

# Sixth Seminar on cooperation on the EIA Convention in the Baltic Sea Region

Date: 20-21 September 2012

Venue: Meriton Grand Conference & Spa Hotel, Tallinn, Estonia

## Minutes:

### 1) Welcome and practicalities

Estonia welcomed the participants and the Chair Mr. Allan Gromov introduced the agenda. The agenda was adopted with minor changes in wording.

### 2) Work on the EIA convention

The Espoo Convention Secretariat provided an update on the activities carried out under the Espoo Convention and its Protocol. The participants were informed about the first session of the Working Group on EIA and SEA, held on 24–26 April 2012, to review the implementation of the activities in the workplan related to compliance with and implementation of the Convention and the Protocol, subregional cooperation and capacity-building, exchange of good practices and promoting ratification and application of the Protocol on SEA. The secretariat reminded the participants about the timeschedule for the reporting by Parties on their implementation of the Convention and the Protocol in 2010-2012 and for the subsequent elaboration of the review report. The Secretariat also introduced the status of ratification of the Convention and the Protocol and urged those Parties that had not yet done so to ratify the two amendments to the Convention. Information was also presented on the initial preparations for the next Meetings of the Parties scheduled to be held in Ukraine in May/June 2014. Finally, the Secretariat presented the status of ratification of the Convention and the Protocol and urged those Parties that had not yet done so to ratify the two amendments to the Convention. It welcomed updates from Parties regarding their negotiation or revision of bilateral agreements.

Finland commented that they were making preparations for the ratification.

Germany informed about a coming bilateral agreement with Poland.

Poland brought out that the most advanced discussion on preparation of a bilateral agreement is carried out with Germany and it is expected that a new agreement will be finished soon. Moreover, Poland informed that has entered into discussion with Slovakia and Belarus in order to prepare the bilateral agreements with these Parties. It is hardly difficult to specify the exact date of coming both agreements into force but it is worth to note that the drafts have been prepared and are currently being discussed.

Lithuania with Belarus are elaborating an agreement and expecting to sign it.

Estonia noted that also some other countries were invited to the seminar but they, unfortunately, were not participating for different reasons – Russia (was interested initially), the European Commission (a new person for these issues was assigned only recently – Mr Louis Meuleman), and there was no response from Belarus and Norway.

The Secretariat asked about the agreement between Latvia and Lithuania.

Latvia and Lithuania answered that the negotiations had started a long time ago, but still there have been no results (on political reasons).

Estonia asked what was the situation of Russia's ratification of the Convention.

Denmark answered that Russia was making the preparations, but there were some national issues to be solved before the ratification.

### 3) Case studies on transboundary EIAs and SEAs

Each country gave an overview of their ongoing Espoo activities.

Denmark made a presentation about their activities. They introduced projects where they were the

party of origin and projects where they were an affected party. An upcoming case is a SEA for German Network Development Plan for the Electrical Transmission System.

Finland also gave an overview of the ongoing projects. Finland introduced the projects where they were the party of origin and an affected party.

Estonia does not have many ongoing cases. Estonia is a party of origin in a detailed plan of the oil refinery in Ida-Viru County and a wind farm on the North-Western coast of Estonia. Estonia is an affected party of an offshore wind farm at Midsjöbanken in Sweden and the LNG terminal in Finland. Estonia is not aware of any new projects in the near future, except some developments in marine spatial planning.

Latvia also introduced their ongoing projects.

Lithuania has some energy projects, and there have been some meetings with Latvia to consider the activities which could take place 8-10 km from the border.

Poland listed the projects where they were the party of origin (Polish Nuclear Energy Programme and Wind farm in the Northern Baltic Sea on the Southern Middle Bank) and made a short introduction of the relevant EIAs. Poland also mentioned the projects in which they were the affected party.

Sweden delivered a list on all on-going cases with the new ones that started after the Sopot meeting in October 2011, especially marked. For some of the cases it was unclear if the status was “No final decision” or not.

Latvia asked Sweden what they meant by “final decision” - was it the development consent or did it mean that procedures under the Espoo convention were completed? They added that the final decision in their opinion was a building permit, and that a development consent was only one part of it.

Germany brought out that this issue was complicated. According to the EIA directive the final decision depended on a specific system of a particular country. However, the final decision was a decision that would allow carrying out proposed activities. If there were several permits, the final decision would be the final one.

Denmark made a presentation about the Fehmarn Belt Fixed Link including the description of the EIA procedure.

