

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, 22–23 October 2018

Annotated provisional agenda for the meeting

**To be held in salle VIII, Palais des Nations, Geneva, starting at 3 p.m.
on Monday, 22 October 2018 (and closing at 5.30 p.m. on Tuesday, 23
October)***

1. Organizational matters.
2. Status of ratification of the Convention, its amendments and its Protocol.
3. Implementation of the workplan 2017–2020.
 - A. Compliance with and implementation of the Convention and the Protocol.
 - B. Subregional cooperation and capacity-building.
 - C. Exchange of good practices.
 - D. Promoting ratification and application of the Protocol and the Convention.
4. Budget, financial arrangements and financial assistance.
5. Preparations for the next sessions of the Meetings of the Parties
 - A. Practical arrangements.
 - B. Provisional programme
 - (a) Provisional agenda;

* There are accreditation procedures for all delegates attending meetings at the Palais des Nations. Members of the Bureau are therefore requested **to register online at least two weeks before the start of the meeting, i.e. by 5 October 2018** through the following link: <https://uncdb.unece.org/app/ext/meeting-registration?id=GmZXW0>. The use of Internet Explorer browser is recommended. In case of difficulty, please refer to the user manual (<https://www2.unece.org/wiki/display/OMR/Online+Meeting+Registration+Guidelines>) or contact the secretariat by e-mail (elizabeth.james@un.org) and (eia.conv@un.org). On their way to the meeting, delegates should obtain an identification badge at the Pass and Identification Unit of the United Nations Office at Geneva's Security and Safety Section, located at the Pregny Gate, 14, Avenue de la Paix (see map and other practical information available from the UNECE website at <http://www.unece.org/meetings/practical.htm>). In case of difficulty, please contact the Convention secretariat by telephone at +41 22 917 6307.

- (b) Chairs of the Meetings of the Parties;
- (c) Possible side event on coal and lignite related projects with transboundary impacts.
- C. Outstanding issues
 - (a) Draft decisions by the Meeting of the Parties to the Convention:
 - (i) Draft decisions IS/1 and IS/1 a – h on the review of compliance with the Convention;
 - (ii) Draft decision IS/2 on the application of the Convention to nuclear energy-related activities;
 - (iii) Draft decision IS/3 on updated Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries.
 - (b) Nomination of the Chair of the Bureau until 2020.
 - (c) Tentative calendar of meetings for 2019 and 2020.
- 6. Related events.
- 7. Other business.
- 8. Presentation of the main decisions taken and closing of the meeting.

II. Annotations to the provisional agenda

1. Organizational matters

Tentative timing: Monday, 22 October, 3–3.30 p.m.

Relevant documentation: ECE/MP.EIA/B/2018/2/INF.1 – (The present) annotated agenda

1. This provisional annotated agenda was prepared by the secretariat in agreement with the Chair. The Bureau will be invited to adopt its agenda as set out in the present document.

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

Tentative timing: Monday, 22 October, 3.30–4 p.m.

Relevant documentation: ECE/MP.EIA/B/2018/2/INF.2 – Status of ratification

2. The secretariat will inform the Bureau on the status of ratification of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), its amendments and the Protocol on Strategic Environmental Assessment (Protocol on SEA). The Bureau members from Armenia, Azerbaijan, Belarus and Ukraine are expected to report their countries' progress regarding ratifications of the amendments to the Convention and, as relevant, of the Protocol. The Bureau may also wish to discuss possible measures to further encourage ratification and accession to ensure that:

- (a) The first amendment to the Convention produces its effect without further delays, allowing any United Nations Member States to accede to the Convention;

(b) All the signatories to the second amendment to the Convention ratify it, to allow a unified application of the Convention by its Parties;

(c) All the signatories to the Protocol and, in particular, countries having benefited from technical assistance on SEA, ratify/accede to the Protocol to widen its membership.

3. In May 2018, following the recommendations of the Bureau, the Working Group on EIA and SEA, requested the secretariat to ensure that in the letters of invitation to the intermediary session of the Meetings of the Parties (Geneva, 5–7 February 2019), the ECE Executive Secretary urged the Parties to the Convention that had adopted the amendments, or signed the Protocol to proceed promptly with their ratification. It also requested the secretariat to invite the following seven Parties that have yet to ratify the first amendment (Armenia, Azerbaijan, Belgium, Greece, the Former Yugoslav Republic of Macedonia, the United Kingdom and Ukraine) to provide a progress report on the steps they have taken in that regard.

