

Finance of investment projects: Environmental and Social Impact Assessments (ESIA) and public consultation

What are EIAs or ESIAAs?

Environmental Impact Assessment or Environmental and Social Impact Assessments (ESIA or ESIAAs in CEE countries) or State Environmental Reviews (“ekspertisa” or OVOS in CIS countries) are generally required for investments involving a new, “greenfield” development or a significant expansion or modification of an existing facility before the proposed development may be authorised. National ESIA/ekspertisa laws may cover a few social aspects (in particular cultural and archaeological heritage) but typically do not require a full consideration of social impacts.

ESIA and public consultation

When asked to finance investment projects, credit officers should, as part of the regulatory compliance check, verify that the customer has met any local or national legal requirements for environmental and social impact assessment, public information, consultation and disclosure that may apply to the activity proposed for financing.

In most CEE countries, the national regulations on the ESIA or ESIA process also require consultation with the public that may be affected by the project and prescribe the procedure for notification, public disclosure of the draft EIA/ESIA, and public review and comment. In CIS countries, such legislation is common but not evenly implemented, although many countries have committed internationally to involving the public in environmental decision-making on projects. For projects that require a national level EIA/ESIA or OVOS and which are located in a country which has ratified or acceded to the United Nations Economic Commission for Europe Aarhus Convention, credit officers should check Chapter 6 of the Aarhus Convention for public consultation requirements.

The preparation and financing of the ESIA, including actions to address public consultation requirement is the responsibility of the borrower.

The following guidance is provided in this document:

- Projects requiring an ESIA under EBRD Environmental and Social Policy
- ESIA sample report format
- Guidance for local disclosure of ESIAAs

Projects requiring an ESIA under EBRD Environmental and Social Policy

Appendix 1: Category A projects

This list applies to “greenfield” or major extension or transformation-conversion projects in the categories listed below. The indicative types of projects listed below are examples of projects that could result in potentially significant adverse future environmental and/or social impacts and therefore require an environmental and social impact assessment. The categorisation of each project will depend on the nature and significance of any actual or potential adverse future environmental or social impacts, as determined by the specifics of nature, location, sensitivity and scale of the project.

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2. Thermal power stations and other combustion installations with a heat output of 300 megawatts¹ or more and nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. Installations designed for the production or enrichment of nuclear fuels, the reprocessing, storage or final disposal of irradiated nuclear fuels, or for the storage, disposal or processing of radioactive waste.
4. Integrated works for the initial smelting of cast-iron and steel; installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.
5. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are for the production of: basic organic chemicals; basic inorganic chemicals; phosphorous, nitrogen or potassium-based fertilisers (simple or compound fertilisers); basic plant health products and biocides; basic pharmaceutical products using a chemical or biological process; explosives.
6. Construction of motorways, express roads and lines for long-distance railway traffic; airports with a basic runway length of 2,100 metres or more; new roads of four or more lanes, or realignment and/or widening of existing roads to provide four or more lanes, where such new roads, or realigned and/or widened sections of road would be 10 km or more in a continuous length.
7. Pipelines, terminals and associated facilities for the large-scale transport of gas, oil and chemicals.
8. Large scale sea ports and also inland waterways and ports for inland-waterway traffic; trading ports, piers for loading and unloading connected to land, and outside ports (excluding ferry piers).
9. Waste-processing and disposal installations for the incineration, chemical treatment or landfill of hazardous, toxic or dangerous wastes.
10. Large scale waste disposal installations for the incineration or chemical treatment of nonhazardous wastes.
11. Large² dams and other impoundments designed for the holding back or permanent storage of water Groundwater abstraction activities or artificial groundwater recharge schemes in cases where the annual volume of water to be abstracted or recharged amounts to 10 million cubic metres or more.
12. Industrial plants for the: (a) production of pulp from timber or similar fibrous materials; (b) production of paper and board with a production capacity exceeding 200 air-dried metric tonnes per day.
13. Large-scale peat extraction, quarries and open-cast mining, and processing of metal ores or coal.
14. Extraction of petroleum and natural gas for commercial purposes.
15. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tonnes or more.
16. Large-scale logging or deforestation of large areas.

