

**Training Workshop on the Practical Application of Transboundary
Environmental Impact Assessment (EIA): Bilateral Agreements on
Transboundary EIA**

DRAFT AGENDA

**16-17 March 2021
Kyiv, Ukraine**

Technical equipment: web-based video conferencing (Zoom)
Language: English-Ukrainian, English-Romanian (simultaneous interpretation)

Logistical note: Due to COVID-19, this workshop will be delivered as a virtual event, using the Zoom platform. All registered participants will receive connection details to access the platform.

Action implemented by:

Training Workshop on the Practical Application of Transboundary Environmental Impact Assessment (EIA): Bilateral Agreements on Transboundary EIA

16-17 March 2021 (16 March 15:00 – 17:00 Kyiv/Bucharest time; 17 March 14:00 – 17:30 Kyiv/Bucharest time)

Background

Within the framework of the European Union funded EU4Environment programme (2019-2022), UNECE is assisting the six Eastern Partnership countries, including Ukraine, in comprehensive capacity-building and institution building on Strategic Environmental Assessment and transboundary EIA and in finalizing legal reforms in this area.

Ukraine's experience in applying EIA in a transboundary context is significantly less developed than the application of EIA at the national level. The use of bilateral agreements on transboundary EIA is a practical way for the countries involved in transboundary EIA procedures, in particular, Ukraine and Romania to reconcile their national legislative requirements and procedures in advance, thereby improving capacities of environmental ministries to coordinate and supervise these procedures effectively. The Convention on Transboundary Environmental Impact Assessment in a Transboundary Context (Espoo Convention), as set out in article 8, provides a legal basis for bilateral agreements as a way for achieving its effective application. The bilateral agreement that the two countries initiated negotiations on a decade ago will be useful in addressing differences between the two countries' implementation practices and will support them in improving the implementation of the Convention.

The workshop will support Ukraine and Romania in the implementation of the recommendations made by the Meetings of the Parties (MOP) to the Espoo Convention in 2011–2020 on the development of the bilateral agreement (*See decisions/relevant parts of decisions VIII/4d; IS/1 (f); VI/2; V/4 regarding compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta*).

The workshop will further take into account other MOP decisions of relevance to bilateral agreements, including on decisions on reporting and reviews of implementation of the Convention (decisions VIII/5 (2020); VII/1 (2017); VI/1 (2014) and V/3 (2011) – as well as relevant recommendations and findings of the reviews of implementation adopted by the Meetings of the Parties (Sixth–Third Review covering the periods 2016-2018; 2013-2015; 2010-2012 and 2006–2009, respectively). These findings include a continuing need for bilateral agreements to address differences in: the content of the notification; language; time frames; how to proceed when there is no response to a notification or if there is disagreement about the need for notification; the interpretation of various terms and the conduct of post-project analysis.

Day 1 of the workshop will focus on the application of bilateral agreements, including their nature, scope and elements in light of the Espoo Convention and the European Union's Directive on EIA. Day 2 will provide an opportunity for environmental authorities from Ukraine

and Romania and legal experts to discuss the draft bilateral agreement and its relevant elements – to support the agreement’s further preparation and finalization with the EU4Environment funded assistance in 2021. The workshop will be facilitated by an international legal consultant to UNECE.

Meeting objectives, expected outputs and outcomes

The workshop will

- enhance the capacity of environmental ministries to design and apply bilateral agreements for the effective implementation of transboundary EIA procedures in line with the Espoo Convention (Article 8) and the European Union’s Directive on EIA;
- contribute to accelerating and completing the work on the preparation of the draft bilateral agreement on transboundary EIA between Ukraine and Romania.

Participants

The meeting will gather up to 40 participants from Ukraine and Romania representing environmental ministries and other relevant governmental agencies.

Practical Information

English is the main language of the workshop. Simultaneous interpretation in English - Ukrainian, as well as in English - Romanian will be provided.

About EU4Environment

The “European Union for Environment” (**EU4Environment**) aims to help the six partner countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine preserve their natural capital and increase people’s environmental well-being, by supporting environment-related action, demonstrating and unlocking opportunities for greener growth, and setting mechanisms to better manage environmental risks and impacts.

