

## **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, 7– 8 February 2018

#### **Informal notes of meeting<sup>1</sup>**

#### **Prepared by the secretariat<sup>2</sup>**

### **I. Organizational matters**

1. The Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment met in Geneva, on 7 and 8 February 2018.
2. The following members of the Bureau were present: Chair of the Bureau: Mr. Kremlis (European Union), assisted by Ms. Milena Novakova; Ms. Vesna Kolar-Planinsic (Slovenia), Chair of the Working Group on EIA and SEA; and two Vice-Chairs of the Working Group: Ms. Sviatlana Kazakevich (Belarus), and Ms. Maryna Shymskus (Ukraine); Mr. Romas Svedas (Lithuania), Chair of the Implementation Committee; and Ms. Maria do Carmo Figueira (Portugal), First Vice-Chair of the Implementation Committee; Ms. Elyanora Grygoryan (Armenia); Ms. Seija Rantakallio (Finland); Ms. Lourdes Aurora Hernando (Spain) and Mr. Vegard Engh (Norway).
3. Mr. Ruhid Damirov (Azerbaijan) was absent. According to Azerbaijan, due to his recent change of functions, Mr. Damirov would be replaced by another person yet to be nominated. Pending that nomination, Ms. Aysel Babayeva (a member of the Implementation Committee from Azerbaijan) exceptionally attended the meeting. In this context, the Bureau reiterated that, as a rule, the same representative of a Party should not serve in the Bureau and the Implementation Committee (aside from the Chair and the first Vice-Chair of the Committee). Azerbaijan was invited to nominate the new Bureau member and to inform the secretariat about it as soon as possible.
4. The Director of the Environment Division of the United Nations Economic Commission for Europe (ECE) welcomed the participants.
5. The Bureau adopted its agenda, as contained in informal document ECE/MP.EIA/B/2018/INF.1\_rev.

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<sup>1</sup> Available at: <http://www.unece.org/index.php?id=47325>.

<sup>2</sup> Prepared in consultation with the Bureau.

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

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

7. The Bureau welcomed the entry into force of the second amendment to the Convention on 23 October 2017<sup>3</sup> for those Parties that had ratified the amendment. It recalled the following main changes to the Convention introduced by the second amendment:

(a) Extended list of activities subject to the Convention in appendix I, aligned with the European Union Directive on environmental impact assessment;

(b) Recommendation to involve affected Parties in scoping;

(c) Measures for the “non-adversarial and assistance-oriented” review of compliance with the provisions of the Convention (that were extended in 2011 to also cover the Protocol);

(d) Provision for a mandatory and regular reporting by Parties;

(e) Clarification of the Convention’s amendment procedure, to specify that the established proportion (three-fourths) for the entry into force of amendments is to be calculated based on the number of the Parties at the time of its adoption.

8. The Bureau noted with concern that further eight ratifications from the following Parties to the Convention were still needed for the first amendment to have effect: Armenia, Azerbaijan, Belgium, Canada, Greece, the Former Yugoslav Republic of Macedonia, the United Kingdom and Ukraine. The member representing Azerbaijan informed the Bureau that Azerbaijan was expecting to ratify both Convention amendments shortly. In contrast, the representatives of Armenia and Ukraine had no further news regarding the ratification of the two amendments by their countries. Belarus reported about its ongoing internal discussions regarding joining the Protocol, and ratifying the second amendment to the Convention.

9. In an attempt to accelerate the entry into effect of the first amendment, the Bureau reiterated the invitation to its members to prompt their own countries/other concerned countries through bilateral contacts to ratify as soon as possible. It also requested the secretariat to ensure that in the invitation letters to the “intermediary” session of the Meeting of the Parties, the Executive Secretary of the Economic Commission for Europe (ECE) urge the Parties to the Convention that had adopted the amendments, or signed the Protocol, to proceed promptly with their ratification. In addition, in her letters, the Executive Secretary should invite the eight Parties referred to above (see para. 8) to provide a progress report on the steps they have made towards the ratification of the first amendment to the Convention.

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<sup>3</sup> Ninety days after Denmark deposited its instrument of approval with the United Nations Treaty Depository on 25 July 2017.

### **III. Review of decisions by the Meetings of the Parties**

10. The Bureau recalled its role as an advisory body that provides guidance and recommendations to the Convention and the Protocol bodies and the secretariat on all the matters regarding the implementation of the workplan, the related budgetary matters and the preparation of the meetings under the two treaties. It also recalled the tasks assigned to it during the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Protocol as included in the report of the two sessions (ECE/MP.EIA/23–ECE/MP.EIA/SEA/7, and Add.1–Add.3).<sup>4</sup>

### **IV. Implementation of the workplan 2017–2020**

11. The Bureau reviewed progress in implementation of the various sub-items of the present workplan for 2017–2020 under the Convention and the Protocol.<sup>5</sup>

