


**Environmental Impact Assessment Systems in
Europe and Central Asia Countries**

Europe and Central Asia
Environmentally and Socially Sustainable Development Department

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The findings, interpretations, and conclusions expressed here are those of the author(s) and do not necessarily reflect the view of the Board of Executive Directors of the World Bank or the governments they represent.

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Acronyms and Abbreviations

ADB	Asian Development Bank
EA	Environmental assessment
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ECA	Europe and Central Asia (World Bank region)
ECSSD	Europe and Central Asia Environmentally and Socially Sustainable Development Department (World Bank)
EIA	Environmental impact assessment
EIS	Environmental impact statement
EMP	Environmental management plan
ENV	Environment Department (World Bank)
EU	European Union
FI	Financial intermediary
FSU	Former Soviet Union
IDF	Institutional Development Facility
LEG	Legal Department (World Bank)
METAP	Mediterranean Environmental Technical Assistance Program
NEPA	National Environmental Policy Act (U.S.)
NGO	Nongovernmental organization
NIS	Newly independent states (of the former Soviet Union)
OECD	Organization for Economic Cooperation and Development
OED	Operations Evaluation Department (World Bank)
OP	Operational policy (World Bank)
OVOS	<i>Otsenka vozdeistvia na okrujajusciu sredu</i> (environmental impact assessment)
PEE	Public ecological expertise (review)
PHARE	Poland and Hungary Assistance Rural and Environment Program
PIC	Public Information Center (World Bank)
RESU	Regional Environmental Sector Unit (World Bank)
SEA	Strategic environmental assessment
SEE	State ecological expertise (review)
UNECE	United National Economic Commission for Europe
WBI	World Bank Institute

Preface

This study is comprised of two parts. Part I is a summary and synthesis of EIA systems in ECA and is the subject of this report. Part II, a compilation of 28 individual EIA country reports, is available as a separate report. The individual country reports can be found on the World Bank's external web-site at www.worldbank.org/eca/environment under "Environmental Impact Assessment Country Reports". The study was prepared by a team of World Bank staff, consultants and interns working under the overall leadership of Rita Klees, task manager (Senior Environmental Specialist - ECSSD). Part I was written by Rita Klees, Arcadie Capcelea (Lead Specialist - ECSSD), and Andre Barannik (consultant). Most of Part II - the 28 individual country EIA system reports - was prepared by Arcadie Capcelea and Andre Barannik. Ms. Meglena Kouneva prepared the Bulgaria and Ukraine EIA country reports as part of an internship at George Washington University. Ms. Natalie Magradze prepared the Georgia EIA country report as part of a summer internship at the World Bank. The Mediterranean Technical Assistance Program (METAP) prepared the EIA reports for Albania, Croatia and Turkey in 1999. The Bank team updated these METAP reports for purposes of this study. Diane Bendahmane (consultant) edited Parts I and II of the study. Valencia Copeland (program assistant - ECSSD) provided production assistance. Peter Whitford (consultant) was the peer reviewer. The work was conducted under the supervision of Ms. Marjory-Anne Bromhead (Sector Manager – ECSSD) in 2000, and later by Jane Holt (Sector Manager – ECSSD) in 2001-2002. Laura Tuck is the Sector Director, ECSSD.

Executive Summary

A team from ECSSD examined the environmental impact assessment (EIA) systems of the 28 countries in the Europe and Central Asia (ECA) Region and analyzed their findings in this report. The purpose of the effort is to improve the ability of ECSSD to ensure that lending projects are in compliance with World Bank Operational Policy 4.01, “Environmental Assessment,” which “requires environmental assessment of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable.”

For each country, the team evaluated the country’s EIA system in relation to international norms, as represented by the Bank’s OP 4.01; identified the deviations; and, made recommendations for making the EIA system compatible with OP 4.01. Eight topic categories were used as a guide for the review: 1) legislation and procedures, 2) administration, 3) screening, 4) scoping, 5) content, 6) review and public participation processes, 7) monitoring, and 8) national capacity for conducting EIAs. The study involved no field visits but relied solely on examination of documents and published information. Individual, detailed reports of the EIA systems for each of the 28 countries were prepared and can be found on the World Bank’s web-site:

www.worldbank.org/eca/environment.

Since 1989, when the first directive on environmental assessment (EA) was adopted by the World Bank, the Bank has made systematic use of EA as a standard procedure and as the principal means to ensure the environmental quality of its project portfolio. OP 4.01 requires borrowing countries to prepare an EIA to evaluate a project’s potential risks, identify its area of influence, examine alternatives, and develop prevention or mitigation measures. Well over 1,200 projects have been thus assessed.

EIA is also a key instrument of environmental policy in the European Union (EU). It first issued a directive on environment in 1985 (revised in 1997) that requires all member states to carry out an EA of the effects of projects likely to impact on the environment. The World Bank and EU systems differ in some respects but share key elements: screening, scoping, clear review procedures, public participation, and post-project monitoring.

For purposes of the analysis, the ECA countries were divided into three groups, as follows:

- *Central and East Europe and Turkey*. EU-accession candidate countries: 10 on the way to EU accession: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia. Turkey is in the negotiating process with the European Commission (EC). These countries should harmonize their environmental legislation with EU directives; only Bulgaria, Romania, and Turkey have not yet started negotiations on harmonization.
- *The newly independent states (NIS)*. Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Their EIA systems are similar because they are based on the state ecological “expertise” (review) system (SEE) developed under the former Soviet Union.
- *South East Europe*. Albania, Bosnia Herzegovina, Croatia, the Federal Republic of Yugoslavia, and Macedonia. With the exception of Croatia (which has a Stabilization

and Association Agreement with the EU), the EIA systems of these countries are relatively undeveloped with weak institutional and human capacity (resulting from economic difficulties, political instability, and military conflicts). They have all announced their desire to become members of the EU and have started to harmonize their legislation.

Legislative Framework. Practically all countries have EA legislation; most have developed specific regulations or guidelines for conducting EIA or SEE, although countries in the South East Europe group are at the initial stage of developing such documents. In most ECA countries the authority responsible for EIAs is on the ministerial level; all countries have a ministry of environment (usually within a multisectoral ministry and associated with another sector). While the laws of most ECA countries stipulate the need for interagency coordination in the EIA process, coordination is referred to in generally with no stipulations on procedures and timing.

Strategic Environmental Assessment. EA is increasingly being applied, not just to projects, but to plans, policies, and programs, *e.g.*, sector plans for transport, national development strategies and agreements, *etc.* In ECA, as in all other regions, this type of “strategic” environmental assessment (SEA) has developed at a much slower pace than EIA. No country in the study has passed legislation on SEA *per se*, but many have requirements for review of national programs, policies, and plans.

Screening. The screening process, *i.e.*, determining the appropriate extent and type of EA, is widely used in ECA countries, usually by means of lists of types of projects subject to different levels of EIA. However, in the NIS group, screening is not generally used, except that a more in-depth assessment may be required for major projects. The absence of a screening process means that all projects require EAs. The sheer volume of EAs results in inefficiency and wasted resources, compromises the rigor of EIAs for projects that have significant environmental impacts, and encourages corruption.

Scoping aims to identify key environmental issues and decide how they will be appraised before the assessment is begun – in this manner assessments are more focused, relevant, and useful. A variety of scoping methods is used in ECA countries; the most common is for the responsible authority to draw up a program for the EA study to be implemented by the developer. However, several countries have no scoping procedures (Albania, Belarus, Bosnia Herzegovina, Tajikistan, Turkmenistan, and Uzbekistan), and in most NIS countries, scoping is not formally required.

Public Consultation and Disclosure. Regarding the content of an EIA, the study found the greatest deficiency to be the lack of public consultation and disclosure. Consultation with affected communities is recognized by the World Bank as key to identifying environmental impacts and designing mitigation measures. Among ECA countries, formal provisions for public participation are highly variable. While public participation is stipulated, the tools and mechanisms necessary to implement it often are not.

Environmental Management Plan. The second most important deficiency is lack of a required environmental management plan (EMP) as part of an EIA. An EMP outlines mitigation, monitoring, and institutional measures for avoiding or minimizing adverse environmental

impacts during project implementation and operation. An EMP should be legally binding on the project developer but generally is not. This deficiency has led the Bank to include environmental conditionality in project loan agreements; ECSSD routinely requires such conditionality in all loan and grant agreements of projects with EMPs. Lack of experience among borrowers in carrying out EMPs suggests that project supervision be particularly diligent regarding EMP implementation.

Ratification of International EIA Conventions. Two international conventions relate to EIA: the Espoo Convention for EIA in a Transboundary Context and the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. With few exceptions, ECA countries have ratified or signed these conventions.

Compatibility with OP 4.01. The study devised a scoring system to rank the country systems according to their “compatibility” with World Bank OP 4.01. (The score is not meant to hold up OP 4.01 as a standard of perfection, but rather to highlight areas that may need attention.) Three clusters emerged.

- The first cluster has comprehensive EA systems and processes that include all internationally practiced elements: (in descending order, as to score) Latvia, Lithuania, Estonia, Czech Republic, Hungary, Poland, Romania, Ukraine, and Slovak Republic. These countries only need to fine-tune their systems.
- The second cluster has made visible process in adopting new legislation but issues of compliance and enforcement and the role of affected people and local civil society organizations will undoubtedly arise as the legislation is implemented. The countries (again, in descending order) are: Bulgaria, Moldova, Croatia, Kazakhstan, Russia, Kyrgyzstan, Slovenia, Uzbekistan, Azerbaijan, and Turkmenistan. These countries will require more substantive interaction with and assistance from the World Bank to strengthen local EA capacity.
- The third cluster consists of Armenia, Turkey, Tajikistan, Federal Republic of Yugoslavia, Bosnia Herzegovina, Macedonia, and Albania. These will require significant medium-term assistance to develop their EA legal frameworks, organizations systems, and technical and human capabilities.

Six recommendations are put forward by the ECSSD team. The Bank should:

1. Provide *technical assistance* to strengthen the EIA legal framework in ECA countries, ranging from minor improvement for the best systems, to the need to develop EIA legislation where it is lacking completely.
2. Strengthen *oversight of OP 4.01 implementation*, using information in the report about countries’ EIA systems and concentrating on areas of deficiency and countries with medium or low compatibility with OP 4.01.
3. Improve *EIA knowledge management and information sharing* of new environmental and EA legal developments in client countries and of relevant legal information from the field, possibly through development of an environmental-legal data base.
4. Improve *dissemination of EA information* to borrowing countries; many publications are available but they are underused and dissemination channels need to be developed.

5. Conduct *training* for improved EIA preparation and implementation for ECA countries – especially in areas identified in the study as deficient – and for Bank staff on EA requirements and procedures of member countries.
6. Develop knowledge on how EA processes are actually applied through a *follow-up study* of implementation on the ground.

Chapter 1. General information

1.1 Overview

The purpose of this study of the environmental impact assessment (EIA) systems of the countries of the Europe and Central Asia (ECA) Region is to improve the ability of the Environmentally and Socially Sustainable Development Department of ECA (ECSSD) to ensure compliance with World Bank Operational Policy 4.01 (OP 4.01) “Environmental Assessment” (adopted in January 1999). ECSSD is responsible for ensuring the applicability and compliance of the World Bank’s ten safeguard policies for all projects in the ECA Region, several of which fall into the environmental area, *e.g.*, natural habitats, forestry, environmental assessment, *etc.*¹ OP 4.01, which provides an “umbrella” over the environmental safeguard policies, “requires environmental assessment (EA) of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable.”

The study draws conclusions about the EIA systems of the 28 ECA countries – highlighting their strengths and deficiencies – and it recommends actions for the World Bank, not only to improve its internal processes *vis a vis* preparation and supervision of projects that have environmental impacts, but also to assist member countries to improve their own EIA systems.

The remainder of this chapter describes the objectives, sources of information, and methodology of the study. Chapter 2 presents the main features of the World Bank and European Union (EU) EIA systems and how they have influenced EIA development. The next three chapters – the heart of the study – analyze the findings of the country studies. The chapters discuss the characteristics of the national systems and the elements they include in their EIAs and compares their procedures with those of the World Bank. The implications of these findings for the World Bank is an important part of the discussion. Chapter 6 – the final chapter – presents the overall conclusions and specific recommendations.² The individual, detailed reports of the EIA systems for each of the 28 countries can be found on the World Bank’s web-site: www.worldbank.org/eca/environment.

1.2 Background

EA is a widely used policy tool for reducing the negative environmental consequence of development activities and for promoting sustainable development. It covers both the assessment of individual development projects and the appraisal of policies plans, and programs, called “strategic environmental assessment” (SEA). EIA is defined by the Bank as a procedure that evaluates a project’s potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating

¹ The ten safeguard policies are environmental assessment, natural habitats, forestry, pest management, safety of dams, disputed areas, international waterways, cultural property, involuntary resettlement, and indigenous people. The first seven fall into the environment category. The safeguard policies, including OP 4.01, can be found on the World Bank’s external web-site: www.worldbank.org/environment/op_policies

² The country studies are available from the World Bank’s external web-site: www.worldbank.org/eca/environment

and managing adverse environmental impacts throughout project implementation.³ Depending on the project, the World Bank determines which EA instrument should be used to satisfy the Bank's EA requirement: EIA, regional or sectoral EA, environmental audit, hazard or risk assessment, and/or environmental management plan (EMP). This report focuses on EIA.

According to World Bank OP 4.01, it is the "borrowing" country's responsibility to conduct and implement an EIA for any World Bank-financed project. The Bank's role is: (i) to advise the borrower through the EIA process and ensure that the quality of the EIA reports and related outputs is consistent with the requirements of OP 4.01 and (ii) to ensure that the EIA effectively feeds into project preparation and implementation. The region coordinates the Bank's review of EAs through consultation with its Regional Environmental Sector Unit (RESU), and, as necessary, with the support of the Environment Department (ENV).

To date, Bank staff in the ECA Region have provided considerable guidance to borrowers throughout preparation of EIAs for individual projects. This was appropriate because many ECA borrowers were new and because the EA process that had evolved in countries formerly under command economies was often quite different from that practiced in market economies.

In the future, the borrower may be assuming more responsibility for the EIA function in Bank-financed projects. There are several reasons for this shift. First, the number of projects that utilize a financial intermediary (FI) for implementation is growing, and these rely upon the intermediary's capacity to comply with the local EIA regulations as well as the Bank's requirements. Second, lending instruments, such as programmatic lending⁴ as well as Social Funds and Rural Development projects, which have unidentified activities at the time of appraisal, require the borrower to assume responsibility for the EIA process throughout the life of the project.

1.3 The World Bank's EA performance

The World Bank's performance on environmental safeguard policies, including implementation of OP 4.01, has been mixed. The Bank's Operations Evaluation Department (OED) and ECSSD have conducted reviews of the EA process and found that the policies and objectives are generally sound, although there is room for improvement (World Bank, ENV, 1993, World Bank, 1997). These reviews have consistently found that because EAs are often not completed early enough in the project cycle, they have less impact on project design and consequently more on mitigation of adverse impacts.

The World Bank's mandate to improve environmental management and protection includes providing assistance to build borrower capacity to conduct, review, implement, and supervise EAs. By focusing assistance on individual projects rather than the bigger picture, the Bank may be hindering progress in capacity building – and that has further implications beyond mere

³ See Article 2 of WB OP 4.01:
<http://wbIn0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/9367A2A9D9DAEED38525672C007D0972?OpenDocument>.

⁴ Programmatic loans are provided in the context of a multiyear framework of phased support for a medium-term government program of policy reforms and institution building.

compliance with OP 4.01. For instance, lack of EIA capacity, or poor EIAs, may negatively impact the business and investment climate of a country. Environmental disasters related to investments in some sectors (*e.g.*, oil and gas) stemming from projects not funded by the Bank could undermine achievements in environmental and natural resource management that are supported by the Bank and, more generally, could threaten human health and ecosystems. Furthermore, when key elements of a sound EIA system (*e.g.*, a transparent review and approval process) are routinely missing from the borrower's EIA system, as applied to Bank projects, broader initiatives supported by the Bank (such as public sector reform and anti-corruption) may be compromised.