The Action is funded by the European Union and implemented by five Partner organisations: OECD, UNECE, UNEP, UNIDO and the World Bank based on a budget of some EUR 20 million. The Action implementation period is 2019-2022.

For further information contact: EU4Environment@oecd.org

For further information specifically on activities on SEA and transboundary EIA implemented by UNECE, please contact: leonid.kalashnyk@un.org

DRAFT AGENDA

Day 1

16 March 2021

Kyiv/Bucharest time: 15:00 - 17:00

CET: 14:00 -16:00

Time (Kyiv/Bucharest)	Item
15:00 – 15:30	<p>Opening</p> <p><i>Mr. Roman Shakhmatenko, Deputy Minister, Ministry of Environmental Protection and Natural Resources, Ukraine</i></p> <p><i>Mr. Ionut Sorin Banciu, State Secretary, Ministry of Environment, Water and Forests, Romania</i></p> <p><i>Ms. Chloe Allio, Head of Operations Section 3 "Economic cooperation, energy, infrastructure and environment", Delegation of the European Union to Ukraine</i></p> <p><i>Mr. Dennis Besedic, Head of Office, UN Resident Coordinator's Office in Ukraine</i></p> <p><i>Moderated by Mr. Leonid Kalashnyk, EU4Environment Project Manager at UNECE, UNECE secretariat to the Espoo Convention and its Protocol on SEA</i></p>
15:30 – 16:00	<p>Session 1: Legal basis, nature and scope of bilateral agreements in light of the provisions and established practice under the Espoo Convention and EU EIA Directive</p> <p><i>Presented by Mr. Jerzy Jendrośka, international legal expert to UNECE</i></p>
16:00 – 16:15	Questions and answers
16:15 – 16:45	<p>Session 2: Elements of bilateral agreements in light of the provisions and established practice under the Espoo Convention and EU EIA Directive and relevant recommendations by the Meeting of the Parties to the Espoo Convention</p> <p><i>Presented by Mr. Jerzy Jendrośka, international legal expert to UNECE</i></p> <p><i>Presented by Ms. Elena Santer, Secretary to the Implementation Committee under the Espoo Convention and its Protocol on SEA</i></p>
16:45 – 17:00	Questions and answers
17:00	Closure of Day 1

Day 2

17 March 2021

Kyiv/Bucharest time: 14:00 - 17:30

CET: 13:00 -16:30

Time (Kyiv/Bucharest)	Item
14:00 – 14:10	<p>Brief introduction to Day 2 of the workshop</p> <p><i>Presented by Mr. Jerzy Jendroška, international legal expert to UNECE</i></p>
14:10 – 14:40	<p>Session 3: Legal nature and scope of the bilateral agreement between Ukraine and Romania</p> <p>Statement by the representative of Ukraine regarding proposed legal nature and scope of the bilateral agreement in light of the legal framework of Ukraine (in particular Law on EIA of 2017) – 10 min</p> <p><i>Presented by Ms. Olena Miskun, Head of International Cooperation Division, Ministry of Environmental Protection and Natural Resources of Ukraine</i></p> <p>Statement by the representative of Romania regarding proposed legal nature and scope of the bilateral agreement in light of the legal framework of Romania (in particular Law on EIA of 2018) – 10 min</p> <p><i>Presented by Ms. Mihaela Macelaru, Councillor, Focal Point for the Espoo Convention, Ministry of Environment, Water and Forests of Romania</i></p> <p>Comments by legal experts aiming at identifying common positions, issues of concern and potential compromise approaches regarding proposed legal nature and scope of bilateral agreement – 10 min</p> <p><i>Mr. Dmytro Skrylnikov, legal expert; Mr. Felix Zaharia, legal expert; Mr. Jerzy Jendroška</i></p>
14:40 – 15:10	<p>Session 4: Scope of activities and approach to trigger transboundary procedure</p> <p>Statement by the representative of Romania regarding proposed scope of activities covered and approach to trigger transboundary procedure – 10 min</p> <p><i>Presented by Ms. Mihaela Macelaru</i></p> <p>Statement by the representative of Ukraine regarding proposed scope of activities covered and approach to trigger transboundary procedure – 10 min</p> <p><i>Presented by Ms. Olena Miskun</i></p> <p>Comments by legal experts aiming at identifying common positions, issues of concern and potential compromise approaches regarding proposed scope of activities covered and approach to trigger transboundary procedure – 10 min</p> <p><i>Mr. Felix Zaharia; Mr. Dmytro Skrylnikov; Mr. Jerzy Jendroška</i></p>
15:10 – 15:40	<p>Session 5: Public participation</p>

