments are in compliance.

The Convention on Environmental Impact Assessment in a transboundary context (Espoo convention), signed in 1991, requires Parties to conduct EIA across borders between Parties of the Convention when a planned activity may cause significant adverse transboundary impact. Out of five countries in the Caspian Sea region, two countries (Azerbaijan and Kazakhstan) have ratified and one country (Russian Federation) signed but has not yet ratified the Convention on Environmental Impact Assessment in a transboundary context (Espoo convention)<sup>1</sup>. Turkmenistan has not signed nor ratified the

---

<sup>1</sup> Azerbaijan ratified on 20.3.1999, Kazakhstan ratified 11.01.2001, Russian Federation signed 06.06.1991.

convention, and Iran is not a member state of the UNECE. However, with the recent amendment of the Espoo convention, Iran can become a party<sup>2</sup>. Although not all countries in the region committed themselves to the Espoo convention, the importance of the implementation of the EIA in a transboundary context is highlighted in order to achieve the sustainable use of natural resources and protect unique ecosystem in the Caspian Sea region.

At a workshop on “Implementation and Capacity Building on EIA in a Transboundary Context in Caspian Sea Region”, organised by UNEP in cooperation with the Secretariat of UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo), and the European Bank for Reconstruction and Development (EBRD), and with the support of the Centre for International Projects (CIP), 27 – 29 November 2002, Moscow, the delegation from the Caspian littoral states agreed to create a set of harmonised practical procedural guidance on EIA in a transboundary context, based on the Espoo Convention.

For the effective implementation of EIA in a transboundary context in the Caspian Sea region, it is necessary to establish the agreed procedure between the governments of the region. Espoo Convention provides a general procedural framework, but the practical details of the implementation are left for the Parties to decide. The experts from the five littoral states discussed the detailed procedures for the implementation of the EIA in a transboundary context which takes regional context and national legal framework into account.

Following the workshop, the draft guidance materials were prepared and distributed among the national focal points of the Caspian five littoral states. The national focal points have further reviewed these materials and held national consultations.

In a second meeting, organised by UNEP in cooperation with UNECE and EBRD, and with a support from Caspian Environment Programme Coordination Unit, on 8-9 October 2003 in Baku, the experts from the five littoral states discussed, amended and agreed on the final text of guidelines.

## **2 Objectives and structure of the guidelines**

The purpose of the guidelines is to provide operational tools to implement EIA in a transboundary context in the Caspian Sea region. The guidelines are designed to be practical and easy to use. The target users will be competent authority of the country of origin and affected countries, and developers in the region.

The guidelines show detailed step-by-step procedures that were agreed by the experts from the five littoral states at the two meetings mentioned above.

---

<sup>2</sup> Also, it should be noted that Iran is a member of the Kuwaiti Seas Convention and therefore has experience in transboundary cooperation on EIA.

The guidelines specify requirements identified by the Espoo Convention by referring the articles.

The following guidance were prepared:

Guidelines for Country of Origin  
Guidelines for Affected Countries  
Guidelines for Developers

# Guidelines for Country of Origin

## 1 Applicability

The guidelines can be used by countries who are initiating a proposed project that may have the potential for a transboundary impact, and which will require an Environmental Impact Assessment (EIA). The guidelines include requirements identified under the Espoo Convention and suggestions (good practice) for the effective implementation

## 2 Identification of project with potential transboundary impacts

When a project first comes to the attention of the national competent authorities, the authorities should 'screen' the project to determine if the characteristics meet the definition of an applicable project under the Espoo Convention. This stage happens early in the project development process, when permitting requirements are first being discussed with the project developer.

**Screening** (Corresponding Espoo Convention Requirements Article 3.1)<sup>3</sup>

- a) Is the project type included in the project list in the Espoo Convention Appendix 1?
- b) If the project type is not included in the project list in the Espoo Convention Appendix 1, consult Appendix III 'General criteria to assist in the determination of the environmental significance of activities not listed in Appendix 1' to see if there are other criteria that would apply, or use national lists and/or legislation.
- c) Identify the likely potential for significant transboundary impacts.
- d) Determine if the project has potential for a transboundary impact and require EIA;  
Notify project developer of the general requirements (see Guidelines for Developers);  
Request information from project developer on proposed approach to public consultation (see Annex 4 Public Consultation).