Sweden presented the Södra Midsjöbanken wind power project.

Finland presented the EIA for building a terminal to import and store liquefied natural gas in Porvoo Tolkkis and Inkoo.

Lithuania corrected that LNG terminal law taken by Lithuanian Parliament obligates to build LNG terminal in State Enterprise Klaipeda State Seaport territory. Klaipeda State Seaport covers the land and water territory of Lithuanian seacoast, the quay-walls, hydro-technical equipment navigation routes, canals and other objects of infrastructure, it means not only the Klaipeda city area.

#### **4) Nuclear-energy related activities**

The Secretariat made a presentation on the impact assessment of nuclear energy related activities. It presented the main outcomes of the session on impact assessment of nuclear energy-related activities that it had convened during the conference of IAIA on «Energy Future», held in May/June 2012. The secretariat highlighted the growing number of nuclear energy-related activities in the region and the importance of the application of the Convention and the Protocol to them. The secretariat informed the participants about the development of guidance to codify good practice in implementing the Convention (and the Protocol) to nuclear energy related activities, as recommended by the Bureau and the Working Group, including on the basis of the seminar to be organized by Austria, Finland and Sweden in line with the workplan.

In the discussions that followed, the participants identified a number of questions where sharing of good practice and guidance would seem to be particularly useful, including: (a) management of radioactive waste; (b) definition and possible need to limit the number of affected Parties in nuclear cases (considering that they are multiple and possibly require the Party of Origin to address a very important number of comments and questions to address that surpass its administrative capacity) (c)

means for ensuring equal access to justice and public participation to the affected Party.

Estonia commented that being a non-nuclear country, they were surrounded by nuclear power plants. All the activities concerning construction of a nuclear power plant had significant transboundary impact.

Lithuania said that their Ministry of Environment had no direct connection to nuclear power plants. They raised a problem that although Russia had not ratified the Espoo convention, they were getting notifications from Rosatom.

Poland informed that Russia notified Poland on Baltic NPP according to the Helsinki Convention but not the Espoo Convention. The transboundary consultation for the project were proposed by Rosatom and not the Ministry of Environmental Protection in Russia after the completion of the OVOS procedure for the project. At the moment there is still running an information exchange on the BNPP with Rosatom.

Estonia said that their Ministry of the Environment and Ministry of the Foreign Affairs had met Russia and discussed the Kaliningrad case. Russia had promised to follow all the rules and everything was going to be fine.

Finland said that they had not had much communication with the Russian Ministry of Environment, instead they had met Rosatom on some occasions.

## **5) New developments concerning the Nord Stream**

Estonia made a short introduction.

The representative of the Nord Stream AG, Mr Dirk von Ameln, made a presentation and spoke about the new developments concerning the Nord Stream. Nord Stream also informed that according to the timetable the EIA of the project would last from 2013 to 2015. Notifications were going to be sent out at the beginning of 2013.

Lithuania asked is it planning to connect the Nord Stream Pipeline and the area of Kaliningrad with a branch pipeline.

Nord Stream AG answered that there were always possibilities to connect the projects technically, but not during this Project.

Denmark asked about the routes of the pipelines.

Nord Stream AG answered that they had different options for the routes and different options to pass the countries and that they were open to all changes. They added that Estonia and Latvia were potential parties of origin, so possibly there would be seven countries acting as parties of origin. However, it depended on the decisions of these countries.

Germany said that the final timing of the transboundary EIA procedure will have to be decided by the competent authorities of the Parties of origin.

Poland pointed out that the Nord Stream has a very ambitious timetable for the second project.

## **6) Experiences gained, exchange of views**

Sweden made a presentation about the Nord Stream project – experiences from a party of origin. They said that it was a unique project in the Baltic Sea: it was the biggest project in the Baltic Sea, the first project of its kind in the Baltic Sea and it involved all nine Baltic Sea countries, arouse great environmental concern and strong political opinions, the Espoo application concerned only environmental issues. Cooperation on the EIA Convention application lasted for 3.5 years. In conclusion, Sweden said that without the Espoo Convention procedure (which was coordinated, orderly and clear) permits for the project would have been difficult to obtain; in this project the Espoo Convention had proven to be an efficient instrument for intergovernmental coordination, routing and building techniques had been improved and they had got a good overall picture of the conditions of and possible impacts on the Baltic Sea, thus setting standard for future projects.

Estonia asked which are the most worrying aspects concerning the Nord Stream second project.

