

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 serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Bureau

Geneva (online), 9 – 10 June 2022

Informal notes of meeting¹

Prepared by the secretariat²

I. Organizational matters

1. The meeting of the Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment was held in Geneva, on 9 and 10 June 2022. Three Bureau members joined the meeting online, on an exceptional basis.

2. The following members of the Bureau attended the meeting: Mr. George Kremlis (Greece), Chair of the Bureau for the Convention matters and Ms. Vesna Kolar-Planinšič (Slovenia), Chair of the Bureau for the Protocol matters; Vice-Chairs of the Bureau: Ms. Milena Novakova (European Commission) and Ms. Martine Rohn-Brossard (Switzerland); Chair of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, Ms. Dorota Toryfter-Szumańska (Poland); and two Vice-Chairs of the Working Group: Ms. Larissa Lukina (Belarus) and Ms. Anna Maria Maggiore (Italy); Mr. Joe Ducombe (Luxembourg), Chair of the Implementation Committee; and Ms. Maria do Carmo Figueira (Portugal), First Vice-Chair of the Implementation Committee.

3. The secretariat reported that Ms. Olena Miskun (Ukraine), alternate to Ms. Rohn-Brossard for Protocol matters, had left her functions and that the information from Ukraine on her replacement was still pending. Similarly, the secretariat expected to receive information from Ukraine on its nomination of a new national focal point and a point of contact under the Convention and the Protocol to replace the former Vice-Ministers, H.E., Mr. Shakhmatenko and Ms. Stavchuk who no longer were with the Ministry of Ecology and Natural Resources.

¹ Available at: <https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/366918>.

² Prepared in consultation with the Bureau.

4. During his opening remarks, the Chair of the Bureau for the Convention matters reiterated some of the Bureau's key messages from its letter of 8 March 2022, which the Executive Secretary of the United Nations Economic Commission for Europe (ECE) had transmitted to the foreign ministers of all the Parties to the Convention³, namely: the Bureau's deep concern at the devastating effects of the military invasion of Ukraine by the Russian Federation, including threats to the Ukrainian nuclear power plants, and the need to ensure compliance with the Convention's obligations for the safety of the people and the environment in Ukraine and across the region.

5. The Bureau noted the secretariat's update on its staff resources and acknowledged that the extended sick leaves of one staff member had further exacerbated the secretariat's resource constraints and impacted its capacity to support the implementation of the workplan during the current intersessional period. The Bureau extended its thanks to Elena Santer, who had moved within the Environment Division on 1 June 2022, and welcomed Elisabeth Losasso, who had joined the secretariat on that same date, initially, on a temporary basis, to serve as the secretary to the Implementation Committee. It also welcomed the expected prolongation until the end of 2023 of the staff contracts covered through the European Union funded EU4Environment programme (of the project manager, Leonid Kalashnyk and the project assistant, Elena Kashina) following the no-cost extension of that programme by one year that was being finalized.

6. The Bureau adopted its agenda as contained in informal document ECE/MP.EIA/B/2022/INF.1.

II. Status of ratification of the Convention, its amendments and its Protocol

7. The secretariat reported on the status of ratification of the Convention, its two amendments and the Protocol. It also reported on the status of ratification of the 2008 Multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention (the Bucharest Agreement).

8. The Bureau noted that no new ratifications had taken place, including from North Macedonia and Ukraine that had both intended ratify the Convention's two amendments in the first quarter of 2022. Moreover, no Party had been able to provide the secretariat with any timelines for completing their ratification processes. A few Parties did not reply to the secretariat's requests for information. The Bureau observed with concern that:

(a) Five further ratifications (from Armenia, Belgium, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland) were still needed for the first (2001) amendment to the Convention to become operational, allowing non-ECE countries to accede to the Convention;

(b) Ten Parties were yet to ratify the second (2004) amendment (Armenia, Belarus, Belgium, Bosnia and Herzegovina, Ireland, Kazakhstan, Kyrgyzstan, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland) to ensure unified application of the Convention by all its Parties;

(c) Six signatories to the Protocol (Belgium, France, Georgia, Greece, Ireland and the United Kingdom of Great Britain and Northern Ireland) had to still complete their ratification of that instrument;

³ Available at: https://unece.org/sites/default/files/2022-03/054_Letter_Espoo_Convention_Parties_fr_Bureau_Chair_08.03.2022.pdf

(d) Ratifications from two signatories to the Bucharest Agreement (Croatia and Greece) were pending.