---

<sup>3</sup> Requirements under the Espoo Convention are indicated in parentheses.

### 3 Preparing notification

(Corresponding Espoo Convention Requirements Article 3.2)

Notification was identified by the Caspian littoral states as the key step for ensuring the implementation of the requirements under the Espoo Convention. They, therefore, considered that it is important to make it work effectively. It is the responsibility of the country of origin to send the notification during the 'scoping' stage of the EIA process, and to ensure delivery of the documents to the affected countries'. This can typically not be undertaken directly by the project developer without the country of origin competent authority's agreement.

#### 3.1 Notification Letter (template attached in Annex 2)

The notification comprises a brief, non-technical letter, attached to a summary of information on the project. The letter should also include the timing of the EIA review process, description of how disclosure and public consultation are planned, and contact details for the country of origin and the project developer. The competent authorities of the country of origin could ask the project developer to prepare a draft notification letter and attach all the necessary information, and if necessary, translate into languages as indicated in 4.1.

#### 3.2 Summary of information

(Corresponding Espoo Convention Requirements Article 3.2, 3.5)

The information attached to the notification letter should have an adequate technical content, including maps, for the affected country to identify its level of interest in its involvement in the EIA process. The following information should be part of the notification package. [List below is from [www.unece.org/env/eia/notification.htm](http://www.unece.org/env/eia/notification.htm)]

- a) Information on the nature of the proposed activity;
  - i) Whether the activity is listed in Appendix 1 to the Convention;
  - ii) Type of activity;
  - iii) Scope of activity (e.g. main activity and any/all peripheral activities requiring assessment);
  - iv) Scale of activity (e.g., size, production capacity, et.);
  - v) Description of the activity (e.g., technology used);
  - vi) Description of the purpose of the activity;
  - vii) Rationale for proposed activity (e.g., socio-economic, physical-geographic basis);
- b) Information on the spatial and temporal boundaries of the proposed activity;
  - i) Location and description of the location (e.g., physical-geographic, socio-economic characteristics);

- ii) Rationale for the location of the proposed activity (e.g., socio-economic, physical-geographic basis)
  - iii) Time-frame for proposed activity (e.g., start and duration of construction and operation);
  - iv) Maps and other pictorial documents connected with the information on the proposed activity
- c) Information on expected environmental impacts and proposed mitigation measures:
- i) Scope of assessment (e.g. consideration of cumulative impacts, alternatives, sustainable development, associated activities, etc.);
  - ii) Expected environmental impacts of the activity (e.g. types, locations, magnitudes);
  - iii) Inputs (e.g. land, water, raw materials, power sources);
  - iv) Outputs (e.g. amounts and types of: emissions into the atmosphere, discharges into the water system, solid waste);
  - v) Available information on the activity's possible significant transboundary environmental impacts (e.g. types, locations, magnitudes);
  - vi) Measures to prevent, eliminate, minimize or compensate for transboundary environmental impacts;
- d) Summary and timing of proposed consultation (country of origin and affected country/ies), including a summary of complaint process/grievance procedure;
- e) Name, address and telephone/fax numbers of contact person e.g. of project proponent (developer);
- f) EIA documentation (e.g. EIA report or Environmental Impact Statement), **if already available.**

### **3.3 Compensation for review, if applicable**

The competent authority of the country of origin will discuss with the competent authority of the affected country whether or not a fee to offset review costs of the documentation is to be paid by the project developer or by any other way within the agreed affected country review period.

## **4 Notification to affected countries and Caspian Environment Programme**

### **4.1 Language of the notification package**

For the purpose of notification, if the affected country or countries include Azerbaijan, Kazakhstan, the Russian Federation, or Turkmenistan, the notification package (Notification letter, summary of

information, as in 3.2 above) should be provided in Russian language. The notification package for Iran should be in English language. The notification for the Caspian Environment Programme should be in both Russian and English languages.<sup>4</sup>

## 4.2 Recipients

Notification should be sent to the official Point of Contact for Notification (if the affected countries are the Parties of the Espoo Convention) or competent authority. In the event that the official Contact Point is not the competent environmental authority, a second set of the notification package should be sent to the competent environmental authority. Official list of the Point of Contact can be found on the Convention website (<http://www.unece.org/env/eia/contacts.htm>) which is regularly updated.