	<p>Statement by the representative of Ukraine regarding public participation (hearing, interpretation, division of responsibilities) – 10 min</p> <p><i>Presented by Ms. Olena Miskun</i></p> <p>Statement by the representative of Romania regarding public participation (hearing, interpretation, division of responsibilities) – 10 min</p> <p><i>Presented by Ms. Mihaela Macelaru</i></p> <p>Comments by legal experts aiming at identifying common positions, issues of concern and potential compromise approaches regarding public participation (hearing, interpretation, division of responsibilities) – 10 min</p> <p><i>Mr. Dmytro Skrylnikov; Mr. Felix Zaharia; Mr. Jerzy Jendrośka</i></p>
15:40 – 16:10	<p>Session 6: Time frames and documenting in the final decision how due account was take of the outcome of transboundary procedure</p> <p>Statement by the representative of Romania regarding time frames (response to notification, commenting etc) and documenting in the final decision how due account was taken of the outcome of transboundary procedure – 10 min</p> <p><i>Presented by Ms. Mihaela Macelaru</i></p> <p>Statement by the representative of Ukraine regarding time frames (response to notification, commenting etc) and documenting in the final decision how due account was taken of the outcome of transboundary procedure – 10 min</p> <p><i>Presented by Ms. Olena Miskun</i></p> <p>Comments by legal experts aiming at identifying common positions, issues of concern and potential compromise approaches regarding time frames (response to notification, commenting etc) and documenting in the final decision how due account was taken of the outcome of transboundary procedure – 10 min</p> <p><i>Mr. Felix Zaharia; Mr. Dmytro Skrylnikov; Mr. Jerzy Jendrośka</i></p>
16:10 – 16:50	<p>Session 7: Post-project analysis and other elements potentially to be included into the bilateral agreement</p> <p>Statement by the representative of Ukraine regarding post-project analysis and other elements potentially to be included into the bilateral agreement following the practice presented in Day 1 – 10 min</p> <p><i>Presented by Ms. Olena Miskun</i></p>

	<p>Statement by the representative of Romania regarding post-project analysis and other elements potentially to be included into the bilateral agreement following the practice presented in Day 1 – 10 min</p> <p><i>Presented by Ms. Mihaela Macelaru</i></p> <p>Comments by the legal expert from Ukraine aiming at identifying common positions, issues of concern and potential compromise approaches – 10 min</p> <p><i>Presented by Mr. Dmytro Skrylnikov</i></p> <p>Comments by the legal expert from Romania aiming at identifying common positions, issues of concern and potential compromise approaches – 10 min</p> <p><i>Presented by Mr. Felix Zaharia</i></p>
16:50 – 17:20	<p>Session 8: Completion of the bilateral agreement</p> <p>Statement by the representative of Ukraine regarding the contents of the bilateral agreement and the next steps for its completion – 10 min</p> <p><i>Presented by Ms. Olena Miskun</i></p> <p>Statement by the representative of Romania the contents of the bilateral agreement and the next steps for its completion – 10 min</p> <p><i>Presented by Ms. Mihaela Macelaru</i></p> <p>Comments by the legal expert from Ukraine aiming at identifying common positions and issues of concern and reaching consensus on the bilateral agreement's contents and the next steps – 5 min</p> <p><i>Presented by Mr. Dmytro Skrylnikov</i></p> <p>Comments by the legal expert from Romania aiming at identifying common positions, issues of concern and reaching consensus on the bilateral agreement's contents and the next steps – 5 min</p> <p><i>Presented by Mr. Felix Zaharia</i></p>
17:20 – 17:30	<p>Summary of the next steps and concluding remarks</p> <p><i>Mr. Jerzy Jendrośka, international legal expert to UNECE</i></p> <p><i>Mr. Leonid Kalashnyk, UNECE</i></p>
17:30	<p>Closure of the workshop</p>