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**SEA and the European Bank for
Reconstruction and Development**

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INTRODUCTION

The European Bank for Reconstruction and Development was established in 1991 to “foster the transition towards open market-oriented economies and to promote private and entrepreneurial initiative...” in the Bank’s countries of operation. It currently operates in 26 countries of central and eastern Europe and the former Soviet Union. Since 1991, the Bank has committed about EUR 15 billion to over 600 projects. The Bank is the largest single foreign direct investor in its region. For every EURO invested by EBRD, a further EURO 2.6, on average, are mobilised from other sources.

The Bank’s shareholders – mainly the OECD countries and the countries of operations, together with the European Commission and the European Investment Bank – did not create a new international financial institution to replicate the work of existing organisations, such as the World Bank, the regional development banks, and multilateral and bilateral donors. Rather, the EBRD was established as an acknowledgement of, and to take advantage of, the opportunities for stimulating the private sector in its region of operations.

The Bank is directed by its mandate to “promote, in the full range of its activities, environmentally sound and sustainable development.” The EBRD is strongly committed to this mandate. Using OECD’s definition of environmental and health and safety expenditure, nearly 20% of the Bank’s total annual commitments, which are currently over EUR 2 billion, are devoted to environmental improvements. Of this, approximately half the funding is accounted for by municipal and environmental infrastructure and energy efficiency projects and the other half is associated with environmental improvements on industrial and other infrastructure projects.

This paper begins by briefly describing the way in which the Bank's transport and environment policies reflect the environmental mandate. It looks at EBRD's Environmental Procedures, which set out the way in which all the Bank's potential investments, including those in the transport sector, are screened for their potential environmental consequences and, where needed, subjected to environmental assessments and/or audits.

The paper goes on to present an overview of the number and type of Bank operations in the transport sector in its first seven years of operation. In doing so, it pays attention to the way in which the Bank's Environmental Procedures were applied to the projects and the resulting "environmental due diligence" which was undertaken. The paper then turns to the issue of SEA, the Bank’s approach to this planning instrument as outlined in the Environmental Procedures and the limited experience in applying it. We conclude with some thoughts as to how the Bank might co-operate with other “players” in the region to apply SEA to transport planning.

EBRD'S TRANSPORT OPERATIONS POLICY

The basic elements of the Bank's transport strategy were set out in the Transport Operations Policy of 1992, which was revised in 1996. This document points out that the Bank views transport in two subsets: urban transport and long- distance transport.

The first subset is especially related to the increasing motorisation in the region. Poorly performing public transport encourages private car ownership and use. This then leads to road traffic congestion, which delays public transport vehicles and reinforces the well- known downward spiral.

Urban transport influences where people live, the locations of firms, the efficiency of labour markets, and the scale and form of urban developments. Formerly good public transport systems in many cities are decaying, due to the lack of financial resources. The Bank is now giving increased emphasis to urban transport projects and is preparing investments in Warsaw, Gdansk and elsewhere.

The main obstacle in developing urban transport projects is their low cost recovery. Farebox revenues do not usually cover operating costs and in many cities there is a desperate shortage of funds to pay staff wages and purchase spare parts, let alone invest in new equipment. The Bank recognises that fares cannot be increased to full cost recovery overnight and recommends that the authority granting travel privileges pay the associated costs, through proper contractual arrangements.

As motorisation increases, market distortions arise, because currently it is not possible to charge road users the full costs of their travel. Demand management may be exercised in urban areas through e.g. parking controls, protection of public transport from congestion by right of way and junction priorities, and operating subsidies, where public services are economically viable. In such cases, the Bank will explore with potential donors the possibility of blending Bank resources with donor grants towards investment and/or operations.

The second subset of long- distance transport relates to aviation, railways, intermodal transport and road transport. The balance of demand between these competing modes has important economic, environmental and social implications. Particularly sensitive areas are competition between road, rail and water for freight movements, and between air, rail, inter- urban coach and car for passenger movements.

The aviation subsector shows a two- fold development in the countries of operation. Whereas for example there is fierce competition between carriers in Russia and Kazakhstan, in many parts of eastern Europe, the Baltics and the Commonwealth of Independent States, flag carriers are still seen as a foreign policy instrument, a national status symbol.

