

Links between the EIA Convention and the Convention on Long-Range Transboundary Air Pollution

The reviewed legal instruments have a number of elements in common. All Conventions represent a response by ECE member countries to the need to reinforce international cooperation and they are aimed at harmonizing national measures and at formulating a basic framework for international cooperation. They generally aim at preventing and/or reducing adverse impacts on the environment from specific activities and are concerned with the responsibility of states not to cause damage to the environment of other States, as enshrined in the Declaration of the Stockholm Conference on the Human Environment. Furthermore, they pursue an integrated approach by underlining the relationship between the different components of the environment. They also stress the important issue of public participation in the different phases of environment-related decision-making and to this effect establish provisions to promote the participation of the public, including access to information.

<i>Items</i>	EIA Convention	Air Pollution Convention
1. Aims and Objectives	<p style="text-align: center;">Article 2 General Provisions</p> <p>1. The Parties shall, either individually or jointly, take all appropriate and effective measures to prevent reduce and control significant transboundary environmental impact from proposed activities</p>	<p style="text-align: center;"><i>Fundamental Principles</i> Article 2</p> <p>The Contracting Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution.</p> <p style="text-align: center;">Article 3</p> <p>The Contracting Parties, within the framework of the present Convention, shall by means of exchanges of information, consultation, research and monitoring, develop without undue delay policies and strategies which shall serve as a means of combating the discharge of air pollutants, taking into account efforts already made at national and international levels.</p>
2. Field of Application	<p style="text-align: center;">Article 2</p> <p>3. The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact (such as crude oil refineries; thermal power stations and other combustion installations and nuclear power stations; waste-</p>	<p style="text-align: center;"><i>Definitions</i> Article 1</p> <p>For the purposes of the present Convention:</p> <p>(a)"Air pollution" means the introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems and material</p>

disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes; pulp and paper manufacturing; major mining, on-site extraction and processing of metal ores or coal.)

4. The Party of origin shall, consistent with the provisions of this Convention, ensure that affected Parties are notified of a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact. (See also Appendix I.)

property and impair or interfere with amenities and other legitimate uses of the environment, and "air pollutants" shall be construed accordingly;

(b)"Long-range transboundary air pollution" means air pollution whose physical origin is situated wholly or in part within the area under the national jurisdiction of one State and which has adverse effects in the area under the jurisdiction of another State at such a distance that it is not generally possible to distinguish the contribution of individual emission sources or groups of sources.

Air Quality Management

Article 6

Taking into account articles 2 to 5, the ongoing research, exchange of information and monitoring and the results thereof, the cost and effectiveness of local and other remedies and, in order to combat air pollution, in particular that originating from new or rebuilt installations, each Contracting Party undertakes to develop the best policies and strategies including air quality management systems and, as part of them, control measures compatible with balanced development, in particular by using the best available technology which is economically feasible and low- and non-waste technology.

Research and Development

Article 7

The Contracting Parties, as appropriate to their needs, shall initiate and cooperate in the conduct of research into and/or development of:

(a) Existing and proposed technologies for reducing emissions of sulphur compounds and other major air pollutants, including technical and economic feasibility, and environmental consequences;

(b) Instrumentation and other techniques for monitoring and measuring emission rates and ambient concentrations of air pollutants;

(c) Improved models for a better understanding of the transmission of long-range transboundary air pollutants;

(d) The effects of sulphur compounds and other major air pollutants on human health and the environment, including agriculture, forestry, materials, aquatic and

