




EIA/SEA UPDATE e-Newsletter no. 4 – August 2009

Welcome to the fourth issue of EIA/SEA UPDATE e-newsletter, providing informal information on the UNECE 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 continuing 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.

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> .

Ratifications (since January 2009) (<http://www.unece.org/env/eia/ratification.htm>)

The Convention now has 43 Parties, its first amendment 16 Parties, its second amendment 14 Parties, and its Protocol on SEA 10 Parties. Only the Convention is in force.

- Montenegro became the 43rd Party to the Espoo Convention, and the 16th Party to the first amendment to the Convention and 14th Party to the second amendment, on 9 July 2009.
- Hungary became the 15th Party to the first amendment to the Espoo Convention and 13th Party to the second amendment on 29 May 2009.
- The Netherlands became the 14th Party to the first amendment to the Espoo Convention and 12th Party to the second amendment on 14 April 2009.
- Spain became the 11th Party to the second amendment to the Espoo Convention on 6 April 2009
- Croatia became the 13th Party to the first amendment and the 10th Party to the second amendment on 11 February 2009.

At the 12th meeting of the Working Group on EIA (see below), the representative of Uzbekistan was confident that her country would ratify the Convention by the end of this year.

See “Promoting ratification and application of the Protocol” below for news of possible ratifications of the Protocol.

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 the report of the meeting.

Multilateral agreement implementing the Convention in South-Eastern Europe

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

Seven countries of South-Eastern Europe 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 – application of the Convention

The Government of Ukraine sent a notification to Romania on the second phase of the so-called Bystroe Canal Project. Romania confirmed its intent to participate in the transboundary EIA procedure, which then proceeded, including bilateral consultations (under article 5 of the Convention) on 15-16 July 2009.

The Convention secretariat hosted an informal consultation meeting on the Project with a number of intergovernmental organizations, and the European Commission, in Geneva on 23 June 2009. The meeting agreed in a joint statement: (a) to continue to work together; (b) each to notify the other organizations on the outcomes of key events in the following months (including meetings of Parties); (c) to meet again within one year to continue to exchange information and experiences on specific issues common to the agreements and also to review developments on the matter discussed at the present meeting. The organizations noted with concern the recent developments related to the

construction of the Bystroe Canal, which seem to contradict the formal communications from the authorities in Ukraine and may lead to breaching provisions of relevant multilateral environmental agreements. The organizations agreed to discuss at their next meeting possible concerted actions to ensure compliance by the Government of Ukraine with relevant international agreements and decisions taken by international organizations.

Implementation of and compliance with the Convention

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

The Implementation Committee held its 16th session, on 10-12 March 2009, in Berlin. An independent consultant selected by the Committee presented his draft review of Ukraine's legal, administrative and other measures to implement the provisions of the Convention, further to a decision of the Meeting of the Parties. The Committee made a number of suggestions for improvement of the review and the finalized version has now been released (in English only to date) (United Nations document symbol ECE/MP.EIA/IC/2009/5).

The Committee then reviewed a report received from the Government of Ukraine and noted the reported progress in the application of the Convention to the second phase of the Bystroe Canal Project. The Committee had concerns about possible continuing breaches of the Convention and asked the Executive Secretary of UNECE to write to the Deputy Prime-Minister of Ukraine asking for a written statement confirming clearly and unambiguously that the conditions imposed in the decision of the Meeting of the Parties had been met. The Committee will consider the response at its next session, in September 2009. In addition, and in the context of the same project, the Committee drew more general conclusions regarding application of the Convention, on the meaning of the "final decision" and on the finality of the opinion of an inquiry commission.

The Committee moved on to compliance issues identified in the 2nd Review of Implementation, as adopted by the Meeting of the Parties. The 2nd Review was published in the UNECE environment series in February 2009 (United Nations document symbol ECE/MP.EIA/11). The Committee made a number of recommendations regarding the application of the Convention's provisions on consultations (article 5) and the final decision (article 6). The Committee followed up on correspondence with Parties regarding 10 specific compliance issues. The Committee was satisfied with the clarifications provided in half the cases and asked that the correspondence be made public on the Convention's website. Further clarification is needed in the other five cases.

