

△拜會我國「駐德國代表處」與魏代表武煉(中)及薛一等秘書迪宇(右)合影
(2010.11.12)



△與薛一等秘書迪宇(右)在代表處門口留影



△拜會德國「柏林環境保護基金會」與負責人 Mr. Bernd Kurmann. (中)合影
(2010.11.11)



△與薛一等秘書迪宇在該基金會門口留影



△拜會柏林綠建築環保社區建築師 Mr. Franco Dubbers (左)後合影。(201011.12)



△與薛一等秘書迪宇在柏林環保社區留影



△拜會「德國聯邦政府永續發展理事會」與負責人 Ms. Dorothee Braun(中)合影
(2010.11.12)



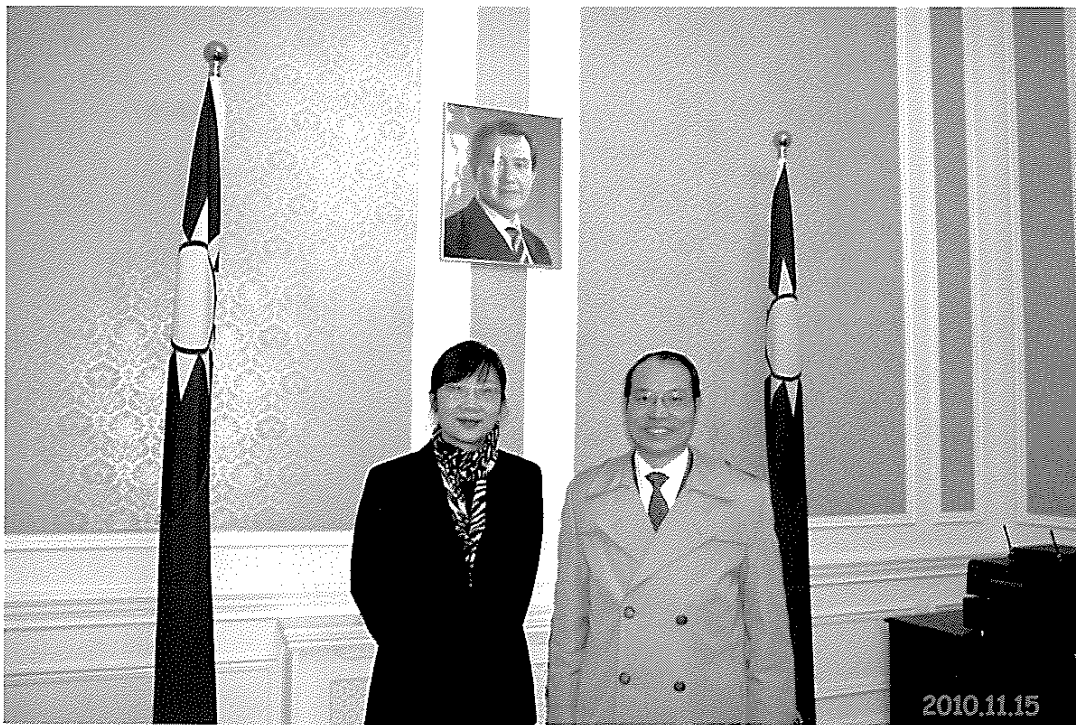
△與柏林市建築師 Mr. Arne Wohlgenuth(右二)及駐德國代表處陳組長尙友(右一)
共進午餐，洽談綠建築及永續發展有關事宜。(2010.11.12)



△柏林市區於公園內設置美觀大方，小巧實用之投幣式公共廁所，讓民眾有舒緩身心之方便處。



△舉世聞名之柏林圍牆拆除後，政府將部分圍牆於柏林市中心廣場展示，讓民眾有機會回顧歷史。



△拜會我國「駐英國台北代表處」後與鄒組長幼涵(左)合影。(2010.11.15)



△在我國駐英國台北代表處大門口留影



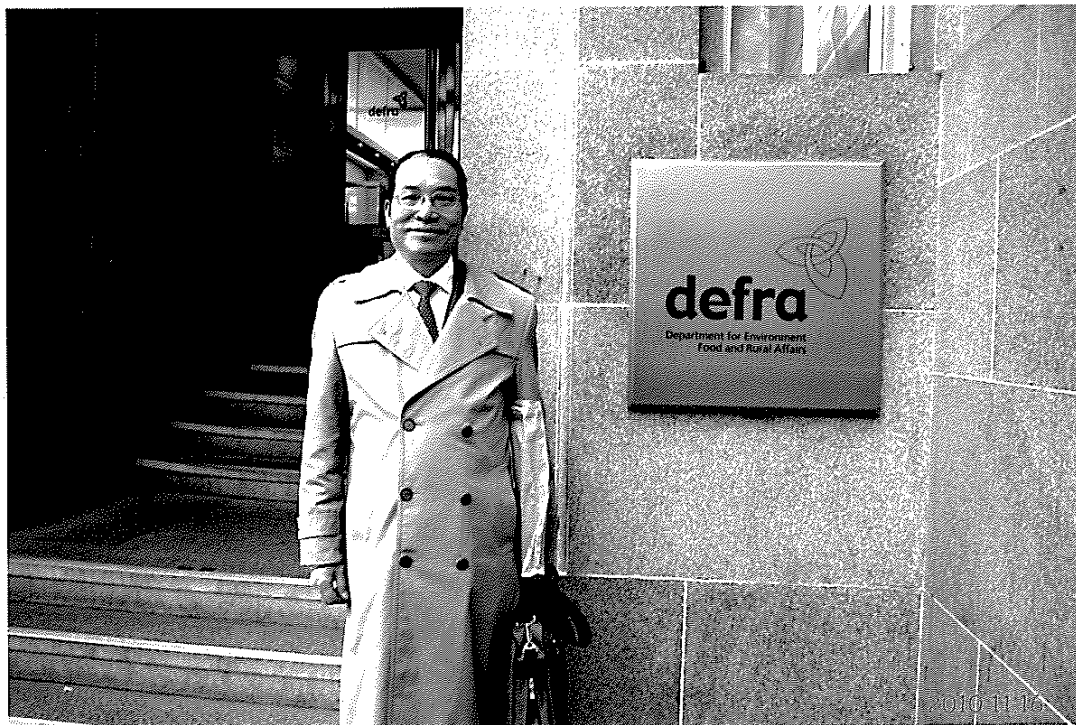
△拜會英國「社區及地方政府部」後與資深主管 Mr. Roger Smithson(左)合影
(2010.11.15)



△在英國社區及地方政府部大門前留影



△拜會英國「環境食品暨鄉村事務部」後與國際永續發展處處長 Mr. Phil Callaghan(右二)、計畫主管 Mr. Neil Fourie(左二)及專案負責人 Mr. Roland Moore(左一)合影。(2010.11.16)



△在英國「環境食品暨鄉村事務部(DEFRA)」大門前留影



△在倫敦市海德公園內留影，途中之白線區域規劃為「自行車專用道」。



△與「駐英國台北代表處」莊秘書慶安於倫敦市 Hesperia London Victoria 旅館前留影。 - 75 -



△英國倫敦市鬧區中設有美侖美奐的收費式公共廁所，可方便行人使用。



△倫敦市維多利亞車站內亦有專人管理之收費式公共廁所，使用者無論男女每人每次需付費約新台幣 15 元。



△倫敦市區設置許多資源回收桶，以方便行人回收紙類、保特瓶及玻璃瓶等廢棄資源物。



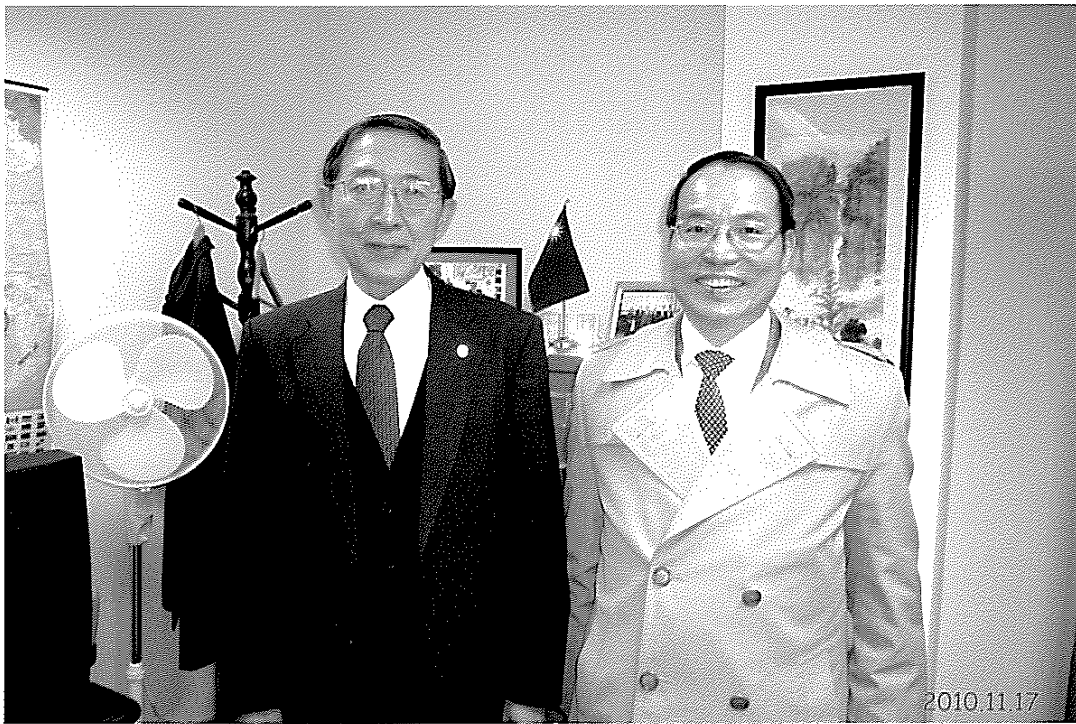
△倫敦市區普遍設置公用自行車自動租賃站，方便遊客「甲地借乙地還」，以利落實節能減碳政策。