#### **A. Compliance with and implementation of the Convention and the Protocol**

##### **1. Review of compliance**

12. The Bureau recalled that, at its seventh session in Minsk, the Meeting of Parties to the Convention had decided to continue its deliberations on the draft decision VII/2 on compliance at an “intermediary session” to be convened for late 2018 or early 2019, and had mandated the Implementation Committee to revise the draft decision taking into account the work already carried out and the progress achieved before and during the seventh session. Following a general discussion on the lessons to be learned from the unprecedented inability that Parties had had to finalize their deliberations in Minsk, the Bureau recommended improving the conduct and the outcomes of the next sessions of the Meetings of the Parties. To this end, it recommended avoiding in the future that the Implementation Committee subsequently amend the text of the draft decisions on compliance once these have been issued as official documents but not yet considered by the Parties. The Bureau nevertheless noted that that did not prevent the Meetings of the Parties from considering factual issues that might have occurred in between (such as the adoption of the new legislation on environmental impact assessment by Ukraine in May 2017). Secondly, it recommended that the coordination meetings among the European Union member States on matters under the Convention and the Protocol start earlier in advance of the sessions of the Meetings of the Parties and be conducted in a more efficient manner.

13. The Chair of the Implementation Committee informed the Bureau about the main outcomes of the Committee’s thirty-ninth and fortieth sessions (held on 5–7 September and 5–7 December 2017, respectively)<sup>6</sup> and the main objectives for the Committee’s upcoming forty-first session (Geneva, 13–16 March 2018). The Committee Chair highlighted that the Committee’s priority task was to finalize the revision of draft decision VII/2 by its forty-second session (Geneva, 11–15 September 2018) and, before that, provide an informal draft for information to the Working Group on Environmental Assessment and Strategic Environmental Assessment at its seventh meeting (Geneva, 28–30 May 2018). Moreover, at its next session, further to the proposal by the delegation of Ukraine in Minsk, the

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<sup>4</sup> Available at: [http://www.unece.org/env/eia/meetings/mop\\_7.html](http://www.unece.org/env/eia/meetings/mop_7.html)

<sup>5</sup> See ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/3–III/3

<sup>6</sup> Reports on the Implementation Committee’s sessions held in 2017 and 2018 are available at: <http://www.unece.org/environmental-policy/conventions/environmental-assessment/meetings-and-events.html#/0/0/0/28089/19940>.

Committee was going to agree whether to present to the Meeting of the Parties the revised text of the draft decision VII/2 in several separate draft decisions on general and on each of the individual compliance issues, with a view to facilitating their consideration and adoption. The Committee Chair also reported on its constantly growing overload of work, which had brought it to hold virtual (Webex) meetings in between its sessions, and to extend its upcoming session by an additional day. Finally, the Committee Chair referred to its urgent need for guidance for concluding on the several outstanding and rapidly increasing new information gathering/compliance cases on lifetime extension of nuclear power plants brought before the Committee.

14. The Bureau took note of the report by the Committee Chair. The Bureau was in favor of increasing, to the extent feasible, the budgeted resources for allowing longer and more frequent meetings of the Implementation Committee (e.g. meetings of four days, four times a year, if needed). It recommended using for this purpose the expected savings from the budgeted financial support to eligible Committee members (The budget for the implementation of the Convention and the Protocol for the period 2017–2020 adopted by Parties through decision VII/4–III/4 foresaw up to \$6,000 per meeting for supporting participation of eligible Committee members. However, in the current composition of the Committee, the costs per meeting amounted only to some \$ 3,000 per meeting). The Bureau also supported the splitting of the compliance decisions to facilitate their adoption.

15. The Bureau supported the Committee’s plea to urgently receive guidance on the lifetime extensions of nuclear power plants, acknowledging the importance to assist Parties in their implementation of the Convention and the Committee in its review of compliance as soon as possible.

## **2. Lifetime extension of nuclear power plants**

16. The Chair informed the Bureau about the ongoing work of the ad hoc working group led by Germany and the United Kingdom, which the Meeting of the Parties in Minsk had established for the preparation of “draft terms of reference for possible guidance addressing the applicability of the Convention to life-time extension of nuclear power plants”. The Parties had mandated the Working Group on EIA and SEA to consider adopting the draft terms of reference at its seventh meeting in May 2018, taking into account the outcomes of a workshop that the ad hoc group was to organize during that meeting (see item I.9 of the 2017–2020 workplan adopted by decision VII/3–III/3). The Bureau recalled that, originally, the Implementation Committee had proposed to prepare the guidance itself but that the Meeting of the Parties had opted instead for the establishment of the ad hoc group to carry out the work.

17. The Bureau agreed unanimously that given the urgency for the Committee but also for the Parties to receive guidance on the application of the Convention to life-time extension of nuclear power plants, the work on the guidance should proceed without a delay. The Bureau considered that the Working Group could propose activities for supporting the implementation of the Convention, further to the Committee’s plea, the recommendations from the Bureau, and in accordance with the past practice. In this respect, the Bureau recalled for example that, although not originally foreseen in the workplan, the Working Group had decided on the development of Good Practice Recommendations on Land-use Planning, Siting of Hazardous Activities and the Related Safety Aspects<sup>7</sup> which were subsequently endorsed by the Meetings of the Parties in Minsk. Consequently, the Bureau agreed to propose that, at its meeting in May, the Working Group invite the ad hoc

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<sup>7</sup> Developed jointly with the ECE Convention on the Transboundary Effects of Industrial Accidents with support from consultants to the two secretariats and funding from the European Investment Bank.

