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## IMPLEMENTING THE STATUS OF LICENSED EXPERTS FOR IMPACTS EVALUATION ON NATURA 2000 SITES INTO THE EIA PROCESS IN THE CONDITIONS OF SLOVAKIA – PROGRESS OR STEP BACK?

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### ABSTRACT

The aim of this contribution consists in assessing opinions of experts – Slovak environmental assessment practitioners on the „Natura licensed experts“ status implementation. We further assess the possible positive and negative aspects related with implementation of this status, to gain better insight on the possibilities for improving the current state of environmental impact assessment in the Slovak Republic. An extensive national questionnaire survey was conducted from July to September 2012 among environmental assessment practitioners. The main data collection was carried out by online survey - e-mail distributed questionnaires - using Google docs technology. Survey was completed by 136 respondents. The survey results show that the environmental assessment practitioners would in general welcome the implementation of the “Natura licensed experts” status in the Slovak Republic (more than 70 % answered positive). Furthermore 78.7 % of them believe that this would contribute to a higher quality of EIA documentation related to Natura 2000 sites. In regard to implementing the “Natura licensed experts” status in practice, we have identified main positive and negative aspects in the survey results. It seems that one of the main challenges for implementing this status is to develop an effective competency framework. However, based on the results obtained from the survey presented in this paper, we consider the implementation of the “Natura licensed experts” status to be a useful tool for enhancing the quality of not only the EIA documentation related to Natura 2000 sites, but even overall quality of documentation in the EIA process.

**Key words:** Natura 2000, EIA, quality of documentation, questionnaire

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## INTRODUCTION

The environmental impact assessment (EIA) has been a tool for decision makers since the enactment of the National Environmental Policy Act of the USA (NEPA, 1970). EIA is a process that analyzes and evaluates the impacts that human activities can have on the environment. Its purpose is to guarantee a sustainable development that is in harmony with human welfare and the conservation of ecosystems. EIA has proven itself to be an effective tool of environmental planning and management (Hollick, 1981; Wood, 1993; Wathern, 1994; Ortolano and Shepard, 1995; Snell and Cowell, 2006; Jay et al., 2007; Samarakoon and Rowan, 2008; Pavličková, Kozová et al., 2009; Toro et al., 2010). Its application involves the use of attributes to identify and evaluate possible environmental changes caused by a project, construction, or other human activity. Furthermore, the affected community should be previously informed so that its members can participate in the decision-making processes (Canter and Sadler, 1997; Modak and Biswas, 1999; Sadler, 1996; Wathern, 1994). The EIA is the technical key to incorporating concepts such as the precaution principle and to preventing the loss of natural resources, which is evidently the main goal of sustainable development in decision – making (Sadler, 1996; Wood, 2003). It goes without saying that the adoption and application of EIA depends on the institutional framework and the political context in the country or region (Ortolano et al., 1987). Effectiveness of the EIA depends on the identification and evaluation of baseline data to predict the biological, social, and physical impacts of development proposal prior to any environmental disturbance (Chang et al., 2013). One of key steps in EIA is to carry out an EIS (Environmental Impact Statement). The EIS is the final outcome of EIA process and it should include all the necessary environmental information related to a project and decision-making. The EIS is considered (Wood, 2003) as a heart of the whole EIA process and Pinho et al. (2007) claim that EIS is the most important door, through which the scientific knowledge is transferring into the EIA process. There is a general assumption that poor quality EISs could contribute to a degree of ineffectiveness since they contain information related to the project and its likely consequences that are subsequently used in decision-making (Glasson et al., 2005, Wood, 2003). Therefore, an important component of effectiveness deals with the quality of the EIS. We can say, that the utility of the EIA in informing decisions depend on the quality of the science underlying the process. Limitations in the EIA process may include missing information (about potentially significant impacts); incomplete information (insufficiently studied relationships, poor or incomplete science/investigations); biased information (produced from a limited perspective or based on too brief a time frame); or untimely information (studies produced after a decision or commitment) (Bartlett and Kurian, 1999). Therefore, as is written above, the quality of information presented is critical for the EIA process to be successful in providing a full scope of potential impacts resulting from development. The issues of protection and management of biodiversity have become one of main environmental policy tasks in Europe and elsewhere over the last two decades. As an application of precautionary principles the EU member states are required to assess projects (EIA) and plans (SEA – Strategic Environmental Assessment) which alone or in combination with other plans or projects are likely to have significant negative effects on Natura 2000 sites. Several EU provisions set out the obligations for such assessment (the Birds and Habitats Directives, EIA and SEA Directives). If there is possibility of significant negative effects on Natura 2000 sites, the result of the process has to be a part of EIS. This applies to any plan or project which has the potential to affect a Natura 2000 site, no matter of the distance to this site. The assessment is required by Article 6 of Habitats Regulations and it should be clearly distinguishable and identified within an environmental statement or reported separately. It should focus exclusively on the **qualifying interests** of the Natura site affected and must consider any impacts on the **conservation objectives** of the site. It should also be based on and supported by evidence that is capable of standing up to scientific scrutiny. The quality of this documentation (NEIS – Natura Environmental Impact Statement) is dependent on its elaborators. The question arising at this point is – how to ensure that the elaborators accrue the necessary amount of qualification to be able to assess impacts on Natura 2000 sites on a corresponding level? A good

