

REPORT

11th Meeting of the Working Group on EIA and SEA

Hybrid (online participation), 19-21 December 2022



General information

The 11th Meeting of the Working Group on EIA and SEA was held in the Palais de Nations in Geneva, Switzerland, from 19 to 21 December 2022. Online participation was made possible via Zoom.

Relevant information and documents were uploaded to the [meeting webpage](#).

Agenda

Monday, 19 December

10–10.15 a.m.	1 Adoption of the agenda
10.15–11 a.m.	2 Status of ratification
11 a.m.–1 p.m.	3 Financial arrangements
3–4.30 p.m.	4 Compliance and implementation
4.30–6 p.m.	5 Promoting practical application of the Convention and the Protocol 5 (a) Subregional cooperation and capacity-building

Tuesday, 20 December

10–10.30 a.m.	5 (b) Exchange of good practices
10.30 a.m.–12.30 p.m.	5 (c) Capacity-building
12.30–1 p.m.	6 Management, coordination and visibility of intersessional activities
3–6 p.m.	7 Preparations for the next sessions of the Meetings of the Parties 7 (a) Practical arrangements 7 (b) List of draft documents and decisions 7 (c) Provisional programme 7 (d) Possible activities for the draft workplan for 2024–2026 7 (e) Chairs of the sessions 7 (f) Officers for the next intersessional period

Wednesday, 21 December

10–10.30 a.m.	8 Related events and international processes
10.30–11 a.m.	9 Other business
11 a.m.–1 p.m.	10 Presentation of the main decisions taken and closing of the meeting

19 December 2022

The Chair of the Working Group, Dorota Toryfter-Szumanska, opened the meeting. She was assisted by Tea Aulavuo, Secretary to the Espoo Convention and the Protocol. The Working Group adopted the agenda as set out in document ECE/MP.EIA/WG.2/2022/1.

Status of Ratification

Ukraine announced that it had completed national steps for the implementation of both amendments to the Convention. Belgium and Ireland reported (foreseeable) ratification of the 1st amendment to the Convention, while North Macedonia stated that the ratification of the 1st amendment was pending in parliament. Greece hoped to be able to report progress on the ratification of the Protocol by the next MOP. France announced progress on the signature of the Protocol. The Working Group also noted the plans by Kazakhstan to ratify the Protocol in 2024. It urged Armenia, Belgium, North Macedonia, and UK to ratify the 1st amendment by the 2023 MOP to allow for the Conventions global opening. No new information on the signature of the Bukarest agreement by Croatia and Greece was available.

At the time of the Meeting, ten parties were still to ratify the 2nd amendment to the Convention (Armenia, Belgium, Belarus, Bosnia and Herzegovina, Ireland, Kazakhstan, Kyrgyzstan, North Macedonia, Ukraine and UK) and six signatories to the Protocol (Belgium, France, Greece, Ireland, Georgia and UK) were yet to become Parties. The Working Group urged these countries to complete their ratifications or, failing that, to come up with clear timelines for the ratifications by the next MOP. It also invited beneficiary countries of technical assistance (Azerbaijan, Belarus, Georgia and Central Asian Republics) to accede to the Convention and/or the Protocol as well as Croatia and Greece to join the Bucharest Agreement and encouraged Bosnia and Herzegovina to accede to it.

Financial Arrangements

The Working Group noted that only 31 Parties to the Convention had fully contributed to the trust fund by 10 November 2022 - three Parties covered 50 % and six Parties 70 % of the total income- Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Greece, Kazakhstan, Kyrgyzstan, Liechtenstein, North Macedonia, Romania, Serbia, Ukraine and UK had failed to contribute by the time of the Working Group meeting and were invited to contact the Secretariat by January 2023.

The Bureau concluded that the funding of the Working Group remained insufficient due to unpredictability of contributions. The Secretariats core resources had been further reduced by extended sick leaves of a member of the Secretariat, creating further delays and pressure. With relation to staff changes, the Working Group welcomed Elena Santer, who had transferred internally as well as Elisabeth Losasso, who had taken over compliance and implementation work and Ivanna Kolisnyk, who was engaged with ITA funding to support the MOP preparations.

The Working Group also stated that even though the core secretariat tasks had been increasing and other UNECE Convention and Protocol secretariats had more staff, there had not been an increase in staffing of the Secretariat to the Espoo Convention in 20 years. Parties were thus requested to fund at least one additional professional post and part-time administrative support: Focal points were invited

to mobilize further funding from their respective governments. Failing that, the workplan would have to be adjusted to cut the Secretariats workload and activities.