		<p>other natural ecosystems and visibility, with a view to establishing a scientific basis for dose/effect relationships designed to protect the environment;</p> <p>(e) The economic, social and environmental assessment of alternative measures for attaining environmental objectives including the reduction of long-range transboundary air pollution;</p> <p>(f) Education and training programmes related to the environmental aspects of pollution by sulphur compounds and other major air pollutants.</p>
<p>3. Relevant Environmental Information</p>	<p style="text-align: center;">Article 3</p> <p>5. Upon receipt of a response from the affected Party indicating its desire to participate in the environmental impact assessment procedure, the Party of origin shall, if it has not already done so, provide to the affected Party:</p> <ul style="list-style-type: none"> a) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments; and b) Relevant information on the proposed activity and its possible significant adverse transboundary impact. <p>6. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the potentially affected environment under the jurisdiction of the affected Party, where such information is necessary for the preparation of the environmental impact assessment documentation. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.</p> <p style="text-align: center;">Article 4</p> <p style="text-align: center;">Preparation of the environmental impact assessment documentation</p> <p>1. The environmental impact assessment documentation to be submitted to the competent authority of the Party of origin shall contain, as a minimum, the information described in Appendix II.</p> <p>2. The Party of origin shall furnish the affected Party as appropriate through a joint body where one exists, with the environmental impact assessment documentation.</p>	<p style="text-align: center;"><i>Fundamental Principles</i></p> <p style="text-align: center;">Article 4</p> <p>The Contracting Parties shall exchange information on and review their policies, scientific activities and technical measures aimed at combating, as far as possible, the discharge of air pollutants which may have adverse effects, thereby contributing to the reduction of air pollution including long-range transboundary air pollution.</p> <p style="text-align: center;"><i>Exchange of Information</i></p> <p style="text-align: center;">Article 8</p> <p>The Contracting Parties, within the framework of the Executive Body referred to in article 10 and bilaterally, shall, in their common interests, exchange available information on:</p> <ul style="list-style-type: none"> (a) Data on emissions at periods of time to be agreed upon, of agreed air pollutants, starting with sulphur dioxide, coming from grid-units of agreed size; or on the fluxes of agreed air pollutants, starting with sulphur dioxide, across national borders, at distances and at periods of time to be agreed upon; (b) Major changes in national policies and in general industrial development, and their potential impact, which would be likely to cause significant changes in long-range transboundary air pollution; (c) Control technologies for reducing air pollution relevant to long-range transboundary air pollution; (d) The projected cost of the emission control of sulphur compounds and other major air pollutants on a national scale;

The concerned Parties shall arrange for distribution of the documentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity. (See also Appendix II.)

- (e) Meteorological and physico-chemical data relating to the processes during transmission;
- (f) Physico-chemical and biological data relating to the effects of long-range transboundary air pollution and the extent of the damage* which these data indicate can be attributed to long-range transboundary air pollution;
- (g) National, subregional and regional policies and strategies for the control of sulphur compounds and other major air pollutants.

EMEP

Article 9

The Contracting Parties stress the need for the implementation of the existing "Cooperative programme for the monitoring and evaluation of the long-range transmission of air pollutants in Europe" (hereinafter referred to as EMEP) and, with regard to the further development of this programme, agree to emphasize:

- (a) The desirability of Contracting Parties joining in and fully implementing EMEP which, as a first step, is based on the monitoring of sulphur dioxide and related substances;
- (b) The need to use comparable or standardized procedures for monitoring whenever possible;
- (c) The desirability of basing the monitoring programme on the framework of both national and international programmes. The establishment of monitoring stations and the collection of data shall be carried out under the national jurisdiction of the country in which the monitoring stations are located;
- (d) The desirability of establishing a framework for a cooperative environmental monitoring programme, based on and taking into account present and future national, subregional, regional and other international programmes;
- (e) The need to exchange data on emissions at periods of time to be agreed upon, of agreed air pollutants, starting with sulphur dioxide, coming from grid-units of agreed size; or on the fluxes of agreed air pollutants, starting with sulphur dioxide, across national borders, at distances and at periods of time to be agreed upon. The method, including the model, used to determine the fluxes, as well as the method, including the model used to determine the transmission of air pollutants based on

		<p>the emissions per grid-unit, shall be made available and periodically reviewed, in order to improve the methods and the models;</p> <p>(f) Their willingness to continue the exchange and periodic updating of national data on total emissions of agreed air pollutants, starting with sulphur dioxide;</p> <p>(g) The need to provide meteorological and physico-chemical data relating to processes during transmission;</p> <p>(h) The need to monitor chemical components in other media such as water, soil and vegetation, as well as a similar monitoring programme to record effects on health and environment;</p> <p>(i) The desirability of extending the national EMEP networks to make them operational for control and surveillance purposes.</p>
<p>4. Public Participation</p>	<p style="text-align: center;">Article 3 Notification</p> <p>8. The concerned Parties shall ensure that the public of the affected Party in the area likely to be affected be informed of, and be provided with possibilities for making comments or objections on the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.</p>	<p style="text-align: center;">Not explicitly mentioned in the framework convention However, the additional protocols take public participation into account:</p> <p style="text-align: center;">1998 Protocol on Heavy Metals <i>Exchange of Information and Technology</i> Article 4</p> <p>1. The Parties shall, in a manner consistent with their laws, regulations and practices, facilitate the exchange of technologies and techniques designed to reduce emissions of heavy metals, including but not limited to exchanges that encourage the development of product management measures and the application of best available techniques, in particular by promoting:</p> <p>(a) The commercial exchange of available technology;</p> <p>(b) Direct industrial contacts and cooperation, including joint ventures;</p> <p>(c) The exchange of information and experience; and</p> <p>(d) The provision of technical assistance.</p> <p>2. In promoting the activities specified in paragraph 1 above, the Parties shall create favourable conditions by facilitating contacts and cooperation among appropriate organizations and individuals in the private and public sectors that are capable of providing technology, design and engineering services, equipment or finance.</p>

