

9th seminar on Cooperation on the Espoo (EIA) Convention in the Baltic Sea Region

8-9 December 2016, Riga, Latvia

Report

Introduction

Subregional cooperation to strengthen contacts between the Parties and other bodies concerned is as an important element of the work plan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on SEA.

The work plan for the implementation of the Espoo Convention and its Protocol on SEA for 2014-2017 was adopted at the Sixth Meeting of the Parties in June 2014. Germany, Lithuania and Latvia committed to continue their activity for the Baltic Sea subregion during the current work plan and hold three meetings in in 2014 (Berlin), 2015 (Vilnius), and 2016 (Riga), respectively.

The third meeting in this period was held on 8 and 9 December 2016 in Riga (Latvia). The main topics for the meeting were long-distance transboundary projects and a maritime spatial plan.

The seminar, dedicated mainly to the Focal points and Points of Contact to the Espoo Convention from the States bordering the Baltic Sea, was organized by the Ministry of Environmental Protection and Regional Development (MoEPRD) of the Republic of Latvia.

During this meeting experts from eight States around the Baltic Sea (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden) were present, as well as guest speakers.

8 December

Introduction

1. Welcome and Practicalities

1.1. Welcome words from the Chair and Deputy State Secretary (DSS) of Ministry of Environmental Protection and Regional Development (MoEPRD). DSS stresses the importance of the issues of SEA and EIA, especially taking into account the value the Participating countries possess – the Baltic Sea and the fact, that borders do not exist for pollution or biodiversity. DSS stresses the importance of cooperation projects such as Rail Baltica. 2016 has been significant for Latvia, as Latvia has ratified the Strategic Environmental Protocol and Amendments I and II of the Espoo Convention.

1.2. European Commission and Espoo Convention Secretariat were unfortunately not able to attend the meeting.

1.3. Agenda approved.

2. 6th Working group on EIA and SEA in Geneva

Due to the fact, that the Espoo Convention Secretariat did not manage to participate in the meeting, Latvia takes the floor to debrief on results of 6th working group meeting.

3. Case studies on transboundary environmental impact assessment (EIA) and strategic environmental assessment (SEA)

3.1. Mineral strategy and SEA – tour-de-table

Parties share experience about Minerals strategy.

3.2. The Rail Baltica project in the Baltic States

Ministry of Transport of Latvia (MoT) presents the Rail Baltica project. One of the top six priority projects. The planning process started in 2013. The line is to be put in operation in 2026. EIA, first public hearings March 2015. Lack of public awareness regarding the issue, very strong NIMBY (Not in my back yard) effect. Initially 4000 properties affected, after reducing the corridor from 300 m to 60 m, just over 1000 properties will be affected.

Rail Baltica project is the first project for Latvia in Espoo process as a Party of Origin.

Presentation of ESB (Environmental State Bureau) of Latvia, EIA mostly covered soil quality, accessibility, mobility, territory fragmentation, noise, air quality, transboundary impacts, risk assessment, biodiversity, limitations & conditions for implementations, etc.

Parallel projects – extraction of gypsum & power transmission interconnection project.

- 1) Extraction of gypsum – extraction has to be finished until 2020, when Rail Baltica construction works begin.
- 2) Power transmission project had to wait for Rail Baltica EIA, main challenge – it has to be finished by 2020.

Challenges to minimise the impact on Natura2000.

Main transboundary issue – transboundary scale of the project, local impacts and nuisances, Natura 2000.

Within the project, the following assessments have taken place: Latvia – EIA, Lithuania - EIA, Estonia- SEA (ongoing).

EE – one joint SEA (including SEA report) for three county-wide spatial plans (Harju, Rapla, Pärnu), in the level of detail of EIA.

In August 2016, within transboundary consultations translated documentation was sent to LV and FI. LT and PL were also informed via e-mail.

National situation – some of the main stages of the spatial planning procedure have already finished (e.g. approvals by the concerned authorities before the publication stage), whereas for instance the publication of Pärnu county-wide spatial plan is ongoing.

Next important main stages – approval of the SEA report by the supervisor MoE; supervision over preparation of spatial plans by the Ministry of Finance; adoption of spatial plans by the county governors.

Presumably the SEA report will be submitted to MoE for approval in early 2017.

LT – SEA started in 2015, selected alternative was analysed in detail. Transboundary consultations with Latvia were held.

Legal act on approval of the plan is under consideration currently.

Adoption of EIA decision is planned for beginning of 2017.

PL – has been informed and notified, but do not consider that they will be affected by the project.

