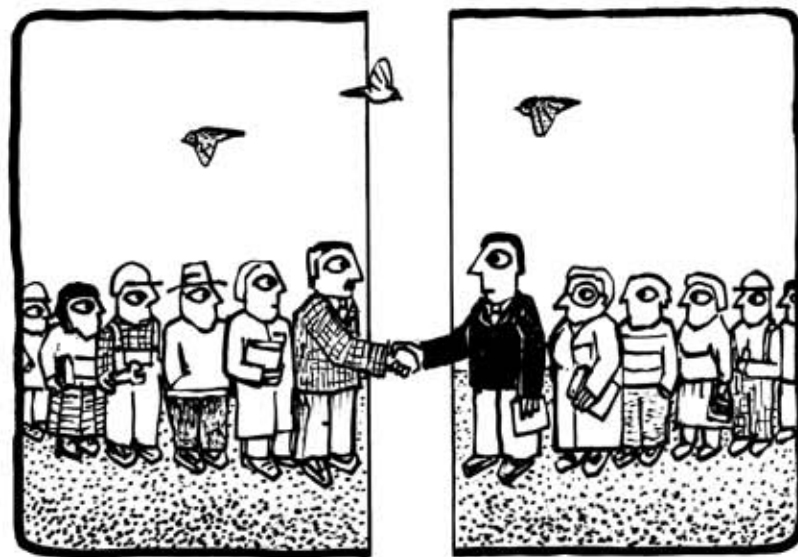


2nd meeting of the  
**Working Group on EIA and SEA**  
27-30 May 2013, Geneva

- INFORMAL presentation of the main decisions



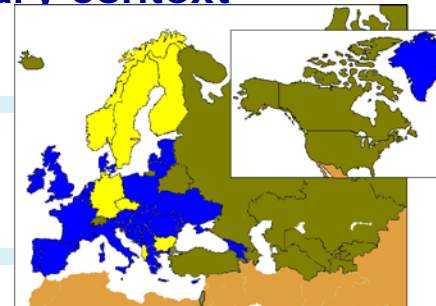


## Opening of the meeting

- The Chair of the Working Group, Mr. Otawski, opened the meeting

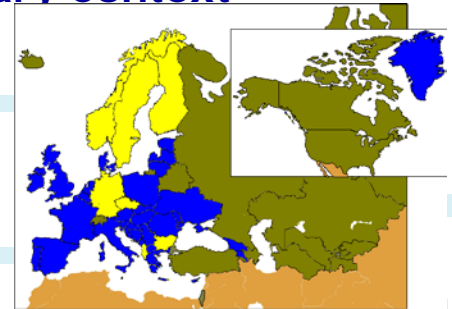
## 1. Adoption of the agenda

- The meeting adopted its agenda as set out in document ECE/MP.EIA/WG.2/2013/1
- Agreed to grant the European Bank of Reconstruction and Development an observer status in its meetings.



## 2. Status of ratification 1/2

- Welcomed Denmark's and Portugal's ratification of the Protocol and Switzerland's ratification of the 2<sup>nd</sup> amendment to the Convention
- Noted delegation's reports on recent and planned ratifications of the Protocol and amendments to the Convention.
- Noted that last session's report erroneously included Armenia among countries that had reported on their plans to ratify the Protocol;
- Welcomed confirmation of UN Legal Counsel that for entry into force of amendments, need ratification by at least 3/4<sup>ths</sup> of the number of Parties at the time of their adoption: i.e. 3 for 1<sup>st</sup> amendment and 10 for 2<sup>nd</sup> amendment
- Noted letters from ECE Executive Secretary of May 2013 to Parties' MoEs and MFAs inviting them to rapidly ratify/accede to amendments/Protocol