These should be in hard copy; however, an electronic copy can be sent to the environmental competent authorities to give them advance notice of the submittal. Please find the initial list of notification points below. The Caspian Environment Programme website will contain, also, the most current contact list at:

(<http://www.caspianenvironment.org/transboundary.htm>).

At this stage, the country of origin should inform the Coordination Unit of the Caspian Environment Programme. Two complete sets of documents (one each of English and Russian language) and a CD Rom containing the files should be sent to the CEP. The CEP will post the name of the project, a brief description, and contact information for the developer on its website. A specific web-page is being established for this purpose.

### Notification Points Contact Details

Status as of October 2003<sup>5</sup>

Country/Institution	Ministry of Foreign Affairs	Environmental Authorities
<b>Azerbaijan</b>	Ministry of Foreign Affairs * 4 Shikhali Kurbanov Str. 370009 Baku Tel: +994 12 92.68.56 Fax: +994 12 98.84.80	Bagirov Guseingulu Seidogly Minister Ministry of environment and natural resources Azerbaijan 370073, Baku, ul. B. Agaeva, 100a. Tel: +994 12 92 59.07 Fax: +994 12 98 23 46 E-mail: <a href="mailto:rsattarzade@azdata.net">rsattarzade@azdata.net</a>

<sup>4</sup> If there are questions regarding translation, please contact Caspian Environment Programme (CEP) for advice.

<sup>5</sup> For current status of contact points, please refer to the Caspian Environment Programme website.

<b>Islamic Republic of Iran</b>	International Economic and Specialised Affairs office * Ministry of Foreign Affairs Building West 8 Kuskemesri Avenue Fax: 98 21 6704176 Tel: 98 21 321 2662 E-mail: <a href="mailto:smaeils@yahoo.com">smaeils@yahoo.com</a>	Davoud Rahbar* Director General Department of Environment No 187 Postal Code: 15875 PO Box: 5181 Tehran, Iran Fax 98 21 826 9918 Tel 98 21 826 7995 E-mail: <a href="mailto:davrah@yahoo.com">davrah@yahoo.com</a>
<b>Kazakhstan</b>	Ministry for Foreign Affairs 65, Aiteke Bi Str., 480064 Almaty Tel.: +7 3272 63.25.38 or 63.78.45 Fax: +7 3272 50.11.37	Zhambyl Bekzhanov * Department of State Expertize and Licencing Ministry of Environment Pobeda Stz.N31 Astana, 473000 tel: +7 3172 591963, fax: +7 3172 591932., E-mail: <a href="mailto:abishevaa@mail.kz">abishevaa@mail.kz</a>
<b>Russian Federation</b>	N/A	Mr. Serguey TVERITINOV* Director, Department for International Cooperation in environmental protection Ministry of natural resources of Russian Federation ul. B. Gruzinskaya 4/6 123812 Moscow GSP Tel: +7 095 254-27-33 Fax: +7 095 254.82.83 E-mail: <a href="mailto:tveritinov@mnr.gov.ru">tveritinov@mnr.gov.ru</a>
<b>Turkmenistan</b>	Ministry of Foreign Affairs * 16, Neutral Turkmenistan Str. 744 000 Ashgabat Tel: +993.12 356.688 /392.154 Fax: +993 12 354.515 email: <a href="mailto:mfatm@online.tm">mfatm@online.tm</a>	Ministry of Environmental Use and Protection * 102, Kemine str. 744 000 Ashgabat Tel: +993 12 355.662 or 354.317 Fax: +993 12 511.613 email: <a href="mailto:makhtum@untuk.org">makhtum@untuk.org</a> and <a href="mailto:nfp-tm@online.tm">nfp-tm@online.tm</a>

\* Official Point of Contact for Notification

<b>Caspian Environment Programme</b>	Programme Coordinator: Mr. Hamidreza Ghaffarzadeh UNDP, 185, P.O.Box: 15875-4557 Ghaem Magham Farahani Avenue, Tehran 15868, Islamic Republic of Iran  Tel: + 98 21 850 5779 UNDP-operated phones: + 98 21 873 2812-15 UNDP-operated fax: + 98 21 873 8864  e-mail: <a href="mailto:hghaffarzadeh@caspian.in-baku.com">hghaffarzadeh@caspian.in-baku.com</a> e-mail: <a href="mailto:hamid.ghaffarzadeh@undp.org">hamid.ghaffarzadeh@undp.org</a>
--------------------------------------	---



### **4.3 Transmission of notification**

It is the country of origin's responsibility to ensure that the documents have been received by the affected country or countries<sup>6</sup>.

