

STATE OF THE ENVIRONMENTAL IMPACT ASSESSMENT IN THE VISEGRAD GROUP: THE CZECH REPUBLIC, HUNGARY, POLAND AND SLOVAKIA

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Abstract

Escalation of interest in sustainable development of land and its valuable resources has accompanied development and environment together. EIA (Environmental Impact Assessment) is an important legislative and scientific tool that lends quality assistance to decision-making for sustainable development. The incorporation of environmental considerations into the decision making process varies from developed countries to developing countries because of diverse set of cultural, economic, social and political patterns. Thanks to the European Union, investors in the Member States, including Slovakia, Czech Republic, Poland and Hungary (countries of the Visegrad Group), have to meet certain minimum requirements with a view to protecting the environment. The Slovakian, CZ an, PL and Hungarian regulations currently in force are fully in line with the directives and regulations of the European Union. The objective of this paper is to investigate environmental impact assessment in a country that is a member of the EU (Slovakia, Czech Republic, Poland and Hungary).

Keywords

Visegrad Group, Environmental impact assessment (EIA), legislation, process.

Introduction

New developments and projects often require an assessment of their environmental impact, either to comply with planning and environmental regulations. Environmental impact assessment is the process by which the environmental impacts of a project can be systematically collected, analysed and presented to inform a decision-making process. The environmental assessment process would usually, according to the various international approaches currently implemented, incorporate the following main stages: screening to determine applicability and level of detail of an environmental impact assessment; scoping during which issues that should be taken into consideration are identified and the terms of reference for the environmental impact assessment are completed; preparation of the environmental assessment report, including identification of impacts, evaluation of alternatives, and design of mitigation measures; and the preparation of the environmental

management plan, which is usually part of the environmental assessment report, but can be a stand-alone piece for simple projects.

Environmental assessment is a procedure that ensures that the environmental implications of construction projects – e.g. dams, motorways, airports, factories and energy projects – are assessed and taken into account before the relevant Member State authority makes a decision on project approval. The common principles for the environmental assessment of individual public and private projects were initially defined in the 1985 EIA Directive and amended in 1997, 2003 and 2009. To help Member States' authorities and developers manage the environmental consequences of construction projects more easily, the Commission has brought together all existing EU legislation governing EIA. The original EIA Directive and its three subsequent revisions have been combined to create a more compact, clearly translated and user-friendly version which comes into force 17.02.2012.

Comparative studies between countries are published others authors. Tab. 1 gives an overview of the EIA process undertaken against various continents, regions and countries, which have been paid more foreign authors.

Tab. 1 Evaluation of EIA systems

Source	Continent/region	Title article/book	Countries evaluated
[Lohani et al., 1997]	Asia and Pacific Islands	Environmental Impact Assessment for Developing Countries in Asia Volume 1 - Overview	Bangladesh, India, Myanmar, Nepal, Pakistan, Sri Lanka, China, Indonesia, Lao PDR, Malaysia, Philippines, Thailand, Viet Nam
[Bond and Wathern, 1999]	European Union (EU)	Environmental impal assessment in the European Union	Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom (UK)
[Briffett, 1999]	East Asia	Environmental impal assessment in East Asia	Brunei/Darussalam, Cambodia, China, Hong Kong, Indonesia, Japan, Korea (South), Laos, Malaysia, Myanmar (Burma), Philippines, Singapore, Taiwan, Thailand, Vietnam
[Brito and Verocai, 1999]	South and Central America	Environmental impal assessment in South and Central America	Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela
[Clark and Richards, 1999]	South and Central America	Environmental impal assessment in North America	USA, Canada, Mexico and Central America
[Kakonge, 1999]	Africa	Environmental impact assessment in Africa	Algeria, Botswana, Congo, Comoro, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Lesotho, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, South Africa, Sudan, Swaziland, Tanzania, Tunisia, Uganda, Zambia, Zimbabwe
[Rzeszot, 1999]	Central and Eastern Europe, USSR	Environmental impal assessment in Central and Eastern Europe	Albania, Armernia, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Ukraine
[Wood,	Comparison	Comparative evaluation	USA, California, UK, Netherlands,

