

12th Baltic Sea Subregional Meeting under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

14-15 June 2022 (Warsaw/online)

Report prepared by Poland

The workplan for the implementation of the Espoo Convention and its Protocol on SEA for 2021-2023 was adopted by the Decision VIII/2–IV/2 of the Eighth Meeting of the Parties to the Convention and the Fourth Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1), held online/Vilnius in December 2020. Estonia and Poland committed to lead the cooperation in the Espoo Baltic Sea Subregion during this intersessional period. The first meeting was organized by Estonia and took place on November 3rd, 2021 (virtual).

The second meeting, organized by Poland (General Directorate for Environmental Protection), took place on 14th and 15th of June 2022 in Warsaw, with remote mode of participation available. During this meeting, the experts from six States around the Baltic Sea (Denmark, Estonia, Finland, Lithuania, Poland and Sweden) were present, together with participants from the European Commission, Norway and Secretariat to the Espoo Convention. Regrettably, no representatives from Germany and Latvia attended.

The meeting was dedicated mainly to the subject of the offshore wind farms projects, their cumulative impacts and transboundary EIA procedures. The participating States also exchanged information on the upcoming transboundary EIA and SEA procedures and discussed climate and health impacts analyses as part of environmental assessment on a strategic and project level.

1. Opening of the meeting

The meeting was opened by Dorota Toryfter-Szumańska – Espoo Point of Contact and Focal Point in Poland. The importance of the States’ experiences under the Espoo Convention and its Protocol was emphasized, along with significance of the above Treaties in the protection of the Baltic Sea ecosystem.

The meeting’s agenda was presented and agreed by the participants. Furthermore, taking into account staff changes within Espoo relevant authorities in States, all attendees had the opportunity to introduce themselves.

2. Update on the activities under the Espoo Convention and its Protocol on SEA

The Secretary to the Espoo Convention and its Protocol on SEA, Tea Aulavuo, updated participants on the activities under the Convention and the Protocol. Information from last Bureau meeting was presented regarding preparations for the meeting of the Working Group Meeting on EIA and SEA, planned in December 2022 in Geneva. Details concerning preparation of the draft assessment report for an activity *Identification of synergies and possible cooperation activities in marine regions* were shared, along with information on the 2nd joint technical meeting to be held on 16th June 2022 (online). The Secretariat also underlined critical

financial situation of the both Treaties, the need and possibilities to improve the financial situation and urgency for Parties' contributions.

3. Transboundary EIA procedure for offshore wind farms as part of the investment process

The first presentation was made by Maciej Kapalski (Ministry of State Assets in Poland) and was dedicated to development of the offshore wind energy production in Poland and the relevant regulatory framework. The current state of development of offshore wind farms in the Polish Exclusive Economic Zone was presented (already issued decisions, permits and planned projects). Moreover, the permitting process for the offshore wind farms was described, based on which the discussion of the States followed.

In the following part of this session the participants shared the information about the permitting process concerning offshore windfarms in their countries, including the stage of permitting procedure where EIA is conducted. The States also discussed possible legal solutions that might be required when important changes in technology or environment occur after EIA procedure for a windfarm is conducted. The last issue discussed were challenges posed for the regulatory framework as a consequence of present energy crisis in Europe, especially rapidly growing interest in the increase of the offshore and onshore wind energy production among EU countries.

4. Facilitation of the transboundary consultations for offshore projects

The second presentation on the facilitation of the transboundary consultations for offshore projects was made by Emma Sjöberg (Ministry of the Environment in Sweden) and Jan Schmidtbauer Crona (Swedish Agency for Marine and Water Management). They presented the case study of the Swedish Marine Spatial Plan (MSP) along with the SEA process including transboundary context. Sweden informed other participants that the Swedish Marine Spatial Plan was adopted on February 10th, 2022, however a new planning round is already in progress due to the recent changes in European energy targets, plans for decarbonization and RePowerEU proposal. Sweden, based on its national experience, identified challenges for marine spatial planning within Baltic Sea region and presented proposals of improvement of future cooperation between Baltic countries.

