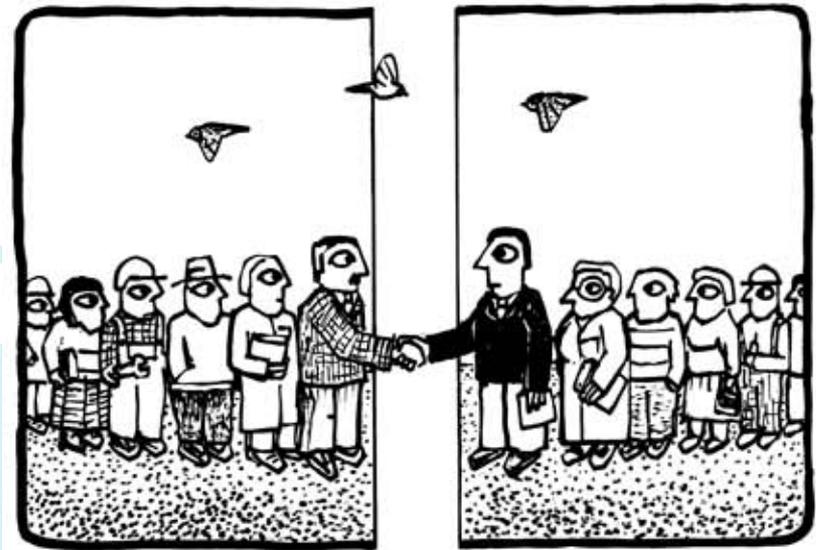


5th meeting of the
Working Group on EIA and SEA
11-15 April 2016, Geneva

- INFORMAL presentation of the main decisions



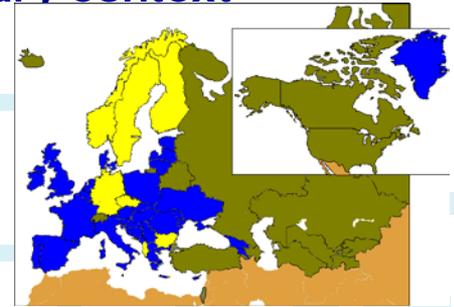


Opening of the meeting

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

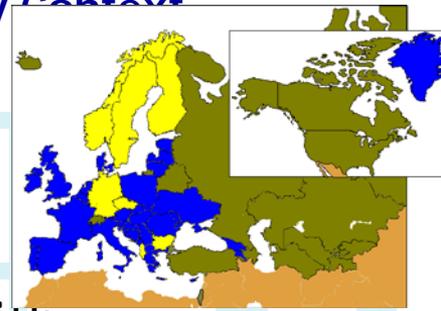
1. Adoption of the agenda

- The meeting adopted its agenda as set out in document ECE/MP.EIA/WG.2/2016/1



2. Status of ratification 1/3

- Noted the report by the secretariat on the status of ratifications of the Convention, its amendments and the Protocol;
- Welcomed recent ratifications of Ukraine and Latvia of the **Protocol**, which brought its membership to 28;
- Welcomed recent ratifications by Latvia and the Republic of Moldova of the 1st amendment; Serbia's accession to it;
- Noted with concern that 11 ratifications were still needed to render **1st amendment** operational - allowing accession by non-ECE States to the Convention;
- Welcomed recent ratifications by Latvia and Serbia of **2nd amendment** and noted that 4 more ratifications needed for its entry into force;
- Took note of the delegations' reports on planned ratifications, with those from the Rep of Moldova for 1st amendment; Denmark for both amendments; and from Bosnia & Herzegovina and France for the Protocol, being the most advanced.