group to pursue its work following a two-step approach, starting with the development of “initial key elements of guidance” that would build on the terms of reference, as adopted, reflecting also the workshop outcomes, and be submitted for endorsement by the Meeting of the Parties to the Convention at its “intermediary” session. As a next step, the Bureau proposed that the Working Group invite the Meeting of the Parties at its “intermediary” session to mandate the development of the final, full-fledged, guidance for submission to the Meeting of the Parties at its eighth session, in 2020. To this end, the Bureau agreed to forward for consideration of the Working Group draft decision IS/3<sup>8</sup> on the application of the Convention to nuclear energy-related activities, and agreed on its text. In addition, the Bureau agreed on the text of the corresponding agenda item on lifetime extension of nuclear power plants in the provisional agenda of the Working Group.<sup>9</sup>

18. Regarding the workshop on the lifetime extension of nuclear power plants, the Bureau recommended that the ad hoc group invite speakers representing Governments and stakeholders with various positions and perspectives v-à-v nuclear energy, and ensure a balanced geographical representation of the UNECE region. The Bureau member representing Ukraine expressed an initial interest for Ukraine to present its follow-up to decision VI/2 regarding the lifetime-extension of Rivne nuclear power plant units.<sup>10</sup> The Bureau recalled that the Meeting of the Parties had specifically referred to the participation of the Implementation Committee, the civil society and to the possible participation of OECD’s Nuclear Energy Agency and the International Atomic Energy Agency (IAEA). The Bureau suggested inviting two representatives of non-governmental organizations (NGOs). Mr. Haverkamp, a nuclear energy specialist from Greenpeace, was referred to as one of the possible candidates. Concerning the relevant international organizations, the secretariat informed the Bureau that the OECD’s Nuclear Energy Agency had confirmed its willingness to participate at the workshop and that the UNECE Executive Secretary had sent a letter to the International Atomic Energy Agency to invite it to send a representative. The response from IAEA was expected during February. Finally, the Bureau stressed the importance of ensuring a proper presentation of environmental - and not only safety - aspects of the lifetime extension of nuclear power plants at the workshop.

19. The Bureau considered important that the views of civil society be covered in any subsequent work to be carried out after the May meeting of the Working Group. It recommended to this end that the ad hoc group consult NGOs directly, possibly also through webinars.

20. The secretariat informed the Bureau about an initiative being launched by the International Association of Impact Assessment (IAIA), as a follow-up to the Minsk session of the Meeting of the Parties: In its capacity of international non-governmental professional organization, IAIA planned to contribute to the discussion on lifetime extension of nuclear power plants with a scientific/technical perspective, creating opportunities for a debate independently from the Parties to the Espoo Convention but with outcomes that would benefit the work on the guidance on the application of the Convention in this respect. A provisional programme of a dedicated two-day workshop was expected to be available by May this year.

### **3. Reporting and review of implementation**

21. The secretariat informed the Bureau that in January 2018 the Former Yugoslav Republic of Macedonia had provided its overdue responses to the two questionnaires on its

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<sup>8</sup> The abbreviation “IS” stands for intermediary session.

<sup>9</sup> ECE/MP.EIA/WG.2/2018/1, forthcoming

<sup>10</sup> See ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4.Add.1, available at: [http://www.unece.org/env/eia/meetings/mop\\_6.html](http://www.unece.org/env/eia/meetings/mop_6.html)

implementation of the Convention and the Protocol in the period 2013–2015, and that these had been posted on the website. All the other Parties had fulfilled their reporting obligations for the past reporting period. The Bureau took note of that information.

22. The Bureau welcomed the publication by the secretariat of the Fifth Review of Implementation of the Convention and the Second Review of Implementation of the Protocol covering the period 2013–2015 that had been adopted by the Meetings of the Parties last June (through decisions VII/1 and III/1).<sup>11</sup>

23. Next, the Bureau considered and agreed on minor revisions to the questionnaires for the implementation of Convention and Protocol in the period 2016–2018 as proposed by the Committee and invited the secretariat to forward them for consideration of the Working Group on EIA and SEA at its seventh meeting in May. The Bureau also agreed on the timetable for reporting and the preparation of reviews for consideration of the Working Group.

#### **4. Legislative assistance to support implementation and ratification**

24. The secretariat reported on the outcomes of its legislative assistance to support the implementation and/or ratification of the Protocol and the Convention since the last sessions of the Meetings of the Parties in June 2017, provided to Armenia, Azerbaijan, and Ukraine with the funding from the EU Programme on the “Greening Economies in the Eastern Neighbourhood” (EaP GREEN):

(a) Draft amendments to the Armenian law on EIA and environmental expertise and a draft Governmental decision on SEA were prepared by international and national consultants to UNECE in June 2017 in close consultation with the environment ministry. The consultants also provided written recommendations on the further changes that the ministry was yet to make to bring its legislation into compliance with the Convention, the Protocol and the relevant EU Directives. Additional suggestions towards the alignment of the legislative framework were formulated during the preparation of the national guidelines on SEA, that had involved a meeting in Yerevan, in December 2017;

