

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 serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Bureau

Geneva, 19–20 January 2016

Informal notes of meeting¹

Prepared by the secretariat

I. Organizational matters

1. The Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment took place in Geneva, from 19 to 20 January 2016.

2. The Bureau noted that Mr. Piotr Otawski from Poland had been unable to complete his term of office as the Chair of the Bureau owing to his departure from the Polish Ministry for Environmental Protection. In accordance with the rules of procedure (rule 21), the Bureau agreed that its vice-Chair, Mr. Georges Kremlis, should act as a Chair for the remaining of the intersessional period, until the election of a new Chair by the Parties. The Bureau expressed thanks to Mr. Otawski for his important contribution to the work under the two treaties over many years and for his past chairmanships of the Bureau, the Working Group of Environmental Impact Assessment and Strategic Environmental Assessment (Working Group on EIA and SEA) as well as of the general segment of the Meetings of the Parties sessions in 2014.

3. The following members of the Bureau were present: Vice-Chair of the Bureau: Mr. Kremlis (European Union) acting as the Chair of the Bureau, assisted by Ms. Milena Novakova (European Union); Ms. Migle Masaityte (Lithuania), Chair of the Working Group on EIA and SEA and three Vice-Chairs of the Working Group: Ms. Aysel Babayeva (Azerbaijan), Ms. Inga Podoroghin (Republic of Moldova), and Mr. Igor Markelov (Ukraine); Ms. Lourdes Aurora Hernando (Spain), First Vice-Chair of the Implementation Committee. Mr. Felix Zaharia (Romania), Chair of the Implementation Committee and Ms. Cecile Bourigault (Switzerland), Vice-Chair of the Bureau were absent. Mr. Artur Danelyan (Armenia), Vice-Chair of the Bureau, was also absent and replaced for the second consecutive time by Ms. Elyanora Grygoryan. The Bureau invited Mr. Danelyan to participate in person at the next meeting of the Bureau.

¹ Available at: <http://www.unece.org/index.php?id=40421#/> .

4. The Bureau also welcomed the participation of two new Bureau members:

(a) Mr. Andrei Shakemirov, Head of Department of State Ecological Expertise at the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, nominated by Belarus in its capacity as the host country for the next sessions of the Meetings of the Parties scheduled for 2017, assisted by Ms. Tatiana Laguta, Chief specialist, Department of State Ecological Expertise of the Ministry;

(b) Ms. Katarzyna Twardowska, Deputy Director of Department of Environmental Impact Assessment in General Directorate for Environmental Protection of Poland, nominated by Poland to replace Mr. Otawski.

5. The Bureau adopted its agenda, as contained in informal document ECE/MP.EIA/B/2016/INF.1_rev.

II. Status of ratification of the Convention, its amendments and its Protocol

6. The secretariat reported on the status of ratification of the Convention, its two amendments and its Protocol. It also reported on the status of ratification of the multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention (Bucharest, 2008).

7. The Bureau took note of the information provided, congratulating Ukraine for becoming the 27th Party to the Protocol as of 1 March 2016, i.e. 90 days after it deposited its instrument of ratification with the Depository. It also welcomed the completion by the Republic of Moldova of its domestic ratification procedure for the two amendments to the Convention, which was to be followed shortly with the deposit of its instruments of ratification.

8. The Bureau noted with concern that further 13 ratifications² were still missing for the first amendment to become effective, truly opening the Convention to all the United Nations member States, and that six ratifications were missing for the second amendment to enter into force. Acknowledging the Convention's global benefits, the Bureau recommended that the entry into effect of the first amendment be accelerated through a two track approach, consisting of: (a) the negotiation of a separate agreement modifying article 17, paragraph 3, and entering into force through a non-objection procedure, in view of its possible adoption by the seventh session of the Meeting of the Parties to the Convention in 2017; and (b) in parallel, urging the remaining 13 Parties to ratify the amendment through bilateral contacts and, for the European Union (EU) member States, also within the EU context.