2. Status of ratification 2/3

- Noted document ECE/MP.EIA/WG.2/2016/L.3 with proposals by the Bureau on Accelerating entry into effect of the 1st amendment;
- Supported Bureau in acknowledging Convention's global benefits and the need to accelerate opening of the Convention;
- Due to legal concerns by several States, decided not to support Bureau's proposal on adoption of a separate agreement modifying article 17 (3);
- By next MOP, urged Armenia; Azerbaijan; Belgium; Canada; Cyprus; Denmark; Greece; Italy; FYROM; UK and Ukraine to ratify 1st amendment; and all the Signatories of 2nd amendment to ratify it, to honour their political commitments; and to report back to WG-6 (in November) on progress;
- Agreed that Bureau members and delegations should prompt the Parties above to ratify through bilateral contacts and within the EU context, including by EU Presidency and the European Commission.

2. Status of ratification 3/3

- Regretted the lack of information on plans by signatory States of the Bucharest Agreement (Albania, Bosnia & Herzegovina, Croatia, Greece and Serbia) to ratify the it; and invited the countries to report on progress at its next meeting in November.

3. Compliance and implementation (1)

- Noted the **Implementation Committee's reports** on its 34th, and 35th sessions, as presented by the 1st Vice-Chair of the Committee, including:
 - Follow-up to decision VI/2 with regard to Belarus (Ostrovets); and Ukraine (Bystroe and Rivne)
 - Committee initiatives: Serbia (Kostolac lignite PP); findings and recommendations regarding compliance by the UK (Hinkley Point C NPP);
 - Ongoing information gatherings concerning the Netherlands; and Bosnia and Herzegovina, as well as Serbia on Protocol matters
 - Reporting: outstanding reports from Portugal and the UK from previous reporting rounds
- Agreed to propose inclusion in the workplan and budget of 9 Committee meetings (3/year) in 2017-2020;

3. Compliance and implementation (2)

- Noted the secretariat's report on distribution of **EIA and SEA questionnaires** on 30 Oct. 2015 for return by 30 March 2016; and on numerous reminders sent out;
- Noted also plans and time schedule for preparation of draft reviews of implementation of the Convention and the Protocol based on the national reports received by 30 April;
- Welcomed in-kind contribution of Canada to informally translate national reports provided in French;
- Agreed that once adopted by the MOPs, the secretariat should arrange for their publication in electronic format (not as hard copies).

3. Compliance and implementation (3)

- Noted with concern that only 60% of the Convention Parties had reported to date (44% i.e. 20 out of 45 on time):
- Urged the remaining 17 Parties to the Convention to report by end of April: Belarus; Croatia; Cyprus; Finland; Greece; Ireland; Italy; Kazakhstan; Kyrgyzstan; Montenegro; Republic of Moldova; Serbia; Slovakia; Spain; fYRoM; Ukraine; United Kingdom
- Noted also with concern that only 70% of the Parties to the Protocol had reported to date (14 out of 26 on time), welcomed also reports by 3 non-Parties (Malta, Italy and Bosnia-Herzegovina); Urged the 8 remaining Parties: Finland; Montenegro; Norway; Republic of Moldova; Serbia; Slovakia; Spain; fYRoM to report by end of April;

3. Compliance and implementation (4)

- Welcomed information of Portugal on its intention to submit its outstanding reports from the previous round 2010-2012 on the Convention and the Protocol asap after the WG meeting; and urged the UK to do the same for its outstanding report on the Convention;
- Supported proposal by the IC and the Bureau not to revise questionnaires for the reporting cycle 2016-18 under the next workplan

3. Compliance and implementation (5)

- Welcomed extended outline of **draft guidance on the Implementation of the Convention drawing on opinions of the Implementation Committee** prepared pro-bono by J. Jendroska and F. Zaharia;
- Regretted that only annotated outline was submitted for comments;
- Did not reach consensus on co-author's proposal to enlarge the guidance's scope beyond that foreseen in the workplan (to cover linkages with other treaties);
- EU requested for a concise document; no naming of Parties; and indicating interpretation of law as such;
- Requested for a full draft for its next meeting (by July);
- Noted that co-authors found the above scope too restrictive and preferred to proceed with their work independently;
- Stressed that outcome document should clearly indicate that it reflects author's and not Parties' opinions

