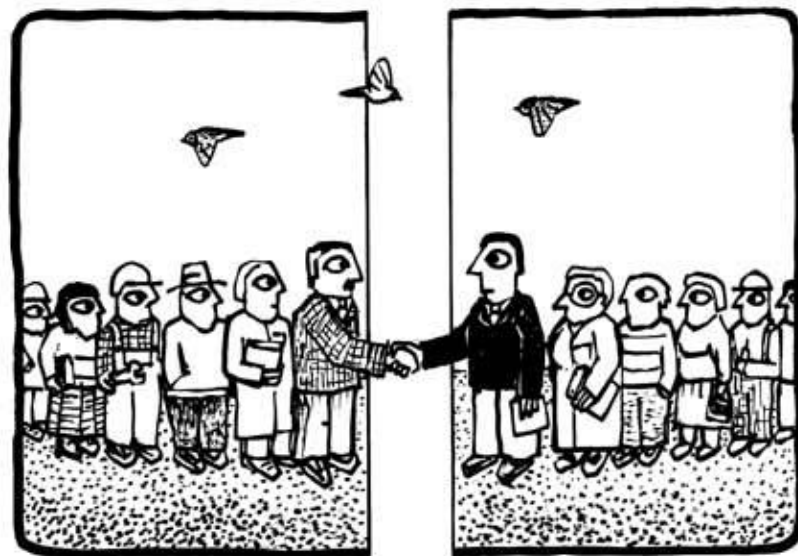


6th meeting of the
Working Group on EIA and SEA
7-10 November 2016, Geneva

- INFORMAL presentation of the main decisions





Opening of the meeting

- The Chair of the Working Group, Ms. Masaityte, opened the meeting
- Director of the UNECE Environment Division, Mr. Keiner, welcomed the participants, reported about UNECE's ongoing fundraising efforts and called for further support also from Parties

1. Adoption of the agenda

- The meeting adopted its agenda as set out in document ECE/MP.EIA/WG.2/2016/3

2. Inputs to related international processes

- Noted relevant outcomes of **EfE Ministerial** Conference (Batumi, Georgia, 8-10 June 2016); (session on contribution of Multilateral Environmental Agreements (**MEAs**) and other processes to SDG implementation; side-event on SEA; 2 side-events on EaP-Green);
- Noted outcomes of 4th meeting of **informal network of MEA IC and CC chairs** (20 June 2016); and that next meeting was provisionally scheduled for June 2017;
- Noted that the **informal network of representatives of governing bodies of the UNECE MEAs** and the Committee on Environmental Policy (CEP) was to meet, back-to-back to the 22nd CEP session scheduled for 25-27 January 2017;
- Took note of the positive **review of ECE activities** under the Espoo Convention and its Protocol; its recommendations and the ECE management response to them and agreed to refer to them as one source of information, including for finalization of the draft workplan and other relevant draft decisions for the next intersessional period

3. Compliance and implementation (1)

- Noted the **Implementation Committee's reports** on its 36th session, as presented by the Committee Chair, including:
 - Follow-up to decision VI/2 with regard to Belarus (Ostrovets); and Ukraine (Bystroe and Rivne); Armenia (legislation); Azerbaijan (legislation)
 - Committee initiatives: Serbia (Kostolac lignite PP);
 - Ongoing information gatherings concerning Belgium; Czechia; the Netherlands; and Bosnia and Herzegovina, as well as Serbia on Protocol matters
- Noted information by the Committee Chair about:
 - possible need by the IC to increase a number of its meetings and to hold on-line in the next intersessional period due to increasing number of cases;
 - limitations of on-line meetings with respect to interpretation (i.e. would be in English only)

3. Compliance and implementation (2)

- Considered draft 5th review of implementation of the Convention;
- Agreed on its main findings;
- Noted countries comments and corrections to the draft regarding their own countries' responses and invited further such comments in writing **by 31 December**;
- Asked the secretariat to finalize the draft based on comments and forward to MOP-7;
- Revised and agreed to forward to MOP-7 decision VII/1 on the review of implementation of the Convention;
- Urged **Cyprus, Greece, Montenegro, the former Yugoslav Republic of Macedonia and the UK** to provide their overdue reports for period 2013-2015; and the UK also for 2010-2012;
- Invited secretariat to share with Implementation Committee suggested improvements to the questionnaire for minor adjustments for next reporting round; and to explore opportunities for on-line/user-friendlier format for reporting