## 2. Status of ratification (2/2)

- Echoing Bureau's recommendations, invited delegations of concerned Parties to take necessary action to ensure entry into force of the amendments by next MOP and to report back to WG-3 (in November) on progress.
- Noted Republic of Korea's interest in acceding to Protocol
- Noted decision by ECE Water Convention MOP to expedite and facilitate accession by non-ECE countries
- Decided to follow this approach and invited Bureau with support of secretariat to prepare a draft decision for consideration by WG-3

### 3. Compliance and implementation 1/

Meeting noted Implementation Committee's reports on its 25th , 26th and 27<sup>th</sup> sessions and oral report by Committee's Chair, including on:

- Submissions considered/under consideration:
  - By Azerbaijan regarding Armenia; By Lithuania regarding Belarus and by Armenia regarding Azerbaijan
- Committee initiatives on Albania, Azerbaijan, and its new initiative on Ukraine
- Follow-up to decision V/4 regarding Ukraine
- Information gathering cases
- Amendments to rules of procedure
- Review of implementation of Convention and Protocol
- Proposal to assist Armenia and Azerbaijan to implement the Convention

### 3. Compliance and implementation 2/

- Noted IC's and Bureau's recommendations for an ad hoc group to prepare proposals on implementation of the Convention by Armenia and Azerbaijan, including possible designation of an intermediary and use of new communication technologies;
- Welcomed EC's offer to explore opportunities for financing assistance to the two countries;
- Noted that Azerbaijan was in favor of secretariat as an intermediary, against involvement of a third Party and against an ad hoc group to prepare proposals
- Noted that Armenia was against secretariat's involvement as an intermediary

### 3. Compliance and implementation 3/

- Welcomed proposal by IC Chair, IAIA, and EC to organize a half-a-day seminar as an agenda item within the framework of the next meeting of the Working Group for sharing good practice and tools for communication; cooperation; and conflict resolution, in particular in the context of countries with no diplomatic relation
- Decided to hold the seminar on the first day of its next session (11 November) and to extend the session by half-a-day (for it to end on 15 November at 1 pm)
- Agreed to forward recommendations from the seminar to the next MOP, to assist Parties in their implementation of the Convention; Invited the Bureau and the secretariat with input from IC Chair, IAIA, and EC to prepare a draft decision for the MOP;
- Welcomed the offer from IC Chair, IAIA, and EC to prepare a background paper for the seminar in advance of its next session in English and in Russian.



### 3. Compliance and implementation 4

- Welcomed the table of concordance prepared by the UN editors listing discrepancies between Convention's three authentic language versions and clarifications of the UN Treaty depositary (Inf.doc.5 and annex);
- For aligning the language versions, invited ad hoc task force of lawyers and native speakers of English, French and Russian set up by WG-1, (EC, France, Ireland, Switzerland, and Ukraine; observers: European ECO Forum and Ecoglobe) to review listed inconsistencies and submit proposals to WG-3 and IC (in September and/or December) on:
  - (a) Errors to be addressed through correction procedure
  - (b) Possible draft amendment(s) to the Convention for adoption by next MOP
- Invited Belarus to provide the possible further errors it observed in the Russian version and to consider joining the group;

### 3. Compliance and implementation 5

- Invited secretariat to provide the group with Certified True Copy of the Convention and the listed consistencies as a basis for further work
- Invited the task force to work electronically and submit its proposals to the secretariat by 15 July 2013
- Invited the Bureau with the assistance of the secretariat to prepare a decision on “Aligning the authentic language versions of the Convention” for correcting and/or amending the Convention

### 3. Compliance and implementation 6

- Noted the secretariat's report on distribution of EIA and SEA questionnaires; and time schedule for preparing draft reviews of implementation of the Convention and the Protocol based on the national reports;
- Noted that by 27 May: Bosnia & Herzegovina, Greece, Ireland, Liechtenstein, Luxembourg, Portugal, United Kingdom and EU had failed to report on their implementation of the Convention; Urged these Parties to report no later than by 7 June
- Noted that by 29 May, only 7 (Albania, Armenia, Austria, Estonia, Bulgaria, Croatia and Norway) out of 25 Parties had reported on their implementation of the Protocol; Urged the rest of Parties to report by no later than 28 June