When requested to do so by the borrower, the Bank has invested in environmental capacity-building measures and has also provided non-lending mechanisms that build capacity, such as preparation of national environmental action plans. In ECA, Institutional Development Facility (IDF) grants have been mobilized to strengthen EIA capacity. Other donor programs have funded activities to strengthen EIA capacity in ECA as well (*e.g.*, the Poland and Hungary Assistance Rural and Environment Program – PHARE and the Mediterranean Environmental Technical Assistance Program – METAP). Yet capacity remains weak and varies within the region.

1.4 Objectives and audience

While information about a country's EIA system might be found in a task manager's files, in a piece of sector work, or as anecdotal information, ECA has not conducted any systematic compilation or analysis of the EIA systems by country, and such information is not routinely available anywhere in the Bank. The Bank's legal department does not systematically collect copies of borrowers' legislation for any sector, including environment. In situations where EIA legislation is available to the Bank, no work has been done to determine the compatibility of an individual country's EIA system with that of World Bank OP 4.01. Without this information in a systematic form, it is difficult, if not impossible, for ECSSD to determine the degree to which the Bank could assume that a given country's EIA legal review system is sufficiently robust for the country to take full responsibility for the EIA function, as could be the case under programmatic lending.

This study was conducted to increase World Bank/ECSSD knowledge of the legal basis of the EIA systems in ECA's member countries. The audience for the paper includes ECA/ECSSD management responsible for safeguard compliance; the ECA safeguard team; task managers and team members; ECSSD environment reviewers; the country teams; and borrowers. Others will be interested including the World Bank Institute (WBI), the Legal Department (LEG), and ENV. Outside the Bank, in addition to the borrowers, the private sector, investors, consultants, and other donors may find the information useful.

The study focuses on the legal EIA framework, as that is the basis of any effective EIA system. It has four main objectives: to (i) identify and describe EIA legislation in all ECA countries; (ii) compare EIA systems of ECA countries with those of the World Bank (OP 4.01); (iii) identify areas of discrepancy between a borrower EIA and OP 4.01; and (iv) recommend steps to improve the borrower's legal framework. The study does not assess the quality of the EIA work, the

technical capacity for carrying out EIAs, or their actual implementation. Consideration of these and other aspects is beyond the scope of the study. As such, it is only a first step toward assessing a country's EA capacity.

EA procedures in member countries were compared to those of the World Bank for several reasons: (i) compatibility with World Bank procedures facilitates the preparation of EIA reports and is helpful in moving towards programmatic lending; and (ii) the EIA procedures of other international banks and donor agencies are generally similar to those of the World Bank, which thus can serve as a proxy for other systems. It is important to note that "compatibility" with OP 4.01 does not mean imposition of OP 4.01 on the borrower as a replacement for its own EIA procedures. A borrowing country's EIA system may differ from the Bank's in ways appropriate for the country and may also be more stringent than the Bank's. Nevertheless, the "compatibility" assessment will highlight areas of difference for which special attention may be needed within the context of sector or programmatic loans.

1.5 Sources of information and methodology

The study was completed by a team from ECSSD. Team members collected and analyzed readily available primary legal sources, *i.e.*, environmental framework and assessment laws as provided in English and local languages at national official web sites maintained by parliaments, governments, and respective environmental agencies of all 28 ECA borrowing countries. A number of official publications with environmental legal texts were also used. Environmental provisions of selected national constitutions were reviewed both through official local sources and the World Constitutional Database of the Bayerische Julius Maximilians University at Wurzburg, Germany.

Secondary environmental sources were used exclusively for better understanding and double-checking of identified institutional EA constraints and proposed development. They included National Environmental Action Plans and selected, most recent EAs for World Bank-financed projects as deposited with the Bank's Public Information Center (PIC) and publicly available through the Internet. For the EU-accession countries, environmental, EIA, and related policies, instruments, and publications, as provided at the official web sites of the European Commission (EC) and Parliament, were reviewed and analyzed.

Finally, to better understand the evolution of EA legislation in the World Bank's member-countries, the ECSSD team reviewed and quoted a number of earlier publications, prepared for various purposes, that analyzed the state of environmental legislation in the late 1980s to the mid-1990s, *i.e.*, prior and immediately after the collapse of communism in the region.

Additional information came from (i) Environmental Performance Reviews of the United Nations Economic Commission for Europe (UNECE) and the Organization for Economic Cooperation and Development (OECD); (ii) METAP EIA reviews conducted with the University of Manchester (1999).⁵; (iii) *Investors' Environmental Guidelines: Bulgaria, Czech Republic and*

⁵ The METAP project conducted a detailed assessment of the EIA systems in five METAP countries for approximately \$100,000 each. Three of the countries are in ECA -- Albania, Croatia, and Turkey. Material in this report on these three countries comes from the METAP results.

Slovak Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania of the European Bank for Reconstruction and Development (EBRD) and (iv) from several other publications, in particular, *Environmental Assessment in Countries in Transition*, edited by Ed Bellinger, N. Lee, C. George, and A. Paduret (Budapest: Central European University Press, 2000); O. Cherp and Norman Lee, “Evolution of SER and OVOS in the Soviet Union and Russia (1985-1996),” *Environment Impact Assessment Review* (1997): 177-204.

The ECSSD team also reviewed and analyzed legislation, information, and data available at a number of EU and UNECE or other web sites. A list of these may be found in Annex 1. Key resource materials are provided at the end of this report in the References section, and additional sources of specific legal and organizational information are provided in the country studies.

The methodology used in this report is based in part on the METAP study, *Institutional Strengthening of the EIA System in METAP Countries: Pilot Project* (final report, January 2000) by Clive George and Balsam Ahmad, EIA Center of the University of Manchester, Manchester, UK. The ECSSD team generally followed the METAP format which consisted of (i) evaluating each country’s EIA system in relation to international norms as represented by the Bank’s OP 4.01, (ii) identifying significant deviations between the current EIA system and OP 4.01, and (iii) proposing recommendations for making EIA systems compatible with OP 4.01. The METAP format was followed because (i) a great deal of effort had gone into determining the key areas of focus for the METAP analysis and (ii) this type of study is being replicated in other regions, and use of the same analytical tool facilitates Bank-wide analysis.

The METAP framework of analysis divides EIA systems into eight categories of information: legislation and procedures, administration, screening, scoping, content, the review and public participation process, monitoring, and capacity for EIAs. Each category is further sub-divided, for a total of 32 study elements, as shown in Annex 2. For each country, the above information was assessed and then compared with the corresponding features of World Bank OP 4.01. It should be noted that the country studies were prepared at different times: Albania, Croatia, and Turkey in 1999; Bulgaria, Moldova, Romania, Georgia, Russia, Ukraine, Belarus, Kazakhstan, and Kyrgyzstan in 2001, and the remaining countries in 2002.

Two factors should be kept in mind when reading this study. The METAP study made extended field visits and held local level workshops and training programs in connection with producing its report. That type of analysis was beyond the scope of this study, which is essentially a “desk study,” relying solely on the review of various documents, as pointed out above. The second factor is that the study is more descriptive than analytical and should be used for operational work.

Chapter 2. The influence of World Bank OP 4.01 and EU Directive 97/11/EC on EIA Development

2.1 World Bank EIA Procedures

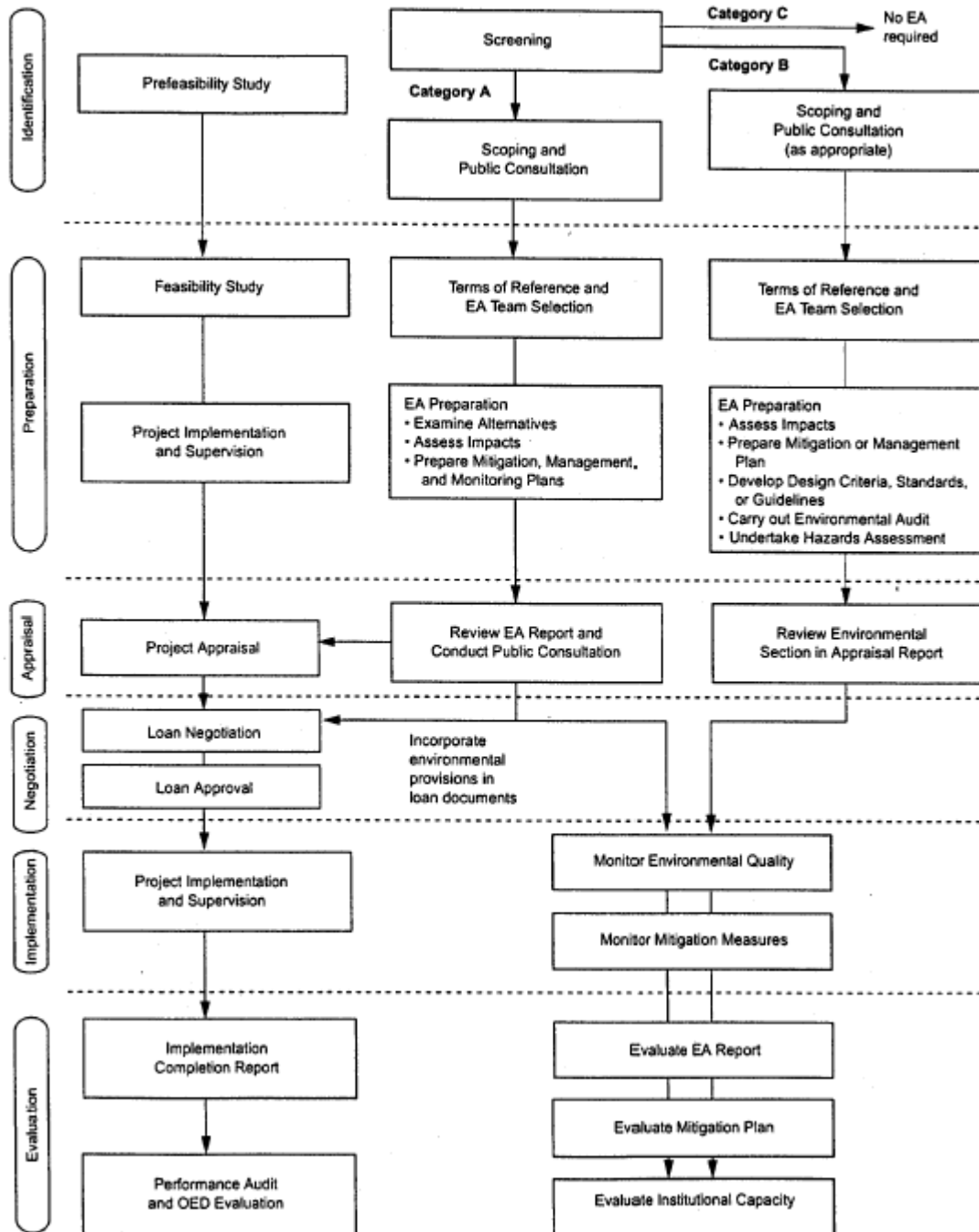
EIA, as a formalized appraisal requirement, dates from the enactment of the National Environmental Policy Act (NEPA) in the United States in 1969. The NEPA required a detailed environmental impact statement for every federal action significantly affecting the quality of the human environment. Although much of the initial phase of EIA development took place in a small number of high-income countries, some developing countries adopted EIA procedures relatively early, *e.g.*, Colombia in 1974 and the Philippines in 1978.

Since 1989, when the World Bank adopted Operational Directive (OD) 4.01 – Annex A: “Environmental Assessment,” it has made systematic use of EA as a standard procedure for Bank-financed projects and as the principal means to ensure the environmental quality of its project portfolio. The directive was amended in 1991 and was converted into OP 4.01 in January 1999. As mentioned above, OP 4.01 requires environmental assessment of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable.

To date, well over 1,200 projects have been screened for their potential environmental impacts, and the Bank’s experience spans most sectors, virtually all borrowing member countries, and a wide array of project types. The Bank’s *Environmental Assessment Sourcebook* (World Bank, 1991) provides comprehensive support for the application of EA to all major sectors. The first volume deals with policies, procedures, and cross-sectoral issues, while the second and third volumes address critical sectoral issues – including agriculture, transportation, urban infrastructure, and industry. At this stage, 27 *EA Sourcebook Updates* have been published, including “Sectoral Environmental Assessment” and “Regional Environmental Assessment.”⁶ Figure 1 is a graphic depiction of the World Bank’s EA system.

⁶ See :
<http://wbln0023/ENV/EAWeb.nsf/0a9e22456f385a0e852566260066c5cd/29a27fe8f473450c852566260062c379?OpenDocument>

Figure 1. The Environmental Assessment Process for the World Bank



Note: OED, World Bank Operations Evaluation Department.

Table 1 shows features of EA systems in selected development banks and donor agencies. As can be seen, the Bank's EA system is among the most comprehensive.

Table 1: Features of EA systems in selected development banks and aid agencies

Agency	Procedural guidelines	Application to policies and plans	Screening of projects	Scoping	Requirements for public participation	Requirements for monitoring
World Bank	Operational policy, procedure and good practice 1999	Guidance for sectoral and regional programs	Guidance lists for category A (full EIA), category B (environmental appraisal), and category C (none)	EA sourcebook and updates	Environmental assessment reports publicly available (categories A and B)	Monitoring plan required; provisions for supervision and post-auditing visits
African Development Bank	EA guidelines 1992		Categories I, II and III	Sectoral guidelines	No provisions	Monitoring, supervision and post-project evaluation by country and bank staff
Asian Development Bank	EA procedures 1993		Guidance lists for categories A, B, and C (full EIA, initial environmental examination, none)	Sectoral guidance	Environmental impact statement publicly available if not confidential	Monitoring plan required
European Bank for Reconstruction and Development	Environmental procedures 1996		List for full EIA, broad guidance for environmental analysis	Not defined	Guidance, environmental impact statement publicly available, if not confidential	Monitoring plan required
Inter-American Development Bank	Procedures 1990		Categories I, II, III and IV			
Australia AUSAID	Guidelines 1996		Categories 1 to 5	Joint screening and scoping exercise	Reports available to the public	Provisions for monitoring and ex-project evaluation
Canada CIDA	Procedural guide 1995		List for comprehensive study			Public access to EIA report
Denmark DANIDA	Procedures 1994	Procedures for sector program support	Categories A and B for full and partial EA	Sector checklists	No provisions	Broad monitoring by agency staff

Source: Bellinger, *et al.*, 2000.

2.2 The EIA policies of the European Union

Harmonization of a country's EIA legislation with the EU's Directive on EIAs (Directive 97/11/EC) will be required for the EU accession countries in ECA – Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, the Slovak Republic, Slovenia, and Turkey (Croatia entered preliminary discussions for EU accession in 2000). The EIA is a key instrument of EU environmental policy. The EU directive on environment first came out in 1985 (Directive 85/337/EEC) and was subsequently revised in 1997.⁷ Article 2 of the directive states, "Member states shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects." Article 8 states further, "The results of consultations and information gathered pursuant to the [EIA procedure] must be taken into consideration in the development consent procedure." These requirements are elaborated further in the EIA systems introduced in each member state. In addition to the directives, the EC has published three documents reflecting current EU legislation and the current state of good practice.⁸ These cover screening, scoping, and review of environmental impact statements. The EU has also developed guidelines and handbooks to assist accession countries in all aspects of the EIA process.⁹ The full text EU Directive 97/11/EC is available on the Internet.¹⁰ Figure 2 outlines the EA process for the EU.

⁷ See: http://europa.eu.int/eur-lex/en/consleg/pdf/1985/en_1985L0337_do_001.pdf

⁸ They may be found on the Internet at www.europa.eu.int/comm/environment/eia/eia-support.htm.

⁹ See: www.europa.eu.int/comm/environment/pubs.

