



Economic and Social Council

Distr.: General
20 December 2013

Original: English

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
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Third meeting

Geneva, 11–15 November 2013

Report of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on its third meeting

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I. Introduction

1. The third meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) was held from 11 to 15 November 2013 in Geneva, Switzerland.

A. Attendance

2. The meeting was attended by delegations from the following Parties to the Convention and the Protocol and other member States of the United Nations Economic Commission for Europe (ECE): Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Kyrgyzstan, Latvia, Lithuania, Malta, Netherlands, Poland, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Ukraine and Uzbekistan. Representatives of the European Commission also attended.

3. Representatives of the Convention secretariat participated in the meeting. A representative of the United Nations Environment Programme (UNEP) attended a part of the meeting. In addition, representatives of the European Investment Bank (EIB) and the following non-governmental organizations (NGOs) were present: Caucasus Environmental NGO Network; Ecoglobe (Armenia); European ECO Forum; International Association for Impact Assessment (IAIA); and Justice and Environment. An academic from Hokkaido University (Japan) also attended the meeting.

B. Organizational matters

4. The Chair of the Working Group, Mr. P. Otawski (Poland), opened the meeting.

5. The Working Group adopted its agenda as set out in document ECE/MP.EIA/WG.2/2013/6, which had been prepared by the secretariat in agreement with the Bureau.¹

6. The Working Group noted the importance of up-to date information on Parties' points of contact regarding notification and the national focal points for administrative matters. It invited delegates to inform the secretariat of any changes to the lists of points of contact and focal points without a delay, through an official letter from the relevant ministry.

II. Status of ratification

7. The Working Group heard a report by the secretariat on the status of ratification of the Convention, its two amendments and the Protocol on SEA, and welcomed the former Yugoslav Republic of Macedonia's ratification of the Protocol.

8. The Working Group took note of the information provided by delegates on their plans for ratification of the Protocol and the two amendments to the Convention. It

¹ Documents for the meeting, as well as presentations made available to the secretariat, are available from <http://www.unece.org/env/eia/mtgs/wg.2-3.html>.

welcomed the confirmation by the representatives of Finland and Slovenia that their countries would ratify both amendments to the Convention in the first half of 2014. In the light of that information, the Working Group stressed that only one further ratification would be needed for the first amendment to the Convention to enter into force by the sixth session of the Meeting of the Parties (MOP) to the Convention (Kyiv, 2–5 June 2014), opening the Convention to accession by all the United Nations Member States. It urged all concerned Parties to rapidly ratify or accede to both amendments and to the Protocol.

9. The Working Group reviewed and revised draft decision VI/5–II/5 on accession by Member States of the United Nations not members of ECE to the Convention and the Protocol. It agreed to forward the draft revised decision to the MOP to the Convention at its sixth session (MOP-6) and to the MOP serving as the MOP to the Protocol at its second session (MOP/MOP-2) for adoption at a joint session.

III. Compliance and implementation

10. The Working Group noted the report of the Implementation Committee under the Convention and the Protocol on its twenty-eighth session (ECE/MP.EIA/IC/2013/4), as well as the oral reports by the Chair and the Vice-Chair of the Implementation Committee, including on:

- (a) Finalization of findings and recommendations further to a submission by Armenia regarding Azerbaijan;
- (b) A Committee initiative on Azerbaijan and its new initiative on Ukraine;
- (c) Follow-up to decision V/4 regarding Ukraine;
- (d) Information-gathering cases regarding Romania, Lithuania, Ukraine, Azerbaijan and the United Kingdom of Great Britain and Northern Ireland;
- (e) Proposed amendments to the Committee's structure and functions (decision III/2, appendix), as well as its operating rules (decision IV/2, annex IV, as amended by decision V/4);
- (f) Elements for draft decisions VI/2 and II/2 on the review of compliance of the Convention and the Protocol, respectively, which were to be completed by the Committee in its subsequent meetings.

11. Delegations commented draft decision VI/2. The Working Group noted the information by a number of delegations regarding the actions their countries had taken or planned further to the Committee's findings and recommendations. Albania confirmed that it had created the necessary framework to report on its implementation of the Convention and the Protocol in a timely manner. Belarus referred to the findings and recommendations which the Committee had finalized in its session in March 2013, further to the submission by Lithuania regarding Belarus, regretting that they had not taken into account all the important steps that Belarus had taken since then to implement the recommendations. It requested that that be recorded in the meeting report. In Lithuania's view, those Committee's findings and recommendations should also reflect the decision that it believed that Belarus had taken to start the construction works. Azerbaijan pointed out that the Committee's findings and recommendations finalized in November 2012, further to the submission by Azerbaijan regarding Armenia, referred to proposals that had been expected to be submitted to the MOP by an ad hoc group to the Working Group, although the Working Group in its subsequent meetings had not set up such a group. Azerbaijan suggested, therefore, that that text be amended.

12. Delegates from Austria, Belarus and Ukraine also commented the Committee's draft proposals to amend its operating rules and structure and functions, notably regarding the imposition of sanctions. In addition, the Chair raised questions on the draft proposal that Parties should appoint two members to serve on the Committee for two terms (a main member and an alternate) and the draft proposal to close parts of the meeting related to the adoption of the agenda. Delegates were invited to submit further written comments through the secretariat by 30 November. The Committee Chair was then invited to inform the Committee about the comments to draft decision VI/2 and to the proposed amendments to the Committee's rules in advance of the Committee's twenty-ninth session (Geneva, 10–12 December 2013). The Working Group also requested the secretariat to consult the United Nations legal services on the proposed sanctions.

13. The Working Group considered the draft fourth review of implementation of the Convention in the period 2010–2012, which had been prepared by the secretariat with the assistance of a consultant based on the reports submitted by 38 Parties. It agreed on the main findings of the draft report, and invited Parties to provide the secretariat with possible further comments or corrections to the draft by 15 January 2014. The secretariat was requested to finalize the draft, taking into account the possible comments, and to forward it to MOP-6. The Working Group noted that, due to length limitations for the review, the secretariat could no longer incorporate additional information into the draft.

