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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

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

I. Introduction

1. The tenth 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 was held in Geneva from 1 to 3 December 2021. The meeting was held in a hybrid mode that allowed for both remote (via an online interpretation platform) and in-person participation.

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, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and Uzbekistan. The European Union was represented by the European Commission. Statements on behalf of the European Union and its member States were made by both Slovenia, which held the Presidency of the Council of the European Union in the second half of 2021, and the European Commission. Chile, as a State Member of the United Nations, was also represented.



3. Representatives of the following United Nations bodies participated: the International Atomic Energy Agency, the United Nations Environment Programme (UNEP) and the World Health Organization (WHO). The Organization for Security and Cooperation in Europe (OSCE) and the European Investment Bank also took part. Representatives of the following non-governmental organizations (NGOs) were present: the Caucasus Environmental NGO Network; the European ECO-Forum, the International Association for Impact Assessment (IAIA), Nuclear Transparency Watch and Society and Environment (Ukraine). In addition, academics from the National University of Singapore and Hokkaido University (Japan) and two independent experts attended the meeting.

B. Organizational matters

4. The Chair of the Working Group, Ms. Dorota Toryfter-Szumanska (Poland), opened the meeting.

5. The Working Group adopted its agenda for the meeting (ECE/MP.EIA/WG.2/2021/1).¹

II. Status of ratification

6. The secretariat reported on the status of ratification of the Convention, its two amendments and the Protocol (ECE/MP.EIA/WG.2/2021/INF.2). The Working Group also noted the information provided by delegations regarding progress towards ratification, with Ireland having advanced the furthest regarding the first amendment, and Ukraine regarding both amendments to the Convention. In both cases, the ratifications were expected in early 2022/the first quarter of 2022. However, the Working Group remained concerned that five ratifications were still needed for the first amendment to become operational, allowing non-ECE countries to accede to the Convention. Consequently, it urged Armenia, Belgium, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland to make every effort to ratify the amendment as soon as possible. Moreover, to ensure unified application of the Convention by all its Parties, the Working Group urged the following 10 Parties to proceed with the ratification of the second amendment: Armenia, Belarus, Belgium, Bosnia and Herzegovina, Ireland, Kazakhstan, Kyrgyzstan, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland. The Working Group then urged the signatory States to the Protocol that had not already done so (Belgium, France, Georgia, Greece, Ireland and the United Kingdom of Great Britain and Northern Ireland) to ratify the instrument. The countries beneficiaries of technical assistance that were not yet Parties to the Convention and/or the Protocol – Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – were also strongly encouraged to accede to those instruments. Lastly, Croatia and Greece were invited to join the 2008 Multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Bucharest Agreement), and Bosnia and Herzegovina was encouraged to accede thereto. All the above-mentioned Parties were invited to report on their progress at the next meeting of the Working Group (Geneva, 19–21 December 2022).

7. The Working Group welcomed the OSCE initiative to organize a meeting on 15 December 2021 among the national focal points of South-Eastern European countries to discuss the implementation of transboundary environmental impact assessment and strategic environmental assessment in the subregion. It invited OSCE to link those discussions to the implementation of the Bucharest Agreement and its further development, including to cover transboundary consultations under the Protocol on Strategic Environmental Assessment.

¹ All official and informal documentation for the meeting and other information, such as presentations and statements provided to the secretariat, is available at <https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/350793>.

III. Compliance and implementation

1. Review of compliance

8. The Chair of the Implementation Committee informed the Working Group about the main outcomes of the Committee's forty-ninth, fiftieth and fifty-first sessions (Geneva, 2–5 February, 4–7 May and 4–7 October 2021, respectively)² and the main objectives of its fifty-second session (Geneva, 1–4 February 2022).

9. The Working Group took note of the report of the Committee's Chair. It welcomed the work of the Committee in addressing complex and constantly increasing number of compliance issues, including those regarding the lifetime extension of nuclear power plants, which the Committee was re-examining based on the related guidance adopted by the Meeting of the Parties to the Convention in December 2020.³ It also noted the Committee's efforts in drafting proposals for amendments to its modus operandi⁴ regarding issues of quorum and conflict of interest for nuclear energy-related issues involving multiple Parties.

10. Noting that the Committee's work was continuously hindered by the lateness and insufficient quality of some Parties' responses, the Working Group recalled that the Meetings of the Parties had strongly urged the concerned Parties to facilitate the Committee's work in good faith by providing it with the requested information in a timely manner and in good quality.⁵

11. The Working Group also noted that Austria was about to complete its pending nomination of an alternate member of the Committee and invited it to provide that member's contact information by the Committee's next session.

2. Reporting and review of implementation

12. The Chair of the Working Group recalled that one of the goals of the Long-term strategy adopted in 2020⁶ was to improve reporting and review of implementation, including through improving the timeliness and quality of the mandatory reporting and the questionnaires, as well as maximizing the usefulness of the reviews of implementation as sources of information, for them to: better highlight progress achieved; draw attention to areas that needed improvement; disseminate best practice; and inform the Implementation Committee of potential non-compliance.⁷ The Working Group welcomed the Implementation Committee's proposals for modifications to the questionnaires for the report on implementation of the Convention and the Protocol in 2019–2021 (ECE/MP.EIA/WG.2/2021/3 and ECE/MP.EIA/WG.2/2021/4, respectively) with a view to improving the information obtained through them regarding potential non-compliance and by turning them into tools for collecting and disseminating good practice, as required by the current workplan,⁸ including on the key themes listed in the workplan. The Committee had prepared the proposals considering also comments by the Bureau and the feedback provided by Parties to the previous questionnaires.

13. The Working Group approved the modified questionnaires, as amended, and requested the secretariat to finalize the documents accordingly. It specified that sharing good practice was not a reporting obligation, while echoing the Bureau in encouraging the Parties to do so as provided for in part two of the modified questionnaires.