The protection of the flag carriers is inconsistent with the Bank's transition objectives and the application of sound banking principles. In Russia and Kazakhstan it is expected that the market will gradually ensure rationalisation of the airline industry, cause the transfer of the lower end of the market to less energy-consuming modes (such as railways) and force airlines to replace their fuel- inefficient fleets.

Railway traffic has dropped more than half in many countries, with reductions of up to 70-80% per cent in some. One of the biggest challenges to railway commercialisation is the existence of extensive passenger train operations that do not cover their costs, a problem that also exists in western Europe and elsewhere.

The Bank does not require that all passenger services be financially self- supporting from passenger income alone, but does require to see a sound contractual basis for financial support, agreed targets and a transparent and stable regime for compensation. Such arrangements treat government as a customer for passenger services and allow railway managers to manage services in accordance with commercial principles.

Intermodal transport is a generic term loosely referring to traffic that is transferred between sea and rail or road and rail, or sea, rail and road for different parts of its journey. Intermodal transport has been one of the fastest growing components of North American and west European railway freight in recent years. New intermodal services have been introduced between Hamburg and Prague, Trieste and Budapest and Berlin and Moscow. This sector is underdeveloped and investment in this subsector is essential to maximise trade opportunities with western Europe.

Emerging EU policy, in line with sustainable mobility policy, is to support improvement of intermodal freight terminals, develop intermodal freight systems through Trans- European Freight Freeways and launch pilot projects for intermodal services. Realisation of the potential will depend on increasing the network access to enable private international train operators to use the European rail system to offer efficient door-to door services.

Road transport passenger volumes are likely to increase steadily over the coming years, in line with motorisation, while freight movements are expected to grow as economies restructure and develop.

During its initial years of operation, the Bank signed sovereign loans to improve basic road infrastructure in various eastern European, Baltic and CIS countries. Increasingly, however, the Bank is using its comparative advantage in this subsector to a) mobilise private capital and management expertise for toll motorways and b) foster sector reforms through sovereign operations in Early Stage and selected Intermediate Stage transition countries. The general trend of the Bank's projects is away from the road transport and more in the direction of rail- projects, where it sees itself to have a particular expertise.

EBRD'S ENVIRONMENTAL POLICY AND PROCEDURES

The Bank's Environmental Policy document was revised by the Board of Directors in 1996. In addition to setting out a number of general principles and objectives, the policy document sets out EBRD's strategy for promoting its environmental mandate in the following areas: sector and country strategies, environmental appraisal, environmental standards, environmentally oriented operations, technical co-operation, regional and global initiatives, developing the local environmental goods and services sectors, public consultation and the provision of information. It is the "environmental appraisal" area which is of particular relevance to transport activities.

Environmental concerns are integrated into all stages of the Bank's project preparation and approval process. For each project under consideration, a preliminary request is made to the project sponsor for environmental information. The Bank's Environmental Appraisal Unit then determines the type and detail of environmental investigation required from the project sponsor, typically an environmental assessment and/or an environmental audit. On receipt of environmental information, the environmental specialists review the project prior to any decision to present it for management review and Board approval.

The environmental specialists work with project leaders and the Bank's legal counsel to incorporate appropriate environmental conditions and covenants into loan agreements relating to topics such as mitigation measures and monitoring. The implementation of the covenants is then supervised by the environmental specialists. Opportunities for incorporating measures which would result in environmental enhancement without a reduction in efficiency are always sought on projects. The same procedures are followed for both private and public sector proposals.

Two types of environmental investigations are undertaken, depending on the past, present, and future environmental concerns associated with the proposals. Environmental assessments, according to the Bank's

definition, are 'future looking', and assess the potential impact of the proposed project. Assessments are most often required if a project involves the development of a "green-field" site or the expansion of an existing facility onto previously undeveloped land, or where there is potential to cause environmental impacts outside the area occupied by the project. The assessments seek to identify the nature and magnitude of future environmental change, including biological, physical and socio-economic impacts, which would result from an investment decision by the Bank. Projects are categorised as "A", requiring an environmental impact assessment (EIA), if they have the potential to cause diverse and significant impacts, as "B", requiring an environmental analysis, if any potentially significant impacts can be readily identified and remedial measures can be presented without undertaking a full environmental assessment, or as "C" if there are no apparent potential environmental impacts.