14. The Working Group next discussed and revised draft decision VI/1 on the review of implementation of the Convention and agreed to forward it to MOP-6 for adoption. It invited Bosnia and Herzegovina, Greece, Ireland, Luxembourg and the United Kingdom to provide their overdue reports to the secretariat without delay, and requested the secretariat to make them available on the website. It noted Greece's intention to report by the end of November. Finally, in the light of Parties' suggestions to improve the questionnaire and the report, the Working Group invited the Implementation Committee to further simplify the questionnaire for the next reporting round, including by focusing it on what had changed since the previous reporting. The Working Group also wished to keep the questions regarding the implementation of the Convention open-ended, and not to opt for a multiple-choice questionnaire similar to that for the review of implementation of the Protocol.

15. The Working Group considered the draft first review of implementation of the Protocol in the period 2010–2012, which the secretariat had prepared with the assistance of a consultant based on the reports submitted by 19 Parties and Bosnia Herzegovina, although it was not yet a Party (ECE/MP.EIA/WG.2/2013/9). It agreed on the main findings of the draft report, as revised. Based on the clarifications from the secretariat, it agreed that paragraph 8 (e), would read: "A possible need to clarify the scope and practical application of monitoring, according to article 12". The secretariat should ensure that that finding was also reflected in the body of the draft review. The Working Group invited delegations to submit possible comments or corrections to the draft by 15 January. It noted that as the draft review was at its maximum length, additional information could no longer be incorporated. It asked the secretariat to finalize the draft reflecting the comments made and to forward it to MOP/MOP-2.

16. The Working Group then revised and agreed to forward to MOP/MOP-2 decision II/2 on the review of implementation of the Protocol. It invited Luxembourg, Montenegro, Portugal and Serbia to provide their overdue reports without delay.

17. The Working Group welcomed the work carried out by an ad hoc task force with the assistance of the secretariat before and during the Working Group's meeting to review discrepancies between the Convention's three authentic language versions and to present proposals to align the language versions. The task force members included representatives of Belarus, France, Ukraine and Switzerland and observers from Ecoglobe and the European ECO Forum. The Working Group noted the task force's overall conclusion that

the inconsistencies identified were all of a technical nature, and therefore, they would be appropriately addressed through a correction procedure. It invited the secretariat to circulate the proposed corrections to the Parties and the Implementation Committee for their review and comments by 10 January 2014. It asked the Bureau to subsequently review the list and the comments provided, if any, prior to forwarding it for consideration by MOP-6, as an annex to draft decision VI/6 on aligning the authentic language versions of the Convention. The Bureau was also tasked with finalizing draft decision VI/6, taking into account the possible comments made during and after the Working Group's meeting, and forwarding it to MOP-6.

18. The Working Group reviewed progress in the implementation of the pre-accession legislative assistance foreseen in or related to the workplan for 2011–2014. It welcomed the information provided by the delegations of Belarus and the Republic of Moldova on the technical advice their countries had received for improving their legislation to implement the Protocol, and the information from the representative of Georgia on the legislative assistance for the implementation of the Convention. It also welcomed the plans to carry out a legislative review on environmental impact assessment (EIA) in Uzbekistan early in 2014 with funding from Switzerland, as reported on by the delegation of Uzbekistan and the secretariat. The secretariat confirmed that it would write to the Minister of Foreign Affairs of Uzbekistan to request the Minister's agreement on the project's implementation. The Working Group also noted the secretariat's presentation on the following general findings from the three legislative reviews carried out in autumn 2013:

(a) High-level political support and active involvement of the national authorities were preconditions for the successful implementation of the pre-accession technical assistance and capacity-building activities at the national and local levels. Considering that the national legislation and regulations were not yet in place or did not fully comply with the Convention and the Protocol, it was particularly important for high-level officials to raise awareness among national experts and stakeholders about the commitments taken and efforts that were to be made by the respective Governments to ratify and implement the Convention and/or the Protocol;

(b) The development of a national strategic environmental assessment (SEA) system necessitated the involvement of not only the environment and health sectors, but also all the relevant economic sectors. It was recommended that the environmental authorities cooperate closely with the national focal points from ministries of economy, appointed under the European Union (EU)-funded project, Greening Economies in the Eastern Neighbourhood (EaP-Green), for the planning and implementation of the pre-accession technical advice and capacity-building.

19. The Working Group noted the information from the secretariat and EIB that the European Bank for Reconstruction and Development (EBRD) had presented its checklist for information to the working group on environment of the international financial institutions (IFIs) at its meeting in October 2013, but that that group had given no specific feedback nor agreed on any follow-up action for promoting the use of the checklist. The Working Group welcomed the offer by EIB to promote, together with EBRD, the use of the checklist within the projects that they co-implemented with other IFIs. It also invited the secretariat to consider attending the IFI working group's next meeting, in April 2014, to present the Convention and the Protocol. Finally, it agreed to invite representatives of IFIs, including those operating beyond the ECE region, to attend the next sessions of the MOPs in June 2014 and a meeting of the Working Group during the next intersessional period.

20. The Working Group agreed on the draft revised general guidance on enhancing consistency between the Convention and EIA within the framework of State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia, as contained in informal document ECE/MP.EIA/WG.2/2013/INF.5, with a minor revision (insertion of the

word “impact”) to the title of the document. Two consultants to the secretariat had revised the draft guidance taking into account the comments made by delegates during and after the Working Group’s second meeting (Geneva, 27–30 May 2013). They had also supplemented the draft with two tables illustrating responsibilities of authorities in the transboundary EIA and public participation procedures, and indicating for each of them whether it was possible or not to delegate them to project developers or proponents. The Working Group agreed that the revised draft guidance, including the two annexes, should be submitted to MOP-6, as an official document, for endorsement. The Working Group also revised and agreed on draft decision VI/8 on the general guidance.

IV. Exchange of good practices

A. Seminar on sharing good practice and tools for communication, cooperation and conflict resolution, in particular in the context of countries with no diplomatic relations

21. The Chair of the Implementation Committee chaired a seminar on sharing good practice and tools for communication, cooperation and conflict resolution, in particular in the context of countries with no diplomatic relations, which was organized jointly by representatives of IAIA, the European Commission and the Committee Chair. The Working Group welcomed the seminar and expressed its thanks to the speakers representing the Centre for Socio-Eco-Nomic Development and the United Nations Development Programme Global Environment Facility (UNDP-GEF). It asked the secretariat to place the presentations on the website.