3. Compliance and implementation (3)

- Considered draft 2nd review of implementation of the Protocol.
- Agreed on its main findings;
- Noted countries comments and corrections to the draft regarding their own countries' responses and invited further such comments in writing **by 31 December**.
- Asked the secretariat to finalize the draft based on comments and forward to MOP/MOP-3.
- Revised and agreed to forward to MOP/MOP-3 decision III/1 on the review of implementation of the Protocol.
- Invited Montenegro, the former Yugoslav Republic of Macedonia to provide their overdue reports.

Compliance and implementation (4)

- Reviewed and further revised the **draft practical guidance on reforming legal and institutional structures with regard to application of the Protocol;**
- Invited secretariat to finalize the document taking into account the additional comments made, to post it on the Convention website and forward it to MOP/MOP3 for it to take note of;
- Agreed to invite MOP/MOP3 to recommend the guidance's use in facilitating legal and institutional reforms in the countries for the Protocol's effective application

3. Compliance and implementation (5)

- Welcomed information on legislative advice carried out in Armenia, and Belarus with EU funding from EaP Green Programme;
- Noted information by Armenia about submitting amendments to its law for Parliamentary approval in 2017;
- Welcomed information by Azerbaijan, Georgia, Ukraine and Kyrgyzstan about progress in adopting EIA and SEA legislation (developed with funding from EaP Green and – for Kyrgyzstan with Swiss funding);
- Also noted written information by Russian Federation on its progress in developing new legislation (expected to be adopted by 2019);
- Noted information on legislative developments in Kazakhstan and plans for implementation of SEA legislative advice project under current and next workplans 2016-2018 (with EU financing);

3. Compliance and implementation (6)

- Noted information by Kyrgyzstan and secretariat on further development and update of the Guidelines on EIA in a Transboundary Context for Central Asian Countries, with funding from Switzerland;
- As the Guidelines were delayed (expected to be ready in mid/late 2017) and not reviewed by Working Group during this intersessional period; decided to review and agree on them at Working Group's meeting in 2018; and then to recommend their use by the concerned countries; (and invite next MOPs in 2020 to acknowledge or take note of the Guidelines)

3. Compliance and implementation (7)

- Noted that Treaty Section required confirmation that Working Group's conclusion (at its 5th mtg, April 2016) demonstrated general consensus that inconsistencies identified in **authentic language versions of the Protocol and two amendments to the Convention** were of technical nature and appropriately addressed through correction procedure;
- Acknowledged that even one single objection would block correction procedure and lead to legal uncertainty;
- Confirmed its earlier conclusions, with one exception: Decided that article 11 para. 2 should remain unchanged;
- Requested secretariat to inform all Parties and Signatories electronically;
- In absence of concerns or objections by 25 November, requested secretariat to submit proposed corrections to the Depositary (UN Treaty Section) for its review and to be addressed accordingly;

Compliance and implementation cont'd (8)

- Invited the secretariat to initiate publishing/reprinting of the Protocol text once corrected without waiting for the MOP endorsement;
- In case of concerns or objections – agreed to invite ad hoc group to carry out additional work in advance of the MOP7 and MOP/MOP3

3. Compliance and implementation (9)

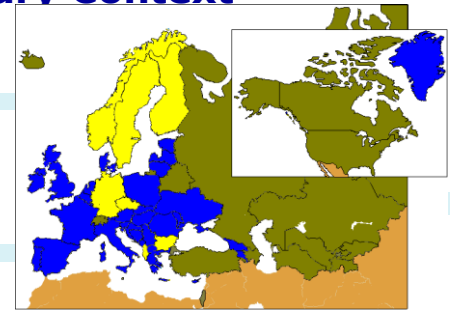
- Took note of the report of the secretariat on the publications processed since the last MOPs
 - Update on the opinions of the Implementation Committee;
 - Brochure on SEA – facts and benefits (in English, Russian, Georgian, Azerbaijani and Ukrainian)