### 3. Compliance and implementation 7

- The meeting noted Bureau's and IC's guidance to the secretariat for production of draft 4th review of implementation of the Convention and draft 1<sup>st</sup> review of implementation of Protocol, that are half as long than previous reviews:
  - Focus on particularly challenging areas, illustrating them with examples from Part II
  - Shorten preface and introduction
  - Shorten, not repeat, group questions
- Invited the secretariat to prepare the draft reviews with assistance of a consultant as official documents for its next session

### 3. Compliance and implementation 8

- Meeting welcomed information on preparations for planned legislative reviews in Belarus (SEA); and in Uzbekistan (EIA).
- Noted that Ukraine expected to adopt a new SEA legislation in 2013, and that planned legislative review was therefore no longer needed.
- Noted also the Ukraine was about to adopt a new EIA law

### 3. Compliance and implementation 9

- To promote checklist prepared by EBRD, Meeting invited secretariat to write to the Chair of the IFI Environmental Working Group to propose taking up the checklist at this Group's next meeting (autumn 2013) for comments and inputs with a view to developing a consolidated list reflecting common practice of IFIs

### 3. Compliance and implementation 10

- Welcomed draft general guidance on resolving a possible systemic inconsistency between the Convention and environmental assessment within the framework of State ecological expertise in several countries in Eastern Europe, the Caucasus and Central Asia presented by a consultant to the secretariat
- Noted the comments from Belarus
- Invited further comments to the draft by 15 June
- Invited the consultant to finalize the draft taking account of the comments provided during and after the session
- Invited the secretariat in consultation with Bureau to prepare a draft decision and to submitted the document for adoption to the next MOP

## 4. Exchange of good practices

### (a) Seminar on biodiversity

- Meeting welcomed the seminar on biodiversity in EIA and SEA organized by Belgium; and asked secretariat to place the presentations on the website.
- Noted the following main conclusions:
- *Biodiversity loss is not exclusively a matter of endangering natural values, but also of human well-being and economic prosperity through the loss of the natural capital and the ecosystem services it provides.*
- *To reverse the ongoing trend of biodiversity loss and to establish conservation, sustainable use and equitable sharing of biodiversity, strategic goals and targets of biodiversity policy (e.g. those EU Biodiversity Strategy to 2020, CBD Strategic Plan for Biodiversity 2011-2020) should be taken into account in environmental impact assessment.*





## 4. Exchange of good practices

### (a) Seminar on biodiversity (contd.)

- An assessment of the impacts on biodiversity must aim for no net loss and among others be tailored to the specificity of the plan or project context (marine environment differs from terrestrial and coastal environment), pay attention to an evolving baseline scenario because the current state of the environment is expected to change and give priority to avoidance of loss, before considering mitigation or, as a last resort, compensation.*
- An assessment of impacts on biodiversity should properly deal with uncertainty of impacts; monitoring of impacts and if necessary adaptation of the implemented mitigation and compensation measures is of critical importance.*

## 4. Exchange of good practices

### (a) Seminar on biodiversity (contd.)

- Invited Belgium to prepare by 7 June a brief report with main identified challenges and suggesting further actions, synergies, partnerships needed for increasing Convention's and Protocols impact to be annexed to the report of the Working Group

## 4. Exchange of good practices

### (b) Other activities foreseen in workplan

- Noted Bureau's proposals for timing and contents of the seminar on nuclear energy
- Welcomed reports by lead countries on progress in organizing seminars for exchange of good practices:
  - Poland, (Renewable/wind energy); Called for input from other countries on other forms of renewable energy than wind energy
  - Austria, Finland and Sweden (Nuclear energy)
- Agreed on holding a one day nuclear seminar during WG-3 in November and to hold a ½ day seminar on renewables at the next MOP