22. The Working Group agreed on the following conclusions of the seminar to be included in the meeting report:

(a) There were several examples of good practice on communication, cooperation and conflict resolution from which lessons could be learned; however, resolution of specific cases called for individual approaches;

(b) Cooperation between countries on environmental issues was possible independently of whether diplomatic relations existed;

(c) A series of confidence-building steps at the technical level, with due respect to the susceptibility of the countries involved and the sensitivity of each individual case, could be instrumental to commence the practical collaboration;

(d) Repercussions of conflicts could spread well beyond the borders of the countries directly involved, and eventually impact other countries ;

(e) As the conflicts were resource-intensive, regardless of whether a country was involved directly or indirectly, all parties would benefit from progress towards cooperation.

23. The Working Group invited the organizers to prepare a brief report on the seminar (see annex I). It decided to postpone the discussion on a possible draft decision VI/9 on good practice on communication, cooperation and conflict resolution, and agreed to leave it to MOP-6 to decide whether to adopt the draft decision. It noted the position of the delegation of Armenia that the seminar conclusions should be reflected only in the meeting report and not be subject to a MOP decision. A representative of the European Commission pointed out that even if adopted by the MOP, the seminar findings would not be binding on Parties. A number of delegations also stressed that their content was of general interest and not only applicable to specific countries.

B. Workshop on the impacts of nuclear energy-related activities

24. Representatives of Austria, Finland and Sweden co-chaired a workshop on the impacts of nuclear-energy related activities, which they had organized in accordance with the workplan. The Working Group welcomed the workshop, expressing thanks to its organizers and to the delegations that had participated actively in the small group discussions held during the workshop. It agreed on its following main conclusions (see also annex II for the co-Chairs' summary):

(a) Nuclear energy-related activities implied special challenges due to, e.g., the potentially wide scope of severe impacts, great public concern and national interests;

(b) There was a major benefit in having an open discussion and sharing experiences, which showed the diversity of different practices in applying the Convention to such activities and facilitated learning from each other;

(c) Mutual understanding of other Parties' needs gave good grounds for their better cooperation with a view to fully applying the Convention;

(d) Further discussion was needed on identifying good practice in applying the Convention to nuclear energy-related activities.

25. In the discussions that followed the presentation of the conclusions, the representative of the European Commission noted that most of the conclusions enshrined good practice and, therefore, besides being included in the workshop report, should inform the expected future preparation of good practice recommendations and possibly also be reflected in a draft declaration on nuclear-energy related activities by the MOP.

26. The delegation of Lithuania reported on the second Asia-Europe Meeting (ASEM) Seminar on Nuclear Safety, focusing on international instruments for ensuring nuclear safety, which had been held in Vilnius on 4 and 5 November 2013. It stressed the role of the International Atomic Energy Agency (IAEA) in setting robust nuclear safety standards and recommended that there be closer cooperation between the Convention and IAEA.

C. Application of the Convention to nuclear energy-related activities

27. The Working Group reviewed and revised decision VI/7 on the application of the Convention to nuclear-energy related activities and agreed that it be forwarded to MOP-6. It notably agreed that MOP-6 should propose that the development of good practice recommendations, with the assistance of a consultant, be included in the Convention workplan and that an editorial group be established to oversee the delivery of the draft recommendations for consideration by the MOP at its seventh session. Representatives of Austria, Belarus, Finland, France, Germany, Netherlands, the European Commission and European ECO Forum volunteered to take part in the editorial group.

28. The Working Group noted a statement by Azerbaijan on its concerns related to the construction of the nuclear power plant in Metsamor, Armenia, which the secretariat was requested to reflect in the meeting report.

D. Other activities foreseen in the workplan

29. The Working Group invited Poland to report by the end of January 2014 on progress in organizing a seminar for the exchange of good practices on renewable energy, focusing on wind energy, at the sixth session of the MOP. It noted offers from Slovenia and Ukraine

to present good practice on hydro-energy at that seminar. It also again called for input from other countries on other forms of renewable energy.

E. Practices in States outside the region

30. The Working Group welcomed the presentation by the representative from Hokkaido University on Japan's EIA and SEA systems. The secretariat was invited to place the presentation on the Convention website in agreement with the speaker.

V. Subregional cooperation and capacity-building

31. The Working Group reviewed progress in organizing subregional cooperation and capacity-building activities, as foreseen in the workplan for 2011–2014. It noted the information provided by:

(a) Romania on its plans to postpone the organization of the seminar on the multilateral agreement among the countries of South-Eastern Europe for the implementation of the Convention (Bucharest Agreement) to early 2015, and to hold a first MOP to the Bucharest Agreement later in that same year;

(b) Germany on the postponing of the seventh Seminar on cooperation on the Espoo Convention in the Baltic Sea region to autumn 2014, as the one planned to be held in Rostock, Germany, on 17 and 18 October 2013 had been cancelled due to an overlapping EU Council meeting;

(c) The secretariat on the preliminary interest expressed by Morocco and the United Nations Economic Commission for Africa in organizing a workshop for the Mediterranean Sea area, as foreseen in the workplan, provided that funding was made available. The Working Group invited the secretariat to follow-up with Morocco, France, Italy and Spain for the organization of the event and possibly also of the second workshop foreseen in the workplan for the subregion (with France and Spain as lead countries);

(d) Belarus on the ongoing pilot project with Ukraine on the post-project analysis of transboundary EIA, and on the subregional conference scheduled to be held in Belarus in spring 2014 to disseminate the results of the pilot project and the technical assistance to Belarus on SEA;

(e) Secretariat on availability of the EaP-Green project funding for the two other subregional seminars foreseen in the current workplan, in Georgia and Ukraine. It noted that those seminars were likely to be held in the next intersessional period 2014–2016, together with other subregional activities, e.g., those proposed by Azerbaijan.

32. The secretariat reported that the further two subregional workshops foreseen in the workplan that had been proposed by Kazakhstan and Uzbekistan were no longer requested by the two countries themselves, and that the same applied also to the pilot project between Kyrgyzstan and Kazakhstan.

33. The Working Group noted the information from Switzerland on the final conference of the Swiss project on EIA capacity-building in Central Asia and Azerbaijan, which had been held in Dushanbe in July 2013.

VI. Promoting ratification and application of the Protocol

34. The Working Group noted the secretariat's oral report on its plans to publish electronically the Russian version of the *Resource Manual to Support Application of the*

Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17).² It welcomed the translations of the Resource Manual into Armenian, Azerbaijani and Georgian, and the translations of the *Simplified Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/18)³ into Armenian and Azerbaijani, which had been made by the Organization for Security and Co-operation in Europe at the request of the secretariat. The Working Group also encouraged other countries to translate the manuals into their national languages.