practice example can be found in Czech Republic and Latvia, where the status of qualified experts especially for assessing impacts on Natura 2000 sites has been already introduced- licensed experts for evaluating impacts on Natura 2000 (further referred to as NLE - Natura Licensed Experts). It is a group of specialized experts, which are on the list of authorised entities that had to pass the exams first and have appropriate education. Thus evaluating impacts on Natura 2000 sites can be only conducted by a person who was granted this authorisation. The aim of this contribution is to assess opinions of experts – Slovak environmental assessment practitioners on the „NLE“ status implementation (Natura Licensed Experts). We further assess the possible positive and negative aspects related with implementation of this status, to gain better insight on the possibilities for improving the current state of environmental impact assessment in the Slovak Republic.

## MATERIAL AND METHODS

An extensive national survey was conducted from July to September 2012 among environmental assessment practitioners (EAP). This survey was focused on issues related to quality of environmental impact assessment documentation (with emphasis on the quality of NEIS), problems arising from elaborating documentation, the position of the Natura 2000 sites impact assessment in the EIA/SEA process as such, and new challenges from this field – the implementation of NLE being one of them. In this paper, we analyze the questions from the questionnaire related to the topic of „NLE“ - Natura Licensed Experts. The main data collection was carried out by online survey - e-mail distributed questionnaires - using Google docs technology. The questionnaire was sent to more than 450 different representatives - participants of the international EIA/SEA conference (which was held in Slovakia during May 2012); EIA/ SEA licensed experts; specialists in the nature and landscape protection; employees of the Ministry of Environment of Slovakia; researchers / academic scientists; employees of State Nature Conservancy of Slovakia; individual representatives of regional and local environmental authorities. Approximately 130 questionnaires from the 450 total emails sent out, were not received (nonfunctional e-mail addresses, mainly to regional and local environmental authorities). In total the survey was completed by 136 respondents, with the response rate being relatively low – roughly 40%. However, the sum of respondents varies from question to question, as some of the questions were not filled out correctly. The questionnaire was composed of closed- and open-ended questions. The data was processed in MS Excel. The results of close-ended questions were interpreted in percentages or in average values per answer. The open-ended questions were coded as follows (Tab.1 a Tab.2):

- answers were grouped based on identical or similar meaning of the content;
- subsequently each group was given a code;
- answers with identical codes were summed and interpreted in percentages and assigned a rank in the list of all open-ended answers.

## RESULTS

First of all we would like to point out, that 60 % of respondents indicated that they have experience with EIA documentation and approximately one fifth of respondents are also elaborators of this type of documentation. Almost 70 % of respondents would welcome the implementation of NLE, from which 78.7 % think that this would be a relevant step towards enhancing the overall quality of NEIS.