² For the relevant Implementation Committee meeting reports, see documents ECE/MP.EIA/IC/2021/2 (forty-ninth session), ECE/MP.EIA/IC/2021/4 (fiftieth session) and ECE/MP.EIA/IC/2021/6 (forthcoming) (fifty-first session).

³ *Guidance on the Applicability of the Convention to the Lifetime extension of Nuclear Power Plants*, United Nations publication, ECE/MP.EIA/31.

⁴ See https://unece.org/DAM/env/eia/documents/ImplementationCommittee/2014_Structure_and_functions/Implementation_Committee_structure_functions_procedures_rules.e_2014.pdf.

⁵ ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2, decision VIII/4, para. 11.

⁶ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex.

⁷ *Ibid.*, item II.A.9.

⁸ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, annex I, item II.B.1.

14. The Working Group was also informed of the reporting templates for the European Union for the implementation of the Convention and the Protocol (ECE/MP.EIA/WG.2/2021/INF.5 and ECE/MP.EIA/WG.2/2021/INF.6, respectively). The Implementation Committee had prepared them as requested by the Meetings of the Parties, in consultation with the European Union, represented by the European Commission, to fit the context and the competencies of the European Union to facilitate its reporting.⁹ The Working Group noted the templates and the comments made by the delegation of the European Union. It invited the Committee to further consult the European Union (the European Commission and the country holding the Presidency of the Council of the European Union) on the templates before submitting them for consideration of the Working Group at its next meetings. The secretariat clarified that the templates could not be prepared as official documents in 2022 because the translation quotas for official documents had already been exhausted with documents mandated by Meetings of the Parties, and that the quotas for 2023 were still subject to confirmation by the United Nations document services. Taking note of the information, the Working Group invited Parties to explore opportunities for informally translating the documents into the other two official languages of ECE (French and Russian) to enable decisions by the Working Group. It noted the commitment by the European Union to report under the Convention and the Protocol and invited it to do so during the next reporting round through the questionnaires for the States parties, as amended and agreed by the Working Group.

15. The Working Group agreed on a timetable for the distribution and return of the two questionnaires and the preparation by the secretariat of the draft seventh review of implementation of the Convention and the draft fourth review of implementation of the Protocol (ECE/MP.EIA/WG.2/2021/INF.4). It requested the secretariat to send both questionnaires to the Parties by 31 December 2021, for completion by 30 April 2022. Emphasizing the importance and the mandatory nature of reporting under the Convention and the Protocol, the Working Group urged all Parties to report in a timely manner and in good quality. It thanked Canada for offering, by the end of 2021, to explore opportunities to again translate reports from original French into English, as an in-kind contribution.

16. The Working Group welcomed the publication by the secretariat of the *Sixth review of implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (2016–2018)*¹⁰ and the *Third review of implementation of the Protocol on Strategic Environmental Assessment (2016–2018)*,¹¹ in electronic format, the informal publication and periodic revision of the opinions of the Implementation Committee¹² and the *Guidance on the Applicability of the Convention to the Lifetime Extension of Nuclear Power Plants*.

3. Legislative assistance to support implementation and ratification

17. The Working Group reviewed progress in providing legislative assistance envisaged in the workplan for 2021–2023 with a view to promoting the implementation of or accession to the two treaties.¹³

18. The delegations of Azerbaijan, Belarus, the Republic of Moldova, Romania and Ukraine reported on the assistance to their countries that the secretariat had facilitated with European Union funding under the EU4Environment programme.¹⁴ The secretariat complemented that information. The meeting noted the plans to finalize a draft bilateral agreement between Romania and Ukraine in the first half of 2022. It also noted the statement by the delegation of Belarus that the country appreciated the EU4Environment-funded

⁹ ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2, decision VIII/5, para. 6, and ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3, decision IV/5, para. 6

¹⁰ United Nations publication, ECE/MP.EIA/32.

¹¹ United Nations publication, ECE/MP.EIA/SEA/14.

¹² Available at <https://unece.org/environment-policy/environmental-assessment/implementation-committee>.

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

¹⁴ More information on the EU4Environment programme and the activities implemented by the secretariat is available at <https://unece.org/environment-policy/environmental-assessment/eu4environment>.

technical assistance but regretted and was disappointed about the suspension of that funding by the European Union.

19. The delegations of Kazakhstan and of Uzbekistan reported on the steps taken by their countries in establishing compliant national environmental impact assessment and strategic environmental assessment systems with support from the secretariat and OSCE and funding by Germany¹⁵ and Switzerland.¹⁶

20. The Working Group welcomed the information provided and the efforts undertaken by the concerned countries with support from the secretariat and expressed appreciation for the donor funding made available by Germany, Switzerland and the European Union. It expressed a wish that all the assisted countries would soon have aligned their legislation with the Convention and the Protocol and, if not yet Parties, would take the steps to ratify/accede to the treaties and, as relevant, to ratify the amendments to the Convention.

IV. Promoting practical application of the Convention and the Protocol

A. Subregional cooperation and capacity-building

21. The Working Group considered progress with the subregional cooperation and capacity-building activities envisaged in the current workplan.¹⁷

1. Marine regions

22. The delegation of the donor country, Italy, the secretariat and a consultant to the secretariat reported on progress in planning and implementing an activity for the identification of synergies and possible cooperation activities in marine regions. The Working Group acknowledged the importance of the activity and thanked Italy for funding it. It welcomed the progress made by the secretariat, in consultation with Italy, in implementing the activity, further to the guidance provided by the Bureau.¹⁸ The steps undertaken had included: reaching out to the secretariats of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and the other regional seas conventions identified by the Bureau and to national focal points of Parties to the Espoo Convention and its Protocol in marine regions to collect expressions of interest in the activity and relevant information; drafting of an initial assessment report with support from a consultant; and organizing an initial joint meeting of the interested regional sea convention/body secretariats and national focal points (Geneva (online), 19 November 2021).¹⁹ The Working Group noted that 10 Parties (Finland, France, Germany, Greece, Italy, Norway, Poland, Slovenia, Spain and Sweden) had expressed their interest in following the activity more closely and in disseminating the related information at the national level, and that Romania and Azerbaijan were interested in doing the same in the future. The Working Group invited any other Parties that wished to be added on the list of countries to contact the secretariat.