35. The Working Group welcomed the information provided by delegations on the training workshops on the application of the Protocol, foreseen in the workplan, which had been held or were about to be held in autumn 2013, including three local-level workshops in Belarus and national workshops in Ukraine and Armenia. It noted the plans for the holding of the training workshops foreseen in Georgia and the Republic of Moldova in the next intersessional period. It also noted that the implementation of workplan pilot projects on SEA in Armenia, Azerbaijan and the Republic of Moldova were scheduled for the next intersessional period. It further noted the information by the secretariat that no or limited funding had been identified for the planned national training workshops on SEA in Kazakhstan and in the Russian Federation in the present intersessional period. Moreover, the two countries concerned had not shown further interest in receiving the requested assistance, nor been represented in the meetings of the Working Group in 2012 and 2013. However, the secretariat announced that it expected that EU project funding was going to become available for Kazakhstan in the next intersessional period which would allow the promotion of SEA and also transboundary EIA in the country. The Russian Federation, for its part, had agreed to provide the secretariat with specific information on its capacity-building needs in due course.

36. The Working Group welcomed the presentation by Poland of its case study on the application of the Protocol to regional spatial planning, and agreed that delegations could send comments to Poland by the end of November. Poland was then invited to revise the case study based on the possible comments and to submit it to the secretariat for its publication on the Convention website. The Working Group also encouraged other Parties to submit case studies. It agreed that their length, the level of detail and format could be decided by the Parties.

37. The Working Group discussed and further amended the draft good practice recommendations on public participation in SEA, which had been revised based on comments made during and after the Working Group's last meeting, including to reflect the relevant provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (document ECE/MP.EIA/WG.2/2013/INF.8)⁴ It also reviewed and revised draft decision II/9 on good practice recommendations on public participation in SEA, and agreed to forward it together with the revised draft recommendations to MOP/MOP-2.

38. The Working Group noted the further informal pamphlet or "FasTip" on key issues in impact assessment practice, which had been prepared and presented by IAIA, on "Biodiversity Assessment".

² Available on the Convention website from http://www.unece.org/env/eia/sea_manual/welcome.html.

³ Available from <http://www.unece.org/index.php?id=30823>.

⁴ These informal documents are available on the web page for the meeting (<http://www.unece.org/env/eia/mtgs/wg.2-3.html>).

VII. Inputs to related international processes

39. The Working Group took note of the information presented by a representative of UNEP suggesting the use of EIA and SEA as tools for mainstreaming disaster risk reduction into development planning, and inquiring about the interest of the Parties to the Convention and the Protocol in implementing that approach. The Working Group expressed an initial interest in the matter and invited UNEP to present more detailed information and proposals for its further consideration in the next intersessional period.

40. The Working Group also noted the outcomes presented by the Chair of two meetings:

(a) The informal meeting between the representatives of the governing bodies of the ECE environmental conventions and the Committee on Environmental Policy (CEP), held in Geneva on 21 October 2013;

(b) A segment on the ECE multilateral environmental agreements held at the nineteenth session of CEP in Geneva, on 22 October 2013.

VIII. Budget and financial arrangements and financial assistance

41. The Working Group took note of the biannual financial report for the period to 30 June 2013 and the informal list of contributions received subsequently to the Convention trust fund (ECE/MP.EIA/WG.2/2013/INF.13). It also noted the information by the secretariat that, further to the recent adoption of International Public Sector Accounting Standards (IPSAS) by the United Nations, Parties wishing to contribute to the trust fund would from now on receive “requests for payment”, instead of the “invoices” previously used, and that all contributions were to be classified as either “conditional” or “non-conditional”. The secretariat clarified that, with few exceptions, Parties’ contributions had to date been non-conditional, as they had been directed towards the implementation of a workplan adopted by the MOPs required no specific financial or substantive reporting other than the current biannual reporting by the secretariat on the use of resources and had no return obligation.

42. The Chair informed the Working Group of the Bureau’s decision not to provide financial support to representatives and experts from States outside ECE region for the present meeting.

43. The Working Group reviewed and revised draft decisions VI/4–II/4 on the budget, financial arrangements and financial assistance, and the draft financial strategy, leaving open optional financial schemes A and B. It agreed to forward them to MOP-6 and MOP/MOP-2 for consideration.

44. The Working Group noted the staff changes in the secretariat since its last meeting, including the recruitment of two new Professional extrabudgetary staff members, one at the end of July with funding from EaP-GREEN, and one at the end of August, funded from the Convention trust fund. In addition, Finland had generously funded a Junior Professional Officer for a third consecutive year (2011–2013). The Working Group expressed concerns about the long-standing lack of a regular budget programme assistance to the secretariat. It noted the information from the secretariat that some further resources might be forthcoming in that respect.

IX. Preparations for the sixth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

45. The Working Group welcomed the report by Mr. O. Proskuryakov, Minister of Ecology and Natural Resources of Ukraine, on the preparations for the next sessions of the Meetings of the Parties (Kyiv, 2–5 June 2014). The Minister stated that the organization of the events was supported fully and at the highest-level political level, including by the President of Ukraine. He called on delegations for their support in ensuring the participation of ministers from their countries at the joint high-level segment of the MOPs.

46. The Working Group reviewed and revised the draft workplan for the next interessional period, 2014–2017, and invited delegations to submit further comments and clarifications to the secretariat by the end of January 2014. It also revised draft decision VI/3–II/3 on the adoption of the workplan. It invited the Bureau, with the support of the secretariat, to take the further input into account and to prepare revised draft texts for consideration by the MOPs meeting in a joint session. It agreed that those activities for which funding had not been identified before the upcoming sessions should not be included in the workplan but put on a waiting list.

47. The Working Group then reviewed the following two remaining draft decisions that it had not yet discussed under the previous agenda items:

(a) It revised and agreed to forward to MOP/MOP-2 draft decision II/6 on aligning the authentic language versions of the Protocol;

(b) It agreed to forward without amendment draft decision II/8 on the format for notification under the Protocol to MOP/MOP-2.