Compliance and implementation (6)

- Welcomed **draft overview of the legislative reviews and legal advice on strategic environmental assessment (SEA)**;
- Welcomed and commented **draft practical guidance on reforming legal and institutional structures with regard to application of the Protocol** prepared by consultant;
- Requested for a disclaimer on 1st page to clarify that views of guidance's authors do not necessarily reflect views of Parties; that it is not binding; and that interpretation of EU legislation is prerogative of the Court of Justice of the EU;
- Invited secretariat to incorporate comments and circulate the revised document for further written comments by 2 May;

3. Compliance and implementation (7)

- Welcomed work on **alignment of authentic language versions of the Protocol and two amendments to the Convention**, including identification by UN editors of inconsistencies and proposals by Belarus, Canada and France, as ad hoc Task Force members, on how to address them;
- Agreed that inconsistencies identified were of technical nature and appropriately addressed through correction procedure;
- Requested secretariat to submit proposed corrections to the Depository (UN Treaty Section) for its review and to be addressed accordingly;
- Agreed that secretariat should initiate publishing/reprinting of the Protocol text once corrected without waiting for the MOP endorsement.

3. Compliance and implementation (8)

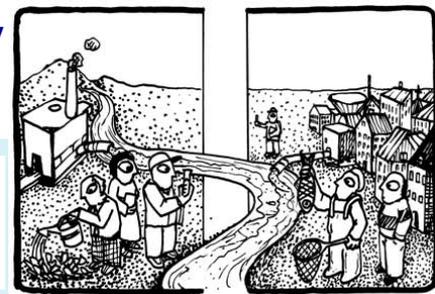
- Welcomed information on legislative advice carried out in Armenia, Azerbaijan, Belarus and Georgia, with EU funding from EaP Green Programme;
- Welcomed information on legislative advice carried out in Kyrgyzstan (supported by Switzerland) and the Russian Federation (supported by Sweden and ECE);
- Appreciated progress in development of new legislation by Russian Federation as an important step towards its ratification of the Convention and accession to the Protocol;
- Noted plans for implementation of SEA legislative advice project in Kazakhstan under current and next workplans 2016-2018 (with EU financing); Invited Kazakhstan and secretariat to report on progress of the implementation of the activity at its next meeting
- Noted legislative assistance activities to be proposed for the next workplan (to be waitlisted pending identification of funding), including development of sublaws to implement framework laws;

3. Compliance and implementation (9)

- Noted information by Kyrgyzstan and secretariat on further development and update of the Guidelines on EIA in a Transboundary Context for Central Asian Countries, with funding from Switzerland;
- Invited the concerned countries and the secretariat to report on progress of the implementation of the activity at its next meeting;
- Agreed to postpone the update and revision of the 1990 guidance on post-project analysis in EIA into the workplan 2020-2023

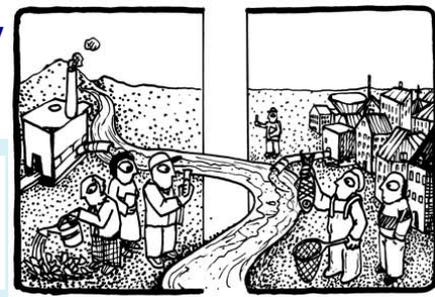
3. Compliance and implementation (10)

- Took note of the report of the secretariat on the publications processed since the last MOPs
 - Informal electronic publications of reviews of implementation of the Convention and the Protocol 2010-2012;
 - Recommendations on public participation in SEA published in a joint publication with Aarhus recommendations on PP in environmental decision-making;