After the Swedish presentation, some participants shared information on the MSP development systems in their countries, as well as on the specificity of permitting processes for the offshore projects. A complexity and prolonged procedures were underlined as challenges which are faced by most of the countries. States also considered the need to promote cooperation with other relevant sea conventions, such as HELCOM.

Based on the discussions, Parties welcomed proposals presented by Sweden and jointly agreed on the need to enhance and strengthen cooperation between Baltic States, especially in relation to growing interest in the offshore wind energy development. Sweden committed voluntarily to prepare a short template that would be completed with information on planning and permit procedures for offshore wind energy production facilities in the Baltic States (including SEA, EIA procedure and public participation). Furthermore, this information from States will be shared within the region, on the UNECE website and as an example of good practice with other sea conventions under the activity *Identification of synergies and possible cooperation activities in marine regions*. Preparation of such templates by each Baltic State will also create an opportunity for an additional meeting (preferably online) to discuss their content, findings and to identify possible overlaps and synergies.

5. Cumulative impacts of offshore wind farms and environmental monitoring

Polish experience was presented on the example of the offshore wind farm (OWF) FEW Baltic II by Zuzanna Majewska (General Directorate for Environmental Protection). A general legal framework for assessment of cumulative environmental impacts in Poland was described and then the approach to this particular project. The cumulative impact assessment of the FEW Baltic II on migrating avifauna was carried out based on the information about 4 OWF for which EIA decision was already issued, 4 OWF with decision pending and 1 OWF at the early stage of planning. The possible cumulative barrier effect and collision risk were assessed in order to conclude whether the modification of migration routes can occur due to the project's implementation. The results of the above assessment, combined with the results of environmental monitoring allowed to conclude that the resulting elongation of migration routes will increase energy expenditure of birds, however the collisions significance will be from small up to moderate (depending on species). Taking into account the possible impacts, mitigation measures were established, such as 4 km migratory corridor between FEW Baltic II and neighboring OWFs, temporary shutdown system during critical periods of intense migration, as well as post-project monitoring (duration of 4 years).

A discussion that followed was focused on the need to obtain comparable results of cumulative impact assessment between different countries in order to properly estimate these impacts based on the already achieved results of the post-project monitoring. States also discussed possibilities to assess the efficiency of the mitigation measures based on the environmental post-project monitoring due to common responsibility of the Baltic countries for the migratory bird populations.

6. Upcoming transboundary consultations for offshore projects and others of a certain interest

Participating States shared information about the state of ongoing transboundary EIA and SEA procedures, as well as about new notifications planned in the near future. States also shared information about their approaches to notifying and identifying the Parties as possibly affected by a project's implementation. Some States also declared to update the information about the prolonging EIA procedures, where transboundary assessments were initiated but no further steps have been taken so far (no EIA documentation was provided to the Affected Parties)

States agreed that in order to facilitate the conduct of necessary procedures in the Affected Parties, including public participation, they will endeavor the efforts to inform Points of Contact at the earliest convenience about upcoming notifications via working basis contacts.

7. Climate and health impacts as part of environmental impact assessment and strategic environmental assessment

Discussion on climate impacts and climate adaptation measures as part of environmental impact assessment and strategic environmental assessment was moderated by Rainer Persidski (Estonia). Participants discussed the issues and challenges identified from legal and practical perspective, as well as feasible national guidances in this regard.

States agreed that the importance of impacts on climate has increased greatly in the last couple of years. Discussion led to the conclusion that emphasis should be put more on practical examples in countries and facilitation of the cooperation of authorities, EIA/SEA experts and NGOs. At the same time more ambitious objectives are being developed by governments, which is a signal for developers to put more attention on climate impacts of their projects.

States shared, that in some countries dedicated experts are hired by governments in order to ensure adequate quality of climate impact assessment and to provide support to authorities.

An interesting concept proposed during the discussion was to establish threshold values for significant greenhouse gas emissions of different types projects. However, the participants agreed that it would be difficult to develop such standard thresholds, since individual project's impacts might be differentiated also based on the location.