△倫敦市內常見清潔隊員以「小型吸塵機」在鬧區清理街道，以保持環境整潔。



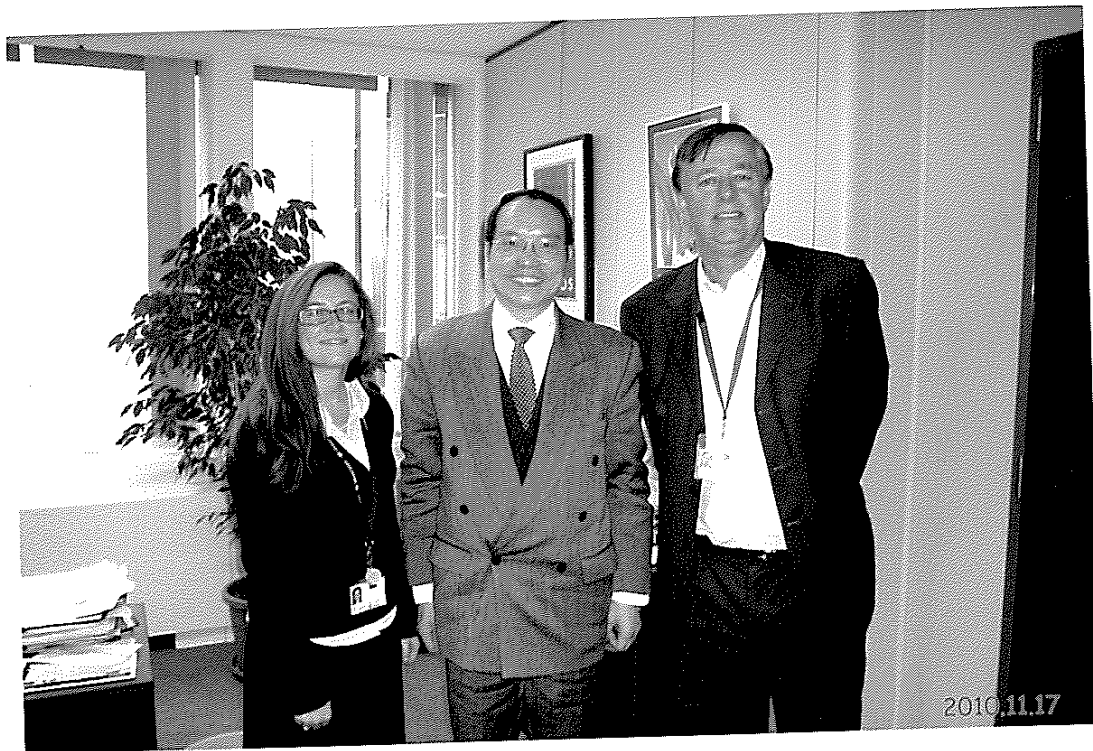
△倫敦市民經常在重要地點陳情抗議，圖為反戰團體在人行道上搭帳篷、張貼標語，訴求政府當局儘速自海外撤軍。



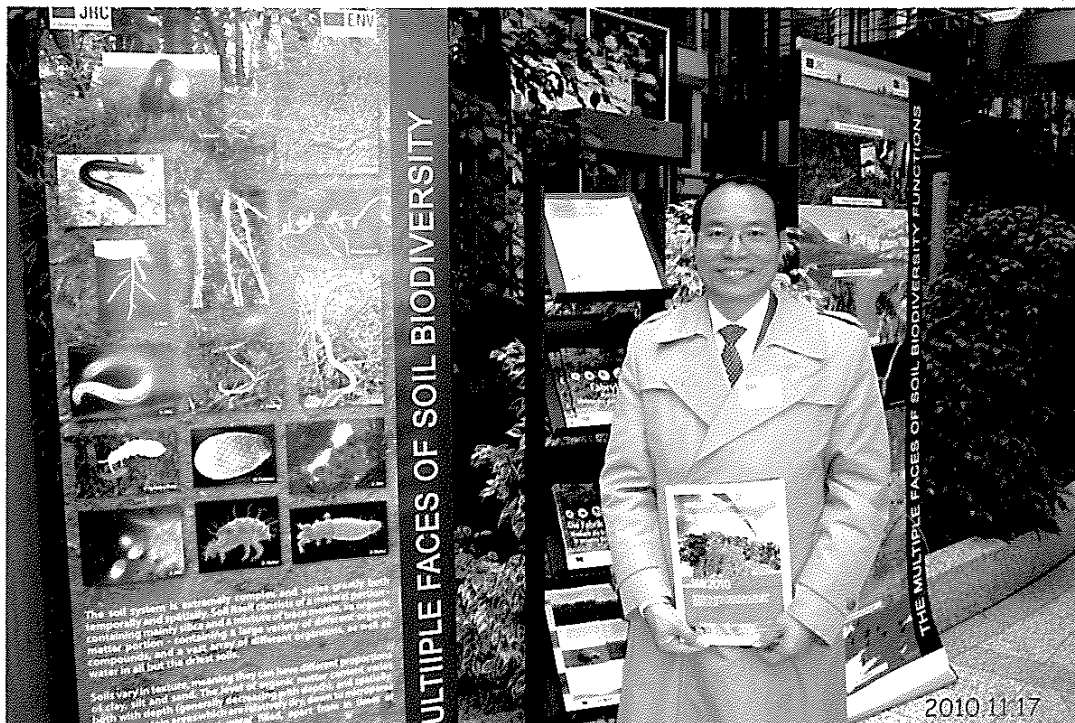
△拜會我國「駐歐盟兼駐比利時代表處」與林處長永樂合影。(2010.11.17)



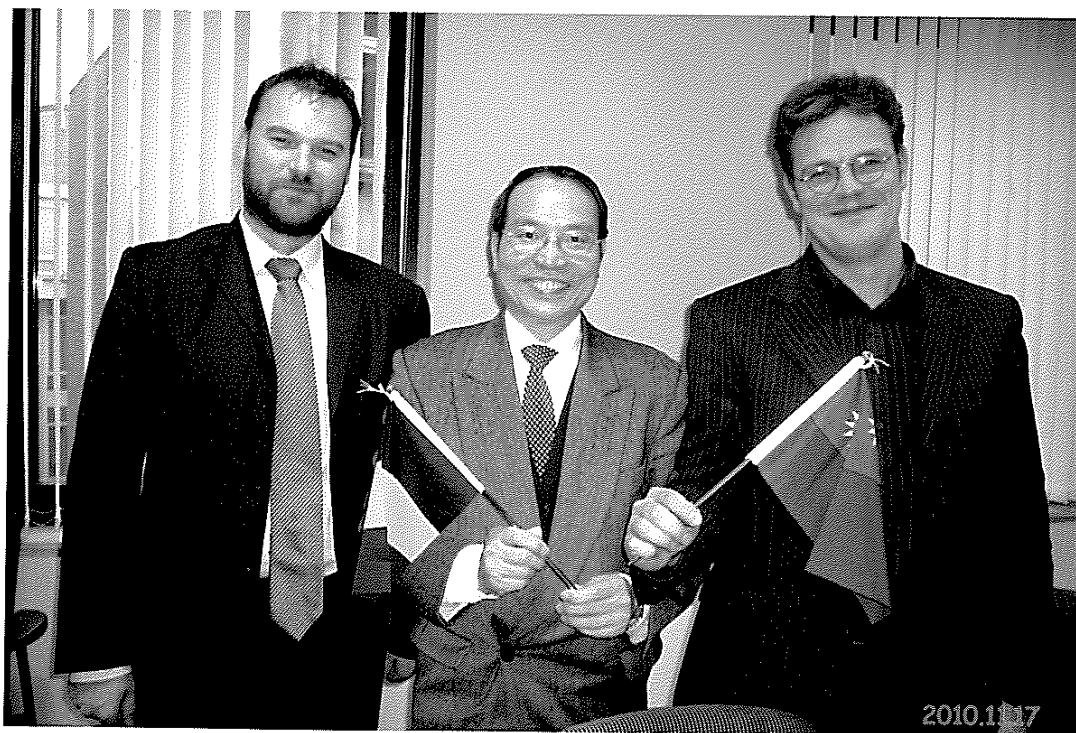
△在我國駐比利時代表處門口留影



△拜會「歐盟環境總署」後與國際關係處處長 Mr. Nicholas Hanley(右)及其秘書 Ms. Irina Lazzerini(左)合影。(2010.11.17)



