



Technical University of Košice  
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**State of the environmental impact assessment  
in the Visegrad group:  
the Czech republic, Hungary, Poland and Slovakia**

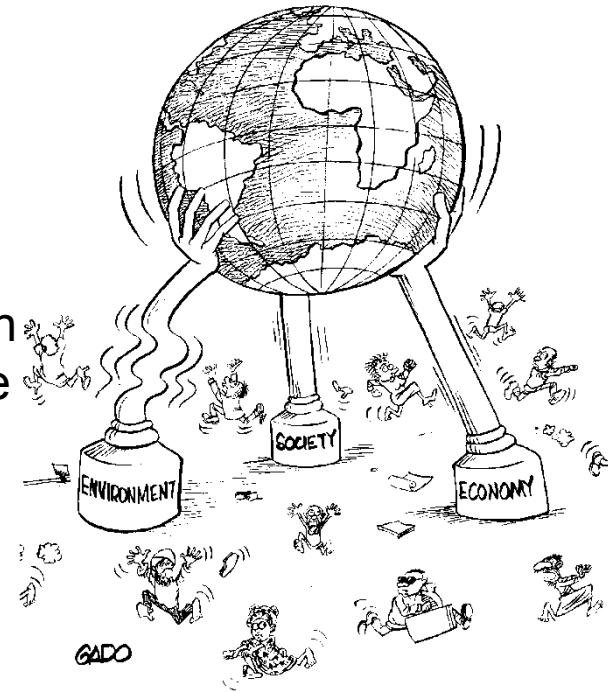
# Introduction



- **Economic, social and environmental change is inherent to development.**
  - Whilst development aims to bring about positive change it can lead to conflicts.
  - In the past, the promotion of economic growth as the motor for increased well-being was the main development thrust with little sensitivity to adverse social or environmental impacts.

**The need to avoid adverse impacts and to ensure long term benefits led to the concept of sustainability.**

This has become accepted as an essential feature of development if the aim of increased well-being and greater equity in fulfilling basic needs is to be met for this and future generations.



# The need for environmental assessment



In order to predict environmental impacts of any development activity and to provide an opportunity to mitigate against negative impacts and enhance positive impacts, **the environmental impact assessment (EIA)** procedure was developed in the 1970s.



**NATIONAL  
ENVIRONMENTAL  
POLICY ACT (NEPA)**

An EIA may be defined as:

**a formal process**

- **to predict**  
the environmental consequences of human development activities
- **to plan**  
appropriate measures to eliminate or reduce adverse effects and
- **to augment**  
positive effects.



# The need for environmental assessment

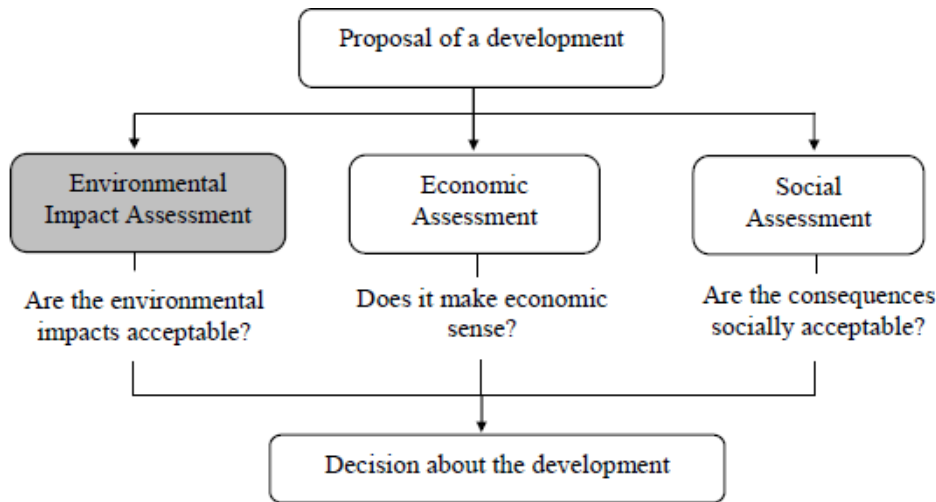


Fig. The role of EIA in the decision process (after Beinát et al. 1999)

- EIA is a management tool for planners and decision makers and complements other project studies on engineering and economics.
- EIA aims at evaluating the full range of effects on the environment of a proposed project. It represents one of the tools that are employed during the authorization process to provide decision-makers with useful information for taking a decision