1998 Protocol on Persistent Organic Pollutants

Article 6

Public Awareness

The Parties shall, consistent with their laws, regulations and practices, promote the provision of information to the general public, including individuals who are direct users of persistent organic pollutants. This information may include, inter alia:

- (a) Information, including labelling, on risk assessment and hazard;
- (b) Information on risk reduction;
- (c) Information to encourage the elimination of persistent organic pollutants or a reduction in their use, including, where appropriate, information on integrated pest management, integrated crop management and the economic and social impacts of this elimination or reduction; and
- (d) Information on alternatives to persistent organic pollutants, as well as an evaluation of the risks that such alternatives pose to human health and the environment, and information on the economic and social impacts of such alternatives.

1999 Protocol To Abate Acidification, Eutrophication and Ground-Level Ozone

Article 5

Public Awareness

1. Each Party shall, in a manner consistent with its laws, regulations and practices, promote the provision of information to the general public, incl. information on:

- (a) National annual emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds and progress towards compliance with the national emission ceilings or other obligations referred to in article 3;
- (b) Depositions and concentrations of the relevant pollutants and, where applicable, these depositions and concentrations in relation to critical loads and levels referred to in article 2;
- (c) Levels of tropospheric ozone; and
- (d) Strategies and measures applied or to be applied to reduce air pollution problems dealt with in the present Protocol and set out in article 6.

		<p>2. Furthermore, each Party may make information widely available to the public with a view to minimizing emissions, including information on:</p> <ul style="list-style-type: none"> (a) Less polluting fuels, renewable energy and energy efficiency, including their use in transport; (b) Volatile organic compounds in products, including labelling; (c) Management options for wastes containing volatile organic compounds that are generated by the public; (d) Good agricultural practices to reduce emissions of ammonia; (e) Health and environmental effects associated with the pollutants covered by the present Protocol; and (f) Steps, which individuals and industries may take to help reduce emissions of the pollutants covered by the present Protocol.
<p>5. Amendments</p>	<p style="text-align: center;">Article 14 Amendments to the Convention</p> <p>1. Any Party may propose amendments to the Convention.</p> <p>2. Proposed amendments shall be submitted in writing to the secretariat, which shall communicate them to all Parties. The proposed amendments shall be discussed at the next meeting of the Parties, provided these proposals have been circulated by the secretariat to the Parties at least ninety days in advance.</p> <p>3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.</p> <p>4. Amendments to this Convention adopted in accordance with para. 3 of this Article shall be submitted by the Depositary to all Parties for ratification, approval or acceptance. They shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of these Parties. Thereafter they shall enter into force for any other Party on the ninetieth day after</p>	<p style="text-align: center;"><i>Amendments</i> Article 12</p> <p>1. Any Contracting Party may propose amendments to the present Convention.</p> <p>2. The text of proposed amendments shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate them to all Contracting Parties. The Executive Body shall discuss proposed amendments at its next annual meeting provided that such proposals have been circulated by the Executive Secretary of the Economic Commission for Europe to the Contracting Parties at least ninety days in advance.</p> <p>3. An amendment to the present Convention shall be adopted by consensus of the representatives of the Contracting Parties, and shall enter into force for the Contracting Parties which have accepted it on the ninetieth day after the date on which two-thirds of the Contracting Parties have deposited their instruments of acceptance with the depositary. Thereafter, the amendment shall enter into force for any other Contracting Party on the ninetieth day after the date on which that Contracting Party deposits its instrument of acceptance of the amendment.</p>

