



Economic and Social Council

Distr.: General
15 September 2010

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context

Working Group on Environmental Impact Assessment

Fourteenth meeting

Geneva, 24–26 November 2010

Item 5 of the provisional agenda

Subregional cooperation and capacity-building

Summary of workshop findings

Note by Italy, Finland, Germany, Lithuania, Sweden and Tajikistan

Summary

The present note has been prepared further to decisions IV/4 and IV/5 taken at the fourth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (see ECE/MP.EIA/10), which requested the lead countries to prepare a short summary of the findings of each subregional cooperation or capacity-building workshop held. This note summarizes, respectively, the findings of a workshop on cooperation under the Convention in the Baltic Sea subregion, held in Vilnius from 22 to 23 October 2009; a subregional workshop on the practical application of the Convention in the Mediterranean Sea area, held in Tunis from 20 to 21 April 2010; and a national seminar on legislation and procedures for the application of the Convention in Tajikistan, held in Dushanbe from 22 to 23 July 2010.

Other outputs from all the above workshops are available on the website of the Convention (<http://www.unece.org/env/eia>).

Introduction

1. The three workshops described below were foreseen in the workplan adopted for the current intersessional period of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). They were organized under the workplan activity on subregional cooperation and capacity-building to strengthen contacts between the Parties and other States, including States outside the region of the United Nations Economic Commission for Europe (UNECE) (ECE/MP.EIA/10, decision IV/7). The Meeting of the Parties recognized that such activities promoted the implementation and practical application of the Convention in the subregion (decision IV/5).

2. The Meeting of the Parties requested the lead countries to prepare a short summary of the findings of each workshop held, whether for capacity-building or for strengthening subregional cooperation (decisions IV/5 and IV/4, respectively). This document responds to the request of the Meeting of the Parties.

I. Workshop on cooperation under the Convention in the Baltic Sea subregion

3. Representatives of Denmark, Finland, Germany, Latvia, Lithuania, Norway, Poland, Sweden and the European Union, Parties to the Convention, participated in the workshop on cooperation under the Convention in the Baltic Sea subregion, which was held in Vilnius from 22 to 23 October 2009. The secretariat also participated.

4. The workshop was hosted by the Ministry of the Environment of Lithuania and arranged by Lithuania and Sweden.

5. At the start of the workshop, participants presented cases in which the Convention had been applied in the period from 2006 to 2009. More detailed presentations were made on the planned Visaginas nuclear power plant (Lithuania) and the planned Fixed Link across Fehmarnbelt, between Denmark and Germany. Participants also discussed the application of the Convention to the Nord Stream gas pipeline under the Baltic Sea,¹ at a time when consultations had already been concluded and several countries had given their consent to the project. With respect to the Nord Stream project, the participants observed the following:

(a) The forming of a coordination group by the Parties was generally felt to be a vital factor for the success of the environmental impact assessment procedure, although the developer did not seem to have entirely responded properly to the comments and wishes of the group;

(b) One opinion was that the ecosystem-based sectioning of the pipeline route had been confusing and too difficult to achieve, and that a return to sectioning based on the borders between the countries had been beneficial. However, some participants believed that the ecosystem-based approach was appropriate because of the differing status of the sea basins concerned and that it should have been developed better;

(c) The environmental impact assessment process might have been more transparent had the affected Parties been allowed to take part in all the meetings by the

¹ Mention of any commercial firm in this report does not imply endorsement by the United Nations.

Parties of origin. However, the Parties of origin felt that it had sometimes been necessary for them to discuss separately their role as Parties of origin;

(d) The aspiration of a completely harmonized relationship between the different national assessments and the transboundary assessment under the Convention for the whole project had not been achieved. That had resulted in difficulties in finding relevant summarized information from the national sections in the overall assessment, as well as a certain lack of an overall perspective in the national assessments;

(e) The main complication of the assessment process was that there were five Parties of origin, including the Russian Federation, which had tried to fulfil the Convention's obligations although it had not ratified the Convention;

(f) The process had been apolitical despite a perception by many that the project was controversial.