Where a survey of a site's present environmental condition is needed, particularly when property is transferred or when there is a facility with on-going operations, then an environmental audit is required. Audits seek to establish the past practices and current activities at a site or sites where the Bank is considering making an investment. Typically, they are required if a project involves property transfer, property lease, or some modification to existing operations. Audits are not an alternative to environmental assessments and in some cases both audits and assessments are required. The findings of environmental audits are used to determine any remediation requirements and to define, together with the conclusions of environmental assessments, environmental management programmes. In summary, each project screened by the Bank receives both a letter (A, B or C) for the type of environmental assessment needed and a number 1 if an environmental audit is needed, 0 if it is not.

Where a project has been classified as "A", requiring an EIA, the Bank requires the project sponsor to notify affected citizens, involved government organisations, NGOs and relevant community organisations of the nature of the project. In addition, the Bank requires scoping to be undertaken to enable the public and other parties to raise issues which should be addressed in the environmental assessment and to discuss arrangements for further public participation. The Bank expects the assessment to record the results of any review undertaken of the project by local authorities or other relevant organisations and to discuss issues raised by interested parties. The project documentation should include a summary of the public participation activities conducted as part of the project and should explain how key environmental issues identified in this process have been addressed in project design.

The Bank also compares the public participation conducted with any relevant legal or procedural requirements in the particular country of operations.

Project sponsors are required to make publicly available any environmental assessment that they have been required to carry out, in accordance with national legislation in the country concerned, such that there is time for public parties to comment on the environmental assessments and for these comments to be taken into account in the Bank's review of projects. The Bank ensures that the comments and opinions expressed by public parties are taken into account in the project approval procedures of the Bank. Public participation may raise issues not previously identified which, in the judgement of the Bank's management, require design changes or even the abandonment of the project. The satisfactory handling of the public participation process by the project sponsor is taken into account in approving projects. In cases where the Bank recognises there is justification for withholding information for commercial or other reasons, the need for these omissions is explained in the appropriate environmental documentation.

For "B" level projects, public participation requirements in the countries of operations have to be met. Bank staff establish the adequacy with which the issues and concerns of public parties have been explored and addressed, and this is reflected in the Bank's project approval procedures.

EBRD's Environmental Procedures point out that, in addition to EIAs (or environmental analyses) on specific operations, the Bank may also carry out strategic environmental assessments (SEAs) in number of sectors, including transport. The term, SEA, is used to describe the process of evaluating the likely environmental consequences of a proposed plan or programme which has the potential to significantly affect the environment, before it is approved.

Although the Procedures describe a number of benefits of carrying out SEAs (e.g. they can facilitate the preparation of project-specific EIAs at later stages of development), they do not *require* their implementation. Rather, the Procedures state that **“SEAs will be carried out as the need for them arises.”**

APPLYING ENVIRONMENTAL PROCEDURES TO TRANSPORT PROJECTS

Since the EBRD was founded a little over eight years ago, it has committed over EUR 1.7 million in the transport sector. Reflecting the Bank's Transport Operations Policy, the projects include new motorways as well as highway rehabilitation, ports, urban transport schemes, railway improvements and aviation projects in the Bank's countries of operation in central and eastern Europe and the former Soviet Union. (Table 1 lists the transport projects by country which have been approved to date and shows the environmental screening category in which each was placed.)

The number and type of loans approved to date (along with those which are currently "in the pipeline") reveal a number of characteristics of the Bank's lending in this sector:

First, railways still play a very large role in inland transport in central and eastern Europe and represent the single most important sub-sector in the Bank's transport portfolio and future project pipeline. Most rail projects, like the Bank's highway projects, are concerned with bringing about technological modernisation to existing railways and promoting institutional change to make management more responsive to customers.

Secondly, although projects are being prepared and undertaken in all transport sectors, historically a large part of the actual lending has been for road transport. The loans in turn, have been primarily for road maintenance and rehabilitation rather than new construction. Notable exceptions are the M5 and M1/M15 motorway projects in Hungary, the Via Baltica project in Lithuania and the Croatian Motorway project which have all been screened A/0 requiring environmental impact assessments.

