



# Economic and Social Council

Distr.: General  
18 May 2016

Original: English

## Economic Commission for Europe

Meeting of the Parties to the Convention  
on Environmental Impact Assessment  
in a Transboundary Context

Meeting of the Parties to the Convention  
on Environmental Impact Assessment in  
a Transboundary Context serving as the  
Meeting of the Parties to the Protocol on  
Strategic Environmental Assessment

### Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

#### Fifth meeting

Geneva, 11–15 April 2016

## Report of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on its fifth meeting

### Contents

	<i>Page</i>
I. Introduction .....	3
A. Attendance .....	3
B. Organizational matters .....	3
II. Status of ratification .....	3
III. Compliance and implementation .....	4
IV. Subregional cooperation and capacity-building .....	8
V. Promoting ratification and application of the Protocol .....	10
VI. Inputs to related international processes .....	10

GE.16-08027(E)



\* 1 6 0 8 0 2 7 \*

Please recycle



---

VII.	Exchange of good practices.....	11
A.	Draft guidance and workshop on land-use planning, the siting of hazardous activities and related safety aspects.....	11
B.	Good practice recommendations on the application of the Convention, to nuclear energy-related activities.....	12
C.	Other activities foreseen in the workplan .....	14
VIII.	Budget and financial arrangements and financial assistance.....	14
IX.	Preparations for the next sessions of the Meetings of the Parties.....	15
X.	Other business .....	16
XI.	Presentation of the main decisions taken, organization and dates of the next meeting and closing of the meeting .....	17
Annex		
	Co-Chairs' summary of the workshop on land-use planning, the siting of hazardous activities and related safety aspects .....	18

## I. Introduction

1. The fifth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) was held from 11 to 15 April 2016 in Geneva, Switzerland.

### A. Attendance

2. The meeting was attended by delegations from the following Parties to the Convention and the Protocol and other member States of the United Nations Economic Commission for Europe (ECE): Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan. The European Union was represented by the European Commission. Statements on behalf of the European Union and its member States were made by both the Commission and the Netherlands, which held the Presidency of the Council of the European Union (European Union Presidency) in the first half of 2016. A representative of the European Investment Bank also attended.

3. A representative of the Nuclear Energy Agency of the Organization for Economic Cooperation and Development (OECD) also attended the meeting. In addition, the following non-governmental organizations (NGOs) were present: Caucasus Environmental NGO Network; Ecoglobe (Armenia); European ECO Forum; International Association for Impact Assessment; Studio D — Centre for Development and Dialogue (Albania); and the World Wide Fund for Nature Russia (WWF Russia). Three independent experts also attended the meeting.

### B. Organizational matters

4. The Chair of the Working Group, Ms. M. Masaityte (Lithuania), opened the meeting.

5. The Working Group adopted its agenda as set out in document ECE/MP.EIA/WG.2/2016/1.<sup>1</sup>

## II. Status of ratification

6. A member of the secretariat presented a report on the status of ratification<sup>2</sup> of the Convention, its two amendments and the Protocol on SEA, as set out in informal document ECE/MP.EIA/WG.2/2016/5/INF.2. The Working Group welcomed the recent ratifications by Ukraine and Latvia of the Protocol, which now counted 28 Parties. It also welcomed

---

<sup>1</sup> Documents for the meeting, both official and informal, as well as speakers statements and presentations are available from the ECE website at: <http://www.unece.org/index.php?id=40431#/>.

<sup>2</sup> Ratification, accession, approval or acceptance, as appropriate.

ratifications by Latvia and Serbia of the two amendments and the ratification by the Republic of Moldova of the first amendment to the Convention. It noted, however, that 11 ratifications were still needed for the first amendment to become operational, allowing any United Nations Member State to accede to the Convention, and that four more ratifications were needed for the second amendment to enter into force.

7. Delegates then reported on the status of preparations for ratifying the various instruments in their countries. The most advanced in that process were the Republic of Moldova with regard to the second amendment, Denmark with respect to both amendments, and Bosnia and Herzegovina and France in terms of the Protocol. A representative of Belgium detailed the internal challenges in ensuring ratification of the Protocol by all the necessary Governmental bodies, and the representatives of Georgia, the Russian Federation and Tajikistan provided information on legislative developments regarding ratification of the two treaties and their countries' intention of becoming Parties in the near future. The Working Group took note of the information provided. It regretted the lack of information from the signatory States of the multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention (Bucharest Agreement), i.e., Albania, Bosnia and Herzegovina, Croatia, Greece and Serbia, on their plans to ratify the Bucharest Agreement, and invited those countries to report on progress at its next meeting (Geneva, 7–10 November 2016).

8. The Working Group commented document ECE/MP.EIA/WG.2/2016/L.3 containing the Bureau's proposals for accelerating the entry into effect of the first amendment to the Convention. It supported the Bureau in acknowledging the Convention's global benefits and the need to accelerate the opening of the Convention. Owing to the legal concerns expressed by several Parties, however, the Working Group decided not to support the proposal to adopt a separate agreement modifying article 17, paragraph 3, and entering into force through a non-objection procedure once a deadline specified in the agreement had lapsed. The European Union and its member States also felt that it would be wiser to focus instead on accelerating the missing ratifications for the first amendment by those States that were parties to the Convention on 27 February 2001. The Working Group therefore urged Armenia, Azerbaijan, Belgium, Canada, Cyprus, Denmark, Greece, Italy, the former Yugoslav Republic of Macedonia, the United Kingdom and Ukraine to ratify the first amendment by June 2017. It also urged all the signatories of the second amendment to ratify that amendment by the same deadline, so as to honour the political commitments taken when adopting the amendments. The delegations from the countries mentioned were invited to report on progress to the Working Group at its next meeting. The Working Group agreed, moreover, that the Bureau members and the delegations should prompt the Parties in question to ratify through bilateral contacts. Within the European Union context, the European Union Presidency and the European Commission should also prompt the Parties in question that were European Union members to ratify.

### **III. Compliance and implementation**

9. The first Vice-Chair of the Implementation Committee presented the reports on the Committee's thirty-fourth and thirty-fifth sessions (ECE/MP.EIA/IC/2015/4 and ECE/MP.EIA/IC/2016/2, respectively). Among others, the Committee had considered the follow-up to decision VI/2 of the Meeting of the Parties to the Convention regarding compliance by Belarus and Ukraine, and had adopted findings and recommendations on its initiative with regard to compliance by the United Kingdom in relation to the Hinkley Point C nuclear power plant. The Committee had also continued discussions on its initiative regarding compliance by Serbia with the Convention and its information gathering concerning compliance by Bosnia and Herzegovina and the Netherlands with the

Convention and compliance by Serbia with the Protocol. Despite repeated reminders, Portugal had still not submitted its reports on the implementation of the Convention and the Protocol and the United Kingdom had still not submitted its report on the implementation of the Convention for the previous reporting period (2010–2012).

