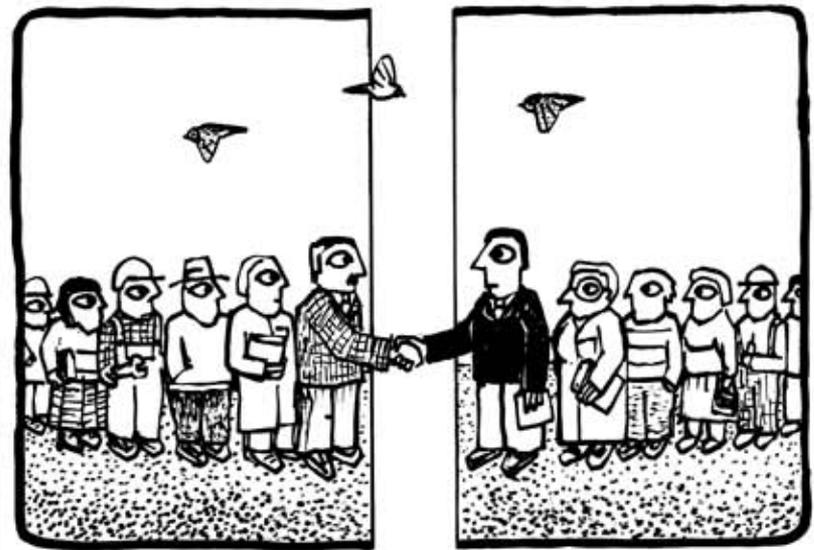


4<sup>th</sup> meeting of the  
**Working Group on EIA and SEA**  
26-28 May 2015, Geneva

- INFORMAL presentation of the main decisions



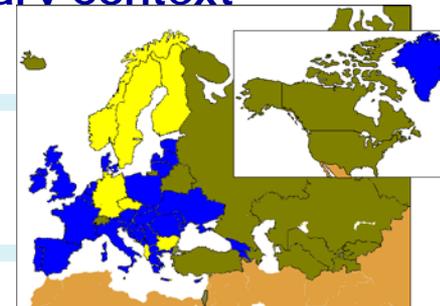


## Opening of the meeting

- The Chair of the Working Group, Ms. Masaityte, opened the meeting

## 1. Adoption of the agenda

- The meeting adopted its agenda as set out in document ECE/MP.EIA/WG.2/2015/1
- At the proposal of the Chair, the meeting agreed to change the schedule for the discussion of some agenda items, tentatively indicated in the agenda



## 2. Status of ratification

- Noted the report by the secretariat on the status of ratifications of the Convention, its amendments and the Protocol; and an informal note on the entry into force of the 1<sup>st</sup> amendment
- Welcomed the entry into force of the first amendment and took note of the need for 13 ratifications to render its provisions on accession by non-ECE States operational
- Welcomed the recent ratifications by Liechtenstein and Portugal of the first amendment, that reduced the number of needed ratifications from 15 to 13
- Took note of the delegations' reports on planned ratifications of the Protocol and of the amendments to the Convention; and Armenia's concerns over the ratification of the 1<sup>st</sup> amendment
- Agreed to consider avenues for the acceleration of the entry into force of the first amendment at its next meeting, depending on the number of the remaining ratifications

### 3. Compliance and implementation 1/7

- Noted the Implementation Committee's reports on its 31<sup>st</sup>, 32<sup>nd</sup> and 33<sup>rd</sup> sessions, as presented by the Committee's Chair, on procedural and substantive aspects, including on:
  - Follow-up to decision VI/2 with regard to Armenia (legislative developments and Metsamor), Azerbaijan (legislative developments), Belarus (Ostrovets); Ukraine (Bystroe and Rivne)
  - The Committee initiative regarding compliance by the UK (Hinkley Point C NPP)
  - The importance of reporting
- Noted information by Azerbaijan regarding the progress on the development of a new law on EIA and SEA
- Noted information from France, Romania and Ukraine on the appointment of alternate members for the Committee

### 3. Compliance and implementation 2/7

- Noted the briefing by the Chairs of the Working Group and the Implementation Committee on pending parallel cases before the Espoo Convention Implementation Committee and Aarhus Convention Compliance Committee
- Agreed that the Working Group and the Implementation Committee should be kept informed whenever there is a clear link of the two Conventions
- Invited the Implementation Committee to liaise, as appropriate, with the Aarhus Convention Compliance Committee to ensure a coherent and coordinated approach in the interpretation of the two instruments.