¹⁰ See: http://europa.eu.int/eur-lex/en/consleg/pdf/1985/en_1985L0337_do_001.pdf

Figure 2. The EA process for the European Union

KEY STAGES	NOTES
Project Preparation	The developer prepares the proposals for the project
Notification to Responsible Authority	In some member states (MS) the developer is required to notify the CA in advance of the application for development consent. The developer may also do this voluntarily and informally.
Screening	The responsible authority (CA) makes a decision on whether EIA is required. This may happen when the CA receives notification of the intention to make a development consent application, or the developer may make an application for a screening opinion. The screening decision must be recorded and made public. (See the guidance on screening, in EIA) (Article 4).
Scoping	The directive provides that developers may request a scoping opinion from the CA. The scoping opinion will identify the matters to be covered in the environmental information. It may also cover other aspects of the EIA process (see the guidance on scoping-EIA). In preparing the opinion the CA must consult the environmental authorities (Article 5(2)). In some MS, scoping is mandatory.
Environmental Studies	The developer carries out studies to collect and prepare the environmental information required by Article 5 of the directive (see Appendix A).
Submission of Environmental Information to Responsible Authority	The developer submits the environmental information to the CA together with the application for development consent. If an application for an Annex I or II project is made without environmental information, the CA must screen the project to determine whether EIA is required (see above) (Articles 5(1) and 5(3)). In most MS, the environmental information is presented in the form of an environmental impact statement (EIS).
Review of Adequacy of the Environmental Information	In some MS, there is a formal requirement for independent review of the adequacy of the environmental information before it is considered by the CA. In other MS, the CA is responsible for determining whether the information is adequate. The guidance is designed to assist at this stage. The developer may be required to provide further information if the submitted information is deemed to be inadequate.
Consultation with Statutory Environmental Authorities, Other Interested Parties and the Public	The environmental information must be made available to authorities with environmental responsibilities and to other interested organizations and the general public for review. They must be given an opportunity to comment on the project and its environmental effects before a decision is made on development consent. If transboundary effects are likely to be significant, other affected MS must be consulted (Articles 6 and 7).
Consideration of the Environmental Information by the Responsible Authority before making Development Consent Decision	The environmental information and the results of consultations must be considered by the CA in reaching its decision on the application for development consent (Article 8).

KEY STAGES	NOTES
Announcement of Decision	The decision must be made available to the public including the reasons for it and a description of the measures that will be required to mitigate adverse environmental effects (Article 9).
Post-Decision Monitoring of Project	There may be a requirement to monitor the effects of the project once consent for it is granted.
The highlighted steps must be followed in all member states under EU Directives 85/337/EC and 97/11/EC. Scoping is not mandatory under the directives, but member states must establish a voluntary procedure by which developers can request a scoping opinion from the CA if they wish. The steps that are not highlighted form part of good practice in EIA and have been formalized in some member states but not in all. Consultations with environmental authorities and other interested parties may be required during some of these additional steps in some member states.	

Provisions of the EU EIA Directive are compatible with those under the World Bank’s OP 4.01 and in some aspects, e.g. EA related requirements, actually exceed the requirements of OP 4.01. EU Directives and Regulations have binding and mandatory power. The EU accession countries located in ECA have already begun transposing EU EIA requirements (as well as other environmental information and reporting directives) into their respective bodies of national legislation.

Chapter 3. EIA systems in ECA countries

3.1 EIA development and types of environmental assessment within ECA

Two distinct types of EIA systems exist in ECA – the “classical” system and that of the former Soviet Union (FSU). As mentioned, the classical system had its roots in development of EIA in the United States with passage of the National Environmental Policy Act of 1969. Efforts that laid the groundwork for EIA in Europe began in 1962 with creation of the Council of Europe. Subsequently, in the 1968-1972 period, several basic texts proclaiming environmental protection principles were adopted in Europe. Many believe that these initiatives in the United States and Europe were enacted because of the pressure of public opinion. Especially after publication of Rachel Carson’s *Silent Spring*, in 1962, governments were increasingly pressed to adopt legislation to combat pollution.

The development of EIA procedures in Europe accelerated following the adoption in 1985 of EU Directive 85/337/EEC. Between 1985 and the mid-1990s, there was a major expansion of formalized EA in many developed countries. By 1995, all 24 member countries of the OECD had acquired their own EA legislation and most international and regional development banks and bilateral aid agencies had established their own EA procedures. In some countries, governmental agencies and officials were allowed considerable discretion as to whether an EA was to be prepared for a given project. In others, EAs were prepared in an *ad hoc* manner, often solely because they were required by international funding bodies, such as the World Bank. Even when the regulatory framework was standardized, as for example with the EU EIA Directive, there was scope for considerable variation in interpretation and implementation. However, despite these variations, common principles were adhered to.

EA is an environmental protection activity that ascertains in advance the environmental impact of a planned activity and its compliance with legal acts, norms and standards. There are several definitions of EA, but there is a common understanding that EA should (i) be carried out at the earliest stage of the design process, (ii) be based on a scientific approach in forecasting potential impacts, (iii) take into consideration social and economic aspects, (iv) provide the necessary informational basis (from an environmental and social perspective) for final decision making on the approval of planned activities, (v) be conducted in a fully transparent way, with the public and all interested stakeholders involved in reviewing the EA study and in decision making, and (vi) be applied mainly for activities and projects that will have a significant impact on environment and health -- not for all activities that might have a minor impact.

The EIA system that developed in the FSU and Central and Eastern European countries took off in a different direction. These countries began in the early 1980s to establish their own EA systems in various forms, including mandatory regulations and non-binding guidelines. EIA in FSU countries is based on a procedure developed in the 1980s called state environmental expert review (literally, state ecological “expertise” – SEE). In a SEE, expert committees review or appraise projects or plans. The process is mandatory not only for concrete development projects, but also for strategic developments, *e.g.*, virtually all land-use and sector plans, federal and regional programs and policies, and new products and technologies. In order to facilitate the SEE process, project documentation to be submitted to the expert committee included a report called

OVOS (for *Otsenka vozdeistvia na okruжайusciu sredu*, which means “assessment of environmental impacts”). The OVOS described the environmental effects of the proposed project or plan and the anticipated mitigation measures. The two processes combined are referred to as SEE/OVOS (Cherp, 2000); they are the FSU analogue to the classical EIA. In 1985, the government of the Soviet Union issued an instruction citing the need for the mandatory analysis of the environmental impacts of proposed economic activities, and, in 1989, the government issued a directive instructing its executive bodies to conduct SEE for all such activities. These decisions mark the point at which all FSU republics began to develop their own SEE institutions and systems.

There are three significant differences between the classical and FSU systems. First, SEE/OVOS uses a much broader screening criteria – which, for all intents and purposes, is not screening at all. Consequently, virtually all proposed activities require a SEE. This either lowers the standard of the procedures or introduces problems of compliance, cost, and delay. Second, SEE/OVOS is dominated by the state – particularly environmental authorities – in reviewing and decision-making. Finally, SEE/OVOS has a relative lack of transparency and public participation. No information generated during the SEE/OVOS process is published or available to the public, and the public’s right to participate in SEE is limited. The process of consultation, which is associated with obtaining necessary consents, starts at a late stage in the planning process when no significant modifications to the project are likely to be made.

Another major but less tangible difference in the two systems is in their conceptual approaches. The SEE/OVOS system is based on the supposition that its goal would be achieved if environmentally unsound projects were not permitted to proceed. In contrast, the classical system aims to use EIA to incorporate environmental considerations in project design and facilitate selection among alternatives – in an atmosphere of full accountability to the public. Thus, when compared with the classical-type EIA, SEE can be viewed as a tool of post-EIA quality control and decision-making. It serves only one part of the EA procedure – *i.e.*, its final stage in a process that includes, *inter alia*, identifying, analyzing, and documenting environmental impacts and organizing consultation and public participation.

It is important to note that, because World Bank OP 4.01 is based on the classical EIA approach, it was the FSU countries that most often diverged from the requirements of the OP. However, as discussed in the study, differences in the SEE/OVOS approach among the FSU countries began to emerge in the mid-1990s, when they began passing their own national laws on environmental assessment. All of the FSU countries still embrace the SEE/OVOS approach and have preserved the SEE as the central element of their EIA systems. But changes have been introduced. Some of the new national systems have been oriented to further strengthen the SEE system (Russia), while others (Moldova, Ukraine, Georgia) have attempted to add some elements of the classical approach. Some countries (Russia) have had enough resources to establish numerous legal acts regulating EIA and to publish guidelines on their application. Most other FSU countries have only managed to pass a single law or executive order to provide minor adjustments to the SEE/OVOS system. In countries with strong environmental nongovernmental organizations (NGO) movements, NGOs have been a major influence for change.

3.2 ECA countries grouped by level of EIA development

For purposes of the current analysis, all ECA countries were divided into three different groups, based on the stage of development of their EIA systems and their EA procedures.

- Central and East Europe and Turkey
- Newly independent states (NIS) of the former Soviet Union
- South East Europe.

Central and East Europe plus Turkey group consists of EU-accession candidate countries. At this stage, 10 of the countries in this group are already on the way to EU accession: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia. Similarly, Turkey also wishes to become a member of the EU and is in the negotiation process with the EC. According to existing procedures, all of these countries should harmonize their environmental legislation (including EIA legislation) with EU directives. Most of these countries have already completed this work.¹¹ Among them only Bulgaria, Romania, and Turkey have not yet started negotiations on harmonization of Chapter 22 (Environment). They should begin to do so in the near future.

The NIS group comprises Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. All of them have similar EIA systems, based on SEE/OVOS (and, in some cases, new elements of the EIA approach).

South East Europe group – Albania, Bosnia Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro), and Macedonia make up this group. Except for Croatia, which has a Stabilization and Association Agreement with the EU, the South East Europe countries are far behind in developing their EIA systems, for different reasons, including economic difficulties, political instability, and military conflicts. Their existing EIA systems are underdeveloped with weak institutional and human capacity. All these countries recently have announced their desire to become members of the EU and have started to harmonize their legislation with the EU directives. It is expected that the EU will provide them with relevant technical assistance in this area.

3.3 EA legislation currently in force

All ECA countries have provisions for EA in their environmental protection laws. Nineteen ECA countries have specific EA legislation. Other countries have special legal acts (approved at the parliamentary or governmental level or, in very few cases, at the ministerial level) on EIA or SEE/OVOS (see Annex 3 for a list of EA legislation in the 28 countries reviewed). Table 2 presents information about EIA legislation in different country groups.

In the Central and East Europe group of countries, EA legislation consists mostly of laws approved by the parliament of the countries. There are a few exceptions: in Bulgaria, the EA regulation was approved by the government, and in Turkey and Romania, the EIA regulation was

¹¹ See: <http://europa.eu.int/comm/enlargement/index.htm>

approved by ministerial order. Furthermore, in most countries in this group, additional regulations, specifying how the laws are to be implemented, were developed. Initially, most of the EIA documents and regulations in these countries were approved in the beginning of 1990s in the form of various governmental regulations. By the end of the 1990s several Central and East European countries (Lithuania, Estonia, Poland) had prepared and approved completely new EIA laws, bringing them into full compliance, not only with the EU directives, but also with the Espoo and Aarhus Conventions. (See Section 4.3.8 below for information about the provisions of these conventions.)

In most NIS countries, laws on SEE were approved during the mid-1990s (Belarus, Ukraine, Russia, Moldova, Georgia, Turkmenistan, Kazakhstan, Kyrgyzstan, and Uzbekistan – in 2000), or relevant governmental regulations were passed (Tajikistan). At this stage, only in Azerbaijan is there an EIA regulation approved at the lowest level (by the Chairman of the State Committee for Nature Protection, in 1996) (SEE provisions are stipulated in the Environmental Protection law, of 1991). In some of these countries, the laws on SEE also include EIA articles (Armenia, Kazakhstan) or regulations (as in the case of Moldova). In most other NIS countries, environmental authorities have developed separate regulations on EIA studies for economic activities and projects that are most harmful for the environment.

Countries in the South East Europe group have less-developed legislation on EIA. Only in the case of Croatia and Serbia and Montenegro (Federal Republic of Yugoslavia) are there well-developed EIA rules and procedures approved at the parliamentary or governmental level. The other countries in the group are in the process of developing the needed legislation.

Table 2. EIA legislation in ECA countries

Group of countries	Environmental protection laws with EIA articles, chapters	EIA/SEE laws	EIA governmental regulations	EIA ministerial regulations
Central & Eastern Europe	Bulgaria, Romania, Czech Republic, Slovenia, Slovak Republic, Hungary, Poland, Turkey, Estonia, Latvia, Lithuania	Latvia, Lithuania, Poland, Czech Republic, Hungary, Slovenia, Slovak Republic, Estonia	Estonia, Turkey, Bulgaria	Romania
Newly Independent States	Moldova, Georgia, Russia, Uzbekistan, Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, Azerbaijan, Belarus, Ukraine	Moldova, Kyrgyzstan, Kazakhstan, Russia, Turkmenistan, Armenia, Georgia, Belarus, Uzbekistan, Ukraine	Tajikistan	Azerbaijan
Southeastern Europe	Bosnia Herzegovina, Federal Republic of Yugoslavia, Albania, Macedonia, Croatia	Croatia	Bosnia Herzegovina, Federal Republic of Yugoslavia	

3.4 Sector-specific EA guidelines

Most of the ECA countries have developed special regulations (guidelines for conducting EIA studies and/or SEE). However, most of them do not have specific guidelines for conducting

EIAs in various specific sectoral areas or areas within certain sectors, *e.g.*, industry. Available documents show that there are only a few exceptions. For example, Bulgaria adopted guidelines on EIAs for land-use plans in 1997. In Russia, more than a dozen EIA sector-specific guidelines (*e.g.*, for ferrous and non-ferrous industry, mining) were approved in the beginning of 1990s and are often used in other NIS countries.

In most countries in the NIS group, special regulations on conducting SEE were developed (in Belarus, Russia, Moldova, and Georgia), as well as special regulations on EIA (Kyrgyzstan, Kazakhstan, Georgia, Azerbaijan). Furthermore, several countries have prepared national standards on EIA (Ukraine) or “construction norms” (Russia).

South East European countries are at the initial stage of developing such documents. Only Croatia has a regulation and a Rule Book (2000) on EIA. EIA regulations in Serbia and Montenegro were approved in the mid-1990s.

In informal discussions with some of the countries, ECSSD staff members were often asked if they could make available examples of best practices and guidelines for sector EIAs. To meet this need, the World Bank should be ready to offer its EIA documents, such as the *Pollution Prevention and Abatement Handbook* (1999), which was specifically designed to be used in the context of World Bank OP 4.01 and which contains detailed guidelines for EIA for most types of projects and activities.

3.5 EIA administration and interagency coordination

The study found that the authority responsible for EIAs, *i.e.*, the national environmental authority, operates on a ministerial level in most ECA countries. A list of all countries in the study and the institution responsible for EIAs may be found in Annex 4.

All ECA countries have a ministry of environment (usually within a multisectoral ministry and associated with another sector – *e.g.*, water, natural resources, physical planning) except for Uzbekistan where the State Committee for Nature Protection handles EIA activities. In many countries, environmental protection is combined with several other responsibilities – in most cases with regional (physical) planning and/or natural-resources management. In Serbia, environmental protection is combined with health and in Kyrgyzstan, with emergency situations. In Russia the responsible authority in this area is the Department for Environmental Protection within the Ministry of Natural Resources.

In many countries, autonomous or semi-autonomous EIA institutions were created within environmental ministries. In some, EIA units are part of those ministries, without formal autonomy. In large ECA countries, EIA responsibilities are decentralized. Thus, in Russia, Poland, Ukraine, and other countries, most EIA activities are carried out at the regional or local level. In some instances, defined by the law, they are conducted at the national level – when there are transboundary implications, for large projects, or for areas in which local capacity to conduct EIAs is lacking. In most of the smaller ECA countries, central authorities are responsible for SEE/OVOS or EIA. In Moldova, Armenia, Azerbaijan, Montenegro, and Serbia, EIA or SEE is conducted mainly at the national level.