△在「歐盟環境總署」生物多樣性展覽廳前留影



△拜會比利時「氣候與能源部」後與環保顧問 Mr. Cedric Van de Walle(左一)及永續發展專家 Mr. Tim Bogaert(右一)合影。(2010.11.17)



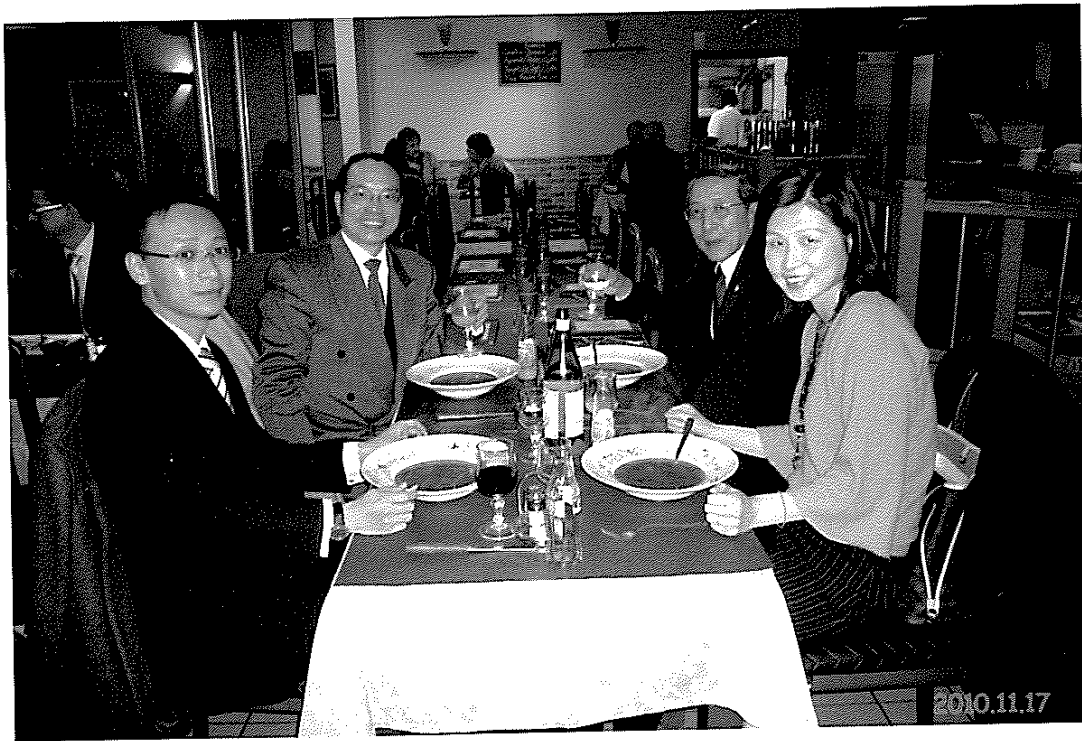
△與比利時環保顧問 Mr. Cedric Van de Walle(左)在氣候與能源部大門前留影



△拜會布魯塞爾市政府後與主管「二十一世紀議程」之負責人 Ms. Nathalie Dombard(左二)等人合影。(2010.11.17)



△參訪比利時環保示範社區後，與綠建築設計師 Mr. Gilles Debrun(右二)等人合影。(2010.11.17)



△拜會「駐歐盟暨駐比利時代表處」後與林代表永樂(右二)、陳秘書雅貞(右一)、連秘書澤(左一)共進午餐時留影。(2010.11.17)



△連秘書澤及陳秘書雅貞提供親切之送機服務後，於布魯塞爾國際機場出境大廳留影。



△比利時在布魯塞爾市區設置許多公用自行車自動租賃站，方便遊客「甲地借乙地還」，以利落實節能減碳政策。



△比利時在布魯塞爾市區設置許多資源回收站，以方便行人回收紙類、玻璃瓶、保特瓶等廢棄資源物。



△歐盟舉辦「第 25 屆環境影響評估指導年會」開幕式情形。(2010.11.18)



△大會進行「綜合討論」後舉行「閉幕式」情形。(2010.11.19)



△大會進行「分組討論」後與主持人 Mr. Kurt Deketelaere 教授(中)等合影
(2010.11.19)



△大會舉行歡迎茶會中，與歐盟主辦單位 Mr. Stephanos Ampatzis(右二)等人合影。(2010.11.19)



△ 參加大會專題討論後，與比利時佛來明區之環境部長 Ms. Joke Schauvliege 合影。(2010.11.19)



△ 參加大會之二百多位環評專家學者及政府官員共進午餐情形



△參加歐盟舉辦「第 25 屆環境影響評估指導年會」與主辦人 Ms. Sophie Bottin(左)於報到處留影。(2010.11.18)



△參加大會舉辦之歡迎茶會，與奧地利代表 Ms. Verena Gubesch (左二)、歐盟代表 Mr. Anatael Oliver Mesa Flores 及西班牙代表 Ms. Julieta Valls 及 Mr. Inigo M.Sobrini 合影。(2010.11.19)

**CONFERENCE FOR THE 25TH ANNIVERSARY OF THE EIA
DIRECTIVE:
SUCCESSSES – FAILURES – PROSPECTS
LEUVEN, BELGIUM, 18-19 NOVEMBER 2010**

**THE LEUVEN INSTITUTE FOR IRELAND IN EUROPE (IRISH COLLEGE)
JANSENIUSSTRAAT 1 – B-3000 LEUVEN, BELGIUM**

Programme

**18 November 2010 (Thursday)
IRISH COLLEGE – Auditorium**

14:00 **Arrival and welcome of the participants (coffee served)**

15:00 **Opening of the conference:**

Ms Joke Schauvliege, Minister of the Environment of the Flemish Region
Mr Janez Potočnik, European Commissioner for the Environment (*video
speech*)

15:20 – 16:45 **High level stakeholders panel: Taking stock of 25 years of experience**

Moderator: ^s **Mr Kurt Deketelaere** (Secretary-General of the League of European Research Universities (LERU) and Professor of Law in the University of Leuven)

Panel participants:

- **Ms Joke Schauvliege**, Minister of the Environment of the Flemish Region
- **Mr Lars Bay Larsen**, Judge at the Court of Justice
- **Mr Krzysztof Kamieniecki**, Member of the European Economic and Social Committee
- **Ms Pia Bucella**, European Commission, DG.ENV, Director, Legal Affairs and Cohesion Policy
- **Mr John Hontelez**, Secretary General of the European Environmental Bureau (EEB)
- **Mr Peter Carter**, EIB, Associate Director, Head Environment and Social Office (ESO)
- **Mr Julio de Jesus**, Board Member of the International Association for Impact Assessment (IAIA)
- **Ms Neel Strøbæk**, Project Director large-scale infrastructure development, Ramboll Management Consulting

Each panel participant will present its views – 10 minutes by participant

16:45 – 17:00 **Coffee break**

17:00 – 18:00 **Discussion – Questions and comments**

19:30 – 20:00 **Aperitif at the "Faculty Club" for all the participants
(Groot Begijnhof 14, 3000 Leuven)**

20:00 **Dinner at the "Faculty Club" for all the participants**

19 November 2010 (Friday)

The participants have the possibility to participate in one of the three workshops held simultaneously on the following themes:

- **Workshop 1: Scope of the EIA Directive (IRISH COLLEGE – Meeting Room 1)**
- **Workshop 2: Quality of the EIA process (Faculty Club – Room Lemaire)**
- **Workshop 3: Links of the EIA with international conventions (Faculty Club – Room St Barbara)**

Address of the Faculty Club: Groot Begijnhof 14, 3000 Leuven

Morning : workshops

The detailed programme and composition of the workshop is shown in details in the following pages. The composition of the workshops is as follows: a moderator, rapporteurs, representatives from the Commission, MS, NGOs, developers and universities.

9:00 – 10:45 Introduction by the speakers (10 minutes each)

10:45 – 11:00 Coffee break

11:00 – 12:30 Discussion with participants

12:30 – 14:00 Lunch offered by Belgian Presidency at the "Faculty Club" for all participants)
Rapporteurs and moderators prepare the report from their respective workshop

Afternoon : Plenary session (IRISH COLLEGE – Auditorium)

14:30 – 15:30 Presentations from the moderators, with the assistance of rapporteurs, of the Auditorium conclusions of the different workshops (20 minutes each)

15:30 – 16:00 Discussion with the participants

16:00 – 16:30 Conclusions and closure of the Conference

- Karl Falkenberg, Director General of DG.ENV

- Michiel Boodts, Advisor in the Cabinet of the Minister of the Environment of the Flemish Region

16:30 – 17:30 Farewell drink

9:00 – 12:30 Workshop 1: Scope of the EIA Directive**IRISH COLLEGE – Meeting Room 1**

The workshop will consider the structure of the EIA Directive and its synergies with other directives/policies. On the one hand, the workshop will assess the effectiveness of the screening mechanism, with a view to identifying ways for possibly broadening, detailing and clarifying the screening mechanism and criteria. On the other hand, on the basis of the existing experience, the workshop will assess the scope for simplifying the existing EIA procedures, and for streamlining the links between EIA/SEA and other assessment or consent procedures required by sectoral EU environmental legislation (such as the Habitats Directive (92/43/EC), the IPPC Directive (2008/1/EC), the Water Framework Directive (2000/60/EC), the Seveso Directive (96/82/EC) and the Incineration Directive (2000/76/EC). For each of these issues, the workshop will assess their direct and indirect costs and their benefits.