The notification package should be sent by "registered mail" and "return receipt" requested. This will provide the country of origin with evidence that notification to the appropriate affected parties has been completed and will contain the date of transmission.

### **4.4 Timing**

(Corresponding Espoo Convention Requirements Article 3.2, 3.3)

The country of origin should request a response from the affected country within 30 days. This response only indicates whether or not the affected country wants to participate in the EIA process. It should not be confused with the time necessary to review the EIA itself.

## **5 Follow-up (good practice) and Response**

(Corresponding Espoo Convention Requirements Article 3.3)

The country of origin should contact the point of contact and competent environmental authority in the affected countries, to whom the notification package was submitted, within the two weeks after the receipt of the notification package. The country of origin should enquire if the package was received, if there are any questions, and if sufficient information was obtained for the affected country to make an informed decision about participation in the EIA process.

The country of origin should then remind the affected countries about the necessary timing of the response. The country of origin should request affected countries to submit readily available information on affected environment and related issues that would be helpful for the preparation of the EIA report and consultations.

By the end of the time period, the country of origin should receive responses, particularly from those affected countries who wish to participate in the EIA process.

---

<sup>6</sup> It is not sufficient to provide copies of the documents to the CEP for distribution among affected countries, although they may be helpful in facilitating communication. It is not CEP's responsibility to ensure the delivery of the notification.

## **6 Contacts between competent authorities and public participation**

(Corresponding Espoo Convention Requirements Article 3.8, 4.2)

The Country of origin ought to designate for a particular project, a contact point, either within the competent authority or the project developer, and that this person stays in routine contact with the competent authority of affected countries and the Caspian Environment Programme regarding the availability of EIA documents, the proposed consultation process, and other relevant issues.

In particular, it is helpful at this stage to identify the culturally appropriate ways of communication with potentially affected people in the affected countries. For more information, please see Annex 4 on Public Consultation.

## **7 Transmittal of draft EIA documents to affected countries and CEP**

(Corresponding Espoo Convention Requirements 3.8, 4.2)

Draft EIA documents should be provided by registered mail to the affected countries who have requested to participate, as in the notification stage. In addition, information on electronic availability of EIA documentation should be provided. The CEP should always be sent a package of EIA documents. The CEP will post the information on the website <http://www.caspianenvironment.org/transboundary.htm>.

The country of origin can agree with the project developer that the developer directly transmit the draft EIA documents; however, the country of origin should require the developer to submit evidence that this has been undertaken in accordance with the requirements. The country of origin should have previously negotiated any fees to offset the affected country's review of EIA documents.

## **8 Public Consultation (draft EIA stage)**

(Corresponding Espoo Convention Requirements 4.2, 5)

### **8.1 Process and Meetings**

The country of origin should request the affected countries to advise on culturally appropriate consultation processes and identify particularly affected people/concerned people. Consultation can be initiated by the competent authority in the county of origin, the competent authority in the affected countries, the project developer, or by the public in the affected country making representation to their competent authority.

The costs of reasonable and appropriate consultation (printing materials, translation, etc.) should be borne by the project developer. In many circumstances, the developer should begin by hiring a local consultation advisor in the affected country to assist in preparing materials and planning any meetings necessary. See Annex 4 on public consultation.

## **8.2 Comments**

(Corresponding Espoo Convention Requirements Article 3.8, 4.2):

The country of origin should agree with the affected countries and the project developer, the most effective means of collecting and assessing public comments from the affected country, including the language of comments and responses. Comments can be organized in a variety of ways: the comments can be collected by the affected competent authority, or they can be sent directly to the country of origin and the project developer. Whatever mechanism is decided, the mechanism should be transparent and posted on the CEP's website.

## **8.3 Timing**

The country of origin will provide a 60-day time period for public consultation and comments from the affected countries. The timing will be initiated following submittal of draft EIA document to the official Contact Points in the affected countries. The timing for transboundary consultations should take into account the need for translation.