*Tab.1 – Respondents' perceptions of relevant positive aspects related to implementing the NLE status in the Slovak Republic*

<b>Identified positive aspects</b>	<b>%</b>	<b>rank</b>
Higher level of expertise and professionalism of elaborators	37.7%	1*.
Higher quality of NEIS	20.2%	2*.
Higher objectivity and transparency of NATURA 2000 impact assessment	13.2%	3*.
License granted only to individuals with appropriate education, regular training and authorization of expertise	6.1%	4*.
Higher liability (also legal) of elaborator for the quality of documentation	5.3%	5*.
Uncomplicated choice of NLE by the proponent, straightforward cooperation		
Implementing a unitary methodology for assessing and evidence records of executed proposals	4.4%	6*.
Greater possibilities of applying the results in decision-making		
High knowledge of corresponding legal documents, better orientation on this topic	3.5%	7*.

As we observed from Tab.1, most of the responds view the introduction of NLE relevant for enhancing the level of expertise and professionalism of elaborators (1\*). They believe that a specification on this subject ensures a higher level of expertise and understanding for this field. The higher quality of NEIS (2\*) is on the second rank. According to the respondents this would lead also to a higher objectivity and transparency of Natura 2000 impact assessment (3\*), while suppressing corruption and strengthening the NLE's sovereignty towards the proponent. It follows in the list of positives that the granting of NLE authorization only to persons with appropriate education (not just anyone), whereas the authorization would be granted only if the persons undergo regular training (4\*). Furthermore several respondents indicated they would find more than appropriate if the license would be granted only for a certain period, after which a further continuing of the license's validity would be subject to additional training (e.g. in regard of new amendments in the law and regulations, etc.). This would also ensure a higher liability (also legal) of the elaborator for elaborating the documentation (5\*). In case the elaborator would deliver a low quality NEIS, the respondents proposed withdrawal of authorization. Next to this there is the advantage of implementing a unitary methodology (6\*), which would make the Natura 2000 impact assessment process much less complicated, easy-going, but most important contribution to the overall quality of documentation. It has been mentioned above, the respondents emphasized the need of establishing an evidence of already existing impacts in the Natura 2000 sites. Without this knowledge, it is very hard to assess the impacts of new projects in Natura sites. With transparent supporting documents on proposed projects, the chances of applying acquired (high quality) results will be much better (6\*). According to the respondents, the NLE status would also provide the individuals an advantage of understanding related legislation and orientation in the field (7\*). The negatives related to NLE are presented in Table 2 below. First of all, the lack of experts in the field (which could certify for a NLE status) is perceived as the greatest negative by the respondents (1'), because of the demanding selection criteria. This comes hand in hand with possible manipulation of the liability authorization process (1'). The threat of possible influences from different direction (politicians, investors, entrepreneurs), as well as defrauding the authorization process, threat of corruption and „buying“ of NLE licenses. Thus a paradox stands out from the results – on one hand the respondents claim that implementing the NLE can enhance the objectivity and transparency of the assessment process (3\*), on the other hand they fear corruption and possible pressures applied on NLE from proponents and other interested parties (2'). Therefore respondents proposed to ensure for the NLEs a certain level of independency (e.g. the NLEs should not be financed by proponents). The aspect of decreasing competition and emergence of a new group of „privileged experts“ is the second most mentioned negative consequence (2'). They fear of the birth of a monopoly for elaborating NEIS, which could exclude people from the field at a very early stage in their career. Next on the list of perceived negative aspects are: increased financial demands for

elaborating the documentation (3<sup>rd</sup>), increased administrative load, longer time period necessary for elaborating the documentation (4<sup>th</sup>) – which can also be regarded as a consequence of the negative aspect ranked first – “lack of NLE experts”.

Tab. 2 – Respondents' perceptions on most relevant negative aspects related to implementation of the NLE status in the Slovak Republic

Identified negative aspects	%	rank
Lack of experts	21,7%	1-
Manipulation of the liability authorization process		
Corruption, pressure on NLEs applied by the developers	16,7%	2-
Decreasing competition, group of „privileged experts“		
Increased financial demands for elaborating the documentation	13,3%	3-
Increased administrative load	5%	4-
Longer time period necessary for elaborating the documentation		