48. The Working Group agreed on an outline programme for the two MOP sessions, but left the topics of the scheduled panel discussions or seminars to be further specified. It further noted proposals by the European ECO Forum for the organization of two side events by NGOs during the sessions, on topics yet to be specified. It invited further proposals, comments and clarifications on the programme by 15 January 2014, and requested the Bureau, with the support of the secretariat, to prepare the annotated provisional agendas for the sixth session of the MOP and the second session of the MOP serving as the MOP to the Protocol (MOP/MOP).

49. The Working Group also noted proposals by some delegations to prepare a draft “Kyiv declaration or declarations” that would notably address nuclear energy-related matters and highlight the expected opening of the Convention to countries outside the ECE region, as well as the important role of IFIs. It invited the Bureau to prepare a draft declaration, with the assistance of interested Parties, including Lithuania, and the secretariat, and to circulate it for comments by the Working Group in advance of the MOP and MOP/MOP sessions.

50. The Working Group provided the following nominations for the chairs of the upcoming sessions: Ukraine for the sixth session of the MOP, both the general and the high-level segment; and possibly also for the second session of the MOP/MOP, provided that Ukraine had ratified the Protocol no later than 90 days before that session. Alternatively, Lithuania would chair the high-level segment of the MOP/MOP and Poland its general segment.

51. It also noted the following nominations of officers for the next interessional period: from Switzerland, the European Commission and Armenia for membership in the Bureau;

and from Ukraine and Azerbaijan for the vice-chairmanship of the Working Group. It was understood that the Vice-Chairs of the Working Group would also serve in the Bureau.

52. Finally, the Working Group noted nominations or initial expressions of interest by delegations in Implementation Committee membership. A representative of Austria stated that Austria's ability to propose a member to the Committee was still subject to confirmation, but that in principle he would be willing to chair the Committee. Other nominations were put forward by Belarus and Ukraine. The Working Group invited delegations to provide further information on the proposed nominations or to propose new nominations for consideration by the Bureau in advance of its meeting at the end of January 2014.

53. Delegations were also invited to provide information on the expected financial contributions to the trust fund to be pledged at next sessions of the MOPs, to the extent possibly by the end of January.

54. There were no proposals for the timing and location for the seventh session of the MOP to the Convention and the third session of the MOP/MOP.

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

55. The Working Group agreed on the main decisions taken at the meeting, as presented by the secretariat. The Chair closed the meeting on Friday, 15 November 2013.

Annex I

Co-organizers' summary of the seminar on good practice on communication, cooperation and conflict resolution

I. Introduction

1. The seminar on good practice on communication, cooperation and conflict resolution, in particular in the context of countries with no diplomatic relations, was held on the afternoon of 11 November 2013. It was organized jointly by the Chair of the Implementation Committee and representatives of the European Commission and IAIA.

2. The main aims of the seminar were:

(a) To present good international practice illustrating cooperation between countries with no diplomatic relations or with difficulties in diplomatic relations;

(b) To discuss and explore whether the cooperation on environmental issues, including transboundary impact assessment, was possible in situations where diplomatic relations were absent or difficult;

(c) To learn from international experiences about how conflicts had been addressed and how problems had been resolved.

3. In her opening comments, the Implementation Committee Chair, Ms. V. Kolar-Planinšič, underlined that:

(a) The environment did not recognize political boundaries;

(b) Issues “at the heart of” environmental impacts were: the way decisions were made; the way the different stakeholders and decision makers shared views and agreed on ways forward; and the way conflicts arising from different perspectives might be responsible for impacts that otherwise could have been avoided;

(c) Across the world, there was a need for a shared management of natural resources between countries, including countries that did not have strong political alliances. In some cases, there were serious diplomatic tensions between neighbouring countries that relied on shared ecosystems;

(d) The implementation of the Convention and the Protocol on SEA by countries without diplomatic relations or with difficulties in their diplomatic relations could be difficult in practice. That was not only unsatisfactory in terms of compliance with the Convention and the Protocol, but also posed risks to the environment and the human health.

4. Ms. M. Partidario (IAIA) introduced the background document for the seminar (ECE/MP.EIA/WG.2/2013/INF.11). The main questions were how situations of conflict in the absence of diplomatic relations could be dealt with successfully and what could be learned from good practices. An important starting point was to recognize that conflicts were not about who was right or wrong, as it was never as simple as that. Examples of more or less fruitful transboundary collaboration under politically tense circumstances could be found from all over the world.

II. Summaries of the presentations

5. Ms. M. Matthews (UNDP-GEF) introduced five cases of successful cooperation on water management taken from the experience under the GEF programmes:

(a) In the Indus River Basin, where cooperation had started under the shadow of the India-Pakistan conflict;

(b) In the Danube River Basin, where technical cooperation had remained possible during military conflicts between Serbia and Bosnia and Herzegovina;

(c) In the Yellow Sea region, where China, the Democratic People's Republic of Korea and the Republic of Korea had participated in a programme addressing seawater pollution;

(d) In the Humboldt Current area, a large marine ecosystem where Chile and Peru presently considered the pollution problems as a shared challenge, despite existing territorial conflicts;

(e) In the Nile River Basin, with conflicts, for example, between South Sudan and Sudan, and a potential conflict between Egypt and Ethiopia.

6. Ms. Matthews' overview of the above cases showed many lessons to learn, notably:

(a) It was important to be extremely clear that the intention of the cooperation was not to force or to establish diplomatic ties, but rather to address a shared transboundary concern for the benefit of all impacted stakeholders. When and whether political strains arose, one had to remain focused with the team and remind all participants that the intention was to improve the living conditions for everyone;

(b) Focus should be kept on very specific technical issues where there was a shared understanding of cause-and-effect relationships. Working with technical teams built experiences between the countries, and could build trust slowly but effectively;

(c) Each situation had to be dealt with separately. There was no one-size-fits-all solution to be applied; the social, institutional, historical, cultural, economic and political aspects and sensitivities of each case had to be very well understood before diving into the technical process. Those sensitivities should not be highlighted during any technical group meetings, but, rather, the facilitators of the work should be aware of them so as not to inadvertently escalate any tensions;

(d) Expectations should be kept low: it was better for all concerned to feel that they had exceeded low expectations rather than failed to reach ones that had been set too high;

(e) Work should progress slowly: just as the root causes of the political tensions at stake had not been built up quickly, they would also not fade away quickly;

(f) It was important to foster an attitude of respect among all those involved, keeping up the faith that there was good in everyone and that each person in each position deserved respect.