1999]	between selected countries	of environmental impact assessment systems	Canada, Australia, West Australia, New Zealand
[Glasson and Salvador, 2000]	EU, UK, Brazil	EIA in Brazil: A procedures-practice gap. A comparative study with reference to EU, and especially the UK	Brazil, UK, EU
[Lee and George, 2001]	Almost all continents	Environmental assessment in developing and transitional countries	Developing and transitional countries
[ESCWA, 2001]	Western Asia	A study on the evaluation of environmental impact assessment in selected ESCWA countries	Egypt, Lebanon, Saudi Arabia, Yemen
[Cherp, 2001]	Central and Eastern Europe; USSR;	EA legislation and practice in Central and Eastern Europe and the former USSR: A comparative analysis	Croatia, Czech Republic, Hungary, Poland, Slovak Republic, Slovenia, Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Romania, Yugoslavia, Estonia, Latvia, Lithuania, Belarus, Moldavia, Russia, Ukraine, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan
[World Bank, 2006]	East and Southeast Asia	Environmental Impact Assessment Regulations and Strategic Environmental Assessment Requirements Practices and Lessons Learned in East and Southeast Asia	Cambodia China Hong Kong Indonesia Japan Korea Lao PDR Mongolia Philippines Singapore Thailand, Vietnam
[Ahmad and Wood, 2002]	MENA	A comparative evaluation of the EIA systems in Egypt, Turkey and Tunisia	Egypt, Tunisia, Turkey
[CITET, 200]	METAP Countries	Working together to strengthen the environment: strengthening EIA systems in the Mediterranean Region	Albania, Algeria, Croatia, Egypt, Jordan, Lebanon, Morocco, Syria, Palestine, Palestine, Tunisia, Turkey
[El-Fadl and El-Fadel, 2004]	MENA	Comparative assessment of EIA systems in MENA countries: challenges and prospects	Oman, Israel, Algeria, Turkey, Tunisia, Kuwait, UAE, Egypt, Iran, Yemen, Jordan, Iraq, Palestine, Qatar, Lebanon, Morocco, Syria, Saudi Arabia
[Rebelo and Guerreiro, 2006]	Comparison between selected countries	Comparing EIA procedures and contents in Kenya, Tanzania, Mozambique and EU	Kenya, Tanzania, Mozambique, EU
[Ahmed, 2008]	Comparison between selected countries	A comparative study of international EIA guidelines and the Sudan EIA experience	USA, World Bank, EU, Sudan
[Hayash, 2008]	Comparison between selected countries	How to improve Japanese EIA legislation by utilizing international experience	Japan, England, Canada, Korea
[Robinson, 1992]	Comparison between selected countries	International Trends in Environmental Impact Assessment	Australia, Belgium, Brazil, Canada, China, Columbia, Costa Rica, Denmark, France, Gambia, Germany,

			Greece, Hong Kong, Ivory Coast, India, Indonesia, Ireland, Israel, Italy, Japan, Korea, Kuwait, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Papua New Guinea, Philippines, Portugal, Democratic Socialist Republic of Sri Lanka, South Africa, Thailand, Turkey, UK, United States of America, USSR, Venezuela
[Miazga, 2003]	South eastern Europe	EIA training resource manual for south eastern Europe	Albania, Bosnia and Herzegovina, Croatia, FYR Macedonia, Serbia and Montenegro (Montenegro, Serbia, Kosovo)

This paper comparative EIA studies have focused on EIA legislation in country V4.

Material and methods

This paper analyzes law in light of a variety of issues relevant to environmental impact assessment process. It discusses such topics as establishing which activities require preparation of an environmental impact assessment, screening of proposed actions, timing and “scope” of the environmental impact assessment, types of impacts to be considered, consideration of alternative actions, review and decision-making, the role of the public and transboundary environmental impact assessment process. Each part contains the descriptions of how the issue is treated in each of the V4 countries. It has to find the current deficiencies in these countries and contribute to the coordination of V4 countries environmental policies.

