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Guidance on Transboundary EIA – An adminstrativ tool to support bilateral Agreements Experience of a research project and state of the play

Marianne Richter/
Section I 3.5 "Sustainable Spatial Development, Environmental Assessments"/
Federal Environmental Agency

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1 Need For an Guidance Document (1)

Bilateral agreement set base to overcome differences regarding

- different legislation und practice
- different organization of administration
- different language
- different culture and values.

Bilateral agreements include regulations which

- do not necessarily describe in detail the different procdure on the side of one party
- may use terms which are understandable for <u>both</u> parties – and may deviate from the terms according to the law of one state.



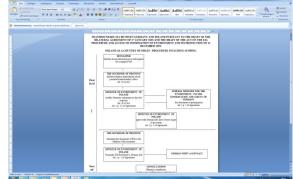


1 Need of an Guidance Document (2)

Guidance documents

- may describe all details of the divergent procedure directely
- may use terms according to national legislation
- may include information that is usually not contents of an agreement, e.g.
 - information on procedural steps on the territory of the other party
 - Information on responsibilites, contact persons and other information which may change in shorter terms
 - flow charts and other helpful tools.





2 Performance of a German Research Project (1)

2.1 Goal and work programme Goal is.

- to develop a guidance document to support German competent authorities in a transboundary EIA procedure
 - ➤in case of Germany as party or origin
 - ➤in case of Germany as affected party.
- Guidance may also be used by other party for information purpose.

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Work programme

Analysis of

- relevant legal provisions/ national guidance of all neighbouring states (DK, B, NL, Lux, F, CH, A, CZ, PL).
- bilateral agreements and other relevant arrangements
- case studies/interviews on transboundary EIA.



2 Performance of a German Research Project (2)

2.2 Results

For each of nine neighbouring states

- · description of national system
- collection of relevant other information
- draft Guidance (master) for Germany in relation to this state

(in toto 6 folders!).

Valuation of documents

- Information is good starting point for guidances
- Needs in part to be validated (e.g. legal provisions)
- Information open for consultants is restricted

Decision on further work (BMUB/UBA)

- Draft guidance as base (master) for finalizisation by
 German national level in cooperation with German Länder.
- To finalize guidance, Germany plans to establish nine small transboundary working groups.





3. Activities for Finalization of Guidances

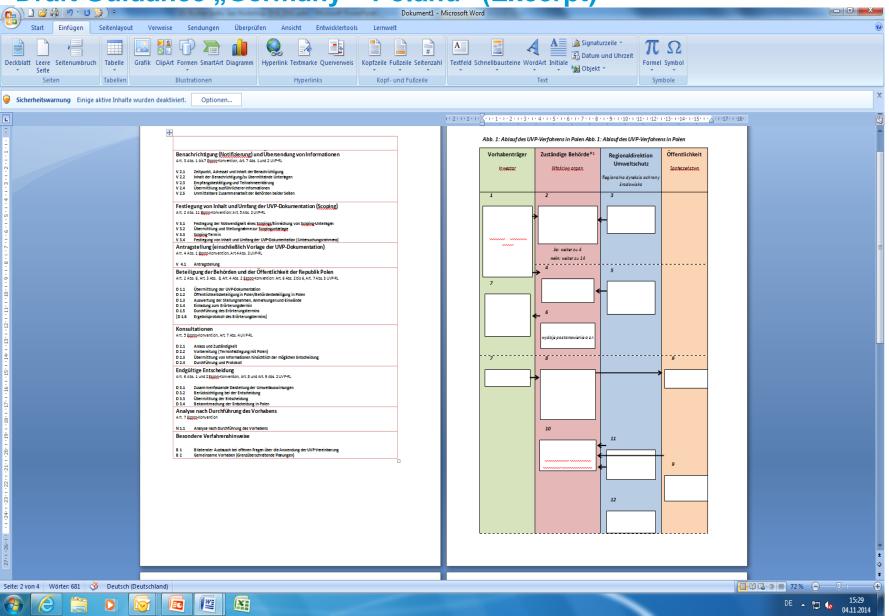
- 3.1 Concept: Small working Groups
- Up to groups planned
- currently "Germany-Poland"
- next planned group "Germany Czech Republic"
- 3.2 Small Working Group "Germany Poland"
 - First meeting: 27 March 2013; only German level
 - Base: German-Polish master guidance, accomplished and remastered by UBA (in German)
 - Required further action:
 - o inclusion of last changes of updated German-Polish EIA agreement (27-28.11.14, Berlin)
 - Validation of step descriptions related to Polish law and practice
 - Invitation to Polish experts to participate
 - o finalization planned for spring 2014



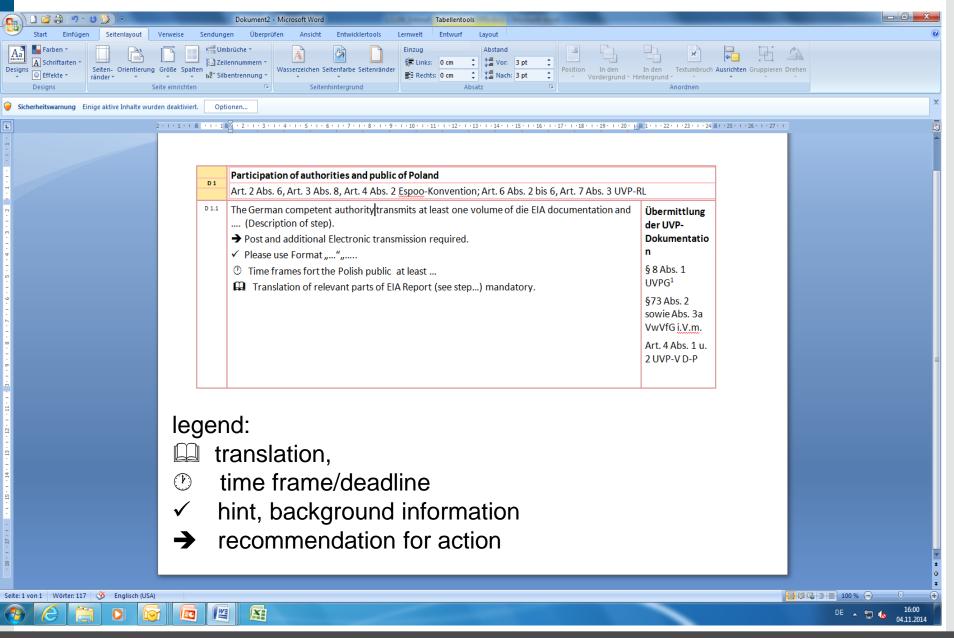




Draft Guidance "Germany – Poland" (Excerpt)



Draft Guidance "Germany – Poland" (Excerpt)



Thank you for your attention

Marianne Richter

Marianne.richter@uba.de
Section I 3.5 "Sustainable Spatial Development,
Environmental Assessments"
Federal Environmental Agency

www.uba.de/



Examples from the German-Polish Agreement

National EIA procedures and tasks of authorities

