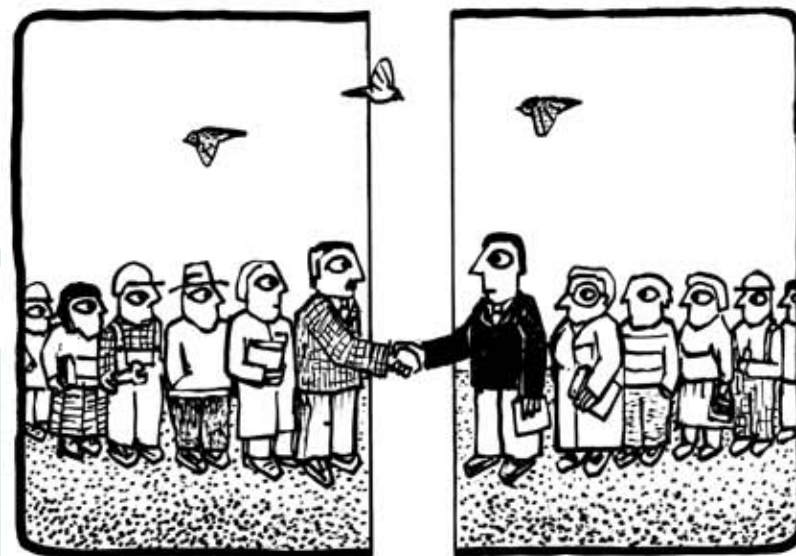


7<sup>th</sup> meeting of the  
**Working Group on EIA and SEA**  
28-30 May 2018, Geneva

- INFORMAL presentation of the main decisions



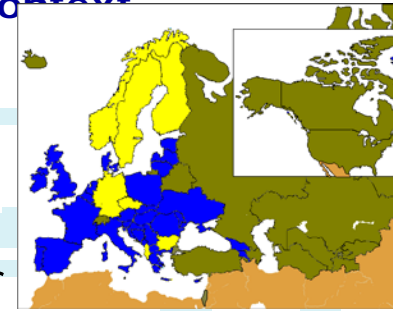


## Opening of the meeting

- The Chair of the Working Group, Ms. Kolar-Planinšič opened the meeting
- Director of the UNECE Environment Division, Mr. Keiner, welcomed the participants

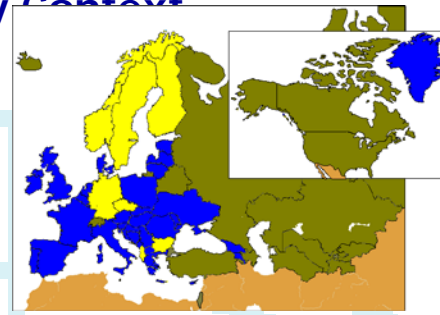
## 1. Adoption of the agenda

- The meeting adopted its agenda as set out in document ECE/MP.EIA/WG.2/2018/1



## 2. Status of ratification 1/3

- Noted secretariat's report on the status of ratifications of the Convention, its amendments and the Protocol;
- Welcomed entry into force of the 2nd amendment to the Convention on 23 October 2017; and the publication of the amended Convention text;
- Welcomed the ratification by Denmark and Canada of the two amendments;
- Noted with concern that 7 further ratifications were still needed for the 1st amendment to become effective - allowing accession by non-ECE States;
- Took note of the delegations' reports on planned ratifications, with those of Azerbaijan for both amendments being the most advanced;



## 2. Status of ratification 2/3

- Urged Armenia; Azerbaijan; Belgium; Greece; FYROM; the UK and Ukraine to ratify the 1st amendment to allow accession by non-ECE countries;
- Also urged all the Signatories of the 2<sup>nd</sup> amendment to ratify that amendment, to ensure unified application of the Convention by its Parties;
- Requested secretariat to urge Parties to ratify the Convention amendments and the Protocol in the intermediary MOP invitation letters – requesting also for progress reports on the 7 missing ratifications of the 1st amendment