9. The Bureau again urged the concerned Parties to the Convention that had adopted the amendments some 20 years ago, and/or signed its Protocol, and that had not yet done so, to proceed promptly with their ratification, to enable a wider and more unified application of the treaty obligations in the ECE region. It also again encouraged beneficiary countries of technical assistance and capacity building in Eastern Europe, the Caucasus and Central Asia to take steps to accede to the Convention and the Protocol and/or to ratify the amendments, as relevant. As in the past, the Bureau members were invited to continue to prompt their own countries, as relevant, and/or, through bilateral contacts, the other concerned countries to ratify as soon as possible.

10. The Bureau considered important that the pending ratifications of, at least, the first amendment be finally completed by the next sessions of the Meetings of the Parties, in December 2023. Failing that, the concerned Parties should announce their firm commitments, including clear timelines, for doing in the next intersessional period. It invited all the concerned countries to report on progress towards ratification to the Working Group at its twelfth meeting (Geneva, 19–21 December 2022). The secretariat was asked to convey the Bureau’s invitation to the concerned focal points ahead of that meeting, by incorporating it into the letters to be sent by the end of the year by the Executive Secretary of ECE on financial contributions (see para. 17 below).

III. Financial arrangements

A. Financial report

11. The Bureau Chair recalled that, at its last session, in December 2020, the Meetings of the Parties had once again regretted the longstanding insufficiency, unpredictability and the uneven distribution of Parties’ contributions to the two treaties. The total value of the Parties’ pledges had been largely insufficient to cover the resource requirements for the implementation of the workplan for 2021–2023 agreed by the Parties, representing only 75% of the budgeted costs. With a view to improving the financial scheme for funding the adopted workplans, the Meetings of the Parties had decided that each Party had “a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget”, and “should make a yearly or multi-year contribution”.⁴

12. The secretariat presented an initial draft financial report for the period 2021–2023, covering the year 2021. In addition, it shared updated information on the contributions received to the trust fund or pledged by Parties between January and end of May 2022. The Bureau thanked the secretariat for the information and invited it to circulate the draft financial report for the Bureau’s final approval, once finalized after the meeting.

13. The Bureau welcomed the contributions received thus far, appreciating in particular that some Parties had substantially increased their contributions (in particular, Italy but also France and Luxembourg) and that a few Parties that had not previously contributed to the treaties’ trust fund had done so during the present intersessional period (e.g. Portugal and Spain). It noted that with the substantial additional contribution of Italy of December 2020, earmarked for reinforcing the secretariat, together with some funding from Norway, the secretariat would be able to engage temporary assistance for supporting the preparations of the Meetings of the Parties’ 2023 sessions.

⁴ Decision VIII/1–IV/1, paras. 1 and 2 (a), ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

14. In contrast, the Bureau regretted that, at mid-term of the present intersessional period, and despite the reminders of the secretariat, 14 (i.e. over 30%) of the 45 Parties had not yet contributed any funds to the trust fund. Seven of those Parties (Belarus, Bosnia and Herzegovina, Kazakhstan, Kyrgyzstan, Liechtenstein, Serbia and the United Kingdom) had also not made any commitments for sharing of the workplan costs despite their duty to do so further to decision VIII/1–IV/1. The Bureau invited all the above-mentioned Parties to contribute and to report to the Working Group on their contributions/plans to contribute.

15. As in the past, the Bureau witnessed a substantial shortfall between the agreed budgetary requirements and the Parties' pledges and contributions this far, as well as an important unpredictability of funding. From the side of the expenditures, the Bureau noted some savings, including in travel support to meetings that were held with remote participation. The Bureau concluded that, at midterm of the intersessional period, despite the increase in the number of the Parties that had pledged funding, the number of Parties that actually contributed to the trust fund had not increased.

16. The Bureau underscored that the secretariat remained acutely understaffed to service two legal instruments: since the past 20 years, the Parties have funded only one professional staff member to the secretariat despite the adoption and the entry into force of a Protocol to the Convention and the multiplication of the Parties, activities and meetings during those two decades. Moreover, based on the staffing figures in the ECE Environment Division presented by the secretariat, the Bureau observed that the other secretariats to two or more legal instruments had substantially more human resources for servicing of their respective treaties than the secretariat to the Espoo Convention and the Protocol, which depended on only two professional staff members for its core functions. The long-term sick-leave absences of a staff member in the current intersessional period that limited and delayed the workplan implementation and the support to the treaty bodies, clearly illustrated the critical unsustainability of the secretariat's resource constraints.