Moderator: **Ms Waltraud Petek** (Austria), Head of Unit in the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management

Rapporteurs:

- **Dr Monica Pasca** (Italy), Professor at Sapienza – University of Rome, Member of the EIA-SEA EC Expert Group
- **Mr Geert Pillu** (Belgium), Authority of the Flemish Region, Environment, Nature and Energy Department
- **Mr Stephanos Ampatzis** (Commission, DG.ENV), Cohesion Policy and Environmental Impact Assessments

Workshop speakers:

Dr Conor Skehan (Ireland) Head of Environment and Planning Development in the School of Spatial Planning at Dublin Institute of Technology	<i>'Does Impact Assessment Stifle Change?' - the next challenge - moving beyond a 'steady state' view of the environment.</i>
Ms Maria Rosário Partidário , Associate Professor at the Technical University of Lisbon and IAIA representative in UNECE meetings	<i>EIA Directive reaching out other sectoral policies</i>
Mr Francis Van Den Noortgaete (Belgium) Authority of the Flemish Region, Environment, Nature and Energy Department	<i>EIA in Flanders: looking back to widen EIA's potential</i>
Mr Liam Smyth (Ireland) Sustainability and Marketing Manager in the Irish Concrete Federation (member of the UEPG)	<i>Scope of the EIA Directive: an Irish Quarry Industry Perspective</i>
Ms Lone Kørnøv (Denemark) Professor, Danish Centre for EIA	<i>EIA Screening: a new regulatory instrument?</i>
Ms Kaja Peterson (Estonia) Programme Director, Estonian Institute For Sustainable Development, SEI Tallinn	<i>Screening of projects in Estonia, with special reference to Habitat Directive</i>
Ms Alice Naveau (Belgium) Nature et Forests Department, Public Service of the Walloon Region and Mr Francis Haumont (Belgium), Lawyer at the Brussels Bar and Professor	<i>Synergies between the EIA and the Habitats Directives: possibilities for simplification and better coordination on the basis of the experience in the Walloon Region</i>
Dr Ivan Scrase (UK) RSPB, Senior Planning Policy Officer	<i>BirdLife's position on strengthening the European impact assessment 'system'</i>
Mr Olavi Hiimäe (Estonia) Lecturer at Tallinn Technical University	<i>EIA in Estonia: failures and success stories</i>

9:00 – 12:30 Workshop 2: Quality of the EIA process**Faculty Club – Room Lemaire**

This workshop will assess whether the current provisions ensure the quality and effectiveness of the EIA process. On the basis of the existing practical experience, the workshop will look for appropriate measures to improve the quality of the EIA process. Issues such as the content of the EIA report, the effectiveness of "scoping", the possibility to include biodiversity/climate change parameters in the EIA process, the role of environmental authorities, the assessment of alternatives, the validity of the EIA information and the need for ex post monitoring will be considered. For each of these issues, the workshop will assess their direct and indirect costs and their benefits.

Moderator: **Ms Pia Bucella** (Commission, DG.ENV), Director, Legal Affairs and Cohesion Policy

Rapporteurs:

- **Mr John Martin** (Ireland), Principal Planning Adviser in the Irish Dept. of the Environment, Heritage and Local Government, Member of the EIA-SEA EC Expert Group
- **Mr Michel Delcorps** (Belgium), Authority of the Brussels Capital Region, EIA Department, Member of the EIA-SEA EC Expert Group
- **Ms Yvette Izabel** (Commission, DG.ENV), Cohesion Policy and Environmental Impact Assessments

Workshop speakers:

Mr Jerzy Jendrośka (Poland) PhD, Chair, Public International and European Law, Opole University	<i>Quality of the EIA process: issues of concern and ways for improvement</i>
Mr Jan De Mulder (Belgium), Authority of the Flemish Region, Public Governance Department	<i>EIA quality issues in a broader decision making perspective</i>
Mr Andreas Sommer (Austria) Coordinator for EIA in the Office of Provincial Government of Salzburg	<i>One stop shop procedures: conclusions from the Austrian experience with consolidated procedures & integrative assessment</i>
Mr Tõnu Oja (Estonia), Professor, Institute of Ecology and Earth Sciences, University of Tartu	<i>Ways to make EIA better – 15 years of experience in Estonia resumed</i>
Mr Josh Fothergill (UK) Senior Adviser at the Environmental Assessment (IEMA) & Chair of the IAIA's Ireland & UK Branch	<i>How can a registration scheme of consultants enhance the quality of the EIA?</i>
Mr Philippe Cornille (Belgium), Belgian Federation for Chemistry and Life Sciences Industries	<i>Lessons learnt from industrial projects & improvements needed</i>
Mr Kuido Kartau (Estonia), coordinator of environmental management department, Hendrikson	<i>EIA for small size projects and inclusion of climate change considerations at project level (wind park)</i>
Ms Julieta Valls (Spain), SEO Birdlife, Planning Policy Officer	<i>BirdLife's recommendations for improving the quality of EIA</i>

9:00 – 12:30 Workshop 3: Links of the EIA with international conventions

Faculty Club – Room St Barbara

This workshop will identify potential for reinforcing synergies between the EIA with the Espoo Convention (including its SEA Protocol) and the Aarhus Convention. The workshop will assess the effectiveness of the legal framework (mainly Articles 6, 7 and 10a of the EIA Directive), including the costs and benefits, and will propose ways for improving and harmonising the existing provisions. A particular focus will be given on how appropriately addressing/assessing projects with transboundary impacts and transboundary or transnational projects

Moderator: Ms Eva Kruzikova (Commission, DG. LS), Director, Legal Service

Rapporteurs:

- Ms Milena Novakova (Commission, DG.ENV), Cohesion Policy and Environmental Impact Assessments
- Mr Adam Nagy (Commission, DG.ENV), Compliance promotion, governance and legal issues

Workshop speakers:

Mr Nicholas Bonvoisin (Secretary to the Espoo Convention)	<i>Links to the Espoo Convention on transboundary EIA</i>
Mr Michel Delnoy (Belgium) Lawyer and Professor in the Faculty of Law of the University of Liège	<i>The extent of legal compliance between EIA Directive and Aarhus Convention</i>
Mr Matthias Sauer (Germany) Federal Ministry for the Environment, and member of the Espoo Implementation Committee	<i>Transboundary EIA: perspective of a Member State and as a member of the implementation committee</i>
Dr Dirk von Ameln, Permitting Director, Nord Stream AG	<i>The decision making process of the Nord Stream Project – Environmental Impact Assessments and Espoo Process</i>
Mr Piotr Otawski (Poland)	<i>Position of NGOs in the EIA process (in particular in transboundary cases and effectiveness of transboundary EIA)</i>
Mr Clement Konrad (Austria), Justice and Environment, OEKOBUEO	<i>Practical experience in transboundary cases</i>
Mr Stefan Zleptnig (Austria), Legal Counsel, VERBUND-Austrian Power Grid AG	<i>Practical experience from electricity infrastructure projects</i>
Mr Ian Lumley (Ireland) Heritage Officer with An Taisce, the National Trust for Ireland	<i>Integrating EIA with national and transboundary climate targets</i>

Workshop 1 - Scope of the EIA Directive

CVs of the speakers and abstracts of the presentations

Dr Conor Skehan (Ireland)

'Does Impact Assessment Stifle Change?' - the next challenge - moving beyond a 'steady state' view of the environment.

CV: Head of Environment and Planning Development in the School of Spatial Planning at Dublin Institute of Technology.

Abstract of the presentation:

Europe's Changing Environment

The presentation will commence with a reflection on reflections on the unnoticed success of Impact Assessment in avoiding impacts over 25 years. The presentation will move on to consider the role of impact assessment in preparing for the next 25 year – a period when Europe's environment will change significantly. The presentation will show how Europe's anciently settled environments are not constant. It will show how as the forces that shape the environment have changed - agriculture, climate, urbanisation and culture – so too has the environment. The presentation will show how these changes are occurring again because of wide-spread restructuring of agriculture – due to CAP reform which will combine with the implementation of a range of conservative environmental instruments, such the Directives on habitats, Flooding and Noise. These changes in turn will occur within scenarios of changing climate, changing demographics and changing economies.

The Steady State – aid or inhibiting Change?