10. The Working Group considered the Committee's proposals regarding activities in the next intersessional period. Given the increased workload of the Committee, it agreed with the Bureau to propose the inclusion of nine, instead of eight, Committee meetings in the workplan and the budget for the next intersessional period (2017–2020).

11. The secretariat reported on its distribution of the questionnaires on the implementation of the Convention and the Protocol in the period 2013–2015, which had been sent out on 30 October 2015. The questionnaires would serve as the basis for Parties' reporting, and were due by 30 March 2016. Numerous reminders had been sent out. The secretariat would prepare the draft reviews of implementation of the Convention and the Protocol based on the national reports received by 30 April 2016. The Working Group took note of the secretariat's report, welcomed the in-kind contribution of Canada to informally translate into English the national reports provided in French, and noted that the reports in the Russian language would be informally translated using the budgeted funds in the Convention's Trust Fund. In an attempt to save paper and storage space, the Working Group agreed that, once adopted by the Meeting of the Parties, the secretariat should arrange for the publication of the reviews of implementation in electronic format, and not as hard copies.

12. The Working Group considered the timeliness of Parties' reporting based on the information from the secretariat, noting with concern that only 60 per cent of the Parties to the Convention had reported by 11 April, and that only 44 per cent, or 20 out of 45 Parties, had done so within the five-month reporting period agreed by the Working Group. It urged the remaining Parties to the Convention to report by no later than the end of April.<sup>3</sup> The Working Group also noted with concern that only 70 per cent of the Parties to the Protocol had reported by 11 April, and only 50 per cent by the deadline (30 March), and urged the remaining Parties to report by the end of April.<sup>4</sup> It welcomed reports by three non-Parties to the Protocol — Malta, Italy and Bosnia Herzegovina — which had been submitted on a voluntary basis. Finally, the Working Group welcomed the information by Portugal on its intention to submit its outstanding reports from the previous reporting round (2010–2012) on the implementation of the Convention and the Protocol as soon as possible after the Working Group's meeting. The United Kingdom was urged to do the same for its outstanding report on the implementation of the Convention.

13. Regarding activities related to reporting in the next intersessional period, the Working Group supported the proposals of the Implementation Committee and the Bureau not to revise the questionnaires for the reporting cycle 2016–2018.

14. The Working Group welcomed the extended outline of the draft guidance on the implementation of the Convention drawing on opinions of the Implementation Committee (ECE/MP.EIA/WG.2/2016/5/INF.8), prepared by an Implementation Committee member and the Committee Chair. The secretariat explained that the European Investment Bank had

---

<sup>3</sup> At the time of the finalization of the present report, in early May, the reports from Croatia, Cyprus, Finland, Greece, Kyrgyzstan, Montenegro, the Republic of Moldova, Serbia, Slovakia, the former Yugoslav Republic of Macedonia and the United Kingdom were still outstanding.

<sup>4</sup> By early May, Montenegro, Serbia and the former Yugoslav Republic of Macedonia had still not reported.

led and funded the implementation of that activity as foreseen in the current workplan,<sup>5</sup> including contracting a consultant; however, the consultant had had to withdraw from that assignment. The Committee Chair and the member of the Implementation Committee had then agreed to undertake the development of the guidance on a voluntary, pro bono basis, i.e., not as consultants to the European Investment Bank. Their ambition was to cover also relevant linkages of the Convention with other multilateral environmental treaties, notably the ECE treaties. The Working Group regretted that it had received only an extended annotated outline of the draft guidance for its comments and requested that a full draft be submitted for its review well in advance of its next meeting (by July). The European Union specified, moreover, that the draft guidance should be concise and should not name individual Parties or interpret law, unless such an interpretation was clearly indicated. The Working Group, did not, however, reach a consensus on the co-author's proposal to enlarge the guidance's scope beyond that foreseen in the workplan. Finding the original scope to be too restrictive, the co-authors informed the Working Group of their preference to proceed with their work on extended draft guidance in their individual capacity, independently from the Convention bodies. The Working Group stressed that in that case the guidance to be produced should clearly indicate that it only reflected the opinions of its authors and not those of the Parties.

15. The Working Group welcomed the draft overview of legislative and administrative reforms for implementing strategic environmental assessment in Eastern Europe and the Caucasus (see ECE/MP.EIA/WG.2/2016/5/INF.6). The document, prepared by the secretariat with support from consultants, summarized the outcomes of the technical assistance provided by the secretariat in the period 2013–2016 to support such reforms, with European Union funding from the Greening Economies in the Eastern Neighbourhood (EaP GREEN) programme.

16. The Working Group then reviewed the draft practical guidance on reforming legal and institutional structures with regard to the application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/WG.2/2016/5/INF.7) prepared by a consultant. The draft document drew on the lessons learned from the legislative reforms in Eastern Europe and the Caucasus, with a view to assisting those countries, as well as others, in introducing and enhancing their legal and institutional frameworks for the implementation of the Protocol. The Working Group requested that the document include a disclaimer on its first page explaining that the recommendations provided were not binding, and also that the document presented the views of its authors, which did not necessarily reflect those of the Parties to the Protocol and the Convention. The European Union delegation also provided detailed comments on the document, noting in particular that the interpretation of European Union legislation was a prerogative of the Court of Justice of the European Union and consequently should be avoided. The Working Group requested the secretariat to circulate the draft document and the European Union comments to Parties and stakeholders for further written comments by 2 May 2016, and to revise the draft thereafter based on all the comments received.

17. The Working Group reviewed progress in the implementation of technical advice foreseen in or related to the workplan for 2014–2017. It welcomed the information provided by the concerned countries and the secretariat on legislative assistance provided by: the secretariat to Armenia, Azerbaijan, Belarus, Georgia and the Republic of Moldova with funding from the EaP GREEN programme; to Kyrgyzstan with funding from Switzerland; and to the Russian Federation with funding from Sweden and ECE. That assistance had resulted in legislative reforms on strategic environmental assessment (SEA)

---

<sup>5</sup> ECE/MP.EIA/20/Add.3–ECE/MP.EIA/SEA/4/Add.3, decision VI/3–II/3, annex I.

in Belarus and the Republic of Moldova and to new draft legislation on environmental impact assessment (EIA) and SEA in Azerbaijan, Georgia and Kyrgyzstan. The Working Group also noted the progress reports from the delegations of the concerned countries regarding the adoption of the draft legislation. Azerbaijan and Belarus were encouraged to further amend their draft laws on EIA and SEA and to supplement them with relevant secondary legislation to ensure the full compliance of their respective national environmental assessment systems with the provisions of the Convention and the Protocol. Finally, the Working Group welcomed the detailed overview presented by the representative of the Russian Federation on the development of new national EIA and SEA legislation, considering the progress made as an important step towards the country's ratification of the Convention and its accession to the Protocol.