(b) The last detailed inputs to the draft law on EIA of Azerbaijan were provided by the UNECE international expert in February 2016 and further feedback was foreseen to the version of the draft Law as submitted to the Parliament. However, as the draft Law was still being revised by the Presidential Office, possible further assistance had to be postponed to a future date – and financed through new sources of funding. The Bureau member representing Azerbaijan did not report on any progress regarding its draft law;

(c) The secretariat’s legislative assistance to Ukraine had focused mainly on promoting the necessity to align the national legislative framework with the Convention, its Protocol, and the EU Directives and on raising awareness on the benefits of SEA, while the actual drafting of new legislation was supported by another dedicated EU project. These efforts had facilitated the adoption by Ukraine of its new law on EIA in May 2017. The Ukrainian draft law on SEA was resubmitted to the Parliament, after a presidential veto. The Bureau member from Ukraine confirmed that that law was likely to be adopted in the coming months, but without being able to be more specific.

25. The Bureau took note of the report and thanked the secretariat for the valuable support it had provided. In general, the Bureau members expressed their hope that all the legislative reforms could soon be completed in compliance with the Convention and the

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<sup>11</sup> The two publications in electronic format are available on the Convention website at: <http://www.unece.org/env/eia/publications.html>

Protocol, and, as relevant, be followed by ratifications by the beneficiary countries of the assistance.

**5. Draft updated guidelines on EIA in a transboundary context for Central Asian countries**

26. The secretariat presented the draft updated guidelines on EIA in a transboundary context for Central Asian countries, prepared by consultants to the secretariat further to the 2014–2017 and 2017–2020 workplans, in close consultation with the Central Asian countries, including during three sub-regional meetings held in 2017. The Bureau was also informed about the planned further work for further complementing the Guidelines including with legislative assistance to the Central Asian countries.

27. The Bureau reviewed and commented the draft Guidelines and agreed on their submission for consideration by the Working Group on EIA and SEA after incorporation of the comments by the secretariat. The Bureau also agreed to recommend that the Working Group invite the Meeting of the Parties at its “intermediary” session to consider endorsing the Guidelines. To this end, it agreed on the text of draft decision IS/2 of the Meeting of the Parties to the Convention and invited the secretariat to submit it for consideration of the Working Group.

**6. Strategy and an action plan for the future application of the Convention and the Protocol**

28. The Chair reminded the Bureau about decision VII/7–III/6 adopted by the Meetings of the Parties in Minsk in June 2017 on the development of a strategy and an action plan for the future application of the Convention and the Protocol. The activity was also included in the waiting list of the workplan 2017–2020 (annex II to decision VII/3–III/3) pending the identification of resources, involving in-kind contributions from a lead country or alternatively resources for consultants. The Bureau also recalled that, before and during the last sessions of the Meetings of the Parties, it had recommended that that work to define strategic directions and priority actions for the two treaties be undertaken by volunteering representatives of the treaty Parties rather than by external consultants.

29. The Bureau reiterated its invitation to Parties to consider leading the work for the development of the long-term strategy and the action plan, for instance through forming a drafting group that would be supported by the secretariat, and through identifying in-kind resources for contributing to the work.

**B. Subregional cooperation and capacity-building**

30. The secretariat and the concerned Bureau members reported on the implementation of activities in the workplan that related to subregional cooperation and capacity-building, as follows:

(a) The secretariat reported on a special session on the Espoo Convention, the Protocol on SEA and the Bucharest Agreement that it had organized with Romania, as the depositary of the Bucharest Agreement, within the Third Regional Conference on Environmental Assessment hosted by Croatia in Vodice, from 14 to 15 September 2017. Representatives of Albania, Croatia, Hungary, Montenegro, Romania, Slovenia, and the former Yugoslav Republic of Macedonia made presentations and took part in the discussions.<sup>12</sup> The session highlighted the role of the three legal instruments in facilitating

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<sup>12</sup> Presentations and a report are available on the Convention website at: <http://www.unece.org/index.php?id=46926>.

environmental assessment, public participation and consultations between authorities in a transboundary context, with a specific focus on South-Eastern Europe. During the interactive discussions held, the focal points and other stakeholders could share and discuss good practice and lessons learned regarding the application of the instruments. The event enabled re-establishing the communication among the focal points of the Bucharest Agreement Parties and signatory States present at the event, reconfirming the essential nature of good cooperation and communication between the national focal points for the efficient management of the transboundary SEA and EIA procedures. The Bureau took note of the information. It regretted that ten years after the adoption of the Bucharest Agreement, only five out of the nine countries in South-Eastern Europe had joined the Agreement (Albania, Bulgaria, Montenegro, Romania and the Former Yugoslav Republic of Macedonia), and that the multilateral instrument was not more actively made use of by its Parties. The Bureau encouraged further ratifications and further implementation of the agreement in the sub-region.