¹ Equivalent to a gross electrical output of 140 MW for steam and single cycle gas turbines power stations.

² The International Commission on Large Dams (ICOLD) defines a large dam as a dam with a height of 15 metres or more from the foundation. Dams that are between 5 and 15 metres high and have a reservoir volume of more than 3 million cubic metres are also classified as large dams.

17. Municipal waste-water treatment plants with a capacity exceeding 150,000 population equivalent.
18. Large-scale municipal solid waste-processing and disposal facilities.
19. Large-scale tourism and retail development.
20. Construction of high voltage overhead electrical power lines.
21. Large scale wind power installations for energy production (wind farms).
22. Large-scale land reclamation and sea dredging operations.
23. Large-scale primary agriculture or forestation involving intensification, land use change or conversion of priority biodiversity features and/or critical habitats.
24. Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day.
25. Installations for the intensive rearing of poultry or pigs with more than: (a) 85 000 places for broilers, 60 000 places for hens; (b) 3 000 places for production pigs (over 30 kg); or (c) 900 places for sows.
26. Projects³ which are planned to be carried out or are likely to have a perceptible impact on sensitive locations of international, national or regional importance, even if the project category does not appear in this list. Such sensitive locations include, *inter alia*, nature protected areas designated by national or international law, critical habitat or other ecosystems which support priority biodiversity features, areas of archaeological or cultural significance, and areas of importance for indigenous peoples or other vulnerable groups.
27. Projects which may result in significant adverse social impacts to local communities or other project affected parties.
28. Projects which may involve significant involuntary resettlement or economic displacement.

Indicative ESIA Structure for EBRD Category ‘A’ Projects

An ESIA for projects receiving Bank funding should include the following sections:

1. Non-Technical Summary

The non-technical summary should include:

- A concise summary description of the proposed project
- The rationale for the proposed project
- The geographical area that the project will influence
- The existing environment in the area of influence
- Any significant environmental and social impacts
- Any significant issues or opportunities
- A summary of key aspects of the Environmental and Social Action Plan (see number 10 in this section)
- Residual risks/issues
- The nature of the client/projects’ systematic approach to managing the environmental and social aspects of the project including monitoring activities.

³ Including, without limitation, environmentally or socially oriented projects (such as renewables).

Material information gaps or the need for further studies should be highlighted.

2. Operational Framework

The operational framework should outline the policy, legal and administrative context of the ESIA. This could include:

- The Bank's involvement in the project
- Applicable international financial institution environmental and social appraisal requirements, including the Bank's
- Applicable host country and international regulatory framework, standards and guidelines, and treaties.

In addition, the timeframe for and means by which the disclosure of information and public consultation will be undertaken should be summarised with reference to the Stakeholder Engagement Plan. The timeframe for consideration of the project by EBRD's Board should also be outlined.

3. Project Description

The project description should contain a detailed, up-to-date description and delineation of the proposed project within its geographical, environmental and socio-economic context. It should include information on whether and how the project is part of a wider development programme.

The project description can also include project alternatives, but these can also be described in a separate section.

4. Description of the Existing Environment

The description of the existing environment should describe relevant aspects of the physical and natural environment and socio-economic conditions in the project's area of influence. Existing impacts and their sources should be also described as appropriate.

Relevant aspects might include:

- Climatic conditions
- Vulnerability to climate change, including potential water stress
- Geomorphology and geology
- Land use and settlement patterns
- Water resources
 - Surface
 - Groundwater
- Biological and ecological resources
- Key flora and fauna
 - Protected, listed or endangered species
 - Habitats, including any protected habitats, e.g. Sites of Special Scientific Interest
 - Ecosystem issues
 - Existing environmental pressures (incl. climate adaptation)
- Landscape and visual issues (incl. light impact if appropriate)
- Air quality and existing emissions load
- Noise and vibration
- Social and socio-economic issues
 - Demography (population, trends, age/gender profiles, migration)
 - Social composition (ethnicity, clan/tribal structure, minority groups, including the presence of any indigenous peoples)

- Power relationships and governance issues
- Conflict and social tension
- Land ownership and tenure
- Economic activities (formal and informal sector)
- Education
- Population health profile
- Gender issues
- Vulnerable groups
- Cultural heritage
- Community health, safety and security
- Occupational health and safety
- Labour issues and working conditions

This information should serve as the baseline for impact assessment.