## 2. Status of ratification 3/3

- Welcomed the information from Serbia that it was soon to ratify the Bucharest Agreement, and noted the absence of plans to ratify by other signatory States (Croatia and Greece) and by Bosnia & Herzegovina to accede;
- Invited all concerned countries to report on progress at the next MOPs

### 3. Compliance and implementation (1)

- Noted **Implementation Committee's** reports on its 39th-41st sessions, presented by Committee Chair, including on:
  - IC's growing work overload + additional burden from revising and splitting draft decision VII/2 on compliance (to be finalized at its 42<sup>nd</sup> session in September 2018): delaying cases and requiring longer meetings + webex sessions
  - Draft decisions IS/1 (a)-(g)
  - Plans to finalize all draft decisions, including IS/1 (general part) and IS/1 (h) regarding UK at IC42 (11-14 Sept. 2018)
  - 4 new information gathering cases

### 3. Compliance and implementation (2)

- Supported Bureau's recommendations to improve the conduct and outcomes of next MOP sessions through: avoiding further amendment by the IC of draft MOP decisions on compliance once issued; and earlier/more efficient EU coordination
- Supported increasing resources/using savings for longer/more frequent IC meetings, as feasible;
- Welcomed IC's work on revising draft decision VII/2 and supported the splitting of the compliance decisions;
- Noted comments from delegations (Arm; Az; BY; and ClientEarth) for Committee's consideration – and requested these comments also in writing through the secretariat by 8 June
- Noted concerns of Belarus about IC's working methods since Sept. 2017 regarding the compliance matter concerning its country (Belarus NPP)

### 3. Compliance and implementation (3)

- Approved amended questionnaires for Convention's and Protocol's implementation and requested secretariat to arrange for their translation, if possible as annexes to the meeting report
- Agreed on a timetable for reporting and preparation of draft reviews
- Requested that both questionnaires be sent to Parties by **31 October 2018** for completion by **31 March 2019**
- Welcomed Canada's in-kind contribution to translate French reports into English
- Stressed that reporting = important and now also mandatory under both treaties and encouraged Parties to submit timely and good quality reports
- Noted that possibilities for on-line reporting were being examined by the secretariat but unlikely
- Welcomed electronic publication of the Convention and the Protocol Implementation Reviews 2013–2015
- Noted that with FYROM's reporting early 2018 - all Parties had reported in 2013-2015



### 3. Compliance and implementation (4)

- Welcomed information on secretariat's legislative assistance and on legal reforms on EIA and SEA in Armenia, Azerbaijan and Ukraine with EU/EaP GREEN funding
- Encouraged all 6 countries assisted through EaP GREEN to soon finalize their legal reforms in compliance with the Convention and the Protocol and if not yet Parties, to join the two Treaties.
- Welcomed information on secretariat's legislative assistance on SEA to Kazakhstan (with EU funds); and on EIA (with CH funds)
- Noted plans on legislative assistance on EIA to Tajikistan and Uzbekistan (CH funding) and possible legislative reviews on SEA (with German funding) to Tajikistan and to another Central Asian country to be determined
- Noted information by Russian Federation on progress in adopting new legislation (expected to be adopted by 2019);



### 3. Compliance and implementation (5)

- Reviewed the draft updated Guidelines on EIA in a transboundary context for Central Asia (prepared with CH funding) and welcomed the work carried in consultation with the concerned countries. Invited the secretariat to finalize the guidelines based on EU comments to be provided by 10 June, including with a view to further align the document with the legal obligations
- Agreed on draft MOP decision IS/2 and invited the secretariat to forward to IS-MOP together with the revised Guidelines.