In addition, the Working Group encouraged the Parties and stakeholders to provide in-kind contributions as well as to sponsor a JPO.

Compliance

The Working Group acknowledged the importance of the Implementation Committee's workload until the 2023 MOP, but also pointed out challenges for the IC's work due to staffing gaps. It noted that several Parties continued to fail to respond to the IC's questions in a timely and complete manner and urged the Parties to be more cooperative.

The Working Group thanked all the Parties and non-Parties (Georgia and Kazakhstan) that had reported in a timely manner on their implementation of the Convention and the Protocol. Even though reporting is mandatory for all Parties, the Working Group had to emphasize the importance of timeliness and quality of national reporting and noted that that reporting record was unsatisfying, especially in comparison with the last reporting round. There had been a decrease of representation of Parties from 93% to 75%. In the light of the war however, compliance issues of Ukraine will be put off for the time being.

The Chair of the Compliance Committee reported on its activities. In 2022, three sessions were held, and 43 compliance cases were considered. Three out of five Committee initiatives and six out of twelve information gatherings concerned lifetime extensions of nuclear power plants. Furthermore, the rules governing the functioning of the Compliance Committee are being revised, with an increased use of videoconferencing and electronic communication tools.

Bulgaria, Cyprus, Kyrgyzstan, Liechtenstein, North Macedonia, Portugal, Serbia, and Ukraine had failed to report on the implementation of the Convention, while Bulgaria, Cyprus, the Netherlands, Portugal, North Macedonia, Serbia and Ukraine had not provided reporting regarding the implementation of the Protocol. The Parties were urged to submit reporting by 31 January 2023. The EU was urged to report using the State Parties questionnaire and to provide its overdue report by 31 January 2023 -it had submitted a blank questionnaire.

15 Convention Parties and ten Protocol Parties had shared practical examples of their implementation of the Treaties. The delegations were incited to identify relevant good practice examples and propose ways to present and further substantiate them to make them useful for the information of Parties and future parties. The Parties suggested to fund a consultant to improve the design and user-friendliness of the questionnaires for the next reporting round. They criticized the length and complexity of the questionnaires and the need to answer the same questions in every round, even if there were no legal changes in the respective countries.

The Working Group thanked the EU for the funding of legislative assistance through EU4Environment and the UNECE for its assistance and legal consultants. It welcomed the signature of a bilateral agreement by Ukraine and Romania for the implementation of the Convention.

Promoting Practical application of the Convention and the Protocol

a) Subregional cooperation and capacity building – Marine regions

The purpose of this Italian funded activity was to identify synergies and possible future cooperation activities in marine regions. It involved six regional sea conventions and commissions. The Secretariat and the Bureau will select proposed activities for the draft workplan 2024-2026 for consideration of the Working group at its next meeting. Delegations may volunteer to contribute to the implementation of such proposed activities or suggest others before the Bureau meeting in February or the Working Group meeting in June.

Parties should encourage donors and developers of projects with potentially significant adverse transboundary impacts in marine regions to carefully assess and consider these impacts during the respective EIA and SEA processes.

Three case study fact sheets were presented: Baltic Pipe project and marine spatial plan by Poland, Saare offshore wind farm by Estonia and the Slovenian marine spatial plan. Italy offered to present good practice examples for the collection of case studies with the support of the consultants; other Parties are encouraged to do so as well.

Two meetings on the application of the Convention and the Protocol had been organized locally: a Baltic Sea meeting (Warsaw, 14-15 June 2022) and the Eastern Europe and Caucasus meeting (online, 29 June 2022).

b) Exchange of good practices

The Working Group agreed to hold a thematic event on energy transition combined with circular economy during the high-level segment of the 2023 MOP. Italy offered to fund consultancy support for the organization of the event and a background document, while Spain, IAIA, WHO and NTW offered to support the organization of the event. Green financing was identified as a topic for a possible event during the general segment event – EIB offered to provide input for such an event. Belarus requested a seminar on geographic and technological alternatives to the proposed activity during the Working Group's meeting in June. However, the EU would not authorize funding for such an event. Delegations are thus invited to co-organize the seminar and/or to offer funding. There was also a proposal to hold a side event on biodiversity during the next Working Group meeting.