23. The Working Group noted that the activity focused on those marine regions identified by the Bureau, where the corresponding regional sea convention/body had expressed an interest in cooperating, namely: the Arctic, Baltic, Caspian and Mediterranean Seas and the North-East Atlantic marine regions. It welcomed the activity's aim to collect good practice in the implementation of the Convention and the Protocol and to disseminate it to projects, plans and programmes of relevance to marine environments and coastal zones.

24. The Working Group also noted the plans for the next steps and invited both Parties and stakeholders to provide, by the end of January 2022, feedback to suggestions contained

¹⁵ For strategic environmental assessment-related support.

¹⁶ For environmental impact assessment-related support.

¹⁷ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, annex I, item III.A.

¹⁸ ECE/MP.EIA/WG.2/2021/5.

¹⁹ ECE/MP.EIA/WG.2/2021/INF.7.

in document ECE/MP.EIA/WG.2/2021/INF.7, including prioritizing cooperation areas proposed by the regional seas convention/body secretariats and indicating preferences regarding the format and content of the forthcoming joint technical meeting to be held either online or in person (possibly in Athens) in the second half of June or early July 2022.

25. By that same deadline, the Working Group invited Parties to share basic information on relevant good practice (such as weblinks to information available online) to be summarized by the consultant(s) to the secretariat in consultation with the Parties in question.

26. The Working Group took note of the information provided by the Chair of the Bureau for the Convention on relevant activities in other international forums: the Athens Declaration on climate change and the environment in the Mediterranean adopted at the Eighth Summit of the Southern Countries of the European Union (Athens, 17 September 2021) and the United Nations Ocean Conference (Lisbon, 27 June–1 July 2022).

2. Central Asia

27. The Working Group welcomed the information from the secretariat on the finalization of needs assessment reports for the introduction of strategic environmental assessment systems in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan and the related awareness-raising events that had been held in the above-mentioned Central Asian countries under the joint ECE/OSCE project “Strengthening national and regional capacities and cooperation on Strategic Environmental Assessment (SEA) in Central Asia”, which aimed to strengthen such capacities as an essential tool for environmentally sustainable economic development and as a means for addressing specific environmental challenges, including climate change.²⁰ It also welcomed the information from OSCE on its translation into the national languages of the five Central Asian countries of the following material with the remaining project funding: the video on the Protocol,²¹ the brochure entitled “Protocol on Strategic Environmental Assessment: Facts and Benefits”²² and the OSCE cartoon format guide to the Espoo Convention and its Protocol (“The Espoo Convention: Selected elements in pictures”).²³ The secretariat was invited to publish the translated material on the ECE website once completed.

28. The secretariat also reported on the main outcomes of the Final Subregional Conference on Strategic Environmental Assessment in Central Asia (“video-bridge” format, 10 November 2021), held under the joint ECE/OSCE project. The countries had identified the following priority needs for further support for establishing compliant environmental impact assessment and strategic environmental assessment systems: assistance in finalizing legal reforms; comprehensive capacity-building and institution building, including pilot projects and training-of-trainers courses. The delegations of Kazakhstan and of Uzbekistan thanked the secretariat, OSCE and the donor Governments – the Government of Germany and the Government of Switzerland – for the support received, also expressing appreciation for the useful exchanges with the other Central Asian countries. OSCE and the secretariat invited donors to consider supporting the follow-up work in Central Asia to be coordinated by OSCE.

3. Other subregional activities

29. The Working Group welcomed the reports provided by:

(a) Estonia, on the eleventh subregional cooperation meeting for the Baltic Sea area that it had organized (Tallinn (online), 3 November 2021), and Poland, on its preparations for a twelfth subregional meeting for the third quarter of 2022;

(b) Croatia, on plans to organize the Fifth Regional Conference on Environmental Impact Assessment “Environmental assessments and European Green Deal 2022” (Vodice, Croatia, 14–17 September 2022);

²⁰ For more information, see www.unece.org/central-asia.

²¹ Available at www.youtube.com/watch?v=KTHKqxC_C8 (in English).

²² Available at www.unece.org/info/Environment-Policy/Environmental-assessment/pub/21615.

²³ Available at www.osce.org/occea/488110.

(c) The secretariat, on plans for organizing a second subregional event funded by the EU4Environment programme in summer 2022, provisionally scheduled to be held online in June or July. To assess the beneficiary countries' needs for the event more effectively, the concerned countries would be asked to complete a short survey in early 2022.

30. The Working Group expressed its appreciation for the efforts made and the funding and in-kind contributions provided for the organization of the events.