## Compliance and implementation cont'd (6)

- Noted Bureau's recommendation that strategy and action plan for Convention's and Protocol's future application should preferably be prepared in-kind by volunteering Parties with secretariat's support
- Delegations, especially brainstorming organizers (AU, FIN and NL) were invited to consider possibilities for the development of draft action plan and strategy by end of August
- Encouraged Parties to provide expertise for this activity and invited volunteering Parties to contact the secretariat

### 3. Compliance and implementation (7)

- Took note of the report of the secretariat on the publications processed since the last MOPs:
  - Update on the opinions of the Implementation Committee until 2017
  - Practical guidance on reforming legal and institutional structures with regard to the application of the Protocol (funded by EU/EaP GREEN programme)

## 4. Application of the Convention to LTE of NPPs (1)

- Welcomed the work of the ad hoc group led by Germany and the UK to develop the draft terms of reference;
- Also welcomed the workshop organized by Germany and the UK, with support from the secretariat;
- Thanked the speakers and participants and invited the secretariat to post all presentations on the webpage

## Application of the Convention to LTE of NPPs (2)

Noted the following workshop conclusions :

- The IC's work is heavily constrained: urgent need for the Guidance
- Interpretation of the Convention should be in line with its main purpose and objectives
- LTE of NPPs is not only about nuclear safety but also about the environment: any changes in the surrounding environment should be considered: (e.g. increase in population; water scarcity)

## 4. Application of the Convention to LTE of NPPs (3)

Workshop ccls cont'd:

- Environmental issues must be properly addressed in EIA - possibly through screening assessment
- Safety reviews cannot substitute transboundary EIAs: the two processes are complementary
- Convention is largely aligned with the EIA Directive, but it is a legally distinct instrument



# Application of the Convention to LTE of NPPs (4)

Workshop ccls cont'd:

- LTE of NPPs is also about ensuring public participation and transparency including in a transboundary context
- Consider the impact of multiple short-term extensions
- Not all safety upgrades lead to environmental benefits but can also have adverse impacts on the environment



## 4 Application of the Convention to LTE of NPPs (5)

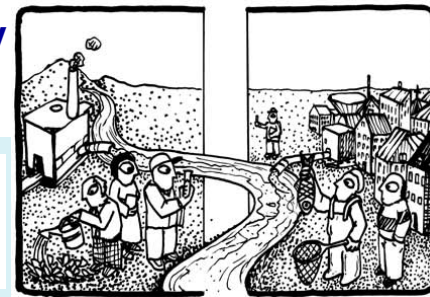
- Reviewed and adopted the ToR, as amended by the Co-Chairs following the workshop notably based on Aarhus compliance committee's comments
- Extended the mandate of the ad hoc group to pursue its work under the German and UK co-chairmanship and to start drafting guidance based on the ToR, taking into account the workshop outcomes
- Invited the ad hoc group to report on progress to IS-MOP in Feb 2019 (via an official document)
- Agreed that IS-MOP should decide on further steps to be taken with a view to the guidance being adopted by MOP-8 in Dec 2020

## 4 Application of the Convention to LTE of NPPs (6)

- Reviewed draft decision IS/3 and requested the Bureau to revise the text to reflect WG's decisions regarding the development of the guidance (inter alia: amending the title; deleting references to key elements; referring to the progress report) and the secretariat to incorporate workshop findings - prior to forwarding it to the IS-MOP
- Noted that Canada, and possibly also Belgium, volunteered to join the group
- Supported and appreciated the involvement of IGOs and NGOs in the subsequent work; and invited the ad hoc group Co-Chairs to ensure with support of the Secretariat appropriate and timely consultative formats for their participation. Noted that the responsibility for the drafting and decision making should remain with the Parties to the Convention.

## 4 Application of the Convention to LTE of NPPs (7)

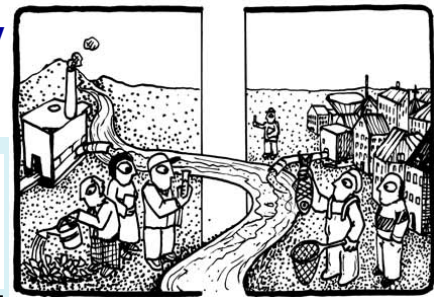
- Noted that the ad hoc group's next meeting was scheduled for 20-21 June 2018 in Berlin and that the UK planned another meeting, preliminarily in London, in October 2018.