Thirdly, in line with the Bank's focus on private sector development, loans in the transport sector, particularly those involving port terminals and motorways aim, wherever possible, to foster private sector participation for example by means of concession schemes and public-private partnerships.

An examination of the way in which individual transport projects have been assessed for their environmental impact reveals the state of the art in conducting environmental assessments in the region as well as the key elements for carrying out successful EIAs of transport projects in general.

LESSONS LEARNED – PROJECT LEVEL EIA

Based on the experience gained to date with carrying out environmental impact assessments of transport projects in central and eastern European countries, the Bank has learned a number of lessons regarding the way in which "environmental due diligence" should be incorporated into project planning:

Scoping: In carrying out environmental assessments on large scale transport projects with significant environmental impacts, it is imperative to begin the process with a scoping meeting. Scoping is important not only to determine the specific range of issues to be considered in the assessment but also to get agreement on those issues from the various parties who have an interest in the project. Early agreement on the way in which the EIA should be carried out and on its content can help avoid delays at later stages in the decision-making process.

Expertise: One of the key elements for carrying out a successful environmental assessment is the personnel involved in the assessment team. The specific make up of any team (i.e. the number and type of particular disciplines which are represented) can, of course, vary greatly from case to case based on the project, its characteristics and the type of environment in which it is proposed to be constructed. Regardless of the specific configuration, however, it is important that EIAs be undertaken by teams with the right expertise. To be most useful as both a decision-making tool and a planning tool, assessments should be based on up-to-date environmental information, which can best be provided through local experts, together with the most advanced methodologies and approaches which have been developed internationally.

Application of Environmental Regulations: The legal and administrative bases for environmental assessment in central and eastern European countries are still in a process of development. Many countries have passed legislation but not yet approved the empowering regulations and/or guidelines. In such cases it has become evident that the Bank must consistently apply its own procedures as a "minimum" regardless of the country in which it is operating. In many cases, and despite the rigour and detail of national environmental assessment procedures, most of the countries in the region have had little experience in applying them (either in the transport or any other sector) and it is primarily through the "environmental due diligence" requirements of the EBRD and other international financial institutions that are they gaining experience in actually applying the principles of environmental impact assessment.

Role of SEAs: While EIAs of individual transport project can often lead to environmentally improved design and the provision of environmental mitigation measures, they are, by definition, not able to examine the more significant questions regarding the environmental effects of the country-wide transport decisions.

LESSONS LEARNED – STRATEGIC ENVIRONMENTAL ASSESSMENT

The Bank's experience with SEA has been much less than that with project level EIA and, indeed, has been limited to one case. As pointed out above, EBRD's Environmental Procedures state that SEAs will be carried out as the need for them arises. The one case in which a clear need arose was in conjunction with the Bank's financing for the East-West Highway Project in Slovenia in 1994.

The project consisted of three main components:

- i) Motorway construction over 9.4 km between Pesnica and Sentilj (Maribor-Austrian border);
- ii) Reconstruction/upgrading of two routes leading to the Hungarian border between Pocehova and Lendava (23.7 km) and between Slovenska Bistrica and Ptuj (9.1 km); and
- iii) Road widening between Crnuce and Domzale near Ljubljana (4.2 km).

A number of EIAs and environmental analyses were carried out on this project in conformity with both Slovenian environmental requirements and EBRD's Environmental Procedures. As a result of the environmental due diligence, a number of environmental impacts were identified including noise, air/water

quality, wildlife, natural and cultural heritage together with the temporary environmental impacts associated with road construction.

In addition, various types of mitigation measures were proposed depending on the particular highway segment. These included channelling of highway runoff, oil filters, wildlife underpasses, noise walls and insulation of affected residences and planting and landscaping schemes. These measures were agreed with the project sponsor, costed and included in tender documents.