B. Capacity-building

1. Draft guidance on assessing health impacts in strategic environmental assessment

31. The Working Group reiterated the need for guidance on health in strategic environmental assessment that had initially been requested by countries of Eastern Europe and the Caucasus. The Chair recalled that draft guidance had been prepared in the period 2018–2020 with support from European Investment Bank-funded consultants, in consultation with WHO and a task force composed of representatives of Austria, Finland, Ireland and Slovenia, but that the Working Group had not forwarded the draft document for consideration of the Meeting of the Parties, based on the view of the delegation of the European Union that it required further revision.²⁴ The Working Group recalled that, at its fourth session (Vilnius (online), 8–11 December 2020) the Meeting of the Parties to the Protocol had urged “Parties and stakeholders to finalize that work during the next intersessional period, subject to the availability of resources”²⁵ and had also invited Parties to contribute in-kind expertise for that purpose.²⁶

32. The Working Group noted areas of improvement identified by the European Union and its member States and their position that a comprehensive revision was required to achieve practical and effective guidance.²⁷ Noting that, at that stage, no Party had expressed its engagement in convening a dedicated working group or proposed an alternative working arrangement that could lead to a revision of the draft guidance, the Working Group invited delegations to do so in advance of the next meeting of the Bureau (scheduled for 9 and 10 June 2022). It invited the Bureau to reassess the situation at its next meeting. The Working Group took note of the statements by the delegations of Albania, Azerbaijan and Ukraine on the urgency regarding completion of the guidance by 2023.

33. The Working Group noted the revision proposals provided by WHO, as well as the statements by the Chair of the Meetings of the Parties at the Meetings' most recent sessions²⁸ and representatives of WHO and IAIA on the urgent need to issue guidance on integrating health into strategic environmental assessment and suggestions, for example, to engage a consultant or to set up an independent expert group to support the completion of the draft guidance. It also noted that, in the view of WHO and IAIA, some of the comments from the delegation of the European Union were not implementable owing to the restrictions imposed regarding the length of official United Nations documents (a maximum of 10,700 words, or some 20 pages).

34. The Working Group noted a comment from one of the co-authors of the *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment*²⁹ to the effect that it was up to health authorities to define the scope of health in strategic environmental assessment.

35. The Working Group welcomed the forthcoming publication by WHO of case studies of health in strategic environmental assessment and environmental impact assessment across

²⁴ ECE/MP.EIA/WG.2/2020/2, para. 41.

²⁵ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, seventh preambular para. (f).

²⁶ ECE/MP.EIA/30–ECE/MP.EIA/SEA/13, para. 33.

²⁷ Comments from the delegation of the European Union were circulated by email to the registered meeting participants on 27 November 2022, but the secretariat was not authorized to post them on the meeting web page.

²⁸ ECE/MP.EIA/30–ECE/MP.EIA/SEA/13, para. 33.

²⁹ United Nations publication, ECE/MP.EIA/17.

the WHO European Region. It encouraged Parties to the Protocol to submit good practice through the questionnaires for reporting under the Protocol, including on practical assessment methods and tools.

2. Activities in Eastern Europe and the Caucasus

36. The secretariat reported on its capacity-building activities funded through the EU4Environment programme, and on the European Union mid-term evaluation of that programme, which had recommended a no-cost extension of the programme until 2023 and an update of the beneficiary countries' workplans. The Working Group welcomed the information provided, noting in particular:

(a) The urgent need for some beneficiary countries to propose a draft government plan/programme for strategic environmental assessment pilots that had to be launched in early 2022;

(b) The translation of the video on the Convention for the beneficiary countries of Eastern Europe, which would be followed by its translation into the national languages of the countries of the Caucasus by early 2022;

(c) The plans to develop a model for a strategic environmental assessment database, in two stages (needs assessment and development stages).

37. The Working Group also welcomed the information from the delegations of Azerbaijan, the Republic of Moldova and Ukraine on selected capacity-building activities, particularly the countries' plans and priorities regarding strategic environmental assessment pilots and, as relevant, national guidance documents. It invited the beneficiary countries to make efficient use of the technical assistance received.

3. Activities in Central Asia

38. The delegation of Kazakhstan and the secretariat reported on the implementation of technical assistance that Kazakhstan had requested to further help it build its capacities for implementing compliant environmental impact assessment and strategic environmental assessment systems. Since February 2021, the secretariat had provided comprehensive assistance towards that end in cooperation with OSCE and the European Union Partnership for Action on Green Economy. The delegation of Kazakhstan expressed its appreciation for the well-targeted activities highlighting, in particular: the preparation of a road map for the establishment of environmental impact assessment and the related implementing instruction; and a series of more than 12 online workshops on strategic environmental assessment and environmental impact assessment, including in a transboundary context, organized with funding from OSCE, Switzerland, the European Union and ECE.

4. FasTips

39. The Working Group acknowledged the valuable work carried out by IAIA in promoting best practices in impact assessment, including via its "FasTips".³⁰ It took note of the two most recently issued FasTips concerning circular economy and biodiversity, as well as of the translations of the existing FasTips, including into Japanese.

C. Exchange of good practice

40. The Chair reminded the Working Group about the thematic workshops or seminars for the exchange of good practices on selected topics to be organized by lead countries or organizations during the meetings of the Working Group in 2022 and 2023 and/or the sessions of the Meetings of the Parties in 2023, in accordance with the workplan for 2021–2023.³¹ The delegation of Belarus reaffirmed the country's commitment to organize, with other interested Parties, a seminar on the consideration of alternatives to and the rationale for

³⁰ For FasTips in English, see www.iaia.org/fasttips.php; for their translations, see www.iaia.org/translated-documents.php.

³¹ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, annex I, item III.B.1.

selected options of the proposed activities in the environmental impact assessment documentation with interested Parties, during the intersessional period, despite the reservations of the European Union regarding the funding of the activity under the EU4Environment programme. In the absence of offers by delegations to organize a seminar during the next meeting of the Working Group (Geneva, 19–21 December 2022), the Working Group invited countries and organizations to put forward such offers for consideration by the Bureau at its meeting in June 2022.

41. The Chair recalled that the workplan also foresaw the preparation by Parties of fact sheets on their practical application of the Convention and/or the Protocol.³² The delegation of Poland announced that it was considering producing such a fact sheet on an as-yet unspecified topic. The Working Group welcomed the information, inviting other Parties to volunteer to prepare fact sheets.