## 5. Subregional cooperation and capacity-building

Welcomed reports provided by:

- Romania on a session on implementation of the Convention, Protocol and Bucharest Agreement in South-Eastern Europe (*Vodice, Croatia, 14–15 September 2017* and Romanian willingness to organize a workshop by 2020 subject to availability of resources)
- Finland and Sweden on plans for holding 10<sup>th</sup> Baltic Sea Area workshop (preliminarily scheduled in Stockholm, 5-6 September 2018;)
- Secretariat and concerned countries
  - on a final subregional workshop in Eastern Europe and Caucasus (*Kyiv, 31 October–2 November 2017*);
  - on a subregional workshop of Central Asia including on draft updated guidelines on EIA in a transboundary context (*Kyiv, 2 and 3 November 2017*)



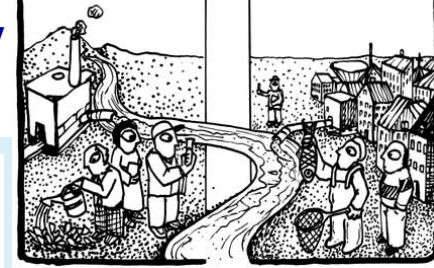
## 5. Subregional cooperation and capacity-building

Welcomed information on planned activities

In Central Asia:

- Seminar to promote the application of transboundary EIA in CA with CH and UNECE RTCP funding (Tashkent, 4 June 2018)
- Activities on SEA (initially planned for 2019-2020 with funds from Germany and in cooperation with OSCE)

Noted the need for pilot transboundary EIAs in Central Asia to test the CA guidelines



## 6. Exchange of good practices

- Noted Chair's report on workshop on land-use planning and industrial safety held by the Industrial Accidents Convention with EIB funding (Mechelen, Belgium, 16-17 May 2018) with inputs on EIA and SEA by the WG Chair and Portugal
- Noted the video that also referred to the Espoo Convention, the Protocol and the joint Guidance on land-use planning, the siting of hazardous activities and related safety aspect
- Welcomed secretariat's publication of Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities

## 6. Exchange of good practices

- Noted information by secretariat that the seminar on improving intersectoral cooperation and institutional arrangements for the application of the Protocol and the Convention foreseen in the workplan could possibly be held in 2019, linked with the development of guidance on health with EIB funding
- Noted European Commission's continuing interest in organizing a possible seminar on synergies between transboundary EIA and SEA and the UN Convention on the Law of the Sea

## 7. Promoting ratification and application of the Protocol and the Convention (1)

- Welcomed reports from the secretariat and concerned countries on capacity building activities, including national guidance documents on SEA, training workshops, awareness raising events, Manual for trainers on the application of the Protocol with EU funding from EaP Green,
- Welcomed information on pilot SEA in Kazakhstan with EU funding



## 7. Promoting ratification and application of the Protocol on SEA (2)

- Welcomed the concept note and the funding from EIB for development of Guidance on the assessment of health impacts of plans and programmes and for the involvement of health authorities
- Invited the secretariat to submit the draft guidance document for its comments and to also consult the Bureau (– electronically or at the next meeting, depending on the time schedule for the finalization of the work)

## 7. Promoting ratification and application of the Protocol and the Convention (3)

- Welcomed two German case studies on its application of the Protocol to federal plans on energy and transport + invited secretariat to make available the presentations
- Encouraged other Parties to submit case studies
- Noted further IAIA informal pamphlets on key issues in impact assessment practice
- Welcomed translation of FasTips into Russian in-kind by WWF Russia and with EU/EaP Green funding
- Invited secretariat to prepare FasTips on Convention and the Protocol in consultation with the Bureau