5. Potential Impacts

This section should identify environmental and social impacts that could be associated with the proposed project and its feasible alternatives. Relevant impacts could include:

- Local impacts
- National impacts
- Transboundary and global impacts
- Indirect and cumulative impacts

Impacts which are unlikely to arise or be insignificant should be discounted through a process of reasoned argument.

6. Characterisation of Impacts and Issues

This section should identify and characterise positive and negative environmental and social impacts of the project in terms of:

- Magnitude
- Significance
- Reversibility/potential for mitigation
- Extent
- Duration

The possibility for cumulative impacts should also be considered. Quantitative data should be employed to the extent possible. The chapter should also identify opportunities for environmental enhancement and identify key uncertainties and data gaps.

Environmental and social impacts should be explicitly linked to relevant stages of the project cycle, such as:

- Pre-construction phase
- Construction
- Operation & Maintenance
- Decommissioning or Closure and Reinstatement

Where **third parties** such as contractors are involved, their roles and capacities, and the degree of control the project can exert over them, should be considered.

Supply chain issues that are central to the project's core functions should be considered where the resource utilised by the project is ecologically sensitive or where low labour cost is a material factor of the project's competitiveness.

Key environmental impacts and issues can include:

- Pollution – See [Performance Requirement 3](#)
- Biodiversity and sustainable natural resource management – [See Performance Requirement 6](#)
- Regional and trans-boundary impacts
- Greenhouse gas emissions
- Climate change and adaptation

Community health and socio-economic impacts and issues are likely to occur over different time scales and may well be inter-related with each other and with environmental impacts; hence the need for integrated impact assessment.

Key social impacts and issues can include:

- Labour and working conditions – See [Performance Requirement 2](#)
- Population movements
 - Temporary or permanent acquisition of land, property, economic assets (see Involuntary Resettlement Guideline).
 - Migration into or out of the area.
- Economic
 - Impact on economic assets including land
 - Loss of employment
 - Employment creation – temporary as a result of construction, or permanent during operations.
 - Potential indirect employment creation, for example through sub-contracting. It is particularly important to look carefully at the potential impact on the informal sector, i.e. economic activity that is not taxed or monitored by government authorities, e.g. small roadside shops). The informal sector is important as changes in this area can have significant consequences on the livelihoods of vulnerable people.
- Community Health, Safety and Security
 - The ESIA may need to identify how the Project could influence the health of the affected communities. There are a number of effects that need to be considered:
 - Potential for increased incidence of communicable diseases.
 - Environmental conditions created by the Project that could lead to deterioration in health.
 - The impact of the Project on access to health care, e.g. would the project lead to severance from health care facilities? It is important that there is initial baseline information on the health situation of the community within the area of impact. This will enable changes in health condition to be more accurately measured and attributed.
 - See Performance Requirement 4 for more details.
- Education
 - The impact of the Project on access to educational facilities, e.g. would the project lead to severance from education facilities?
 - Are there opportunities for education facilities to benefit from the Project?
- Social Conflict
 - Projects related to the development and use of resources can often lead to creation of tensions within and between communities, particularly in situations where the affected population is characterized by low levels of economic development and there is a struggle

for access to resources. Using the information on socio-economic characteristics and social dynamics, the base line should look at whether there is a need to carry out a detailed conflict analysis. Issues to consider include:

- What interests do the different stakeholders have and what are their relations to each other?
- What are potential sources of conflict between different stakeholders?
- Will the project have an impact on the distribution of resources?
- The social element of the ESIA should take account of existing social and economic tensions and the potential for the project to create a situation where these tensions may be exacerbated leading to creation of conflict.
- Gender
 - Social impacts are often experienced very differently by men and women. Rather than carry out a separate gender analysis, the aim of the SIA should be to mainstream gender so that it is considered in all stages of analysis. Under certain circumstances, a project may adversely impact men rather than women, due either to the nature of the project or the socio-cultural and economic context of a society. What is important in a gender analysis is to understand the differential impact on men and women. Questions that need to be asked include:
 - What are men's and women's social and economic roles in the impacted area?
 - Will the project adversely impact men's and women's social and economic roles?
 - What institutional arrangements have been made for consulting with women?
 - Are there equal opportunities for both men and women to benefit from the Project?
 - Are there barriers to women's participation and how can they be overcome without creating tensions within the community?
- Indigenous Peoples
 - If the scoping study shows the presence of indigenous peoples (IP), then the detailed information in the baseline should determine whether an indigenous peoples plan is required. See [Performance Requirement 7](#)
- Cultural heritage – See [Performance Requirement 8](#)
- Involuntary resettlement – [See Performance Requirement 5](#)

7. Mitigation and Management of Impacts and Issues

This section should outline feasible, cost-effective measures to prevent or minimise environmental and social impacts to acceptable levels and address other environmental and social issues. Other issues could include:

- The need for worker health and safety improvements
- Inter-agency coordination
- Community involvement
- Institutional strengthening or training within the executing agency/ governmental agencies/project sponsor or at the community level.

This section should also outline measures that would enhance the environment within the area affected by the project and characterise the nature of any residual environmental impacts or issues that have not been addressed. Financial provisions for potential risks should also be described (e.g. escrow accounts and insurance cover to provide for abandonment and decommissioning, site remediation and oil spills and other emergencies).

Mitigation and management measures should be explicitly linked to relevant stages of the project cycle, such as:

- Pre-construction phase

- Construction
- Operation and maintenance
- Decommissioning or closure and reinstatement

With regard to social issues, mitigation measures should be developed in relation to policy frameworks, both domestic and international.

Domestic policy frameworks could exist at the national or the local government level, e.g. where a country has a poverty reduction strategy in place or where policies are being developed with regard to agricultural development. Measures could also relate to the development of other infrastructure such as roads or energy supply improvements. With regard to education and health, it is particularly important that mitigation measures are linked to public sector provision in order to maximise positive impact and ensure sustainability.

International policy frameworks could include frameworks established by organisations such as UNICEF (www.unicef.org), UNDP (www.undp.org), UNHCR (www.unhcr.org) or WHO (www.who.int).

8. Residual Impacts and Risks

This section should describe key residual impacts and their significance.

Environmental risks such as the potential for accidents and incidents (e.g. oil spills, explosions, contaminant release, dam failure, etc.) should be considered. The section should also describe proposed contingency planning and measures and evaluate their adequacy.

Social risks are very context-specific and could include factors such as:

- Economic changes, e.g. inflationary trends.
- Political changes that could make it difficult to implement particular mitigation measures.
- Unforeseen events, e.g. natural disasters.
- Lack of people with the necessary skills to implement mitigation measures.

9. Environmental and Social Opportunities for Project Enhancement

This section should describe potential local environmental and socio-economic benefits of the Project. Benefits could include:

Environmental

- Habitat enhancement
- Set-aside
- Site remediation and clean-up
- Energy and resource efficiency
- Cleaner production
- Institutional strengthening
- Capacity building

Social

- Temporary and permanent jobs within the Project
- Opportunities for local firms to sub-contract services
- Opportunities for local firms to supply goods
- In cases where relocation is required there may be opportunities to improve the housing condition of people relocated.
- The Project may be able to link up with local schools to create opportunities for learning

Opportunities for facilitating development gains will be specific to the project context and should be considered in consultation with the local community. Particular attention should be given in any development strategy to vulnerable people within the area of impact due to the high risk that they will be excluded from development gains unless specific measures are taken to include them. Annex A on vulnerable people assessment considers this in more detail. It is important to note that participatory or community-demand-driven approaches to development will not necessarily ensure the inclusion of vulnerable people. Furthermore, special measures may be required to enable certain vulnerable people to take part in activities, e.g. employing disabled people may require the provision of special facilities.