For more information on public consultation under the Espoo Convention, see Annex 4.

When the EIA has been completed the country of origin should contact the competent authorities of the affected countries to make further arrangement to find out whether they would like to have consultations before the final decision will be taken.

# **9 Final Decision on EIA**

(Corresponding Espoo Convention Requirements Article 6)

The country of origin must inform the affected country or countries and the CEP of the final decision on the EIA. The country of origin should summarise the comments received regarding the transboundary issues, and how the comments were taken into account in the final EIA and decision.

The affected countries may wish to obtain information on project implementation and monitoring, and the country of origin should encourage the project developer to consider how information can be provided to all stakeholders, including those in a transboundary context.

The information on the final decision should include a description of any available mechanisms for appeal to administrative or judicial authority for the affected country or its public.

# Guidelines for Affected Countries

## 1 Applicability

The guidelines can be used by countries which have been notified that a country of origin is initiating a proposed project that may have the potential for a transboundary impact, and which will require an environmental impact assessment (EIA). This guidance includes 'requirements' identified under the Espoo Convention, and suggestions (good practice) for the effective implementation

## 2 Receiving notification of project with potential transboundary impacts

Notification will have been sent to the official Point of Contact/competent authority of affected country(ies). In the event that the official Point of Contact is not the competent environmental authority, a second set of the notification package should be sent to the competent environmental authority. The copy of the notification package will be also sent to the Caspian Environment Programme. The affected country will be told how much time is available, normally 30 days, to decide if they wish to participate in the EIA process. Prior to responding, the affected country should consider informing and discussing the project with the local authorities whose geographic area may be affected by the proposed project. The affected country may also wish to solicit public opinion on whether or not to participate.

As good practice, it would be helpful to have a specific person within the competent environmental authority of affected country who is knowledgeable about all transboundary projects, requirements, and resources, and who can be responsible for arranging the review and preparing the response and ongoing communication. The country of origin may initiate communication with competent authority in the affected country to confirm whether or not the competent authority received the notification package and whether they need more information.

## 3 Preparing the response

### 3.1 Affirmative response

(Corresponding Espoo Convention Requirements Article 3.3)

The affected country can choose to participate in the EIA process. The response should be sent by "registered mail" and contain the following information:

- a letter of transmittal (see Annex 3 for template),

- a summary of readily available information on relevant topics in the affected country (e.g., sensitive ecosystems that might be affected by the proposed project),
- information on public consultation process in affected country, including contacts of consultation resources, projected costs of meetings, language of documents, amount of technical/non-technical information needed, etc.
- comments on proposed timing of the EIA review,
- information on compensation for review, if applicable.
- and a request for the draft EIA, specifying type of information of most interest (e.g., oil spill prevention and response)

### **3.2 Negative response**

The affected country can choose not to participate in the EIA process, and should respond with a letter by registered mail, which indicates that they do not wish to participate. The affected country can, however, request a copy of the draft and final EIA documents or other materials for information.

## **4 Transmission of Response**

(Corresponding Espoo Convention Requirements Article 3.3)

The point of contact/competent authority of the affected country should provide a response to the Point of Contact/competent environment authority of the country of origin, within 30 days. The response should inform that they received the notification and indicate whether they wish to participate in the EIA process. The response letter should be sent by registered mail, and a “return receipt” requested. This will provide the affected countries’ competent authorities with evidence of the requests made and documents and consultation requested.

An electronic copy can be provided as a courtesy to the environmental competent authority; however, this does not count as an official response.

Informal communication is also recommended so the country of origin can proceed with the planning process.

## **5 Review of draft EIA and Public Consultation**

### **5.1 Review of draft EIA by competent authorities**

The draft EIA should be reviewed within 60 days or the request for additional time should be made to the country of origin. In many cases there will be not be much flexibility, as the review period will be in line with their own legal requirements for internal consultation in the country of origin. A request can also be made at this time for future information

during project construction, implementation and monitoring with relation to transboundary impacts.

