



EIA/SEA UPDATE e-Newsletter no. 3 – February 2009

Welcome to the third issue of EIA/SEA UPDATE e-newsletter, providing informal information on the Convention on Environmental Impact Assessment (EIA) in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (SEA) (Kiev, 2003). UPDATE is not an official record, but instead provides a less formal means of letting you know what is happening with the Espoo Convention and its Protocol. In particular, this edition provides information on the follow-up to outcomes of the May 2008 4th Meeting of the Parties to the Espoo Convention. You can find out more about the Convention and Protocol at <http://www.unece.org/env/eia>.

Previous issues of the UPDATE newsletter are available in English and Russian at <http://www.unece.org/env/eia/pubs/newsletters.html>. This e-newsletter allows you to go direct from your e-mail to the news items that interest you.

Ratifications (since July 2008) (<http://www.unece.org/env/eia/ratification.htm>)

The Convention now has 42 Parties, its first amendment 13 Parties, its second amendment 10 Parties, and its Protocol 10 Parties. Only the Convention is in force.

- Croatia became the 13th Party to the first amendment and the 10th Party to the second amendment on 11 February 2009
- The European Community became the 10th Party to the Protocol on 12 November 2008
- Spain became the 12th Party to the first amendment on 16 July 2008
- Luxembourg became the ninth Party to the Protocol on 2 July 2008

Meeting of the Parties to the Convention (http://www.unece.org/env/eia/meetings/mop_4.htm)

The 4th Meeting of the Parties was held in Bucharest, 19-21 May 2008. The website provides presentations, statements and photographs from the Meeting, as well as pre-session documents and the report of the meeting. Follow-up to outcomes of the Meeting of the Parties are described below.

Multilateral agreement implementing the Convention in South-Eastern Europe

(http://www.unece.org/env/eia/bucharest_agreement.html)

Environment ministers and high-level representatives from seven countries of South-Eastern Europe adopted and signed an Agreement in Bucharest, during the Meeting of the Parties, that will provide for further implementation of the Espoo Convention. To date, only Bulgaria has deposited an instrument of approval with the depository, the Government of Romania.

Bystroe Canal Project – repeal of decision; notification of Romania

The Government of Ukraine repealed its decision to implement the second phase of the so-called Bystroe Canal Project (the Danube-Black Sea Deep-water Navigation Canal in the Ukrainian sector of the Danube Delta) and sent a notification to Romania on the second phase. Romania confirmed its intent to participate in the transboundary EIA procedure.

The Espoo Convention secretariat joined a mission in July 2008 to Ukraine and the Bystroe Canal Project, led by the Secretariat of Bern Convention, and including secretariats of the Espoo and Ramsar Conventions, UNESCO and the Council of Europe.

Implementation of and compliance with the Convention

(<http://www.unece.org/env/eia/implementation.htm>)

The Implementation Committee held its 15th session, on 28-30 October 2008, in Geneva. The Committee elected Matthias Sauer (Germany) as Chair, and Diana Olaru (Republic of Moldova, replacing Inga Podoroghin) and Vesna Kolar-Planinsic (Slovenia) as two Vice-Chairs.

The Committee decided that a caution to the Government of Ukraine should **not** become effective against Ukraine; the Meeting of the Parties had decided to issue the caution to become effective on 31 October 2008 unless the Government of Ukraine stopped the works on the Bystroe Canal Project, repealed the final decision and took steps to comply with the relevant provisions of the Convention. However, the Committee decided to request the Government of Ukraine to report in writing to the Committee on steps taken to apply the relevant provisions of the Convention to: (a) any

further works related to Phase I of the Project, including operation and maintenance works; and (b) Phase II of the Project.

As decided by the Meeting of the Parties, a consultant has been contracted to undertake an independent review of Ukraine's legal, administrative and other measures to implement the provisions of the Convention. As also decided by the Parties, a consultant is being contracted to provide technical assistance in drafting the necessary legislation in Armenia, in accordance with the Implementation Committee's findings to ensure full implementation of the Convention there.

The Committee also agreed on a form that "other sources" of information (not Parties) might use to provide information to the Implementation Committee through the secretariat.

Finally the Committee began updating the questionnaire on the implementation of the Convention (to be sent to Parties early in 2010), and sent a series of letters to Parties in an attempt to clarify their implementation based on their responses to the Second Review of Implementation. The Second Review, as adopted by the Meeting of the Parties, is to be published shortly in the UNECE environment series early (United Nations document symbol ECE/MP.EIA/11).

Subregional cooperation (<http://www.unece.org/env/eia/activities/activityEIAsubregion.html>)

The first workshop since the fourth meeting of the Parties was a subregional workshop for the countries of Eastern Europe. Hosted by the Republic of Moldova and held in Chisinau, 5-7 November 2008, this workshop included a series of national presentations and a lively discussion on further activities – these are outlined in the workshop report. The secretariat followed up on this workshop by holding consultations with the Ministry of Natural Resources and Environmental Protection of Belarus on a possible pilot project there (the consultations, in Minsk, were held back-to-back with the Belgrade Initiative meeting – see below).

The first workshop was closely followed by a second, for South-Eastern Europe. Hosted by Bulgaria, in the upland village of Koprivshitsa on 17-19 November 2008, the workshop included a thorough exchange of information about planned activities in the subregion, as well as a discussion on the relationship between EIA in a transboundary context and SEA – please see the workshop report.