In most ECA countries, independent experts hired by investors conduct EIAs. In some cases (Georgia, Moldova) those experts have to be licensed by the ministry of the environment. EIA reports are usually reviewed by state employees from EIA units. In several countries (Belarus, Azerbaijan, Moldova, Serbia, Montenegro), for difficult projects, *ad hoc* commissions, made up of experts from other state institutions and from research and design institutes conduct the review. In Russia and Ukraine, temporary *ad hoc* commissions, created on a case-by-case basis, review EIA reports.

The EIA laws of most ECA countries stipulate the need for interagency coordination in the EIA process. However, with few exceptions, coordination is referred to in very general terms, without any stipulations regarding procedures and timing. Detailed stipulations appear mostly in other sectoral or procedural laws and regulations. In almost all countries, EIA legislation stipulates the need for coordinating preliminary project documents and EIA studies. However, in most there are no clear requirements as to which institutions should be involved in coordination and what the mechanisms and timing for coordination should be. As a result, effective coordination is lacking among relevant state institutions in the EIA process.

In all ECA countries, except the Czech Republic, Croatia, Estonia, Slovakia, and Poland, the ministry of environment or its regional offices decides on the review process and the outcomes of the EA. In Croatia, the decision is made by the same EIA Commission that reviews EA reports. In Estonia and Poland, it is made by local, regional, or national governments. In the Czech Republic, the principal decision based on the EIA findings is a land-use permit issued by a local authority. In Slovakia, the EA findings and the results of the EA review are required to be taken into account by various “permitting authorities” depending upon the nature of the proposed activity.

3.6 Strategic environmental assessment

SEA is a form of EA applied, not to projects, but to plans, policies, and programs. The following definition of SEA is widely used: “SEA is a systematic process for evaluating the environmental consequences of proposed policy, planning or programme initiatives in order to ensure they are fully included and appropriately addressed at the earliest appropriate stage of decision-making on a par with social and economic considerations,” (Sadler and Verheem, 1996).

Initiatives to which SEAs are applied include sector plans for transport, water, forests; land-use plans; and national or international development strategies and agreements, including structural adjustment programs. Most practitioners of SEA and EIA regard the two as distinct instruments with the most significant difference being that EIA is a regulatory instrument with clearly defined procedural steps to be followed, while SEA is by nature a more open-ended, consultative, and iterative process.

Over the past five years, SEA has emerged internationally. While the rapid development of SEA has been driven in part by the OECD countries (especially those in Europe), there are clear signs that developing countries are interested as well.

SEA regulations and guidelines are currently being proposed by several international institutions. A protocol on EIAs of plans and programs with transboundary implications is currently under preparation for the Espoo Convention. Most of its provisions are similar to the newly adopted EU SEA Directive. It is expected that the protocol will be officially open for signing at the next European Environmental Conference (Kiev, May 2003). The EU began working on its SEA directive in 1996 when the EU adopted a proposal for developing a “directive on EA of certain plans and programs.” On 5 June 2001, SEA Directive 2001/42/EC was adopted by the EU. Its purpose is to ensure that the environmental consequences of certain plans and programs are identified and assessed during their preparation and before their adoption. EU accession countries will be required to follow the SEA Directive, just as they must follow Directive 97/11/EC1997. Also, there is currently an initiative underway to develop a United Nations protocol on SEA.

The World Bank has been using SEA on an *ad hoc* basis over the past ten years in part through the instruments of sectoral and regional EAs – which have some similarities to SEAs. From 1997 to 2001, there were about 20 Bank lending operations subject to sectoral or regional EA (or some kind of “strategic” environmental analysis). Two were in ECA – the Russia Coal Sector Adjustment Loan II (FY98) and the Poland Hard Coal Sector Adjustment Loan in 1999. (No information is available to indicate the value-added of these SEAs.) A broader and more systematic use of SEA would seem to be relevant to the Bank, particularly in its policy-based and programmatic lending operation. A traditional EIA is not suitable for such activities, even though their environmental consequences may be significant. A recent study on SEAs in the Bank concludes that SEA should be introduced to a wide range of Bank activities through a testing and learning program (World Bank, QAG, 2002, draft); this is now under consideration.

ECA countries have developed SEA regulations and practices but at a much slower pace than EIA requirements. Although no country in the study has passed legislation on SEA, many have requirements for environment assessments of national programs, policies, and plans, specifically land-use plans; in other words, their SEA regulations are informal (see Table 3).

Table 3. Legal provisions for SEA in ECA countries

Region	Development plans	National policies	Laws, regulations
Central and Eastern Europe	Bulgaria, Czech Republic, Slovak Republic, Poland, Romania, Slovenia, Macedonia, Hungary, Estonia	Bulgaria, Czech Republic, Slovak Republic, Slovenia	
Newly Independent States/OVOS	Armenia, Kazakhstan, Moldova	Armenia, Kazakhstan, Moldova	Armenia, Kazakhstan, Moldova
Newly Independent States/SEE	Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Turkmenistan, Ukraine	Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Turkmenistan, Ukraine	Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Turkmenistan, Ukraine
Southeastern Europe	Croatia		

Among the Central and Eastern European countries, the Czech and Slovak Republics, Bulgaria, Lithuania, Poland, Slovenia, and Romania have provisions for SEA. These relate only to development plans and programs, except in Bulgaria, the Czech and Slovak Republics, Lithuania, and Slovenia, where they extend to national policies. In this group, there are no provisions for SEA of national laws and regulations. At this stage, there are no provisions regarding SEA in Latvian and Lithuanian EIA systems.

Most countries in the NIS group require SEA for all of the above mentioned non-project activities. For example, in Russia the following activities are subject to mandatory SEA:

- Drafts of legal acts, the implementation of which may lead to a negative environmental impact
- Materials subject to approval by state authorities on which development forecasts are based
- Documents supporting production agreements and concession treaties and drafts of international treaties
- Drafts of technical documents for new equipment, technologies, materials, substances, certified products, and services
- Other types of documents describing economic and other activities that might produce direct or indirect environmental impacts within two or more territories of the Russian Federation.

Similar provisions may be found in practically all other NIS. However, only in a few cases (Kazakhstan, Armenia, and Moldova) does national legislation stipulate that OVOS procedures should be applied to plans, programs, and policies. But even in these cases, relevant legislation does not include provisions for conducting these activities.

In the South East European group there are no clear stipulations on SEA. Only in Croatia is it clearly indicated that urban planning documents are subject to a mandatory EIA procedure. In other countries in that group there are no relevant requirements.

Chapter 4. EIA elements

4.1 Screening

According to Article 8 of World Bank OP 4.01, the Bank screens each proposed project to determine the appropriate extent and type of EA. It classifies the proposed project into one of four categories, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts.

- *Category A* projects are those likely to have significant adverse environmental impacts, sometimes affecting an area broader than the project site. The EA for such projects examines the project's negative and positive environmental impacts, compares them with feasible alternatives (including a "zero," or "no-project," alternative), and recommends prevention or mitigation measures and ways to compensate for adverse impacts and to improve environmental performance. The borrowing country is responsible for preparing the EIA report or a reasonable facsimile.
- *Category B* projects are those whose potential impacts are less adverse than Category A. Unlike category A project impacts, category B impacts are site-specific, usually reversible, and readily mitigated. The scope of EA for these projects is narrower than that for category A: it covers potential negative and positive environmental impacts and recommends prevention, mitigation, and compensation measures.
- *Category C* projects are likely to have only minimal or no adverse environmental impacts. No EA is required.
- *Category FI* projects involve investment of Bank funds through a FI for subprojects that may result in adverse environmental impacts.

The screening process varies widely in the EIA systems of ECA countries (see Table 4). In most of the countries in the Central and East Europe group, screening is accomplished by means of lists of types of projects or activities subject to different levels of EIA. These lists are similar to one included in the relevant EU directive. At the same time, many countries in this group initiate EA for activities not on the screening lists but on the discretion of the authorities. This method is used in all countries in this group. In Hungary, Slovakia, and Lithuania, the decision of responsible authorities to initiate EA procedures is based on a preliminary (initial) assessment for certain categories of projects.

In the former Soviet system, SEE applies to any development activity requiring planning approval. For example, in Moldova, SEE is required for very broadly defined categories of activities (such as "construction of land communications"), as well as for activities that can potentially have "negative impacts on the environment." Thus, for the thousands of proposed projects and economic activities, even those that may have an insignificant impact, there is no screening process. However, since the responsible authority itself carries out a major part of the assessment, it is in a position to decide on a case-by-case basis how extensive the assessment needs to be.

For major projects, or any likely to have particularly significant impacts, an in-depth analysis may be conducted, and an OVOS submission may be required according to a screening list.

Many NIS countries have developed such lists, taking into consideration the existing international practices. Thus, Kyrgyzstan, Ukraine, Russia, Belarus, and Moldova were inspired by the list of activities requiring full EIA contained in the Espoo Convention, and Kazakhstan, applied recommendations stipulated in the Espoo Convention and in World Bank procedures. Very detailed and much broader screening lists of different categories of projects requiring different levels of SEE are included in the Georgian Law on Environmental Permits. Some NIS countries (*e.g.*, Moldova) specify in their legislation how decisions are made on how extensive an OVOS should be for projects not included on the screening lists. The breadth and level of specificity of these screening lists vary from country to country, with some lists being very broad.

South East European countries also use the screening-list method. In Serbia, for example, a very broad list of activities – 58 types – requires a full EIA.

Table 4. Usage of screening methods by country groups

Countries	Preliminary assessment + other methods	Screening lists + discretion of authorities	Screening lists only	No screening
Central and East Europe	Slovak Republic, Hungary, Lithuania	Bulgaria, Macedonia, Romania	Czech Republic, Estonia, Hungary, Slovenia, Poland, Latvia, Turkey	Latvia
NIS	Russia, Belarus	Moldova		Belarus, Georgia, Russia, Kazakhstan, Kyrgyzstan, Turkmenistan, Ukraine
South East Europe		Croatia, Bosnia Herzegovina	Federal Republic of Yugoslavia, Macedonia	Albania

The most significant issue regarding screening in the ECA countries is the absence, for all practical purposes, of any screening process in some countries, including Russia. Without screening, all projects require EAs. Given the number of projects, *e.g.*, 100,000 in Russia in 2000, this results in inefficiency and wasted resources, compromises the rigor of the EIAs for projects that have significant environmental impacts, and encourages corruption.

4.2 Scoping

The aim of scoping is to identify key environmental issues that will influence decision-making and to decide how they should and will be appraised. Its purpose is to ensure that assessments are more focused and EIA reports are more relevant and useful. Scoping is essential for identifying in advance the likely environmental impacts a project may cause and for defining the project's area of influence. Studies show that deficiencies in scoping are a key reason for poor EIA reports – ones that present a great deal of data but miss or underplay discussion of the critical issues.

A variety of scoping methods are used in ECA countries, including general and specific checklists, preliminary assessment, and approval by the responsible authority. Several countries in the study have no scoping procedures: Bosnia Herzegovina, Albania, Belarus, Tajikistan, Turkmenistan, and Uzbekistan. Table 5 summarizes the findings of the study on the use of scoping.

Several countries in the Central and East Europe group (Hungary, Latvia, Lithuania, Romania, and the Slovak Republic) legally require a scoping procedure involving actors other than the developer (Cherp, 1999). In Latvia and Romania, the responsible authority draws up the “program” or “guidelines” on EA studies to be implemented by the developer. In Hungary and the Slovak Republic, the scope of EA is also decided upon by the responsible authorities, but it is based on a preliminary EIA study and may incorporate the comments of affected parties. In Lithuania, the authority “ratifies” the program submitted by the developer, based on the preliminary study.

In most NIS countries, scoping is not formally required for either the SEE or OVOS procedure. However, informal instructions and guidelines require the organizers of both procedures to define the scope of impacts to be studied, depending on the nature of the activity. The detailed guidance on the OVOS procedure contained in Russian “construction norms,” in Moldovan and Georgian EIA regulations, or in Ukrainian EIA standards describes the development of the terms of reference for carrying out the OVOS. This can be considered an “internal” scoping stage. Similarly, in Belarus, the 1990 OVOS Instruction Goskompriroda recommends scoping to be conducted internally by the developer. Thus, even if the scoping procedure is not a mandatory rule, the content of the EIA studies in NIS is typically uniformly prescribed by the existing legislation, as discussed in Section 4.3 below.

Stipulations regarding scoping in the South East European countries exist only in Croatia and the Federal Republic of Yugoslavia.

Table 5. Usage of scoping methods by country groups

Countries	General and/or specific checklists	Preliminary assessment	Approval by the responsible authority	Decided internally by developer
Central & East Europe	Czech Republic	Poland, Estonia, Bulgaria	Hungary, Slovenia, Latvia, Lithuania, Romania, Slovakia, Turkey	
NIS		Georgia	Russia, Kyrgyzstan, Kazakhstan, Azerbaijan, Armenia	Ukraine, Belarus, Moldova
South East Europe		Croatia	Federal Republic of Yugoslavia	

4.3 EIA Content

4.3.1 Environmental management plans

Next to inadequate public consultation and disclosure, this study found that the greatest discrepancy between the practices of most ECA countries and World Bank procedures on the content of an EIA, is lack of a requirement for an Environmental Management Plan (EMP). The study found that all ECA countries require the preparation of mitigation measures; some require monitoring plans; but only a very few have specific regulations on EMPs similar to those in OP 4.01 (Georgia, Czech Republic). This finding raises two issues; the first relates to environmental conditionality in World Bank loans; and the second to supervision of World Bank projects.

An EMP outlines mitigation, monitoring, and institutional measures for avoiding or minimizing adverse environmental impacts during project implementation and operation, and it specifies what actions are needed to implement such measures. An EMP also covers the arrangements for funding, management and training, and monitoring and provides a crucial link between alternative mitigation measures evaluated and described in the EA report and actual implementation of such measures. The borrower's decision to proceed with a project and the Bank's decision to support it, are predicated in part on the expectation that the EMP will be executed effectively. The study found that, in most ECA countries, no specific domestic laws or regulations legally bind the client to the actions and recommendations derived from the EA and expressed in the EMP. Given that deficiency, unless the EMP is referenced in loan and credit agreements, there is no way for the Bank to enforce its implementation. This reasoning is the basis for the recommendations that environmental conditionality be included in a project loan agreement (World Bank, ENV, 1999, Rees, 2000). The statement of conditionality indicates that the borrower will ensure that all measures necessary for carrying out the EMP are taken in a timely manner. ECSSD now routinely requires such conditionality in all loan and grant agreements of projects with EMPs.

The second issue is that lack of experience among borrowers in carrying out EMPs per OP 4.01 suggests that project supervision be particularly diligent regarding EMP implementation. A recent World Bank Quality Assurance Program report (World Bank, QAG, 2002, draft) highlights the need for "significant improvement" in the Bank's oversight of EMPs.

4.3.2 Alternatives

The World Bank's OP 4.01 calls for, *inter alia*, a systematic comparison, in terms of potential environmental impact, between the proposed investment design, site, and technology and operational alternatives – including the zero alternative. The study found that analysis of alternatives is often inadequately addressed in the EIA legislation of ECA countries.

Generally, the EIA systems of ECA countries require the presentation of issues or alternatives. Nonetheless, in some countries, only one or two kinds of alternatives are considered, such as location or technology, and, in others, there is no consideration of the zero alternative. This is a significant gap in the content of EIAs. While the issue of alternatives, in general terms, is addressed in all countries in the Central and East Europe group, in some cases, there is no

indication what kinds of alternatives are to be considered (*e.g.*, in Latvia, the zero option is not mentioned).