Results

The general legal measures taken in the country to implement the EIA process

CR. Environmental impact assessment process was implemented into the Czech Republic’s legal system on 1 July 1992, upon the entry into force of Czech National Council Act No. 244/1992 Coll., on environmental impact assessment. The process constituted both an important element in the system of preventive environmental protection instruments and, simultaneously, a significant component of environmental policy. As of 1 January 2002, Czech National Council Act No. 244/1992 Coll., namely its section pertaining to impact assessment (IA) of projects, was superseded by Act No. 100/2001 Coll., on environmental impact assessment and amending some related regulations. At present is environmental impact assessment in CR regulated by Act No. 38/2012 Coll., amending Act No. 100/2001 Coll., on environmental impact assessment.

HU. A comprehensive regulation of environmental impact assessment came into force in Hungary in 1993. The first explicit requirement for environmental impact assessment in Hungary was provided by the Government Decree on the Provisional Regulation of the environmental impact assessment of Certain Private and Public Projects No. 86/1993. In Hungary the Government Decree No. 314/2005 (XII. 25.) on environmental impact assessment and the integrated environmental permit stipulates the necessity of the environmental impact assessment.

PL. In Poland, the beginnings of a process of the environmental impact assessment can be recognized by approval of the Law on Environmental Protection and Management of 1980, which regulated the investment process of constructions, which could have a negative impact

on the environmental elements. Construction of such investments requires the discretion of the department of environmental protection, which may require the investor or investment owner to submit an expert opinion on the impact of investment on the environment. Detailed scope and conditions for implementation of the environmental impact assessment on the investment have been established in the Regulation of the Minister of the Environment. The work of the law forecasts and assessment of the environmental impact assessment began in Poland in 1994-1995 and in 2001; environmental impact assessment became a part of a Law of environment protection. In 2008, the legislation was replaced by the new law on access to environmental information, public participation in environmental impact assessment, which has become a basic source of current legislation on environmental impact assessment.

SR. In Slovakia environmental impact assessment procedures for public and private projects that are likely to have significant effects on the environment have been in place since the adoption of the environmental impact assessment Law in 1994. In 2006, a new environmental impact assessment Law was approved, and environmental impact assessment procedures began to be applied to buildings under the 2006 Planning Law. At present Law No. 408/2011 Coll., amending and supplementing Law No. 24/2006 Coll. on the assessment of environmental influences, has been effective from 1st December 2011.

The types of activities that may require environmental impact assessment

CR. EIAs are required for both public and private sector projects. Under the new Czech Act on environmental impact assessment, EIAs are required in two different areas:

- *plans* shall be a construction work, activity and technology as set forth in Annex No. 1 to Act,
- *conceptions* shall be strategies, policies, plans or programs prepared or formed out by a public administration authority and subsequently approved or submitted for approval by a public administration authority.

Plans and *conceptions* as delimited in Act, the implementation of which could have serious environmental impact, shall be subject to environmental impact assessment.

The subject of environmental impact assessment of a *plan* shall be:

- *plans* set forth in Annex No. 1, Category I, which shall always be subject to assessment;
- *plans* set forth in Annex No. 1, Category II, if so laid down in a fact-finding procedure;
- changes in any *plan* set forth in Annex No. 1, if its capacity or extent is to be increased by 25% or more, or if there is a significant change in the technology, management of operations or manner of use thereof and if so laid down in a fact-finding procedure.

The subject of environmental impact assessment of a *conception* shall be:

- *conceptions* which set the framework for future permits of plans set forth in Annex No. 1, conceptions for which, in view of their possible effect on the environment, the necessity of their assessment follows from a special regulation and furthermore conceptions co-financed by European Community funds;
- *conceptions* if the affected territory is comprised of the territorial area of only one municipality, if so laid down in a fact-finding procedure;
- changes of *conceptions* if so laid down in a fact-finding procedure.

HU. Hungarian law refers to the impact assessment: The protection of the environment has become an important obligation for any developing state. The Hungarian regulations currently in force are fully in line with the directives and regulations of the European Union (EU). It

follows from this that the five most important principles of environment protection must be enforced also in Hungary: the protection of the environment should be extended to every sector; emphasis should be laid on prevention; pollution should be eliminated at source; measures should be brought wherever they are the most efficient; the polluter should pay for the use of the environment; and should anyone violate the regulations should be fined. In Hungary, environmental impact analysis is regulated by Government Decree 314/2005 (XII.25.).