The presentation will ask whether and how the principles and practice of impact assessment aid or inhibit this process? Impact assessment is founded on the principle of recording, protecting or improving the 'baseline' conditions. This leads to an overriding imperative to attempt to preserve an unquestioned 'steady state' in the environment. But does this approach allow habitats, landscapes, communities and conditions to grow and change? Is different always worse? For instance, all over Europe a post-agricultural landscape is beginning to emerge in peripheral areas and on marginal lands. Such areas will sustain different, and often less diverse, floral and faunal communities. In the same areas the patrimony of long-established settlements and communities will change and sometimes disappear. These changes will be wrought by neglect – not development. EIS and SEA deal only with pro-active, positive plans and policies for what will happen. They are silent about what ceases.

EIA for New Environments?

Perhaps we have arrived at a stage where we need to begin to imagine and plan long-term and large-scale trajectories for Europe's new environments? Perhaps the intellectual model of habitat management plans can be adapted to establish future holistic objectives for new environments? Perhaps we need to establish 'emerging environments' as the future baselines against which to measure the acceptability of effects?

Maria Rosário Partidário (Portugal)

EIA Directive reaching out other sectoral policies

CV: Associate Professor at IST- Lisbon Technical University. Head of Research Group on Strategic Approaches to Environment and Sustainability (SENSU). Focal point of the International Association for Impact Assessment (IAIA) at the UN Economic Commission for Europe (UNECE) Espoo Convention, SEA Protocol and Working Group on EIA (from 2010). President of IAIA (International Association for Impact Assessment) in 1997-98.

Abstract of the presentation:

There is a constructive role to be played by EIA in the spectrum of development decision-making, paving the way for sustainable futures. The presentation argues that the full potential of EIA is yet to be achieved, and that practice is falling short of its original aims. Perhaps the EIA Directive needs to consider reaching out to other sectoral policies and perform the integrative role that often has been suggested. While designed to ensure the environmental dimension into a larger spectrum of decision

factors, increasingly the EIA Directive has been driven by an environmental protective, and controlling role, rather than by a proactive, constructive and positive positioning with respect to sectoral policies, such as health, trade, consumption, energy and transport and other policies that should be engaging more actively the environmental policy.

EIA should be fully engaged by the need to actually influence, and drive sectoral policies towards more integrated development processes. In my speech I wish to address the EIA acknowledged role with respect to integrated sectoral decision-making, its contribution to changing the current development paradigms, highlighting its major contribution to the sustainability agenda.

Mr Francis Van Den Noortgaete *EIA in Flanders: looking back to widen EIA's potential*
(Belgium)

CV: Authority of the Flemish Region (Belgium). Environment, Nature and Energy Department, Environmental Assessment Unit. Field of expertise: Industrial EIA. Member of the European EIA/SEA Expert group of national experts. Member of several working groups on EIA evaluation/reform in the Flemish Region.

Abstract of the presentation:

Although without any doubt a valuable policy tool, EIA has been and will remain a delicate balancing act between different overarching goals and principles and different stakeholder interests.

A few conclusions from EIA experience / current review in the Flemish Region (Belgium) will be presented. These include the marked difference between industrial and infrastructural / urban development EIA when it comes to public participation response and the seemingly decreasing need for mandatory scoping when several EIA-quality assurance elements are in place, as is the case in Flanders. Overall, EIA process flexibility really remains key to ensure both an effective and efficient EIA, all within a reasonable total time-to-permit for proponents.

A growing multiplicity and multiformity of sectoral / thematic environmental assessments should be avoided by enabling integration of these partial assessments in EIA where possible, all the while retaining their specificity where needed.

The wide range of project types, environmental effects and possible alternatives and scenarios to be treated in EIA call for more elaborate and practical EU-guidance. Opportunities for guidance remain with regards to - inter alia - interpretation of annex I and II categories, screening methodology and selection of alternatives. A clearly defined baseline is needed both for a correct implementation and to truly arrive at a Union-wide level playing field.

✓ **Mr Liam Smyth** *Scope of the EIA Directive: an Irish Quarry Industry Perspective*

CV: A chartered civil engineer with 25 years experience of the construction materials industry, I hold post-graduate qualifications in EIA Management and Business Administration. As Sustainability Manager at the Irish Concrete Federation (ICF), I act as Chief Planning and Environmental Officer for the quarry industry in Ireland. As ICF representative to UEPG until 2009, which represents 30,000 sites in 22 countries, I was Vice-Chairman of the UEPG Environment Committee and Chair of the UEPG Task Force on Biodiversity.

Abstract of the presentation:

The subject matter of the presentation is primarily the Irish experience, but also contains a summary of the UEPG (European Aggregate Producers Association) position on experience across Europe.

- ✓ Position EIA within overall Sustainability concept
- ✓ Extensive Legislative Framework
- ✓ Key Consent Issues
- ✓ EIA - Sustainable Extraction Needs
- ✓ EIA Administration Issues across EU – UEPG Perspective

Ms Lone Kørnøv (Denmark) *EIA Screening: a new regulatory instrument?*

CV: Lone Kørnøv is Professor at Department of Development and Planning and Director of the Danish Centre for Environmental Assessment (www.DCEA.dk) at Aalborg University. Since 1995 she has specialised in impact assessment, having fields of interest in: SEA, EIA, planning, decision-making and governance, public participation, health and climate change.

Abstract of the presentation:

On the basis of two evaluations of Danish experience and outcome of EIA, the presentation shows and discusses how screening has a second function apart from determining whether or not a project proposal require an EIA.

The Danish practise and experience shows that the purpose of screening is also to prompt the applicant to possible modify the project so it does not require an EIA. Such changes occur prior to submission but also during the screening process.

EIA screening thus seem to live up to the designation 'self-regulation' as changes of projects is not forced upon the developer, but stimulated by dialogue.

Using screening decisions as a regulatory instrument in its own right can be considered very flexible and cost-effective. It is though debatable whether EIA screening as a vehicle for project changes functions in accordance with the EU Directive and with the need for openness and transparency for the public.

Ms Kaja Peterson (Estonia) *Screening of projects in Estonia, with special reference to Habitat Directive*

CV: Kaja Peterson is a senior researcher at the Stockholm Environment Institute Tallinn Centre (SEI Tallinn), Estonia. She graduated from the University of Tartu, Estonia, in 1987 as a Biologist-Ecologist and from the Victorian University of Manchester, UK, in 1992 as an Environmental Scientist. She has been working at the SEI Tallinn since 1993. Since 2000, she has been the director of the sustainability measures programme at the centre. Her fields of interest and research include environmental assessment issues, such as the methods of impact assessment, environmental management, the process of public involvement and the consideration of results of public involvement in decision-making. She has published several books, guidelines and papers on these issues and is also a frequent lecturer on these topics.

Abstract of the presentation:

Screening is a crucial stage in EIA process. It is the stepping stone in putting the precautionary principle into action. The statistics in Estonia has shown a tendency of increased number of discretionary screening decisions. This means that the EIA screening decisions have become highly subjective and depend on the experience and competence of authorities who have provide transparent and justified decisions to launch EIA or not.

The study on the screening decisions demonstrated a small number of cases where effects of a project or plan on Natura 2000 site were considered. Only every 6th screening decision addressed the likely effects on Natura 2000 site. While considering the effects only the location aspects (location of the development in relation to the Natura 2000 site – e.g. on the site, adjacent/not adjacent to the site) were considered. The characteristics and the significance of the effects were considered rarely.

Based on the study results, a few recommendations are proposed, such as: to amend the EIA and extend the list of criteria of significant effects; to consider the special role of such Member States that have the main responsibility for ensuring favourable conservation status of certain habitat types and species; to consider effects on such habitats and species as significant effects on the Natura 2000 site.

Ms Alice Naveau (Belgium)

***Synergies between the EIA and the Habitats Directives:
possibilities for simplification and better coordination on the basis
of the experience in the Walloon Region***

CV: Graduated in Law and holding a Master in Science and Management of Environment, Alice Naveau has been working as a jurist at the Nature et Forests Department (Public Service of the Walloon Region) for a year. She is especially in charge of the juridical aspects of the implementation of Natura 2000.

Before joining the Administration, she had worked, among others, as a lawyer in an office specialised in Environmental issues.

Abstract of the presentation:

In the Walloon Region, the competent authority which evaluates the impacts of a project on the Natura 2000 sites is the "Département de la Nature et des Forêts", or DNF ("Wildlife and Forestry Department") of the Administration. Within the framework of projects likely to have a significant effect on these sites, the DNF acts either as an advisory authority, or as a decision-making authority. The way the appropriate assessment is put into practice in the Walloon Region will be explained in this presentation by means of an example, namely the installation of a Fluxys gas pipe crossing Natura 2000 sites. The appropriate assessment is realised at the same time as the EIA. Before beginning the appropriate assessment, the DNF is informally consulted as regards the necessary content of the appropriate assessment. Then the appropriate assessment is communicated to the DNF before the introduction of the permit request. The DNF gives an informal preliminary advice. Referring to this advice, search for an alternative solution, corrections made in the appropriate assessment and modification of the project according to the final conclusions of the appropriate assessment. Then introduction of the permit request, favourable official advice of the DNF, permit granted and running. The presentation will highlight the advantages of this way of proceeding and will raise questions concerning some ways of improvement which could be applied to this procedure.