18. The representative of Kyrgyzstan and a member of the secretariat reported on the further development and update of the Guidelines on EIA in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/WG.1/2007/6), being carried out under the leadership of Kyrgyzstan and with funding from Switzerland, as foreseen in the workplan. The Working Group took note of the information.

19. The Working Group then considered activities to promote compliance with and implementation of the Convention and the Protocol contained in the draft workplan for 2017–2020 (ECE/MP.EIA/WG.2/2016/L.1, annex I). It welcomed in that context the information provided by the secretariat on its ongoing preparations to provide technical advice to Kazakhstan in 2016–2018 under the European Union-funded project, "Supporting Kazakhstan's Transition to a Green Economy Model". The Working Group regretted the absence of a representative of Kazakhstan at the meeting and invited Kazakhstan and the secretariat to report on progress on the implementation of the related activities at the Working Group's next meeting.

20. The Working Group also noted proposed activities for the 2017–2020 workplan (*ibid.*, annex II), which were based on the outcomes of the legislative assistance carried out so far and the needs for further assistance expressed by the countries concerned before and during the meeting, but waitlisted pending identification of funding. Those activities included awareness-raising events to facilitate the adoption of new draft laws by the Governments concerned and assistance in the drafting of detailed implementing legislation, or by-laws. The Working Group also noted the wish expressed by the delegation of Uzbekistan to receive technical advice to facilitate the development of legislation on EIA in accordance with the Convention. It noted with concern that, aside from the European Union project funding raised by the secretariat for the legislative assistance to Kazakhstan, no other funding had been identified for the implementation of capacity-building activities in the next intersessional period. The secretariat informed the Working Group that it was investigating further project funding opportunities, notably with the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations, but that there were no guarantees that such funding would become available.

21. Due to resource constraints and to the lack of experience gained by the Parties to the Convention thus far, the Working Group agreed to postpone until 2020–2023 the update and revision of the 1990 guidance on post-project analysis that it had preliminarily agreed should be carried out under the next workplan (see ECE/MP.EIA/WG.2/2015/2, para. 31 (f)).

22. Following its deliberations at its previous meeting, the Working Group welcomed the table of concordance prepared by the editors of the United Nations listing discrepancies between the three authentic language versions of the two amendments to the Convention. It further welcomed the proposals of the members of the ad hoc task force representing Belarus, Canada and France on how to address those discrepancies, with a view to aligning the three authentic language versions (English, French and Russian) of the Protocol and the

two amendments to the Convention. The Working Group agreed with the conclusion of the ad hoc task force that all the inconsistencies identified were of a technical nature and should be addressed through a correction procedure. It then requested the secretariat to submit the list of proposed corrections to the Protocol and the Convention amendments, as annexed to informal document ECE/MP.EIA/WG.2/2016/5/INF.4, to the Secretary-General of the United Nations as the depositary of the Convention with a view to their being addressed accordingly. It agreed that that should be done immediately, without awaiting endorsement of the proposed corrections by the Meetings of the Parties at their next sessions in June 2017. It also agreed that the secretariat should initiate the procedure for publishing the revised Protocol text as soon as the correction procedure was concluded, expressing the hope that the revised and reprinted text would be available by June 2017.

23. The Working Group welcomed the publications processed by the secretariat since its last meeting, including informal electronic publications of the first review of implementation of the Protocol and the fourth review of implementation of the Convention in the period 2010–2012,<sup>6</sup> as well as the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*<sup>7</sup> published for practical reasons as a joint publication with the related but broader *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters* prepared under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention).

#### **IV. Subregional cooperation and capacity-building**

24. With regard to the implementation of activities for subregional cooperation and capacity-building foreseen in the workplan, a representative of Lithuania reported on the organization of the Eighth Seminar on Cooperation on the Convention in the Baltic Sea Region, held in Vilnius on 28 and 29 September 2015. The discussions had focused on synergies and interlinkages between the relevant multilateral environmental agreements.<sup>8</sup>

25. A representative of Latvia informed the Working Group about the arrangements for the Ninth Seminar in the Baltic Sea Region, to be held in autumn 2016. Possible themes for discussion included EIA for long-distance projects and maritime spatial planning.

26. Representatives of Georgia and the secretariat reported on the organization of a subregional conference for enhancing SEA in selected countries of Eastern Europe, the Caucasus and Central Asia in Kakheti, Georgia, from 2 to 6 November 2015, with funding from the EaP GREEN programme. The event included a seminar for the exchange of experience in drafting SEA legislation and a training-of-trainers workshop for the practical application of SEA.<sup>9</sup>

27. The secretariat also presented plans for the organization of a final subregional cooperation and capacity-building event to take stock of the outcomes of the EaP GREEN-funded workplan activities. The event was scheduled to take place in Ukraine in spring 2017.

28. The Working Group welcomed the oral reports on the implementation of activities for subregional cooperation and capacity-building foreseen in the workplan.

---

<sup>6</sup> Available from <http://www.unece.org/env/eia/publications.html>.

<sup>7</sup> United Nations publication, Sales No. E15.II.E.7.

<sup>8</sup> Documentation and presentations are available at [http://www.unece.org/index.php?id=40288#/#/](http://www.unece.org/index.php?id=40288#/).

<sup>9</sup> Documentation and presentations are available at [http://www.unece.org/index.php?id=40656#/#/](http://www.unece.org/index.php?id=40656#/).



29. In the absence of a representative from Romania at the meeting, the Working Group requested the secretariat to again invite Romania, as the lead country for the activity, to clarify whether it would be able to organize a preparatory workshop on the multilateral agreement among the countries of South-Eastern Europe for the implementation of the Convention (Bucharest Agreement), as foreseen in the present workplan, or whether that activity should be cancelled or carried over to the next workplan (2017–2020) or waitlisted pending the identification of possible funding. Similar explanations were needed for the organization of the first Meeting of the Parties to the Bucharest Agreement, led by Romania, which currently figured on the list of activities awaiting funding.

30. The Working Group noted that the joint capacity-building activities with the Aarhus Convention for Armenia, Azerbaijan and Georgia foreseen in the workplan could not be implemented due to a change in priorities by the donor country under the Environment and Security Initiative and the resulting withdrawal of funding for those activities.