3. Implementation of the workplan 2017–2020

Tentative timing: Monday, 22 October, 4–6 p.m. and Tuesday 23 October, 9.30–10.30

Relevant documentation:

Workplan implementation status (ECE/MP.EIA/B/2018/2/INF.3)

Draft updated Guidelines on EIA in a Transboundary Context for Central Asian Countries (Draft ECE/MP.EIA/2019/13)

A possible strategy and an action plan for the future application of the Convention and the Protocol: proposals for a way forward (ECE/MP.EIA/B/2018/2/INF.4)

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

4. The Chair of the Implementation Committee is expected to present briefly the main outcomes of the Committee's forty-second session (Geneva, 11–14 September 2018)¹, in particular, as regards draft decisions IS/1 and IS/1 a to h on the review of compliance with the Convention, that it was to finalize for consideration by the Meeting of the Parties to the Convention at its intermediary session (Geneva, 5–7 February 2019), and the main objectives for the Committee's upcoming session (Geneva, 4–6 December 2018).

5. The secretariat and, as relevant, the Bureau members representing the concerned countries will report on the implementation of activities in the workplan (see annexes to decision VII/3–III/3) that relate to compliance with and implementation of the Convention and the Protocol, including:

(a) The launch of Parties' reporting on their implementation of the Convention and the Protocol in the period 2016–2018, with the secretariat inviting on 31 October 2018 the Parties to complete questionnaires as a basis of their reporting by 31 March 2019;

¹ An advance copy of the report on the Implementation Committee's forty-second session (ECE/MP.EIA/IC/2018/3 - forthcoming) will be made available at: <http://www.unece.org/environmental-policy/conventions/environmental-assessment/meetings-and-events.html#/0/0/0/28089/19940>. The reports on the Committee's earlier sessions can also be accessed there.

(b) Draft elements of Guidance on the application of the Convention to life-time extension of nuclear power plants, being drafted by the ad hoc working group based on the terms of reference adopted by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, at its seventh meeting in May 2018, and the conclusions of the workshop held during that meeting. (After its meeting in London, on 2–3 October 2018, the ad hoc group is expected to submit a written progress report to the intermediary session of the Meeting of the Parties to the Convention);

(c) Ongoing and planned legislative assistance to support the implementation or accession to/ratification of the Convention and/or the Protocol (in particular in Kazakhstan, Tajikistan and Uzbekistan, including a round table consultation meeting on legal drafting in Kazakhstan, with the presentation of draft amendments to the national Environmental Code to align it with the Espoo Convention (Astana, 5 September 2018); kick-off workshops on SEA and/or transboundary EIA, in Tajikistan (10 and 11 October 2018) and in Uzbekistan (Tashkent, 26 and 27 August 2018) and a working group meeting on legal drafting on SEA in Tashkent (24 – 25 October 2018);

(d) Draft updated Guidelines on EIA in a Transboundary Context for Central Asian Countries that the Working Group on EIA and SEA requested the secretariat to finalize based on the comments provided during and after its seventh meeting, prior to its submission for endorsement by the Meeting of the Parties to the Convention at its intermediary session;

(e) Possible elaboration of a strategy and an action plan for the future application of the Convention and the Protocol, (with the presentation of the outcomes of an informal meeting co-chaired by Austria and the Netherlands in London, on 1 October 2018);

6. The Bureau is expected to take note of the information and, as needed, provide advice on the implementation of or follow-up to the activities, including for consideration by the Meetings of the Parties at their intermediary sessions.

B. Subregional cooperation and capacity-building

7. The secretariat and the concerned Bureau members will report on the implementation of activities foreseen in or related to the workplan regarding subregional cooperation and capacity-building in the following subregions:

(a) Baltic Sea subregion, including a meeting to be organized by Finland and Sweden in 2019;

(b) Central Asia, including a subregional workshop held in Tashkent, on 4 June 2018 (on "Feasibility of the application of a transboundary environmental impact assessment procedure as a tool for "greening" economies and ensuring sustainable investments in Central Asian countries").

8. The Bureau is expected to take note of the information and, as needed, to provide advice and agree on actions to ensure the implementation of or follow-up to these activities, including for consideration by the Meetings of the Parties at their intermediary sessions.

C. Exchange of good practices

9. Based on any new information to be reported by the secretariat or the concerned Bureau members, the Bureau may wish to provide advice on the workshops or half-day seminars within the meetings of the Working Group specified in the workplan and relating to the exchange of good practice. (At the Working Group's meeting that is preliminarily

scheduled to be held on 28–29 November 2019, it might be possible to organize a workshop/seminar either on improving intersectoral cooperation and institutional arrangements for the application of the Protocol and the Convention; or on synergies between transboundary EIA and SEA and the United Nations Convention on the Law of the Sea (UNCLOS) (articles 204–206)).