**Mr Francis Haumont
(Belgium)**

***Links between the environmental impact assessment of Directive
85/337/EEC and the appropriate assessment of the Habitats
Directive***

CV: Professor at the Catholic University of Louvain (Louvain-la-Neuve). Director of the Research Centre in Urban Planning and Environment Law (SERES - Faculty of Law). Editorial director of the review "*Aménagement-Environnement*". Lawyer at the Bars of Brussels and Nice. Specialist in Urban Planning Law and Environmental Law Author of 12 books and more than 200 articles in these fields.

Abstract of the presentation:

If one refers to the case law of the Court of Justice, the Environment Impact Assessment (EIA) imposed by Directive 85/337 can not be the appropriate assessment required by Article 6, § 3, of Directive 92/43 'Habitats'. Yet there is no legal obstacle preventing such a practice which is also common in the Walloon Region.

Therefore, it should consider amending Directive 85/337 to ensure that, like Directive 2001/42 which explicitly states that the Strategic Environment Assessment (SEA) is the appropriate assessment under Habitats Directive for plans and programs, the EIA may be the appropriate assessment of projects.

This would fill some gaps of Article 6, § 3, of Habitats Directive.

Indeed, one can define the contents of the appropriate assessment and procedures for its definition. It could also settle the matter of consideration into, ab initio, alternatives and, if necessary, compensatory measures proposed, under Article 6, § 4, and advised in the EIA.

Moreover, the rules of Directive 85/337 on consultation and participation as well as on access to justice, also apply to projects subject to appropriate assessment of Habitats Directive, which is not the case now.

However, it should keep one of the major features of Article 6, § 3, namely that the public authority is bound, in its decision, by the conclusions of the appropriate assessment. It should therefore amend Article 9 of Directive 85/337 to maintain this mechanism.

Dr Ivan Scrase (UK)

BirdLife's position on strengthening the European impact assessment 'system'

CV: Dr Ivan Scrase is Senior Planning Policy Officer with the RSPB. He has a degree in Geography (Oxford University), an MSc in Environmental Technology and a doctorate in Environmental Policy and Planning (both Imperial College London). He has published widely on environmental assessment and on energy policy, and is the lead editor of *Energy for the Future* (Palgrave Macmillan, 2009).

Abstract of the presentation:

For the EU's 2020 biodiversity target to be achievable, rigorous assessment of biodiversity impacts, tied to effective measures to prevent net losses of biodiversity, can no longer be limited to 'appropriate assessments' under Article 6 of the Habitats Directive. Environmental assessments must also address and protect habitats and species of European importance outside Natura 2000 sites, areas protected under national legislation, unprotected biodiversity in the wider countryside, at sea and outside the EU, and ecosystem services. This presentation will address BirdLife's views on the need for environmental assessment, focusing on EIA's role in biodiversity protection and on ways to make it work more effectively as part of the wider European environmental assessment 'system'.

Mr Olavi Hiimäe (Estonia)

EIA in Estonia: failures and success stories

CV: PhD student, Swedish EIA Centre; Department of Landscape Architecture Swedish Agricultural University, Uppsala

Abstract of the presentation:

Workshop 2 – Quality of the EIA

CVs of the speakers and abstracts of the presentations

Jerzy Jendroška (PL) – PhD; Chair, Public International and European Law, Opole University

Quality of the EIA process: issues of concern and ways for improvement

CV: *Chair of European and Public International Law at Opole University, Poland and Managing Partner at Jendroška Jerzmański Bar & Partners, Environmental Lawyers, which is a law firm having experience with about 400 EIA procedures in Poland and abroad. Served as a member of the National EIA Commission (1994-2008), as a Vice-chair of the UNECE Aarhus Convention negotiations (1996-1998) and of the UNECE SEA Protocol negotiations (2000-2002). Currently he serves as an arbitrator at the Permanent Court of Arbitrage in the Hague (since 2002), a member of the Compliance Committee of the Aarhus Convention (since 2006) and a member of the Implementation Committee of the UNECE Espoo Convention (since 2004).*

Abstract of the presentation:

The presentation is based on the practical experience gained as a head of a law firm providing advice in EIA procedures including regular monitoring of observance of the implementation of the EIA Directive in relation to applications for EU funding in Poland, as well as the experience gained as a member of the Espoo Convention Implementation Committee and of the Aarhus Convention Compliance Committee.

The presentation addresses the importance of the direct applicability of EIA Directive in relation to application for EIA funding, which requires sufficiently clear and detailed provisions in the Directive. In this context the presentation indicates some implementation problems related to the quality of EIA process. In particular the presentation indicates some ambiguities in the text of the directive and problems with its translation into Polish. Furthermore, the presentation addresses the issues related to the approach to alternatives, insufficiently detailed provisions on scoping, content of EIA report, public information as well as the need to provide clear legal basis for statement of reasons in the light of verdicts of ECJ. Finally, the positive experience with institutional arrangements in Poland meant to provide quality control of the EIA process will be presented.

Presentation of the problems and experience gained will be followed with some proposals for improvements.

Mr Andreas Sommer - Coordinator for EIA in the Office of the Provincial Government of Salzburg

One Stop Shop" Procedures. Conclusions from the Austrian Experience with Consolidated Procedures and Integrative Assessment

CV: *Working at the Provincial Government of Salzburg, department of environmental protection (since 1992); responsible for the unit EIA and environmental planning (since 1999). Long-time experience in environmental impact assessments and strategic environmental assessments; numerous publications, e.g. about EIA procedural evaluation, impact assessment methodology; author of several guidance documents for EIA and SEA.*

Abstract of the presentation:

In Austria, environmental impact assessments for most project types are conducted by the province governments. In these cases a consolidated procedure applies. There is only one competent authority and the outcome is one decision that encompasses all the requirements for the project. The concentration of responsibility contributes to more effectiveness of EIA processes. On the other hand it is a rather challenging approach for everybody involved.

Another challenge is the required integrative assessment of project impacts on the environment. The experts of the competent authorities have to prepare a comprehensive EIA review report. The Austrian

CVs + abstracts of the presentations

Workshop 2 – Quality of the EIA

EIA practice makes use of so called „assessment catalogues“: for each project a catalogue with explicit questions to the authority experts is prepared. For EIA processes it is well established that coordinators are appointed both at the authorities' and the applicants' side. Different tools have been compiled for EIA processes and additional guidance, with a focus on defining the scope, has been established in Salzburg. There is good experience with these systematic proceedings that help to ensure that all substantive as well as formal requirements are met and to optimise projects with regard to their impacts. Nevertheless, several starting points for improvement can be identified.

Mr Jan De Mulder(BE) – Authority of the Flemish Region, Public Governance Department

EIA quality issues in a broader decision making perspective

CV: *Jan De Mulder has worked as a legal counsel for the Flemish Environment Administration for more than 10 years before joining the Flemish Public Governance Department in 2006. He works currently as a policy advisor on international issues and as such he is also attached to the Representation of Flanders to the EU.*

Abstract of the presentation:

Information plays a very important role and is an essential element in the environmental management and governance processes. Environmental impact assessment (EIA) belongs to the range of techniques that include environmental information and liability, for the implementation of environmental principles and rules.

The EIA process is not a stand alone approach and is part of the overall framework for decision making for private and public developments. The “position” of EIA in the institutional settings contains opportunities and threats. EIA was developed as a policy tool when the classical government model was dominant. The past decades this policy model came under pressure and new governance approaches are on the rise.

Citizens and societal stakeholders ask for better quality decision making. These expectations include not only more efficiency and effectiveness but also more transparency, accountability and participation opportunities.

In order to safeguard EIA as a central environmental policy instrument, these issues require more attention and improvements, which go beyond the legal formalities but are part of public management and governance.

Mr Tõnu Oja (EE) – Professor, Institute of Ecology and Earth Sciences, University of Tartu

Ways to make EIA better – 15 years of experience in Estonia resumed

CV: *Professor of geoinformatics and cartography, University of Tartu, Faculty of Science and technology; Department of Geography. (since 1997)*

Abstract of the presentation:

The presentation is a summary of the personal experience in carrying out assessments under changing legal framework and outlines the main factors affecting the quality of assessment and options to further improve the process.

It has been a permanent learning process. First, there was no law and no experience. Later, different laws have changed the formal situation; major shift is related with Estonia joining the EU in 2004. As Estonia was applying for the membership since 1995, the change though is not so drastic.

The quality of assessment primarily depends on the expert involved, and the background data available, and proper timing of the assessment.

CVs + abstracts of the presentations

Workshop 2 – Quality of the EIA

It is important to start the process as early as possible, in particular in the case of strategic impact assessment, to avoid promotion of stupid development directions too far. Early start of public involvement also leaves more time for different interest groups to get used to the development and to formulate their interests more clearly.

