

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

Tenth meeting

Geneva, 1–3 December 2021

Item 4 (a) of the provisional agenda

**Promoting practical application of the Convention and the Protocol:
subregional cooperation and capacity-building**

Update on the implementation of the activity on cooperation activities in marine regions

Note prepared by a consultant to the secretariat in cooperation with Italy

I. Introduction

1. The workplan for 2021–2023 adopted by the Meetings of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the Protocol on Strategic Environmental Assessment at their last sessions (Vilnius (online), 8–11 December 2020)¹ provides for enhancing subregional cooperation in marine regions. The activity aims to facilitate synergies, coordination and cooperation with relevant regional seas conventions and organizations. It also helps in reaching also out to United Nations member states that are not member countries of the Economic Commission for Europe but are located in selected marine regions. The activity is being funded by Italy and is being supported by two main consultants with expertise on the Espoo Convention and its Protocol as well as on regional sea conventions matters.

2. Based on proposals by the secretariat and Italy, the Bureau further defined the scope and the initial planning and implementation steps of the activity.² In addition to the Mediterranean sea, which is regulated by the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (hereafter the Barcelona Convention), the Bureau identified the

¹ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, annex I.

² See informal notes of the meeting of the Bureau (Geneva (online), 16 and 17 June 2021), para. 49, available at: <https://unece.org/environmental-policy/events/bureau-espoo-convention>.

following other relevant regions and corresponding instruments/bodies for the possible cooperation:

- (a) the Arctic Sea, regulated by the Arctic Council and its Working Group for the Protection of the Arctic Marine Environment³;
 - (b) the Baltic Sea, regulated by the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention);
 - (c) the Black Sea, regulated by the Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention) and its three protocols;
 - (d) the Caspian Sea, regulated by the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) and its four protocols; and
 - (e) The North-East Atlantic marine region – covering the Arctic waters, the Greater North Sea, the Celtic Seas, the Bay of Biscay and the Iberian coast and the wider Atlantic – regulated by the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention).
3. The activity will involve the following actions:
- (a) Carrying out a feasibility study to map out synergies and benefits for possible future cooperation activities to improve the coherence and the links between the Espoo Convention, its Protocol and the Barcelona Convention and other regional seas conventions.
 - (b) Organizing up to one joint technical (online) meeting per year, with interested Parties and the secretariats of the Barcelona Convention and the other regional seas conventions, to discuss synergies and possible cooperation opportunities between the respective treaties.
 - (c) Preparing a final draft assessment report presenting the identified synergies and a vision for the “way forward” and proposing possible joint activities for the subsequent workplans under the Espoo Convention and its Protocol, starting with 2024–2026 period.
4. This document summarizes progress in implementing and further planning the initial steps in the Phase 1 of this activity (extending from summer 2021 until spring 2022) and the outcomes of the first joint technical meeting between the interested countries, the secretariat to the Espoo Convention and its Protocol and the secretariats of the relevant regional seas conventions/councils, which was held online on 19 November 2021.⁴

II. Collecting expressions of interest and information

5. Following the conclusions on the scope and the initial planning and implementation steps of the activity by the Bureau, at its meeting in June 2021, the secretariat approached the secretariats of all the targeted regional seas conventions/bodies. It informed them about the activity on marine regions in the workplan of the Espoo Convention and its Protocol; inquired about the interest of their respective treaties to take part in the identification of synergies and possible cooperation activities and invited them to provide the following information:

- (a) Names and contact information of focal points for the further communication related to the activity (in the secretariat; among Parties);
- (b) Basic information regarding the respective treaties/ marine regions:
 - i. Legal requirements, activities, tools and instruments developed that directly or indirectly imply environmental assessment (strategic environmental assessment and environmental impact assessment) approaches, including in a transboundary context;

³ Unlike for the other marine regions, the protection and sustainable use of the Arctic Sea is not regulated by a regional seas convention but addressed within the framework of the Arctic Council and its Working Group for the Protection of the Arctic Marine Environment.

⁴ See the draft agenda available at: <https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/361987>

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- ii. Key relevant environmental protection measures and monitoring activities undertaken or planned for;
 - iii. Possible specific suggestions or cooperation needs and opportunities that would contribute to the implementation of the objectives and activities under the respective treaties and benefit their Parties to be further explored in the feasibility study and discussed at the annual joint technical meetings.