4. Subregional cooperation and capacity-building (1)

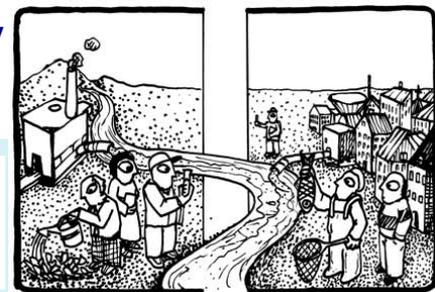
- Welcomed reports provided by:
 - Lithuania on the Baltic Sea Area workshop that took place under this workplan item in Sept. 2015;
 - Latvia on plans for the upcoming event 2016;
 - Georgia and secretariat on subregional coordination and experience-sharing event held in Kakheti, Georgia (Nov. 2015);
 - Secretariat on plans for subregional cooperation and capacity-building event in 2017;
- Invited secretariat to continue asking Romania (not present) whether organization of a preparatory workshop for **Bucharest Agreement** by next MOP is feasible or should be cancelled - and whether the workshop and possibly also the 1st Bucharest MOP should be carried over to the next workplan/waitinglist
- Noted that joint activity with Aarhus Convention was no longer funded by the EnvSec;



4. Subregional cooperation and capacity-building (2)

For the next intersessional period, 2017–2020, reviewed proposals in annexes I and II of the draft workplan:

- Noted that DK would consult with FIN and SE on possibilities for hosting workshops in **Baltic Sea area**, and invited outcomes of consultations by next meeting;
- Welcomed **Croatia**'s offer to include a Transboundary Cooperation section at 3rd Subregional Conference on EIA organized in Sept 2017, in order to host discussion on Espoo, Bucharest Agreement, SEA;
- Welcomed offer by Switzerland to financially support further activities in **Central Asia** to promote Espoo Convention



4. Subregional cooperation and capacity-building (3)

- [Noted] future needs for sub-regional cooperation focusing on SEA in **Eastern Europe, Caucasus**, including experience exchange & training events e.g. on: (a) inter-institutional collaboration; (b) consideration of health; and of (c) climate change mitigation; (d) quality control of SEA documentation;
- [Noted] needs for promoting environmental assessment to help green economic development in Central Asia and elsewhere in **“Silk road” region**;
- [Noted] needs for promoting transboundary EIA and SEA in **South-East Asia**;
- [Agreed] on **waitlisting** related proposed next workplan activities (pending identification of funding);
- Noted the need for prioritization of the proposed activities

5. Promoting ratification and application of the Protocol on SEA (1)

- Welcomed a **draft brochure of the Protocol** and its benefits (informal document 9); invited comments notably on the case studies included by 2 May.
- Welcomed the **video for promoting the Protocol** and invited national focal points and NGOs to publish it on (environmental and sectoral) websites and to distribute it widely;
- Welcomed reports from the secretariat and the recipient countries on its implementation of **training and SEA pilots** with EaP Green funding (inf. Doc. 5);

5. Promoting ratification and application of the Protocol on SEA (2)

- Noted needs for further assistance in **Eastern Europe, Caucasus and Central Asia**, including further awareness raising to support legislative reforms and practical implementation of SEA;
- Noted possible activities to be proposed for the next workplan (waitlisted pending identification of possible funding) subject to discussion and prioritization at the next meeting:
 - Development of the sector specific guidance documents;
 - Awareness raising and capacity building events for planning, environmental and health authorities and
 - Pilot projects;
 - Preparation of national language versions of the promotional video
- Noted request for **SEA study tour** in an EU country and invited secretariat to include it in workplan's annex II

5. Promoting ratification and application of the Protocol on SEA (3)

- Welcomed the **case study on Poland's application** of the **Protocol** to its national nuclear power programme, considering that it represented good practice;
- Encouraged other Parties to submit case studies; and agreed on including preparation of fact sheets in the next workplan;
- Noted the further International Association for Impact Assessment (IAIA) informal pamphlets on key issues in impact assessment practice; and welcomed its willingness to continue collaboration also in 2017-2020;