6. Participants discussed the work of the planned Task Force on Complex Activities (ECE/MP.EIA/WG.1/2009/2, para. 36). No country was able to make a firm commitment to participate in the work of the Task Force, though some participants indicated the possibility of making presentations at a workshop and commenting on draft documents prepared by the Task Force.²

7. Participants examined the issue of the cumulative effects of development projects, particularly for wind power. Norway was undertaking a study on environmental impact assessment and cumulative effects concerning both offshore and land-based wind farms; a regional approach was to be taken and effects on landscape and biodiversity were to be studied. It was remarked that spatial planning for areas set aside for wind power could be an effective way to treat cumulative impacts, an approach taken by Germany. It was also noted that it was important to identify cumulative effects in the screening phase as well.

8. Turning to post-project analysis, participants observed that it often was confused with monitoring. Denmark had undertaken a post-project analysis of wind farms in the Baltic Sea.

9. A presentation by Germany on environmental impact assessment, strategic environmental assessment and biodiversity highlighted article 14 of the Convention on Biological Diversity. Some doubts were expressed as to whether the guidance provided under that Convention³ was suitable for those who applied the Espoo Convention and the European Union (EU) directives on environmental assessment.⁴ It was observed that it was difficult to provide guidance on biodiversity, especially as different aspects of biodiversity often had to be addressed separately because of other legal requirements, such as those relating to protected areas or migratory species.

10. The delegation of Germany also made a presentation on environmental impact assessment, strategic environmental assessment and climate change. The relevant articles in the Convention and its Protocol and in EU directives were highlighted and the different types of activities related to climate issues were discussed. It was noted that an EU directive

² Owing, inter alia, to a lack of interest by Parties in participating in the Task Force, the Working Group subsequently decided to dismiss it (ECE/MP.EIA/WG.1/2010/2, para. 36).

³ Voluntary guidelines on biodiversity-inclusive environmental impact assessment endorsed by the Conference of the Parties to the Convention on Biological Diversity in decision VIII/28 (UNEP/CBD/COP/DEC/VIII/28).

⁴ Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directives 97/11/EC of 3 March 1997 and 2003/35/EC of 26 May 2003, and Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

on flooding⁵ obliged EU member States to address the effects of climate change. It was observed that climate change was often addressed inadequately in project-level assessment. Some participants considered that it was difficult to address climate change at the level of industrial projects and that it was more appropriate to address climate change through the strategic environmental assessment of plans and programmes.

11. Participants informed the workshop of their plans for ratification of the Convention's Protocol on Strategic Environmental Assessment, and on their application of strategic environmental assessment in a transboundary context.

II. Subregional workshop on the practical application of the Convention in the Mediterranean Sea area

12. Representatives of Italy, Portugal, Slovenia and Spain, Parties to the Convention, and of Algeria, the Libyan Arab Jamahiriya, Morocco and Tunisia, States not members of UNECE,⁶ participated in the workshop on the practical application of the Convention for the Mediterranean Sea subregion, held in Tunis from 20 to 21 April 2010. The secretariat was also represented.

13. The workshop was hosted and arranged by the Ministry of the Environment and Sustainable Development of Tunisia, with the support from the Convention secretariat. Italy had provided an earmarked contribution to the trust fund under the Convention, which had been used to fund the participation of representatives of States not members of UNECE.

14. The participants agreed a series of recommendations:

(a) To strengthen the national institutional, legal and administrative systems of the countries of the southern Mediterranean in environmental assessments and strategic assessments;

(b) To introduce the concept of transboundary impact in the Mediterranean region, within the framework of environmental legislation in the countries of the southern Mediterranean;

(c) To develop regulations on transboundary environmental impact assessment in the countries of the southern Mediterranean;

(d) To promote cooperation in advance of projects of common interest to countries of the Mediterranean subregion;

(e) To seek technical support from the Parties to the Espoo Convention in order to adapt legislation and to develop transboundary environmental impact assessment in the countries of the southern Mediterranean;

(f) To develop guidelines for carrying out transboundary environmental impact assessments in the countries of the southern Mediterranean;

(g) To exchange experiences in transboundary environmental impact assessment;

(h) To develop cooperation in the prevention of adverse environmental effects caused by transboundary projects.