## 4. Exchange of good practices

### (c) Application to nuclear energy

- Decided to invite next MOP to establish a drafting group to develop guidance to codify good practice to support Convention's application to nuclear energy-related activities
- Invited lead countries AU, FIN and S as well as France and other interested Parties, [e.g. EC] to assist Bureau in preparing a draft decision for next MOP outlining expected contents and methods of work for producing the guidance. Draft decision should be prepared by end of July and discussed by the Working Group in November
- Noted information on meeting on public participation in nuclear energy related matters under Aarhus (12-13 March 2013, in Luxembourg) and asked secretariat to provide it with the report when available.
- Noted a statement made by Azerbaijan on its nuclear energy related concerns



## 4. Exchange of good practices

### (d) Practices in States outside the region

- Meeting welcomed presentation by Republic of Korea on outcomes of a Workshop on transboundary EIA in Eastern Asia; and asked secretariat to place it on the website



## 5. Subregional cooperation and capacity-building

- Meeting welcomed information provided by
  - Estonia on the 6<sup>th</sup> Baltic Sea area workshop of September 2012
  - Germany on arrangements for 7<sup>th</sup> Baltic Sea area workshop to be held in Rostock in October 2013
  - Secretariat and France on planned further workshops for the Mediterranean Sea area, regretting difficulties to organize a workshop at present. Invited secretariat to write to the concerned countries
  - Belarus, Ukraine, Uzbekistan and by secretariat, regarding Bosnia and Herzegovina, Georgia, Kazakhstan and the Republic of Moldova, about progress in organizing subregional cooperation and capacity-building activities, as foreseen in the workplan
  - Secretariat about 1st SEE Regional Conference on EIA of 18-21 September 2013 that could provide a framework for discussing Bucharest agreement
  - Romania on plans to organize seminar on Bucharest agreement in 2014 and first MOP in 2015

## 6. Promoting ratification and application of the Protocol on SEA

- Meeting noted secretariat's report on maintenance of the Resource Manual to Support Application of the Protocol, and on its publication in electronic format
- Endorsed the manual's health annex and invited the secretariat to publish the Manual electronically in Russian
- Welcomed the publication of the Simplified Resource Manual prepared by secretariat with editorial group members from Austria, Finland, Netherlands, EC and WHO
- Meeting encouraged States to translate the document into their national languages; Welcomed translations being made by OSCE into Armenian, Azerbaijani and Georgian languages.

## 6. Promoting ratification and application of the Protocol on SEA

- Meeting noted the further informal pamphlets on key issues in impact assessment practice presented by IAIA
- Welcomed information by IAIA that it would produce pamphlets on the key issues listed the workplan by next MOP
- Invited IAIA to circulate drafts for comments



## 6. Promoting ratification and application of the Protocol on SEA

- Welcomed information from secretariat about identification of funding through EAP-Green project for legislative reviews, training, pilots, subregional workshops on SEA in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine in 2013-2016;
- Welcomed reports by Belarus and the secretariat, on preparations of workshops including training on SEA, in Armenia, Belarus, Georgia, Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine, as foreseen in the workplan
- Noted that no funding had been identified for Kazakhstan and the Russian Federation. Encouraged donors to support these events

## 6. Promoting ratification and application of the Protocol on SEA

- Welcomed information by secretariat on Workshop on public participation in SEA held jointly with the Aarhus Convention on 29-30 October 2012
- Welcomed draft good practice recommendations on public participation in SEA prepared by a consultant to the secretariat under the guidance of the Bureau
- Invited the secretariat to: finalize the draft based on comments made, including to align the document with obligations under the Aarhus Convention; for adoption by the next MOP; and to prepare a draft MOP decision in consultation with the Bureau

## 6. Promoting ratification and application of the Protocol on SEA

- Took note of Poland's report on its preparation of a case study fact sheet, to be published by the secretariat,
- Other Parties were encouraged to submit case studies