4. Brainstorming on Convention's and Protocol's future

- Thanked Austria, Finland and the Netherlands for organization and Mr. Rob Verheem for facilitation of the brainstorming, consisting of “mind-mapping” on issues that delegations were proud of; and of small group discussions on elements to be maintained and/or improved;
- Noted following main conclusions from the small groups :
- What to keep:
 - network of focal points & points of contact
 - current organizational set up (bodies, meetings, etc.)
 - technical assistance and capacity building activities
 - exchange of experience between countries

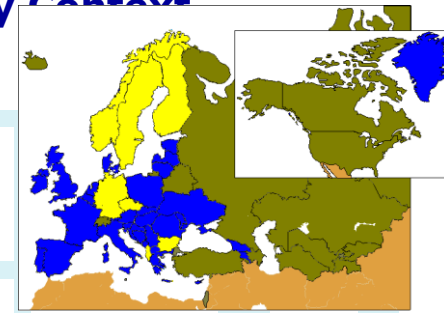
4. Brainstorming on Convention's and Protocol's future (cntd)

- What to change:
 - Intensify cooperation with other programmes, organizations & Treaties, particularly Aarhus Convention;
 - More flexibility about when and how meetings are organized e.g. making them more interactive (acknowledging that dates for meetings hosted and serviced by UNECE were set one year in advance; but that those hosted by countries could have a more flexible time schedules);
 - Find new funding strategies, e.g. by creating synergies with new partners such as IFI's;
 - Further promote Convention's & Protocol's role in addressing key challenges (climate change, achieving SDGs etc)
- Agreed to take these outcomes into account when discussing future workplan(s) and its/their implementation
- Invited organizers to provide a 2-3 page report on brainstorming's outcomes **by 1 December**



5. Status of ratification 1/3

- Noted secretariat's report on the status of ratifications of the Convention, its amendments and the Protocol;
- Welcomed recent accession of Malta and Italy's ratification of the Protocol, which brought its membership to 30;
- Welcomed recent ratifications by Romania of the 2nd amendment and by Italy of both amendments;;
- Noted with concern that 10 ratifications were still needed to render **1st amendment** operational - allowing accession by non-ECE States to the Convention;
- Noted that 2 more ratifications needed for of **2nd amendment's** entry into force;
- Took note of the delegations' reports on planned ratifications, with those from Denmark for both amendments; and France for the Protocol, being the most advanced.

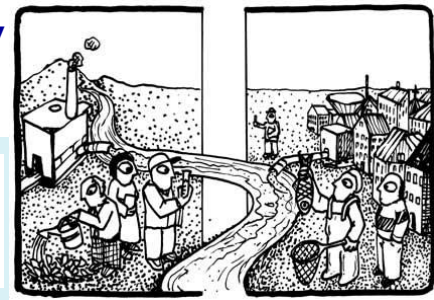


5. Status of ratification 2/3

- By next MOP, urged Armenia; Azerbaijan; Belgium; Canada; Cyprus; Denmark; Greece; FYROM; the UK and Ukraine to ratify 1st amendment; and all the Signatories of 2nd amendment to ratify it, to honour their political commitments;
- Agreed that Bureau members and delegations to continue to prompt above Parties to ratify through bilateral contacts and within the EU context, including by EU Presidency and the European Commission.

5. Status of ratification 3/3

- Welcomed the information by Albania that it had ratified the Bucharest Agreement but that it was still to deposit its instrument of ratification with the Treaty Depositary;
- Regretted the absence of information by other signatory States of the Bucharest Agreement (Bosnia & Herzegovina, Croatia, Greece and Serbia) on any plans to ratify it;
- Urged countries to ratify and to report on progress at the next MOPs



6. Subregional cooperation and capacity-building

- Welcomed reports provided by:
 - Latvia (in writing) on plans for holding 9th Baltic Sea Area workshop in Riga on 8-9 December 2016;
 - Secretariat on plans for subregional cooperation and capacity-building event scheduled to be held in Ukraine in 2017;
- Noted Romania's wish to again postpone to the next intersessional period the workshop and the first MoP for Bucharest Agreement, pending the identification of funding