17. The Bureau agreed that Parties should be invited to fund one more professional staff position to the secretariat by the next intersessional period 2024–2026. It invited the Executive Secretary of ECE, in the last quarter of 2022, to send letters to the Environment Ministers and Foreign Ministers of all Parties to flag the secretariat's resource constraints for servicing two treaties and their workplan, and the need for additional funding, and to invite those Parties that have not this far contributed any funds to do so, but also all Parties to consider increasing their contributions. Parties should also continue to be encouraged to sponsor a junior professional officer for the treaty secretariat. In parallel, the Bureau decided to write to the ECE Executive Secretary to convey to her that, in addition to increased extrabudgetary resources from the Parties, the allocation of the regular budget staffing for the Espoo Convention and the Protocol needed to be increased from one to two professional staff members, similar to the other secretariats ECE multilateral environmental agreements servicing more than one legal instruments. Aware that the UN Member States (under the UN General Assembly) were unlikely to fund new regular budget positions to ECE, the Bureau invited the Executive Secretary to consider the possibilities to reallocate existing resources within the organization. To discuss the matter further, the Bureau would invite the Executive Secretary to meet with its Chair and Vice-Chairs present at the ninth Environment for Europe Ministerial Conference (Nicosia, 5–7 October 2022) in the margins of that conference.

B. Possible solutions for improving funding

18. The Bureau considered further the request of the Meetings of the Parties that the Bureau 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 such possible solutions to the Working Group in

2022 and further to the Meetings of the Parties in 2023. Such solutions should take account of also experiences of the other ECE multilateral environmental agreements in that regard.

19. The Bureau recalled that, over the past decade, Parties had not adopted its proposals for improving the financial situation through a mandatory scheme of contributions and the use of the adjusted UN scale of assessment. It estimated it unlikely that the Meetings of the Parties would reach a consensus on those proposals at their sessions next year.

20. The secretariat informed the Bureau that according to the available documentation and consultations with the other treaty secretariats, the financial arrangements under the other ECE environmental treaties were similar to those adopted under the Espoo Convention and its Protocol.⁵ All the treaty secretariats also referred to difficulties in securing stable and sufficient funding for the respective treaties.

21. Following discussions, the Bureau concluded that Parties' financial contributions reflected above all national funding priorities. The comparison of the available resources across the treaties indicated that the other ECE Conventions and their Protocols seemed to be of a relatively higher priority for countries in the ECE region and beyond. In the Bureau's view, however, the extent of the resource constraints under the Espoo Convention and its Protocol strongly contrasted with the frequency of their application and benefits. Consequently, the Bureau invited the national focal points to the two treaties to play the primary role in raising awareness of the two treaties and their benefits within the Governments with a view to mobilizing further funding for them, including through a possible readjustment of the national funding priorities. The Bureau members were invited to encourage also other Parties to contribute or to increase their contributions. The Bureau reiterated that fundraising was not the responsibility of the secretariat and beyond its limited capacities

22. The Bureau agreed that in absence of resources to fund additional secretariat staff, the current and next workplans were to be readjusted accordingly, to ensure that they were realistic to implement, and that the demand for activities and services from the secretariat matched the offer of funding. It also agreed that for preparing a draft workplan for the next period (2024–2026) that corresponded to the available resources for its implementation, the Bureau should be informed of the Parties' pledges for funding by its next meeting, preliminarily scheduled for 22 and 23 February 2023, and, latest, by the twelfth meeting of the Working Group, scheduled to take place on 13–15 June 2023.

D. Recognition of in-kind contributions

23. The Bureau reverted to the Meetings of the Parties' request for the Bureau, with the assistance of the secretariat, to develop a system "to recognize in-kind contributions in a proper manner within the financial scheme".⁶ The Bureau had deliberated on the matter in June 2021 and submitted an informal document with proposals and questions for clarification for the Working Group's consideration at its meeting in December 2021.⁷ The Working Group had agreed 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

⁵ Except for the EMEP Protocol to the Convention on the Long-range Transboundary Air Pollution that provides for a mandatory funding scheme based on the adjusted UN scale of assessment.

⁶ Decision VIII/2–IV/2, para. 12, ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

⁷ Informal document on the consideration of in-kind contributions, ECE/MP.EIA/WG.2/2021/INF.11 available at <https://unece.org/environmental-policy/events/working-group-eia-and-sea-espoo-convention-10th-meeting>.

expenditure was required to supplement in-kind contributions. It had noted the Bureau's questions for clarification but provided no comments nor clarifications. Instead, it agreed to revert to them at its next meeting, in December this year.⁸

24. The Bureau reviewed its previous informal document making only slight adjustments for added clarity, including to further emphasize that a systematic monetarization of all in-kind contributions would not be advisable as too complex and not adding value, and that it was not feasible to verify Parties' estimates of the values of their contributions, nor to compare such monetary values between them due to the differences in the cost of life of the various Parties. It invited the secretariat to forward the readjusted document for consideration of the Working Group at its next meeting as an informal document.