## 7. Inputs to related international processes

- Meeting took note of the outcomes of
  - Meetings between the representatives of the governing bodies of the ECE Environmental Conventions and the Committee on Environmental Policy held on 27 February 2013 in Geneva
    - Invited secretariat to circulate draft paper on possible synergies between the MEAs for comments
  - First meeting of an informal network of the Chairs of the compliance and implementation bodies under the ECE multilateral environmental agreements held in Geneva on 25 March 2013 to exchange ideas and experience on the procedural and operational aspects of the compliance and implementation work. (Report to be made available shortly)

## 8. Budget, financial arrangements and financial assistance

- Meeting took note of the financial report and list of recent contributions to Convention's trust fund presented by secretariat
- Invited donors to refer to bi-annual financial reports for the use of their funds – to alleviate secretariat's burden of reporting
- Acknowledged the shortfall between financial contributions received and the expenditure necessary to fulfil the workplan and the expected functions of the secretariat
- Meeting considered draft financial strategy prepared by the Bureau with assistance by the secretariat, as requested by the MOP; invited secretariat to prepare a new draft in consultation with the Bureau based on comments provided for the next meeting of the WG





## 8. Budget, financial arrangement and financial assistance

- Meeting took note of information provided by secretariat regarding travel outside UNECE region
- Meeting was informed of Bureau's decision not to provide financial support to representatives and experts from States outside ECE region for the present meeting
- Took note of the letters sent by the Bureau to Parties that had neither pledged nor made contributions in the current intersessional period and of the use by the Bureau of the UN scale of assessment to indicate a possible amount;

## 9. Preparations for MOP6/MOP2

- Noting Bureau's proposal, agreed to hold the next MOPs in Kyiv from 2 to 5 June 2014
- Welcomed the report from Ukraine on practical arrangements for the Meetings
- Noted information by secretariat on financing of the MOPs and the host country agreement to be concluded with Ukraine
- Invited delegations to put forward proposals for seminars or side events for the MOPs
- Requested the Bureau, with secretariat's support, to prepare a draft programme of the next MOPs for WG-3
- Considered implementation of the current workplan and elements for the next intersessional workplan, including those for which funding has been identified.
- Invited delegations to send proposals to the secretariat for inclusion in the next draft workplan, if possible by end of June
- Noted proposal by Azerbaijan to co/organize a workshop on nuclear energy related matters
- Invited the Bureau and the secretariat to prepare a draft workplan for WG-3

## 9. Preparations for MOP6/MOP2

- Considered an initial list of draft decisions for next MOPs
- Requested Bureau to prepare, with secretariat's support for WG-3 (by mid-August) the following draft decisions for the next MOPs
  - Review of implementation
  - Review of compliance
  - Adoption of the workplan
  - Budget, financial arrangements and financial assistance
  - (Facilitating) accession by non-ECE countries
  - Aligning the authentic language versions of the Convention
  - Aligning the authentic language versions of the Protocol
  - Application of the Convention to nuclear energy-related activities
  - (Adoption of) Format for notification on SEA
  - (Adoption of ) Guidance on public participation in SEA
  - (Adoption of) General guidance on resolving possible systemic inconsistency between the Convention and environmental assessment within State ecological expertise
- **Good practice on communication, cooperation and conflict resolution**



## 9. Preparations for MOP6/MOP2

- Invited delegations to propose in the next Working Group meeting nominations for officers for the next intersessional period: four Vice-Chairs of the Working Group, three members of the Bureau and four members of Implementation Committee.
- Noted nomination of Azerbaijan for the Vice-Chairmanship of the Working Group

## 10. Staffing of the secretariat

- Meeting noted the staff changes in the secretariat since the last meeting
  - Tea Aulavuo appointed Secretary of Espoo Convention in November 2012;
  - Regular Budget (RB) programme assistant moved away in June 2013; not replaced
  - XB programme assistant at 50% started in April 2013;
  - Recruitment of 2 professional XB staff under way
- Meeting raised concerns about the lack of a RB programme assistance provided by ECE to the Convention secretariat

## 11. Other business

- None raised