42. The Working Group noted that no delegation had offered funding for an online database of Parties' good practice, or for the collection and compilation of good practice, that was equally foreseen in the workplan, subject to the identification of additional resources and funding for consultants.³³

43. The Chair and the secretariat highlighted the usefulness of sharing good practice and lessons learned for current and future Parties alike. The Working Group again encouraged Parties to volunteer to submit practical examples of application of the treaties. It expressed its appreciation for the fact that the activity funded by Italy on marine regions would allow for the collection and compilation of good practice in marine regions, with support from a consultant.

V. Seminar on sustainable infrastructure

44. A full-day seminar was held on sustainable infrastructure. It had been co-organized by Switzerland and the secretariat to enable the delivery of presentations on and the discussion of the application of the Convention and the Protocol to infrastructure projects, plans and programmes with a view to illustrating the treaties' role and benefits for promoting sustainable infrastructure, transparent and participatory decision-making and international cooperation. The seminar also allowed for learning from partner organizations on their related activities. The seminar was moderated by Ms. Martine Rohn-Brossard (Head of Section, Europe, Trade and Development/Deputy Head, International Division, Federal Office for the Environment, Switzerland).

45. The Working Group welcomed the seminar's co-organizers and moderator and thanked the speakers. Speakers not yet having provided their presentations to the secretariat for posting on the web page were invited to do so.

46. The secretariat was invited to summarize the presentations' key points, in consultation with the moderator (see annex to present report for summary).

VI. Financial arrangements

1. Status of contributions

47. The Chair recalled that, in December 2020, the Meetings of the Parties had decided that all Parties had a duty to take part in the sharing of the workplan costs³⁴ and expressed regret that the total value of the pledges until that moment remained largely insufficient to cover the resources requirements for the implementation of the workplan.³⁵ All Parties that

³² Ibid., item III.B.2.

³³ Ibid., item III.B.3.

³⁴ Ibid., decision VIII/1–IV/1, para. 1.

³⁵ ECE/MP.EIA/30–ECE/MP.EIA/SEA/13, para. 14.

had not yet made pledges for the period 2021–2023 had been urged to do so and/or to provide unpledged contributions.³⁶

48. The Working Group took note of the information from the secretariat on contributions and pledges received from 35 of the 45 Parties to the Convention until 5 November 2021 (ECE/MP.EIA/WG.2/2021/INF.9), noting also the subsequent pledges from 2 further Parties: Azerbaijan and Malta. It invited the remaining 8 Parties to the Convention, namely, Belarus, Bosnia and Herzegovina, Kazakhstan, Kyrgyzstan, Liechtenstein, North Macedonia, Serbia and the United Kingdom of Great Britain and Northern Ireland, to also contribute funds for sharing the workplan costs in 2021–2023 in accordance with decision VIII/1–IV/1, and to inform the secretariat of their intention to do so by the end of December 2021.

49. To bridge the budgetary gap, the Working Group also invited Parties to make additional contributions.

50. As requested by the Meetings of the Parties, if contributions by any Parties had not been received by 31 December 2021, the secretariat was invited to write to those Parties to “impress upon them the importance of contributing”.³⁷

51. Lastly, as also requested by the Meetings of the Parties,³⁸ the secretariat was invited to prepare and submit to the Bureau the annual financial report for 2021.

2. Bureau’s proposals on financial arrangements

52. The Chair recalled that the Meetings of the Parties had invited the Bureau to continue to explore possible solutions to the issue of the insufficiency, uneven distribution and unpredictability of contributions for the implementation of the workplan for 2021–2023 with a view to presenting possible solutions to the Working Group in 2022 and, further to the Meetings of the Parties in 2023, also taking into account experiences of the other ECE multilateral environmental agreements. She reported on the Bureau’s review of its previous proposals, several of which had either not been adopted or not been effectively implemented, and on its conclusion that presenting new proposals at the current time was premature and that it was first necessary to see to what extent the financial scheme adopted for 2021–2023 would be implemented, and sufficient in remedying the insufficiency of the funds to the trust fund (ECE/MP.EIA/WG.2/2021/INF.10).

53. The Working Group took note of the information provided, recalling the Bureau’s previous proposals to improve the financial situation. It also noted the information presented by the secretariat on the recently adopted financial arrangements and approaches under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers, as well as on the substantial differences in the respective budgets and the secretariat’s staffing resources in comparison with those of the Espoo Convention and its Protocol. The Working Group invited the Bureau to assess the implementation and effectiveness of the present financial scheme and, on that basis, to present possible new proposals for consideration by the Working Group at its next meeting in December 2022.

3. In-kind contributions

54. The Chair presented the outcomes of the Bureau’s considerations regarding the request by the Meetings of the Parties that the Bureau, with the assistance of the secretariat, develop a system “to recognize in-kind contributions in a proper manner within the financial scheme”.³⁹ The Bureau was of the opinion that in-kind contributions under the Convention and the Protocol were already prominently recognized and asked for clarifications from the Working Group regarding the above-mentioned request. Based on its examination of the

³⁶ Ibid.

³⁷ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/1–IV/1, para. 12 (d).

³⁸ Ibid, para. 12 (a).

³⁹ ECE/MP.EIA/WG.2/2021/INF.11, para. 1.

matter, the Bureau also raised several questions concerning a possible, more systematic determination of the monetary value of in-kind contributions.

