

### Espoo Convention



## Parties to the Espoo Convention and its Protocol review environmental assessment of nuclear energy-related activities in the UNECE region and facilitate accession by non-UNECE countries

Geneva, 20 June 2014 – The sixth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the second session of the Meeting of the Parties to the Protocol on Strategic Environmental Assessment were held from 2 to 5 June 2014 in Geneva. In a declaration adopted on World Environment Day (5 June), Parties focused on the two recurrent themes of the session: the key role of the two treaties in the field of nuclear energy and the benefits of their application also beyond the UNECE region.

### Further room for environmental assessment of energy

A high-level panel discussed the achievements and lessons learned from **the application of the Convention and the Protocol to energy-related matters**, as illustrated in various case studies, such as the Nord Stream gas pipeline project in the Baltic Sea and the Cernavodă nuclear power plant in Romania. The panel discussion confirmed that the Convention and the Protocol had effectively protected the environment and provided a sound basis for sustainable development, international cooperation and good neighbourly relationships. Procedures under the two treaties were now well-established, and authorities, civil society, industry and other stakeholders were familiar with the procedures and their respective roles. The benefits of the environmental assessment procedures clearly outweighed the associated time and cost implications. Speakers underlined that no sector could be excluded from the application of the treaties, and recognized that there was still room to further expand and mainstream their use in improved permitting and planning procedures in the energy sector.



### New energy sources: new challenges

With growing energy needs and the call for diversification of energy mix, a **seminar**, organized by Poland, was devoted to the application of the Convention and the Protocol to **wind and hydro energy**. The practical examples presented revealed that more research needs to be done to address the specificities of activities in this field, for instance in relation to landscape impact assessment or to the adoption of an all-inclusive approach to planning, so as to foresee all possible uses of land, air and sea. Mutual trust, good faith and knowledge about the legal systems of the Parties involved were considered important factors for successful transboundary procedures. Speakers suggested that Parties could in the future consider developing guidance on the application of the Convention and the Protocol to renewable energy-related activities as part of their workplan.

### The Implementation Committee – assistance and advice on compliance

The two treaties provide a mechanism for the review of Parties' compliance with their obligations led by the Implementation Committee. The substantial increase in the use of this mechanism is an indicator of the rigour of the Committee's work and of the importance that stakeholders place on proper implementation of the treaties. The Committee's opinions, findings and recommendations on compliance by specific Parties, notably, with respect to nuclear energy-related activities, were subject to intensive discussions throughout all four days of meetings.

As part of the main outcomes, Parties endorsed the findings of the Committee regarding Ukraine that the extension of the lifetime of the Rivne nuclear power plant, after the initial permit had expired, was subject the Convention. As a result, Ukraine was found to be in non-compliance with its obligations under the Convention for not having carried out the transboundary environmental impact assessment (EIA) procedure set out in the Convention when extending the lifetime of the Rivne NPP. Parties also found Armenia and Belarus to be in non-compliance with their obligations under the Convention: Armenia in relation to notification for the planned construction of the nuclear power plant in Metsamor; and Belarus regarding the construction of the Ostrovets nuclear power plant.



## Capacity-building: essential for improving implementation



The Meetings of the Parties reviewed implementation of the Convention and the Protocol for the period 2010–2012, based on reporting by Parties. The reviews demonstrated that although the application of the treaties had continued to increase, much more remained to be done to raise awareness on the benefits of the Protocol and capacity in its implementation; and, although the Convention's application was now long-standing, there was room for improvement. That observation was also reflected in the cases of compliance before the Implementation Committee. Moreover, several countries themselves solicited capacity-building activities to assist them to ratify or better implement the two instruments.

Consequently, the workplan for 2014–2017 adopted by the Parties foresees an extensive amount of legislative assistance, training and pilot projects, subregional workshops and events for the exchange of good practice. Implementation of the workplan will build on partnerships, a prerequisite for successful capacity-building, with donor Governments, the European Union and other international and national actors. In particular, the ongoing European Commission funding under the Greening Economies in the Eastern Neighbourhood (EaP-Green) Programme and the partnerships under the Environment and Security Initiative will be instrumental.

### **Wishing to extend benefits to other regions**

Parties unanimously decided to lift the requirement for prior approval for any future accession to the two treaties by non-UNECE countries. In concrete terms this means that the Protocol has now become a fully global instrument and that future accession to the Convention by non-UNECE countries has been simplified.

**The seminar on the globalization of the Convention and the Protocol and the role of international financial institutions (IFIs)**, moderated by the European Investment Bank (EIB) and with the active participation of IFIs and civil society, provided insights into the practices, needs and expectations of a number of countries in Eastern Asia and North Africa and the policies and procedures followed by IFIs in terms of environmental assessment. Apart from EIB, the African Development Bank, the European Bank for Reconstruction and Development and the World Bank contributed to the seminar. A wide array of presentations showed that countries of all regions share similar challenges in assessing and mitigating the environmental impacts of economic activities, in particular when these extend beyond the national boundaries. Participants found the exchange between the regions to be a mutually enriching experience on the way to globalization of the Convention and the Protocol, and the role that the IFIs could play in promoting this through capacity-building activities.



**"Adopted over 20 years ago, the Convention is now a mature instrument"**

Michael Møller, Acting Executive Secretary, UNECE

Parties to the Convention affirmed that the Convention has now become a standard procedure in permitting processes, making it possible to understand the consequences, positive or negative, before development occurs, and to explore ways to deal with them. The responsibility of States to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of their national jurisdiction was already asserted in principle 21 of the 1972 Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), the first document in international environmental law recognizing the right to a healthy environment. Recognizing that environmental risks do not respect national borders, the Espoo Convention was negotiated in the 1980s to spell out procedures for transboundary EIAs. Since its entry into force in 1997, the Espoo Convention has been used by its Parties and also by other States as an indication of good practice: the Russian Federation, not a Party to the Convention, applied the Convention's provisions to the Nord Stream gas pipeline project. The practice established to date under the Espoo Convention was also essential in the Pulp Mills case, in which the International Court of Justice recognized that undertaking an EIA where there is a risk that a proposed industrial activity may have significant impact in a transboundary context is a practice that has become an obligation of general international law, although it found that international law does not prescribe the scope or content of such assessments.

**"The Protocol on Strategic Environmental Assessment is a pioneering instrument"**

George Kremlis, Head of Unit, European Commission (Directorate General for Environment)

The Espoo Convention, but also the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), laid the foundations for the development of the concept of strategic environmental assessment (SEA), as the systematic way to ensure that environmental, including health, aspects are effectively taken into account in decision-making on plans and programmes, and also possibly with regard to policies and laws. The Protocol was adopted in 2003 and is key in promoting principles 4 (Environmental protection as an integral part of development) and 10 (participation of the public in decision-making on environmental matters) of the Rio Declaration on Environment and Development and in helping countries achieve the Millennium Development Goals both within and beyond the region. To date, the Protocol is the only legally binding international instrument ensuring that environment and health considerations, and public concerns are integrated into development planning and policymaking, including related to greening the economy and climate change mitigation at the earliest stages. □

Meeting documents for the two joint sessions are available at the Convention's website [http://www.unece.org/env/eia/meetings/mop\\_6.html](http://www.unece.org/env/eia/meetings/mop_6.html).

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