6. Inputs to related international processes

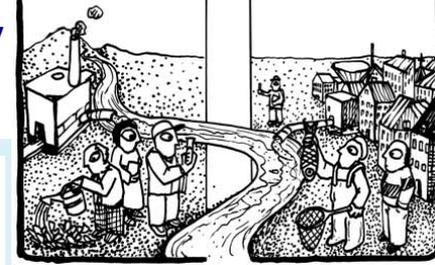
- Noted outcomes of the meeting of the **informal network of representatives of the governing bodies of the ECE Multilateral Environmental Agreement (MEAs)** and the Committee on Environmental Policy (CEP), and of the segment on MEAs at the CEP session in October 2015; and again welcomed the ongoing 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 for 6 December 2016, back-to-back with the 22nd CEP session;
- Noted information on input to **EfE Ministerial Conference** (Batumi, Georgia, 8-10 June 2016); re. session on contribution of MEAs and other processes to SDG implementation; side-event on SEA; 2 side-events on EaP-Green;
- Noted outcomes of meeting of **informal network of MEA IC and CC chairs** (29 June 2015); and that next meeting is scheduled for 20 June 2016.



7. Exchange of good practices

(a) Guidance and workshop on land-use planning, the siting of hazardous activities related safety aspects (1)

- Welcomed the seminar co-chaired by Chair of the WG on EIA and SEA and the WG on Development under the Industrial Accidents Convention; organized by the two treaty secretariats, as agreed by the two WGs;
- Asked the secretariat(s) to post presentations on the website.
- Noted the Co-Chair's **conclusions** from the workshop (as presented on Wed 13 April; included on separate slides)



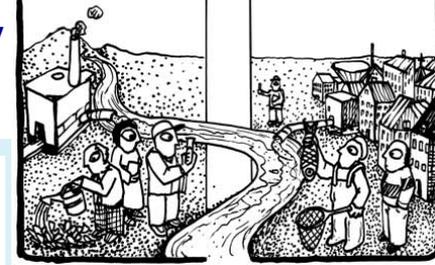
7. Exchange of good practices

(a) Guidance on land-use planning (2)

Agreed with the Co-Chairs' summary on the following steps for the further development of the Guidance:

- Improve the structure of the draft, clearly separating between the legal and policy aspects, on the one hand, and the technical aspects, on the other
- Review the text against any duplication of information and summarize it to be comprehensive and concise
- Thus ensure that the guidance provided is clear, practical and to the point, and can be understood by policy makers on environmental assessment, land-use planning and industrial safety, enabling them to understand the linkages and benefit from mutual knowledge
- Prepare a concise non-technical summary of the legal and policy guidance (part A), addressing the linkages, opportunities for synergies and the challenges
- Prepare the next draft by 13 June 2016, taking into account the comments of the workshop and the comments received in writing by 2 May 2016;
- Provide the final version of the guidance by 5 August 2016.

(cont'd...)



7. Exchange of good practices

(a) Guidance on land-use planning (3)

The Working Group agreed in addition that the Guidance should:

- Target EIA/SEA experts as well, and not only industrial accidents experts;
- Distinguish clearly what is an obligation under the treaties and what is good practice/advice to follow;
- Avoid interpretation of EU legislation;



7. Exchange of good practices

(b) Good practice recommendations on the application of the Convention to nuclear energy-related activities (1)

- Welcomed the work this far by consultants under supervision of editorial group for preparation of good practice recommendations, in line with ToR, involving collecting information from Parties on their related practice through detailed questionnaire; and summarizing it;
- Decided that survey responses should for the moment not be made public and agreed to discuss this further at its next meeting;
- Noted summary report on the survey outcomes received until 18 January (inf. Doc. 12) reflecting expert views and not officially coordinated national positions; agreed therefore that it should be removed from the web site;
- Agreed also that the summary was only a first step, which should remain an “internal” document to assist consultants and should not be further complemented with further responses;

7. Exchange of good practices

(b) Good practice recommendations - nuclear (2)

- Invited consultants, under guidance of the editorial group, to prepare for next WG meeting a short document with possible recommendations based on existing practices reported by Parties, but without naming the Parties, including also boxes with good practice examples with references to the country in question;
- Recommended that the structure and the approach should follow that of the good practice recommendations on public participation in SEA;
- Invited France, UK and other countries that had not yet provided information to provide good practice examples, and possibly also fill in the questionnaire;
- Encouraged all countries with relevant experience to provide further examples of good practice, also explaining why they considered it as such.