Sweden said that it is up to the Nord Stream to decide on their future actions in this case.

## **7) Shale gas projects and the application of the EIA**

Estonia made a presentation about the unconventional gas and oil potential in Estonia.

Poland introduced the website of Polish Geological Institution (<http://www.pgi.gov.pl/pl/instytut-geologiczny-informacje-prasowe/4091-raport-z-lebienia-materia-prasowe.html>) where the report on environmental aspects of hydraulic fracturing treatment on the Lebien LE-2H can be found. All the projects concerning the shale gas should go under Espoo.

Lithuania added that they have some ongoing shale gas projects.

Sweden asked in general if shale gas projects might have transboundary impacts.

Estonia made a comment that they do not think that it has transboundary impacts.

Germany added that it depends on the concrete water system whether there is transboundary impacts.

## **8) Discussion on maritime spatial planning and SEA**

Estonia made a presentation about maritime spatial planning (MSP). There is scope to strengthen the basis of EU Coastal Zone Management (ICZM) policy, up to and including a binding but flexible legislative framework. Support for ICZM through studies, projects and research is considered important as well. Confirmation of the need to ensure a strong link ICZM and MSP. Strategy Framework should promote the integration of environmental considerations into all relevant policy areas and deliver the environmental pillar of the future maritime policy for the European Union. Estonia also introduced the marine spatial planning principles that are currently being elaborated in Estonia. The Ministry of the Interior has developed a draft government act on Spatial Planning at county level up to the territorial water border.

Sweden said that in their country MSP was performed by municipalities only, not regions. These plans were guiding and not for planning. At the moment only 4 of Sweden's 80 municipalities have carried out MSP. There are three big planning areas: the Gulf of Bothnia, Baltic Sea, Skagerrak and Kattegat. The National Marine Plan should cover the territorial sea and the EEZ. There should be cooperation with other countries when drafting the plan. HELCOM and VASAB MSP cooperation is common working group for MSP, this working group has met 5 times. Plan Bothnia is a pilot maritime plan for the Bothnian Sea.

Estonia asked whether Finland and Sweden had wind farms in the Bothnian Sea.

Finland answered positively.

Estonia asked whether they had also carried out transboundary impact assessments.

Finland answered that in the northern part of the Bothnian Sea there have been cases of transboundary impact.

## **9) Carbon capture and storage and the application of SEA/EIA**

Estonia said that carbon capture and storage (CCS) was a subject of the European Commission, and included both financial and political issues. Estonia introduced the state of play of the transposition of the CCS directive. The CCS directive was transposed into national legislation by the end of 2011. The main provisions were in the Air Protection Act, also the Environmental Impact Assessment and Environmental Management System Act as well as in the Water Act. As Estonia is lacking storage capacity, it would be impossible to storage in Estonia. Thus, these provisions of the directive were not transposed. Estonia asked if any other country could tell about their experience on transposition of the CCS directive.

Germany said that the act, implementing the CCS Directive, finally after long debates entered into force in Summer 2012.

Poland added that they prepared draft amendments to the EIA Regulation in order to include CCS installations. The legislative procedure for these amendments is currently underway.

Sweden raised general concerns about the CCS project.

Estonia added that only some of the pilot projects were scientific ones. The biggest problem is that carbon could not be stored underground, because it leaks from there.

## **10) Any other business**

Estonia introduced the reindeer husbandry subject and said that this was the case of Sweden and Norway.

Sweden explained that Sami people is engaged in reindeer husbandries which is the economic and cultural basis for many of them. Reindeer herds have for centuries moved from the Norwegian Atlantic coast to the Swedish Baltic Sea coast unrestricted by the border and depending on season and weather conditions. Many of the Swedish Sami villages with reindeer husbandry are dependent on pasture in Norway. The issue in this case was whether the Espoo convention would include environmental effects on Swedish reindeer husbandry for EIA-cases far from the border but on important reindeer feeding ground in Norway.

Finland was of the opinion that the convention should be used in this case.

Germany also noted that for such a case potentially Article 2 paragraph 5 of the Espoo Convention could be used.

## **11) EU infrastructure ordinance**

Sweden made a presentation. Respective discussion was held.

## **12) Closing**

Estonia thanked all the participants of the meeting.

Germany invited the participants to a third seminar during the current work plan that shall be held in autumn 2013 in Rostock, Germany.

## **Appendixes:**

- Agenda of the meeting
- List of participants
- Presentations