9. The Bureau reviewed a document containing the text of a draft agreement on accelerating entry into effect of the first amendment, and requested the secretariat to submit it as an official document³ consideration by the Working Group at its fifth meeting (Geneva, 11–15 April 2016), as revised (e.g., supplemented with further references to legal

² For the first amendment to become effective ratifications were still missing from the following 13 States that were Parties to the Convention on the date of its adoption: Armenia, Azerbaijan, Belgium, Canada, Cyprus, Denmark, Greece, Italy, Latvia, Republic of Moldova, the Former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

³ Document on Accelerating the entry into effect of the first amendment to the Convention (ECE/MP.EIA/WG.2/2016/L.2) together with other meeting documentation for the Working Group's fifth meeting can be accessed from the Convention website at: <http://www.unece.org/index.php?id=40431#/>

instruments applying non-objection procedures, such as the UNECE Industrial Accidents Convention).

III. Implementation of the workplan 2014–2017

10. The Bureau reviewed progress in implementation of the present workplan under the Convention and the Protocol. For each of its sub-items it subsequently also considered possible activities that could be proposed for inclusion into the workplan for the next intersessional period, 2017–2020. The Bureau emphasized that as decided by the Meetings of the Parties at their previous sessions in 2014, the workplan should only contain activities for which funding or in-kind support has already been secured. All the other proposed activities would consequently be included on a “waiting list” pending the identification of funding and/or lead countries for their implementation. It deemed important that the proposed activities that required funding were identified and presented to Parties, including the possible lead-countries and donors, as early as possible.

A. Compliance with and implementation of the Convention and the Protocol

11. The first Vice-Chair of the Implementation Committee informed the Bureau about the main outcomes of the Committee’s thirty-third and thirty-fourth sessions (held from 17 to 19 March and from 8 to 10 December 2015, respectively)⁴ as well as the main objectives for the Committee’s upcoming session (15–17 March 2016), where the Committee was expected among other things to discuss with representatives of Ukraine, Belarus and Lithuania to shed light to the related cases; to finalize its findings and recommendations on the United Kingdom regarding the planned construction of the Hinkley Point C nuclear power plant; and to continue its consideration of all the pending cases. The Bureau took note of the report by the Committee Vice-Chair.

12. As invited by the Implementation Committee at its thirty-fourth session, the Bureau also discussed the proposed establishment of an expert body, modelled after the inquiry commission under the Convention⁵, to advise the Committee’s deliberations on technical and scientific issues concerning the submission by Lithuania regarding Belarus. Belarus and Lithuania had provided their views on the Committee’s proposals by letters dated 15 January and 18 January, respectively; Lithuania was in principle favorable the proposal, but Belarus had expressed reservations, pointing to the need to exhaust all possible avenues through bilateral consultations. Following clarifications from representatives of Belarus and Lithuania, the Bureau encouraged Belarus to reconsider its reservations regarding the proposal in advance of discussions on the matter at the next meeting of the Committee in March 2016. The Bureau also agreed to propose that the Committee write to the focal points from Belarus, Lithuania and Ukraine to reschedule the discussions foreseen to take place during the upcoming meeting of the Committee in such a way that the discussions with the delegations from Belarus and Lithuania would take place on 15 March and the discussions with the delegation from Ukraine on 16 March.

13. The Bureau also considered the Committee’s proposals regarding activities in the next inter sessional period 2017–2020. It supported the proposal by the Committee not to

⁴ Reports on the Implementation Committee’s sessions held in 2015 are available at: <http://www.unece.org/environmental-policy/conventions/environmental-assessment/meetings-and-events.html?id=7113#/2015/0/0/28089/19940/>

⁵ See article 3 paragraph 7 and appendix IV to the Convention.

revise the questionnaires for the next reporting round (2016–2018) to facilitate Parties' efforts in reporting, and also to save the Committee's time. Moreover, taking into account the increased workload of the Committee, the Bureau also agreed to recommend that nine, instead of eight, Committee meetings be budgeted for the next intersessional period.

