8th meeting of the Working Group on EIA and SEA
26–28 November 2019, Geneva

- INFORMAL presentation of the main decisions
Opening of the meeting

- Working Group Chair, Ms. Kolar-Planinšič opened the meeting
- UNECE Environment Division Director, Mr. Keiner, welcomed participants and reported about cash-flow crisis affecting UN Regular budget operations

1. Adoption of the agenda

- Adopted its agenda as set out in document ECE/MP.EIA/WG.2/2019/1
2. Budget, financial arrangements and financial assistance

- Noted draft financial report for period to 30 June 2019 and additional information on recent contributions
- Noted with concern that
  - Parties’ pledges covered 60% of budget 2017-2020, financing barely 1 XB staff,
  - Any other budgeted expenses depended on unpledged unearmarked contributions (90% from Norway)
  - Funding of workplan activities required secretariat’s fund-raising
  - 3 Parties provided 56% of contributions
  - If any cuts by main donor, XB staff no longer covered
  - No contributions from 1/3 of Parties
- Commented Bureau’s proposals for improving Convention’s + Protocol’s funding
- Acknowledged resource constraint’s gravity
- Agreed that XB staff + other costs July-Dec 2020 must be covered by contributions from all Parties to ensure Convention’s functioning and next MOPs
- Acknowledged need for secretariat’s resources to match tasks – through further funds or by cutting tasks and services
2. Budget, financial arrangements and financial assistance

- Invited UNECE ES to send letters to all Parties’ MFAs and MOEs in late 2019 and in 2020 requesting for further contributions referring to consequences of non-payment (cf. 9(d) INF.2). Further contents of 2020 letters to be discussed at WG9
- Agreed that financial scheme/MOP decision should provide for more predictable, sustainable & equitable XB funding, and that all Parties should contribute
- Requested Bureau with secretariat’s support to review proposed financial schemes based on comments, and as needed revise draft decision VIII/4-IV/4 on budget
- Also invited the Bureau to review secretariat tasks – to assess which ones to cut if further funding not forthcoming
- Reiterated invitation to delegations to consider sponsoring JPO
3. Status of ratification 1/2

- Noted secretariat’s report on ratification status of Convention, its amendments + the Protocol

- Welcomed Azerbaijan’s recent ratification of both Convention amendments

- Noted delegation’s reports on planned ratifications with those of Belgium and Ireland for 1st amendment, and North-Macedonia for both amendments being most advanced
3. Status of ratification 2/2

- Noted with concern that 5 ratifications still missing for 1st amendment to become effective (ARM, BEL, MKD, UKR, UK) and that 9 Parties (ARM, BLR, BIH, IRL, KAZ, KGZ, MKD, UKR and UK) were still to ratify 2nd amendment to ensure Convention’s unified application

- Also noted that 6 Signatory States (BEL, FRA, GEO, GRC, IRL, and UK) were still to ratify the Protocol

- Urged all concerned Parties to ratify and report on progress at next WG meeting

- Requested UNECE ES in her invitation letters to next MOP sessions to urge Convention Parties that had adopted amendments, or signed the Protocol to proceed promptly with their ratification

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4. Compliance and implementation

• Noted IC Chair’s report on 44\textsuperscript{th} & 45\textsuperscript{th} IC sessions, presented by IC Chair, and welcomed Committee’s work in addressing complex & constantly increasing compliance issues.

• Welcomed Committee’s plan to prepare draft MOP decisions in March 2020 session – as informal documents – for comments before, during and after WG9 in June 2020 and to finalize them at its session in September.

• Noted that Committee’s work had been hindered by lateness/insufficient quality of some concerned countries’ responses, and, in some cases, by refusal to respond and to cooperate;
4. Compliance and implementation (2)

• Invited concerned Parties to facilitate Committee’s work by providing requested information in timely and complete manner.

• Welcomed Committee’s ongoing efforts to improve effectiveness + efficiency of its working methods, involving also drafting amendments to its operating rules and developing an informal guide on Committee’s practice.