31. The Working Group then reviewed proposals for subregional cooperation and capacity-building for the next intersessional period, as included in annexes I and II to the draft workplan, and:

(a) Welcomed the offer of Croatia to add a section on transboundary cooperation to the third subregional conference on EIA, which Croatia planned to organize in September 2017, in order to allow discussion on the implementation of the Convention, the Bucharest Agreement and the relevant provisions of the Protocol on SEA;

(b) Noted that the delegation of Denmark would consult and coordinate with Finland and Sweden regarding the possible hosting of seminars in the Baltic Sea region by those countries in the next intersessional period, and invited the three countries to report back on the outcomes of the consultations by its next meeting;

(c) Also noted proposed future activities, including the possible enlargement of the subregional cooperation on SEA and transboundary EIA to South-East Asia, building on earlier cooperation with countries in that subregion, as well as “Silk Road” countries, including Central Asia but also, e.g., China, in order to green the extensive economic development foreseen in that region in the coming years;

(d) Noted the further needs for subregional cooperation on SEA expressed by countries in Eastern Europe and the Caucasus, which included exchange of experience and training events, e.g., on:

- (i) Inter-institutional collaboration;
- (ii) Consideration of health issues;
- (iii) Climate change mitigation;
- (iv) Quality control of SEA documentation.

32. The Working Group regretted the lack of available donor funding for the requested subregional assistance. In that regard, it welcomed the offer of Switzerland to continue to financially support priority activities to promote the implementation of the Convention in Central Asia in the next intersessional period. It agreed that the proposed activities without confirmed funding should be wait-listed, acknowledging also a need for prioritization among the activities. It noted the information from the secretariat and the delegates from Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine that all the proposed further technical advice and capacity-building activities included in annex II to the draft workplan had been based on already identified priority needs for establishing national SEA systems in accordance with the Protocol, taking into account the activities implemented in the countries thus far and building on the progress achieved. The delegations from the concerned countries explained that they had

reviewed progress and identified future priorities during the subregional conference in Kakheti, Georgia, provided further inputs to the secretariat in writing and verified the proposals included in annex II to the draft workplan prior to the Bureau's meeting on 19 and 20 January 2016.

## V. Promoting ratification and application of the Protocol

33. The Working Group reviewed progress on activities to promote ratification and implementation of the Protocol on SEA. It appreciated the video prepared by the secretariat in English and Russian to promote awareness of the Protocol and its benefits,<sup>10</sup> and recommended that Governmental authorities in the environment and other sectors as well as NGOs make it available from their websites and distribute it widely. It also welcomed a draft brochure on the Protocol and its benefits (ECE/MP.EIA/WG.2/2016/5/INF.9) and invited delegations to comment the brochure and in particular the case studies included in it by 2 May 2016. Both advocacy materials were prepared with funding from the EaP GREEN programme.

34. The Working Group further welcomed reports from the secretariat and the recipient countries Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine on the implementation of capacity building activities carried out by the secretariat with EaP GREEN funding, including national and subnational training and awareness-raising events, as well as pilot projects.

35. The Working Group noted the needs for further assistance expressed by countries from Eastern Europe, the Caucasus and Central Asia, which included: awareness-raising events to support the finalization of the legislative reforms and the practical implementation of new SEA legislation; the development of sector-specific guidance documents; capacity-building events for sectoral planning, environmental and health authorities; pilot projects; and national language versions of the promotional video on SEA. It also noted the request for an SEA study tour to one of the European Union member countries, and invited the secretariat to include that activity in the list of activities in annex II of the workplan, pending the identification of funding. The Working Group observed again that the proposed waiting list of activities without funding was long and that, therefore, further reflection on priorities would be needed at its next meeting in November, notably by the countries concerned.

36. A representative of the International Association for Impact Assessment presented further informal pamphlets or "FasTips"<sup>11</sup> on key issues in impact assessment practice and expressed the Association's willingness to continue the collaboration with the Convention and its Protocol also in 2017–2020. The Working Group welcomed the information provided and appreciated the interest expressed in continued collaboration.

37. The Working Group welcomed a case study on the application by Poland of the Protocol to its national nuclear power programme, which had involved extensive consultations and public participation. It considered that the case study represented good practice. The Working Group encouraged other Parties to submit case studies to the secretariat and agreed that the preparation of fact sheets should be pursued in the next intersessional period.

---

<sup>10</sup> Available in English from [https://www.youtube.com/watch?v=KTHKqx-C\\_C8&feature=youtu.be](https://www.youtube.com/watch?v=KTHKqx-C_C8&feature=youtu.be) and in Russian from <https://www.youtube.com/watch?v=iAOkskySYt0>.

<sup>11</sup> Available from <http://www.iaia.org/fastips.php>.

## **VI. Inputs to related international processes**

38. The Chair presented the outcomes of the meeting of the informal network of representatives of the governing bodies of the ECE multilateral environmental agreements and the Committee on Environmental Policy, held in Geneva on 26 October 2015,<sup>12</sup> as well as the conclusions of the segment on multilateral environmental agreements held at the Committee on Environmental Policy session the next day. The Working Group welcomed once again the ongoing efforts of the chairs of the multilateral environmental agreements and the Committee on Environmental Policy to identify joint activities and synergies, and noted that the next meeting of the informal network would be held on 6 December 2016, back to back with the twenty-second session of the Committee on Environmental Policy.

39. The secretariat presented the preparations for the Eighth Environment for Europe Ministerial Conference (Batumi, Georgia, 8–10 June 2016) of relevance to the Convention and its Protocol, including a session on “Multilateral environmental agreements, mechanisms, policies and institutions supporting the 2030 Agenda for Sustainable Development” and a background document on the contribution of the ECE multilateral environmental agreements to the implementation of the Sustainable Development Goals. In addition, during the Ministerial Conference, the treaty secretariat would organize a side event on SEA in collaboration with the Dutch Commission on Environmental Impact Assessment, with the expected participation of ministers from Georgia and the Netherlands and the ECE Executive Secretary, and would contribute to two other side events organized under the EaP GREEN programme: “Greening Economies in Eastern Partnership Countries”; and “Implementing Green Growth in Eastern Europe, Caucasus and Central Asia”. The Working Group took note of the information provided.

40. The Working Group also noted the outcomes of the third meeting of the informal network of the chairs of the implementation or compliance bodies under the ECE multilateral environmental agreements, which had been held in Geneva, on 29 June 2015. The network served as a forum to exchange of information and lessons learned and ultimately to explore ways to improve the effectiveness of the respective mechanisms. Participants were informed that the next meeting of the informal network was scheduled for 20 June 2016, and the Working Group invited the secretariat to report back to it on the outcomes of that meeting.