(b) The secretariat reported on a subregional event for countries in Eastern Europe and the Caucasus (Kyiv, 31 October–2 November 2017) that had included a seminar on lessons learned from the EaP GREEN funded capacity-building activities 2014–2017 and a training-of-trainers workshop on SEA. The event aimed to further enhance participants' knowledge of SEA and their abilities to subsequently conduct SEA trainings in their respective countries. After the event, the participants were to act as 'pioneers' to further support the development of SEA systems in their own countries by supporting the development of SEA practice, and by further disseminating information on SEA to the relevant stakeholders and partners. In addition, the participants had identified priorities to further enhance SEA and EIA systems in their countries;

(c) The secretariat also reported that with funding from Switzerland the above described subregional event in Kyiv could be extended to include also representatives from the Central Asian countries. During the joint segment of 2 November 2017, the Central Asian countries could learn about the experience of the countries of Eastern Europe and the Caucasus in reforming their national environmental assessment systems and in applying the transboundary EIA procedures set out in the Espoo Convention. On 3 November, the Central Asian countries met amongst themselves to identify existing challenges related to the application to transboundary EIA in the sub-region and actions needed to address these challenges. The countries also discussed the role of the Espoo Convention as a tool for sub-regional cooperation, and agreed on the next steps for the finalization of the update of the Guidelines on EIA in a transboundary context for Central Asian countries

(d) The Bureau member from Finland reported on the joint plans by the Governments of Finland and Sweden to organize a two-day Baltic Sea subregional meeting during the week extending from 3 to 7 September 2018. As one option, the organizers were considering holding the meeting on a boat between Stockholm and the Finnish city of Turku. Information on the exact date and the programme would be made available well in advance.

### **C. Exchange of good practices**

31. The Bureau took note of the information from the secretariat and the European Commission regarding the implementation of activities in the workplan that related to exchange of good practices, including:

(a) Initial plans for a seminar on intersectoral cooperation that could be linked with the planned guidance on the assessment of health impacts and the involvement of health sector in SEA to be developed jointly with the WHO and overseen and funded by the European Investment Bank. The seminar could possibly be held during the meeting of the

Working Group on EIA and SEA in 2019. The Bureau recommended inviting health authorities to participate in the seminar;

(b) Confirmation of the interest of the European Commission to organize a seminar on synergies between the transboundary EIA and SEA and the UN Convention on the Law of the Sea (UNCLOS) (articles 204–206) during a meeting of the Working Group in 2019 or in 2020;

(c) A workshop organized under the Industrial Accidents Convention on Land use planning and industrial safety in Mechelen (Belgium), on 16 and 17 May 2018, and to which the Bureau members were invited to contribute as speakers. The workshop aims to showcase practical examples of cooperation and coordination between land-use planners and industrial safety experts in UNECE countries for industrial accident prevention, including in a transboundary context, and to promote the application of the Good Practice Recommendations on Land-use Planning, Siting of Hazardous Activities and the Related Safety Aspects that were prepared jointly with the Espoo Convention and the Protocol on SEA. The Bureau noted a principle agreement by Portugal and Slovenia to be represented and invited the respective Bureau members to confirm their participation by 22 February. Any comments to the provisional agenda of the event were requested by the same date. The Bureau also welcomed the publication of the Good Practice Recommendations by the secretariats;

(d) The publication by the secretariat of the Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities, which the Meeting of the Parties to the Convention endorsed in June 2017 through its decision VII/6.<sup>13</sup> As requested by the Parties, the annex to the publication contained practical examples provided by Parties on their application of the Convention to nuclear energy-related activities.

#### **D. Promoting ratification and application of the Protocol and the Convention**

32. The Bureau took note of the report by the secretariat and the concerned Bureau members on the implementation of the workplan activities that related to promoting ratification and application of the Protocol SEA and the Convention since June 2017, including:

(a) The preparation of national guidance documents on strategic environmental assessment for Armenia, Azerbaijan, the Republic of Moldova and Ukraine, by consultants to the secretariat in consultation with the concerned countries, which will be finalized in March 2018;

(b) Workshops, including training, on the application of the Protocol to raise awareness and to build capacities on SEA and to support implementation of the national legislation targeting authorities (ministries) responsible for sectoral planning, and other relevant governmental agencies (e.g. environmental and health authorities). One workshop was held in Belarus (Minsk, 19 December 2017); and another one would be organized in Azerbaijan in February/March 2018;

(c) National final conferences on the results of the EaP GREEN funded activities in 2013–2017 and on further priorities (held in Armenia on 22 December 2017 and 26 December 2017; in Belarus on 20 December 2017); in Georgia on 26 April 2017; in the Republic of Moldova on 15 December 2017; and in Ukraine on 25 January 2018; and to be

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<sup>13</sup> Available on-line at: <http://www.unece.org/env/eia/publications.html>

held in Azerbaijan in February/March 2018). The five events organized until to date acknowledged the activities on SEA and EIA coordinated by the secretariat and the results achieved. The events also resulted in the formulation of priorities and further actions needed to enhance and reinforce national SEA and EIA systems in the beneficiary countries;

(d) Progress in implementing a pilot SEA of the plan for the “Development of Fuel and Energy Complex of the Republic of Kazakhstan until 2030” that aims to test the application of the SEA procedure in Kazakhstan and to demonstrate benefits and opportunities of SEA for the “environmental optimisation” of the governmental plan. The SEA pilot is funded through the European Union’s project “Supporting Kazakhstan’s Transition to a Green Economy Model”. It was launched in Astana, on 8 November 2017 at a two-day initial working meeting with the participation of line ministries and the team of international and national experts to demonstrate the application of international SEA principles, providing also an opportunity for an initial scoping ‘brainstorming’. A draft scoping report was prepared in January 2018, and was currently being finalized with a view to be shared with the Ministry of Energy and other partners by the end of February, and to be presented at the public consultation meeting on 6 March 2018 (Astana). A second training workshop on baseline analysis, impact assessment and mitigation measures would be organized in Astana on 5 March 2018. The draft SEA report was scheduled for May – June 2018.