14. The Bureau took note of the reports by the secretariat on the implementation of the other sub-activities foreseen in the workplan that related to compliance and implementation, notably:

(a) Plans, including the timetable for the production of the fifth review of implementation of the Convention and the second review of implementation of the Protocol;

(b) Legislative assistance provided to support implementation or accession/ratification of the Protocol and the Convention in Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Kyrgyzstan, the Russian Federation, and Ukraine, (financed mainly by the European Commission under the Greening Economies in the Eastern Neighbourhood (EaP Green) programme and the project "Supporting Kazakhstan's Transition to a Green Economy Model, as well as by Switzerland and Sweden regarding Kyrgyzstan and the Russian Federation, respectively). This assistance had resulted notably to legislative reforms in Belarus and the Republic of Moldova to enhance their environmental assessment systems with provisions on SEA; and to new draft legislation in Azerbaijan and Georgia for EIA and SEA;

(c) Developments on the alignment of the authentic language versions of the Protocol and the two amendments to the Convention;

(d) Preparation of a draft subregional overview of legislative reforms in Eastern Europe, the Caucasus and the Central Asia and a guidance for legislative reforms, in advance of the Working Group's next meeting for discussion at that meeting;

(e) Preparation of guidance on the implementation of the Convention (drawing on opinions of the Implementation Committee).

15. The Bureau invited the secretariat to send reminders to the Parties to report on their implementation of the Convention and the Protocol in the period 2013–2015 by the deadline of 31 March 2016. Moreover, the few Parties that had still not provided their overdue reports under the previous reporting round (on their implementation of the treaties in the period 2010–2012) were to be requested to do so.

16. Regarding the ongoing work for the alignment of the authentic language versions of the Protocol and the two amendments to the Convention, the Bureau urged the third member of the ad hoc group, the United Kingdom, possibly in cooperation with Canada, to contribute to the efforts of Belarus and France in preparing proposals for addressing the inconsistencies. It recommended that at its fifth meeting (Geneva, 11–15 April 2016), the Working Group on EIA and SEA strive to reach a consensus on a list of discrepancies of technical nature to be addressed through a correction procedure, and as needed, on any possible substantive inconsistency to be addressed through the amendment procedure.

17. The Bureau regretted that the draft guidance on the implementation of the Convention drawing on the opinions of the Implementation Committee had not been delivered by the consultant for it to review. It invited secretariat to ensure the submission of the draft guidance well in advance of the Working Group's next meeting (i.e. by the end of February).

18. Finally, the Bureau agreed on the proposed activities for the draft workplan 2017–2020 that built on the outcomes of the legislative assistance carried out that far and on the need for further assistance expressed by the countries concerned, such as awareness raising

events to facilitate the adoption of the new draft laws by the Governments and assistance in drafting detailed implementing legislation (bylaws). It noted with concern that for the next intersessional period, financial support was secured this far only for legislative assistance to Kazakhstan. The secretariat informed the Bureau that it was in the process of investigating further funding opportunities, notably with the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR), within the framework of a new project "Green East" being planned by the European Commission.

B. Subregional cooperation and capacity-building

19. The Bureau took note of the report provided by the secretariat and the concerned countries represented in the Bureau, on the implementation of activities in the workplan that related to subregional cooperation and capacity-building in the subregions of South-Eastern Europe; Baltic Sea; and Eastern Europe, the Caucasus and Central Asia, as well as of future needs for assistance. It agreed on activities to be proposed for the next workplan – that were to be waitlisted pending identification of funding – including the possible enlargement of the subregional cooperation to South-East Asia and China and possible including also the Arctic subregion. It noted that possibilities for collaboration with the Netherlands Commission on Environmental Assessment (NCEA) for promotion of SEA in the "Silk Road countries" were being investigated.