10. Action Plans and Management Systems

This section should describe integrated and comprehensive management plans, programmes and systems for addressing the environmental and social impacts, issues and opportunities that have been identified through the ESIA process. The Plan should include:

- Clearly stated outcomes or targets
- Timeframes
- Responsibilities
- Resources required

The Plan should include appropriate monitoring activities to ensure that:

- Mitigation measures are effective
- Unforeseen negative impacts or trends are detected and addressed
- Expected project benefits or opportunities are achieved

Monitoring should focus on key indicators of project performance and social and environmental impacts. Indicators should be aligned to elements of the existing pre-project baseline and be:

- Specific
- Measurable
- Achievable
- Relevant
- Time-bound.

Provision should also be made for:

- Capacity building, e.g. training of project staff or third parties, as appropriate
- Contingency and emergency response plans and measures, including adequate resourcing

Appendices should include:

- The names of the people responsible for preparing the ESIA
- The Terms of Reference of the consultancy conducting the ESIA
- References and sources of information
- Records of public meetings and consultations held
- Supporting technical data
- A photo log

The Bank has issued a Guidance Note on Environmental and Social Action Plans that can provide additional assistance with the development of action plans and management systems.

11. Analysis of Alternatives

The analysis of alternatives should consist of a systematic comparison of feasible alternatives to the project in terms of:

- Location
- Project technology
- Design in terms of potential environmental impact.

The analysis should include the 'do-nothing' option. Where appropriate, a least-cost analysis of alternative forms of production should be conducted (for energy generation projects for example).

ANNEX A

I. Scoping and the Identification of Vulnerable Groups

The scoping study should identify the broad categories of vulnerable people present in the project's area of influence.

Categories are not always easy to define and may be area-specific. For example, an ethnic group may be vulnerable in one area but not in another. At the stage of the scoping study, it is only necessary to identify *potential* vulnerability.

Categories may also not be visible and/or 'hidden'.

Vulnerable groups can be categorised as follows:

Categories
<ul style="list-style-type: none">• Group A• Elderly• Youth• Physically Handicapped• Mentally Handicapped• HIV/AIDS• Other debilitating illnesses
<ul style="list-style-type: none">• Group B• Informal settlers• Common property land users• Nomadic/transhumant communities• Artesian fisher folk• Artesian miners• People below the poverty line• Sex Workers
<ul style="list-style-type: none">• Group C• Refugees• Internally displaced people• Recent entrants into a community• Irregular migrants

<ul style="list-style-type: none"> • Group D • Indigenous peoples • Ethnic group • Caste or Religion based
<ul style="list-style-type: none"> • Group E • Women
<ul style="list-style-type: none"> • Group F • Geographically remote locations • Areas prone to natural disasters • Politically unstable areas • Locations with limited infrastructure

II. Baseline Socio-economic Characteristics

Collecting both quantitative data and qualitative data allows for an understanding of the socio-economic characteristics of the vulnerable categories represented in the area of influence and their relationship with the rest of the community. The table below presents an indicative format for the presentation of socio-economic information.

Category of vulnerable	Location and prevalence	Characteristics	Relationship with rest of community
Elderly	30 people, located in villages x, y, z	Lack of mobility Potential difficulties with visibility and hearing	May be respected Potentially ignored Potentially manipulated
Disabled			May be protected by community, but at the same time stigmatized. Project may require permission from a guardian to enable participation

III. Guidance for Local Disclosure of Environmental Impact Assessments (ESIAs)

The EBRD believes that meaningful public consultation improves the quality of projects. Through the timely disclosure of project information, EBRD helps to ensure accountability, transparency, improved decision making and openness. As described in greater detail below, borrowers seeking finance from one of EBRD's FIs for a project that would be classified "Category A" according to EBRD's Environmental and Social Policy

(<http://www.ebrd.com/pages/about/principles/sustainability/policies.shtml>) are required to make

the ESIA report publicly available at or near the location of the project. Making project-specific information available helps inform affected local people, the business community and other interested constituencies about the prospective activities of the FI.