7. Promoting ratification and application of the Protocol on SEA (1)

- Welcomed again the (published) **brochure on the Protocol and its benefits** and invited Parties to use it for promoting SEA at the national and sub-regional level;
- Noted reports from countries on usefulness of **video for promoting the Protocol** and SEA and again encouraged national focal points and NGOs to publish it on (environmental and sectoral) websites;
- Welcomed reports from the secretariat and the recipient countries on implementation of capacity building activities, including fact sheets and leaflets on SEA practice, training workshops, development of the national guidance on SEA, carrying out SEA pilots with funding from EaP Green, Switzerland and Sweden (see Inf. Doc. 3 and 8)

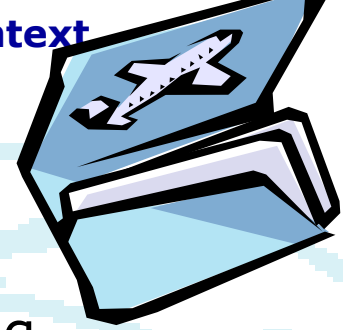
7. Promoting ratification and application of the Protocol on SEA (2)

- Welcomed a case study prepared on SEA of Estonia's sustainable energy programme with funding from EaP Green;
- Encouraged other Parties to submit case studies; and agreed on including preparation of fact sheets in the next workplan;
- Noted the further International Association for Impact Assessment (IAIA) informal pamphlets on key issues in impact assessment practice; and agreed on preparation of FasTips on Convention and the Protocol in the next period – with support from the secretariat;
- Welcomed funding opportunities from EaP Green for translation of FasTips into Russian

8. Budget, financial arrangements and financial assistance (1)

- Took note of the secretariat's financial report until end May 2016 and list of recent contributions to Convention's trust fund, which demonstrated insufficiency and unpredictability of voluntary financial contributions to the Convention Trust Fund and their unequal distribution among Parties, with a dependency on only 3 main donor Parties/organizations (Norway, EC, Switzerland);
- Noted that contributions barely covered priority 1 expenditures budgeted (costs of 1 professional staff) and travel of meeting participants; but not workplan implementation
- Noted information by UNECE Office of ES on changes in level of detail of future financial reporting (due to UMOJA);
- Again acknowledged shortfall between financial contributions and necessary expenditure to fulfil the workplan and the expected functions of the secretariat





8. Budget, financial arrangements and financial assistance (2)

- Welcomed preliminary information on the following pledges for the next intersessional period (2017-2020)
 - Netherlands: EUR 60,000/period
 - Poland: \$ 5,000/year
 - Slovenia: \$ 9,000/period
 - Switzerland: CHF 20,000/year + addit. earmarked contributions
- Invited further information on expected financial contributions to the trust fund, to be pledged at MOPs – (if possible) by mid February.
- Also welcomed information that EC expected to continue contributing as a min. at the same level;
- Noted Norway's information that possible further grants to UNECE MEAs were under discussion

8. Budget, financial arrangements and financial assistance (3)

- Invited countries to explore possibilities for funding, including that from other Ministries (e.g. Foreign Mins. for development assistance funding); for provision of a Junior Professional Officer; and in-kind contributions
- Noted following staff changes in the secretariat since April: selection of Elena Santer for XB post financed by Espoo Trust Fund (vacated by Aphrodite Smagadi in August); of Martin Smutny to manage EaP-GREEN until end 2017; of Elena Egorova to help with MoP preparations etc. until June 2017 (through savings from Espoo Trust Fund); and of Gaelle Rigo to provide admin. assistance at 50% (with funding from Norway).