## **VII. Exchange of good practices**

### **A. Draft guidance and workshop on land-use planning, the siting of hazardous activities and related safety aspects**

41. The Chair of the Working Group on EIA and SEA and the Chair of the Working Group on the Development of the Convention on Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) co-chaired a workshop on land-use planning, the siting of hazardous activities and related safety aspects. The workshop was held under the joint framework of the Protocol on SEA and the Industrial Accidents Convention, in cooperation with the ECE Committee on Housing and Land Management and the European Investment Bank. The Working Group had agreed on the organization of the workshop and the preparation of related guidance at its fourth meeting (Geneva, 26–28 May 2015), further

---

<sup>12</sup> Documentation and minutes of the meetings of the informal network are available from <http://www.unece.org/environmental-policy/conventions/joint-work-and-informal-networks.html>.

to a proposal by the European Investment Bank, with a view to promoting synergies in the application of the Industrial Accidents Convention and the Protocol on SEA.

42. Consultants to the European Investment Bank and the ECE secretariat presented the draft guidance (ECE/MP.EIA/WG.2/2016/5/INF.11), which drew, among others, on information gathered from focal points and stakeholders through a survey and was being prepared with financial support from the European Investment Bank. Speakers from Belgium (Flemish Region), Estonia, France, the Netherlands, Portugal, the Republic of Moldova, the Russian Federation and Serbia presented national approaches, good practice, challenges and lessons learned regarding safety and land-use planning, in particular in relation to the siting of hazardous activities. The Working Group welcomed the seminar, expressed its thanks to the European Investment Bank for its support, the consultants for the work carried out so far and the other speakers, and asked the secretariat to place the presentations on the website.

43. The Working Group then noted the main conclusions from the workshop prepared by the co-Chairs and presented at the end of the workshop.<sup>13</sup> It invited the co-Chairs to prepare a brief report on the basis of the conclusions (see annex).

44. Regarding the further development of the guidance, the Working Group agreed with the co-Chairs' conclusions that there was a need to:

(a) Improve the structure of the draft, clearly distinguishing between the legal and policy aspects, on the one hand, and the technical aspects, on the other;

(b) Review the text with a view to streamlining it, avoiding duplication and summarizing the information, where necessary, so as to be comprehensive and concise;

(c) Ensure that the guidance provided was clear, practical and to the point, and could be understood by policymakers on environmental assessment, land-use planning and industrial safety, enabling them to understand the linkages and benefit from mutual knowledge;

(d) Prepare a concise non-technical summary of the legal and policy guidance (ECE/MP.EIA/WG.2/2016/5/INF.11, part A), addressing the linkages, opportunities for synergies and the challenges;

(e) Prepare the next draft by 13 June 2016, taking into account the comments made at the workshop and the comments received in writing by 2 May 2016;

(f) Provide the final version of the guidance by 5 August 2016.

45. In addition, the Working Group agreed that the guidance should: target EIA and SEA experts and not only industrial accidents experts; distinguish clearly what was an obligation under the ECE treaties and what was good practice and advice to follow; and avoid interpretation of European Union legislation.

46. Delegates were invited to provide their views and comments on the draft guidance in writing by 2 May 2016. The Working Group agreed to review the final version of the guidance at its next meeting.

---

<sup>13</sup> The conclusions as well as the speakers' presentations are available from <http://www.unece.org/index.php?id=40431#/> (under presentations and statements).

## **B. Good practice recommendations on the application of the Convention to nuclear energy-related activities**

47. The Working Group considered progress in the preparation of good practice recommendations on the application of the Convention to nuclear energy-related activities being drafted by consultants to the secretariat under the supervision of an ad hoc editorial group established by the Meeting of the Parties to the Convention at its sixth session (Geneva, 2–5 June 2014). It welcomed the work carried out so far in accordance with the terms of reference agreed by the Working Group at its last meeting, which had involved collecting information from the national focal points and other stakeholders on the related practice of their countries as Parties of origin and/or affected Parties by means of a detailed questionnaire agreed by the editorial group, and summarizing it.

48. The Working Group decided that the survey responses received from the Parties and stakeholders should for the moment not be made public and agreed to come back to that matter at its next meeting. It recognized that the draft report summarizing the survey outcomes received up until 18 January 2016 made available in advance of the meeting reflected expert views and not officially coordinated national positions, and agreed, therefore, that the draft should be removed from the publicly available meeting website. It agreed, moreover, that the summary of existing practice was only a first step in the preparation of the good practice recommendations, and that a summary report should remain an internal document of the consultants only and not be complemented with further responses. The Working Group invited consultants, under the guidance of the editorial group, to prepare for the next the meeting of the Working Group a short document with possible good practice recommendations based on the existing practices reported by Parties, but without naming the Parties, and including also boxes with good practice examples with references to the countries in question. It recommended that the structure and the approach of the document follow that of the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*.

49. France, the United Kingdom and other countries with experience in the application of the Convention to nuclear energy-related activities that had not responded to the questionnaire were invited to provide related good practice examples, and possibly also detailed information on their practice through filling in the questionnaire. All countries with relevant experience were encouraged to provide more examples of good practice to supplement the information provided to date, explaining also specifically why they considered it as such. The consultants were invited to provide a template or other guidance for the presentation of the good practice examples that the secretariat should disseminate to the national focal points and other stakeholders.

50. Regarding the further development of the draft recommendations in advance of its next meeting, the Working Group agreed that, to gain more time for the preparatory work, the document should not be presented as an official document for translation by the United Nations documentation services but as an informal document. It welcomed the offer of Switzerland to explore the opportunities for covering the costs of translating the document informally into Russian and invited the French-speaking countries to confirm to the secretariat whether they wished the document to also be informally translated into French.

51. The Working Group invited the editorial group to provide detailed guidance to the consultants for the further work and also to contribute to that work. It noted the following steps for the further development of the draft recommendations that were agreed by the editorial group with the consultant in the margins of the meeting:

(a) The consultants would provide a detailed schedule for the next steps, for agreement by the editorial group, to ensure the timely delivery of the first draft, possibly by mid-September;

(b) In early May the consultants would provide one “sample” draft chapter for the editorial group’s review and comments before pursuing the preparation of the other chapters;

(c) A video conference would be held, possibly on 20 May, with the participation of the members of the editorial group, the consultants and the secretariat, to discuss the draft chapter and the way forward;

(d) The editorial group and the consultant would possibly meet in Vienna;

(e) Aside from the possible meeting(s), the editorial group would continue communicating via e-mail and provide coordinated responses to the consultants that reflected a consensus of its members.

52. The Working Group was made aware that the available funding (US\$ 17,500) for the assignment set limitations for the consultants.