D. Promoting ratification and application of the Protocol and the Convention

10. The secretariat will report on the implementation of recent and planned activities foreseen in or related to the workplan as regards promoting ratification and application of the Protocol and the Convention, including:

(a) Development of guidance for the assessment of health impacts of plans and programmes, with proposed funding from the European Investment Bank;

(b) Preparation of two-page informal pamphlets or “FasTips”, including on the Convention and the Protocol.

11. The secretariat will inform the Bureau on progress on the preparation and launching of a European Commission funded project for promoting ratification and application of the Protocol (and, as needed, the Convention) in 2018–2020/2021 in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, including for the following waitlisted activities (see annex II to the workplan):

(a) Holding of workshops, including training on SEA;

(b) Implementation of pilot projects;

(c) Development of national guidance documents on SEA;

(d) Development of communication materials, such as a video to raise awareness about and promote the application of the Convention.

12. The secretariat will also inform the Bureau on progress in the preparation of a project to raise interested Central Asian countries’ awareness of the Protocol’s benefits, to be funded by Germany (the Environment Ministry’s Advisory Assistance Programme (AAP)) and implemented in cooperation with the Organization for Security and Co-operation in Europe (OSCE).

13. The Bureau is expected to provide its views on the information provided and, as needed, agree on actions to ensure the implementation of or follow-up to these activities, including for consideration by the Meetings of the Parties at their intermediary sessions.

4. Budget, financial arrangements and financial assistance

Tentative timing: Tuesday, 23 October, 10.30–11 a.m.

Relevant documentation:

First annual financial report in the period between seventh/third and eighth/fourth sessions of the Meeting of the Parties to the Convention/Protocol: period to 30 June 2018

Recent contributions to the Trust Fund (ECE/MP.EIA/B/2018/2/INF.5)

14. The Bureau will be invited to consider the first annual financial report since the seventh and third sessions of the Meetings of the Parties to the Convention and the Protocol covering the period until the end of June 2018 and agree on its publishing on the website of the two treaties.

15. The secretariat will also report on recently received contributions to, and on expenditure from, the Convention's and Protocol's trust fund as well as on its fund raising for the implementation of activities in the workplan 2017–2020. The Bureau is invited to take note and to comment the information.

5. Preparations for the intermediary sessions of the Meetings of the Parties to the Convention and the Protocol

Tentative timing: Tuesday, 23 October, 11.30–12.30 and 14.30–15.30

Relevant documentation:

Preparations for the intermediary sessions of the Meetings of the Parties (ECE/MP.EIA/B/2018/2/INF.6)

Annotated provisional agenda for the intermediary sessions of the Meeting of the Parties to the Convention and the of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to Protocol (Draft ECE/MP.EIA/26–ECE/MP.EIA/SEA/10)

Side event on “Transboundary Environmental Impact Assessment in coal and lignite activities” – proposal by the NGO Client Earth (ECE/MP.EIA/B/2018/2/INF.7)

Draft decision IS/2 on the application of the Convention to nuclear energy-related activities (Draft ECE/MP.EIA/2019/10)

Draft decision IS/3 on the updated Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries development (Draft ECE/MP.EIA/2019/12)

Provisional schedule of meetings (ECE/MP.EIA/B/2018/2/INF.8)

A. Practical arrangements

16. The secretariat will provide an update on the practical arrangements for the intermediary sessions of the Meeting of the Parties to the Convention and the Protocol, to be held in Geneva from 5 to 7 February 2019, and the time schedule for the preparation of the documentation. The secretariat will consult the Bureau on the language of the invitation letters to be sent by the ECE Executive Secretary to environment ministers of the ECE countries and selected countries outside the ECE region. As agreed at its last meeting in February 2018, the invitation letters should urge the concerned Parties to proceed promptly with the ratification of the Convention, its amendments and the Protocol; and to report on the steps made towards the ratification of the first amendment to the Convention. It is invited to agree whether the letters to the ECE countries should be copied also to foreign ministers.

B. Programme for the intermediary sessions

(a) Provisional agenda

17. The Bureau is expected to review and agree on the text of the provisional annotated agenda for the intermediary sessions of the Meetings of the Parties (Geneva, 5–7 February, 2019) that the secretariat has prepared taking into account the comments from the Working Group on EIA and SEA at its seventh meeting (draft ECE/MP.EIA/22–ECE/MP.EIA/SEA/6). It may wish to ensure that the tentative timing proposed for the outstanding issues, including the draft decisions, will allow for their sufficient consideration by the Meeting of the Parties to the Convention in the general segment.