8. Budget, financial arrangements and financial assistance (4)

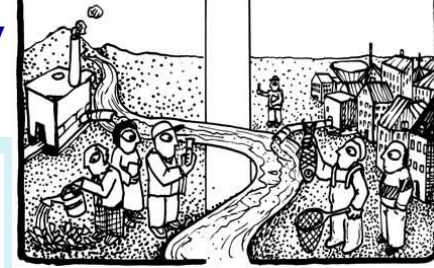
- Revised and agreed to forward to MOP-7 and MOP/MOP3 draft decision VII/4-III/4 on the budget, financial arrangements and financial assistance



9. Exchange of good practices

(a) Guidance on land-use planning, the siting of hazardous activities and related safety aspects

- Revised the two parts of the draft guidance
- Invited delegations, and EU presidency, to coordinate in capitals with colleagues responsible for Industrial Accidents Convention, to ensure that the same comments were presented to its COP (28-30 November 2016);
- Request secretariat to share revised document with the Ind. Acc. Conv. Secretariat;
- Inform the delegations via e-mail whether the IA COP agreed with the proposed changes;
- In case of agreement by IA COP, requested secretariat to forward the revised documents to the MOP7 and MOP/MOP3
- In absence of agreement, recommended that the documents be finalized by electronic means in consultation with the IA Bureau in advance of the MOP7 and MOP/MOP3



7. Exchange of good practices

(a) Guidance on land-use planning (2)

- Revised **draft decision VII/5–III/5** on the Guidance, (*to clarify that the guidance is divided into **general** guidance and technical guidance, and that the MOP-7 and MOP/MOP3 should be invited to **endorse** the general guidance*)
- Invited the secretariat to forward to MOP-7 and MOP/MOP3 (if agreement reached on the draft guidance with Ind. Acc. CoP)

9. Exchange of good practices

(b) Workshop on global application of the Convention and the Protocol

- Welcomed workshop organized by EIB with support from consultant and secretariat
- Thanked speakers from Cambodia, China, Mekong River Commission, Republic of Korea, Vietnam as well as from Germany and Slovenia; and asked the secretariat to place the presentations on the website.
- Noted the following draft conclusions from the workshop
- **Opportunities:**
 - Increasingly globalized world -> regional economic cooperation
-> inter-linkages between countries
 - National and cross-border projects with important transboundary implications -> increasing attention by national governments and growing need to foster management of shared natural resources

Workshop on global application (2)

- Examples of experimentation with transboundary SEAs and EIAs from China, Mekong Region and Greater Tumen Region
- **Obstacles**
 - Fear of loosing sovereignty in national decision-making
 - Varying levels of economic development and aspirations lead to differing development priorities among countries
 - Differing views on how TbEIA should be carried out
 - National laws do not require TbEIA (but some countries have started developing test procedures and pilots nevertheless)

Workshop on global application (3)

Opportunities (coexist with obstacles)

- Setting up a collaborative platform with interested countries and regional organisations – e.g. ASEAN, AIIB, MRC ,possibly ADB, UNDP, etc.
- Sharing lessons from the application of Espoo Convention: principles and technical know-how
- Promoting common criteria for use in transb. EIA on:
 - Size, location, effects of projects
 - Significance of transboundary effects
 - Procedures for consultations and cooperation



Workshop on global application (4)

- **Way ahead**

- Supporting pilot projects, demonstrating best practice
- Capacity building and build up a core team of experts who could facilitate national discussions and practice (Think Tank/WG/Secretariat)
- Supporting awareness raising on political and technical levels

9. Exchange of good practices

(b) Workshop on global application of the Convention and the Protocol (cont'd)

- Invited consultant to EIB to prepare by 1 December a brief report on the workshop and the informal discussions on possible follow-up activities, to be annexed to the Working Group's report.

9. Exchange of good practices

(c) Good practice recommendations on the application of the Convention to nuclear energy-related activities (1)



- Welcomed further work by consultants under supervision of editorial group for preparation of draft good practice recommendations, and support from secretariat;
- Thanked Switzerland for having funded the informal translation of the draft document into Russian; and noted that no funding had been available for informal French translation which Belgium (unlike France, Luxembourg and Switzerland) would have preferred;
- Revised and agreed on the text of the draft document – except on the good practice examples presented in boxes;
- Invited Parties to provide further good practice examples **by 30 November**;
- Mandated editorial group **by 31 January to** finalize the draft compilation of the boxes of the good practice examples, in accordance with following further approaches;

9. Exchange of good practices

(c) Good practice recommendations - nuclear (2)

(a) integrate a balanced number of examples in the official document containing the agreed good practice recommendations; respecting max length limitation (10,700 words); and if this not feasible

(b) prepare a compilation of good practices examples as an informal document. (In this case, all examples provided would be included after minor editing by the editorial group)

- Agreed that only minor further work would be needed from consultants (editing and polishing the draft document(s))
- In both cases, invited the Bureau at its meeting in February 2017 to finalize the text of good practice examples in order to ensure coherence with the recommendations and the decisions of the MOP .