Another issue discussed was climate resilience, recently becoming more and more important to investors, as well as adaptation to uncertainty through design strategies. Participants share the opinion that during the EIA process more detailed analyses are usually conducted, because the methodology is already there (for instance concerning carbon footprint).

Furthermore, Dorota Toryfter-Szumańska (Poland) led with the topic of the importance to develop the practical guidance on assessing health impacts in strategic environmental assessment under the current workplan in the intersessional period 2021-2023. The necessity to create such guidance with useful, real-life examples was especially reiterated by the Caucasus and Central Asia countries during last Working Group meeting and sub-regional cooperation events.

Participants took note of the practical examples presented in the document issued by WHO: *Learning from practice: case studies of health in strategic environmental assessment and environmental impact assessment across the WHO European Region.*

Development of universal guidance for assessment of health issues during the SEA and EIA processes, that could be applied in practice, is very difficult, since health impact is a very investment-specific issue. Therefore, formulating unified conclusions, applicable to all types of projects, is possible only with regards to some aspects of the problem. Especially that some health impacts are directly measurable, while others are perceptible only after a certain period as indirect effect of a project's implementation.

Most of the countries from the Baltic Sea region do assess health during EIA/SEA, however the participants underlined that such a task is quite difficult when there are no thresholds specified, for instance concerning well-being. Another important issue is differentiation between health as a general term and human health, or even individual health which are more specific. Finally, some aspects of health are difficult to measure as they are, by definition, not objective (for example the abovementioned well-being).

States also shared information on the guidances on assessment of health in the EIA/SEA procedures already applied in other countries.

8. First Polish Nuclear Power Plant

Poland provided an update about the pending project of the First Polish Nuclear Power Plant. States were informed that the EIA report was submitted to the General Directorate for Environmental Protection by the proponent. Furthermore, the proponent was requested to supplement the EIA report and the Espoo report (a document to be sent to the Affected Parties). States will be informed in advance when the EIA report will be ready to be sent out in accordance with the obligation under the Espoo Convention.

9. Any other business

States also discussed recent RePowerEU plan and the revision of the Renewable Energy Directive (RED III). Parties exchanged their views on practical implementation of the above,

especially the challenges and concerns regarding introducing such vast changes to national legislation. The further discussion was focused on obligatory scoping phase and introducing one stage permit procedures, as well as a deadline for implementing the new provisions, conducting strategic environmental assessment and public participation.

10. Conclusions and closing of the meeting

Dorota Toryfter-Szumańska expressed gratitude for fruitful and interesting discussions and active involvement of the participants. She informed that the report from the meeting will be prepared by Poland, while presentations will be uploaded on the UNECE website. Participants were informed that main conclusions from the meeting will be presented during the 2nd joint technical meeting on the activity *Identification of synergies and possible cooperation activities in marine regions were shared*.

The results and establishments from the meeting were summarized by Dorota Toryfter-Szumańska. The main arrangement is that Sweden will prepare two separate templates (for EIA and SEA) with information on planning and permit procedures for offshore wind energy production facilities which will be distributed among the Baltic States. After completion of the templates additional online meeting to discuss their content will be organized. The second main conclusion was that States will inform each other at the earliest convenience about upcoming notifications via working basis contacts.

Dorota Toryfter-Szumańska thanked the participants for their attention and the meeting was closed.

Annexes:

1. Programme for the 12th Baltic Sea Subregional Meeting under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention);
2. Participants list;
3. Presentation of Maciej Kapalski, Ministry of State Assets – Polish Offshore Act. Regulatory framework;
4. Presentation of Emma Sjöberg, Ministry of the Environment and Jan Schmidbauer Crona, Swedish Agency for Marine and Water Management - Facilitation of the transboundary consultations for offshore projects – presentation and case study;
5. Presentation of Zuzanna Majewska, General Directorate for Environmental Protection - Cumulative impacts of OWFs and environmental monitoring experience of the Polish Party on the example of FEW Baltic II.