C. Exchange of good practices

20. The Bureau took note of the information by the secretariat regarding the implementation of activities in the workplan that related to the exchange of good practices, including:

(a) The development, jointly with the Industrial Accidents Convention, and with funding from the European Investment Bank (EIB), of "Guidance on land-use planning, siting of hazardous activities and related safety aspects" together with plans for organizing a joint workshop on 13 April 2016. The Bureau members agreed to respond to the questionnaire survey for the development of the draft guidance by 29 January, in coordination with the national focal points for the Industrial Accidents Convention and also to encourage other focal points to respond. They further agreed to look into identifying speakers to present good practice examples at the joint workshop and to inform the secretariat accordingly in February;

(b) The preliminary outcomes of the survey for the development of good practice recommendations on the application of the Convention to nuclear energy-related activities. The Bureau stressed the importance of finalizing the guidance for adoption by the Meeting of the Parties to the Convention in 2017, given the usefulness of further guidance in this field. It invited the secretariat to ensure the availability of the first draft well in advance of Working Group's next meeting (i.e. by end of February/early March), and arranging its informal translation into Russian.

21. The Bureau also noted plans for the organization of a half-day seminar during the Working Group's sixth meeting (7–10 November 2016) on the global application of the Convention and the Protocol, with participation by non-UNECE countries and International financial institutions (IFIs), under the leadership of the EIB.

22. Finally, the Bureau agreed on the following proposals for possible thematic seminars/workshops for inclusion into the next workplan 2017–2020:

(a) Application of the Protocol on SEA to urban planning;

- (b) Application of the Protocol to climate change adaptation and mitigation;
- (c) Improving inter-sectoral cooperation and institutional arrangements for the application of the Protocol and the Convention;
- (d) Linkages of EIA and SEA with biodiversity assessment.

23. The Bureau members agreed to seek to identify potential lead countries/organizations in advance of the Working Group's meeting in April to implement and finance these activities.

D. Promoting ratification and application of the Protocol

24. The Bureau took note of the report by the secretariat and the Bureau members representing the concerned countries on the implementation of the workplan activities that related to promoting ratification and application of the Protocol, including notably the national and sub-national training and awareness raising events as well as the pilot projects carried out with the EU funding from the EaP Green programme. It welcomed the video prepared by the secretariat in English and Russian for promoting the Protocol and recommended that all focal points post it on their national websites and distribute it widely. Parties and the secretariat were invited to identify resources and ways to translate the video into other national languages. The Bureau also encouraged the secretariat to prepare other promotional material.

25. The Bureau noted the information from the secretariat on the need to scale down some of the planned capacity building activities for 2016 (including due to a loss of the EaP Green funding further to important exchange rate fluctuations in early 2015) in agreement with the secretariat and the countries concerned.

26. The Bureau took note of the needs for further assistance in Eastern Europe, Caucasus and Central Asia, as these had been conveyed to the secretariat, involving notably awareness raising events to support the legislative reforms and capacity building to further practical implementation of the SEA systems established or being established. The Bureau members representing the beneficiary countries confirmed the needs identified with respect to their countries. The Bureau then agreed on the corresponding activities to be proposed for the next workplan, and waitlisted pending identification of funding, such as:

- (a) Development of sector specific guidance documents;
- (b) Awareness raising and capacity building events for sectoral, environmental and health authorities;
- (c) Pilot projects;
- (d) Preparation of national language versions of the promotional video.

27. The Bureau noted that the proposed workplan for 2017–2020 was ambitious and agreed to support the secretariat in raising funds for operational and management costs to implement the activities.

IV. Budget, financial arrangements and financial assistance

28. The Bureau noted that the draft biannual financial report extending from June 2014 until December 2015 had not been issued due to the lack of available figures from the UN Geneva office for the last quarter of 2015. It invited the secretariat to prepare and circulate the draft report for its approval by end of March or the beginning of April.

29. The Bureau decided to invite the Presidency of the Council of the EU to approach the European Commission to seek funding opportunities for the implementation of the draft workplan 2017–2020. It also agreed that concerned (beneficiary) countries, together with the secretariat, should advocate for the continuation of the European Commission financing for the implementation of further capacity building activities and of their management within the secretariat (within the planned “Green East” programme). This was seen important for sustaining and building on the outcomes of the work carried out under the current workplan. The secretariat stressed that ensuring implementation of capacity building activities and technical assistance necessitated the availability of dedicated professional and administrative support staff paid from a project budget to manage and coordinate the activities. It pointed out that with the EaP Green funding ending in December 2016, and in absence of identification of any new sources of funding, the secretariat would no longer have the adequate staffing for supporting countries efforts to implement and ratify the Convention and the Protocol.