### **C. Other activities foreseen in the workplan**

53. A representative of the European Investment Bank presented plans for the workshop to be held under its leadership at the next Working Group meeting on the global application of the Convention and the Protocol with a focus on non-ECE countries and international financing institutions. The Working Group welcomed the information.

54. The Working Group also welcomed offers from the European Investment Bank, Norway and the International Association for Impact Assessment to support the possible preparation during the next intersessional period (2017–2020) of a strategy for the implementation of the Convention and the Protocol at the global level.

## **VIII. Budget and financial arrangements and financial assistance**

55. The Working Group regretted that that secretariat had not been able to issue the latest biannual financial report, extending until December 2015, pending the ability of the new enterprise resource planning system (UMOJA), in use by the United Nations Office at Geneva since November 2015, to generate data for financial reporting. It noted that access to the relevant data was expected to be available in June.

56. The Working Group also noted the information presented by the secretariat demonstrating the continuous insufficiency and unpredictability of the voluntary financial contributions to the Convention Trust Fund, and the highly unequal distribution of the burden among the contributing Parties, with a dependency on only three main donor Parties or organizations (the European Commission, Norway and Switzerland). It once again acknowledged the shortfall between financial contributions and the necessary funds to implement the workplan activities, as well as the expected secretariat functions, which had substantially expanded over the years. It noted with concern that the voluntary contributions were barely sufficient to cover the two “priority one” expenditures budgeted (i.e., the costs of one professional secretariat staff member and the preparation of draft reviews of implementation of the Convention and the Protocol) and the financial support for the travel of eligible meeting participants to the official meetings under the two treaties — but not the implementation of the activities in the workplan, aside from a few activities earmarked by a donor.

57. The Working Group invited the delegations to explore possibilities for further in-kind contributions and voluntary contributions, including funding that could be available from other ministries, such as foreign ministries, for development assistance to cover capacity-building activities within and beyond the ECE region. Delegations were also invited to consider sponsoring a Junior Professional Officer to supplement the staffing of the secretariat. The Working Group requested the delegations to submit proposals by the end of May on sustainable financing and on other aspects to be included in the draft decision on the budget and financial arrangements, which would be submitted to the Working Group at its next meeting for discussion. Finally, delegations were urged to come forward by the next meeting with initial pledges to support the budget for the implementation of the Convention and the Protocol in the period 2017–2020.

58. The Working Group welcomed the information that the European Commission would explore internally its possibilities for continuing funding after the close of the EaP GREEN programme at the end of 2016, and encouraged also the concerned beneficiary countries to advocate in European Union forums for and request further regional cooperation and capacity-building implemented by ECE in the framework of the Convention and the Protocol.

## **IX. Preparations for the next sessions of the Meetings of the Parties**

59. The Working Group welcomed the offer by Belarus to host the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol in Minsk. It further welcomed the information provided by the delegation of Belarus and the secretariat on the advanced state of the preparations of the host country agreement between Belarus and ECE and other logistical arrangements.

60. The Working Group agreed to hold the next sessions of the Meetings of the Parties from 13 to 16 June 2017. The Working Group agreed also on a preliminary schedule proposed by the Bureau for its next meetings (Geneva, 23–24 February 2017 and Minsk, 12 June 2017). The Working Group reviewed the note by the secretariat presenting a draft time schedule for the preparatory work and a list of official documents to be prepared for the Meetings of the Parties (ECE/MP.EIA/WG.2/2016/5/INF.14).

61. The Working Group took note of the draft Minsk declaration proposed by the Bureau (ECE/MP.EIA/WG.2/2016/L.2). It invited delegations to provide their comments to the draft declaration in writing by 15 June, and invited the secretariat to compile them and make them available in a separate document for its next meeting. The Working Group agreed that it would consider the draft declaration again at its next meeting and to revise it, as needed, based on the comments received and on the outcomes of a brainstorming session on future priorities for the Convention and the Protocol that it had decided to organize at that meeting, also taking into account the relevant outcomes of the Ministerial Conference in Batumi and those of other related international processes.

62. Based on a proposal by the Bureau, as revised, the Working Group agreed on a preliminary list of draft decisions that might be considered by the Meetings of the Parties at their next sessions, and requested the Bureau, with the support of the secretariat, to prepare for the next meeting of the Working Group all the draft decisions, with the exception of the decision on the review of compliance, which would be drafted by the Implementation Committee. The possible draft decisions should cover the following topics:

- (a) Reporting and review of implementation of the Convention;

- (b) Reporting and review of implementation of the Protocol;
- (c) The budget, financial arrangements and financial assistance;
- (d) Adoption of the Guidance on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries;
- (e) Adoption of the Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities;
- (f) Adoption of the Joint Guidance on Safety and Land-use Planning;
- (g) Adoption of Practical Guidance on Reforming Legal and Institutional Structures with regard to the Application of the Protocol;
- (h) A mandate for the development of a strategy for the contribution of the Convention and the Protocol to the achievement of Sustainable Development Goals and targets;
- (i) A mandate for the development of a strategy for the implementation of the Convention and the Protocol at the global level.

63. The Working Group revised the initial proposal by the Bureau for the programme of the next sessions of the Meetings of the Parties, agreeing on a high-level panel dedicated to climate change and, in the general segment, a seminar or panel discussion focusing on the Sustainable Development Goals and drawing on the brainstorming session on the future of the Convention and the Protocol to be held at the Working Group's next meeting.

64. The Working Group noted that the joint high-level segment at the next sessions of the Meetings of the Parties would be chaired by a minister of the host country, provided that Belarus had ratified the Protocol no later than 90 days before the sessions. Alternatively, the items in the high-level segment relating to the Protocol would be co-chaired by a minister of a country that was party to the Protocol. The Working Group noted the Bureau's recommendation that the Chair of the general segment should be familiar with the procedures and the activities under the Convention and the Protocol, and have no conflict of interest with respect to any of the draft decisions to be discussed at the sessions. In that regard, it agreed that the Bureau Chair would chair the general segments of the Meetings of the Parties' next sessions, appreciating his willingness to take on that responsibility.

65. The Working Group invited the secretariat to issue a call for one or more side events to be organized on the margins of the plenary sessions, and delegations were invited to come forward with proposals for side events and their financing. The Working Group welcomed the preliminary expression of interest by the European Investment Bank to host a side event on the global application of the Convention and the Protocol.

66. The Working Group invited delegations to propose at its next meeting nominations for officers for the next intersessional period, as follows: a chair and at least one Vice-Chair of the Working Group; a Chair and a Vice-Chair(s) of the Bureau; and four members of Implementation Committee.