The formal side of impact assessment (in particular, who orders the impact assessment) is solved in different countries in different ways. Estonia has tried different versions in different periods. Today the order is placed by the developer, which means more dense and more effective cooperation. The system has been accused in being in favor of the developer and making the expert less objective. I disagree. Objectivity of the expert depends more on personal qualities, the decision about the necessity of the impact assessment as well as different products of the impact assessment procedure are accepted by the environmental agency and undergo public discussion. In earlier times the system in Estonia was different – the impact assessment was ordered by the environmental agency – the difference in results is not as big as assumed sometimes. Early start of the process (involvement of the impact assessment expert in the process of development as early as possible) is more important.

Expert is not the advocate of the developer – neither developer nor any interest groups should assume that.

Responsibility of the environmental agency (the body assessing the necessity of impact assessment) includes deciding whether the impact assessment is necessary (no need for assessments „just in case“) and, doing it timely (starting together with the start of the idea of the development).

Impact assessment is not a research for full inventory of values, including field research etc but rather depends on the available data. Basic data for development regions should be there earlier. Some research may be included in impact assessment.

Balance between different aspects of environment is important – the basis for deciding the weight of nature, social and economic aspect in comparing scenarios has to be clear and agreed upon between the interest groups before the results of the assessment are discussed. Public discussion is not about killing the uncomfortable interest groups with a huge amount of non-understandable (for them) data.

Impact assessment is an advice to decision maker (which the latter has to understand as clearly as possible), not the decision.

Mr J. Fothergill (IR) – Senior Adviser at the Environmental Assessment (IEMA) & Chair of the IAIA's Ireland & UK Branch

How can a registration scheme of consultants enhance the quality of the EIA?

CV: *Josh is IEMA's lead on environmental assessment and directs EIA and SEA activity for its 15,000 members. He is currently leading a research project into the State of EIA practice in the UK and developing an EIA Quality Mark scheme. In 2010 he has produced over-arching guidance on considering both climate change mitigation and adaptation in EIA. He is an active member of the IAIA, including chairing their Ireland & UK Branch between 2008 and 2010.*

Abstract of the presentation:

Substantial improvements in EIA quality cannot be achieved solely through changes to the EIA Directive. Practitioners need to take greater responsibility for improving EIA quality across the field as a whole. However, IEMA research has shown that practitioners find it difficult to volunteer time for such activity due to existing commitments. One solution would be to bind individuals via a mandatory practitioner registration process, potentially within the EIA Directive. However, voluntary market mechanisms may prove more effective in motivating EIA organisations to take greater responsibility for the existing quality of EIA practice and its improvement in the future.

IEMA (Institute of Environmental Management and Assessment) has operated voluntary EIA registration schemes for companies and individuals for many years. This presentation looks at the EIA Quality Mark, a new voluntary corporate registration scheme designed to consider the quality of both the EIA process and its outputs as well as catalysing action to improve EIA practice.

CVs + abstracts of the presentations

Workshop 2 – Quality of the EIA

IEMA's EIA Quality Mark is based on eight EIA Commitments related to: regulatory compliance, EIA context, content and communications, the management of the EIA process, staff training and volunteer staff time to develop case studies, lead workshops, etc.

Mr Philippe Cornille (BE) – Belgian Federation for Chemistry and Life Sciences Industries

Lessons learnt from industrial projects & improvements needed

CV: *Ph.D. in chemistry. Experienced in EIA. Accredited EIA-expert since 1993. Prepared well over 100 industrial EIA in a 15 year period including the largest chemical plant, power plant, non-ferrous complex. Now working as environmental expert for the Belgian chemical federation Essenscia*

Abstract of the presentation:

Two decades of practice have demonstrated that industrial EIA differ significantly from public infrastructure or agricultural EIA, or SEA. A differentiation between these EIA is needed. The below relates to industrial projects only.

The EIA intended use is to provide a professional and objective assessment of the environmental impacts of projected project, to support the subsequent decision making (permitting).

Hence, a "good" EIA is the result of a scientific approach, based on up to date and accurate data, using validated modelling, and a "good" EIA can equally conclude that severe detrimental impacts are to be expected.

A public involvement is most effectively organised jointly with the decision making process, where EIA and other information sources allow the public to assess the permit application in a well informed way.

If the Commission were to review the Directive, then a better clarification could result in a more harmonized implementation (e.g. more detailed procedures [e.g. for case by case approach in annex II, or for annex II (13), or for Annex I (6), or a uniform "cross boundary effects" procedure] , or union wide thresholds [e.g. annex I(6)], FAQ, and timings.)

Mr Kuido Kartau (EE) – Head of Environmental Management Department, Hendrikson

EIA for small size projects and inclusion of climate change considerations at project level (wind park)

CV: *Studied geography and head of the environmental management department of Hendrikson & Ko (Estonia). He has over 12 years of experience in EIAs in Estonia and abroad on diversified fields ranging from land-use management to regional and city planning and more in particular in energy production (wind parks) and infrastructure (transport) projects. Licensed (Ministry of Environment, Estonia) EIA expert from 2001.*

Abstract of the presentation:

Estonia as one of the EU member states is in the process of increasing the proportion of renewable energy and the aim for 2020 is 25%. One possibility is wind energy.

In general – Estonia has the state level targets and plans (the aim is 900 MW installed power) and the economical frame also exists (feed-in tariffs).

The problems are:

- The spatial plan is missing on state/region level and public authorities are not active to find the locations and solutions.

CVs + abstracts of the presentations

Workshop 2 – Quality of the EIA

- Developers should convince everybody through planning and EIA processes that the project is OK. In reality the connection between climate change and wind energy is not very well understood by most of the people. This is especially forgotten if the wind park is planned in their “backyard”. People assume that the topic of climate change is a kind of demagogy to show the wind park project in positive perspective.

Solutions:

A better, more extensive and more easily understandable description of international and national tasks and interconnections between public authorities, politicians and the media. A more active role of public authorities!

A broader discussion must be used in EIA practice. The discussion should include topics about all aspects of the energy sector, technologies, economical reasons etc. It is important to avoid answers like „*this is not the topic of today's project*“. EIA as an educational tool! A strong message is needed in EIA reports about the topics of climate change (including more numbers, facts etc).

Me Julieta Valls - (BirdLife – SEO) - EIA assistant

BirdLife's recommendations for improving the quality of EIA

CV: *I'm a biologist (Universidad de Buenos Aires – Argentina) with a master degree in Conservation of Protected Areas (Universidad Politécnica de Barcelona- España). I've worked for more than 10 years in environmental assessment. Since 2004 I've joined SEO/BirdLife as an environmental impact assessment assistant. My main task is to make reports about projects and plans that are under environmental assessment. I receive petitions for national and regional governments from all over Spain.*

Abstract of the presentation:

EIA must become a more effective means to help achieve Europe's post-2010 biodiversity target. This presentation discusses four principles and ten specific changes to the EIA Directive that would help achieve this. The four principles are

- (i) aim for no net loss of biodiversity and biodiversity gain by following the 'mitigation hierarchy'
- (ii) Take an ecosystem approach;
- (iii) Apply the precautionary principle; and
- (iv) Take a participatory approach.

The specific recommendations relate to the quality of biodiversity-related information presented in EIAs, clearer screening, mandatory scoping, more effective public participation and a range of other changes that would not only improve biodiversity protection but also improve the overall quality of the EIA process.

3. Links of the EIA with international conventions	
<p><i>This workshop will identify potential for reinforcing synergies between the EIA with the Espoo Convention (including its SEA Protocol) and the Aarhus Convention. The workshop will assess the effectiveness of the legal framework (mainly Articles 6, 7 and 10a of the EIA Directive), including the costs and benefits, and will propose ways for improving and harmonising the existing provisions. A particular focus will be given on how appropriately addressing/assessing projects with transboundary impacts and transboundary or transnational projects</i></p>	
<p>Mr. Nicholas Bonvoisin (Secretary to the Espoo Convention) <i>Links to the Espoo Convention on Transboundary EIA</i></p>	
<p>Nick Bonvoisin began his career in hydrological research in the United Kingdom before a decade spent living, and working as an environmental consultant, in numerous countries across Africa and Asia. He joined the United Nations Economic Commission for Europe in 2002 to work in the Secretariat of the Espoo Convention. He is now Secretary to the treaty and its Protocol on Strategic Environmental Assessment.</p>	<p>All EU Member States, and the EU as an organization, are Parties to 1991 Espoo Convention. In addition, most of the EU's land neighbours are Parties, including nearly all of Eastern and South-Eastern Europe. Directive 97/11/EC brought the EIA Directive into line with the Espoo Convention just as the Convention entered into force in 1997.</p> <p>This presentation looks at the opportunities that the Espoo Convention provides now, and that it could provide in the future, notably in terms of cooperation with States neighbouring the EU. It looks at common difficulties in legal implementation and practical application—including questions of responsibility for ensuring adequate opportunities for public participation, of translation of documentation, of timeframes and of the meaning of "consultations" under the Convention— and at possible solutions. It looks at inconsistencies between the Convention and the EIA Directive. Finally, the presentation will address some of the more challenging applications of transboundary EIA, such as joint projects, projects with many countries of origin, and projects relating to nuclear energy.</p>