7. In addition, the water management-related examples showed that the role of international organizations (such as UNEP, UNDP, the Office of the United Nations High Commissioner for Refugees (UNHRC), the World Bank) could be crucial, as they tended to not to take a position in conflicts, could depoliticize environmental conflicts and keep them at, or bring them to, a technical level, and might have funding to support technical cooperation. Transboundary diagnostic analysis, strategic action plans or strategic action programmes were particularly useful mechanisms for countries in dealing with conflicts at the national and transboundary levels, as demonstrated by several examples. Establishing a common commission was also a good governance mechanism, as the example of the Danube River Commission showed. Ms Matthews underlined the importance of developing agreements and commissions as one way forward, and used the example of the Nile Basin

to illustrate also the importance of separating the political and technical dimensions in conflict resolution.

8. Ms. Matthews concluded that it was possible to cooperate on environmental issues despite armed conflict and long-term tensions or in the absence of diplomatic relations, as the many good examples from all over the world demonstrated, and international organizations had an important role to play in the process as a mediator or a facilitator.

9. Mr. R. Saner from the Centre for Socio-Eco-Nomic Development introduced the example of Cyprus, where the absence of diplomatic relations had not prevented a variety of actors from cooperating on environmental, economic and cultural issues. The protection of sea turtles and the cooperation on sewerage systems had been relatively easy examples to start with. Meanwhile, rehabilitation of the cultural heritage (architecture/buildings) on both sides of a divided city, across the green line, had become a topic of cooperation, with the chambers of commerce from both sides playing a role. Moreover, in the field of culture and sport, cooperation had become possible. In most of those examples, similar to those previously presented on water management, international organizations such as UNDP and UNHRC had played a crucial role in preparing the ground for cooperation, including by financing third-party initiatives.

III. Summary of the question and answer session

10. The presentations were followed by a question-and-answer session that touched upon the following issues:

(a) *The role of language in transboundary conflicts.* According to Ms. Matthews, problem-solving might be easier in situations where there was a common language such as English (India-Pakistan). Moreover, addressing language issues might be important, since for example, misunderstandings — or even conflicts — might exist simply because of disagreements about the names of rivers. Another type of disagreement might also exist when the different parts in a conflict used different standards and parameters to assess environmental quality. It was therefore important to try to reach an agreement on technical parameters, such as environmental standards, at the very start of cooperation ;

(b) *How were cooperative processes initiated and by whom?* For Ms. Matthews, the answer varied from case to case: in some cases, the initiative came from the United Nations country offices or from other international organizations, often with a little funding for the exploration of possibilities for cooperation. According to Mr. Saner, there was no recipe that worked everywhere. However, building confidence or trust for mutually beneficial cooperation was crucial (social capital theory). Non-governmental actors like NGOs and business could be very instrumental in confidence-building;

(c) *The role of inhabitants in initiating cooperation.* The speakers concluded that, indeed, people could get tired of a conflict that did not serve their interests but rather those of political leaders and could play such a role. Mr. Saner added that it would be important to try to make decision makers that were not investing in conflict resolution accountable for the costs engendered by not doing so, which included not only direct costs but also those of missed opportunities.

11. The speakers noted that after a conflict was politically resolved, strong feelings related to it could endure for generations, but that there were always possibilities to take small positive steps for future generations.

IV. Preliminary summary of lessons learned

12. Mr. L. Meuleman (European Commission) presented a preliminary summary of what could be important lessons from the seminar for the application of the Convention:

(a) Environmental conflict resolution might not necessarily require countries to formalize diplomatic relations. It was not possible to predict beforehand what would work in a specific case. In conflict resolution it was very important to take into account the contextual factors of a specific conflict. Factors that determined the basis for the effectiveness of specific methods and procedures in conflict resolution included the political and the socioeconomic situation, the institutional context, the organizational structure and the culture of the parties;

(b) Environmental cooperation in politically tense situations might start from initiatives of international organizations, or on the initiative of (local/national) scientists, the business sector or other society groups. Often, initiatives came outside the national context. There were excellent examples of initiatives, facilitation or mediation by UNEP, UNDP, UNHCR and the World Bank that have proven capable of providing mechanisms for sustained, iterated relationships. A precondition for success seemed to be whether that the conflict could be tackled on a technical level. NGOs and business often came in later when the issue had become less politically sensitive. Furthermore, streamlining terminology and quality standards could be a good starting point: technical languages issues might be more easily solved than legal conflicts;

(c) The environment could be the catalyser for cooperation in other policy fields within diplomatic relationships, which, while not necessarily neutral, allowed an opportunity to initiate a dialogue. Environmental issues that were clear to everybody and of a relatively non-political type, such as the protection of sea turtles in a transboundary coastal area or the management of wastewater in a divided city, might be starting points for further cooperation. Often, small steps on the ground could later lead to progress in more complex dossiers. In addition, an external threat, including an emerging environmental disaster or risk, could create the willingness to start cooperation in a conflict situation;

(d) The political will of decision makers to establish mutually beneficial cooperation over environmental issues was key to enhancing cooperation. That political will could be expressed in a subtle way, for example, by reformulating environmental challenges as technical problems, and by allowing countries to start their own cooperation steps using a sensitive approach;

(e) It was essential to develop adequate, tailor-made cooperation mechanisms, which could involve transboundary diagnostics, strategic action plans or programmes and setting up (technical) commissions, etc. It might also be useful to address the issue at a more strategic level (SEA level) in order to find alternative solutions: SEA could open the door for creativity in that respect. In any case, it was important to find common grounds that could bring benefits for both sides;

(f) In every conflict there were actors who could benefit if the conflict remained unsolved, while the people in conflicting countries would continue suffering and profit from a solution. If a conflict stayed frozen, the real costs — for all affected parties — of continuing the conflict should be made public. That could include hidden costs, such as environmental costs, to both the party of origin and the affected party and to the international community. Making those costs and benefits public could mobilize more people and ideas.

Annex II

Co-Chairs' summary of the workshop on the nuclear energy-related activities

I. Introduction

1. The workshop on nuclear energy-related activities was organized by Austria, Finland and Sweden, as foreseen in the workplan. Its aim was to provide a forum for continuing the discussion and exchange of experience on the application of the Convention to those activities. It also covered, to the extent possible, relevant experience in the application of the Protocol on SEA. Moreover, the workshop aimed to serve as a valuable milestone in improving the application of the Convention to nuclear energy-related activities and, to that end, in providing material for the draft good practice recommendations to be elaborated in the next intersessional period, subject to the decision by the MOP to the Convention at its next session.