## **5.2 Release of draft EIA to public, meetings**

The affected country's competent authority should have outlined the appropriate consultation process at the notification stage of the process, including costs (typically borne by the project developer). The draft EIA will be circulated by the project developer or affected country's competent authority, depending on the agreement during notification and discussion. Similarly, meetings may be organised by the developer, the affected country's competent authority, or the competent authority of the country of origin. These processes should be taken within 60 days, if there is no request for additional time from the affected country.

## **6 Role of competent authorities in transmittal of comments to the country of origin/project developer**

(Corresponding Espoo Convention Requirements Article 4.2)

The competent authorities in the affected country should propose the most efficient way of comments being sent to the project developer and the country of origin. This can be achieved by the competent authority of the affected country collecting comments and transmitting them to the project developer and/or the country of origin as determined by the country of origin., The method of collecting comments should be decided at an early stage of the discussions with the competent authority of the country of origin.

## **7 Receipt of Final Approval of project and communication to consulted public**

When the EIA has been completed, the competent authorities of the affected countries are consulted by the country of origin whether they would like to have consultations before the final decision will be taken. Following the finalisation of the EIA, the country of origin should inform to the affected countries that participated in the EIA process regarding the final approval of the project and how comments were taken into account. The affected country's competent authority(ies) should ensure that the comments and how they were taken into account and reflected in the final EIA is made available to the public who participated in the EIA process. The affected countries may wish to obtain information on project implementation and monitoring, and the country of origin should encourage the project developer to consider how information can be provided to all stakeholders, including those in a transboundary context.

# Guidelines for Project Developers

## 1 Applicability

The guidelines are provided to project developers who are planning an environmental impact assessment (EIA) in the Caspian Region and have identified the potential for a transboundary impact associated with their proposed project.

As a project developer, it is prudent to understand the objectives and requirements of the Espoo Convention and to assist the country of origin's competent authority in implementing the requirements. It is also essential that the project developer discuss the requirements with the appropriate competent authorities so that the timing of transboundary notification and response, transmittal of documents, and consultation and their associated budget can be built into the planning process for the project. The text of the Espoo Convention is attached (Annex 1). The guidance on public participation under the Espoo Convention can be found on the UNECE website: [www.unece.org/env](http://www.unece.org/env).

## 2 Identification of potential transboundary impact

The Espoo Convention's first obligations are during screening of project characteristics, and significant requirements are part of the 'scoping' process, in the project's earliest stages.

The competent authorities of the country of origin will 'screen' the project to determine if the characteristics meet the definition of an applicable project under the Espoo Convention and appropriate national legislation when permitting requirements are first being discussed with the project developer

It will be helpful to provide the competent environmental authorities with the following information at the earliest possible meeting:

- a brief description of the project,
- its potential impacts in normal operating conditions,
- its potential impacts in a worst case scenario,
- the type of transboundary impacts possible,
- potential stakeholders affected, and
- draft public consultation and disclosure plan (PCDP)—see Annex 4.

In many circumstances, the project developer would benefit by hiring a local consultation advisor in each affected country to assist in identifying the culturally appropriate consultation process.



### 3 Preparing notification

The country of origin must notify the potentially affected countries and the Caspian Environment Programme during the 'Scoping' stage of the EIA process. Notification has been identified by the Caspian littoral states as the key step to ensuring the implementation of the requirements under the Espoo Convention, and therefore, that it is important to make it work effectively. It is the country of origin's responsibility to send the notification, and ensure delivery of the documents to the designated Contact Point and/or competent authority in the affected countries. This can typically not be undertaken directly by the project developer without the country of origin competent authority's agreement.

#### 3.1 Notification Letter (template attached in Annex 2)

The notification comprises a brief, non-technical letter, attached to a summary of information on the project. The letter should also include the timing of the EIA review process, description of how disclosure and public consultation process are planned, and contact information for the country of origin's competent authority and the project developer, although it is noted that the point of contact should likely remain as the competent authority until the point when a country wishes to participate. The project developer can prepare a draft notification letter and attach it to the summary of information for the convenience of the country of origin's Espoo Convention Point of Contact/ competent authority, and if necessary, translate into languages indicated in 4.1.