LV - very complex and complicated project. Interinstitutional cooperation is of high importance and the MoT has expressed significant support to MoEPRD. Projects like these are very challenging in order to find compromise and to satisfy the needs of all stakeholders.

3.3. Parties to share experiences about meetings with Nord stream this year regarding upcoming Espoo documentation in the first half of 2017

DE– presentation about Nord stream (NS) project – second pipeline in the Baltic Sea. November 2012 NS prepared a Project information document. 1 February 2013 there was a meeting of the Parties of Origin (PoO) in Copenhagen. Now NS is preparing national EIA. The submission of Espoo report planned at the beginning of April 2017. NS will translate full Espoo EIA report in all languages of all affected Parties. A meeting of the Parties of Origin including Russia (without Denmark) was held on 14 September 2016 in Berlin to discuss a harmonized Espoo-Process.

DK - Espoo EIA process is awaiting a clarification from the European Commission concerning whether the project is in accordance with the EU regulations.

SE Espoo EIA process is ongoing. Public hearing was held in 2016.

FI– Espoo EIA process is ongoing. Public hearing was held in 2016.

PL – Espoo EIA process is ongoing. Experts meeting was held in 2016. Public hearing for Information sheet (scoping stage) was conducted in 2013.

LT – Espoo EIA process is ongoing. Public hearing was held in 2016 September

EE two meetings with developer NS and experts have taken place (in 2015 and 2016). Main topics of the meetings were exchange of information regarding the developments of the project and practicalities concerning the forthcoming publication of the transboundary documentation.

LV – NS held meeting in September 2016 in Riga. Espoo EIA process is ongoing.

Every country is waiting for Espoo EIA report in 2017.

*3.4. Country reports – tour de table. Case studies on transboundary EIAs and SEAs.
Presentation from LV, EE, FI, SE, DK, DE, PL, LT*

LV as a party of origin

EIA – 1) Rail Baltica (transboundary EIA) 2) Estonian-Latvian 3rd power transmission interconnection (coordination of information)

SEA – Latvian Maritime Spatial Plan Territorial waters and exclusive economic zone of the Republic of Latvia

LV as affected party:

EIA: 1) 4 projects of mineral extraction (dolomite and peat), 2) nuclear power plant in Poland, 3) Rail Baltica Lithuania

SEA: 1) Marine environment spatial and thematic plans of Baltic sea countries, 2) Rail Baltica

EE as a party of origin

EIA – two dolomite minings; North-West Estonia offshore wind park

SEA – Rail Baltic; oil refinery detailed plan

EE as an affected party:

EIA – Södra Midsjöbanken wind park; Nord stream 2; nuclear power plant in Poland; spent nuclear fuel encapsulation plant in Finland

SEA – Latvian maritime spatial plan; National Swedish Marine spatial plan

PL as a party of origin (3 cases)

EIA – 1) Wind power plant “Baltic North” (affected parties SE, FI), EIA documentation is under preparation

2) Wind power plant Baltica-1(affected parties SE, FI), EIA documentation is under preparation

3) First Polish Nuclear Power Plant (affected parties –15 countries including all Baltic sea countries), scoping phase in 2016, EIA documentation is under preparation

PL as affected party (20 cases) for example:1) nuclear power plant Fennovoima (FI), still waiting for answers (comments/questions to EIA report sent in April 2014); 2) offshore wind farm Sodra Midsjobanken (SE), still waiting for answers (comments/questions to EIA report sent in December 2015), 3) wind power plant Baltic eagle (DE) waiting for explanation; 4) Baltic NPP (RU), waiting for information about project and answers for our comments sent after transboundary consultations; 5) interim storage encapsulating and final disposal of spent nuclear fuel (SE), waiting for final decision.

Baltic sea countries - 23 ongoing cases (3 SEA, 20 EIA). PL is a party of origin only in 3 cases (EIA) and affected party in 20 cases (14 of them are connected with wind power and 6 with nuclear energy sector).

LT, SE, DE, EE provided detailed list on EIA and SEA cases as a party of origin. **PL, LV** provided presentation on the ongoing EIA and SEA cases both as a Party of Origin and affected Party. Lists of cases and presentation are published on the Espoo Convention website as part of the meeting documents.

4. Practical and legal implications of requirement of public participation under Aarhus Convention

LV introduces with legal framework. In national level initial reference to the requirement of public participation is included in the Constitution of Republic of LV.

DE informs about an ongoing case before the Aarhus Compliance Committee (ACCC/C/2013/92). One of the recommendations of the ACC in the communication, in fact, creates a new requirement of notification in the scope of application of the Espoo-Convention. **DE** thinks this goes beyond the Committee's competences and requests the other states to inform their Aarhus-colleagues about it. **DE** distributes also the draft findings and recommendations.