(e) Training manual on SEA: Consultants to the secretariat had identified a need for a manual to support the training of state officials and other relevant stakeholders in Eastern Europe and the Caucasus during the implementation of capacity building activities funded through the EU’s EaP GREEN programme. Its first draft was prepared for a “training-of-trainers” workshop in 2015 and has been continuously updated based on the participants’ feedback. Its final modifications aiming at further enhancing its role as a tool for promoting the efficient application of the Protocol in the UNECE region and beyond will be finalized by the end of March 2018. The final version of the Manual (in both English and Russian languages) will be a freely available source of information for all countries and/or regions;

(f) Translation of the video and the brochure on the Protocol on SEA and its benefits into Armenian (the brochure will be finalized by mid-March 2018); Azerbaijani (the brochure to be finalized by mid-March); Georgian; Romanian (brochure for the Republic of Moldova to be finalized by mid-March 2018); Russian, and Ukrainian;

(g) Plans for the preparation by the secretariat of draft informal pamphlets or “FasTips” on the Convention and the Protocol prior to the meeting of the Working Group on EIA and SEA in May, and to be finalized based on the feedback for publication by IAIA.<sup>14</sup> The secretariat also reported that six existing “FasTips” were translated into Russian with the EU (EaP GREEN) funding<sup>15</sup> and that several others were being translated into Russian in-kind by WWF/Russia;

33. The Bureau also welcomed the two fact sheets on SEA from Germany containing case studies on Germany’s application of the Protocol (to the Federal Requirements Plan 2015 for the Energy Transmission Grid and to the Federal Transport Infrastructure Plan 2015–2030) and the willingness of Germany to present them during the seventh meeting of the Working Group in May. The Bureau encouraged also other Parties to present their

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<sup>14</sup> Available at: <http://www.iaia.org/fasttips.php>.

<sup>15</sup> Available at: <http://www.iaia.org/translated-documents.php>.

experience in the application of the Protocol (or the Convention) in the format of fact sheets to be published on the Convention website.

34. Finally, the Bureau again welcomed the information on the availability of future funding from the European Investment Bank for the development of guidance for the assessment of health impacts of plans and programmes, which would be developed in cooperation with the WHO, as foreseen in the annex II of the workplan. It recommended drawing it to the attention of all Parties across the UNECE region and discussing it at a seminar during a meeting of the Working Group, possibly in 2019 with the involvement of health sector representatives.

## **V. Budget, financial arrangements and financial assistance**

35. The secretariat reported on the contributions to and the expenditure from the Convention and the Protocol Trust Fund since June 2017. The Bureau noted that the budget adopted by the Parties in June 2017 amounted to \$1,183,000 (see annex to decision VII/4–III/4) while the pledges that the Parties made at the same sessions to support the budget covered only some 60% of it (see the list of pledges in annex to the session report ECE/MP.EIA/23–ECE/MP.EIA/SEA/7). As the bulk of the budget covered the costs for the extra budgetary staff in the secretariat and the travel support to eligible participants at official meetings, the insufficiency of the funding put the functioning of the secretariat and the broad representation of countries at meetings at risk. In this context, the secretariat and the Bureau thanked Norway for the additional unpledged contribution funded by its foreign ministry for the period 2018–2020 to support several UNECE Multilateral Environmental Agreements, including the Espoo Convention and its Protocol. Other Parties were also encouraged to explore opportunities to identify other sources of national funding, e.g. for development assistance, that could supplement their support to the implementation of the workplans. The Bureau also agreed to consider and to invite other Parties to consider sponsoring a junior professional officer to assist the secretariat in servicing the two treaties, following the example of Finland that had financed a staff member for the secretariat in 2011–2014.

36. The Bureau also welcomed the outcomes of the secretariat’s fundraising for capacity building activities to further promote the effective implementation and ratification of the Protocol and the Convention, as follows:

(a) Some 2–2,5 Mio EUR were to be expected as of 2018 from a new multi-stakeholder, multimillion (some 20 Mio EUR) EU project called “EU4Environment” that would aim to sustain and to build on the achievements of the EaP GREEN programme in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. The secretariat was in the process of preparing the project documentation for its component on SEA and EIA including a detailed description of action and the related budget building on the workplan 2017–2020, but considering also the feedback and the priorities expressed by the beneficiary countries at the national EaP GREEN closing events in late 2017. Further negotiations would still be needed on the final share of the funding for the SEA and EIA component and the project arrangements with the European Commission’s Directorate-General for Neighbourhood and Enlargement Negotiations (DG Near), and the partner organizations: UNIDO - responsible administering the funding for UN organizations - and the UN Environment (formerly UNEP). The objective was to launch the project in summer 2018. The secretariat expected to recruit a dedicated project manager and a project assistant for the implementation of the new activities with the EU4Environment funding. It nevertheless drew the Bureau’s attention to the substantial additional workload for the secretariat that was linked with the fund raising, the recruiting and the project implementation.