In finalising the environmental due diligence on this project a number of meetings were held with the Slovenian Minister of Environment regarding the scope of the EIA work and resultant environmental mitigation plans. Although the Minister agreed that the environmental impacts associated with the various highway segments were not significant and could be adequately addressed by mitigation, he was concerned that an approval of the project by the government would represent an implicit endorsement of an overall motorway development programme for the country without having examined the overall environmental impacts of such a programme. In other words, he felt that by looking only at the environmental impacts of single, isolated road components one would probably always conclude that the impacts were insignificant. Only when they were added together would the country be faced with a *fait accompli* of being locked into a motorway system which the overall impacts of which would never have been assessed.

To meet his concern, the Bank agreed to work with him to develop Terms of Reference for a Strategic Environmental Assessment of Slovenia's transport system and to provide technical assistance for carrying out the SEA as part of the Bank's loan on the East-West Highway Project. Those subsequent TOR contained the following four objectives:

- To carry out a baseline study of existing environmental conditions in the North-South and East-West transport corridors of Slovenia;
- To identify alternative development scenarios for these corridors (modal and corridor);
- To identify and assess the environmental impacts associated with the alternative development scenarios in the Slovenian transport corridors; and
- To make recommendations to the Slovenian Ministries of Transport, and Environmental Protection and Regional Planning on medium and long-term actions needed for selecting least cost transport alternatives while meeting environmental goals.

Following Board approval of the East-West Highway Project, the Technical Cooperation component was transferred to the PHARE programme and the EBRD was no longer involved in the development of the SEA.

We learned in 1995 that, subsequent to the signing of the EBRD loan, motorway corridors had been determined as a result of their inclusion in an overall "Spatial Plan" for Slovenia and that a "Motorway Construction Programme" concerning an implementation schedule was being discussed in Parliament. As a result of these events, the ministries concerned agreed that the SEA could not "examine the environmental impacts associated with the alternative development scenarios for Slovenian transport corridors" as had been stipulated in the original TOR.

As a result of these events, the consultants engaged by PHARE to carry out the SEA agreed upon revised TOR with the ministries concerned which had as its objectives:

- To assess the possibilities to achieve a sustainable transport development by means of an active policy towards the reduction of traffic on motorways; and
- To assess environmental management in the transport sector in Slovenia, and make recommendations for improvement.

The report, published in May, 1996, concluded that, although "...there are no legal requirements for strategic environmental assessment (at a level higher than corridors) for new infrastructure and certainly not for transport policy in general, it would be recommendable (sic) to consider the introduction of a more general environmental assessment of Policies, Plans and Programs in the transport sector and other sectors."(DHV CONSULTANTS BV, 1996a, p.57.)

TRANSPORT INFRASTRUCTURE NEEDS ASSESSMENT (TINA)

The European Commission is co-operating with the EU accession countries on an exercise to assess transport infrastructure needs. The TINA appraisal covers road, rail, air and navigation (passenger ferry, riverboats and water-borne freight). The applicant countries have put forward some 1,200 potential projects, with a total cost of the order of EUR 80 billion. The candidate projects are to be appraised and prioritised for future funding by the European Union through the ISPA facility, the countries themselves and the international financial institutions (IFIs). If SEA is relevant to the transport sector in Central Europe, it would find application here.

The TINA Secretariat has commissioned advisers to put forward an appropriate appraisal methodology, which is currently under discussion with interested parties, including the IFIs. A Framework Approach is recommended, which brings together tests of social value for money (through cost-benefit analysis) with broader environmental and policy indicators. It is proposed to take into account environmental impacts at local, regional and global levels, within the overall Framework.

This poses the question as to whether an SEA is an appropriate instrument in this context. Whilst it may make sense to take a *strategic* view of *environmental* impacts, the question remains of how to integrate the environmental analysis with considerations of transport system efficiency and safety, economic and financial viability, and policy considerations.