55. The Working Group reiterated that in-kind contributions were useful additional means to support the implementation of the workplans, but that they would not replace financial contributions to the trust fund, in particular when secretariat support or any other trust fund expenditure was required to supplement in-kind contributions. The Working Group noted the Bureau's questions for clarification regarding the "proper" reflection of in-kind contributions, but no comments nor clarifications were provided. The Working Group took note of the Bureau's view that only Parties or stakeholders themselves could indicate the monetary values of their own in-kind contributions, and that they should be invited to do so in United States dollars, well in advance of the adoption of the workplans, with the understanding that said information would remain unverified and be reported separately in the financial reports. It agreed to consider the document from the Bureau again at its next meeting.

56. The Working Group noted the statements from the delegations of Azerbaijan and Switzerland that the highest priority should be given to the financial contributions to ensure the secretariat's staffing for the servicing of the two treaties. It also reiterated its invitation to the delegations to consider sponsoring a Junior Professional Officer⁴⁰ to supplement the treaty secretariat's staffing.

4. Financial support

57. The Working Group noted the decisions by the Bureau regarding financial support for participation in official meetings under the Convention and the Protocol, namely that, in accordance with the budget agreed by the Meeting of the Parties, and subject to the availability of funding:

(a) One representative from a ECE member State that was eligible for financial support based on the eligibility criteria approved by the ECE Committee on Environmental Policy would continue to be financed;

(b) One expert from each of the following NGOs would receive funding for her/his participation in the meetings: the Caucasus Environmental NGO Network, the European ECO-Forum/Society and Environment (Ukraine), the European Environmental Bureau, IAIA and Nuclear Transparency Watch;

58. In addition, regarding funding for non-ECE countries, the secretariat was invited to consult the Bureau on a case-by-case basis.

VII. Management, coordination and visibility of intersessional activities

59. The Working Group noted the statement by the delegation of the European Union regarding the informal note on procedural matters of relevance to meetings with remote participation due to extraordinary circumstances, which had been prepared in advance of the past sessions of the Meetings of the Parties by the Bureau with the support of the secretariat and in agreement with the Treaty Section of the Office of Legal Affairs.⁴¹ In its statement, the delegation of the European Union pointed out that, in the interim, the Meetings of the Parties of other ECE Conventions, for example, the Aarhus Convention and its Protocol, had adopted similar notes, and stressed the importance of the coherent reading of the ECE notes. The secretariat pointed out that the Aarhus Convention's note indeed provided for one additional procedure not included in the Espoo Convention and its Protocol Bureau note, namely the "advance circulation procedure", according to which, in advance of meetings, Parties should consider the documents that were subject to decision-making and communicate clearly any proposed revisions by the deadline set; in the absence of any such

⁴⁰ For more information, see www.un.org/development/desa/jpo/about/.

⁴¹ Available at www.unece.org/sites/default/files/2021-08/Note_on_procedural_issues_MOP8-MOPMOP4_FINAL_by_Bureau_revNov2020.pdf.

proposed revisions, it would be expected that consensus would be reached on those documents during the meetings in question and that they would be approved without significant changes.⁴² A similar procedure had also been agreed by the eleventh meeting of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Geneva (hybrid), 7–9 December 2020),⁴³ specifying that Parties should communicate any proposed revisions at least four weeks in advance of meetings.

60. The Working Group invited the Bureau to review its informal note in advance of the 2023 sessions of the Meetings of the Parties, taking into account the similar notes prepared under the other ECE Conventions, such as the Aarhus and Water Conventions.⁴⁴

VIII. Inputs to related international processes

61. The Working Group took note of the information provided by the secretariat on the following related international processes:

(a) Meeting of the Regional Forum on Sustainable Development for the United Nations Economic Commission for Europe Region (Geneva (hybrid), 10–18 March 2021);

(b) Sixty-ninth session of the Economic Commission for Europe, which had focused on circular economy and sustainable use of natural resources in the ECE region (Geneva, 20 and 21 April 2021);

(c) Organization of the Ninth Environment for Europe Ministerial Conference (Nicosia, 5–7 October 2022).

IX. Preparations for the next sessions of the Meetings of the Parties

62. The Working Group invited delegations, by the next meeting of the Working Group, to put forward offers to host the next sessions of the Meetings of the Parties, preliminarily scheduled for 12–15 December 2023.

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

63. The Working Group endorsed the main decisions agreed at the meeting, as presented by the secretariat, and requested the secretariat to post them on the meeting web page. It noted, in addition, that all the comments and statements that delegations had provided in writing to the secretariat had been made available on that web page. The secretariat was invited to prepare the report on the meeting under the guidance of the Chair.

64. The Chair officially closed the meeting on Friday, 3 December 2021.

⁴² ECE/MP.PP/2021/5, para. 14 (a)–(b), available at <https://unece.org/environment/documents/2021/08/item-2-draft-operating-procedures-facilitate-remote-participation-and>.

⁴³ ECE/CP.TEIA/42/Add.1, para. 25 (a)–(c).

⁴⁴ ECE/MP.WAT/2021/1, available at: <https://unece.org/info/Environmental-Policy/Water-Convention/events/356707>.

Annex

Summary of the key points presented at the seminar on sustainable infrastructure

1. The seminar on sustainable infrastructure held on 2 December 2021 was co-organized by Switzerland and the secretariat and moderated by Ms. Martine Rohn-Brossard (Head of Section, Europe, Trade and Development/Deputy Head, International Division, Federal Office for the Environment of Switzerland).