Several NIS countries stipulate the whole range of alternatives (Georgia, Moldova, Russia, Ukraine), while others (Belarus, Azerbaijan) do not mention all types (*e.g.*, in Belarus, only technology and location; in Azerbaijan, no “zero” option). In several other NIS countries, the issue of alternatives is not addressed at all (Turkmenistan, Uzbekistan), and South East European countries have not included this issue in EIA legislation, except for Croatia.

4.3.3 Transboundary and global impacts

The World Bank’s EIA procedure stipulates the need to evaluate the transboundary and global impacts of proposed projects and economic activities. With few exceptions, there are no stipulations in country EIA systems regarding transboundary or global impacts. Only in some particular cases (*e.g.*, Latvia, Georgia) does the national legislation indicate that attention should be paid to transboundary and global impacts. In most ECA countries, there are only general statements stipulating that such cases should be addressed in accordance with the provisions of the Espoo Convention, and other international agreements to which the country is party.

Of the eight countries which have not signed or ratified the Espoo convention on EIA in a Transboundary Context (see Section 4.3.8, below), only one, Georgia, has legislation in place to ensure attention to transboundary impacts. The others – Turkey, Tajikistan, Turkmenistan, Uzbekistan, Bosnia Herzegovina, and the Federal Republic of Yugoslavia (Serbia and Montenegro) – should be closely supervised regarding their compliance with OP 4.01 requirements for considering transboundary and global impacts

4.3.4 Monitoring

World Bank OP 4.01 stipulates that performance monitoring of project implementation is necessary to enhance the overall quality of a project. Monitoring should be directed towards measuring and evaluating changes brought about by a project and assessing the effectiveness of agreed-upon mitigation measures.

Requirements for monitoring are generally weak in ECA countries, ranging from adequate in Central and East Europe and Croatia to inadequate in the NIS. Some have no concrete requirements for monitoring; others have just general stipulations regarding the need for monitoring, with no specifics.

In countries in the Central and East Europe group, monitoring is mentioned in all existing EIA systems. Latvia, the Czech Republic, and Lithuania indicate that monitoring plans should be included in EIA reports; other countries have general requirements for monitoring all potential environmental impacts during project implementation.

NIS countries generally require that environmental authorities monitor implementation of SEE and/or compliance with OVOS requirements. This issue is stipulated explicitly in only a few EIA/SEE laws and regulations (Georgia, Moldova, Kazakhstan, Ukraine, Russia), while in other

cases, it is treated in more general terms in environmental protection laws, under articles dedicated to obligations of the state ecological inspection. Similarly, countries in the South East Europe group (excluding Croatia) have no special provisions on monitoring EIA requirements. These stipulations are presented in general terms in other environmental protection laws.

The weak monitoring requirements of ECA countries may be related to the deficiencies in monitoring noted in evaluations of World Bank project management. Improved oversight of monitoring is a frequent recommendation of such evaluations. Viewed in the context of these recommendations, the study's finding that monitoring is weak in ECA countries suggests that, in the absence of required monitoring procedures internal to the country, *i.e.*, incentives for monitoring, the Bank requirements are likely to be unmet.

4.3.5 Public participation and consultation

Consultation with affected communities is recognized by the World Bank as key to identifying environmental impacts and designing mitigation measures. OP 4.01 requires, for category A projects, consultation with affected groups and local NGOs during at least two stages of the EA process: (i) at the scoping stage, shortly after environmental screening, and before the terms of reference for the EIA are finalized; and (ii) after a draft EIA report is prepared. Consultation throughout EA preparation is required, particularly for projects that affect people's livelihood and for community-based projects. In terms of disclosure of information, consultation between the borrower and the project-affected groups and local NGOs is required for all category A and B projects. The borrower provides a description of a proposed project and summarizes its objectives and potential impacts. For consultation after the draft EIA report is prepared, the borrower provides a summary of the EIA findings, or conclusions. In addition, for category A projects, the borrower makes the EA report available at a public place accessible to project-affected groups and local NGOs.

The most significant difference between ECA country EIA systems and World Bank OP 4.01 regards public consultation and disclosure. Formal provisions for public participation are highly variable in ECA, although some opportunities exist for public participation in practically all countries. EIA statements and/or SEE conclusions are publicly available to some extent in practically all ECA countries, at least formally, according to national legislation. Actual practice is still evolving, however, despite the existence of relevant legislation, and, in some cases, public access to EIA reports is not easily obtained. In most ECA countries, public participation is stipulated, while the tools and mechanisms necessary to implement it are not. Public participation requirements range from none (in the case of Albania) to specific requirements (*e.g.*, Moldova's Regulation on Public Participation in Environment Decision-Making, January 2000, or Poland's Law on Access to Information on Environmental Audit and EIAs, 2000). Lack of public participation and access to information goes hand in hand with the lack of transparency noted in many World Bank borrowing countries.

In many Central and East European countries that have developed new EIA legislation, broad public participation requirements have been introduced. These are in full compliance with EU directives and the Aarhus Convention (see Section 4.3.8, below). The EIA legislation of the most advanced countries in this area (Latvia, Poland, Lithuania, the Czech Republic) stipulates

the need for public participation at all stages of EIA and describes the tools, mechanisms, and procedures for public hearings, as well as the public's rights and opportunities to take part at each step in the EIA process.

In recent years, NIS countries have made significant progress in promoting the principle of public participation in EIA. While recognizing this progress, it is worth mentioning several deficiencies in the SEE/OVOS systems: not requiring opportunities for public participation in the screening and scoping processes; unclear stipulations as to public examination of project documents. Only in the case of Moldova, and to some extent in Georgia and Ukraine, have these deficiencies been addressed in the most recent EIA documents and in other regulations on public participation.

In most NIS countries, there are provisions for the public to organize a public ecological review, or "expertise," (PEE) independent of the SEE. But there are usually no stipulations regarding procedures for organizing a PEE and no clarity about how it should be handled administratively, particularly when projects are to be sited on two or more territorial-administrative units – examples of such projects are roads or natural-gas pipelines. Finally, there is usually no clear description of how the PEE conclusions are to be taken into consideration by the SEE.

In countries in the South East Europe group (except Croatia) there are no clear mechanisms for public participation in the EIA process. However, there are public participation provisions in environmental protection and EIA regulations in all the countries in this group, except Albania, but the provisions lack details about mechanisms for their implementation.

Public access to environmental information in general and to EIA documents in particular is a shortcoming of many countries. Uzbekistan, Tajikistan, Turkmenistan, and all South East European countries (except Croatia) make no concrete provisions for public access to EIAs. And among other NIS countries – those that do have such stipulations – there is a lack of information about their practical application. For example, the *Environment Performance Review for the Ukraine (2000)* points to the "overall need to improve public access to environment information in accordance with the Aarhus Convention" and recommends that Ukraine "seek more contact with the entire NGO community" and "put in place speedily" procedures for public participation in environmental decision-making. As this example suggests, EIA systems could be the catalyst for improved public participation more broadly in environmental decision-making. However, as things stand, the lack of public consultation and public access to information is one of the most significant deficiencies in ECA country EIA systems.

4.3.6 EIA documentation

EIA content requirements are usually the same in all ECA countries and are similar to those of World Bank OP 4.01. The main elements of these reports and relevant requirements in ECA EIA systems are presented in Table 6. In most countries of the Central and Eastern Europe and NIS groups (except Armenia, Russia, and Ukraine), the environmental impact statement (EIS), or EIA report, reportedly must include a description of the project and its alternatives, the magnitude and significance of expected environmental impacts, the outcomes of consulting the public, and a non-technical summary.

Table 6. Legal requirements for including certain information in an EIS (OVOS volumes in the NIS)

Countries	Environmental management plans	Alternatives	Trans-boundary impacts	Monitoring and enforcement	Outcome of public participation	Non-technical summary
Central & East Europe + Turkey						
Bulgaria	Yes – MM	Yes	Yes – Espoo	Yes – GM	Yes	Yes
Czech Republic	Yes – MM	Yes	Yes – IA	Yes – MEIA	Yes	Yes
Estonia	Yes	No	Yes – IA	Yes – GM	Yes	Yes
Hungary	Yes	Yes	Yes – Espoo	Yes – GM	Yes	Yes
Latvia	Yes – MM	Yes	Yes – IA	Yes – MEIA	Yes	Yes
Lithuania	Yes	Yes	Yes – Espoo	Yes – MEIA	Yes	Yes
Poland	Yes	Yes	Yes	Yes – GM	Yes	Yes
Romania	Yes – MM	Yes	Yes – Espoo	Yes – MEIA	Yes	Yes
Slovakia	Yes	Yes	Yes	Yes – MEIA	Yes	Yes
Slovenia	Yes	Yes	Yes	Yes – MEIA	Yes	Yes
Turkey	Yes – MM	Yes	No	Yes – GM	No	Yes
NIS						
Armenia	Yes – MM	Yes	Yes – Espoo	No	No	Yes
Azerbaijan	Yes – MM	Yes (tech. alts. only.)	No	Yes (post-proj. analysis)	Yes	No
Belarus	Yes – MM	Yes	No	Yes – MSEE	Yes	No
Georgia	Yes	Yes	Yes – IA	Yes – MSEE	Yes	Yes
Kazakhstan	Yes – MM	Yes	Yes – Espoo	Yes – MSEE	Yes	No
Kyrgyzstan	Yes – MM	Yes	Yes	Yes – MSEE	Yes	Yes
Moldova	Yes – MM	Yes	Yes – Espoo	Yes – MSEE	Yes	Yes
Russia	Yes – MM	Yes	Yes – Espoo	Yes – MSEE	Yes	Yes
Tajikistan	Yes – MM	Yes	No	Yes – MSEE	No	No
Turkmenistan	Yes – MM	No	No	Yes – MSEE	No	No
Ukraine	Yes – MM	Yes	Yes	Yes – MSEE	Yes	No
Uzbekistan	Yes – MM	No	No	Yes – MSEE	No	No
South East Europe						
Albania	Yes – MM	No	No	No	No	No
Bosnia Herzegovina	Yes – MM	Yes	Yes – Espoo	Yes – GM	No	Yes
Croatia	Yes – MM	Yes	Yes – Espoo	Yes – GM	No	Yes
Macedonia	Yes – MM	No	Yes – Espoo	Yes – GM	No	No
Serbia and Montenegro	Yes	No	No	Yes – GM	No	No

Notes: “Yes” indicates that the information is required in the environmental impact statement and “No” that it is not required.

Key: MM = mitigation measures only; Espoo = ratified or signed the Espoo Convention for EIA in a Transboundary Context; IA = international agreement on EIA; GM = general monitoring provision only; MEIA or MSEE = monitoring or EIA or SEE decisions only.

The production of an EIA report, or EIS or its analogue, is required. All Central and East European countries require that the EIS be produced as a separate document. According to the legislation of these countries, an EIS is typically prepared by the developer or consultants

selected by the developer (except in Estonia where the EIS is prepared by experts appointed by responsible authorities).

In most NIS countries, as shown by Cherp (1999), EA findings are reported in the documentation for the project; they form an “OVOS volume” or an “environmental protection volume.” However, in Armenia, Georgia, and Moldova, a separate EIS is required for some activities. In Kazakhstan and Ukraine, a “statement of environmental consequences” (an abbreviated, formalized summary of OVOS findings) should be produced. In practice, a separate EIS is produced, mainly for larger developments, in Kazakhstan, Ukraine, and Russia.

In South East European countries, no specific requirements for EIA reports or statements exist, except in Croatia.

4.3.7 Review and decision-making

In all ECA countries, the purpose of the EIA review process is to check whether EA documentation is “adequate.” Additionally, a review seeks to evaluate the activity itself, most often its broadly defined “environmental acceptability” (e.g., Russia) and/or the “adequacy of the chosen options, technical solutions, and mitigation measures” (e.g., Slovakia) (Cherp, 1999). Thus, the review performs at least two functions: (i) EA quality control and (ii) generating the “official” position on the environmental merits of the proposed activity. In most of the surveyed ECA countries, the findings of EAs must undergo a mandatory review. Countries in the Central and East Europe group require a review of the EIS, while those in the NIS group (in most of which no separate EIS is produced) require the review of all project documentation. In the NIS, the EIS review is performed by SEE. The review is conducted by responsible authorities (in the NIS), experts appointed by responsible authorities (in many Central and East European countries, but also, in some cases, in Russia, Ukraine, and Kazakhstan), or by a special commission (Croatia, Poland). Licensing of experts who conduct reviews is required in Slovakia, Lithuania, the Czech Republic, Armenia, and Moldova.

4.3.8 Ratification of international conventions

The study included a check to see which ECA countries had signed the key international conventions, as they relate to EIAs. These are the Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters and the Espoo Convention for EIA in a Transboundary Context. It is particularly important to check a given country’s adherence to these two conventions, as the areas that they cover, *i.e.*, public participation and transboundary impacts, are inadequately covered in many ECA country EIA systems. Table 7 can provide a useful guide.

The Aarhus Convention (<http://www.unece.org/env/pp/ratification.htm>). The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in the Danish city of Aarhus. With the ratification of Armenia on 1 August 2001 and Estonia on 2 August 2001, the convention entered into force 30 October 2001. It has been signed by 39 countries and the EU. The goals of the convention are to guarantee (i) the rights of access to information, (ii) public

participation in decision-making, and (iii) access to justice in environmental matters. The convention is an agreement not only about the environment, but also about government accountability, transparency, and responsiveness.

The Espoo Convention (<http://www.unece.org/env/eia/ratification.htm>). The Espoo Convention for EIA in a Transboundary Context was adopted 25 February 1991 and entered into force 10 September 1997. As of 1 August 2001, there were 38 parties to the convention, including the EU. The Espoo Convention aims at strengthening international cooperation in assessing the impacts of a proposed activity on the environment in other countries. It ensures that people living in areas that will be affected by an adverse transboundary environmental impact are informed of the proposed activity from which these impacts come and have the opportunity to comment.

Table 7. Ratification status of ECA Countries for the Aarhus and Espoo conventions

Countries	Espoo Convention	Aarhus Convention
Central and East Europe plus Turkey		
Bulgaria	05/12/95	06/25/98(S)
Czech Republic	02/26/01	06/25/98(S)
Estonia	04/25/01	08/02/01
Hungary	07/11/97	07/03/01
Latvia	08/31/98	06/25/98
Lithuania	01/11/02	01/28/02
Poland	06/12/97	02/15/02
Romania	03/01/01	07/11/00
Slovakia	11/19/99	-
Slovenia	07/5/98	06/25/98(S)
Turkey	-	-
NIS		
Armenia	02/21/97	08/01/01
Azerbaijan	03/25/99	03/23/00
Belarus	02/26/91(S)	03/09/00
Georgia	-	04/11/00
Kazakhstan	01/11/01	01/11/01
Kyrgyzstan	05/01/01	05/01/01
Moldova	01/04/94	08/9/99
Russia	06/06/91(S)	-
Tajikistan	-	07/17/01
Turkmenistan	-	06/25/99
Ukraine	07/20/99	11/18/99
Uzbekistan	-	-
South East Europe		
Albania	04/10/91	06/27/01
Bosnia Herzegovina	-	-
Croatia	08/07/96	-06/25/98(S)
Macedonia	-07/22/99	-08/31/99
Montenegro	-	-
Serbia	-	-

S= signed, not ratified. As of October 2001.

Chapter 5. Compatibility with World Bank OP 4.01

5.1 Criteria for compatibility evaluation

As previously noted, assessing EIA systems for their “compatibility” with World Bank OP 4.01 is not intended to hold up OP 4.01 as a standard of perfection or to impose it as a replacement for a the country’s own EIA procedures. In fact, a country’s EIA system may differ from the Bank’s in ways appropriate for that country. The purpose of the compatibility assessment is to highlight areas that may need attention as World Bank-financed projects are being prepared and supervised to ensure that the Bank’s environmental safeguards are being met.

The ECSSD team made an attempt to evaluate the compatibility of the reviewed environmental and EA/EIA legal frameworks of ECA countries with World Bank procedures and to arbitrarily rank them on the basis of general criteria and weights assigned by an expert reviewer. The point system used and the points assigned each country are given in Annex 5. Table 8 summarizes the results of this ranking process.