### 3. Compliance and implementation 3/7

- Discussed the Committee's proposals for revising the EIA and SEA questionnaires
- Approved the two questionnaires with a number of amendments
- Requested the secretariat to revise the documents based on these amendments and arrange for their translation, if possible as annexes to the report of the Working Group
- Agreed a timetable for distribution of the questionnaires to Parties (5<sup>th</sup> review of implementation of the Convention and 2<sup>nd</sup> review of implementation of the Protocol) by **31 October 2015**, and completion by **31 March 2016**
- Noted the information from the secretariat on the possibility of an online reporting mechanism, on the basis of the Aarhus Convention existing tool; agreed to use it for the upcoming reporting; and, should the tool prove useful, agreed to cooperate with the Aarhus Convention secretariat in the future for any updates to the tool.

### 3. Compliance and implementation 4/7

- Welcomed information on legislative advice carried out in Armenia, Azerbaijan, Belarus and Georgia, under the EaP Green Programme
- Welcomed information on legislative advice carried out in Kyrgyzstan (supported by Switzerland) and the Russian Federation (supported by Sweden)
- Noted the changes in the legislative advice project in Kazakhstan which will focus on water issues (EU financing)
- Noted the lack of response by Uzbekistan in receiving legislative advice and agreed, at Switzerland's proposal, to reallocate these funds to activities in Kyrgyzstan and Kazakhstan

### 3. Compliance and implementation 5/7

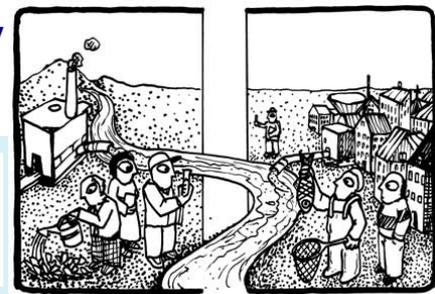
- Welcomed the report by the secretariat and the Chair of the Implementation Committee for the preparation of the guidance on the implementation of the Convention (approach and timeline)
- Thanked the European Investment Bank (EIB) for its dedicated support to the implementation of the workplan activities under the Convention and the Protocol
- Took note of information from the secretariat on the preparation of a video to promote the benefits of the Protocol in Eastern Europe and Caucasus

### 3. Compliance and implementation 6/7

- Took note of a table of possible inconsistencies of the authentic texts of the Protocol, prepared by the UNOG editing/translation services
- Thanked France for having already reviewed the table; and took note of information from Belarus and the UK that they have preliminarily considered the table
- Agreed to establish a task force composed of Belarus, France and the UK to further discuss the possible inconsistencies and make proposals to the WG (2016) on how to address them (distinguishing between inconsistencies of technical nature only and those relating to more substantive issues)
- Requested the secretariat to arrange for a similar exercise, in collaboration with the UNOG editing/translation services, for the two amendments of the Convention; and requested the task force to also review any identified inconsistencies in that relation and report to the next meeting of the Working Group

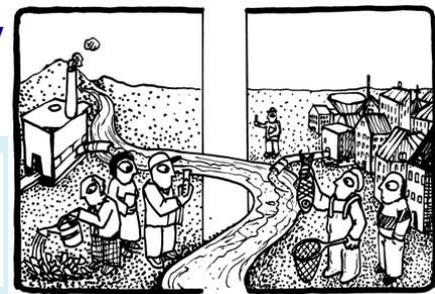
### 3. Compliance and implementation 7/7

- Took note of the report of the secretariat on the publications processed since the last MOPs



## 4. Subregional cooperation and capacity-building

- Welcomed reports provided by:
  - Germany and the secretariat on the events that have taken place under this workplan item in 2014-2015 (including the Berlin and the Morocco workshops)
  - Lithuania and Latvia on upcoming events in 2015-2016 (including the Vilnius workshop in Sept 2015)
  - Romania on plans to organize a seminar on the Bucharest Agreement at the second half of 2015; and the MOP in 2016
- Took note of information from the secretariat that a joint activity with the Aarhus Convention, funded by the EnvSec, had been delayed and might be cancelled

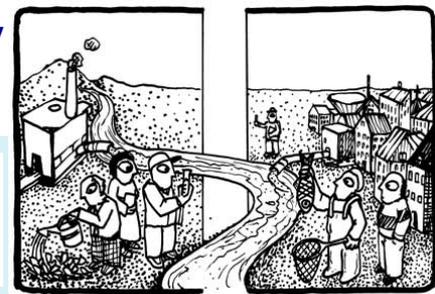


## 5. Exchange of good practices 1/9

### (a) Seminar on post-project analysis

- Welcomed the seminar organized by the secretariat and an international expert, to support Belarus; and asked the secretariat to place the presentations on the website.
- Agreed on the following **conclusions**
  - The presentations showed that there is not much experience in applying post-project analysis (PPA), but that there is a need to further develop this practice at the national and transboundary level