The Committee then took note of a submission by Ukraine expressing concerns about the compliance of Romania with its obligations under the Convention, which had been received by the secretariat on 6 March 2009. The Committee decided to seek clarification and to invite the two Parties to its next session, where the Committee would begin its consideration of the submission.

The other major task of the Committee was to consider information from "other sources". The Committee was satisfied by the clarification provided by the Government of Romania in response to information from Ukrainian NGOs on navigation improvement projects in Romania. The Committee reviewed information provided by a Dutch NGO regarding an activity in Belgium, and agreed that it would gather further information on whether or not efforts had been made for proper public participation in the affected Party (Netherlands). The information provided by the two Parties will be considered at the Committee's next session. The Committee reviewed information provided by the secretariat regarding an activity on a river in Ukraine upstream of the Republic of Moldova and regarding activities in the Republic of Moldova, close to the borders with Romania and Ukraine, and decided to seek clarification from the Parties concerned.

The Committee completed updating the questionnaire on the implementation of the Convention; this was then presented to the Working Group on EIA (see below), which agreed the questionnaire and a detailed timetable for the submission of completed questionnaires, and for the generation of the subsequent draft 3rd review of implementation: the questionnaire is to be sent to Parties later in 2009 and is to be returned, completed, by the end of June 2010.

Finally, the Committee reviewed a draft leaflet on the work of the Committee, to be published by UNECE. The leaflet describes the possibility for NGOs and the public, among others, to provide information to the Committee regarding possible non-compliance by Parties.

A consultant was contracted to provide technical assistance in drafting the necessary legislation in Armenia in the first half of 2009, in accordance with the Implementation Committee's findings to ensure full implementation of the Convention there. The consultant's report will be considered by the Committee at its next session.

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

A subregional workshop for Central Asia was held in Bishkek, 25-27 March 2009, presenting results of a Kazakhstan-Kyrgyzstan pilot project, supported by Switzerland and OSCE; a publication on the project is being prepared by OSCE.

A start-up meeting for a pilot project based on the transboundary EIA of a planned hydroelectric power plant on the Neman River, downstream of Grodno (Belarus), upstream of Lithuania and Kaliningrad (Russian Federation), was held in Minsk, 22-23 June 2009, at the invitation of the Ministry of Natural Resources and Environmental Protection of Belarus and with the support of OSCE Minsk. The pilot project is to proceed with funding from the Environment & Security Initiative, through OSCE and UNDP Minsk. The meeting participants agreed on a wide range of practical arrangements for the transboundary EIA and for the pilot project as a whole.

A subregional workshop for the Baltic Sea subregion will be held in Vilnius, 22-23 October 2009. A planned workshop for the Caucasus subregion, expected to be held in Tbilisi this autumn, has been cancelled by the hosts. The secretariat continues to seek contacts in Morocco and Tunisia for the holding of a workshop for the Mediterranean Sea subregion.

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

A seminar on large-scale projects was held in Geneva on 12 May 2009, organized by the European Commission in collaboration with the secretariat; the presentations are available on the Convention's website. The seminar was held within the 12th meeting of the Working Group on EIA (see below). The Working Group decided to establish the Task Force on Complex Activities, which will begin its work in 2010 by examining the need for detailed recommendations on the application of the Convention to complex activities. The Task Force will then draft recommendations as necessary. The Task Force will focus in particular on joint EIA of large-scale transboundary activities, noting the experiences of States in the application of the Convention to the planned Nord Stream gas pipeline in the Baltic Sea.

At the same meeting, EBRD presented a draft checklist for financial institutions on projects with transboundary impacts. In addition, two further half-day seminars have been planned, one again on large-scale projects, the other on climate change and EIA.