## CONCLUSIONS

The survey results show that the environmental assessment practitioners (EAPs) would in general welcome the implementation of the NLE status in the Slovak Republic (more than 70 % answered positive). Furthermore 78.7 % of EAPs believe that this would contribute to a higher quality of NEIS. In regard to implementing the NLE status in practice, we have identified two main positive aspects in the survey results – “higher level of expertise and professionalism of elaborators”, as well as “higher objectivity and transparency of Natura 2000 impact assessment”. However the respondents have also pointed out possible negatives related to the NLE status – a possible “lack of experts”, “fear the corruption and pressures applied on NLEs from the developers” and other interested parties, and “manipulation of the liability authorization process”. Therefore one of the main challenges for implementing the NLE status is to develop an effective competency framework. Based on the results obtained from the survey presented in this paper, we consider the implementation of the NLE status to be a useful tool for enhancing the quality of not only the NEIS, but even overall quality of documentation in the EIA process. Regarding the negatives that have been identified in relation to this status, we believe that these might occur as possible consequences of an incorrect or inconsiderate implementation process. Therefore it would be thoughtful to learn from mistakes and experiences from other countries, which have already implemented NLE. This could be for example the Czech Republic, because of its vicinity as well as the absence of language barriers.

## REFERENCES

- BARTLETT R.V., KURIAN P.A., 1999: *The theory of environmental impact assessment: implicit models of policy making*. Policy Polit - 27. 4: 415–33.
- CANTER L, SADLER B., 1997: *A tool kit for effective EIA practice: review of methods and perspectives on their application. A supplementary report of the international study of the effectiveness of environmental assessment*. USA: Environmental and Ground Water Institute, University of Oklahoma, Institute of Environmental Assessment, UK, International Association for Impact Assessment.
- CHANG T., NIELSEN E., AUBERLE W., SOLOP F. I., 2013: A quantitative method to analyze the quality of EIA information in wind energy development and avian/bat assessments. *Environmental Impact Assessment Review*. 38: 142 – 150
- GLASSON J, THERIVEL R, CHADWICK A., 2005: *Introduction to Environmental Impact Assessment*. 3rd ed. London: Routledge. 342 pp.

- HOLLICK M., 1981: Environmental impact assessment in Australia: EIA and environmental management in Western Australia. *Environmental Impact Assessment Review*. 2: 116–9
- JAY S, JONES C, SLINN P, WOOD CH., 2007: Environmental impact assessment: retrospect and prospect. *Environmental Impact Assessment Review*. 27: 287–300.
- MODAK P, BISWAS A., 1999: *Conducting environmental impact assessment in developing countries*. Tokyo: United Nations University Press.
- ORTOLANO L., SHEPERD A., 1995: Environmental impact assessment: challenges and opportunities. *Impact Assessment*. 13: p. 3 – 30
- PAVLIČKOVÁ K., KOZOVÁ M., CHRENŠČOVÁ V., PETŘÍKOVÁ D., PAUDITŠOVÁ E., MORAVČÍKOVÁ Z., 2009: *Environmentálne plánovanie a manažment*, Univerzita Komenského v Bratislave, Prírodovedecká fakulta, Bratislava, 146 s., ISBN: 978-80-223-2740-4
- PINHO P., MAIA R., MONTERROSO A., 2007: The quality of Portuguese Environmental Impact Studies: The Case of Small Hydro Power Projects. *Environmental Impact Assessment Review*. 2007. Vol. 25. p. 189 – 205
- SADLER B., 1996: *International study of the effectiveness of environmental assessment. Final report environmental assessment in a changing world: evaluating practice to improve performance*. Quebec: Environmental Agency, International Association for Impact Assessment, Minister of Supply and Services, Canada.
- SAMARAKOON M., ROWAN J., S., 2008: A critical review of environmental impact statements in Sri Lanka with particular reference to Ecological Impact Assessment. *Journal of Environmental management*. 41: 441 - 460
- SNELL T., COWELL R., 2006: Scoping in environmental impact assessment: balancing precaution and efficiency? *Environmental Impact Assessment Review*. 26: 359 – 376
- TORO J, REQUENA I, ZAMORANO M., 2010: Environmental impact assessment in Colombia: critical analysis and proposals for improvement. *Environ Impact Assess Rev*; 30: 247–61.
- WATHERN P., 1994: An introductory guide to EIA. In: Wathern P, editor. *Environmental impact assessment: theory and practice*. London: Biddles Ltd, Guilford and King's Lynn. p. 3-46.
- WOOD C., 2003: *Environmental Impact Assessment – A Comparative Review, second edition*. Pearson Education Ltd. Edinburgh Gate. 405 p. ISBN 978-0-582-36969-6