<p>Mr. Matthias Sauer</p>	<p>(Germany) Federal Ministry for the Environment, and member of the Espoo Implementation Committee <i>Transboundary EIA: perspective of a Member State and as a member of the Implementation committee</i></p>
<p>Matthias Sauer, lawyer, assistant head of division at the Federal Ministry for Environment, Nature Protection and Nuclear Safety in Germany; since 1999 working inter alia on EIA & SEA issues; national focal and contact point to the UN ECE Espoo Convention; since 2004 member of the Implementation Committee under the Espoo Convention and since 2008 chair of this Committee.</p>	<p>The presentation reflects the relevance of transboundary EIA procedures for Germany that is situated in the middle of the European Union. Furthermore the Implementation Committee under the Espoo Convention is presented briefly. The main section highlights specific experiences and challenges that can arise in carrying-out transboundary EIA procedures (inter alia different legal and administrative systems and different cultures; different kinds of final decisions; the question of necessary translations; different time-frames; complications if more than two countries are involved). In addition possible solutions are offered: primarily the necessary communication of the countries involved to solve any problem together in a flexible manner and the usefulness of bilateral agreements and other forms of arrangements. The final section of the presentation examines how the EIA Directive could improve transboundary EIA procedures. In this regard the proposals in the report of the Commission on the EIA Directive in 2009 are questioned, but alternative suggestions for a possible improvement are offered (e.g. on translations, administrative procedures and bilateral arrangements).</p>

<p>Mr. Piotr Otawski</p>	<p>(Poland) <i>Position of NGOs in the EIA procedures in Poland</i></p>
<p>Piotr Otawski, PhD in Law in field of environmental law, Deputy General Director for Environmental Protection in Poland, lecturer of environmental law and European environmental policy at Adam Mickiewicz University in Poznan, previously member of the Maciej Nowicki - former Polish minister of environment - cabinet.</p>	<p>Presentation focuses on selected aspects of enforcing EIA directive. It presents different solutions adopted by Member Countries in defining rights of NGOs in EIA procedures. Presentation explores also position of NGOs in transboundary EIA, and how it can reflect in outcome of EIA proceedings and implication of NGOs position on right to access to justice. It considers also some aspects of transboundary consultations and their implications for development consent, and enforcement of conditions of development consent in transboundary EIA.</p>

<p>Dr. Dirk von Ameln</p>	<p>Permitting Director, Nord Stream AG <i>The decision making process of the Nord Stream Project – Environmental Impact Assessments and Espoo Process</i></p>
<p>Permitting Director - Nord Stream AG Since 2006, Dirk von Ameln holds the position of Permitting Director for Nord Stream AG. Nord Stream AG, a European-Russian joint venture, was established in December 2005 for the planning, construction and subsequent operation of a new offshore gas pipeline across the Baltic Sea. Dirk von Ameln started his career as a research assistant at the Mining Science Institute of Aachen University of Technology and, from 1988 onwards, he hold the position of senior engineer. Subsequently, he took a position at Ruhrgas AG. He was responsible for the planning, execution and all authorization procedures of various major pipeline systems. Dirk von Ameln studied mining science at Aachen University of Technology. In 1985, he was awarded the degree of Diplom-Ingenieur (Dipl.-Ing.) and, in 1989, a doctorate (Dr.-Ing.). Language skills: German (native), English</p>	<p>Pursuant to the provisions of the Espoo Convention a transboundary EIA has been carried out for the Nord Stream project. The Nord Stream project is an example of the largest project where the Espoo Convention has been applied (nine countries involved). Despite the fact that Russia is not a Party to the Espoo Convention it applied the rules of the Convention for the Nord Stream project. "The Nord Stream Espoo Report" has been prepared which described the potential environmental impact of the project along the whole pipeline route. There have been a lot of public discussions and experts seminars. The public consultations were co-ordinated for all countries in the Baltic Sea region. These consultation were also synchronised with the consultations for the relevant national permits, where applicable. All documents were accessible on Nord Stream's website. The outcomes of these international consultations were taken into account in the national permitting procedures as the Espoo procedure <i>per se</i> does not lead to a common permit. All of the steps undertaken with regard to the EIA procedure for the project, increased the transparency.</p>

<p>Mr. Clement Konrad</p>	<p>(Austria) OEKOBUERO <i>Practical experience in transboundary cases</i></p>
<p>Clemens Konrad studied law at the Karl-Franzens University of Graz, Austria. During his postgraduate studies at the Diplomatic Academy of Vienna he began to specialize in environmental law. Currently Mr. Konrad is working in Vienna for OEKOBUERO, the coordination office of Austrian environmental organisations, as environmental lawyer and project manager with a thematic focus on the Aarhus convention and related issues as</p>	<p>Five years after the transposition deadline of Directive 2003/35/EC expired there is only limited experience with public participation and access to justice in transboundary cases. However, it can be noted that practical experience has been evolving. NGOs encountered different obstacles when participating in such procedures. On the one hand there are practical problems such as foreign languages and receiving information on legal procedures in due time. On the other hand the foreign legal system is an additional challenge in matters that are complex by its nature anyway. Furthermore the EIA and IPPC directives are worded in a</p>

<p>well as climate protection.</p>	<p>manner deriving rather from the Espoo Convention, than from the Aarhus Convention. This counts in particular for the provision that transboundary consultations should depend on the agreement of the other state. But what happens if the public wants to participate, but the government does not? How can the public gather information on the project and legal procedures? How to obtain standing? From government side it is recommendable that permanent information points and contact persons are designated to facilitate such procedures. Austria has made quite some progress on this.</p>
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<p>Mr. Michel Delnoy (Belgium) Lawyer and Professor in the Faculty of Law of the University of Liège <i>The extent of legal compliance between EIA Directive and Aarhus Convention</i></p>	
<p>Professor of Environmental Law, University of Liège (Belgium) Partner, Bours & Associés Law Firm</p>	<p>This presentation examines the relationship between the Aarhus Convention and the EIA Directive, to the extent that the latter contains extensive sections related to the three pillars on which the Convention is based. Furthermore the Convention requires the adoption of a clear, precise and coherent legal framework. The presentation will discuss the cases where both instruments use the same terminology but it is not certain that they apply the same concepts (e.g. permits, plans, programmes, public authorities, etc.). In addition, the two instruments do not designate identical beneficiaries or stipulate entirely identical procedures. Based on the legal provisions, the presentation will endeavour to identify the various elements of the EIA Directive which are inconsistent with the Aarhus Convention.</p>

<p>Mr. Ian Lumley</p>	<p>(Ireland) Heritage Officer with An Taisce, the National Trust for Ireland <i>Integrating EIA with national and transboundary climate targets</i></p>
<p>Since 1999 responsible for co-ordinating the EIA submissions made by An Taisce -The National Trust for Ireland, the only Irish NGO to have prescribed consultee function. Makes submissions at public hearings EIA Directive and on SEA Directive. Author of "EIA Directive Compliance and National Road Plans in Ireland " in the Environmental Protection Agency (EPA)funded Irish research project "Sustainable Development Evaluation of Road Infrastructure Programmes and Projects". Lectures to University College Dublin EIA Post Graduate Course.</p>	<p>How effective has the EIA Directive been in evaluating and mitigating development with impact on climate? Case experience is presented from Ireland.. The provisions under EIA Directive including 'climate' or 'climatic impact' have been subject to different interpretation. In many cases consultants for developers in any EIA process claim that local climate impacts only are required for consideration. In some motorway projects arguments have been made for positive climate emission benefit. There is a general failure to consider individual projects needing to comply with a wider sectoral climate strategy. Future reform and development of EIA Directive needs to factor calculation and mitigation of climate emissions including transboundary as key requirement, and better integrate with SEA Directive.</p>

<p>Mr. Stefan Zleptnig</p>	<p>(Austria) Legal Counsel, VERBUND-Austrian Power Grid AG <i>Practical experience from electricity infrastructure projects</i></p>
<p>Dr Stefan Zleptnig holds degrees in law and political science from the University of Vienna and the London School of Economics. He is currently Legal Counsel for VERBUND-Austrian Power Grid AG, which operates the largest electricity transmission grid in Austria. He previously worked as an academic at the British Institute of International and Comparative Law and at the University of Vienna. Dr. Zleptnig teaches infrastructure law and environmental planning at two universities in Vienna.</p>	<p>European energy infrastructure policy requires efficient and transparent authorisation procedures. Grid infrastructure and especially the TEN projects are a prerequisite for the development of renewable ("green") energy sources in Europe.</p> <p>One of the main challenges for the EIA Directive in the future is to ensure a timely completion of EIA procedures. Another challenge is to reconcile the – sometimes conflicting – demands of European environmental law and European energy law and policy. The EIA procedure is the locus for the balancing of these interests with regard to a specific project. In addition, EIA procedures need to be kept manageable, especially for infrastructure projects of European interest. They should be given special recognition and priority within the European and national system of environmental impact assessment. This presentation will elaborate on these issues and put forth proposals for reform of the EIA Directive.</p>