

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT
PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

Mr. Felix Zaharia, Chair
Telephone: +402 143 117 12
Fax: +402 131 923 54
E-mail: felix.zaharia@mae.ro

Ministry of Foreign Affairs
Directorate for International Law and Treaties
Aleea Alexandru, 31-33, Sector 1
Bucharest, Romania

Secretariat: Ms. Aphrodite Smagadi, UNECE
Telephone: +41 (0)22 917 3294
E-mail: aphrodite.smagadi@unece.org

Palais des Nations
CH-1211 Geneva 10
Switzerland

Ref. EIA/IC/INFO/14 Kostolac lignite nuclear power plant

24 December 2014

Dear Ms. Ivanovic,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

At its thirty-second session, held in Geneva from 9 to 11 December 2014, the Committee considered the information it had gathered further to the information provided by Bankwatch Romania Association concerning the planned construction of a lignite power plant in North-East Serbia, by the River Danube, close to the border with Romania. The Committee reviewed the response provided on 14 November 2014 by Serbia to the Committee's questions, as well as the further information and clarifications by Bankwatch Romania Association on 21 November 2014.

The Committee agreed that the existing lignite power plant is an activity included in the appendix I (para. 2) of the Convention. The Committee also agreed that the magnitude of the planned activity by itself, i.e. the extension of the lignite power plant, was such that it constituted a major change under article 1 paragraph (v) and thus would be subject to the provisions of the Convention. Therefore, the Committee recalled that notification was necessary unless a significant adverse transboundary impact could be excluded (decision IV/2, annex I, para. 54).

Following the discussions at the Committee, Serbia is invited to address the following:

- a) Could Serbia exclude a significant adverse transboundary impact of the proposed activity? Could Serbia provide information about the exact distance of the planned activity from the Romanian border?
- b) In its letter of 14 November 2014, Serbia stated that "the planned project envisages construction of block B3 350 MW power plant <...> in accordance with the Spatial Plan of the Republic of Serbia and Energy Development Strategy of the Republic of Serbia by 2025, with projections by 2030 on the environment, which was <...> submitted for opinion to <...> neighboring countries"; could Serbia clarify;
 - i. Whether a domestic SEA procedure according to the Protocol on SEA had been carried out?;
 - ii. Whether and which Parties had been notified according to the Protocol?; and
 - iii. Whether the location of the activity at issue had been determined within the framework of that procedure?;

.../...

Ms. Sabina Ivanovic
Advisor, Environmental Planning and Management
Ministry of Energy, Development and Environmental Protection
1 Omladinskih Brigada Str., 11070 New Belgrade, Serbia
Fax: +381 11 2601 034
E-mail : sabina.ivanovic@merz.gov.rs

Cc : ioana.ciuta@bankwatch.org

c) What were the steps (and their timeframes) for the purposes of implementing Serbia's statement that "the authority competent for implementing the environmental impact assessment procedure will act in accordance with the provisions of the Espoo Convention" (Serbia's letter of 14 November 2014);

d) The Committee recalls its prior opinion that while the Parties are free to decide which of the multitude of decisions required within their regulatory framework should be considered final for the purpose of the Convention, their discretion in this respect is limited to those decisions that in real terms set the environmental conditions for implementing the activity (ECE/MP.EIA/10, decision IV/2, annex I, para. 61); taking that into account, what constitutes the final decision in the meaning of article 6 of the Convention permitting the initiation of the planned activity?

e) Please inform the Committee about the Administrative court decision (mentioned in Serbia's letter of 14 November 2014).

You are kindly requested to provide the information to the secretariat in English by no later than **2 March 2015**, for the Committee to consider at its next session.

Yours sincerely,



Felix Zaharia
Chair, Implementation Committee,
Convention on Environmental Impact Assessment
in a Transboundary Context
Protocol on Strategic Environmental Assessment