CONCLUSIONS

The conclusions which EBRD draws from its own experience (as well as observation of the application of SEA to the transport sector in general) are the following:

1. An SEA is basically to inform *decision-making*. If there is no decision to be made (or it has already been made) there is no need for an SEA.
2. The decisions which an SEA would inform are those related to policies and programmes, and are made by *public authorities* such as governments and the European Union. Public authorities therefore have the ultimate responsibility for initiating and implementing SEAs as well as taking note of, and acting upon, their findings.
3. Practical methodologies are not yet available to integrate SEA outputs with other appraisal criteria to provide practical advice to decision-makers. Future work could focus on carrying out an SEA of the TINA network to provide inputs to the Appraisal Framework.
4. As a project financier, the Bank's focus of environmental investigations will, by definition, continue to be at the project level. Having said that, the Bank would, of course, like the comfort of knowing that any individual project proposed by a public or private sector sponsor is part of a larger, environmentally-sustainable policy or programme, which has been subjected to an SEA.

TABLE 1: EBRD TRANSPORT OPERATIONS: 1991 - 1999**TRANSPORT OPERATIONS**

Sector	Number of Operations	Signed Operations		%age
		Total Operation Cost (MEUR)	Total EBRD Financing (MEUR)	
Aviation	17	325.72	210.08	12%
Ports	7	281.70	140.10	8%
Railways	13	2,518.60	510.80	30%
Roads & Motorways	18	2,644.21	757.45	44%
Urban Transport	2	285.70	96.50	6%
Total	57	6,055.93	1,714.93	100%

TABLE 2: PROJECTS IN THE TRANSPORT SECTOR, SCREENING CATEGORIES AND LOANS 1991-99

Project Name	Screening	EBRD Finance
	Category	MEuro
Armenia: Air Cargo Terminal	B1	18.30
Azerbaijan: ANS Upgrading	C0	11.00
Belarus: B-M Border Highway	B0	45.00
Bosnia: ETRP	B0	25.84
Bulgaria: Railway Restructuring	B1	43.00
Bulgaria: Transit Roads	B0	34.70
Croatia: ANS Upgrading	B0	19.00
Croatia: Highway Project	A0	36.50
Croatia: Railway Project	B0	32.70
Czech Rep: Cesky Drahy	B0	59.50
Czech Rep: CSA	C1	23.90
Estonia: Railway Project	B0	14.85
Estonia: Tallinn Airport	B0	9.20
Estonia: Tallinn Airport Pass.	B0	7.50
Georgia: Tbilisi Airport	B0	8.20
Georgia: T-C Rail Link	B0	18.10
Hungary: Budapest Orbital	B0	21.00
Hungary: Budapest Public	B0	51.50
Hungary: M1-M15 Highway	A0	101.00
Hungary: M5 Motorway	A0	112.00
Hungary: MAV	B0	40.00
Kazakhstan: Aktau Port	B0	42.50
Latvia: Riga Airport	B1	8.40
Latvia: Road Project	B0	8.30
Latvia: Ventspils Rail Project	B0	17.00
Latvia: Ventspils Terminal	B1	10.60
Lithuania: Transport Project	B0	16.50
Lithuania: Via Baltica	A0	18.60
Macedonia: ANS Upgrading	B0	12.20
Macedonia: Skopje Airport	B0	9.80
Moldova: Chisinau Airport	B0	8.10
Moldova: Port of Giurgiulesti	A0	21.40
Moldova: Road Rehabilitation	B0	23.00
Poland: Gdansk Europort	B1	26.80
Poland: Krakow Urban	A0	45.00
Poland: Motorway Project	B0	45.00
Poland: Railway Modernisation	B0	50.00
Romania: B-P Motorway	B0	42.50
Romania: EPH Grain Handling	B1	7.30
Romania: European Roads	B0	64.40
Romania: NAR Restructuring	B0	69.00
Romania: SNCFR	B0	58.80
Russia: Tolmachevo Airport	B0	9.10
Russia: Railway Project	B0	97.00
Russia: SFAT	C0	25.80
Slovakia: International Road Cor	B0	15.00
Slovenia: E-W Highway	B0	54.00
Slovenia: Railway Project	B0	43.40
Tajikistan: Khoujand Airport	B0	2.70
Turkmenistan: Road Project	B0	45.90
Turkmenistan: Turkmenbashi	B0	27.50
Ukraine: ANS Upgrading	B0	20.10
Ukraine: Borispol Airport	B0	4.00
Ukraine: Yuzhny Fertiliser Term	B0	4.00
Uzbekistan: Tashkent Airport	B0	28.44
Sum:		1714.93

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