#### 3.2. Summary of information

The information attached to the notification letter should have adequate technical content, including maps, for the affected country to identify its level of interest in being involved in the EIA process. The following information should be part of the notification package. [List below is from [www.unece.org/env/eia/notification.htm](http://www.unece.org/env/eia/notification.htm)]

- a) Information on the nature of the proposed activity;
  - i) Whether the activity is listed in Appendix 1 to the Convention;
  - ii) Type of activity;
  - iii) Scope of activity (e.g. main activity and any/all peripheral activities requiring assessment);
  - iv) Scale of activity (e.g., size, production capacity, et.);
  - v) Description of the activity (e.g., technology used);
  - vi) Description of the purpose of the activity;
  - vii) Rationale for proposed activity (e.g., socio-economic, physical-geographic basis);

- b) Information on the spatial and temporal boundaries of the proposed activity;
  - i) Location and description of the location (e.g., physical-geographic, socio-economic characteristics);
  - ii) Rationale for the location of the proposed activity (e.g., socio-economic, physical-geographic basis)
  - iii) Time-frame for proposed activity (e.g., start and duration of construction and operation);
  - iv) Maps and other pictorial documents connected with the information on the proposed activity
- c) Information on expected environmental impacts and proposed mitigation measures:
  - i) Scope of assessment (e.g. consideration of cumulative impacts, alternatives, sustainable development, associated activities, etc.);
  - ii) Expected environmental impacts of the activity (e.g. types, locations, magnitudes);
  - iii) Inputs (e.g. land, water, raw materials, power sources);
  - iv) Outputs (e.g. amounts and types of: emissions into the atmosphere, discharges into the water system, solid waste);
  - v) Available information on the activity's possible significant transboundary environmental impacts (e.g. types, locations, magnitudes);
  - vi) Measures to prevent, eliminate, minimize or compensate for transboundary environmental impacts;
- d) Summary and timing of proposed consultation (country of origin and affected country/ies), including a summary of complaint process/grievance procedure
- e) Name, address and telephone/fax numbers of contact person e.g. of project proponent (developer);
- f) EIA documentation (e.g. EIA report or Environmental Impact Statement), **if already available**.

Please note that in many cases, the above information comprises a 'scoping document' contents list, and the same document can be used for several purposes. Many project developers provide the package of scoping documents for their project, along with a draft of Notification letter to the competent authorities/Point of Contact for each potentially affected country and the Caspian Environment Programme.

### **3.3 Compensation for review, if applicable**

The competent authority country of origin will discuss whether or not a fee is payable by the project developer to the affected country's competent authority to offset review costs of the documentation within the review period.

## **4 Notification to affected countries and Caspian Environment Programme (CEP)**

### **4.1 Language**

For the purpose of notification, if the affected country or countries include Azerbaijan, Kazakhstan, the Russian Federation, or Turkmenistan, documents should be translated into Russian language. Documents for the Islamic Republic of Iran (Iran) and the Caspian Environment Programme should be in both Russian and English languages.

### **4.2 Recipients**

For projects with potential transboundary impacts affecting the Caspian Sea region, two sets of documents should be provided by the country of origin to each potentially affected littoral state: one set of documents should be sent to the official Contact Point nominated by country. In the event that the official Contact Point is not the competent environmental authority, a second set of the notification package should be sent to the competent environmental authority. The Official list of the contact points can be found on the Convention website (<http://www.unece.org/env/eia/contacts.htm>) which is regularly updated. At this stage, the Caspian Environment Programme should also be notified to post the name of the project, a brief description, and contact information for the developer on its website (www to be filled in by the CEP) Two complete sets of documents (one each of English and Russian language) and a CD Rom containing the files should be sent to the Coordinator of the Caspian Environment Programme at the main office.

These should be in hard copy; however, an electronic copy can be sent to the environmental authorities to give them advance notice of the submittal.

### **4.3 Transmission of notification**

It is the country of origin's competent authority's responsibility to ensure that the documents have been received by the affected country or countries. The notification package should be sent by "registered mail" and "return receipt" requested. This will provide the country of origin's competent authority with evidence that notification to the appropriate affected parties has been completed and will contain a date of transmission.

An electronic copy can be provided as a courtesy to the environmental authority as advance notification for their use in planning purposes; however, this does not count as an official notification.

#### **4.4 Timing**

A 30 day time period, normally, is given following notification to affected countries, for their response. The response will indicate whether or not the affected country wants to participate in the EIA process.