	<p>that Party deposits its instrument of ratification, approval or acceptance of the amendments.</p> <p>5. For the purpose of this Article, « Parties present and voting » means Parties present and casting an affirmative or negative vote.</p> <p>6. The voting procedure set forth in para. 3 of this Article is not intended to constitute a precedent for future agreements negotiated within the Economic Commission for Europe.</p>	
<p>6. Inquiry Commission (non-compliance)</p>	<p style="text-align: center;">Article 3</p> <p>7. When a Party considers that it would be affected by a significant adverse transboundary impact of a proposed activity listed in Appendix I, and when no notification has taken place in accordance with para. 1 of this Article, the concerned Parties shall, at the request of the affected Party, exchange sufficient information for the purposes of holding discussions on whether there is likely to be a significant adverse transboundary impact. If those Parties agree that there is likely to be a significant adverse transboundary impact, the provisions of this Convention shall apply accordingly. If those Parties cannot agree whether there is likely to be a significant adverse transboundary impact, any such Party may submit that question to an inquiry commission accordance with the provisions of Appendix IV to advise on the likelihood of significant adverse transboundary impact, unless they agree on another method of settling this question.</p>	<p style="text-align: center;"><i>Fundamental Principles</i></p> <p style="text-align: center;">Article 5</p> <p>Consultations shall be held, upon request, at an early stage between, on the one hand, Contracting Parties which are actually affected by or exposed to a significant risk of long-range transboundary air pollution and, on the other hand, Contracting Parties within which and subject to whose jurisdiction a significant contribution to long-range transboundary air pollution originates, or could originate, in connection with activities carried on or contemplated therein.</p> <p style="text-align: center;"><i>Settlement of Disputes</i></p> <p style="text-align: center;">Article 13</p> <p>If a dispute arises between two or more Contracting Parties to the present Convention as to the interpretation or application of the Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute</p>

Complementing Annex V - Overall assessment

Introductory Paragraph

7. The Contracting Parties to the Convention on Long-Range Transboundary Air Pollution (hereinafter called the Air Pollution Convention) aim “to protect man and his environment against air pollution” and seek “to limit and [...] gradually reduce and prevent air pollution, including long-range transboundary air pollution”. The Convention further commits the Parties to cooperate in view of this aim “by means of exchanges of information, consultation, research and monitoring, develop with undue delay policies and strategies which shall serve as means of combating the discharge of air pollutants, taking into account efforts already made at national and international levels.”

The Air Pollution Convention thus operates as a framework convention, which spells out a general commitment, while its eight additional protocols outline the activities of the respective Parties and focussing on specific pollutants. Chronologically, the respective protocols deal with: 1984 EMEP – Long-term financing of the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe; 1985 Sulphur – Reduction of sulphur emissions or their transboundary fluxes by at least 30 %; 1988 Nitrogen Oxides – Concerning the control of emissions of nitrogen oxides or their transboundary fluxes; 1991 Volatile Organic Compounds – Concerning the control of emissions of volatile organic compounds or their transboundary fluxes; 1994 Sulphur – Further reduction of sulphur emissions; 1998 Protocol on Persistent Organic Pollutants; 1998 Protocol on Heavy Metals; and the 1999 Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone. It should however be mentioned that while the framework convention has a large number of parties, the number of parties to the additional protocols varies and has proved rather difficult regarding the ratification in Eastern European countries. Furthermore, the last three protocols have not yet entered into force.

EIA and Long-Range Transboundary Air Pollution

1. General Approach

While the EIA (Environmental Impact Assessment) Convention generally addresses the adverse transboundary environmental impact from a list of specific hazardous activities (Appendix I) and furthermore gives guidance for identifying potentially hazardous activities not listed (Appendix III) on a project by project basis, the Air Pollution Convention aims for the prevention, limitation and reduction of air pollution including long-range transboundary air pollution on an ongoing basis. The additional protocols to the Convention give teeth to and modifying the framework convention in that they specifically provide for the reduction of sulphur emissions, the control of nitrogen oxides emission, and the control of emissions of volatile organic compounds. Once the additional protocols are ratified, the emission of persistent organic pollutants (ban on aldrin, chlordane, chlordecone, dieldrin, endrin, hexabromobiphenyl, mirex and toxaphene; later elimination of DDT, heptachlor, hexachlorobenzene, and PCBs; restriction of the use of DDT, HCH and PCBs) and heavy metals (cadmium, lead and mercury from industrial sources, combustion processes and waste incineration) will also be restricted and the abatement of acidification, eutrophication and ground-level ozone further pursued (emissions ceilings for sulphur, Nox, VOCs and ammonia as well as by setting limit values for specific emission sources, e.g. combustion plants).