(b) Possible future funding of nearly 100,000 Euros from Germany that may become available for pre-accession legislative assistance to Kyrgyzstan and Tajikistan to promote the implementation and the ratification of the Protocol on SEA. The secretariat was in the process of preparing detailed documentation for the grant application in consultation with Germany.

37. The secretariat informed the Bureau that, as requested by the Meetings of the Parties (decision VII/4–III/4, paragraph 13), it would prepare annual financial reports for consideration of the Bureau and for their subsequent publishing on the Convention website, and that the first report to be issued would cover the period until June 2018. The Bureau noted the information and invited the secretariat to clarify in that report the minimum level of the operating reserve that would be needed for the smooth functioning of the secretariat and the support to the workplan.

38. The Bureau considered criteria for financial support to participants as requested by the Meetings of the Parties (para. 24 of decision VII/4–III/4), as follows:

(a) It agreed that non-Parties to the Convention within the UNECE region that were eligible for financial support (based on the GDP/capita based eligibility criteria approved by the UNECE Committee on Environmental Policy) should continue to be financed together with the eligible Parties, in accordance with the budget agreed by the Meeting of the Parties at its seventh session. The Bureau considered that attending meetings under the Convention and the Protocol represented important awareness raising, capacity building and networking opportunities for the non-Party representatives, contributing to promoting future ratifications of the treaties.

(b) Regarding the funding for non-UNECE countries, the Bureau invited the secretariat to consult the Bureau on case by case basis.

39. The Bureau considered a budget for the “intermediary” session of the Meeting of the Parties to the Convention, which was not originally foreseen and therefore not included in the budget (see table annexed to decision VII/4–III/4) with respect to the costs for financial support to the meeting participants (but also in terms of human resources in the secretariat for the preparation of an additional meeting). The Bureau considered reasonable to budget some \$35,000 to be used to support the participation of eligible countries (\$20,000) and NGOs (\$10,000) for the “intermediary” session of the Meeting of the Parties. The Bureau recommended making use of the accumulated savings from the previous periods (the operating reserve) for covering the costs. It requested the secretariat to clarify the number of NGOs that could be financed, once the Bureau had identified the NGOs that would benefit from financial support in the present intersessional period.

40. The Chair recalled that in June 2017, the Meetings of the Parties requested the secretariat to grant, subject to the availability of funds and in accordance with the agreed budget, financial assistance for the participation in meetings under the Convention and under its Protocol to designated experts from NGOs identified by the Bureau - unless otherwise decided by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (decision VII/4–III/4, para. 26). In accordance with its past practice, the Bureau requested the secretariat to launch an evaluation process of NGOs that would possibly benefit of financial assistance during the present intersessional period, to be completed by end February, for the Bureau to decide in writing by mid-March 2018.

## **VI. Preparations for the seventh meeting of the Working Group on EIA and SEA**

41. The Bureau reviewed and revised the annotated provisional agenda for the seventh meeting of the Working Group on EIA and SEA (Geneva, 28–30 May 2018).<sup>16</sup> It invited the secretariat to make the finalized provisional agenda available to the Working Group as an official document.

## **VII. Preparations for the “intermediary” session(s) of the Meeting(s) of the Parties**

42. After consideration of several optional meeting dates, the Bureau agreed on 5–7 February 2019 as the date of the “intermediary” MOP session (IS-MOP), with the estimated duration of the general segment of 2–2,5 days and of the high-level segment of a half a day. The Bureau noted that as no Party had proposed hosting the meeting, the session would be held in Geneva, in the Palais des Nations. The Bureau decided on the date based on the information from the Implementation Committee Chair (see paragraph 13 above) that the Committee would last meet in September 2018 to finalize revising draft decision VII/2 on compliance, and that, subsequently, the United Nations services needed a minimum of 12 weeks to process and to translate the draft decision as an official document for the “intermediary” session. The Bureau also noted that interpretation services were no longer available in the Palais des Nations for 2018, nor large meeting rooms, in particular as many rooms would be closed for asbestos removal works starting from late 2018. The Bureau considered also the option of convening the “intermediary” session back-to-back to a meeting of the Working Group to save costs. However, it decided against that because it felt that the Working Group’s agenda would be much broader and that the delegates should be able to fully focus on the items before the Meeting of the Parties.

43. Next, as requested by the Parties in Minsk, the Bureau discussed and agreed on the initial draft of the annotated provisional agenda for the “intermediary” sessions of the Meetings of the Parties. It invited the secretariat to finalize the draft for consideration of the Working Group on EIA and SEA at its seventh meeting, as an informal document.

44. Then, the Bureau discussed the chairmanship of the high-level segment of the “intermediary” session, noting that the general segment would be chaired by the Chair of the Bureau. The Bureau invited Norway to explore the availability of its Minister to chair the high-level segment and, as a second option, invited the secretariat to approach Switzerland or Cyprus regarding the task.