67. The Working Group further reviewed and revised the draft decision on the adoption of the workplan for 2017–2020 and its two annexes, which had been agreed by the Bureau. It invited delegations to send further proposals and offers for funding and leading the workplan activities to the secretariat by 15 June and requested the secretariat to prepare a revised version of the draft workplan in advance of its next meeting.



## **X. Other business**

68. For discussion at its next meeting, the Working Group invited the secretariat and the Bureau to prepare an overview of the pros and cons of extending the interval between the sessions of the Meetings of the Parties from three to four years, taking also into account the outcomes of the related discussions held under the Aarhus Convention.

69. The Working Group noted the information provided by the secretariat on the ongoing external evaluation of ECE activities under the Espoo Convention and the Protocol on SEA, which was mandatory for all United Nations departments and programmes.

## **XI. Presentation of the main decisions taken, organization and dates of the next meeting and closing of the meeting**

70. The Working Group agreed on the majority of the main decisions taken at the meeting, as presented by the secretariat. Due to a lack of time, however, it decided to agree on a number of decisions electronically until 19 April. It further agreed that the report would be prepared by the secretariat under the guidance of the Chair.

71. The Working Group noted that its next meeting would be held in Geneva from 7 to 10 November 2016.

72. The Working Group agreed on the proposal by the European Union that Austria, Finland, France, the Netherlands and Norway organize, with support from the secretariat, a three-hour brainstorming session at its next meeting to discuss the future of the Convention and the Protocol. The issues to be covered by the session should include the following topics, among others:

- (a) Results achieved since the adoption of the Convention and the Protocol;
- (b) The vision and the role of the two treaties in the changing world and their implications for the workplan for 2017–2020 (and future workplans);
- (c) Financing of activities and the secretariat.

73. The Chair closed the meeting on Friday, 15 April 2016.

## Annex

### **Co-Chairs' summary of the workshop on land-use planning, the siting of hazardous activities and related safety aspects**

#### **I. Introduction**

1. A workshop on land-use planning, the siting of hazardous activities and related safety aspects was organized on 13 April 2016 under the joint framework of the Protocol on SEA and the Industrial Accidents Convention, in cooperation with the ECE Committee on Housing and Land Management and the European Investment Bank. It also covered, to the extent possible, relevant experience in the application of the Espoo Convention in relation to the siting of hazardous activities. The workshop served as a platform for participants to discuss the related draft guidance under preparation by consultants to the ECE secretariat which drew, among others, on information gathered from focal points and stakeholders through a survey.

2. The workshop was co-chaired by Ms. M. Masaityte (Lithuania), Chair of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Espoo Convention and its Protocol on SEA, and Mr. C. Dijkens (Netherlands), Chair of Working Group on the Development of the Industrial Accidents Convention (Working Group on Development).

#### **II. Summaries of the presentations**

3. Opening remarks were made by Mr. Dijkens, Ms. Masaityte, a representative of ECE and Mr. B. Judd of the European Investment Bank. They all highlighted the importance of promoting synergies between the Protocol on SEA and the Industrial Accidents Convention, and raising awareness among experts at the national level in the area of land-use planning and siting of hazardous activities.

4. Introductory presentations were given on the relevant ECE instruments and their interrelationship by Ms. J. Karba, Chair of the Conference of the Parties to the Industrial Accidents Convention, Ms. Masaityte and Mr. J. Jendroska, one of the experts contributing to the guidance under preparation.

5. Ms. Karba provided an overview of the land-use planning and siting obligations arising for Parties to the Industrial Accidents Convention with a view to minimizing the risk for the population and the environment. She presented the conclusions of the joint seminar on land-use planning around hazardous industrial sites, organized under the Industrial Accidents Convention and the Committee on Housing and Land Management from 11 to 12 November 2010 in The Hague, in particular that safety aspects were not well integrated in land-use planning. Recommendations had also been developed on that occasion, aiming, among others, at promoting cooperation and transparency in the sharing of responsibilities among stakeholders at the national and international levels.

6. Ms. Masaityte presented an outline of the SEA procedure under the Protocol on SEA, with a focus on town and country planning or land use, the economic sectors where the SEA procedure was mostly used, and the related obligations for Parties that aimed to integrate environmental, including health, considerations into land-use plans and programmes at an early stage of their development. She highlighted the benefits of the procedure, including an enhanced quality of information, the prevention of costly mistakes,

the identification of issues and the formulation of mitigation measures, all leading to efficient spatial planning.

7. Mr. Jendroska presented the main interlinkages, synergies and complementarities among the relevant ECE instruments in the field of land-use and safety. In particular, there were parallels between the Industrial Accidents Convention and the Protocol on SEA regarding land-use planning, and between the Industrial Accidents Convention and the Espoo Convention regarding the siting and modification of hazardous activities. In that respect, he guided participants through the steps of the EIA or SEA procedure (screening, scoping, etc.), as relevant, and noted how industrial accidents and safety concerns could be best addressed, stressing the establishment of procedural safeguards, including the enhanced role of competent safety authorities. The key role of the Aarhus Convention in matters of information flow, public participation and access to justice was also mentioned.

8. The lead consultant, Mr. L. van Wijk, and experts, Mr. Jendroska and Mr. J. Dusik, then proceeded with a comprehensive presentation of the related guidance under preparation.

9. Mr. van Wijk informed participants about the mandate, methodology and structure of the draft guidance, and the timeline for its completion in summer 2016. The legal and policy aspects of the draft guidance were shaped by the main findings of the survey that had taken place from December 2015 to February 2016, while the technical parts of the guidance drew on information on Parties' approaches to risk assessment. It had been deemed necessary to make a distinction between the legal and policy parts of the guidance and the technical aspects of the guidance, and their respective annexes.

10. Mr. Dusik, who participated in part of the workshop via audio conference, and Mr. Jendroska presented the legal and policy part of the guidance.

11. Mr. Dusik spoke about the good practice developed in applying SEA procedures to land-use plans. Land-use planning was the most streamlined process across the ECE region and the number of SEA procedures applied to land-use planning (new plans and their modifications) was considerably larger than in any other sector of the economy. He went through the various land-use planning and SEA processes and provided insights on how to best coordinate and align industrial safety considerations in the assessment carried out through the SEA procedure on land-use planning.