In reviewing Table 8, readers should be aware of some limitations that might have affected application of the ranking system and that might alter future rankings.

- The ranking is based only on the laws reviewed and cited in each country chapter, no other sectoral or environmental media legislation, which may have EA/EIA-related provisions, has been analyzed.
- The provisions of governmental implementing regulations and procedures were used only when they were readily available and if they detailed, elaborated on, and interpreted legal stipulations.

Five broad ranking criteria were selected. They reflect the general provisions of the World Bank, the EU, and internationally accepted EA policies and procedural steps.

- First, it is of paramount importance for the EA process to have its foundation firmly established in an *environmental framework and freestanding EA legislation*. This is ultimately enhanced and strengthened by international obligations under either EU legislation or the 1991 EIA Espoo Convention.
- Second, the whole thrust and focus of the EA process are determined by *transparent screening and well-coordinated scoping* processes. Hence, close to 50% of a possible 150 points is assigned to these two categories.
- Third, *timely, transparent, and meaningful public participation* at various stages of an EA, including as stipulated under the 1998 Aarhus Convention, increases the likelihood of achieving environmentally and socially sustainable (and equitable) development objectives.
- Fourth, it is equally important for the government to review an EA report and to assure itself that the proposed activity is in *compliance with all applicable laws and standards* and that all EA-derived monitoring and mitigation measures are funded and will be implemented.

- Fifth, additional points were provided to award certain *provisions that enhance an integrated EA and reflect its evolutionary nature.*

It is recognized that, while this method may be considered somewhat arbitrary, it offers a rough way to order the countries.

Table 8. Compatibility of the EIA systems of ECA countries with World Bank OP 4.01

Countries	Compatibility with WB procedures	Score
Central and East Europe plus Turkey		
Bulgaria	Medium	125
Czech Republic	High	139
Estonia	High	140
Hungary	High	135
Latvia	High	145
Lithuania	High	142
Poland	High	133
Romania	High	133
Slovak Republic	High	131
Slovenia	Medium	98
Turkey	Low	78
NIS		
Armenia	Low	80
Azerbaijan	Low	93
Belarus	Low	70
Georgia	Medium	114
Kazakhstan	Medium	111
Kyrgyzstan	Medium	106
Moldova	Medium	112
Russia	Medium	106
Tajikistan	Low	75
Turkmenistan	Medium	91
Ukraine	High	132
Uzbekistan	Medium	94
South East Europe		
Albania	Low	26
Bosnia Herzegovina	Low	69
Croatia	Medium	111
Macedonia	Low	61
Montenegro	Low	69
Serbia	Low	69

Note: complete compatibility would score 150.

5.2 Results of the compatibility assessment

Based on the scoring system, three broad clusters of countries emerged as can be seen in Figure 3. The first (“high” compatibility) comprises countries that scored over 130 points, suggesting that they have a comprehensive EA system and process that includes all internationally practiced elements. These are (in descending order): Latvia (145), Lithuania (142), Estonia (140), the

Czech Republic (139), Hungary (135), Poland (133), Romania (133), Ukraine (132), and the Slovak Republic (131). As noted in the country studies, it remains for these countries is to synchronize their systems with the World Bank EA and other safeguard policies and requirements on the case-by-case basis and to fine-tune guidance regarding innovative EA approaches championed by the Bank.

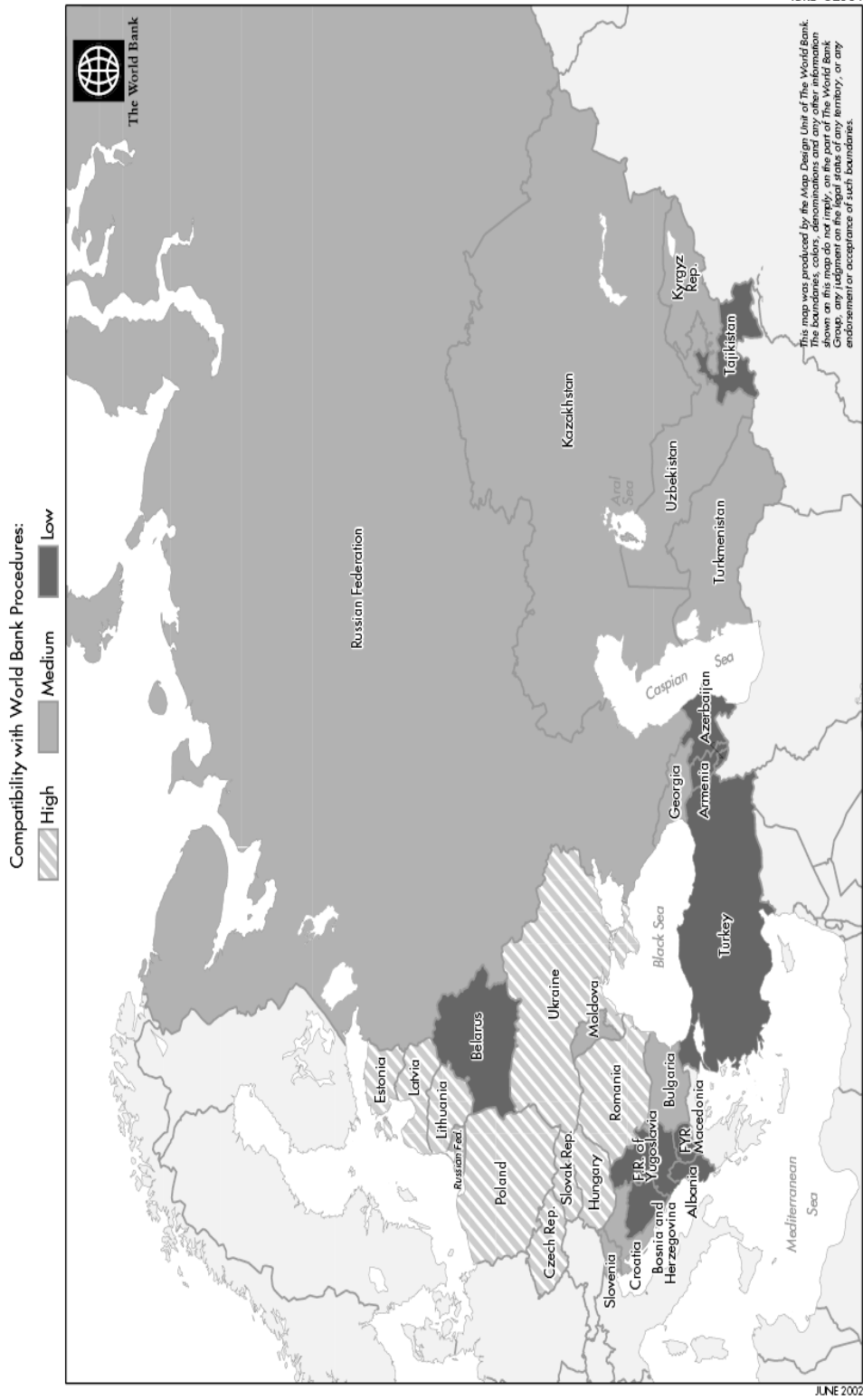
The second cluster (“medium” compatibility) comprises countries with scores ranging from 80 to 115. These are (in descending order) Bulgaria (125), Moldova (112), Croatia (111), Kazakhstan (111), Russia (106), Kyrgyzstan (106), Slovenia (98), Uzbekistan (94), Azerbaijan (93), and Turkmenistan (91). It may be a surprise that Slovenia is part of this group, particularly as it was the first country to close Chapter 22 (Environment) under the EC accession process. The reasons the country scored this low are that it does not have (or ECSSD is not aware of) freestanding EA legislation; most of the recent provisions on EA, access to information, and public participation are incorporated in an old environmental framework law. As indicated above, EA implementation on the ground could be excellent, thus warranting Slovenia’s upgrade into the first cluster. The rest of the second cluster countries have made visible progress in recent years in adopting new EA legislation, but the test will be coming soon as the legislation is implemented. Issues of compliance and enforcement of various provisions, as well as with the role of affected people and local civil society organizations, will undoubtedly arise. These countries will require more substantive interaction with and assistance from the World Bank to sustain, strengthen, and develop local EA capabilities and ensure smooth EA processes.

The third cluster (“low” compatibility) comprises countries with scores of 80 points or fewer, namely Armenia (80), Turkey (78), Tajikistan (75), Serbia (69), Montenegro (69), Bosnia Herzegovina (69), Macedonia (64), and Albania (26). These countries will require significant medium-term assistance to develop their EA legal frameworks, organizational systems, and technical and human capabilities. As may be the case with some countries in the second cluster, the extent to which these countries will develop their systems will depend largely on high-level political commitment to EA and the allocation of necessary resources to significantly strengthen or create anew a coherent and comprehensive EA system and process. Continuous political turmoil and the deterioration of economies during the 1990s took their toll on EA infrastructure and diverted attention away from EA in all countries of this group.

Generally, in all EU-accession countries, EIA systems are much more advanced than in the NIS and are almost fully compatible with EU and World Bank procedures, thus placing them in the “high” compatibility category. This phenomenon can be attributed to the acceleration of improvements in EIA legislation brought about by the EU approval process and the clear EA requirements of the EU. The “medium” group of countries are those NIS that have added guidelines, regulations, and instructions to the original system in recent years, thus strengthening it somewhat. The “low” countries are characterized by a weak legal basis for EIAs with no clear guidelines or regulations and only broad stipulations regarding EIAs. There may be several reasons, related to internal and external pressures, for the non-EU-accession countries to have made advancements in their EIA systems (the “medium” group). An increase in public participation and democratization often results in increased scrutiny of environmental protection. Externally, as more foreign investors come into a country, intermediary financial institutions require these investors to know and apply national EIA procedures.

Figure 3. Map of ECA countries: compatibility scores

ENVIRONMENT IMPACT ASSESSMENT SYSTEMS IN EUROPE AND CENTRAL ASIA



Chapter 6. Conclusions and recommendations

6.1 Conclusions

All ECA countries, with the exception of Albania and Macedonia, have laws or regulations on environmental assessment that form the basis of their EIA systems. The compatibility of these EIA systems with World Bank OP 4.01 (Environmental Assessment) varies greatly. All the countries that are at one stage or another of EU accession have systems that are compatible with OP 4.01. Of these, the Baltic States (Latvia, Lithuania, and Estonia), the Czech Republic, and Poland stand out as having the best EIA practices. At the other end of the continuum, all the countries in the South East Europe group, with the exception of Croatia, have systems that are compatible only to a very limited extent. Over half of the FSU countries have EIA systems of “medium” compatibility with OP 4.01, a finding which reflects the relatively recent divergence of new EIA legislation from the legacy of the Soviet SEE/OVOS model. Even for the EU-accession group of countries, where compatibility with OP 4.01 is high, there are gaps – ranging from minor deviations to significant differences – which reflect country-level departures from what the Bank considers best practice. The two most significant of these departures are (i) the lack of public consultation and participation and (ii) the lack of the environmental management plan mechanism, or something similar, to ensure that necessary monitoring and mitigation measures for avoiding or controlling adverse environmental impacts are implemented.

Since the technical and institutional capacity to conduct and implement EIAs was not the focus of this study, no conclusions can be reached on that topic. Obviously, capacity should be taken into account in determining a borrower’s ability to adequately meet the standards of OP 4.01 through application of the national EIA system. The borrower may have the legal, technical, and institutional capacity to reliably handle parts of the EIA process but might need Bank oversight to handle other parts, as identified in the study. With the exception of the EU-accession countries, it would be risky to assume that any given ECA country, by applying its own EIA system to a World Bank-financed project (or subproject, in the case of social funds, *etc.*), would be in compliance with OP 4.01. How far they would deviate, and how significant the deviations, can be inferred in part by examining the country studies.

6.2 Recommendations

Recommendations relate to the legal framework of ECA countries; World Bank project task management; knowledge sharing; capacity building; and next steps.

1. ***Strengthen the EIA legal framework in ECA countries.*** Specific recommendations are made in the country reports on how to strengthen EIA legislation. This can be achieved through straightforward technical assistance activities. The recommendations range from very minor points for the best systems (Poland, Estonia, Latvia, Lithuania), to the need to develop EIA legislation where it is lacking completely (Albania and Macedonia). Generally, countries are advised to complete their EIA legislation or to refine it so that requirements are clearer and easier to enforce. As previously noted, the study is not intended to compel the borrower to adopt World Bank OP 4.01 requirements, but nonetheless some general components of an EIA system

are manifestly absent in borrowers' EIAs – most notably public participation – and these should be addressed through revisions to EIA legislation.

2. Strengthen oversight of OP 4.01 implementation.

- For category FI projects, the task manager should review the country's EIA system (using this report, if possible), note discrepancies between the country's system and OP 4.01, and ensure that the borrower and FI are aware of the OP 4.01 requirements.
- For category A projects in countries with low compatibility with OP 4.01, areas of discrepancy should be closely monitored by the task manager to ensure that the EA requirements are met.
- The same applies, perhaps with less-intense scrutiny, to countries with “medium” compatibility with OP 4.01. Particular attention should be paid to the public consultation process that is generally very weak among the “medium” and “low” performers. A World Bank *Environmental Assessment Sourcebook Update* on “Improving the Impact of EA Public Consultation” is in preparation and will serve as a useful guide for task managers.
- Supervision should include close examination of the environmental aspects of category A and B projects and monitoring the EMP.
- Task managers should consider, and environment reviewers should suggest, the inclusion of EIA capacity-building activities as part of project implementation. Recent ECA projects have included training in EIA, monitoring equipment, and technical assistance to strengthen EIA systems, e.g., the Bosnia Herzegovina Roads Project and the Uzbekistan IDf project on strengthening national SEE/OVOS capacities (a similar project is on-going in Tajikistan with the assistance of the Asian Development Bank – ADB).
- Bank staff should be aware of developments in SEAs – training opportunities at the Bank on the topic should be taken advantage of.
- ECSSD might consider new activities that can be used to strengthen EIA capacity. For instance, an EIA strengthening project is under consideration for Azerbaijan.

3. Improve EIA knowledge management and information sharing. Preparation of this report pinpointed several shortcomings related to knowledge and information dissemination.

- The staff are not aware of new environmental and EA legal developments in client countries on a timely basis.
- Operational staff at headquarters do not always share relevant legal information (from the field) with their environmental colleagues, and the staff from resident missions often do not have the capability to fill the gap promptly.
- The ECA Region lacks a country-specific environmental-legal knowledge data base or depository – such a data base should contain all relevant information (preferably in English), should provide links to sources of information on the Internet, and should be easily accessible from various work stations.

It is important to address the shortcomings identified above, particularly in light of the increasing complexity, inter-relatedness, and sometimes redundancy of environmental-legal frameworks in member-countries and internationally. When Bank lending is being processed, unintentional

noncompliance with a variety of national and international environment-related requirements can lead to negative consequences, including complaints by civil society organizations and an investigation by the Inspection Panel.

4. *Improve dissemination of EA information to borrowers.* The study found that in most countries there is a general lack of detail in EIA systems regarding EIAs for sector-specific projects. This deficiency was also noted by several borrowers during informal discussions of the study. The World Bank has guidelines that borrowers could use, specifically the *Environmental Sourcebook* and the *Pollution Prevention and Abatement Handbook*. Borrowers (and task managers) have advised ECSSD that, even though much of this information is on the Internet, it is not easily accessible to them. ECA has started to develop a “library” of best practices on various topics – developing terms of reference, EMPs, *etc.* The guidelines, the library of best practices, and other publications should be disseminated *via* a web site, a CD Rom, or workshops.