PL. Polish legislation distinguishes two basic classes of investments, subject to the environmental impact assessment process. There are public and private projects which have always a significant impact on the environment and the list is based on the Annex 1 in Directive 2011/92/EU. This Regulation establishes a list of the Council of Ministers of the year 2010 - § 2. The second group are projects that can have a potentially significant impact on the environment in Directive 2011/92/EU contained in Annex 2, and this group of projects is included in the Regulation of the Council of Ministers in § 3. In both cases, the changes of such projects are subject to environmental impact assessment. It is therefore projects considered as mandatory and optional. In Poland, the need for environmental impact assessment in the second group of projects is decided by the competent administrative authority, especially taking into account the type and nature of the project and its location, and with regard to these aspects of the potential impact of the project on the environment. A third, separate group is then projects that can have potentially significant effects on sites Natura 2000, and they go on “natura assessment” of environmental impact, which is in Polish legislation also provided in the Act, but it can run completely independently. The law on access to environmental information, public participation in environmental assessment and environmental impact from 2008 provides a strategic assessment of the environmental impact documents related to the project planning and project policies, strategies, plans and programs in different areas of the economy.

SR. Slovak law refers to the impact assessment:

- *strategic documents* (proposal of a policy, a development conception, a plan and a programme),
- *proposed activities* (project, construction, installation, facility and other intervention in the environment).

Strategic documents set forth in Annex No. 1. require environmental impact assessment only if so decided by the competent authority. *Proposed activities* set forth in Annex No. 8., part A require environmental impact assessment obligatory, projects set forth in Annex No. 8., part B require environmental impact assessment require environmental impact assessment only if so decided by the competent authority.

Identification of transboundary environmental impact assessment activities for notification under the Convention in practice

CR. The subject of transboundary environmental impact assessment for the CR shall be a project set forth in Annex No. 1 of the Act, if the affected territory can extend beyond the territory of the Czech Republic (shall be stated in the notification submitted by the developer) or a project set forth in Annex No. 1 of the Act, if the State, the territory of which can be affected by significant environmental impacts, request so. In practice any potential transboundary impact might result in a transboundary environmental impact assessment process.

HU. In Hungary is usually sent notification when - according to the environmental impact assessment documentation - the area of another Party may be affected or when we do not presume that transboundary impact on the environment may occur, however, the planned activity is located near to the state border.

PL. Transboundary environmental impact assessment activities are identified on the basis of the information submitted by developer and according to the activities listed in the Regulation which contains all activities specified in Annex I of the Espoo Convention and Annex I and II of the Directive 85/337/EEC. Such identification is made by the authority that is responsible for conducting the national environmental impact assessment procedure.

SR. There are identified possible transboundary significance and likelihood of the adverse transboundary impact in environmental impact assessment documentation and general criteria are used to assist in the determination of the environmental significance of activities with transboundary effects and list of activities requiring international hearing from the point of view of their impacts on environment with transboundary effects. In case of a realistic danger of transboundary impacts, there is a need to send notification.

Determination how much information to include on transboundary issues in the environmental impact assessment documentation

CR. The content of the environmental impact assessment documentation is given by the Annex No. 4 to the Act and it also includes a separate chapter named Complex characteristics of the environmental impacts of the project from the point of their magnitude and importance and potential transboundary impacts. The scope of the information depends on the type of the project. Project, which is likely to have an adverse transboundary environmental impact usually includes in the documentation sufficient information on this.

HU. In case of transboundary environmental impact assessment procedure a separate chapter has to be provided on transboundary issues in the environmental impact assessment documentation. Its content is determined by point 5 of Annex 6 of the environmental impact assessment decree. Furthermore during the Preliminary Assessment Procedure the competent environmental authority - considering the comments of the affected Party - determines key environmental issues to be assessed in the environmental impact assessment documentation.

PL. Separate chapter on transboundary issues is usually included in environmental impact assessment documentation. The type of required information on transboundary issues which must be included in environmental impact assessment documentation are specified in the environmental impact assessment Act of Law. Generally, where it is found that a transboundary impact on the environment is likely, the developer must present in the environmental impact assessment documentation all information about impacts on the particular elements of the environment in a transboundary context. It means that all requirements for content of environmental impact assessment documentation specified in the national legislation must be also applied in a transboundary context in justifiable cases.