12. Mr. Jendroska noted that there was a difference between the planning or siting of hazardous activities and their modifications and developments in the vicinity of hazardous activities. In either case, drawing on the general obligations to develop and implement policies and strategies, and to take appropriate measures to improve the prevention of, preparedness for and response to industrial accidents, he distinguished between substantive and procedural obligations for the Parties to ensure that safety concerns from the Industrial Accidents Convention were duly taken into account in the impact assessment in land-use planning or siting decision-making. A substantive obligation, for instance, would be one where there was a legal requirement that safety distances had to be taken into account by planning authorities. A procedural obligation, for example, would be a legal requirement that the safety authorities had to be involved directly in the decision-making. In conclusion, he pointed out that industrial safety issues (annexes V and VI to the Industrial Accidents Convention) formed screening criteria during the EIA or SEA procedure, that safety authorities participated in all stages of the procedure and that there needed to be a coordinated flow of information among authorities and with the public.

13. Mr. van Wijk elaborated on the technical aspects of the guidance. The methods employed by countries in the ECE region to verify whether the level of risk was appropriate and acceptable for the different land-use zones existing in the vicinity of a hazardous activity could be broadly grouped into four main approaches, i.e.: the deterministic

(Germany, Republic of Moldova); the consequence-based (France before the Toulouse accident in 2001, Serbia); the risk-based (Netherlands, United Kingdom of Great Britain and Northern Ireland); and the semi-quantitative (or semi-probabilistic) (Italy, France). Some countries used a combination of two or more methods. Different approaches would lead to different outcomes. Especially in transboundary matters, which were relevant under the ECE instruments, the concerned countries should exchange information on models and data for risk analysis and land-use compatibility criteria.

14. In the afternoon session, Mr. M. Struckl (Austria), Chair of the ad hoc small group of experts on land-use planning established under the Working Group on Development, gave an overview of experiences and lessons learned on land-use planning and siting in the European Union, where member States had to transpose and apply the Seveso III,<sup>14</sup> EIA<sup>15</sup> and SEA<sup>16</sup> Directives, all requiring some form of environmental or risk assessment. Although there had already been 20 years of experience in applying the Seveso Directive, risk indicators and risk criteria were still not harmonized at the European level, nor at the international level for that matter. Land-use planning had a strong political component and was a sensitive topic (e.g., owing to issues of value loss). There was no indication that European Union member States would agree to revise their established systems. In his view, there was no single best practice in land-use planning risk assessment methodology.

15. Country representatives then had an opportunity to present their experiences and lessons learned in applying the Protocol on SEA, the Espoo Convention and the Industrial Accidents Convention with regard to land-use planning and siting, based on the good practices identified through the survey.

16. Ms. D. Käger (Estonia) presented the role of the Rescue Board — i.e., the authority responsible for assessing safety in matters of fire and chemicals — in land-use planning decisions as a good example of inter-agency cooperation and the legal requirement that safety authorities had to be consulted and could deny approval of a decision. Ms. M. do Carmo Figueria (Portugal) described the approach of Portugal in integrating major accidents prevention in the SEA for land-use plans, with the development of national guidelines in that respect, thus allowing for effective inter-agency coordination and integrated decision-making in impact assessment procedures for land-use planning or siting with safety concerns arising from hazardous activities.

17. Ms. A. Raap (Netherlands) and Mr. L. Prevors (France) provided more details on their countries' approaches to assessing risk, following the the risk-based and semi-quantitative methodologies, respectively (see para. 13 above). Ms. Raap explained how the Netherlands, given its geopolitical situation, had developed legislation and practice to incorporate risk assessment into SEA and EIA for decision-making in land-use planning, and the role of distances for safety. Mr. Prevors provided an extensive overview of the legislation and regulations for the integration of safety considerations into land-use planning.

18. Mr. M. Bogaert (Belgium) presented the approach of the Flanders Region. He provided information about the institutional and legal elements regarding the integration of

---

<sup>14</sup> Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC.

<sup>15</sup> Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014.

<sup>16</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

safety into land-use planning, He explained the role of the safety authority, the consideration according to the law of industrial activities (“Seveso test”) in the screening and scoping phases of the SEA procedure, the references of the SEA report to the relevant safety report(s), and the public participation, consultations and transboundary procedures. He also explained the risk-based approach followed, highlighting the good cooperation of the land-use planning and safety authorities and also the need for improved communication with real estate developers.

19. Ms. S. Stirbu (Republic of Moldova) presented the quite elaborate national legislation on the application of safety distances and definition of safety zones, with a focus on areas and water protection strips, rivers and water basins. Finally, Ms. S. Milutinovic (Serbia) described the national legal framework, the role of the competent authorities in prevention and emergency preparedness and those consulted in the EIA or SEA procedure. She also explained how industrial safety considerations were integrated into the land-use planning by means of SEA, EIA or a separate assessment of industrial safety. Safety distances, consultations, a better understanding of the EIA and SEA procedures and cooperation between the land-use planning and safety authorities still needed to be addressed for enhanced integration of safety considerations in impact assessment.

20. A presentation was also delivered by Ms. Kornilovich (Russian Federation) with regard to State land supervision in the Russian Federation. To facilitate the further exchange of experience presented and mainstream input to the draft guidance, Mr. Judd moderated a discussion in the afternoon session.

### **III. Conclusions by the co-Chairs and input for the draft guidance**

21. Mr. Dijkens presented the conclusions of the discussions, including directions for the consultants regarding the further development of the draft guidance. It was acknowledged that important linkages existed among the ECE instruments. Participants agreed that the workshop provided an opportunity for experts at the national level (especially national focal points under the relevant instruments) to cooperate and jointly reflect on national law and practice in implementing international obligations. Participants considered it useful to continue to exchange experiences and good practice on legal and policy aspects of the implementation of the legal instruments and the relevant technical aspects, and also to promote the implementation of the guidance, once finalized.

22. On the legal and policy aspects, although several Parties had integrated industrial safety considerations into SEA or EIA, it became clear that more work was required to better integrate industrial safety considerations into SEA or EIA for land-use planning and/or siting, where feasible. Moreover, the participants recognized the need to improve cooperation and consultation among land-use planners, environmental assessment experts and industrial safety specialists.

23. Some of the challenges mentioned included, but were not limited to, a lack of or low awareness about the need to take hazards and risks of industrial accidents into account in the decision-making for land-use and siting, a lack of coordination among the authorities, complicated legislation and little experience. Among the good practices mentioned were the formal inclusion of Industrial Accidents Convention considerations in the different stages of the EIA or SEA procedures, increased coordination among all competent authorities and a coordinated or a single approach in carrying out public participation or transboundary procedures. Countries were invited to apply the good practices to the extent possible and according to their national circumstances.

24. On the technical aspects, participants agreed that the different methodologies in risk analysis led to different outcomes. In transboundary procedures, the countries involved should exchange information on the risk analysis used for evaluating industrial accident hazards.

25. At the end of the workshop, participants provided additional feedback on the draft guidance to be taken up by the consultants in its further development and finalization. Participants were invited to provide their written comments by the beginning of May 2016.

---