V. Implementation of the workplan 2021–2023

25. The Bureau considered progress in the implementation of the workplan for 2021–2023 under the Convention and the Protocol. Before that it discussed the way forward for the finalization of one outstanding activity from the previous workplan (2017–2020), namely, the draft guidance on assessing health impacts in strategic environmental assessment.

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

26. The Chair of the Bureau for the Protocol matters invited the Bureau to discuss the draft guidance on assessing health impacts in strategic environmental assessment, recalling that the draft had been prepared with funding from the European Investment Bank and agreed by the Bureau at its meeting in February 2020.⁹ At its ninth meeting (Geneva, 24–26 August 2020), the Working Group had decided, however, not to forward the draft document to the Meeting of the Parties to the Protocol, further to the view of the European Union and its Member States that the draft document still required further work.¹⁰ In December 2020, the Meeting of the Parties to the Protocol had urged Parties and stakeholders to finalize the guidance during the present intersessional period, subject to the availability of the resources, and invited Parties to contribute in-kind expertise for that purpose.¹¹

26. The Bureau recalled that in December 2021, at the last meeting of the Working Group, the European Union and its Member States had indicated several areas of improvement of the draft Guidance but that no Party had “expressed its engagement” for any “working arrangements that could lead to the revision of the draft guidance”. The Working Group had requested delegations to volunteer to contribute to the finalization of the draft guidance.

27. The Bureau emphasized that input from the European Union and its Member States and Norway was essential for the finalization of the guidance because the other current Parties to the Protocol (Albania, Armenia, Bosnia and Herzegovina, Montenegro, North Macedonia, the Republic of Moldova and Ukraine) had comparatively less experience in

⁸ See report of the Working Group on its tenth meeting, para. 55, ECE/MP.EIA/WG.2/2021/2.

⁹ ECE/MP.EIA/WG.2/2020/7, available at: <https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/350794>

¹⁰ See Report of the Working Group on its ninth meeting (ECE/MP.EIA/WG.2/2020/2) and comments to documents submitted by the delegations.

¹¹ Decision VIII/2–IV/2, seventh preambular para. (f), ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1 and ECE/MP.EIA/30–ECE/MP.EIA/SEA/13, para. 33.

implementing the Protocol and many of them had themselves requested for guidance on assessing health and involving health authorities in strategic environmental assessment. It recalled that during the Working Group's last meeting, delegations from Albania, Azerbaijan and Ukraine had stated that the completion of the guidance was urgent for their countries.¹² The secretariat informed the Bureau that, at the request of countries in Eastern Europe and the Caucasus, their specific questions on health in SEA would be among the issues to be addressed by consultants during a subregional event on the practical application of SEA and transboundary EIA, organized with funding from the EU4Environment programme (online, 29 June 2022).¹³ The Bureau invited the secretariat to share the outcomes of the workshop.

28. The Bureau pointed out that questions on health in SEA might become compliance issues that the Implementation Committee and ultimately the Meeting of the Parties to the Protocol would be requested to respond to.

29. In absence of volunteering Parties to proceed with the work, the Bureau agreed that its Chair for the Protocol matters, and those Bureau members who were willing to contribute to that work, would prepare a draft revised guidance considering the comments from the European Union and its Member States and submit it for consideration of the Working Group at its next meeting in December 2022, as an informal document. It noted that, due to resource constraints, the secretariat would not be able to substantially support the revision.

30. The Bureau invited the Working Group to consider its revision proposals before and during its next meeting, and agree on the remaining steps to be taken for finalizing the draft guidance for the Working Group's meeting in June 2023 and further for the next session of the Meeting of the Parties to the Protocol in December 2023 for adoption/endorsement. It reiterated its invitation to Parties to contribute to the work as well as to provide related good practice, which could be made available separately.

B. Management, coordination and visibility of intersessional activities

31. The Bureau recalled that, at their last sessions, the Meetings of the Parties had acknowledged the informal note on procedural matters of relevance to meetings with remote participation due to extraordinary circumstances¹⁴, which the Bureau had prepared with support of the secretariat and following consultations with the Treaty Section of the United Nations Office of Legal Affairs. Further to the proposal by the delegation of the European Union and its Member States, the Meetings of the Parties had requested the secretariat, in consultation with the Bureau, to provide possible further clarifications of such procedural matters for consideration by the Meetings of the Parties at their next sessions, preliminarily scheduled for December 2023.¹⁵

32. At the tenth meeting of the Working Group, in December last year, the European Union and its Member States recalled the conclusions in the report of the 2020 Meetings of the Parties about a possible further clarification of procedural matters of relevance of meetings with remote participation. That delegation referred to the notes on procedural

¹² See report of the Working Group on its tenth meeting, para. 32, ECE/MP.EIA/WG.2/2021/2.