*(cont'd...)*



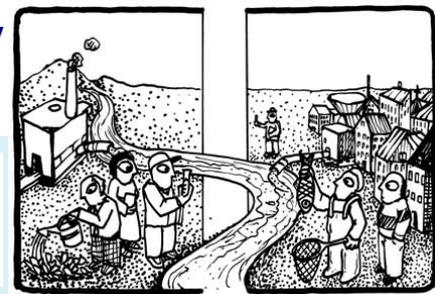
## 5. Exchange of good practices 2/9

### (a) Seminar on post-project analysis

#### CONCLUSIONS (cont'd)

- They have shown that best practice was developed for some particular projects, including the pilot project in Khotislavskoye
- The provisions of the Convention and other EU and national legislation do not always address the necessity to carry out PPA and do not provide many details on the PPA procedure
- The presentations also showed the importance of bilateral agreements between Parties, which include the PPA procedure

*(cont'd...)*



## 5. Exchange of good practices 3/9

### (a) Seminar on post-project analysis

#### CONCLUSIONS (cont'd)

- The PPA should already be agreed between States at the stage of the transboundary EIA consultations and the conditions should be included in the EIA documentation - ideally the scoping should cover PPA
- It would be appropriate to consider revising the PPA recommendations, developed in late 1980's before the adoption of the Convention, including considerations of access to information and public participation on PPA
- Invited Belarus, the secretariat and an international expert to prepare by 20 June a brief report on the seminar, as an annex to the Working Group's report.

## 5. Exchange of good practices 4/9

### (b) Good practice recommendations on the application of the Convention to nuclear energy-related activities

- Considered the terms of reference for the preparation of good practice recommendations (ECE/MP.EIA/WG.2/2015/3), prepared by the secretariat in consultation with the Bureau, considered the comments by the EU and the European ECO Forum and noted interventions by Belarus and Ukraine
- Agreed on a number of general observations regarding:
  - the scope of the document in relation to the Convention
  - its nature as a guiding document and the need to exemplify good practice through specific examples
  - the need to consider decisions of the MOP and opinions of the Implementation Committee, as well as existing relevant nuclear safety instruments (such as the IAEA standards or those set in the Euratom Treaty)
  - the selection of a consultant in consultation with the editorial group, which shall aim for consensus in making recommendations

## 5. Exchange of good practices 5/9

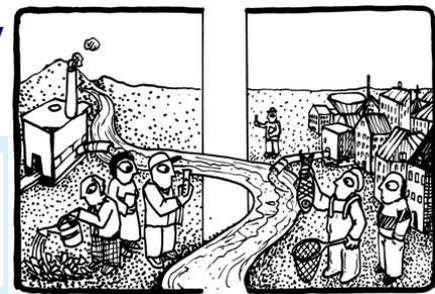
### (b) Good practice recommendations on the application of the Convention to nuclear energy-related activities

- Also agreed on a number of specific revisions on the text of the terms of reference and requested the secretariat to arrange for their translation
- Emphasised that it would be for the MOP to ultimately consider and adopt the recommendations
- Thanked Germany for its willingness to contribute USD5000 (2016) subject to the availability of funds in the national budget that would have to be adopted by the Parliament later this year.
- Welcomed the participation of a representative of the OECD Nuclear Energy Agency in the meeting and took note of the brief account of the activities under that forum

## 5. Exchange of good practices 6/9

### (c) Other activities foreseen in the workplan

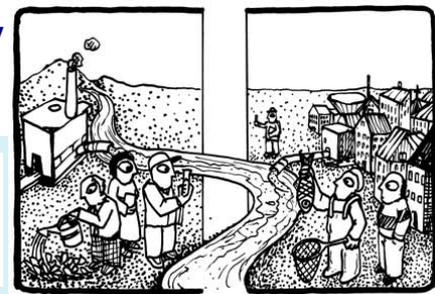
- Took note of report by EIB regarding the planned workshop in April 2016, in the context of the next Working Group meeting, on the Global Application of the Convention and the Protocol with a focus on non-ECE countries and IFIs



## 5. Exchange of good practices 7/9

### (d) Proposed activities not included in the workplan

- Took note of the proposal by the secretariat for developing joint good practice guidance on land-use planning (together with the TEIA Convention, and the ECE Committee on Housing and Land Management)
- Agreed that the inclusion of this activity in the Convention's workplan should not interfere with the implementation of the workplan (as agreed by the MOP)
- Invited the secretariat to provide additional information on the overall budget and the activity's impact on the implementation of other activities under the workplan