6. In September-October 2021, as a result of the exchanges, the secretariat received expressions of interest for cooperation and the requested information from the secretariats of the Barcelona Convention, the Helsinki Convention, the OSPAR Convention and the Tehran Convention. In addition, subsequently, the Chair of the Arctic Council's Protection of the Arctic Marine Environment Working Group (PAME) informally shared some information of the EIA-related activities in the Arctic subregion during the initial joint technical meeting (see items 10 and 11 below).

7. In addition, as suggested by the Bureau, the secretariat reached out to national focal points of Parties to the Espoo Convention and its Protocol in several countries that were also Parties to the relevant regional sea conventions, to seek their interest to follow the activity more closely, to comment draft working documents and to attend joint meetings.

8. In parallel, after the receipt of the first allotment of the earmarked funding for the activity from the donor country, Italy, in late September 2021, the secretariat proceeded with the selection of two consultants for supporting the phase 1 of the activity, based on detailed TORs, and in agreement with Italy: one senior expert on environmental impact assessment and strategic environmental assessment (hereafter the EIA/SEA consultant), and one senior expert on marine and coastal environmental protection and coastal zone management, in particular of the Mediterranean region (hereafter the marine consultant). The EIA/SEA consultant (Jiří Dusík) was contracted as of early November 2021. The marine consultant is expected to start at the beginning of 2022.

III. A draft initial assessment report

9. The EIA/SEA consultant prepared a draft initial assessment report that summarized information collected by the secretariat from the interested regional seas conventions/commission secretariats and supplemented it by desk-based research. This draft report is a working document that was drawn up to provide the basis for discussions at the initial joint meeting on the activity. The draft presents relevant provisions and activities under the interested regional seas conventions and commissions, suggestions for possible cooperation activities and key questions to be addressed in the detailed planning of further implementation steps.

10. The draft initial assessment report identified under the Barcelona Convention and its Protocols, Helsinki Convention, and Tehran Convention and its Protocols multiple provisions that relate to EIA processes, consideration of transboundary impacts, notification of potentially affected Parties, consultation of authorities, and final decision and its transmittal. It also noted that basic provisions related to SEA were included in the Barcelona Convention's Protocol on Integrated Coastal Zone Management in the Mediterranean, and implied in the Tehran's Convention Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities.

IV. An initial joint meeting with the secretariats of the regional seas conventions/bodies

11. The initial draft assessment report was discussed during an initial joint consultation/kick-off meeting which was held online on 19 November 2021, and which brought together the interested regional sea convention/body secretariats and Espoo Convention/Protocol on SEA focal points. The meeting agenda had been prepared with support of a consultant to the secretariat, in consultation with Italy.

12. The joint meeting was convened and chaired by the secretariat and attended by some 25 representatives of ECE member states (Finland, France, Germany, Greece, Italy, Norway, Poland,

Spain, Sweden); the European Commission; secretariats of the interested regional seas conventions (the Barcelona Convention, the Espoo Convention and the Protocol on SEA, the Helsinki Convention, the OSPAR Convention, and the Tehran Convention); the Chair of the Arctic Council's PAME Working Group, and two consultants.

13. The meeting served to introduce the participants and the activity in marine regions; to present the initial draft assessment report and seek feedback additional information, views and suggestions for the further development of the document, including suggestions for cooperation opportunities. Moreover, to share also practical experience in the application of the Convention and/or the Protocol, Polish experience on the role of SEA in maritime spatial planning was presented. Lastly, the meeting discussed the next implementation steps and their time-schedule.

14. The initial consultations confirmed the interest in the cooperation on transboundary EIA and SEA in the marine regions by the regional sea conventions/bodies and several countries that were Parties to both the Espoo Convention, its Protocol and regional sea conventions During the meeting the following areas for potential future cooperation were identified:

- (a) General exchanges of experience on procedures and institutional arrangements for transboundary EIA and SEA (e.g. Designation of focal points in the national authorities by the contracting Parties under the EIA Protocol, notification/ communication forms and procedures, procedures for consultation of authorities, public participation procedures, transparent decision making, post project analysis, and procedures for dispute settlement);
- (b) Exchanges of information on practical experience that showcase good practices in the application of transboundary EIA and SEA to projects, plans and programmes in the respective marine regions. Such exchanges would be particularly helpful for the forthcoming implementation Tehran Convention's Protocol on Environment Impact Assessment in a Transboundary Context (adopted in July 2018 and expected to come into force soon) and possibly also for future cooperation with the Parties to the Barcelona Convention located in the southern-shore of the Mediterranean Sea, in northern Africa;
- (c) EIA/SEA in marine spatial planning, including application of transboundary EIA/SEA for the implementation of integrated coastal zone management and marine spatial planning at sub-regional level in the Mediterranean region;
- (d) EIA/SEA related to pollution prevention efforts (e.g. Application of Offshore Protocol EIA Guidelines in a transboundary context under the Barcelona Convention, Transboundary EIA/SEA for sub-regional marine oil pollution contingency plans in the Mediterranean);
- (e) Exchanges of experience on EIA/SEA for (scaling up of) offshore renewable energy in a way to minimize cumulative environmental impacts;
- (f) A potential application of transboundary EIA and SEA to proposed development activities, programmes or plans that are likely have significant adverse impacts on the marine environment in areas beyond the limits of national jurisdiction (ABNJ) as addressed in the negotiations on the international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction based on the General Assembly resolution 72/249.

V. Next steps

15. The further implementation of the activity will continue, involving a feasibility study to map out synergies and benefits for possible future cooperation activities to improve the coherence and the links between the Espoo Convention, its Protocol and the Barcelona Convention and other regional seas conventions. As agreed by the Bureau, this work aims in particular to:

- (a) Identify relevant legal requirements, activities, tools and instruments developed under the selected regional sea conventions, which directly or indirectly imply environmental assessment approaches, including in a transboundary context, for the assessment of the state of the marine environment and of possible environmental, including health, impacts;

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- (b) Point out similarities and differences amongst the methods and approaches chosen under the respective treaties and evaluate their coherence with the Espoo Convention and its Protocol;
 - (c) Identify good practice and lessons learned as well as development areas and needs in terms of environmental assessment procedures as set out in Espoo Convention and its Protocol;
 - (d) Identify monitoring activities and environmental protection measures undertaken and planned for under the regional sea conventions. Taking account of the different characteristics of each marine sub-region, indicate common and diverging elements as well as key sectors, environmental matrices/impacts and issues to focus on (covering also integrated ecosystem management, maritime spatial planning and “source-to-sea” approach).

16. The implementation of the activity in the intersessional period 2021–2023 has been scheduled in accordance with the meeting schedule of the Bureau, the Working Group and ultimately the Meetings of the Parties to ensure that the treaty bodies under the Espoo Convention and its Protocol are informed and consulted on the progress. At its meeting in June 2023, the Working Group on EIA and SEA will be able to consider the draft assessment report and the draft workplan for 2023–2026, which would propose some identified cooperation activities in marine regions for the next intersessional period. After consultations at a third and final joint meeting (online), to be held possibly on 6-7 July 2023, the draft final assessment report would be completed and forwarded for consideration of the Meetings of the Parties’ next sessions, preliminarily scheduled for 12–15 December 2023.

17. During the first implementation phase, the subsequent key steps will include the following:

- (a) The preparation of a draft implementation report by the two main consultants to the secretariat, addressing the items in paras 13(a) and 13(b) above and taking also into account the outcomes of the initial meeting and the further information gathered;
- (b) The preparation of a second joint technical meeting with interested Parties and secretariats of the Barcelona Convention and the other regional seas conventions, to discuss and further develop the outcomes of the feasibility study. The meeting is scheduled to last 1.5–2 days and has been preliminarily planned to take place the second half of June/first week of July 2022. It could be held either online/or in person, possibly in Athens(tbc).

18. In order to ensure that these forthcoming activities focus on key issues of interest to the Parties to the Espoo Convention and its Protocol, it would be useful if the Working Group on EIA and SEA could advise on:

- (a) Priorities for any potential future cooperation in the marine regions described in the paragraph 13 of this report.
- (b) Interest by volunteering Parties to share basic information (e.g. internet links) on the practical implementation of the Convention or the Protocol that would show-case good practices in transboundary EIA and SEA in the respective marine regions.
- (c) Any preferences for the format and contents of the second joint technical meeting to be held in the second half of June/first week of July 2022.

19. Any further Party to the Espoo Convention and the Protocol and to one or several regional seas conventions that would wish to follow/take part in the activity would be invited to contact the secretariat to:

- (a) be included in the distribution list for the related correspondence;
 - (b) be able to receive and comment the draft documents discussed at the joint meetings with the regional sea convention/body secretariats and Parties;
 - (c) have the possibility to attend the annual joint meetings.
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