45. The Chair recalled that in June 2017, the Meetings of the Parties had extended his mandate as the Chair of the Bureau until the next (“intermediary”) session of the Meeting of the Parties to the Convention, inviting the Bureau members to put forward nominations and suggestions for the chairmanship of the Bureau beyond the “intermediary” session. The Bureau decided to invite all Parties to make proposals for the Bureau chairmanship, for discussion at the seventh meeting of the Working Group. In absence of new proposals, it welcomed the availability of Mr. Kremlis to continue chairing the Bureau until the eight and the fourth sessions of the Meetings of the Parties to the Convention and the Protocol, in 2020.

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<sup>16</sup> ECE/MP.EIA/WG.2/2018/1, forthcoming.

46. The Bureau reviewed and revised the informal timetable of formal meetings under the Convention and the Protocol for the remaining of the present intersessional period 2017–2020. (See annex to the present document). With a view to preparing for the “intermediary” session, the Bureau agreed that it should meet for 1-1,5 days in October 2018. It invited the secretariat to set the date and to confirm the availability of a small meeting room as soon as possible in consultation with the Bureau. The Bureau also suggested holding the next “ordinary” (i.e. eighth and fourth) sessions of the Meetings of the Parties to the Convention and the Protocol on 9–11 December 2020 and to convene the meeting of the Working Group to prepare for that meeting in mid-2020. The Bureau invited the secretariat to present the proposed provisional meeting schedule to the Working Group in May 2018 as an informal document. It noted that the deadline for the secretariat to preliminarily book rooms and interpretation services for all the 2019 meetings was mid-February 2018, and that the Conference Services of the United Nations Geneva office would confirm the dates in July 2018.

## **VIII. Related events**

47. The Bureau noted the information by the Chair and the secretariat on:

(a) The meeting of the network of the Chairs of the governing bodies of the UNECE Multilateral Environmental Agreements (MEAs) and of the Committee of Environmental Policy (CEP) (Geneva, 13 November 2017)<sup>17</sup>; and the segment on MEAs held during the CEP session on 14 November 2017;

(b) The Regional Forum for Sustainable Development to be organized by UNECE (1-2 March 2018).<sup>18</sup> The Government of Czechia would organize a side event on 1 March on the achievement of Sustainable Development Goals by participation of all, with a focus on EIA and SEA as tools for attaining SDGs, including through public participation, stakeholder consultation and international cooperation. The secretariat would contribute to that side event;

(c) Training courses for Chinese investors and Central Asian governmental officers in relation to China’s Belt and Road Initiative (and the greening of the initiative) organized by the UN Environment with participation of several other organizations, including the UNECE secretariats of the Espoo and Aarhus Convention and the Protocol on SEA. The first training course was scheduled to be held in mid-2018 in the UN Staff College (Turin, Italy) in Chinese and in Russian, and included a module on SEA and EIA.

## **IX. Other business**

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

## **X. Presentation of the decisions and closing of the meeting**

49. The meeting of the Bureau concluded on Thursday, 8 February 2018.

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<sup>17</sup> For a summary report and more information see: [www.unece.org/environmental-policy/conventions/joint-work-and-informal-networks.html](http://www.unece.org/environmental-policy/conventions/joint-work-and-informal-networks.html)

<sup>18</sup> For more information, see: <https://www.unece.org/rfsd2017.html>

50. The Bureau reviewed and agreed on the main conclusions of its meeting. It invited the secretariat to draft the informal meeting report and to circulate it for comments by the Bureau members prior to its finalization.

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## Annex

### Provisional meeting schedule proposed by the Bureau<sup>19</sup>

<i>Year</i>	<i>Date</i>	<i>Body</i>	<i>Session/comments</i>
<b>2018</b>	7–8 February	Bureau (stand-alone meeting)	–
	13–15 March	Implementation Committee	41
	28–30 May	Working Group on EIA & SEA	7
	11–13 September	Implementation Committee	42
	... October	Bureau (stand-alone meeting)	-
	4–6 December	Implementation Committee	43
<b>2019</b>	<b>5–7 February</b>	<b>“Intermediary” session of the Meeting of the Parties to the Convention</b>	<i>Document deadline (12 week rule) 9 November</i>
	19–22 March	Implementation Committee	44
	10–13 September	Implementation Committee	45
	26–28 November	<b>Working Group on EIA &amp; SEA</b>	8
			<i>Document deadline, 2 September</i>
	10–13 December	Implementation Committee	46
<b>2020</b>	First half of February	Bureau (stand-alone meeting)	–
	February/March	Implementation Committee	47
	<b>9–11 June (or 12–14 May)</b>	<b>Working Group on EIA &amp; SEA</b>	9
			<i>(Doc deadline 16.3 or 17.2)</i>
	2–4 September	Implementation Committee	48 <i>(Additional)</i>
<b>9–11 December</b>	<b>Meetings of the Parties to the Convention &amp; the Protocol</b>	8/4	<i>Document deadline 16 September</i>

<sup>19</sup> Agreed by the Bureau on 7-9 February 2018. 2019 dates must be booked by mid-February 2018; and the 2020 dates by early 2019. They will remain indicative only and subject to confirmation by the UN Geneva Office in July 2018 and 2019.