The idea of transboundary assessments is well enshrined in EIA methodologies but in the past six months there has been a further development. The European Commission (EC) has published new guidance on Transboundary EIA and, although not mandatory, it could change how EIA projects with transboundary effects are undertaken. This article provides a brief introduction to the issue.

As island nations, the UK and Ireland have had less experience of truly transboundary projects in comparison to mainland Europe - though there are notable examples. The further development of the European electrical supergrid and perhaps even the upcoming Scottish referendum may increase the numbers of transboundary EIA projects and so the recent EC Guidance document will become more familiar to EIA practitioners.

**Espoo Convention**
The basic requirement of the EIA process is to assess any 'likely significant effects' of a proposed development. This requires an assessment of effects regardless of the development’s location or of national borders. The international community recognised the transboundary issue and agreed the Espoo Convention in 1991. It sets out the obligations of States to assess the environmental effects of certain activities at an early stage of planning. It also lays down the general obligation of States to notify and consult each other.

For most projects involving transboundary effects, the ES/EIS that is prepared as part of the national planning application process is considered to also serve the function of the Espoo Convention. This is the case so long as the cumulative effects are fully assessed and all parties are properly informed of the applications in the respective countries. Cumulative assessments have long been guided by methodologies such as the EC Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions (May 1999) and the Design Manual for Roads and Bridges (Assessment and Management of Environmental Effects).

**EC Transboundary Guidance (May 2013)**
In May 2013, the European Commission published ‘Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects’. The aim of the EC Transboundary Guidance document was to build on “experience and the good practices identified so far” in the EIA field and to provide a greater clarification of how to approach “large-scale transboundary projects”.

An observation of the Espoo Convention has been that the Convention did not grasp truly transboundary projects (i.e. where the development crosses a border) but instead focused on a project within a State having an ‘indirect’ (secondary) impact on another State. The former types of projects are focused on and defined in the EC Transboundary Guidance document as those which are “physically located in more than one country”.

The EC Transboundary Guidance document describes seven key steps in a Transboundary EIA:

1. Notification and transmittal of information;
2. Determination of the content and extent of the matters of the EIA information – scoping;
3. Preparation of the EIA information/report by the developer;
4. Public participation, dissemination of information and consultation;
5. Consultation between concerned Parties;
6. Examination of the information gathered and final decision; and,
7. Dissemination of information on the final decision.”

The EC Transboundary Guidance document further states: “For large - scale transboundary projects, the developer must comply with the requirements of the national EIA requirements of each country in which the project will be implemented. The developer should prepare individual national EIA reports and a joint environmental report that covers the whole project and assesses its overall effects, in particular cumulative and significant adverse transboundary effects.” (Emphasis added)
In terms of the scope of any prepared EIA report, the EC Transboundary Guidance document states that the following should be included:

- "a description of the proposed project and its purpose;
- a description, where appropriate, of reasonable alternatives (e.g. in terms of location, technology to be employed, etc.) and also the no-action alternative;
- a description of the environment likely to be significantly affected by the proposed project and its alternatives;
- a description of the potential environmental impact of the proposed project and its alternatives and an estimate of its significance;
- a description of the mitigating measures considered and an indication of the predictive methods, assumptions and data on which they are based; and
- an outline of monitoring and management programmes and any plans for post-project analysis.

In addition, when determining the EIA report's scope and level of detail, it should be kept in mind that EIA has a wide scope and broad purpose and it should be carried out in a way that takes into account the specific character and effects of each project."

**Nord Stream Project**

The EC Transboundary Guidance document makes reference to the Nord Stream project as a good example of a transboundary assessment. Nord Stream is a 1,200 km twin pipeline system that has been constructed along the Baltic Sea in order to transport natural gas from Russia to Western Europe. It was assessed to have the potential to affect nine separate countries and so could be considered to be very model of a modern major project.

While separate planning applications were progressed in each country, an over-arching Espoo report was prepared.

This comprehensive document broke the impact assessment into study areas regardless of territory but based on bio-geographic similarity. For instance one sub region assessed an area along the territorial waters of Sweden, Finland, Latvia and Estonia.

This approach allowed a truly transboundary approach to the EIA and allowed the environment to dictate the study areas rather than national frontiers. However, this was possible because of the large expanses of bio-geographic similarity in the marine environment. It is difficult to envision how this approach could be efficiently applied to the terrestrial environment in the UK and Ireland because of the differing study areas between specialist assessments and the wide diversity of our landforms.

**Summary**

In summary, it is likely that the EC Transboundary Guidance document will change the way we approach transboundary EIA. We, as EIA practitioners, will be expected to prepare an additional report to the ES/EIS prepared in each Member State. This additional joint environmental report will be expected to assess the project as a whole and will be in addition to the cumulative impact assessment that would be included in the ES/EIS. It is likely that the joint environmental report will be directly informed by the contents of the ES/EIS and so these types of joint reports could serve to be summary reports of the overall development. As this is a recent guidance document, it is likely that the area will evolve in the near future with new transboundary projects as case studies.

*This article was written as a contribution to the EIA Quality Mark’s commitment to improving EIA practice. Fay Lagan is an Associate Director (Environment) at AECOM.*