5. *Conduct training for improved EIA preparation and implementation.* Even when a relatively sound EIA legislative framework has been established, satisfactory implementation often cannot be achieved without additional initiatives. For example, the quality of the EIAs may be highly variable; public access to the EIAs may not be provided; EIAs may be conducted too late in the project cycle to affect decisions; or EIA findings may be ignored. It is important to develop the technical capacities of line agencies, private consulting firms, consultants, research institutes, and others, in managing and carrying out EIAs. The capacities of relevant bodies to evaluate and approve EIAs submitted by consultants and research institutes also needs to be strengthened in some countries. There are many possibilities: EIA training could be organized for target groups; bankers and investors could be introduced to the EIA systems of national and international financial institutions (World Bank and European Bank for Reconstruction and Development – EBRD); experts of SEE or other reviewing institutions could be trained in the formulation of terms of reference for EIA; or experts, firms, and design or research institutions could be trained in conducting EIA studies. Given the lack of attention – almost across the board – to transboundary and global impacts in EIAs, ECSSD could consider training for conducting EIAs of projects with transboundary impacts, with the participation of representatives of the environmental authorities of potentially affected neighboring countries. Training for public participation in all stages of EIA processes is also needed.

The ECSSD should offer training to the Bank staff in EA requirements and procedures of its member-countries and clients. In addition, training for ECSSD staff should be an ongoing process in response to international developments. For instance, given the new EU Directive on SEA, ECSSD should be prepared to provide expert advice to borrowers regarding SEA procedures.

6. *Develop knowledge on how EA processes are actually applied.* To follow up on this report, the ECSSD should move to the next phase – studying EA processes and implementation on the ground. Such a study is currently being conducted on a pilot basis by ECSSD in the Russian Federation.

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Annex 1. Websites

The European Union:

- <http://europa.eu.int/comm/environment/eia/home.htm> – EA homepage with links to EIA and SEA legal context, guidance, procedural and sectoral EA-related manuals and reports
- <http://europa.eu.int/comm/enlargement/index.htm>
<http://europa.eu.int/comm/enlargement/negotiations/chapters/chap22/index.htm>
<http://europa.eu.int/comm/environment/enlarg/doc.htm> – the scope, process, and documents related to the accession to the EU in general and in the environmental field, and the status of negotiations under Chapter 22 (Environment)
- http://europa.eu.int/comm/environment/eia/full-legal-text/9711_consolidated.pdf – amended and consolidated text of the *EIA* Directive 97/11/EC
- http://europa.eu.int/eur-lex/en/lif/dat/1990/en_390LO313.html – text of the *Freedom of Access to Environmental Information* Directive 90/313/EEC
- http://europa.eu.int/eur-lex/en/lif/dat/1991/en_391LO692.html – text of the *Reporting on Implementation of Environmental Directives* Directive 91/692/EEC
- http://europa.eu.int/comm/environment/eia/full-legal-text/0142_en.pdf – text of the *SEA* Directive 2001/42/EC

***The Handbook for Implementation of EU Environmental Legislation* at**

<http://europa.eu.int/comm/environment/enlarg/handbook/handbook.pdf>

***The Guide to the Approximation of European Union Environmental Legislation* at**

<http://europa.eu.int/comm/environment/guide/contents.htm>

***Administrative Capacity for Implementation and Enforcement of EU Environmental Policy in the 13 Candidate Countries* at**

http://europa.eu.int/comm/environment/enlarg/administrative_capacity.pdf

The 1991 EIA Espoo Convention – its status, scope, and recent developments at

<http://www.unece.org/env/eia/>

The 1998 Aarhus Convention – its status, scope, and recent developments at

<http://www.unece.org/env/pp/>

EA-related and country legislation data was reviewed at:

<http://www.unece.org/env/epr/countriesreviewed.htm> – UNECE Country Environmental Performance Reviews

<http://www.oecd.org> – OECD Country Environmental Performance Reviews

<http://lex.gtz.de/lexinfosys/lexE.htm> – legal database maintained by the German GTZ

<http://struiken.ic.uva.nl:88/index6.htm> – The Dutch European Environmental Law Center

<http://www.loc.gov/law/guide/nations.html> – the Law Library of the US Congress

<http://www.uni-wuerzburg.de/law/> - constitutional legal database maintained by the University of Wurzburg

<http://www.law.cornell.edu/world/> - law library of the Cornell University

<http://www.usaid.gov/countries/> - US Agency for International Development (USAID) country briefs and links

<http://www.state.gov> – US Department of State country background notes

<http://www.cia.gov/cia/publications/factbook/> - US Central Intelligence Agency (CIA) 2001 World Factbook

Annex 2. The structure of EIA systems analysis

Sample Analysis: Summary of the Kazakhstan EIA system and comparison with World Bank requirements

		Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
	Legislation & Procedures	Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
1	Enabling legislation for EIA	-1995 Constitution -1997 Environmental Protection Law (amended in 1998 and 1999) (EPL) stipulates in Art. 63-65 a mandatory state ecological expertise (review) (SEE), a public ecological expertise (PEE), and certain requirements for and applicable to an EIA(Art. 3, 35-42, 46-62); Art. 32 introduces the notion of environmental insurance and Art. 81-83, environmental audit requirements.	OP 4.01, 1999, Annexes A, B, and C (mandatory) -EA is the process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact (OP 4.01, para. 2) that results in an EA report. -EA identifies ways of improving a project by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts. -The borrower is responsible for carrying out the EA.	
2	Detailed legislation for EIA	1997 Ecological Expertise (Review) Law (EEL)	BP/GP 4.01 (advisory and guidance)	The EEL should be amended to stipulate the EIA process in greater detail.
3	Formal provisions for strategic environmental assessment (SEA)	Art. 46 and 63, EPL, and Art. 6, 14, and 16(3)(3), EEL, stipulate SEA, in a form of EIA and SEE, of policies, programs and plans, and legislation.	None. A range of instruments, including sectoral and regional EA, can be used to satisfy the WB's EA requirement (OP 4.01, para. 7; Annex A, paras. 6 and 8; Annex B, para. 2(f) and fn. 3).	The government should define the requirements and procedures for a SEA, and the Ministry of Natural Resources and Environmental Protection (MNREP) should detail technical guidance.
4	Local government EIA legislation or procedures	None	EA takes into account the country's overall policy framework, national legislation, institutional capabilities and obligations under relevant international environmental treaties and agreements. The WB does not finance project activities that would contravene such country obligations, as identified during EA. (OP 4.01, para. 3).	
5	Sectoral authority EIA legislation or procedures	-Established by the government (Art. 7, EPL, and Art. 10, EEL -Stipulated by various sectoral and environmental legislation and government	-	

	Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
6	<p>-Old guidelines from the former Soviet Union and international manuals and handbooks are being used</p> <p>-Established by the government and the MNREP (Art. 7-8, EPL, and Art. 10-11, EEL</p> <p>-Old guidelines and standards of the former Soviet Union and selected international guidelines (adjusted to local circumstances) are being used..</p>	<p>-The 1991 EA Sourcebook (3 vols.) and EA Sourcebook Updates (Nos. 1-26).</p> <p>-The 1999 Pollution Prevention and Abatement Handbook (OP 4.01, para. 6).</p>	<p>MNREP should issue necessary guidelines as well as using WB EA Sourcebook and Updates, the Pollution Prevention and Abatement Handbook, and additional EU and international best practice manuals and guides.</p>
Administration			
7	<p>MNREP, through the subordinate Environmental Protection Agency (EPA), is the duly authorized governmental body for EIA/SEE.</p>	<p>The WB region coordinates WB review of EA in consultation with its Regional Environment Sector Unit (RESU) and, as necessary, with support of the Environment Department (ENV) (BP 4.01, para. 1).</p>	
8	<p>MNREP, its regional offices, and ultimately the government of Kazakhstan</p>	<p>Director, RESU; chair, Environment Sector Board; and ultimately the Board of Executive Directors.</p>	
9	<p>Review body for EIA</p>	<p>RESU</p>	
10	<p>Sectoral authority responsibilities</p> <p>None, though line ministries might have environmental units responsible for environmental management (EIA/SEE) in the sector and interaction with the MNREP for the purpose of EA; additional requirements are mandated by other applicable sectoral and environmental legislation and government regulations.</p>	<p>The task team, with RESU concurrence, assigns the proposed project to one of four categories: A, B, C, or F1 (BP 4.01, para. 2).</p>	
11	<p>Local government responsibilities</p> <p>Established in Art. 10, EPL, and Art. 12, EEL; to monitor compliance with the legislation during a SEE, inform public of the results of a SEE, draft termination decisions related to activities with a negative SEE</p>	<p>NA</p>	

	Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
	conclusion, issue environmental licenses, <i>etc.</i>		
12	Other bodies responsible for planning approval	The regional vice president; chair, ENV; and the Legal Department (LEG) (e.g., BP 4.01, para. 5 and as defined in relevant OPs).	
13	Method of coordination with other planning approval bodies	<p>-Internally: with the ENV, the LEG, <i>etc.</i></p> <p>-Externally: the WB advises the borrower on the WB's EA requirement, reviews the EA report (OP 4.01, para. 5); review is in writing on certain aspects of the EA process, requirements, and documentation (PB 4.01, paras. 6-12).</p> <p>-For risky projects: the quality assurance and control team (QACT) of the environment "anchor" of the WB</p>	
14	Method of coordination with pollution control approval & regulation	<p>-Use of Pollution Prevention and Abatement Handbook available as guidance</p> <p>-The EA may recommend alternative emission levels and approaches to pollution prevention and abatement of the project (OP 4.01, para. 6).</p>	
Stages of Screening			
15	Screening categories	Categories A, B, C, and F1) OP 4.01, paras. 8-13).	The government should mandate EIA screening categories as well as types of projects and nature of proposed activities that are subject to different types of environmental analysis, such as an audit, integrated pollution prevention and control, <i>etc.</i>
16	Screening method	WB screens and classifies projects depending on their type, location, sensitivity, and scale and the nature and magnitude of potential impacts (OP 4.01, para. 8), using illustrative	

	Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
	and instructions of the MNREP or as provided under applicable international conventions.	screening lists (GP 4.01, Annex B).	
Scoping			
17	Scoping method None	<p>-EA takes into account the nature, scale, and potential impacts on the natural environment, human health and safety, social, and transboundary and global environmental aspects of activities.</p> <p>-Natural and social aspects are considered in an integrated way.</p> <p>-Requirements mandated under other WB policies are taken into account: <i>e.g.</i>, OP 4.04 (June 2001), OP 4.07 (February 2000), OP 4.09 (December 1998), OP 4.11 (August 1999), OP 4.12 (December 2001), OD 4.20 (December 1991), OP 4.20 (October 1999), OP 4.36 (March 1993), OP 4.37 (October 2001), OP 7.50 (June 2001), Op 7.60 (June 2001), OP 8.50 (August 1995), OD 9.01 (May 1992), OD 14.70 (August 1989).</p> <p>-The WB discusses the scope of the EA with the borrower, including during a field visit by an environmental specialist, and helps to draft terms of reference for the EA, ensuring public participation and interagency coordination.</p> <p>- RESU reviews terms of reference (BP 4.01, paras. 6-7).</p>	The government should mandate interagency coordination in the development of terms of reference for an EIA/SEE, with timely and meaningful public participation; terms of reference should seek to ensure synchronized compliance with applicable international requirements and consideration of environmental and social aspects in an integrated manner.
Content of Study			
18	Content of EIA report Art. 16(4), EEL, establishes that an EIA report shall include: -Determination of types and levels of environmental impacts and risks -Forecast of environmental changes due to the proposed activity -Environmental protection measures. Art. 15, EEL, establishes requirements for the scope and content of project or activity documentation subject to a mandatory SEE.	<p>Provided in OP 4.01, Annex B, given to the borrower under WB's explanatory cover letter.</p> <p>Includes:</p> <ul style="list-style-type: none"> -Executive summary -Policy, legal and administrative framework -Project description -Baseline data -Prediction and assessment of environmental impacts & mitigation -Analysis of alternatives -Environmental management plan -List of EIA report preparers -Record of consultations -References and supporting data 	MNREP should issue guidance on the content of various types of report for EIA, environmental analysis, <i>etc.</i>

	Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
19	Requirement for non-technical summary	None, though required under various “temporary” MNREP instructions.	On the format of the EA report, see GP 4.01, paras. 5-7. Executive summary in a form and language that are understandable and accessible to the groups being consulted (OP 4.01, para. 16).
20	Requirement for considering alternatives	Established by Art. 16(3)(2), EEL	This is a policy requirement, since an EA is to evaluate a project’s potential environmental risks and impacts in its area of influence, to <u>examine project alternatives</u> , etc. (OP 4.01, para. 2).
21	Requirement for environmental management plans (EMP)	Established by Art. 16(4)(3), EEL	-Specifically required in OP 4.01 (para. 7) and explained in Annex C. -OP 4.01 strengthens and clarifies the role of the EMP by specifically listing EMP as a component of the category A project EA report and citing EMP provisions related to the implementation of the EA.
22	Requirement for transboundary impacts	None, though required under the EIA Espoo Convention, ratified by Kazakhstan 11 January 2001.	-Compliance with all international treaties is specified. -The WB does not finance project activities that contravene country obligations under relevant international environmental treaties and agreements.
23	Requirement for global impacts	None, though Art. 62, EPL, stipulates protection of global climate and ozone layer; some international environmental conventions require protection of global commons.	This requirement should be transposed into legislation in accordance with applicable international obligations, the government should regulate procedural application, and the MNREP should provide technical guidance. This requirement should be transposed into legislation in accordance with applicable international obligations, the government should regulate procedural application, and the MNREP should provide technical guidance.
Review, public participation, & decision-making			
24	Method for review of content & substance of	An EIA report is submitted, as part of activity documentation, to the MNREP or its regional body for SEE, which reviews compliance with	-Comparison with terms of reference (BP) -Consistency with terms of reference as specified in the guide for preparation and review of EA reports -Field visit by an environmental specialist

	Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
	legal requirements and standards and the adequacy of environmental protection measures.		
EA reports submitted			
25	Requirement for public participation Art. 2, 5, 6, 65, 72-74, 79, EPL, and Art. 5, 8, 29-32, EEL, provide for “glasnost” of environmental information and establish rights and obligations of citizens and NGOs in environmental management, EIA/SEE, and PEE.	-For category A & B projects, the borrower consults project-affected groups and local NGOs. -For category A projects, consultation occurs twice: (1) shortly after screening and before EA terms of reference are finalized (scoping) and (2) once a draft EA report is prepared.	The government should regulate timely, transparent, and meaningful public participation at the national, regional, and local levels.
26	Arrangements for access to EIA reports MNREP and its local bodies and local authorities are responsible for arranging unrestricted access to environment information, including EIA/SEE reports (excluding parts that represent commercial, security, or state secrets)	(1) For category A projects: <u>prior to project appraisal</u> -EA available at the WB’s Infoshop (2) For category B projects financed by IDA: <u>prior to appraisal</u> (3) For category B projects financed by IBRD for which a separate EA report is required (no time period given for the submission of EA report) -EA report is available in a suitable public location in the borrowing country -EA report is available at the WB Infoshop when received (4) Guarantee operations: -Category A or B report must be submitted before end of appraisal -For IBRD guarantee: A report at WB Infoshop 60 days before meeting of the IBRD Board; for B report, 30 days before -For IDA guarantee: same as loans Borrower’s permission to release the EA report is required. See also, BP 17.50: Disclosure of Operational Information.	The government should regulate and ensure timely, unrestricted, and free access to EIA/SEE reports at the national, regional, and local levels.
27	Decision-making authority MNREP and its regional bodies and regional and local authorities for related permits and licenses.	-RESU reviews the EA and clears departure of WB appraisal mission or requires additional work. -Integrated with appraisal of project design and economic analysis (BP)	
28	Provisions for appeal Stipulated by Art. 84-86, EPL, and Art. 37-38, EEL	See BP 17.55: Inspection Panel	

	Kazakh EIA System	WB Procedures	Changes for Compatibility with WB
Monitoring			
29	MNREP and its regional bodies and local authorities are responsible for environmental monitoring, control, and compliance Required in Art. 77-79, EPL	WB monitors compliance with the provisions of a loan agreement. Reports submitted to WB by borrower, supervision visits by WB (BP 4.01, para. 20)	
30	Requirements for follow-up & monitoring		
Capacity			
31	Expertise for conducting EIA (by sector, if possible)	Borrower should retain independent EA experts, establish an independent international panel for major issues for category A projects and for the Dam Safety Panel (see OP 4.01, para. 4, fn. 7 and OP/BP 4.37).	To be provided: independent EA experts retained by proponent and international advisory panel for major issues.
32	Ratification of international treaties related to EIA (Espoo & Aarhus Conventions)	WB is neither a signatory nor a party.	