30. The Bureau noted the information by the secretariat that the input from the junior professional officers sponsored by Finland for three consecutive years had been invaluable and that it had difficulties coping with the workload without this additional support, in particular for preparing and servicing the next sessions of the Meetings of the Parties. The Bureau decided to encourage other Parties to explore their opportunities to fund a junior professional officer to assist secretariat in servicing the Convention and the Protocol.

31. Finally, the Bureau decided to urge the Parties to ensure the sustainability and sufficiency of the contributions to the Convention trust fund, including to sustain the continuous employment of the secretariat’s extra budgetary staff member, responsible notably for servicing the important implementation and compliance related work under the two treaties. To the extent feasible these funds should also be supplemented with funds to cover the costs of the necessary further administrative support.

V. Preparations for the next sessions of the Meetings of the Parties

32. The Bureau welcomed the offer by Belarus to host in Minsk the seventh session of the Meeting of the Parties to the Convention (MOP-7) and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP/MOP-3) scheduled to be held in May or in June 2017. It noted the information about the preparatory work and its time schedule provided by the representative of Belarus and the secretariat. It invited the secretariat to send out invitations to the Parties sufficiently early to facilitate the participation of Ministers at the high level segment of the sessions.

33. Following thorough consideration of possible dates of the next sessions of the Meetings of the Parties taking due account of the public holidays in Belarus and in the region, the timing of the relevant UN and EU meetings, as well as deadlines for the preparation of official documents, the Bureau recommended that next sessions be held on 12–16 June 2017. The Bureau also agreed on a preliminary schedule for the final preparatory meetings of the Bureau and the Implementation Committee preceding the MOP sessions, with the following two alternative options: Bureau meeting from 2 to 3 March, [or from 23 to 24 February] 2017, and the thirty-seventh session of the Implementation Committee on 21–23 February [or on 20–22 February] 2017.

34. The Bureau agreed on the initial list of possible decisions of the Meetings of the Parties to the Convention and the Protocol based on a draft presented by the secretariat and invited the secretariat to supplement it with a decision providing a mandate for the preparation of a strategy for the contribution of the Convention and the Protocol to the

achievement of relevant sustainable development goals (SDGs) and targets, prior to submitting it as an informal document for consideration by the Working Group at its meeting in April.

35. The Bureau also agreed to propose the inclusion of a new item into the 2017–2020 workplan on “Opening of the Convention and the Protocol: promoting global outreach and partnerships”, involving the preparation of draft strategies on the achievement of SDGs and on the implementation of the Convention and the Protocol at the global level.

36. The Bureau held preliminary discussions on the draft programme of the next sessions of the Meetings of the Parties to the Convention and the Protocol. For the high-level segment, it proposed the organization of a panel discussion by Ministers and high-level officials focusing on the Convention’s and Protocol’s contribution to the achievement of SDGs. For the general segment, the Bureau suggested a panel or seminar on the application of the Protocol and the Convention to climate change mitigation and adaptation.

37. The Bureau also stressed that it was important that possibilities for the organization of side-events were provided at the meeting premises during the breaks. The secretariat was invited to issue a call for possible side-events as part of the meeting preparations. The Bureau noted that it would in addition be up to Belarus, as the host country, to decide whether it wished to organize a cultural event or a visit for the meeting delegations.

38. Finally, the Bureau considered the chairmanship of the Meetings of the Parties and noted that the Chair of the general segment of the next sessions of the Meetings of the Parties should be familiar with the procedures and the activities under the Convention and the Protocol, and also have no conflict of interest with respect to any of the draft MOP decisions to be discussed at the sessions. The joint high-level segment of the two Meetings of the Parties would be chaired by a Minister of the host country, provided that Belarus would have by then become Party to the Protocol. Alternatively, the items in the high-level segment relating to the Protocol would be chaired by a Minister of a country that is Party to the Protocol. The Bureau added that even if Belarus was Party to the Protocol, it was free to consider opting for a co-chairmanship with another Party, should it wish to do so.