10. Preparations for MOP7 and MOP/MOP3

- Welcomed report by Belarus and secretariat on progress in practical arrangements for the next sessions of the Meetings of the Parties (Minsk, 13-16 June 2017)
- Having considered pros and cons, decided to maintain the interval between the MOPs at three years
- Reviewed and revised the draft workplan for 2017-2020, and invited further comments and clarifications to the workplan by the **end of January 2017**, and invited the Bureau to finalize the draft for submission to the MOPs
- Revised and agreed to forward to MOP7 and MOP/MOP-3 draft decision VII/3-III/3 on the adoption of the workplan

10. Preparations for MOP7 and MOP/MOP3

- Noted secretariat's report on needs assessment for further capacity building activities in Eastern Europe, the Caucasus and – that to be completed for Central Asia and shared with Working Group;
- Welcomed information by the EU Commission and the secretariat about possible further funding of activities in Eastern Europe and the Caucasus in 2017 - 2020 under EU-ENP Environment and Climate Change Panel framework
- Acknowledged that fundraising and implementation of activities require significant human resources from the secretariat
- Requested comments on **decision VII/7-III/6** on development of a strategy and an action plan for the future application of the Convention and the Protocol **by end of January**; and invited the Bureau to finalize it for submission to the next MOPs

10. Preparations for MOP7 and MOP/MOP3

- Invited comments **by end of January** to the **draft Minsk declaration**, taking into account outcomes of the Batumi Conference, the brainstorming etc.; invited the Bureau to update its outdated paras (e.g. 3 and 16) and to finalize it for submission to the next MOPs
- Agreed on **outline programme** for the MOPs as in inf.doc 14
- Noted EU's suggestions for possible speakers in the panels;
(a) general segment: Hugo von Meienfeldt; Rob Verheem; Pitor Otawski, Michel Prieur, Matthias Sauer, a representative from EIB;
(b) high-level segment: representatives from EIB, European Commission DG Climate
- Agreed that European Ecoforum would contact local NGOs for their possible participation in the panels
- Invited volunteering lead-countries/organizations for organizing the panels
- Requested the Bureau, with support from secretariat, to prepare the **annotated provisional agenda** for MOP-7 and MOP/MOP-3

10. Preparations for MOP7 and MOP/MOP3

- Noted preliminary information on nominations for officers
 - For the **Bureau** from: European Commission, Norway, Armenia, Azerbaijan, Belarus, Finland and Ukraine
 - For the Chair of the **Working Group** from Slovenia
 - For the **Implementation Committee** from: Switzerland, Estonia; Portugal; Azerbaijan, and from Finland as alternate for Protocol matters to Switzerland;
- Invited further information on nominations by 15 February (for discussion by Bureau) – (and until next MOPs).
- Invited nominations for a **co-Chair of high-level segment** of MOP/MOP-3 (unless Belarus ratifies the Protocol 90 days before the MOPs; in which case Belarus would chair the high-level segment of both MOPs, and EC (G. Kremlis) its general segment, as proposed by WG5.)

10. Preparations for MOP7 and MOP/MOP3

- Noted proposals by the EU on two possible side-events during the MOPs related to
 - public participation in the field of sustainable energy (lead country to be identified);
 - preparation of good practice recommendations to nuclear energy (with participation of countries that proposed examples, lead country to be identified)
- Agreed that MOP8 and MOP/MOP-4 should be held in 2020 in Geneva (Palais des Nations) unless otherwise decided by the MOPs in 2017 or by the Working Group further to an offer by a Party to host them

11. Other business

- None raised