An overlap in terms of hazardous activities and their contribution to air pollution thus arises from the following projects (in bold are the projects that seem to be particularly hazardous regarding polluting emissions) and is evidenced by the Environmental Impact Checklist:

Project 1 – Crude Oil Refineries and installations for the gasification and liquefaction of coal or bituminous shale – including sulphur compounds, nitrogen oxides, (non-methane) volatile organic compounds, ammonia, persistent organic pollutants and lead.

Project 2A – Thermal Power Stations and other combustion installations, including sulphur compounds, nitrogen oxides, (non-methane) volatile organic compounds, ammonia, persistent organic pollutants, lead, cadmium and mercury.

Project 4 – Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals – again as above excluding ammonia.

Project 6A – Manufacture of basic chemicals, except fertilizers and nitrogen compounds – including sulphur compounds, nitrogen oxides, (non-methane) volatile organic compounds, ammonia, heavy metals and persistent organic pollutants.

Project 6B – Manufacture of fertilizers and nitrogen compounds – in particular nitrogen oxides, non-methane volatile organic compounds, cadmium and ammonia.

Project 6C – Manufacture of plastics in primary forms and of synthetic rubber – especially non-methane volatile organic compounds, ammonia, heavy metals and persistent organic pollutants.

Project 6D – Manufacture of pesticides and other agrochemical products – especially non-methane volatile organic compounds, persistent organic pollutants, ammonia, heavy metals - especially relevant would here be the 1998 Protocol on Persistent Organic Pollutants.

Project 6E – Manufacture of paints, varnishes and similar coatings, printing ink and mastics – especially non-methane volatile organic compounds, ammonia, lead and persistent organic pollutants.

Project 6F – Manufacture of pharmaceuticals, medicinal chemicals and botanical products – especially non-methane volatile organic compounds, ammonia, heavy metals and persistent organic pollutants.

Project 6G – Manufacture of soap and detergents and polishing preparations, perfumes and toilet preparations – especially non-methane volatile organic compounds and ammonia.

Project 6H – Manufacture of other chemical products not elsewhere classified - including sulphur compounds, nitrogen oxides, (non-methane) volatile organic compounds, ammonia, persistent organic pollutants and heavy metals.

Project 7 – Construction of motorways, express roads and lines for long-distance railway traffic and of airports - including sulphur compounds, nitrogen oxides, (non-methane) volatile organic compounds, lead, cadmium, and persistent organic pollutants.

Project 9 – Trading ports and inland waterway traffic - including sulphur compounds, nitrogen oxides, (non-methane) volatile organic compounds and lead.

Project 10 – Waste disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous waste – sulphur compounds, nitrogen oxides, (non-methane) volatile organic compounds, ammonia and compounds, persistent organic pollutants (PCBs), lead, cadmium and mercury.

Project 13 – Pulp and paper manufacturing – sulphur and nitrogen oxides, persistent organic pollutants.

Project 14 – Major mining, on-site extraction and processing of metal ores or coal – sulphur and nitrogen oxides, (non-methane) volatile organic compounds, ammonia and compounds, persistent organic pollutants (PAHs), lead, cadmium and mercury.

Project 15 – Offshore hydrocarbon production – sulphur and nitrogen oxides, (non-methane) volatile organic compounds, ammonia and compounds, persistent organic pollutants (PAHs), and lead.

Project 16 – Major storage facilities for petroleum, petrochemical and chemical products – including non-methane volatile organic compounds and persistent organic pollutants.

Project 17 – Deforestation of large areas – including oxides of nitrogen and non-methane volatile organic compounds.

2. **Instruments and Procedures**

The EIA incorporates provisions for pre- and post-project analysis. Regarding pre-project analysis, whenever a Party intends to undertake any of the activities listed under Appendix I (or other activities that should bring about such adverse transboundary impact due to their size, location or effects as listed in Appendix III) it has to ensure that an EIA is carried out. The first stage consists of timely notification of the affected Parties, for the purposes of ensuring adequate and effective consultations. The affected Party may also participate in the EIA if it so wishes. The EIA documentation has to contain, as a minimum, the information included in Appendix II, in particular ‘a description of the environment likely to be significantly affected by the proposed activity and its alternatives’ as well as ‘an explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used’. Accordingly, an EIA involves a background analysis of the current state of affairs of the environment including the state of air pollution in order to make relevant predictions about the potentially adverse impact of the proposed project. Correspondingly, the information collected under the Air Pollution Convention may here be very useful to the proponent of the EIA. As to further steps under the EIA Convention, this documentation then leads to consultations relating to possible alternatives to the proposed activity, including possible measures to mitigate significant adverse transboundary impact and to monitor the effects of such measures (Article 5). A final decision on the proposed activity along with the reasons and considerations on which it was based will eventually be provided by the Party of origin to the affected Party (Article 6).