7. Exchange of good practices

(b) Good practice recommendations - nuclear (3)

- Invited the consultant to provide a template for the provision of the good practice and the secretariat to disseminate to the national focal points and stakeholders;
- For more time for preparation, recommended submission of the first draft recommendations as an informal document to the WG by mid-September;
- Agreed on their informal translation into French and Russian, (subject to availability of funding for French);
- Welcomed the offer of Switzerland to fund Russian translation (to be confirmed by 31 May)
- Invited French speaking countries to confirm their need for French translation, by 2 May;
- Invited the editorial group to agree on detailed guidance to the consultant and to contribute to preparation of the recommendations;
- Agreed to provide the editorial group access to the responses by all countries (by consultant via a dropbox);

7. Exchange of good practices

(b) Good practice recommendations - nuclear (4)

- Noted the following steps agreed by the editorial group with the consultant
 - Consultant to provide by 2 May one draft chapter for editorial group's review before preparation of other chapters;
 - Holding of a video conference/"webex" meeting (possibly 20 May tbc.);
 - Possibly meeting in Vienna **[to be confirmed]**;
 - Communicating via e-mail; providing coordinated responses to consultants, that reflect consensus;
 - Detailed schedule for the next steps to be provided by the consultant and agreed by the editorial group to ensure delivery of the first draft by mid/September;
- Noted that available funding (17,500 USD) set limitations for consultants

7. Exchange of good practices

(c) Other activities foreseen in the workplan

- Welcomed report by EIB regarding the planned workshop in NOv 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;
- Welcomed offers from EIB, Norway and IAIA to support preparation in 2017-2020 of a strategy for implementation of the Convention and the Protocol at global level.

8. Budget, financial arrangements and financial assistance (1)

- Regretted that secretariat could not issue latest biannual financial report covering June-December 2015 until UNOG's new enterprise resource planning system (UMOJA) would generate data for financial reporting (expected for June);
- Noted information by the secretariat demonstrating insufficiency and unpredictability of voluntary financial contributions to the Convention Trust Fund and its unequal distribution among Parties with a dependency on only 3 main donor Parties/organizations (Norway, EC, Switzerland);
- Again acknowledged shortfall between financial contributions and necessary expenditure to fulfil the workplan and the expected functions of the secretariat
- Noted that contributions barely covered priority 1 expenditures budgeted (costs of 1 professional staff) and travel of meeting participants; but not workplan implementation





8. Budget, financial arrangements and financial assistance (2)

- Invited countries explore possibilities for funding, including that from other Ministries (e.g. Foreign Mins for development assistance); and provision of a Junior Professional Officer: in-kind contributions ;
- Requested Parties to submit specific proposals on sustainable financing and other comments to be included to the draft decision on budget by end May 2016; and initial pledges for 2017-2020 by the next meeting;
- Noted that EC would explore internally possibilities for continued EC funding after EaP Green, i.e. after 2016, and encouraged concerned Parties to advocate/request for further regional cooperation, and capacity building implemented by UNECE.

9. Preparations for MOP7 and MOP/MOP3

- Welcomed offer by Belarus to host next MOPs in Minsk, and information about the advanced state of preparations of the host country agreement with UNECE and other logistical arrangements;
- Agreed on recommendation of the Bureau that next MOP sessions be held on **13-16 June 2017** and agreed also on a preliminary schedule for next IC and Bureau meetings;
- Noted information about documents for the MOPs, as revised, and other preparatory work and its time schedule;
- Noted draft Minsk declaration proposed by the Bureau; invited delegations to provide comments in writing by 15 June, to be submitted separately to its next meeting together with the present draft declaration (not to be revised in the meantime);
- Agreed to revise the draft declaration at its next meeting based on comments received and outcomes of a brainstorming to be organized at that meeting.