¹³ <https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/367411>

¹⁴ Available at: <https://unece.org/environmental-policy/events/meeting-parties-espoo-convention-8th-session-and-meeting-parties> (under the tab "informal documents").

¹⁵ Decision VIII/2–IV/2, annex I, item 1.A.(m).

matters prepared under other ECE Multilateral Environmental Agreements and stressed that it attached importance to the coherent reading of the relevant ECE notes. The Working Group, at its tenth meeting, had invited the Bureau to review its informal note in advance of the 2023 sessions of the Meetings of the Parties, considering similar notes prepared under the other ECE MEAs, such as the Aarhus and Water Conventions.

33. The secretariat shared with the Bureau the procedural note for the 2020 sessions of the Meetings of the Parties and the corresponding notes prepared under three other ECE MEAs. It also informed the Bureau of its consultations with the secretariats of the other treaties regarding the procedural aspects of the sessions of their governing bodies. That were held or planned in the period 2020–2023. It pointed out that the treaty obligations as well as the practice and operating rules decided by the governing bodies of the each of the respective ECE MEAs differed.

34. The Bureau noted that the other MEAs' procedural notes of relevance to meetings with remote participation due to extraordinary circumstances had applied only to specific sessions of their respective governing bodies in 2020 or 2021 under the extraordinary circumstances of the global pandemic, and that they were not being reused nor modified for subsequent meetings. It also noted the information from secretariat that the UN office in Geneva had recommended that all meetings be convened fully in-person and that, as of January 2023, the costs and the staff for the technical servicing of meetings requiring remote simultaneous interpretation would not be covered from the UN regular budget but fall on the substantive programmes.

35. The Bureau agreed that with in-person meetings being again the norm, revisiting the 2020 note was not needed because it had applied to the 2020 sessions of the Meetings of the Parties and to any similar future exceptional case of pandemic or other extraordinary circumstances. It noted that, should the extraordinary circumstances reappear, it would look into the matter again and to adjust the note, as required.

36. It noted that the Bureau member representing the European Commission reserved the right of the European Union and its Member States to come back to the note with comments.

C. Compliance with and implementation of the Convention and the Protocol

1. Review of compliance

37. The Chair of the Implementation Committee informed the Bureau about the main outcomes of the Committee's fifty-second and fifty-third sessions (Online, 29–31 March and 10–13 May 2022, respectively) and the main objectives for the Committee's upcoming, fifty-fourth session of 4–7 October 2022). He referred to the Committee's progress in numerous compliance matters before it, including submissions, Committee initiatives, follow-up to decisions by the Meetings of the Parties, information gatherings and specific compliance issues arising from the reviews of implementation. The Committee had also held informal consultations with Ukraine regarding the country's application of the Convention during the war, and had agreed to postpone to its subsequent sessions the Committee's consideration of the majority of the compliance issues concerning Ukraine.

38. The Committee Chair also presented plans for the Committee's preparatory work ahead of the next sessions of the Meetings of the Parties, in December 2023. The Committee would prepare several sets of findings and recommendations, including the first ones on compliance with the Protocol (by Serbia in respect of its Energy Sector Development Strategy) and concerning the life-time extension of nuclear power plants (of

units of the Dukovany, Kozloduy and Tihange nuclear power plants by Czechia, Bulgaria and Belgium, respectively.). The Committee planned to prepare the draft decisions on compliance at its fifty-sixth session (Geneva, 2–5 May 2023) with a view to submitting them for information of the Working Group at its twelfth meeting (Geneva, 12–15 June 2023) and to finalizing them at the Committee’s fifty-seventh session (Geneva, 5–8 September 2023) considering the comments to be received from the Parties concerned in advance of that session.

39. The Bureau took note of the Committee Chair’s report, welcoming the progress made and acknowledging the importance of the Committee’s workload ahead of the Meetings of the Parties’ sessions in 2023. Lastly, the Committee noted the allegation by the Bureau member from Belarus of a non-compliance issue and referred to the possibility for Belarus to make use of the existing procedures under the Convention for the review of compliance.

2. Reporting and review of implementation

40. The secretariat reported on its distribution of the questionnaires for the implementation of the Convention and the Protocol in the period 2019–2021, on the receipt of the completed questionnaires by Parties and on the timetable for the preparation of the draft reviews of implementation of the Convention and the Protocol.