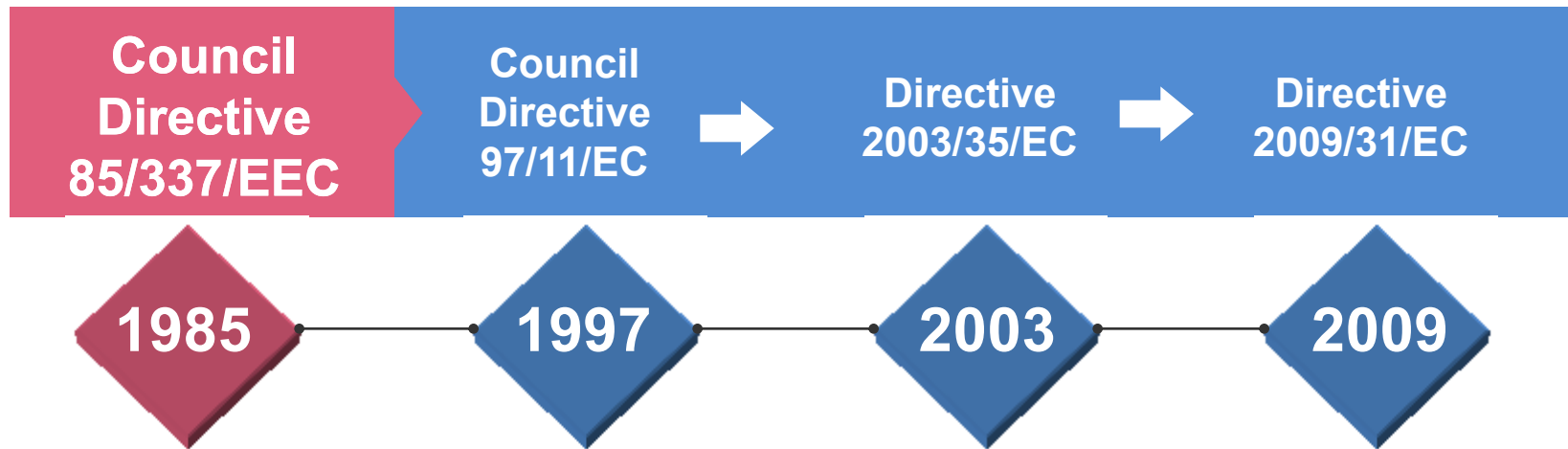
*is an important legislative and scientific tool that lends quality assistance to decision-making for sustainable development.*



# Legislation about EIA in EU



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.



- The European Parliament and the Council adopted the codified EIA Directive on 13 December 2011, and its text was published on 28 January 2012 as [Directive 2011/92/EU](#).



# Legislation about EIA in V4 countries



Act of 3.10.2008 on the Provision of Information on the Environment and its Protection, Public Participation in the Environmental Protection and EIA (**Journal of Laws No. 199, item 1227**), the Act on the EIA.

The Regulation of the Council of Ministers of 9.11.2010 on types of projects likely to have a significant impact on the environment (**Journal of Laws No. 213, item 1397**).



Act No. **38/2012** Coll., amending Act No. 100/2001 Coll., on EIA.



Government Decree No. **314/2005** (XII. 25.) on EIA and the integrated environmental permit.



Law No. **408/2011** Coll., amending and supplementing Law No. 24/2006 Coll. on EIA, has been effective from 1.12.2011.

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.



# Flow-chart of the different stages in a EIA



Despite the different legal prescriptions around the world, EIA consists of a rather standard set of logically organized stages

- Project Preparation
- Notification to Competent Authority
- **Screening**
- Scoping
- Environmental Studies
- **Submission of Environmental Information to Competent Authority**
- Review of Adequacy of the Environmental Information
- **Consultation with Statutory Environmental Authorities, Other Interested Parties and the Public**
- **Consideration of the Environmental Information by the Competent Authority before making Development Consent Decision**
- Announcement of Decision
- Post-Decision Monitoring if Project is Granted Consent

The steps in bold must be followed under Directive 2011/92/EU. The steps which are not highlighted form part of good practice in EIA and have been formalised in some Member States.

# Material and method



This research analyzes law in light of a variety of issues relevant to EIA process.

It discusses such topics as establishing which activities require preparation of an EIA, 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 EIA 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.