(b) Possible side event on coal and lignite related projects with transboundary impacts.

18. The Bureau is expected to provide its views on the proposal by ClimateEarth to organize a side event on transboundary effects of upcoming lignite and coal related activities (either on 6 or 7 February 2019), including on delegates that could be invited to intervene in the event and the timing of the event to ensure optimal participation.

(c) Chairs of the Meetings of the Parties

19. As agreed in June 2017, during the last sessions of the Meetings of the Parties, the general segment of the intermediary sessions of the Meetings of the Parties will be chaired by the Chair of the Bureau, Mr. George Kremlis.

20. In February 2018, the Bureau had considered the chairmanship of the high-level segment of the sessions, inviting Norway to explore its availability to chair that segment. In May 2018, the Working Group on EIA and SEA, in turn, had invited the Parties to volunteer to chair the high-level segment, including by nominating their Ambassador i.e. the Party's permanent representative to the United Nations Office and other international organization in Geneva for that task. The Bureau will be informed that the Ambassador of Norway, His Excellency, Mr. Hans Brattskar has accepted the invitation to chair the high-level segment of the intermediary session.

C. Outstanding issues**(a) Draft decisions by the Meeting of the Parties to the Convention**

(i) Draft decisions IS/1 and IS/1 a – h on the review of compliance with the Convention

21. In addition to considering progress by the Implementation Committee in finalizing draft decisions IS/1 and IS/1a–h on the review of compliance with the Convention (under item 3 A of its present agenda), the Bureau may wish to discuss how to best ensure that the Meeting of the Parties to the Convention finalize its deliberations on the draft decisions at its intermediary session.

(ii) Draft decision IS/2 on the application of the Convention to the lifetime extension of nuclear power plants;

22. As requested by the Working Group on EIA and SEA at its seventh meeting, the Bureau is expected to review and agree on the text of decision IS/2 on the application of the Convention to the lifetime extension of nuclear power plants, which is to be forwarded to the intermediary session of the Meeting of the Parties, after incorporation of the revisions made by the Working Group.

23. The Bureau, including the members whose countries are represented in the ad hoc group, may also wish to comment the group's work on the draft guidance that far and make recommendations concerning the substance and the procedural aspects of the work ahead before and after the intermediary session of the Meeting of the Parties, with the view to its finalization by the eighth session of the Meeting of the Parties in December 2020.

(iii) Draft decision IS/3 on updated Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries.

24. Further to its review of the updated Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries (under item 3 A of its present agenda), the Bureau is expected to review the text of draft decision IS/3 on the updated Guidelines that the secretariat has revised as decided by the Working Group, and agree on its submission to the Meeting of the Parties at its intermediary session.

(b) Nomination of the Chair of the Bureau

25. In June 2017, the Meetings of the Parties had extended the mandate of Mr. Kremlis as the Chair of the Bureau at least until the next (intermediary) sessions of the Meetings of the Parties. At its last meeting, the Bureau had welcomed the availability of Mr. Kremlis to continue chairing the Bureau until the end of the intersessional period in 2020 in absence of new proposals. In May 2018, the Working Group invited delegations to contact the secretariat with proposals for the chairmanship of the Bureau until 2020 as soon as possible and, in any event, no later than early December 2018. The Bureau members may wish to consider possible new proposals in this respect or put forward any.

(c) Tentative calendar of meetings for 2019 and 2020

26. The Bureau may wish to review the provisional schedule of official meetings for the remaining of the intersessional period, based on the indicative dates agreed by the Working Group. It may also wish to consider possible offers by Parties to host the eighth and the fourth sessions of the Meetings of the Parties to the Convention and the Protocol, preliminarily scheduled to be held on 9–11 December 2020.

6. Related events

Tentative timing: Tuesday, 23 October, 15.30–16

27. The secretariat will report on the outcomes of a training workshop for Central Asian officials to be held in Turin, Italy, on 8–12 October 2018, under an initiative led by UN Environment for greening the Belt and Road Initiative, which included a segment on the Espoo Convention and the Protocol on SEA.

7. Other business

Tentative timing: Tuesday, 23 October, 16–16.30

28. Members of the Bureau wishing to raise other business should contact the secretariat as soon as possible.

8. Presentation of the main decisions taken and closing of the meeting

Tentative timing: Tuesday, 23 October, 16.30–17.30

29. The Bureau is expected to agree on the main decisions taken at the meeting and to confirm the date and location of its next session before the Chair formally closes the session.