41. The Bureau recalled that, in 2020, the Meetings of the Parties strongly emphasized the importance of the timeliness and the quality of Parties’ reporting and also that improving reporting and the review of implementation was a priority objective of the Long-term strategy. The Bureau noted the information, observing with regret that only 44% Convention Parties and 52% Protocol Parties reported on time (by 30 April 2022). The Bureau invited the State Parties that had not yet done so to provide their outstanding reports without a delay, as follows: on the Convention: Bulgaria, Cyprus, Germany, Italy, Kyrgyzstan, Liechtenstein, Portugal, North Macedonia, Serbia and Ukraine; and on the Protocol: Bulgaria, Cyprus, Germany, Italy, Netherlands, Portugal, North Macedonia, Serbia, Slovenia and Ukraine.

42. The Bureau also noted with regret that, unlike requested by the Working Group at its last meeting,¹⁶ the European Union had not reported on its implementation of the two treaties through the State party questionnaires but provided separately information on its relevant legislation, its enforcement and interpretation. The Implementation Committee Chair clarified that the Committee had not considered that information to be sufficient for fulfilling the treaties’ reporting obligations. The Bureau noted also that the Committee had requested for constructive inputs from the European Union on the reporting templates (by 29 July 2022) as a prerequisite for any further consultations on them.

42. The Bureau welcomed that one non-Party, Georgia, had also reported on its implementation of the Convention and its Protocol. The Bureau considered that as another sign of the country’s preparedness to accede to and implement both treaties and encouraged it to do so.

43. The Bureau also welcomed the good practice examples that many Parties had provided through the questionnaire on a voluntary basis, as follows: For the Convention: Albania, Belarus, Belgium (Flemish region), Czechia, Estonia, Hungary, Lithuania, Malta, Montenegro, Poland, the Republic of Moldova, Romania, Slovenia, Spain and Switzerland; and for the Protocol: Albania, Armenia, Croatia, Denmark, Estonia, Malta, Montenegro, Poland, Romania, and Spain. It commended the Implementation Committee for its

¹⁶ ECE/MP.EIA/WG.2/2021/2, para. 14.

adjustments to the questionnaires that had improved their usefulness for collecting good practice.

44. Lastly, the Bureau noted the secretariat's plans and the timeline for the preparation of the reviews of implementation with support from the consultants for consideration of the Working Group at its next meeting (December 2022). It emphasized that 20 June 2022 would be the cut-off date for the consideration of Parties' late questionnaire responses in the draft reviews of implementation.

3. Legislative assistance to support implementation and ratification

45. The Bureau noted the secretariat's update on its on-going and planned legislative assistance, to support the implementation and, as relevant, the accession to or the ratification of the Convention and/or the Protocol, with funding from the European Union under the EU4Environment project. It noted in particular:

(a) The completion of the draft amendments to the law on EIA and the law on SEA in the Republic of Moldova and submission of the draft amended legislation to the government;

(b) The continued work on the preparation of a pre-final draft bilateral agreement on transboundary EIA between Ukraine and Romania;

(c) The lack of donor's authorization to use the EU4Environment funding to further assist Belarus to amend its primary and secondary legislation to align it with the Convention and the Protocol (building on recommendations of the legislative review that was completed earlier).

D. Promoting practical application of the Convention and the Protocol

1. Subregional cooperation and capacity-building

46. The Bureau welcomed the reports from the Bureau member representing Poland and the secretariat on the implementation of activities foreseen in the workplan regarding subregional cooperation and capacity-building in the following subregions:

(a) Baltic Sea, a sub-regional meeting organized by Poland (Warsaw, 14–15 June 2022)¹⁷;

(b) Eastern Europe and the Caucasus, a second sub-regional event organized by the secretariat with funding from by the European Union's EU4Environment project (online, 29 June 2022);

47. Regarding the Mediterranean and other marine regions, two consultants to the secretariat and the secretariat presented progress in the implementation of the activity funded by Italy for identifying synergies and possible cooperation activities with the following five regional sea conventions or bodies: the Barcelona Convention; the Bucharest Convention, the Helsinki Convention; the OSPAR Convention; the Tehran Convention; as well as the Arctic Council and its Working Group on the Protection of the Arctic Marine Environment, involving

(a) A draft assessment report prepared in consultation with representatives of the Espoo Convention and the Protocol on SEA and of the participating regional sea conventions and bodies;

¹⁷ <https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/367411>.