• Invited Parties to ensure – when nominating IC members – that appropriate time and resources are allocated, including for participation at Committee’s sessions & work prior to sessions, e.g. analysis of compliance issues, curator’s reports, findings and recommendations, etc.
4. Compliance and implementation (3)

- Considered draft 6th Convention’s review of implementation + agreed on its main findings, as amended;
- Considered draft Protocol’s 3rd review of implementation + agreed on its main findings, as amended;
- Welcomed reports also by some non Parties;
- Noted Parties’ comments + corrections to both drafts regarding their own country and invited further such comments in writing by 31 December;
- Asked secretariat to finalize the drafts based on comments and forward them to next MOP sessions;
- Invited Cyprus to provide its overdue report on Protocol’s implementation asap before 31 December;
- Invited secretariat to share with IC suggested improvements to questionnaire for adjusting it for next reporting round;
- Noted secretariat’s information that on-line reporting was unlikely to be possible.
4. Compliance and implementation (4)

- Noted progress report on ad hoc group’s work on draft guidance on LTE of NPPs
- Noted dates of group’s next meetings: 3-4 Dec (Vienna), 2-3 March, and 27-29 April (Sofia) & stakeholder workshop on 2 Dec (Vienna)
- Welcomed Italy’s offer to host March meeting in Rome
- Invited ad hoc group to deliver a full draft guidance in advance of its next meeting by 15 May i.e. 3 weeks before WG9 meeting
- Noted that BEL & CH agreed to exceptionally discuss the draft guidance in English at WG9 in June 2020; and that FR would consult on need for French translation, and possibility to informally translate it. Invited secretariat to follow-up with CA & LUX as not at meeting
- Noted conclusions of IAIA LTE workshop (Lisbon, 5 June)
- Noted ECJ’s interpretative ruling on LTE of Doel 1&2 NPP (C-411/17)
- Noted OECD/NEA’s recent publication on legal frameworks for LTO of NP reactors
4. Compliance and implementation (5)

- Welcomed the recently issued publication of the Revised Guidelines on EIA in a Transboundary Context for Central Asian Countries adopted by IS-MOP
- Welcomed information on secretariat’s **legislative assistance** activities in Kazakhstan, Tajikistan, and Uzbekistan to support implementing/ratifying the Convention and/or the Protocol;
- Welcomed funding from Germany, Switzerland and OSCE programme office in Kazakhstan for Central Asian countries & efforts by the countries with secretariat and OSCE’s support;
- Encouraged all three countries to pursue their legal reforms and to consider taking steps to ratify the Protocol and, in case of Tajikistan & Uzbekistan, to also join the Convention.
4. Compliance and implementation (6)

- Noted secretariat’s report on planned further legislative assistance to Armenia, Azerbaijan, Belarus and the Republic of Moldova with EU4Environment project funding

- Welcomed EU’s (DG Near) further funding and countries’ efforts to finalize their legal reforms with secretariat’s support

- Encouraged all assisted countries to fully align their legislation with the Convention & Protocol

- Also encouraged Azerbaijan and Belarus to ratify the Protocol and Georgia both instruments
Compliance and implementation (7)

- Thank AUT + NLD for having led informal discussions prepared with secretariat’s support note on Long-term strategy & action plan for Convention + Protocol
- Agreed on the importance of all listed issues
- Decided however to prioritize and limit issues due to resource constraints and possibly review situation in 10 years (at MOP11 & MOP/MOP7)
- Noted that Austria had to step down as lead country + welcomed Poland volunteering to succeed to it
- Mandated Netherlands + Poland to develop a more focused and feasible draft reflecting Parties’ + secretariat’s resources and considering WG’s agreed comments
- Noted NL’s plans to organize 3rd informal discussions in mid January 2020, with exact date to be confirmed asap
- Agreed that revised draft should be developed by mid-February for Bureau’s consideration and by 15 March for WG9 meeting in June
5. Subregional cooperation and capacity building

Welcomed reports provided by:

- Denmark on progress made in organizing Baltic Sea subregional cooperation workshop in the week of 21-26 March 2020 together with Finland and Sweden;
- Croatia on key outcomes of 4th Regional Conference on EIA (18-19 September 2019)
- Secretariat, OSCE and concerned countries
  - on planned subregional events targeting Central-Asian countries;
  - on progress in preparation of a subregional workshop in 2020 with EU4Environment programme funding.

- The Working Group welcomed the reports on the activities that were implemented or planned for, in accordance with the workplan. It appreciated the donor funding raised for this purpose.
6. Promoting ratification and application of the Protocol and the Convention

- Welcomed reports from the secretariat and concerned countries on implemented/planned activities funded through EU4Environment Programme in ARM, AZE, BLR, GEO, MDA, UKR
- Welcomed report from OSCE on planned needs assessment exercises and awareness raising workshops to promote development of national SEA systems in Central Asian Countries
- Appreciated the donor funding raised for above activities and invited beneficiary countries to ensure efficient use of the technical assistance received, in particular further to governmental changes
7. Exchange of good practices (a) Health in SEA workshop

• Welcomed \textit{workshop on assessment of health impacts & health sector involvement in SEA} organized by secretariat + WHO
• Agreed on importance of the topic
• Thanked consultants & speakers
• Invited secretariat to post remaining presentations on webpage
• Noted following conclusions as summarized by the consultants (See separate attachment)
• Invited consultants to provide to secretariat by 13 December a 2-page summary of the workshop to be annexed to report
7. (b) Exchange of good practices: Health in SEA
draft guidance