Explanatory notes. World Bank OP (operating procedure), BP (Bank procedure), GP (good practice), OD (operational directive). The environmental “anchor” of the world Bank is an organizational consultative entity that assembles chiefs of environmental units from all regions and others to discuss operational and policy matters of common interest. IDA=International Development Association; IBRD=International Bank for Reconstruction and Development.

Annex 3. EIA laws in ECA countries

Countries	Legal document	Year
Central and East Europe plus Turkey		
Bulgaria	Environmental Protection Act (Chapter Four)	1991
	Regulation No. 1 on Environmental Impact Assessment	1993
	Regulation No.2 on the Certification of Professional Knowledge of the Experts who Assess the Impact on the Environment	1995
Czech Republic	Czechoslovak Federal Act on the Environment (No. 17/1992)	1991
	Act on Environmental Impact Assessment and amendments to some related acts (#100, 2001)	
Estonia	Law on Environmental Protection	1990
	Law on Environmental Impact Assessment and Environmental Audit	June 2001
Hungary	Government Decree on the Temporary Regulations of EIA of Certain Activities 86/1993	1993
	Government Decree on the Modification of the List of Activities Requiring EIA 67/1994	1994
	Environmental Protection Act	1995
	Degree No.152 on Activities Requiring the Completion of an EIA	1995
	Law on EIA	April 2001
Latvia	Law on Environmental Protection	1990
	Regulations on Territorial Planning	1991
	Law on Construction	1994
	Law on Territorial Planning Development	1995
	Law on Environmental Impact Assessment	1998
Lithuania	Law on Environmental Protection	1992
	Law on Environmental Impact Assessment	1996
	Governmental Resolution #456 Concerning Approval of the List of Proposed Activities and Projects That Shall Be Made Subject to the Full EIA	1997
	Government Resolution 3 1305 on the Approval of the Order of Informing the Public about the Proposed Activity and Implementing the Proposals	1996
Poland	Law on EIA	April 2001
	Landuse Planning Act (LPA) with amendments	1994
	Highways (Toll Motorways) Act	1994
	Ministry of Environment Executive Order on the Forecast of the Environmental Consequences of Local Land-Use Plans (connected with LPA)	1995
	Ministry of Environment Executive Order on Environmental Impact Assessment of Highways on Environment, Agricultural and Forest Lands and	1995

Countries	Legal document	Year
	Cultural Heritage (connected with the Highways Act)	
	Executive Order on Hazardous and Potentially Harmful Developments and Environmental Impact Assessment	1995
	Law on Environmental protection	May 2001
	Law on Access to Information on Environmental Audits and on EIAs	Nov. 2000
Romania	Law on Environmental Protection (No. 137)	1995
	Ministerial Order 125 - The Permitting Procedure for Economic and Social Activities Having an Environmental Impact	1996
	Ministerial Order 278 - Accreditation Rules for EIA and Environmental Audit Performers	1996
Slovakia	Act on EIA (3391/2000)	2000
Slovenia	Environmental Protection Act	1993
	Regulations on the Types of Activities for Which an EIA is Mandatory	1996
	Instruction on the Methodology for the Preparation of a Report on EIA	1996
	Decree on the Conditions and the Procedure for Obtaining an Authorization for Preparing Reports on Environmental Impacts	1996
	Law on Environmental Protection	1990
Turkey	Environmental Act (No 2872 of 1983)	1983
	EIA Regulation 23/6/97	1997
NIS		
Armenia	The Principles of Legislation "On Nature Protection"	1991
	Law on Sanitary-Hygienic Safety of Population	1992
	Law on the Expert Review of Impacts on the Environment	1995
Azerbaijan	Law on Environmental Protection and Utilization of Natural Resources	1992
	EIA Regulation	1996
Belarus	Law on Environmental Protection	1992
	Law on State Ecological Expertise	1993
	Instruction on the Order of Conducting State Environmental Expert Reviews	1995
Georgia	Law on Environmental Protection	1996
	Law on Environmental Permits	1996
	Law on State Ecological Expertise	1996
Kazakhstan	Law "On the Protection of the Environment"	1997
	Law on Ecological Expertise	1997
	Temporary Instruction on Procedure of OVOS of Planned Activities	1993
	Instruction on the Procedure of SEE for Pre-Project and Project Documentation	1997

Countries	Legal document	Year	
Kyrgyzstan	Law on Environmental Protection	1991	
	Law on Ecological Expertise	1999	
	The Instruction on the Order of Conducting OVOS	1997	
	The Instruction on the Order of Conducting SER	1997	
Moldova	Law on the Protection of the Environment	1993	
	Law on Ecological Expertise and the Assessment of Environmental Impacts no. 851-XII	1996	
Russia	Law on Environmental Protection	1991, 1993	
	Cabinet's State Ecological Expertise Regulations	1993	
	Instruction on Environmental Substantiation of Economic Activities	1995	
	Construction Norms and Rules SNIP 11.01.95	1995	
	Construction Rules SP 11.01.95	1995	
	Federal Law on Ecological Expertise	1995	
	State Environmental Expert Review Procedures	1997	
	Regulations on the Assessment of Environmental Impacts	May, 2000	
	Tajikistan	Law of the Republic of Tajikistan on the Protection of the Natural Environment	1993
		Regulation on State Environmental Expert Review (Expertise) No. 156	1994
Turkmenistan	Law on the State Ecological Expertise	1995	
	Law on Nature Protection	1991	
Ukraine	Environmental Protection Act	1991	
	Law on Ecological Expertise	1995	
	The Law on Scientific Expert Review (Expertise)	1995	
	Structure and Content of Documents on Environmental Impact Assessments (OVOS) in Designing and Construction of Businesses, Houses and Buildings. Main Designing Principles. DBN A.2.2-1-95	1995	
Uzbekistan	Law on Nature Protection	1992	
	Instruction on the Order of Conducting the State Ecological Expertise	before 1995	
	Instruction on the Order of Carrying out OVOS	before 1995	
	Law on State Ecological Expertise	May, 2000	
South East Europe			
Albania	Law on Environmental Protection	1993	
	<i>Regulation and Procedure on EIA</i>	draft	
Bosnia Herzegovina	Environmental Protection Act	1993	

Countries	Legal document	Year
	Instructions on the Methodology for Preparing an EIA Report	1996
	Regulation on EIA Activities	
Croatia	The Law on Physical Planning and Spatial Arrangement;	1980
	The Law on Environmental Protection (Art. 25-Art.32)	1994
	Government Decree on EIA	1997
FRY Macedonia	Law on Environment and Nature Protection and Promotion	1996
	Law on Physical and Urban Planning	1996
	Guidelines for Issuing Approval and Fecision for the Use of Facilities	1996
Montenegro	Law on Environment	1996
	Government Decree No.145 on the Assessment of the Environmental Impacts of Projects	1997
Serbia	Environmental Protection Act	1991
	Environmental Impact Assessment Regulations	1992

Annex 4. EIA-responsible institutions in ECA countries

Countries	EIA responsible institution
Central and East Europe plus Turkey	
Bulgaria	Ministry of Environment and Waters
Czech Republic	Ministry of Environment
Estonia	Ministry of Environment and natural resources
Hungary	Ministry of Environment
Latvia	Ministry of Environmental Protection and Regional Development
Lithuania	Ministry of Environmental Protection
Poland	Ministry of Environment
Romania	Ministry of Environment and Waters
Slovakia	Ministry of Environment
Slovenia	Ministry of Environment and Spatial Planning
Turkey	Ministry of Environment
NIS	
Armenia	Ministry of Nature Protection
Azerbaijan	Ministry of Natural Resources and Environmental protection
Belarus	Ministry of Natural Resources and Environmental Protection
Georgia	Ministry of Natural Resources and Environmental Protection
Kazakhstan	Ministry of Natural Resources and Environmental Protection
Kyrgyzstan	Ministry of Ecology and Emergency Situations
Moldova	Ministry of Ecology, Construction and Territorial Development
Russia	Ministry of Nature Protection
Tajikistan	Ministry of Nature Protection
Turkmenistan	Ministry of Nature Use and Environmental Protection
Ukraine	Ministry of Environmental Protection and Nuclear Safety
Uzbekistan	State Committee for Nature Protection
South East Europe	
Albania	Ministry of Environment
Bosnia Herzegovina	Ministry of Urban Planning, Utilities and Environment
Croatia	Ministry of Environmental Protection and Physical Planning
Macedonia	Ministry of Urban Planning, Construction and Environment
Montenegro	Ministry of Environment and Physical Planning
Serbia	Ministry of Health and Environment

Annex 5. Compatibility of ECA countries' EA legal framework with that of the World Bank

	Environmental framework law with EA provisions & an EA law – 30 (10 + 20) points + extra points for: -Transposing the EU horizontal legislation, + up to 5 points -Participation in the Espoo Convention, + up to 5 points. Total = 30 (10 + 20) + 5 + 5 = 40	EA screening & scoping required by law – 30 (10 + 20) points + extra points for: -Detailed screening lists, + up to 5 points -Interagency scoping & inputs into the EA/EIA terms of reference process, + up to 5 points Total = 30 (10 + 20) + 5 + 5 = 40	Public participation at two critical EA stages – 20 points + extra points for: -Participation in & transposing the Aarhus Convention, + up to 5 points. Total = 20 + 5 = 25	Review of an EA/EIA report (consistency with the contents for EA report under the WB policy) by national duly authorized environmental body – 20 points + extra points for: -Legally binding EMP, + up to 10 points. Total = 20 + 10 = 30	Extra 15 points for the clarity, public availability & modernity of the environmental framework & EA laws, their comprehensiveness, integrated consideration of social impacts, transboundary consequences, global, IPPC, & other provisions similar to those stipulated under other WB safeguard policies, etc. Total = 15	Total
1	Albania 5 + 0 + 0 + 1 = 6	5 + 0 + 0 + 0 = 5	0 + 5 = 5	10 + 0 = 10	0	26
2	Armenia 5 + 10 + 0 + 1 = 16	5 + 10 + 1 + 1 = 17	20 + 1 = 21	20 + 2 = 22	5	80
3	Azerbaijan 5 + 5 + 0 + 5 = 15	10 + 10 + 1 + 5 = 26	20 + 3 = 23	20 + 5 = 25	5	93
4	Belarus 5 + 10 + 0 + 0 = 15	5 + 0 + 1 + 0 = 6	20 + 1 = 21	20 + 5 = 25	3	70
5	Bosnia and Herzegovina 10 + 0 + 0 + 0 = 10	5 + 10 + 1 + 1 = 17	20 + 0 = 20	20 + 2 + 22	0	69
6	Bulgaria 10 + 10 + 5 + 5 = 30	10 + 10 + 5 + 5 = 30	20 + 5 = 25	20 + 10 = 30	10	125
7	Croatia 10 + 10 + 0 + 5 = 25	10 + 10 + 5 + 5 = 30	20 + 3 = 23	20 + 5 = 25	8	111
8	Czech Republic 10 + 20 + 5 + 5 = 40	10 + 20 + 5 + 5 = 40	20 + 5 = 25	20 + 4 = 24	10	139
9	Estonia 10 + 20 + 5 + 5 = 40	10 + 20 + 5 + 5 = 40	20 + 5 = 25	20 + 5 = 25	10	140
10	Federal Republic of Yugoslavia 10 + 0 + 0 + 0 = 10	10 + 10 + 1 + 1 = 22	20	20 + 2 = 22	0	74
11	Georgia 10 + 20 + 0 + 0 = 30	10 + 10 + 5 + 5 = 30	20 + 1 = 21	20 + 5 = 25	8	114
12	Hungary 10 + 10 + 5 + 5 = 30	10 + 20 + 5 + 5 = 40	20 + 5 = 25	20 + 5 = 25	15	135
13	Kazakhstan 10 + 20 + 1 = 31	7 + 12 + 1 + 2 = 22	20 + 5 = 25	20 + 5 = 25	8	111

14	<i>Kyrgyzstan</i>	$10 + 20 + 1 = 31$	$7 + 10 + 1 + 1 = 19$	$20 + 5 = 25$	$20 + 5 = 25$	$20 + 5 = 25$	6	106
15	<i>Latvia</i>	$10 + 20 + 5 + 5 = 40$	$10 + 20 + 5 + 5 = 40$	$20 + 0 = 20$	$20 + 10 = 30$	$20 + 10 = 30$	15	145
16	<i>Lithuania</i>	$10 + 20 + 5 + 5 = 40$	$10 + 20 + 5 = 40$	$20 + 5 = 25$	$20 + 7 = 27$	$20 + 7 = 27$	15	147
17	<i>Macedonia</i>	$10 + 5 = 15$	$0 + 0 + 0 + 0 = 0$	$20 + 4 = 24$	$20 + 2 = 22$	$20 + 2 = 22$	0	61
18	<i>Moldova</i>	$10 + 20 + 0 + 1 = 31$	$10 + 0 + 5 + 3 = 18$	$20 + 5 = 25$	$20 + 10 = 30$	$20 + 10 = 30$	7	112
19	<i>Poland</i>	$10 + 20 + 5 + 5 = 40$	$10 + 20 + 3 + 3 = 36$	$20 + 5 = 25$	$20 + 2 = 22$	$20 + 2 = 22$	10	133
20	<i>Romania</i>	$10 + 10 + 5 + 5 = 30$	$10 + 20 + 5 + 5 = 40$	$20 + 5 = 25$	$20 + 10 = 30$	$20 + 10 = 30$	8	133
21	<i>Russia</i>	$10 + 20 + 0 + 0 = 30$	$5 + 5 + 3 + 3 = 16$	$20 + 0 = 20$	$20 + 10 = 30$	$20 + 10 = 30$	10	106
22	<i>Slovak Republic</i>	$10 + 20 + 5 + 5 = 40$	$10 + 20 + 5 + 5 = 40$	$20 + 3 = 23$	$20 + 2 = 22$	$20 + 2 = 22$	6	131
23	<i>Slovenia</i>	$10 + 5 + 5 = 20$	$10 + 20 + 1 + 1 = 32$	$20 + 5 = 25$	$20 + 1 = 21$	$20 + 1 = 21$	0	98
24	<i>Tajikistan</i>	$10 + 0 + 0 + 0 = 10$	$15 + 10 + 2 + 2 = 19$	$20 + 3 = 23$	$20 + 3 = 23$	$20 + 3 = 23$	0	75
25	<i>Turkey</i>	$10 + 0 + 0 + 0 = 10$	$5 + 10 + 5 + 5 = 25$	$20 + 0 = 20$	$20 + 3 = 23$	$20 + 3 = 23$	0	78
26	<i>Turkmenistan</i>	$10 + 20 + 0 + 0 = 30$	$5 + 10 + 1 + 1 = 17$	$20 + 3 = 23$	$20 + 1 = 21$	$20 + 1 = 21$	0	91
27	<i>Ukraine</i>	$10 + 20 + 0 + 1 = 31$	$10 + 20 + 5 + 5 = 40$	$20 + 3 = 23$	$20 + 10 = 30$	$20 + 10 = 30$	8	132
28	<i>Uzbekistan</i>	$10 + 20 + 0 + 0 = 30$	$5 + 10 + 1 + 1 = 17$	$20 + 0 = 20$	$20 + 1 = 21$	$20 + 1 = 21$	6	94