(b) A second joint technical meeting with representatives of Parties and secretariats of the participating treaties/bodies (online, 16 June 2022) and a stock-taking meeting with representatives of the secretariats (Geneva/online, 17 June 2022);

(c) The collection of case studies illustrating good practice and lessons learned by Parties to the Convention and the Protocol in their application of strategic environmental assessment and transboundary environmental impact assessment to plans, programmes and projects in marine regions.

48. The Bureau welcomed the progress made. It commented and complemented the proposed cooperation activities in the draft assessment report by outlining some additional areas of interest (cables, pipelines, etc.) for discussion at the joint meeting of 16 June 2022. It also welcomed the readiness by Poland and Italy together with Slovenia to present good practice at that meeting. It invited further Parties to share basic information on relevant good practice (for the consultants to summarize).

2. Exchange of good practices

49. The Bureau considered possible workshops or seminars for the exchange of good practices on one of the themes/topics in the workplan that could be organized at the subsequent meetings of the Working Group (Geneva, 19–21 December 2022 and 13–15 June 2023) and the general and high-level segments of the next sessions of the Meetings of the Parties to the Convention and the Protocol (Geneva, 12–15 December 2023).

50. The Bureau concluded that in absence of volunteering lead countries/organizations for the organization of a thematic event during the next meeting of the Working Group, such event could not be held. It invited the secretariat to adjust the provisional meeting agenda of the Working Group accordingly

51. The Bureau recommended that the thematic event to be funded by Italy be scheduled for the Meetings of the Parties' sessions. The Bureau member from Italy confirmed its commitment to fund the event but promised to reconfirm whether the event's initially proposed theme, namely the application of SEA in development cooperation, would remain valid or whether it would propose to reallocate its funding for another priority theme.

52. The Bureau recommended the following possible priority themes for discussion during the Meetings of the Parties' sessions:

(a) Energy transition, combined with circular economy (covering elements such as: renewable energy, transboundary cooperation, small modular reactors, mineral resource extraction);

(b) Green financing (links between EIA and SEA; "Do No Significant Harm" principle/taxonomies; phasing out of harmful subsidies).

53. The Bureau noted that no funding from the European Union under the EU4Environment-project was thus far available for organizing a seminar on consideration of alternatives to and the rationale for selected options of the proposed activities in the EIA documentation. It also noted that the Bureau member from Belarus regretted the non-availability of the project funding for the event proposed by its country and expressed the need to urgently develop guidance on the topic.

54. The Bureau welcomed the good practice examples provided by Parties as part of their reporting and the funding from Italy to collect and compile related good practice under the marine cooperation activity. It invited Parties/stakeholders to provide further good practice and funding for consultants or secretariat staffing for the preparation of an online database or collection/compilation of good practice foreseen in the workplan.

3. Capacity-building

55. The Bureau took note of the update by the secretariat on the planning and implementation of capacity-building activities specified in the workplan, and funded by the EU4Environment project, including on:

- (a) Pilot projects (in Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine);
- (b) Training workshops on treaty application (a second workshop on the Convention's implementation for Ukraine in 2022 (tbc));
- (c) National awareness-raising events (for Azerbaijan, which the country proposed to postpone until 2023);
- (d) National awareness-raising materials (for Azerbaijan and the Republic of Moldova);
- (e) National issue- or sector-specific guidelines (for the Azerbaijan, the Republic of Moldova and Ukraine);
- (f) A model database on strategic environmental assessment– development delayed until the second half of 2022;
- (g) Translating the video on the application of the Convention (all six national language versions completed).

V. Preparations for the eleventh meeting of the Working Group

56. The Bureau considered the draft annotated provisional agenda for the eleventh meeting of the Working Group on EIA and SEA (Geneva, 19–21 December 2022) prepared by the secretariat. It agreed on the provisional agenda, as revised, and invited the secretariat to make the finalized provisional agenda available to the Working Group as an official document.

57. It invited the secretariat to inquire with the conference services of the UN Geneva Office whether the meeting could exceptionally be held in a hybrid format.¹⁸

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

58. The Bureau initiated the preparations for the ninth session of the Meeting of the Parties to the Convention and the fifth session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP-9 and MOP/MOP-5) scheduled to be held in Geneva (in absence of volunteering host countries by the next meeting of the Working Group) on 12–15 December 2023.

59. Following discussions based on an informal document prepared the secretariat, the Bureau:

¹⁸ The secretariat later confirmed that although the meeting will take place in-person, remote connection will exceptionally be possible for delegates unable to travel. Interventions by participants connected remotely cannot exceed 30 minutes, in total, for each 3-hour session, to allow interpretation into the ECE official languages, in accordance with the rules of the United Nations Office at Geneva. Hence, the possibility to deliver statements remotely cannot be guaranteed.