2. In her opening statement, Ms. Rohn-Brossard stressed that sustainable infrastructure was at the top of the global political agenda following the adoption, at the fourth session of the United Nations Environment Assembly of the United Nations Environment Programme, of resolution 4/5 on sustainable infrastructure¹ and the ensuing development of the International Good Practice Principles for Sustainable Infrastructure.² Infrastructure was at the heart of the achievement of all the Sustainable Development Goals. Switzerland had a special interest in sustainable infrastructure and actively contributed to putting the topic on the environmental agenda. It considered early and systematic assessment, prevention and mitigation of environmental, including health, impacts of related plans and projects to be crucial. Switzerland believed that, at the current time, a systematic integration of environmental considerations into infrastructure planning decisions was more important than ever, especially in the transboundary context – including for achieving climate goals and for the green recovery from the coronavirus disease (COVID-19) pandemic. Environmental impact assessment and strategic environmental assessment were also seen as useful tools for facilitating effective participation of the public, including, as needed, of the public in other concerned countries, at all stages of infrastructure development and its impact assessment. The legally binding framework and the well-established and effective procedures of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment were to be promoted to green infrastructure within and beyond the United Nations Economic Commission for Europe (ECE) region. For Switzerland, Central Asia had been a special area of focus, where it had funded technical assistance to establish compliant legislative networks and capacity-building for the implementation of the Espoo Convention. Lastly, Ms. Rohn-Brossard invited the Parties to make use of the opportunity provided by the forthcoming Ninth Environment for Europe Ministerial Conference (Nicosia, 5–7 October 2022) to raise awareness of and advocate for the Convention and its Protocol and their benefits.

3. The key points of the invited speakers at the seminar included the following:

(a) Mr. Zaal Lomtadze (Secretary, Committee on Environmental Policy, ECE) informed the meeting that the Ninth Environment for Europe Ministerial Conference would focus on “Greening the economy in the pan-European region: working towards sustainable infrastructure” as one of its two principal themes. The forthcoming Ministerial Conference presented an opportunity to highlight relevant work under the Protocol and the Convention in the ministerial declaration and other documents, as well as during the Conference’s thematic session/panel discussion;

(b) Mr. Rowan Palmer (Consultant, Economic Research Unit, United Nations Environment Programme) emphasized that sustainable infrastructure was at the heart of “building back better” from the COVID-19 crisis and delivering on the Paris Agreement, with infrastructure being responsible for 79 per cent of global greenhouse gas emissions. Infrastructure also influenced 92 per cent of the targets of the Sustainable Development Goals. It was important that integrating sustainability into infrastructure should start well

¹ UNEP/EA.4/Res.5

² United Nations Environment Programme, *International Good Practice Principles for Sustainable Infrastructure: Integrated, Systems-level Approaches for Policymakers – First Edition* (Nairobi, 2021).

“upstream” of the project level. The United Nations Environment Programme stood ready to support Member States in implementing the International Good Practice Principles for Sustainable Infrastructure;

(c) Ms. Maria Partidário (International Association for Impact Assessment (IAIA)) pointed out the need to increasingly rely on impact assessment, particularly at strategic levels, with major reductions in greenhouse gas emissions requiring a massive transformation in infrastructure and unprecedented increases in renewable energy systems, affecting all cities and regions and their planning processes. For a green recovery from the COVID-19 pandemic, clear scrutiny of investment decisions and of policies, plans, programmes and projects was important, making the case for impact assessment and its central role in good decision-making. IAIA was concerned that impact assessment was being seen by Governments as slowing the post-pandemic rebuilding of economies. The core mission of IAIA was to assist decision-makers in advancing best practice and innovation in impact assessment for addressing the climate change emergency, which had profound implications for human health, socioeconomic well-being and environmental quality;

(d) Ms. Ella Behlyarova (Secretary, Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers) outlined several key takeaways from the recent sessions of the Meetings of the Parties to the Aarhus Convention and its Protocol (Geneva (hybrid), 18–22 October 2021). One such takeaway was that, in striving for a quick economic turnaround, infrastructure and planning decisions should not bypass transparency or inclusive processes, undermine environmental safeguards, or generate unsustainable debt. It was important to safeguard the public’s rights throughout the infrastructure development cycle and to ensure early public participation to capture as many potential risks and impacts as possible, and to avoid later conflicts. It was also important to ensure that end users’ rights and needs were respected, incorporating gender-related needs and the needs of persons with disabilities, youth, indigenous peoples and other disadvantaged and vulnerable groups. The Meetings of the Parties had advocated for a safe and enabling environment where developers, planners and financial actors played supportive roles in the implementation of the public’s rights. She further advocated for the strengthening of cooperation between national focal points of the Aarhus Convention, its Protocol, the Espoo Convention and its Protocol, and the other ECE Conventions, to reinforce the implementation of the relevant provisions;

(e) Mr. Otto Simonett (Zoi Environment Network) spoke about greening the “Belt and Road Initiative” and other major infrastructure development plans and projects in Central and Eastern Asia. He drew attention to structural shifts brought by geopolitics, the pandemic and climate change that had radically slowed infrastructure investments and developments, as well as to the existence of internationally applied environmental safeguards and safeguarding instruments, which were not, however, always applied in a transparent and participatory manner. He pointed out that, for example, in Central Asia, access to early information and stakeholder engagement was not a “given”, often leaving the people on the ground feeling disempowered with no tangible possibilities for interventions. He recommended the promotion of local stakeholder engagement, including by authorities responsible for environmental impact assessment and strategic environmental assessment. He also advocated for improved access to safeguards and standards, and for synthesizing and visualization approaches to improve understanding by non-experts and locals;

(f) Mr. Christian Melis (Environmental Governance Officer, Organization for Security and Cooperation in Europe (OSCE)) presented the outcomes of a recently completed joint OSCE/ECE project, concluding that, despite the different level of development of the strategic environmental assessment systems in Central Asia, the project had shown that all the countries in the region considered strategic environmental assessment to be a feasible and effective tool for greening their economies and for planning infrastructure developments. He explained that, among the project outcomes, the action plans to develop strategic environmental assessment systems provided a solid basis for further actions to promote the application of that tool in Central Asia. He invited donors to familiarize themselves with the action plans and to consider allocating funds to implement all or some selected actions. OSCE

stood ready to continue supporting the Central Asian countries in reforming their environmental assessment systems, in collaboration with ECE;