9. December

5. Lessons learned – SEA for River Basin Management Plans

Tour de table on MS experiences

LV gives short information about Latvian river basin districts. River basin management plans (RBMPs) are the main planning documents in the field of water management – there are 4 river basin management plans for Daugava, Gauja, Lielupe and Venta river basin districts adopted in November and December 2015. 21% of surface water bodies are assessed as having good status.

SEA process for river basin management plans – main lessons learned: 1) during the simultaneous consultations of the public felt a bit unclear on which document (the RBMP or environmental report) to provide comments; 2) during both consultation procedures comments mainly related to river basin management plans, not to the environmental reports.

SE – has made SEA for all plan.

FI – has 7 river basin districts. SEA has been made for all plans. Also for next planning period they will make SEAs.

PL – adopted plans for 10 river basin districts this year.. Transboundary SEA started with Germany – but they decided not to take part in transboundary procedure. A lot of discussions when plans were made. Analyses of environmental documents were very important.

DE –made SEAs.

6. Thematic plan for coastal area

LV Presentation of MoEPRD of Latvia

Sustainable management of coastal area – balancing nature and cultural heritage conservation and economic development.

Opportunities – beach -the main attraction for visitors, blue flag beaches and "wild" beaches, coastal nature and cultural heritage.

Challenges – great differences in population density, depopulation, climate change.

Results – balanced network of public infrastructure in coastal area

Contents of coastal plan – analysis of current situation and challenges, strategic objectives, solutions. Plan adopted in 2016 by Cabinets of Ministers. First national plan on national level.

7. Maritime spatial plan (MSP)

LV Presentation of MoEPRD of Latvia

MSP consists of 4 main chapters: explanatory report, strategic part, description of permitted sea uses (priorities), and graphical part.

The SEA process involved extensive public participation (3 months), as well as transboundary consultations and coordination with a range of internal institutions and organisations.

Transboundary environmental impact – all Baltic Sea countries have considerably new MSP.

It is vital to ensure the ecological balance in the Baltic Sea from all the affected Member states.

Algae and mussels farming is advised for development taking into consideration their positive impact on overall aquaculture and Baltic Sea region.

HELCOM VASAB guidelines adopted in 2016 will assist maritime planners and authorities to organize transboundary consultation in the future.

7.1. Swedish Maritime spatial plan, the Baltic SCOPE project and the Helcom/Vasab Guidelines on transboundary consultations, participation and co-operation

Presentation of Sweden

MSP time frame 2014-2019, Legislation was pending for some time. Currently a Road map is developed, which will be followed by planning and plan proposals to government. Espoo notification was in 2015, consultation is planned for 2017/2018.

Transboundary cooperation is based on ESPOO convention, HELCOM-VASAB, EU commission expert group, bilateral contacts and a range of projects.

Baltic Scope project – a cooperation project (DK, SE, PL, LV, EE) with a focus on fisheries, environment, energy and environment. The project started in 2015 and at this stage a final report and conclusions are being developed. The project included a range of sectoral, bilateral meetings. A general checklist of ecosystem approach has been developed for EE, LV, SE project

Helcom Vasab MSP workgroup developed a roadmap for MSP, which included: transboundary consultations public participation, including developing a transboundary consultation strategy, strength transboundary informal cooperation, broadening the scope of transboundary dialogue.

EE – MSPs for 2 regions (Hiiu county and Pärnu county) have been developed and SEAs have been carried out. The national maritime spatial plan (i.e. national spatial plan prepared as a thematic spatial plan) for the whole sea area is planned to be initiated in 2017, taking also into account the forementioned MSPs.

LT – 3 main stages: analysis of situation, development of concept. Currently the country is in the concept stage.

LV is currently preparing a document which describes a methodology for development of MSP, which will be ready in the beginning of 2017 available also in English.

PL – Polish Maritime Office in Gdynia is responsible for the MSP and the draft documents are in process, so soon formal/informal consultations may follow

8. AOB

Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects and environment (transposition – state of play): tour de table on MS experiences

LV, DE, DK, SE, FI, LT, EE – Transposition is in process.

PL – Transposition is in process. has changed the law, according to the amendments, the law will enter into force in 1.01.2017

9. Conclusions and closing

Minutes of the seminar will be prepared by Latvia. Participants agreed that presentations and list of Espoo cases should uploaded on the UNECE website.

Possible lead countries for the next intersession period in Baltic region- DK, FI, SE.