(a) Noted an indicative schedule for the preparatory work for the Meetings of the Parties' sessions;

(b) Agreed on elements of a draft programme for four-day sessions of the Meetings of the Parties and invited the secretariat to submit them for consideration of the Working Group;

(c) Agreed on an initial list of draft decisions by the Meetings of the Parties, with the understanding that the list was still subject to changes by the Implementation Committee and the Working Group.

60. The Bureau agreed that the workplan for 2024–2026 should be realistic and implementable, correspond to the funding and secretariat staffing available; address the needs of the Parties, future Parties and stakeholders. It also agreed that the new workplan should build on the following:

(a) Priority objectives in the long-term strategy;

(b) Proposed possible future cooperation activities in marine regions;

(c) Any weaknesses or shortcomings to be identified in the draft reviews of implementation of the Convention and the Protocol;

(d) Any suggestions from the Implementation Committee and the Bureau and the Working Group;

(e) Requests for capacity-building activities.

61. The Bureau suggested the following main messages/ key focus areas for a possible draft declaration: the importance of the Convention and the Protocol as tools to boost energy transition and to ensure circular economy; low carbon economy and climate neutrality. Moreover, the declaration was suggested to cover key issues such as: the phase out of the Covid, the energy crisis, the reconstruction of Ukraine, green financing and taxonomy.

62. The Bureau also considered officers to be elected for the next intersessional period, that is, a Chair and Vice-Chairs of the Working Group, a Chair and members of the Bureau and four permanent and four alternate members of the Implementation Committee. The Bureau:

(a) Identified Parties that have never or not recently been represented in the treaty bodies, and recommended also that, if required, and on an exceptional basis, travel expenses of officers from countries not eligible for financial support could be funded from the trust fund (e.g. for Montenegro, if it proposes its candidacy for the Implementation Committee);

(b) Welcomed the initial expression of interest by the current Chairs of the Bureau, the Implementation Committee, and the Working Group to put forward their candidacy for continuing their respective mandates in the next period;

(c) Invited the Bureau members to identify and to approach candidates to be elected as members/vice-chair of the treaty bodies;

(d) Agreed that Parties should be mindful of possible conflicts of interest when electing members to the Implementation Committee.

63. Following initial discussions on Chairs of the general and high-level segments of the Meetings of the Parties' sessions, the Bureau welcomed the availability of the current Chair of the Bureau for the Convention matters, representing Greece, to chair the general segment of the sessions, as needed. (Unless Greece would ratify the Protocol in advance of the next sessions, the election of a Chair for the Protocol matters would be required);

64. Lastly, the Bureau stressed that any expressions of interest in hosting the next MOPs should be put forward latest by the next meeting of the Working Group. It noted that in absence of volunteering host countries, the sessions would be held in Geneva.

VII. Related events

65. The Bureau noted the information by the secretariat on the following events of relevance to the work under the Convention and the Protocol:

(a) Relevant outcomes of the meeting of the Regional Forum for Sustainable Development organized by ECE (Geneva, 6–7 April 2022).¹⁹

(b) Progress in the organization of the Ninth Environment for Europe Ministerial Conference, including the Third High-level Meeting of Education and Environment Ministries (Nicosia), 5–7 October 2022.

66. The Bureau invited its members to comment and to suggest improving the wording for the Nicosia Ministerial declaration (para. 5) on the Espoo Convention and its Protocol to better reflect the importance and characteristics of the treaties, as follows: “*the legal framework and established practice for the assessment and mitigation at the planning and project stages and to ensure climate proofing*”. The Bureau recommended also mentioning the Espoo Convention first in that paragraph, considering the priority of the treaties’ application as regards infrastructure planning and permitting. Moreover, in comparison with the other ECE MEAs listed in that para, the Espoo Convention had been adopted earlier.

VIII. Other business

67. No other business was raised under the agenda item.

X. Presentation of the decisions and closing of the meeting

68. The meeting of the Bureau concluded on Friday, 10 June 2022.

69. The Bureau noted that its next self-standing, physical, meeting was preliminarily scheduled to be held in Geneva, on 22 and 23 February 2023 and agreed to work by e-mail in between its meetings, as required.

70. The Bureau reviewed and agreed on the main conclusions of its meeting.

71. It thanked the secretariat for the preparation of the meeting in the difficult circumstances. It invited the secretariat to draft the informal meeting report and to circulate it for comments by the Bureau members prior to its finalization.

¹⁹ See: unece.org/nicosia-conference.