SR. In the environmental impact assessment documentation there is a separate chapter providing information on transboundary aspects of the proposed activity.

Methodology used in impact assessment in the (transboundary) environmental impact assessment procedure (e.g. impact prediction methods and methods to compare alternatives)

CR. The Czech Republic does not have any special methodology for transboundary environmental impact assessment; the environmental impact assessment process is carried out accordingly to the national environmental impact assessment processes.

HU. The same methodologies are used in IA in the transboundary and the domestic environmental impact assessment procedures. These methodologies are for example: designation of the borders of impacts; calculation of propagation; preparation of impact process flow chart; Leopold matrix; determination of sensitive area on a map; site visits.

PL. Methodology used in IA depends on the kind of planned activity and its possible impacts on the particular components of the environment.

SR. There is not used any special assessment methodology which would be different from the national environmental impact assessment methodologies.

Practical experiences for the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts

CR. The transboundary environmental impact assessment process between the CR and neighbouring countries is carried out in compliance with the Espoo Convention and the Czech environmental impact assessment Act and it serves for wider understanding of the possible adverse impacts of the project. It definitely creates wider public participation and it concludes to wider scope of conditions which are included in the final environmental impact assessment statement. On the other hand it often burdens the administration and the developer and there is no significant difference in the final result of the environmental impact assessment process (especially in case of smaller projects without any significant adverse impact).

HU. For example in the transboundary environmental impact assessment procedure of the nuclear power plant expand with two new blocks in Mochovce, Slovakia, as a result of the consultation was agreed on establishing an on-line monitoring system. It will help to gather and analyse data coming from the area of the Slovakia, which could be a part of an early warning system.

PL. Giving practical examples, it is worth to indicate that as a result of one of the finished transboundary environmental impact assessment procedure (Construction of paper mill in Eisenhüttenstadt in Germany) the PoO accepted and finally realized Poland's request on building measuring point near the border in order to measure the real level of gas and dust emissions into air. In case when the measurements were higher than the acceptable level it would be necessary to take additional measures to reduce undesirable impacts on the environment.

SR. The most practical experiences with transboundary environmental impact assessment Slovakia has with Austria, for example following activities: Green Bridge on the highway D2 - Moravský Sv. Ján; D4 motorway, junction DNV II/505 - boundary Slovakia/Austria; Railway corridor - double-track railway bridge expansion to Marchegg; Land Use Plan for

Bratislava; Comprehensive Water Management Project Danube to east of Vienna; Wind Power Plants - extension of wind farm in the village of Kittsee.

Conclusion

The issue of environmental impact assessment in the Visegrad Group is currently much discussed topic and the protection of the environment has become an important obligation for any developing state. Thanks to the EU, investors in the Member States, including Slovakia, Czech Republic, Poland and Hungary, have to meet certain minimum requirements with a view to protecting the environment. The regulations of Member States currently in force are fully in line with the directives and regulations of the EU.

This paper has brought information to the some fundamental areas of environmental impact assessment process in V4 countries. The result is a comparison that can be supplemented by additional information about environmental impact assessment process in the V4 countries.

A variety of case studies on which EIAs were completed, following an outline of the EIAs; and, illustrate the usefulness of the environmental impact assessment approach in solving environmental problems.

In general, conducting a transboundary environmental impact assessment procedure, as an integral part of the national environmental impact assessment procedure, strongly supports the environment protection in case where planned project may have significant adverse impact on the other country's environment. First of all, such procedures allow concerned parties to exchange suitable information about planned activities and their possible cross-border impacts and analyze this information in order to define whether or not such impacts might occur, which natural components of environment might be exposed for negative transboundary impacts and its possible size and distance. Recognizing and defining possible transboundary impacts and finally application the largest and the most suitable measures to prevent, reduce and mitigate can allow to protect environment in the global scale. Moreover it helps to control any undesirable changes in environment which may appear as consequences of implementation of new project and learn new lessons, good practices and solutions. Additionally transboundary environmental impact assessment procedure allows maintaining good relationships between concerned countries.

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