9. Preparations for MOP7 and MOP/MOP3

- Agreed on initial list of possible MOP decisions, as revised based on outcomes of its present meeting
- Requested Bureau to prepare, with secretariat's support for WG-6 (by July) the following draft decisions for next MOPs
 1. Reporting and review of implementation of the Convention
 2. Reporting and review of implementation of the Protocol
 3. Budget, financial arrangements and financial assistance
 4. [Adoption of the] Guidance on EIA in a Transboundary Context for Central Asian Countries
 5. [Adoption of the] Good practice recommendations on the application of the Convention to nuclear energy-related activities
 6. [Adoption of] the joint Guidance on safety and land-use planning

9. Preparations for MOP7 and MOP/MOP3

- Requested Bureau to prepare, with secretariat's support for WG-6 (by July) the following draft decisions for next MOPs, .. Continued:

7. [Adoption of practical guidance on reforming legal and institutional structures with regard to application of the Protocol];

8. [Mandate for the development of a strategy for the contribution of the Convention and the Protocol to the achievement of SDGs and targets.];

9. [Mandate for the development of a strategy for the implementation of the Convention and the Protocol at the global level]

9. Preparations for MOP7 and MOP/MOP3

- Revised the initial proposal by the Bureau for the provisional programme of the MOPs, agreeing on a high-level panel dedicated to climate change, and, in general segment, on a seminar/panel focusing on SDGs and on the follow up to “brainstorming” session on the Convention’s and Protocol’s future (to be held at WG in November);
- Noted that Belarus would chair MOPs high level segment (or co-Chair it, if not yet Party to Protocol)
- Noted Bureau’s recommendation that the Chair of MOP’s general segment should be familiar with procedures and activities under the Treaties, and also have no conflict of interest with respect to any of the draft MOP decisions,
- Agreed that the Bureau Chair, Mr. G. Kremlis, would chair the general segments of the MOPs; and appreciated his willingness to take on this responsibility
- Invited secretariat to issue a call for one or more side events; delegations to provide proposals, including for their financing;

9. Preparations for MOP7 and MOP/MOP3

- Noted a possible interest by EIB to host a side event at the MOP on global application of the EIA and SEA;
- Invited delegations to propose at next Working Group meeting nominations for the following officers for the next intersessional period: Chair and at least one Vice-Chair of the Working Group, Chair and vice-Chair(s) of the Bureau and four members of Implementation Committee
- Reviewed and revised the draft workplan for 2017-2020 and invited further proposals, and offers for funding and/or leading activities in writing by 15 June for inclusion into the next version of the draft workplan; and for discussion at the next meeting

11. Other business

- For discussion at its next meeting, invited the secretariat and the Bureau to prepare an overview of pros and cons for extension of the interval period of the MOPs from 3 to 4 years, taking also into account the outcomes of similar discussions held under the Aarhus Convention;
- Noted information by the secretariat on the ongoing external evaluation of UNECE's activities under the Espoo Convention and the Protocol on SEA, mandatory for all UN departments and programmes

12. Presentation of the main decisions

- Agreed on the main decisions made at the meeting (until slide 32) and in absence of time, agreed to review and agree the remaining decisions electronically until Tuesday 19 April (absence of reaction meaning a tacite agreement)
- Agreed that the report would be prepared by the secretariat under the guidance of the Chair.

Next meeting

- Noted the date of its next meeting: 7-10 November 2016
- Agreed on an EU proposal for Austria, Finland, France, the Netherlands, and Norway to organize a 3 hour brainstorming session at the next meeting, with support from the secretariat, on the future of the Convention and the Protocol, looking at e.g.:
 - Results achieved since adoption of the Convention + Protocol;
 - Vision and role of the two Treaties in the changing world;
 - Implication for the workplan 2017-2020 (and future workplans);
 - Financing of activities and of secretariat functions