2. The workshop was co-chaired by Ms. U. Platzer-Schneider (Austria), Ms. S. Rantakallio (Finland) and Mr. S. Jerdenius (Sweden). The presentations made during the workshop included an introductory presentation on the state of play of nuclear-related activities by Mr. Jerdenius, and a general overview of and conclusions on nuclear activities under the Convention presented by Mr. J. Kresbach (Austria). Parties' experiences in applying the Convention were presented by Ms. M. Macelaru (Romania), Ms. R. Revoldiene (Lithuania), Mr. A. Andreev (Belarus) and Mr. Kresbach.

3. To facilitate the exchange of experience in nuclear energy-related activities during the workshop, eight discussion groups were set up to focus on six steps in the transboundary EIA procedure provided for in the Convention: screening; notification; preparation of the EIA documentation; public participation; consultation; and the final decision. Six of the groups were English speaking and two Russian speaking. The discussion in each of the groups was facilitated by a moderator, and its results reported to the plenary by an appointed rapporteur. The organizers had also provided a brief set of questions for each group to guide the discussion. The discussion moderators were Ms. L. A. Hernando (Spain), Mr. Kresbach, Ms. L. Papajová Majeská (Slovakia), Ms. T. Plesco (Republic of Moldova), Mr. J. Ritter (Germany) and Mr. G. de Vries (Netherlands). The rapporteurs were Mr. Andreev, Ms. S. Balka (Latvia), Ms. M.-C. Delvaux (Belgium), Ms. P. Filipiak (Poland), Ms. M. Koyano (Hokkaido University) and Ms. Macelaru and Mr. R. Persidski (Estonia).

II. Outcomes of the small group discussions

A. General impressions

4. The outcomes of the small group discussions demonstrated the existence of different approaches and opinions among the Parties with respect to the application of the Convention to nuclear energy-related activities, which were at times somewhat contradictory. Since the main aim of the discussions was to exchange information and experiences regarding the application of the Convention on a technical level, the groups touched upon a wide variety of technical and procedural challenges, but provided also some solutions and best practice examples. It became clear that exchanging experiences and information contributed to a better mutual understanding of the issue in question and of the respective approaches of individual countries. Most of the participants underlined the

benefits of learning from each other. Another obvious conclusion from the workshop was that the Convention was subject to different interpretations. Finally, issues related to language and translation were considered to be important and seemed to represent one of the key challenges in the application of the Convention, including to nuclear energy-related activities.

B. Screening: How to decide whether to apply the Convention or not?

5. The group discussions seemed to indicate that the application of the Convention to proposed new nuclear energy-related activities did not pose any relevant problems. The situation was more challenging with projects involving “major changes” to such activities, which could include the extension of the operation period, the renewal of the licence or a substantial increase in the production levels of nuclear power plants or storage facilities for radioactive waste, as well as the decommissioning of a facility or the closure of a waste repository. The entry into force of the second amendment to the Convention, adopted through decision III/7 (ECE/MP.EIA/6, annex VII), which revised and complemented the list of activities in appendix I to the Convention, was expected to improve the Convention’s application to nuclear energy-related activities. However, there still seemed to be a lack of consistency in the interpretation of the term “major change”, in particular concerning the type of activity that should be subject to the Convention. Some participants noted a lack of clear criteria and the absence of a common approach regarding the application of the available criteria to determine what constituted a “major change”. Most participants of the Russian-speaking group contested the Convention’s application to the extension of the operation period of a nuclear power plant, while considering that the change in its power capacity constituted a “major change”.

6. When determining whether a project was subject to the Convention or not, some Parties took into account the extraordinary scenario of severe accidents, while for other Parties such considerations were not even part of the national EIA procedure. For the participants of the Russian-speaking group, neither serious project emergencies (severe accidents) nor the transport of radioactive fuel or waste were subject to the Convention, mainly due to the low likelihood of severe accidents and to the secret or confidential character of the transport of fuel or waste. Methodological challenges were also mentioned in that context.

7. In some Parties, the issue of nuclear fuel transport was handled confidentially due to its vulnerability, for example to terrorist attacks, and therefore, no information regarding the transport was provided either to the public or to foreign States.

C. Notification: How to decide which Parties to notify?

8. Participants discussed whether the potentially affected Parties to be notified in accordance with the Convention would include only neighbouring Parties or also Parties further away. There was a common understanding on the need to notify neighbouring Parties, but also on the right of the potentially affected Party to be notified upon request (although unlike in the EU EIA Directive^a this was not specifically provided for in the Convention.^b Some Parties representing EU member States noted that they notified all other EU member States and also others upon request. Participants questioned whether the EU as

^a Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended.

^b Article 3, paragraph 7, of the Convention provides a mechanism by which a Party which considers that it would be affected by a significant adverse transboundary impact may request information from the Party of origin and discuss the question of whether there is likely to be such an impact.

such should be notified as a whole, or only the individual Parties within the EU. Participants had different approaches and criteria for determining whom to notify, e.g., criteria regarding the location of the project and its distance to other Parties. Some participants stated that, in accordance with the precautionary principle, risks of severe accidents that were of a low probability, but still possible, should also be taken into account when deciding on which Parties to notify. In that case, the criteria would include the potential long-distance environmental impacts and therefore imply a wider radius of notification. The Russian-speaking group did not see a need to notify Parties beyond a monitored area of 30 kilometres radius from a nuclear power plant, excluding the possibility that Parties further away could be potentially affected.

9. The issue of the language of the notification (and of the accompanying information) was identified as a major challenge in the notification procedure, and many participants expressed the need for in-depth discussions on that issue. Bi- or multilateral agreements were commonly considered as a way to address the language and translation issues. Some participants underlined that, as a minimum, the non-technical summary of the documentation should be translated into the language of the affected Party.

10. The views expressed on the timing of notifications differed: some Parties notified as soon as possible (e.g., in the beginning of the scoping procedure), while others notified when the feasibility study of the proposed activity was available. Deadlines for the responses to the notifications by the potentially affected Party also varied. Online platforms for notifications were considered to be helpful.