⁵ Directive 2007/60/EC of 23 October 2007 on the assessment and management of flood risks.

⁶ By its decision II/14, taken at its second session, the Meeting of the Parties decided to amend the Convention to open it to accession upon approval by Parties of United Nations Member States that are not members of the UNECE. However, the amendment is not yet in force and, currently, States not Members of UNECE are not able to join the Espoo Convention.

15. In addition, the delegates representing Italy, Portugal, Slovenia and Spain:
 - (a) Expressed their support for the above recommendations;
 - (b) Invited Algeria, the Libyan Arab Jamahiriya, Morocco and Tunisia to accede to the Convention on Environmental Impact Assessment in a Transboundary Context once the amendment adopted at the second meeting of the Parties to the Convention had entered into force (decision II/14);
 - (c) Also invited Algeria, the Libyan Arab Jamahiriya, Morocco and Tunisia to accede to the Protocol on Strategic Environmental Assessment to the Convention once it entered into force on 11 July 2010;
 - (d) Would seek to develop cooperation across the Mediterranean Sea with regard to transboundary environmental impact assessment for projects through dialogue, building capacity, elaborating guidelines or agreements as appropriate and practical experience on a pilot basis, as well as with regard to strategic environmental assessment for plans and programmes;
 - (e) Would report accordingly to bodies under the Convention and would propose inclusion of appropriate activities in the draft workplan to be considered by the fifth session of the Meeting of the Parties to the Convention in June 2011.

III. National seminar on legislation and procedures for the application of the Convention in Tajikistan

16. Representatives of Tajikistan participated in the seminar on legislation and procedures for the application of the Convention in Tajikistan, which was held in Dushanbe from 22 to 23 July 2010. The secretariat also participated, together with a representative of the German organization *Deutsche Gesellschaft für Technische Zusammenarbeit* (GTZ), which provided financial support for the seminar as part of the project, "The Convention on Environmental Impact Assessment in a Transboundary Context: Capacity building and possible application in Tajikistan" in the framework of the UNECE-GTZ programme "Regional Dialogue and Cooperation on Water Resources Management".
17. The workshop was hosted by the Ministry of Melioration and Water Resources of the Republic of Tajikistan, with the support of the Convention secretariat and a local non-governmental organization.
18. At the end of the seminar, the participants agreed a seminar resolution that:
 - (a) Expressed its gratitude to the international expert for his work on preparing a review of the legislation of the Republic of Tajikistan on environmental impact assessment within the context of the introduction and application of the Espoo Convention, the draft of which was sent to interested agencies and was presented and discussed at the seminar;
 - (b) Requested the Government of the Republic of Tajikistan and other interested agencies to consider the draft review and to submit comments on it as soon as possible (no later than 31 July 2010);
 - (c) Requested the international expert to take into account the comments received when finalizing the review;
 - (d) Took into account the information that the Convention did not restrict the right of the State to decide itself on the implementation of development projects within its territory;

(e) Encouraged the secretariat of the Convention to continue to strengthen the capacity of the Republic of Tajikistan in environmental impact assessment in a transboundary context, inter alia, by further clarifying the provisions of the Convention, and including through the organization of a two- or three-day training course for the authorities concerned;

(f) Requested the Government of the Republic of Tajikistan to:

(i) Take into account the recommendations provided in the review when further improving legislation in the field of environmental impact assessment in a transboundary context;

(ii) Consider the possibility of a pilot project with Kyrgyzstan in the field of environmental impact assessment in a transboundary context (for example, within the wider GTZ programme “Transboundary water resources management in Central Asia”).