## 5. Exchange of good practices 8/9

### (d) Proposed activities not included in the workplan

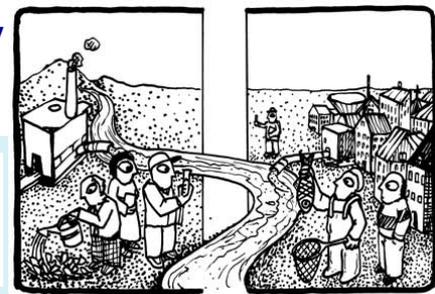
- Agreed that Parties would participate in the small group of land-use planning to follow more closely the work on that activity, including the TORs before their finalization and invited Parties to inform the secretariat about their possible representation in that group by 15 June 2015
- Thanked the EIB for its readiness to support the implementation of this activity, as well as the related organization of a workshop to exchange experiences on approaches to LUP with due account to the Protocol on SEA and the TEIA Convention



## 5. Exchange of good practices 9/9

### (d) Proposed activities not included in the workplan

- Agreed that a workshop to share experiences on receiving legislative assistance should take place in the context of the Batumi subregional event in October 2015 and that the outcomes would be reported and discussed at the next Working Group meeting.



## 6. Promoting ratification and application of the Protocol on SEA 1/3

- Welcomed reports from the secretariat and the recipient countries on the development of legislation on SEA under the EaP Green Programme, as well as of training and pilot projects
- Noted that the work under the EaP Green Programme did not strictly follow the adopted workplan, because the provision of technical assistance was demand-driven and always conditioned upon the actual needs of the recipient countries

## 6. Promoting ratification and application of the Protocol on SEA 2/3

- Discussed the potential added value of a subregional overview based on the legislative reviews on EIA and SEA, and considered whether the activity may be revised
- Agreed to provide comments by 15 June on the presented outline for the subregional overview and proposals on the best possible use of resources
- Welcomed reports from the secretariat, recipient countries and involved non-governmental organizations (NGOs) on the development of legislation on SEA , as well as of training and pilot projects in Kazakhstan, Kyrgyzstan and the Russian Federation

## 6. Promoting ratification and application of the Protocol on SEA 3/3

- Noted the further International Association for Impact Assessment (IAIA) informal pamphlets on key issues in impact assessment practice presented by the secretariat and a representative of the World Health Organization (WHO)
- Encouraged Parties to submit case studies by end of September 2015 on the application of the Protocol for the preparation of fact-sheets

## 7. Budget, financial arrangements and financial assistance 1/3

- Took note of the latest biannual financial report to Convention's trust fund presented by secretariat
- Acknowledged the shortfall between financial contributions received and the expenditure necessary to fulfil the workplan and the expected functions of the secretariat
- Was informed of the Bureau's selection of five NGOs to receive financial assistance for their participation in meetings under the Convention and the Protocol



## 7. Budget, financial arrangements and financial assistance 2/3



- Was informed of the Bureau's decision not to provide financial support to representatives and experts from States outside ECE region for the present meeting
- Took note of budget losses due to currency fluctuations (Dec 2014-Feb 2015), that mainly affected large contributions (i.e. Norway and the EaP Green tranche for 2015)



## 7. Budget, financial arrangements and financial assistance 3/3

- Took note of the document on sustainable and predictable financing of the MEAs, prepared by the ECE secretariat
- Took note of Switzerland's intervention, which welcomed the note and emphasized the need for scaling up the funding to allow for predictable planning in implementing the programme, through the introduction of the mandatory scheme of contributions based on the UN scale of assessment, which could be decided at the next MOP
- Recalled the decisions adopted by the MOPs in 2014 and requested the Bureau to monitor the financial situation
- Requested Parties to submit specific proposals on sustainable financing by the end of September 2015

## 8. Inputs to related international processes

- Took note of the outcomes of the meetings of the informal network of the representatives of the governing bodies of the ECE Multilateral Environmental Agreement (MEAs) and the Committee on Environmental Policy (CEP), in October 2014 and April 2015; and welcomed the ongoing efforts of the MEAs and the CEP Chairs to find joint activities and synergies
- Noted that the next meeting of the informal network was scheduled to take place in October 2015
- Noted information from the WHO on the Environment and Health process

## 9. Preparations for MOP7 and MOP/MOP3

- Took note of information from the secretariat that there was no expression of interest by any Party to host the next MOPs
- Agreed that Parties should consider hosting the MOPs as soon as possible, to allow for the timely initiation of any practical arrangements

## 10. Staffing of the secretariat

- Took note of the staff changes in the secretariat since the MOPs (June 2014), and the upcoming changes

## 11. Other business

- None raised



## 12. Presentation of the main decisions

- Agreed on the main decisions made at the meeting and that the report would be prepared by the secretariat under the guidance of the Chair