VI. Preparations for the fifth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

39. The Bureau reviewed and agreed on the annotated provisional agenda of the fifth meeting of the Working Group, to be held in Geneva from 11 to 15 April 2016, (as presented in draft document ECE/MP.EIA/WG.2/2016/1)⁶.

40. It also reviewed and revised the draft Minsk declaration and invited the secretariat to submit it as revised for consideration by the Working Group as an official document (ECE/MP.EIA/WG.2/2016/L.2).

41. Finally the Bureau reviewed and revised document containing draft decision on the adoption of the workplan for the period 2017–2020, focusing on the draft workplan set out in annex I to the draft decision and the list of activities waitlisted pending identification of funding and/or lead countries as presented in annex II to the draft decision. The Bureau then invited the secretariat to submit the document for consideration by the Working Group as an official document (ECE/MP.EIA/WG.2/2016/L.1).

⁶ Meeting documentation for the Working Group’s fifth meeting is available on the Convention website at: <http://www.unece.org/index.php?id=40431#/>.

VII. Related events

42. The Bureau took note of information provided by the Chair of the Working Group on the joint meeting of the informal network of representatives of governing bodies of the UNECE Multilateral Environmental Agreements (MEAs) and of the Committee of Environmental Policy (CEP) on 26 October 2015 in Geneva⁷, as well as on the segment on UNECE MEAs held during the 21st session of the CEP session (27–30 October 2015), both in which she had participated.

43. The Bureau also noted information from the secretariat on the outcomes of the meeting of the informal network of the Chairs of the MEA implementation and compliance committees held on 29 June 2015.

44. Finally it noted the report by the secretariat on the preparations for the Eighth “Environment for Europe” Ministerial Conference for Europe to be held in Batumi, Georgia, on 8–10 June 2016, including the following contributions of relevance to the Espoo Convention and the Protocol on SEA:

(a) A background paper for the session on “Multilateral environmental agreements, mechanisms, policies and institutions supporting the 2030 Agenda for Sustainable Development” on “Mapping of the Environment subprogramme processes and activities that will support countries in achieving the Sustainable Development Goals (SDGs)”;

(b) A side-event on “the role of strategic environmental assessment in greening economies” organized in cooperation with the NCEA and the Dutch Environmental Ministry, with possible participation by the UNECE Executive Secretary; and the Environment Ministers from Georgia and the Netherlands;

(c) Contribution to the EaP Green stand on “greening economies”.

45. The Bureau invited the secretariat to prepare for the Working Group’s next meeting an informal document mapping the Convention and the Protocol activities to the achievement of specific SDGs, drawing from the Batumi Conference background paper. It encouraged the Parties to promote the Convention and the Protocol in the session on MEAs and SDGs.

46. Finally, the Bureau agreed to provide possible comments by the end of January on the informal guidance document “towards enhanced cooperation of the UNECE MEAs” and its annex” (available on Bureau member’s area website).

VIII. Other business

47. No other business was discussed.

IX. Presentation of the decisions and closing of the meeting

48. The Bureau agreed that it would decide electronically whether it would meet informally in the margins of the Working Group in April 2016.

49. It preliminarily agreed to hold its next self-standing meeting, in Geneva from 2 to 3 March 2017, or from 23-24 February, with the understanding that the Implementation

⁷ Report and documentation on the informal networks of UNECE MEAs are available at: <http://www.unece.org/environmental-policy/conventions/joint-work-and-informal-networks.html>

Committee's 37th meeting would be preliminarily scheduled to take place before its meeting either on 21–23 February or on 20–22 February. The dates were to be confirmed shortly.

50. The meeting of the Bureau concluded on Wednesday, 20 January 2016. The Bureau invited the secretariat to draft the informal meeting report and to circulate it for its comments prior to its finalization.
