

## Annexes to advice note 12:

# Development with significant transboundary impacts consultation

The following annexes include extracts from the *Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) - the 'Espoo (EIA) Convention'*

## Annexe 1: Espoo Convention list of activities (Appendix 1 of the Espoo (EIA)

Convention)

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.
4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 tonnes finished product; for friction material, with an annual production of more than 50 tonnes finished product; and for other asbestos utilization of more than 200 tonnes per year.
6. Integrated chemical installations.
7. Construction of motorways, express roads \*/ and lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more.
8. Large-diameter oil and gas pipelines.
9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.
10. Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.
11. Large dams and reservoirs.
12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.
13. Pulp and paper manufacturing of 200 air-dried metric tonnes or more per day.
14. Major mining, on-site extraction and processing of metal ores or coal.
15. Offshore hydrocarbon production.
16. Major storage facilities for petroleum, petrochemical and chemical products.
17. Deforestation of large areas.

\*/ For the purposes of this Convention:

- "Motorway" means a road specially designed and built for motor traffic, which does not serve

properties bordering on it, and which:

(a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;

(b) Does not cross at level with any road, railway or tramway track, or footpath; and

(c) Is specially sign-posted as a motorway.

- "Express road" means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

## Annexe 2: Second Amendment to the Espoo (EIA) Convention

Decision III/7

*The Meeting,*

*Recalling* its decision II/10 on the review of the Convention and paragraph 19 of the Sofia Ministerial Declaration,

*Wishing* to modify the Convention with a view to further strengthening its application and improving synergies with other multilateral environmental agreements,

*Commending* the work done by the task force established at the second meeting of Parties, by the small group on amendments and by the Working Group on Environmental Impact Assessment itself,

*Noting* the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998, and recalling the Protocol on Strategic Environmental Assessment, done at Kyiv, Ukraine, on 21 May 2003,

*Also noting* relevant European Community legal instruments, such as directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by directives 97/11/EC and 2003/35/EC,

*Conscious* that an extension of Appendix I will strengthen the importance of environmental impact assessments in the region,

*Recognizing* the benefits of international cooperation as early as possible in the assessment of environmental impact,

*Encouraging* the work of the Implementation Committee as a useful tool for the further implementation and application of the provisions of the Convention,

1. *Confirms* that the validity of decisions taken prior to the entry into force of the second amendment to the Convention, including the adoption of protocols, the establishment of subsidiary bodies, the review of compliance and actions taken by the Implementation Committee, are not affected by the adoption and entry into force of this amendment;

2. *Also confirms* that each Party shall continue to be eligible to participate in all activities under the Convention, including the preparation of protocols, the establishment and participation in subsidiary bodies, and the review of compliance, regardless of whether the second amendment to the Convention has entered into force for that Party or not;

3. *Adopts* the following amendments to the Convention:

(a) In Article 2, after paragraph 10, insert a new paragraph **reading**

11. If the Party of origin intends to carry out a procedure for the purposes of determining the content of the environmental impact assessment documentation, the affected Party should to the extent appropriate be given the opportunity to participate in this procedure.

(b) In Article 8, **after** Convention **insert**

and under any of its protocols to which they are a Party

(c) In Article 11, replace paragraph 2 (c) by a new subparagraph **reading**

(c) Seek, where appropriate, the services and cooperation of competent bodies having expertise pertinent to the achievement of the purposes of this Convention;

(d) At the end of Article 11, insert two new subparagraphs **reading**

(g) Prepare, where appropriate, protocols to this Convention;

(h) Establish such subsidiary bodies as they consider necessary for the implementation of this Convention.

(e) In Article 14, paragraph 4, replace the second sentence by a new sentence **reading**

They shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three fourths of the number of Parties at the time of their adoption.

(f) After Article 14, insert a new article **reading**

Article 14 bis

Review of compliance

1. The Parties shall review compliance with the provisions of this Convention on the basis of the compliance procedure, as a non-adversarial and assistance-oriented procedure adopted by the Meeting of the Parties. The review shall be based on, but not limited to, regular reporting by the Parties. The Meeting of Parties shall decide on the frequency of regular reporting required by the Parties and the information to be included in those regular reports.