In contrast, many activities under the Air Pollution Convention are pursued on a regular basis. Article 3 of the Convention explicitly refers to the use of exchange of information, consultation, research and monitoring to combat the discharge of air pollutants, taking into account efforts already made at the national and international levels. To this end, and to address the needs of specific protocols, a number of programmes, task forces and expert groups have been set up; all Parties to the Convention can participate in their work. Parties report information on their air pollution emissions annually to the secretariat for inclusion in the Convention’s database. These data are used in models to describe and predict the transboundary movement of air pollutants from individual countries to others. This information, together with information on abatement technology costs and critical loads maps, that quantify the sensitivity of the environment across Europe to air pollutant effects, are used in integrated assessment models to help define cost-effective abatement strategies and abatement targets for each country in the modelled region. Integrated assessment modelling results have been used as the basis for negotiating some of the more recent protocols to the Convention.

3. Post-project Analysis and Monitoring

Appendix II of the EIA Convention further stipulates that the EIA documentation shall include ‘Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis’. Such (non-mandatory) post-project analysis – to be determined by the concerned Parties and at the request of any such Party – involves the surveillance of the activity and the determination of any adverse transboundary impact in line with the objectives as set out in Appendix V. Moreover, if a significant adverse transboundary impact is evident, the concerned Parties shall then consult on necessary measures to reduce or eliminate the impact (Article 7).

Such post-project analysis is in accord with the fundamental principles of the Air Pollution Convention (Articles 2 – 5), of course with a specific focus on combating the discharge of air pollutants. A lot of data is already collected and evaluated on a continuous basis. Article 6 of the Air Pollution Convention on Air Quality Management furthermore commits each Party to developing low-waste air quality management systems.

4. Research and Development

Regarding R & D activities, Article 9 of the EIA Convention ensures special consideration of the contracting Parties to the setting up, or intensification of specific research programmes – similar to Article 7 of the Air Pollution Convention. It appears that most of the proposed activities in the Air Pollution Convention would also fall under the aim of Article 9 of the EIA Convention, e.g. under the heading of paragraph a) Improving the existing qualitative and quantitative methods for assessing the impacts of proposed activities.

5. Public Participation

While the framework convention on air pollution does not make any reference to public participation, later protocols take up this issue and mainly provide for the disclosure of information to the public (1998 Persistent Organic Pollutants and 1999 Protocol to Abate Acidification...) as well as to ‘encourage the development of product management measures and the application of best available techniques’ and to cooperate with ‘appropriate organizations and individuals in the private and public sectors that are capable of providing technology, design and engineering services, equipment or finance’ (1998 Heavy Metals). Various databases can be publicly accessible or in the process of being made available. Links exist from the Convention’s homepage.

Conclusions and further suggestions

The main link between the two conventions arises with regard to the **sharing of information**. Since every EIA starts off with a background analysis of the current state of affairs, the data regularly collected under the Air Pollution Convention and its additional protocols could provide an important starting point for the analysis of air pollution and the potentially hazardous impact of the envisaged project. A general willingness to share data is already demonstrated by the Emissions Inventories database that is shared with the European Environmental Agency and further collaborative efforts with the World Meteorological Organisation (WMO). It is also important to point out here that a sharing of data is an important signal for those governments willing to fund costly monitoring – the more useful and the wider the appeal of such data, the better. To link the conventions with a view to instruments and procedures is, however, likely to prove more complicated and problematic - as should be evident from the analysis above – and efforts should therefore focus on the efficient sharing of information.

Accordingly, the following suggestions for fruitful cooperation between the two conventions appear warranted:

- Link databases and information sites and ensure public access via the websites of both conventions
- Ensure that EIAs make use of the accumulated data and experience of the centres and bodies linked to the Air Pollution Convention. Also, facilitate exchange of information on modelling techniques.
- Raise awareness of the two conventions and their related objectives and pave the way for direct contact between the respective national focal points.
- The EIA Convention should also look at the effective structure for scientific work under the Air Pollution Convention and seek to cooperate and participate in these efforts (esp. task forces).
- Explore further synergies between the conventions regarding Research and Development.