D. Scope of the EIA documentation: what should be included in the documentation and how should it be prepared?

11. Based on the group discussions on EIA documentation, it seemed to be a common approach among the Parties to include relevant information on risks of (severe) accidents and also on possible long-range environmental impacts in the EIA documentation. Participants also highlighted the need for a better quality of the documentation, in particular regarding the methodology used when describing impacts and the level of detail. Regarding the topic of an adequate risk assessment, participants stated that risks of accidents could be described and assessed in a separate safety chapter of the EIA documentation, for example, using standard scenario assessment, modelling and assessing all risks — both high and low — including beyond the design basis accidents. Some participants stressed the need for better cooperation between international organizations and underlined the usefulness of guidance by relevant institutions, such as IAEA.

12. With respect to the description of reasonable alternatives to a proposed activity, participants noted that national development plans should be subject to an SEA, including the assessment of (alternative) locations for a project or the consideration of existing infrastructure. In addition, although there seemed to be a common understanding that the description of the no-action (or zero) alternative was required by the Convention and provided added value, some doubts were also expressed as to whether such a description would provide useful information, in particular if a strategic decision had already been made.

13. Participants agreed that the most important parts of the EIA documentation, such as the non-technical summary and the description of transboundary impacts, should always be translated into the language of the potentially affected Party. They also stressed the need to ensure the good quality of the translation. In that respect, the right choice of a translator seemed to constitute an important part of a successful transboundary EIA and SEA procedure. Moreover, addressing the translation issues as early as possible within the transboundary procedure seemed to be a key need. Participants also underlined the

importance of active cooperation between the Party of origin and the affected Party or Parties starting from the very beginning of the transboundary procedure.

E. Public participation: What was the best way to ensure good public participation in relation to nuclear energy-related activities?

14. Public participation in transboundary EIA procedures regarding nuclear energy-related activities often involved emotional aspects and sensitivities. Due to the technical complexity and political nature of those activities, providing for public participation required more intense preparations and procedures in terms of time frames and the necessary documentation. Also, a broader range of people were concerned by such activities. The conducting of public participation seemed to depend on the level on which the respective final decision would be made. It was mentioned that public participation at different levels of the decision-making might provide more transparency and more time for the public to gather information on the project. Allowing for early public participation in a transboundary EIA procedure was considered to be crucial.

15. One of the main issues discussed by the participants concerned various logistical requirements and issues linked with public participation in a transboundary EIA procedure, such as the need for a visa, transportation issues, potential restrictions regarding access to the venue for a public hearing, and related financial questions. It was noted that the performance or requirements related to public hearings in different countries might differ depending on the sensitivities and needs of the affected Parties. Good cooperation and bilateral or multilateral agreements among Parties were again stressed as the main tools for facilitating public participation. Some participants suggested also conducting virtual, or online, conferences. Some participants underlined that the success of public participation depended also on the subsequent consideration of the comments by the public of the affected Party within the transboundary EIA procedure.

16. The identification of the public concerned in relation to nuclear energy-related activities seemed to pose specific challenges, since the long-range or widespread adverse environmental impacts concerned a larger number of people. In addition, different types of impacts could be of concern to different parts of the population.

F. Consultations: Were there specific problems in carrying out consultations for nuclear energy-related activities?

17. Many of the findings from the discussions during the workshop also applied to activities other than those that were nuclear energy-related. However, bilateral consultations in the context of nuclear energy-related activities were found to be of specific relevance due to the high sensitivity (including psychological aspects) of such activities and the respective safety and security issues involved. While the organization and holding of consultations with neighbouring countries might often be easier due to possibly existing bilateral agreements, factors like history or politics could sometimes hamper the conduct and outcome of consultations.

18. Some participants had only little experience in holding consultations with potentially affected Parties that were far away from their national frontiers. In accordance with the experience shared by others in that respect, the geographical distance between a potentially affected Party from the Party of origin did not seem to affect the organization of consultations. In all situations, the existence of bi- and multilateral agreements between Parties seemed to improve the performance of consultations.

19. The number of potentially affected Parties did not seem to influence the arrangements for consultations, since those were mostly organized bilaterally. However, participants reported that holding consultations with more than just one or a few affected

Parties also prolonged procedures and increased the related costs. Once again, the language issue was flagged as an essential element: good quality translations and qualified interpreters contributed in an important manner to the success of consultations. The practice in carrying out consultations had demonstrated the need for both technical experts and governmental representatives to participate in them. Their satisfying performance was also considered to depend on the ability of the Party of origin to make information available sufficiently in advance, including also a list of possible questions. In addition, various international forums might provide a useful source of information to the affected Parties when preparing consultations.

20. The issue of the confidentiality of certain technical information on the project or specific design solutions was identified as imposing certain challenges for the adequate conduct of the consultations, as the need for transparency could collide with that for the protection of the national security interests. However, the participants were in general of the view that keeping certain aspects or information about the activity confidential did not prevent the discussion on the environmental issues. They agreed that both EIA and SEA procedures and the respective consultations were in essence, if not solely, about the environmental issues.

21. The participants dealt with issues related to timing and time frames for consultations mostly on a case-by-case basis, which could depend on the cooperative arrangements between the Parties or on formal requirements, such as visa formalities. The participants highlighted the need for flexibility when agreeing on the time frames. The time frames were also reported to impose challenges and delays that could affect investors' planning negatively. Participants regretted that the consultations tended to be performed at a too late stage of the transboundary EIA procedure.

G. Final decision: Were there complications in connection with the final decision for nuclear energy-related activities?

22. Final decisions on EIA, but also on SEA, were usually issued by governmental authorities. Most often, the affected Parties would receive an English version of the final decision. In most countries, a final EIA opinion or a statement with respect to a planned activity had to be taken into account in a subsequent licensing procedure, for example in the issuance of a building permit. Final decisions took into account the outcomes of the public hearing and consultations (sometimes it was up to the developers to show evidence for that) and considered transboundary impacts such as safety, environmental, health and other related issues. The participants noted that, due to the numerous comments provided by the public and the authorities with respect to nuclear-energy related activities, the related decision-making took a long time. Some participants expressed the need for a clear interpretation of a "final decision", for example within the *Guidance on the Practical Application of the Espoo Convention* (ECE/MP.EIA/8).^c

^c Available from http://www.unece.org/env/eia/pubs/practical_espoo.html.