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

The biannual financial report for the period between the 4th Meeting of the Parties and the end of 2008 was issued in February 2009; the next report, to the end of June 2009, will be issued early in September 2009.

The Bureau sent a letter to 10 NGOs, and had it published on the website, inviting NGOs to submit information on the basis of which the Bureau was to draw up a list of NGOs to receive financial support for their participation at meetings. The Bureau is expected to finalize this list by the time it meets in January 2010, on the basis of replies from 11 NGOs to the letter.

Working Group on EIA (<http://www.unece.org/env/eia/workinggroup.htm>)

The Working Group held its 12th meeting in Geneva, 11-13 May 2009. The Working Group noted that this meeting would be the last involving all member States for which Mr. Wiek Schrage would serve as Secretary to the Convention. The meeting thanked Mr. Schrage for his enthusiasm, inclusiveness, commitment and all his hard work throughout the life of the Convention, from 1987, through its negotiation, signature and adoption, entry into force and promotion of its wider application. The Working Group wished him a healthy and fulfilling retirement from the secretariat.



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

The 6th 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 4th Meeting of the Parties, in Bucharest, went on to welcome the "Belgrade Initiative on SEA". UNDP supported a third meeting under the Initiative, hosted by Belarus and held in Minsk on 15-16 December 2008, which finalized the work programme for the Initiative; **donors are now sought**. To date, Armenia, Belarus, Georgia and the Republic of Moldova have confirmed their participation in the Initiative. However, it has not been possible to advance the work programme further because of resource constraints in the supporting organizations.

Promoting ratification & application of the Protocol

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

Related to the workplan, Inwent, a German capacity-building agency, provided national training on SEA and EIA in Armenia, Azerbaijan and Georgia, in late 2008 and early 2009. The Czech Republic through UNDP provided training for experts from Belarus in the week 17-21 August 2009, in Prague.

In the meeting of the Working Group (see above) five States indicated tentatively that they expected ratification of the Protocol by the end of 2009 (Croatia, Hungary, Poland, Portugal and Romania) and a further five in the first half of 2010 (Belgium, Netherlands, Serbia, Spain and United Kingdom). On the basis of this information, the Working Group decided that the planned 3rd Meeting of the Signatories would not be held in November 2009, but instead asked the Bureau to decide on its timing in 2010, depending on the rate of ratification.

The Bureau was also asked to prepare drafts of decisions for consideration by the 3rd Meeting of the Signatories and subsequently, as appropriate, by the first meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol ("MOP/MOP1").

In addition, the secretariat participated in a WHO/Euro consultation meeting on health and SEA in Rome, 8-9 June 2009, and in an OECD/DAC Task Team on SEA meeting in Paris, 17-18 June 2009.

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

The IAIA annual conference next year will be held in Geneva, 6-12 April 2010, on the theme "Transitioning to the Green Economy".

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 of the meetings described above may be found on the Convention website. The secretariat has 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 have been prepared, describing how the Convention has been applied to specific activities; these have recently been supplemented by two fact sheets on the nuclear industry in Finland (<http://www.unece.org/env/eia/pubs/factsheets.html>).



Upcoming events (till mid-2010) (<http://www.unece.org/env/eia/meetings.htm>)

- 14-18 September 2009, 17th session of the Implementation Committee, Geneva
- 22-23 October 2009, Baltic Sea subregional workshop, Vilnius
- 14-15 January 2010, Meeting of the Bureau, Geneva
- 23-25 February 2010, 18th session of the Implementation Committee
- 24-26 February 2010, 5th Ministerial Conference on Environment and Health, Parma (Italy)
- 6-12 April 2010, IAIA annual conference, Geneva
- 17-21 May 2010 (tentative), 13th Meeting of the Working Group on EIA and possible 3rd Meeting of the Signatories to the Protocol (if the Protocol's entry into force is imminent), Geneva
- 22-24 June 2010, possible additional session of the Implementation Committee



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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