Public consultation and information disclosure is the responsibility of the borrower.

All “Category A” projects financed by an FI must, at minimum, meet national requirements for public consultation and disclosure of SESIAs or other environmental information on the project proposed for financing. The following information provides guidance on how borrowers should handle the local disclosure of the ESIA report, particularly if national law does not require such disclosure:

- The borrower is responsible for releasing the ESIA report publicly in a location at or near the project site that is accessible to locally affected communities.
- Disclosure should be in the local language and culturally appropriate.
- It should be noted that for some people, written communication may not be an effective means of transmitting information.
- The ESIA report should include a non-technical summary covering, at a minimum:
 - The physical characteristics of the proposed activity
 - Significant effects on the environment and local communities
 - Measures envisaged to prevent/reduce these effects.

Frequently Asked Questions about the communication of ESIA:

Where should the borrower “release” the ESIA?

It is the borrower’s responsibility to ensure that the ESIA is easily accessible and properly distributed in the public domain. There are a number of methods that can be used to achieve this requirement. Depending on the local culture, the ESIA could be held at the project site, in the local library, and municipal or government office(s). In more rural or remote areas, the ESIA may be more easily accessible in a local store or post office or a venue where locally affected people often gather.

How should the borrower announce the disclosure of the ESIA report?

The announcement should be made in accordance with local political, legal and cultural practice and customs. It should state the nature of the proposed project and where and for what period of time the ESIA will be released. In many cases, publishing a small announcement in the newspaper with the widest circulation and readership of the locally affected people will be adequate.

What if locally affected people cannot read?

In situations where locally affected people cannot read, an announcement in a newspaper may be ineffectual. In these cases, other means of disclosing the ESIA, e.g. radio announcements, should be considered on a case-by-case basis.

What if the project is in an area where people speak more than one language?

The borrower should check if the language in which the ESIA report is written is the same as the majority language of the people directly affected by the project. If not, the borrower is responsible for ensuring that the ESIA is properly translated into the language spoken by the majority of the potentially affected people. The borrower may want to contract the services of a professional translator, which would require advance preparation and planning. For some projects in remote areas, workers may be the only people affected by a project, and this needs to be taken into account if minority languages are spoken.

How long should the ESIA remain in the public domain?

In the absence of legal requirements, this will depend to some extent on the number of potentially affected people and the physical size of the area affected by the project, but typically, the ESIA report should be in the public domain for at least 28 days in order to give the potentially affected people a fair chance to review and understand the ESIA report.

Providing a mechanism for dialogue – from public disclosure to public consultation

Public information disclosure is only one part of effective public consultation. For a number of reasons, it is in the interest of the borrower to be aware of any comments members of the public may have on the project and to provide them with a forum to discuss their comments with the project management. Local people may, for example, have valuable knowledge of the project site and its surroundings; or they may bring to the borrower's attention further potential impacts or problems that, if unmitigated, would adversely affect local communities or the environment. Borrowers are therefore strongly advised to go beyond mere "disclosure" and also provide a feedback mechanism for public comments in line with good international practice. This would involve:

- A procedure for effective public consultation, allowing the submission of comments, information or opinions either in writing, or as appropriate, at a public meeting or hearing with the borrower
- Notifying the public of the final decision in the same way that initial notification was made, including the basis of the decision and how comments received during the public consultation were taken into account.

When should the disclosure happen in relation to the FI's financing decision?

The public disclosure and consultation process should be completed well before the financing decision so that the FI management, in their final appraisal of the transaction, can take into account any feedback from the public and how it is being addressed by the borrower.

What resources are available to assist?

Staff of EBRD's Environment and Sustainability Department can assist with defining the affected stakeholders and translation and disclosure issues for the specific project. In addition, there are several tools available that may be useful, such as the IFC's publication: *Doing Better Business through Effective Public Consultation and Disclosure: A Good Practice Manual*, which is available on their website www.ifc.org.

The relevant direct link is <http://www.ifc.org/enviro/Publications/Practice/practice.htm>