# Issue



1. Which types of activities may require EIA?
2. When the EIA process carried out?
3. Preliminary assessment (Screening)
4. Who conducts the EIA?
5. Who pays for the EIA?
6. When does the EIA process begin?
7. Scoping.
8. What types of impacts must be considered?
9. Must the EIA consider alternatives to the proposed action?
10. Must mitigation measures be discussed or adopted?
11. When must the EIA document be completed?
12. How is the EIA document reviewed?
13. How is the final decision made?
14. Must the most environmentally sound alternative be chosen?
15. Is post-decision monitoring required?
16. Public participation.



# The types of activities that may require environmental impact assessment



SR

**proposed activities** (project, construction, installation, facility and other intervention in the environment) in Annex No.8 to Act

CR

**plans** (construction work, activity and technology as set forth in Annex No. 1 to Act).

HU

Annex 1 of the EIA Decree lists the **57 most important activities**, for which an EIA is mandatory. Annex 3 contains 144 additional types of activities, for which the Preliminary Assessment Procedure is mandatory, but the EIA process is dependent upon the discretionary decision of the environmental authority.

PL

The EIA may be necessary for an **investment project** which includes: construction; conversion; extension. The EIA conducted always when a planned project, is classified as a project which: may always have a significant impact on the environment (group I); may potentially have a significant impact on the environment (group II)



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



There are identified possible transboundary significance and likelihood of the adverse transboundary impact in EIA 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.



The subject of transboundary EIA 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 CR (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 EIA process.



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



Transboundary EIA 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 EIA procedure.



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.



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



In the EIA documentation there is a separate chapter providing information on transboundary aspects of the proposed activity.



The content of the EIA 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.



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



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



In case of transboundary EIA procedure a separate chapter has to be provided on transboundary issues in the EIA documentation. Its content is determined by point 5 of Annex 6 of the EIA 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 EIA documentation.



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



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



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



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



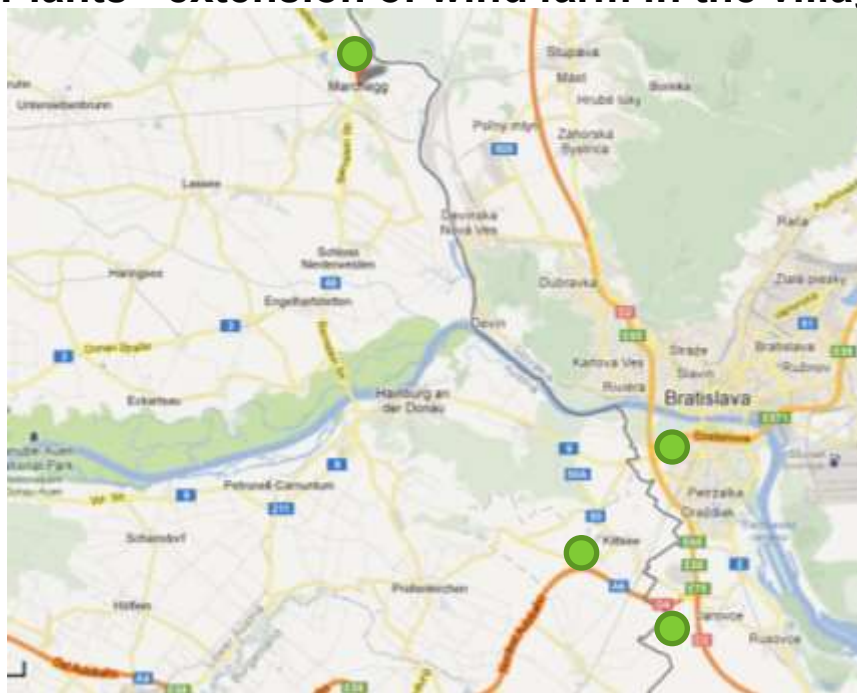
The same methodologies are used in IA in the transboundary and the domestic EIA procedures. These methodologies are for example: designation of the borders of impacts; calculation of propagation; preparation of impact process flow chart; Leopold matrix; determination of sensitive area on a map; site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



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



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.**





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



The transboundary EIA 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 EIA 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 EIA process (especially in case of smaller projects without any significant adverse impact).



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



Giving practical examples, it is worth to indicate that as a result of one of the finished transboundary EIA 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.



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



For example in the transboundary EIA 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.



# 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.



# Conclusion



- This research 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.



# Conclusion



- In general, conducting a transboundary EIA procedure, as an integral part of the national EIA 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.



# Conclusion



- 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 EIA procedure allows maintaining good relationships between concerned countries.





**Thank You!**