Exchange of good practices (<http://www.unece.org/env/eia/activities/activityEIAexchange.html>)

One issue identified in the workplan regarding the exchange of good practices has already been discussed by the secretariat and the European Commission (EC): the two organizations met in Brussels in July 2008 to consider the application of the Espoo Convention to large-scale projects. As a result, a one-day workshop on large-scale transboundary projects, organized by the EC, will be held within the May 2009 meeting of the Working Group on EIA. The secretariat, at the request of the EC, has prepared a background paper on application of the Convention "complex activities". The paper will provide a basis for discussions by the Working Group. In addition, the secretariat is arranging a partial reprint of the 1996 publication "Current Policies, Strategies and Aspects of Environmental Impact Assessment in a Transboundary Context" (ECE/CEP/9) to support the discussions.

Workplan, budget and financial arrangements (<http://www.unece.org/env/eia/activities.html>)

The next biannual financial report will cover the period between the 4th Meeting of the Parties and the end of 2008; it is expected to be issued shortly. To date, financial contributions totalling about one third of the US\$ 650,000 pledged in Bucharest have been received.

The Bureau, meeting in mid-January 2009, agreed on a series of letters to be sent to Parties that had not contributed, or had not pledged to contribute, to the Convention's trust fund, or had made only "limited" contributions. This was in accordance with the decision of the Meeting of the Parties (decision IV/8). Further to decision IV/9, the Bureau also decided which States outside the UNECE region, and which NGOs, would receive financial support for their representation at the upcoming meeting of the Working Group. In addition, the Bureau prepared a letter to be sent to a list of NGOs, and to be posted on the website, inviting NGOs to submit information on the basis of which the Bureau will draw up a list of NGOs to receive financial support for their participation at subsequent meetings.



Belgrade Initiative on SEA (http://www.unece.org/env/sea/belgrade_initiative.htm)

The Sixth Ministerial Conference "Environment for Europe", held in Belgrade in October 2007, noted with interest an Initiative on SEA, proposed by Armenia, Belarus and the Republic of Moldova. The Meeting of the Parties, in Bucharest, went on to welcome the "Belgrade Initiative on SEA" and, shortly afterwards (June 2008) a start-up meeting for the Initiative was hosted by the Republic of Moldova in Chisinau.

UNDP supported a third meeting under the Initiative, hosted by Belarus and held in Minsk on 15-16 December 2008. Four international experts (from the Czech Republic, Germany, Poland and Sweden) made presentations on experiences with the implementation of national SEA systems. These presentations were very well received; they are available on the website. The meeting finalized the work programme for the Initiative; **donors are now sought**. To date, Armenia, Belarus and the Republic of Moldova have confirmed their participation in the Initiative.

Promoting ratification & application of the Protocol

(<http://www.unece.org/env/eia/activities/activitySEAratification.html>)

As foreseen in the workplan, a subregional training workshop on SEA for Western Balkan countries (Albania, Bosnia and Herzegovina, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, together with Kosovo, RSC 1244) was provided by the Czech Republic through UNDP. It was held in Prague on 22-26 September 2008.


International Association for Impact Assessment (<http://www.iaia.org>)

The secretariat has acted as guest editor of a special issue on transboundary impact assessment of the IAIA journal (Impact Assessment and Project Appraisal). The issue includes the following articles:

- Assessing the Assessments: Improving Methodologies for Impact Assessment in Transboundary Watercourses, by Carl Bruch, Mikiyasu Nakayama, Jessica Troell, Lisa Goldman and Elizabeth Maruma Mrema
- Transboundary EIA as part of the North American Agreement for Environmental Cooperation, by Geoffrey Garver and Aranka Podhora
- Transboundary Environmental Assessment in the Arctic, by Timo Koivurova
- The institutional context for transboundary EIA in the Belgian multi level setting. Some features of and practical experiences with the federal and regional-Flemish arrangements: a matter of smooth governance? by Jan De Mulder
- Transboundary Consultations in Strategic Environmental Assessment, by Eike Albrecht
- The Significance of the Convention on EIA in a Transboundary Context in International Environmental Law: Examining the implications of the Danube Delta case, by Mari Koyano

The secretariat has requested the secretariat to contact IAIA to discuss how the Convention could participate in the IAIA annual conference in 2010, to be held in Geneva.

Website development (<http://www.unece.org/>)

Substantial changes to the UNECE website, including design changes and the introduction of a "Content Management System", are expected throughout 2009. This system will ultimately provide automatic and direct links between web pages for meetings and documentation available on the United Nations Official Document System. Note that you can now sign up for "RSS" news feeds for UNECE, its environmental policy work and the Convention (<http://www.unece.org/RSS.htm> .

Posters & documents

Please contact the secretariat if you need copies of the Convention's posters, available in English and Russian. We can also provide copies of the published Espoo guidance documents. Reports on the meetings described above may be found on the Convention website. The secretariat has recently prepared two pamphlets, one on the benefits of transboundary EIA (available in English and Russian), and the other on applying the Protocol (<http://www.unece.org/env/eia/pubs/pamphlets.html>). Additional case-study fact-sheets are being prepared, describing how the Convention has been applied to specific activities (<http://www.unece.org/env/eia/pubs/factsheets.html>).



Upcoming events (till mid-2009) (<http://www.unece.org/env/eia/meetings.htm>)

- 10-12 March 2009, 16th session of the Implementation Committee, Berlin
- 11-13 May 2009, 12th Meeting of the Working Group on EIA, Geneva, including a seminar on large-scale transboundary projects (see above) – there will **not** be a Meeting of the Signatories to the Protocol in May 2009
- 16-22 May 2009 (revised dates), IAIA annual conference: "Impact Assessment & Human Well-being", Accra



Your news and views would be very welcome

If you wish to contribute an article or news to UPDATE, please let us know. The previous edition of UPDATE was translated into Russian courtesy of the NGO EcoGlobe – our thanks to them once again.

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