- Commented the **draft guidance on health in SEA**
- Agreed on revision need to improve guidance’s practical usefulness for authorities and SEA practitioners, by referring to Parties’ practical implementation and by focusing on practical assessment methods & tools
- Agreed on EU proposal to set up a TF of Austria, Finland, Ireland, Slovenia [and Italy tbc] supported by secretariat and invited it to provide consultants with detailed comments on draft text by 13 January
- Invited TF to work electronically, with individual inputs shared with all members, consultants, secretariat, EIB and WHO. TF should respond to consultant’s clarifying questions, as needed.
- Invited consultants, steered by TF, to prepare a revised draft in advance of Bureau meeting i.e. by 14 February
- Agreed to discuss the revised draft at its next meeting
7. Exchange of good practices

- Noted secretariat’s information on activities under Industrial Accidents Convention promoting the joint Land-use Planning Guidance
- No delegation provided feedback on their application of 2017 Good Practice Recommendations on Nuclear Energy-related Activities – EU delegation noted that document was still recent but that document was being used in work of ad hoc working group on LTE
- Noted information from representative of Chile on TbEIA and SEA frameworks and practice in his country
- Noted information by representative of National University of Singapore on her country’s and region’s EIA and SEA frameworks and practice.
8. Preparations for the next MOP sessions

- Noted Bureau’s recommendations on lessons learned from past MOPs, agreeing on importance of constructive dialogue at sessions and as early as possible communication of amendment proposals prior to them
- Thanked Lithuania for offering to host next MOP sessions in Vilnius on 8-11 December 2020
- Supported indicative schedule of MOP preparatory work
- Agreed in principle on draft programme for next MOP sessions and invited Bureau with secretariat’s support to prepare provisional annotated agenda for agreement by WG9, taking into account the proposals made
- Suggested that general segment panel discussions focus either on smart & sustainable cities; sustainable infrastructure; energy transition or circular economy. By 10 January, invited delegations to comment on proposed topics and suggest speakers and facilitators. Invited Bureau to further consider the topics and identify 2 key ones in advance of WG9

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8. Preparations for the next MOP sessions

- Agreed on **initial list of draft decisions and official documents**, but putting in brackets decision on health guidance pending guidance’s revision, and invited Bureau to prepare drafts for WG9’s consideration (except for draft decisions on compliance to be prepared by IC).

- Noted but did not comment **draft declaration**, invited Bureau to take on board comments that delegations were invited to provide by 10 January.
8. Preparations for the next MOP sessions

- Invited proposals on chairmanship of general and high-level segments of next MOP sessions for agreement at WG9

- Invited delegations by WG9 to come forward with preliminary nominations for officers for next intersessional period: Chair and Vice-Chairs of WG; Chair and members of Bureau and 5 IC members

- Invited Bureau to propose possible criteria for officers to be elected by WG9
8. Preparations for the next MOP sessions

- Considered **draft workplan 2021-23**, agreed that it should match with available resources, and indicate resource requirements for activities including from secretariat.
- Noted proposal of Belarus to develop good practice guidelines for considering alternatives and rationale for site selection (as part of workplan 2021-2023).
- Noted Montenegro’s proposal for capacity building to implement Bucharest Agreement and promote sub-regional networking for transboundary EIA.
- Noted EU proposal to have only one workplan and not to draw up a “waiting-list” of requested activities awaiting for funding in 2021-2023.
- Invited Bureau to revise draft workplan based on comments.
9. Inputs to related international processes

- Noted information provided on:
  - Workshop on Regional Cooperation to Enhance Transboundary Consultation on Nuclear Power Development in South-East Asia (Singapore, 8 and 9 May 2019)
  - The Consultancy Meeting to Develop Capacity-building Material on Strategic Environmental Assessments of Nuclear Power Programmes, by IAEA (Vienna, 3–5 July 2019) and proposals for further collaboration;
  - The Seventh Meeting of the European Union Eastern Partnership Panel on Environment and Climate Change (Vienna, 27 and 28 May 2019);
  - The Economic and Environmental Dimension Implementation Meeting (OSCE, Vienna, 14–15 October 2019) which the secretariat participated in.
10. Any other business

- Noted Finland’s information about Arctic Council’s report on Good Practices for EIA and Meaningful Engagement in the Arctic – Including Good Practice Recommendations
Closing of the meeting

• Endorsed main decisions agreed at the meeting, as presented by secretariat, and asked them to be posted on meeting webpage

• Invited secretariat to prepare the meeting report in consultation with Chair