### **5 Follow-up and Response**

The country of origin should contact the parties in the affected country or countries, to whom the notification package was submitted, approximately two weeks following receipt of the package. They should enquire if the package was received, if there are any questions, and if sufficient information was obtained to make an informed decision about participation in the EIA process.

The country of origin should then remind the affected country about the timing of the response and what information would be helpful regarding particular sensitivities of the affected environment.

At the end of the time period, the country of origin should receive responses, particularly from those affected countries who wish to participate in the EIA process. The project developer should note that the country of origin's authorities may delegate communication to the project developer.

In addition, the project developer should note that the affected countries may respond with reports on areas of particular sensitivity, vulnerable stakeholders, and other information which should be taken into account, prior to finalising the scope of the EIA.

The remainder of this *Guidelines* assumes that the affected country has requested to participate in the EIA process. It is recommended that the country of origin always transfer the draft EIA documents to Caspian Environment Programme regardless whether or not the affected countries' decision on the participation of the EIA process.

### **6 Contacts between competent authorities and public participation**

It would be a good practice for the project developer to have one point of contact who is knowledgeable about the Espoo Convention and the transboundary issues and can fill the communication role necessary to ensure all requirements are met in a timely manner. This person should stay in routine contact with the affected countries, as agreed with the country of origin's competent authority, and the Caspian Environment Programme regarding the availability of EIA documents, the proposed consultation process, and other relevant issues.

In particular, it is helpful at this stage to identify the culturally appropriate ways of communication with potentially affected people in the affected country. For example, while notification documents are provided to competent authorities in Russian and English languages, public consultation with affected people,

e.g., local fishermen, will likely need to be in local language, and some information, such as EIA summaries or fact sheets may need to be available in Turkmen, Farsi, Azeri, and so forth.

For more information, please see Annex 4 on Public Consultation.

## **7 Transmittal of draft EIA documents to affected countries and CEP**

Draft EIA documents should be provided to the affected countries who have requested to participate by "registered mail", as in the notification stage. In addition, information on electronic availability of EIA documentation should be provided (i.e., publishing of EIAs on websites). The CEP should always be sent a package of EIA documents.

The country of origin can agree with the project developer that the developer transmit the draft EIA documents; however, the country of origin should require the developer to submit evidence that this has been completed in accordance with the requirements.

## **8 Public Consultation (draft EIA report stage)**

### **8.1 Process and Meetings**

The project developer should identify the culturally appropriate ways of consultation in potentially affected countries. In many circumstances, the developer should begin by hiring a local consultation advisor in the affected country to assist in preparing materials and planning any meetings necessary. Typically, the costs of reasonable and appropriate consultation (printing materials, translation, etc.) should be borne by the project developer. See Annex 4 on public consultation.

The Espoo Convention requires that stakeholders in the affected country have an equivalent opportunity to learn about the proposed project and provide comments on the documents, to those in the country of origin. It is therefore essential that the project developer plan carefully and document the consultation process well to be able to use as evidence that the requirements were met.

### **8.2 Comments**

A plan of collecting and assessing comments from public and authorities in affected countries should be discussed with the country of origin's authority, including the language of comments and responses. Comments can be organized in a variety of ways: the comments can be collected by the affected competent authority, or they can be sent directly to the country of origin's competent authority and the project developer. Whatever mechanism is decided, the mechanism should be transparent

and posted on the CEP's website and elaborated in the public consultation and disclosure plan.

### **8.3 Timing**

The country of origin will set a specific time period during which comments can be submitted by affected countries. This timing should typically be consistent with the country of origin's internal requirement for consultation in the EIA process (e.g., 60 days). The timing for transboundary consultation should take into account the potential need for translation. For most countries, a review period of 60 days was acceptable. No responses will typically be considered following end of disclosure period.

## **9 Summary of Comments, Final Decision on EIA**

Following the finalisation of the EIA, the developer should draft a summary of public comments received through the transboundary notification and consultation process and how these comments were taken into account in the final EIA.

This summary should be sent to the affected countries that participated in the EIA process and the CEP. Affected countries may wish to have information on project implementation and monitoring, and the project developer should consider how information can be provided to all stakeholders, including those in a transboundary context.

## **10 Final Report**

Following the finalisation of the EIA, the developer should provide a summary report to the country of origin's competent authority on how the requirements under the Espoo Convention were fulfilled.