## 8. Budget, financial arrangements and financial assistance (1)

- Took note of the secretariat's annual financial report until end April 2018; Invited secretariat to finalize it with data until end of June, and to publish it upon agreement by the Bureau
- Noted that pledged contributions made at MOP7 and MOP/MOP 3 covered 60% of budget adopted by the MOPs; and that the budget covered priority 1 expenditures (costs of 1 professional staff) and travel of meeting participants; but not workplan implementation
- Welcomed secretariat's fundraising efforts for workplan implementation
- Welcomed confirmation of Norwegian grant to support UNECE MEAs, including Espoo Convention 2017-2020
- Welcomed information on likely EU (EU4Environment) funding of some 2 Mio euros to build on and sustain EaP GREEN funded workplan activities in 2018-2021



## 8. Budget, financial arrangements and financial assistance (2)

- Also welcomed likely German funding to support Central Asia and planned cooperation with OSCE to implement activities; and the continuous Swiss funding to CA and CZ funding to support Georgia
- Agreed on \$35,000 as the budget for the IS-MOP sessions to support participation of eligible countries (\$20,000–\$25,000) and NGOs (\$10,000) to be covered by the trust fund's operating reserve
- Noted Bureau's decisions regarding financial support to participants:
  - Eligible non-Parties to the Convention within the UNECE region should continue to be supported;
  - Bureau to decide on funding for non-UNECE countries on case by case basis;
  - 5-6 NGOs to be financed to WG and IS MOP meetings: 1. European Eco-Forum; 2. IAIA; 3. Caucasus Environmental NGO Network (CENN); 4. Nuclear Transparency Watch; 5. WWF/Russia; (6. European Environment Bureau).



## 8. Budget, financial arrangements and financial assistance (3)

- Invited countries to explore possibilities for sponsoring a Junior Professional Officer (JPO) to work in the secretariat
- Noted following staff changes in the secretariat since June or to be expected: Martin Smutny leaving due to closure of EaP-GREEN; new EU4Environment project manager and support staff to be recruited; Elena Kashina temporarily supporting activities in Central Asia as a consultant; Ekaterina Molodotsova intern for 3 months

## 10. Preparations for MOPs

- Supported Bureau's decision to hold IS-MOP in Geneva from 5 to 7 February 2019
- Reviewed the provisional IS-MOP agenda and invited the Bureau with secretariat's support to finalize it taking into account comments made (change in the order of items and in the name and nro of LTE decision; refer to progress report by ad hoc Co-Chairs and expected feedback from IS-MOP)
- Agreed on the list of draft decisions and official documents, as revised
- Agreed that IS-MOP should also review progress in implementation of the 2017-2020 workplan, and invited the secretariat to provide it with the related informal documentation/progress reports

## 10. Preparations for MOP8 and MOP/MOP4

- Agreed on the provisional dates for MOP8 and MOP/MOP4 (9-11 December 2020) and on indicative time schedule for the other official meetings
- Invited Parties to volunteer for the chairmanship of the high-level segment of IS-MOP and secretariat to continue its consultations (considering also Geneva based Ambassadors);
- Invited Parties to make proposals for the Bureau chairmanship after IS-MOP asap but no later than by early December 2018
- Invited proposals for hosting MOP8 & MOP/MOP4 to be sent to secretariat by IS-MOP

## 11. Inputs to related international processes

Noted information provided on:

- A joint meeting of Chairs of UNECE Multilateral Environmental Agreements (MEAs) and the Chair of UNECE Committee on Environmental Policy; and the MEA segment during CEP (Geneva, 13-14 November 2017)
- Regional Forum for Sustainable Development organized by ECE (Geneva, 1 and 2 March 2018) and side event organized by Czechia on SEA and EIA
- Developments regarding China's « Belt and Road » Initiative (training course for Chinese investors and Central Asian governments, including on SEA)





## 11. Other business

- Noted the proposal by Nuclear Transparency Watch and Client Earth to organize a workshop during a WG meeting related to coal and lignite related projects with transboundary impacts