2. The compliance procedure shall be available for application to any protocol adopted under this Convention.

(g) Replace Appendix I to the Convention by the Appendix to this decision;

(h) In Appendix VI, after paragraph 2, insert a new paragraph **reading**

3. Paragraphs 1 and 2 may be applied, mutatis mutandis, to any protocol to the Convention.

#### **Appendix (to Decision III/7): List of activities**

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.

2. (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more, and

(b) Nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors 1/ (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. (a) Installations for the reprocessing of irradiated nuclear fuel;

(b) Installations designed:

- For the production or enrichment of nuclear fuel;
- For the processing of irradiated nuclear fuel or high-level radioactive waste;
- For the final disposal of irradiated nuclear fuel;
- Solely for the final disposal of radioactive waste; or
- Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4. Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons finished product; for friction material, with an annual production of more than 50 metric tons finished product; and for other asbestos utilization of more than 200 metric tons per year.
6. Integrated chemical installations.
7. (a) Construction of motorways, express roads 2/ and lines for long-distance railway traffic and of airports 3/ with a basic runway length of 2,100 metres or more;  
(b) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.
8. Large-diameter pipelines for the transport of oil, gas or chemicals.
9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons.
10. (a) Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes;  
(b) Waste-disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 metric tons per day.
11. Large dams and reservoirs.
12. Groundwater abstraction activities or artificial groundwater recharge schemes where the annual volume of water to be abstracted or recharged amounts to 10 million cubic metres or more.
13. Pulp, paper and board manufacturing of 200 air-dried metric tons or more per day.
14. Major quarries, mining, on-site extraction and processing of metal ores or coal.
15. Offshore hydrocarbon production. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 metric tons/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.
16. Major storage facilities for petroleum, petrochemical and chemical products.
17. Deforestation of large areas.
18. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year; and  
(b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 per cent of this flow.  
In both cases transfers of piped drinking water are excluded.
19. Waste-water treatment plants with a capacity exceeding 150 000 population equivalent.
20. Installations for the intensive rearing of poultry or pigs with more than:
  - 85 000 places for broilers;
  - 60 000 places for hens;
  - 3 000 places for production pigs (over 30 kg); or
  - 900 places for sows.
21. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.

22. Major installations for the harnessing of wind power for energy production (wind farms).

1/ For the purposes of this Convention, nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.

2/ For the purposes of this Convention:

- "Motorway" means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:

(a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;

~~(b) Does not cross at level with any road, railway or tramway track, or footpath; and~~

(c) Is specially signposted as a motorway.

- "Express road" means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

3/ For the purposes of this Convention, "airport" means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (annex 14).

## Annexe 3: Contact details for countries closest to the UK

(Correct at June 2011 from the UNECE website: [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm))

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#### Annexe 4: Screening Matrix for likely significant effects on the environment of another EEA State

Criteria	Relevant considerations
Characteristics of the development	What is the size of the development? Use of natural resources Production of waste Pollution and nuisances Risk of accidents Use of technologies
Geographical area	What is the extent of the area of a likely impact under the jurisdiction of another country?
Location of development	What is the existing use? What is the distance to another country? (Name country(ies))
Cumulative impacts	Are other major developments close by?
Carrier	By what means could impacts be spread?

Environmental importance	<p>Are particular environmental values (eg protected areas – name them) likely to be affected?</p> <p>Capacity of the natural environment</p> <p>Wetlands, coastal zones, mountain and forest areas, nature reserves and parks, Natura 2000 sites, areas where environmental quality standards already exceeded, densely populated areas, landscapes of historical, cultural or archaeological significance</p>
Extent	What is the likely extent of the impact (geographical area and size of the affected population)
Magnitude	What will the likely magnitude of the change in relevant variables relative to the status quo, taking into account the sensitivity of the variable?
Probability	<p>What is the degree of probability of the impact?</p> <p>Is the impact likely to occur as a consequence of normal conditions or exceptional situations, such as accidents?</p>
Duration	<p>Is the impact likely to be temporary, short-term or long-term?</p> <p>Is the impact likely to relate to the construction, operation or decommissioning phase of the activity?</p>
Frequency	What is likely to be the temporal pattern of the impact?
Reversibility	Is the impact likely to be reversible or irreversible?