(g) Ms. Anastasia Saidmakhmudova (State Ecological Expertise Centre, Uzbekistan) provided an update on her country's legislation on environmental impact assessment and strategic environmental assessment, including draft laws prepared in 2020 in accordance with the Espoo Convention, its Protocol and the Aarhus Convention. She explained that the top priorities for Uzbekistan of the recent ECE Environmental Performance Review had included the improvement of environmental assessment by revising the regulatory framework on environmental impact assessment and by introducing strategic environmental assessment. For the latter task, the 2021 action plan for the country foresaw the establishment of an intersectoral working group and the preparation of an implementation plan with specific steps and time schedule;

(h) Ms. Mari Lise Sjong (Norwegian Environment Agency) presented the transboundary environmental impact assessment procedure for a wind farm and its outcomes, pointing out a number of lessons learned. She stressed the importance of looking beyond the "blanks" on the map on the other side of the border and being attentive to the affected Party's need for more time or new studies to build trust in the process. Moreover, to help build common ground, it was important to engage stakeholders through transboundary information meetings and through the use of support tools such as visualizations. She concluded that sustainability in the energy sector was not just about emission-free energy but also about balancing that against impacts on other environmental interests;

(i) Ms. Marta Truszevska (Senior Specialist, Department of Environmental Impact Assessment, General Directorate for Environmental Protection, Poland) presented her country's experience in the transboundary environmental impact assessment procedure of the Baltic Pipe Project,³ speaking about the importance of cooperation and information exchange between focal points, especially for complex infrastructure projects, and knowledge about other Parties' environmental impact assessment systems. She emphasized that, for a Party of origin, any knowledge gaps regarding the expectations of the affected Party could influence the schedule and the outcome of a transboundary procedure, and lead to misunderstandings between the Parties. She concluded that efforts on the part of all concerned Parties were necessary to facilitate transboundary environmental impact assessment procedures;

(j) Mr. Roman Shakhmatenko (Deputy Minister of Environmental Protection, Ukraine) spoke about the strategic environmental impact assessment of the draft hydrogen strategy that his country was planning. He said that he firmly believed that a hydrogen economy was necessary, including to meet the objectives of the national climate change strategy until 2026. He was convinced of the importance of applying strategic environmental assessment to important strategic governmental decisions, including to predict and prevent adverse environmental impacts at early stages of planning, to predict environmental benefits, and to plan resource management long term. Amongst possible main risks and obstacles for strategic environmental assessment of the draft hydrogen strategy, he mentioned: hydrogen projects not necessarily being subject to environmental impact assessment in his country; possible ambiguities of the hydrogen strategy; the lack of conclusive research worldwide; and the lack of liability for breaching the Law on Strategic Environmental Assessment;

(k) Ms. Sinaia Netanyahu (Programme Manager on Environment and Health Impact Assessment, World Health Organization European Centre for Environment and Health) presented the case of seaport cities to illustrate the assessment of health impact to support sustainable infrastructure. She highlighted the fact that seaports and port cities were attracting increasing attention from an environmental and public health perspective owing to the multitude of significant adverse offshore and onshore impacts, which she presented in detail, generated by ships, terminal activities including oil terminals, rail and road traffic, chemical and petrochemical plants, manufacturing and industry, loading and unloading of goods, oil jetties, shipyards, fishing fleets, marinas, dredging and the building of port infrastructure. She also drew attention to the data limitations and gaps in existing literature, as well as to ongoing research and data collection;

³ See www.baltic-pipe.eu/.

(l) Ms. Zuzana Kaparova (Environment Specialist, European Investment Bank) presented the role of the European Investment Bank in providing long-term finance to support the development of infrastructure, but also in shaping a low-carbon, climate resilient and environmentally sustainable future in Europe and beyond. The Bank's forthcoming environmental and social sustainability policy had sustainable finance as its operating model. Revised environmental and social standards ensured that the Bank was not financing projects that were unacceptable on environmental climate and social grounds, taking into account sectoral policy development, the exclusions under the European Union Taxonomy Regulation⁴ and the "Do No Significant Harm" criteria.⁵ She concluded by stating that the Bank was working closely with peers and other partners to narrow the infrastructure financing gap, while spearheading best practices in terms of sustainability and developing joint initiatives on sustainable infrastructure policy and partnerships, including with United Nations agencies, cities and non-profit organizations;

(m) Mr. Jiří Dusík (Integra Consulting) drew attention to the current development of taxonomies of sustainable finance that defined "green investments" or "sustainable activities" in use primarily for sustainability-related disclosure by financial market participants but also acting as "informal" investment guidance for corporate sustainability transition strategies and for identifying sustainable investments. He underlined that, while many taxonomies included some linkages to environmental impact assessment processes and shared similar features, they often went beyond the current legislative requirements for environmental impact assessment. He highlighted, moreover, that relationships between future assessments of compliance with such taxonomies and formal environmental impact assessment and strategic environmental assessment processes were currently unclear. Consequently, Parties to the Espoo Convention and its Protocol were encouraged to explore synergies and linkages between the formal processes set out in the treaties and the emergent taxonomies/sustainable finance frameworks, with a view to achieving mutual benefits and avoiding overlaps, as well as to facilitating knowledge-sharing and/or dissemination of good practices in that field. Representatives of Parties were invited to participate in the discussions on that topic that would be held at the Fifth Regional Conference on Environmental Impact Assessment "Environmental assessments and European Green Deal 2022" (Vodice, Croatia, 14–17 September 2022).

⁴ Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088, *Official Journal of the European Union*, L 198 (2020), pp. 13–43.

⁵ *Ibid.*, preambular para. 35.