Due to the staffing gaps at the Secretariat, the Working Group invited the Parties to organize thematic events for the Working Group meeting in June and the general MOP segment. Failing that, no thematic events could be held.

c) Capacity-building: Draft guidance on assessing health impacts in strategic environmental assessment

After mandating the preparation of guidance on health in SEA In 2017-2020, a guidance was drafted with funding from EIB, in consultation with the Bureau, the Working Group and the WHO. The MOPs urged the Parties and stakeholders to finalize the guidance in 2021-2023.

However, the guidance could not be agreed on since the EU and its member states were unable to agree on a uniform definition of the term “health”. This was met with negative reactions from other delegations and stakeholders. The WHO expressed regret regarding the inability of the EU to agree on the draft guidance and proposed to refer to human health instead of public health. IAIA recommended to include a disclaimer in the document regarding the “health” definition (eg: for means of application in the EU, health is defined as XY) to be able to proceed with the work on the guidance. The contribution of the EU is essential for the finalization of the document – other Protocol Parties had less experience and had expressed the need for guidance, especially with regards to the COVID pandemic. The EU and its member states agreed to provide specific amendment proposals to the draft guidance until end of January. Further comments can be submitted and considered until end of January for the Bureau meeting in February. The Working Group stressed that the draft guidance should be finalized before the next 2023 Protocol MOP and agreed to continue the deliberations at its next meeting. Ultimately, questions on health in SEA might become compliance issues that must be dealt with by the IC and the MOP.

c) Capacity-building

OSCE reported on the follow-up activities to capacity-building in Central Asia, including the translation of guidance material into the languages of five Central Asian countries. The Working Group appreciated the work done by the German Development Agency to provide guidance to implement SEA in Kazakhstan and Uzbekistan. IAIA announced that it had finalized 23 FasTips since the last Working Group meeting, covering issues such as human rights, food security, leadership, compliance and enforcement and cycle social impact assessment.

The Working Group noted that the UN Secretariat had reverted to in-person meetings and that, as of January 2023, all meetings are to be held in person. Even though some Parties, especially the EU and its member states, would prefer hybrid meetings for means of more open participation (especially in times of the climate/energy crisis), this seems unlikely for lack of funding for remote simultaneous interpretation for hybrid/online meetings. The EU and its member states thus regretted that the Bureau did not see a need to amend the 2020 procedural note and reserved the right to get back to the matter at a later stage. Parties were asked to provide clear textual amendment proposals to the note by the end of January. Hybrid participation will, however, only be possible if the Parties dedicate a budget to simultaneous remote interpretation.

Preparations for the next MOP sessions

a) Practical arrangements

Failing that a Party offered to host the 2023 MOP, it will be held in Geneva. The Working Group agreed on the following deadlines:

- 1) 31 January 2023: for concerned Parties to provide overdue reports on the implementation of the Convention and the Protocol and for all delegations to provide comments to documents as well as inputs for consideration by the Bureau.
- 2) 15 February 2023: Initial information on Parties’ pledged financial contributions for 2024-2026.

b) List of draft documents and decisions

The list of draft compliance decisions is still subject to changes, especially with regards to Ukraine, where the IC had to put decisions on hold due to the war. The other draft decisions and official documents were agreed on. The Bureau will prepare drafts for the Working Groups consideration before its next meeting. No delegation had volunteered to contribute to the drafting of the documents; input and suggestions may be submitted by 31 January 2023.

The Bureau had suggested a draft declaration on the treaties' importance as tools to boost energy transition and to ensure circular economy, low carbon economy and climate neutrality. This was not commented on by the Parties. Input and comments may be provided by 31 January 2023. The Bureau will draft a declaration by the time of the next Working Group meeting.

c) Provisional programme

The Working Group agreed on the general programme for the next MOP sessions and invited the Bureau to come up with a provisional agenda for the MOP sessions in advance of the next meeting of the Working Group.

d) Possible activities for the next draft workplan (2024-2026)

The Working Group agreed that the workplan should

- Be realistic and implementable with regards to funding and staffing challenges
- Consider the strategic goals and priority objectives in the long-term strategy to prepare for accession of non-ECE countries
- Include a prioritized selection of cooperation activities in marine regions
- Address possible weaknesses identified in the draft reviews of implementation
- Assist countries in legislative development and capacity to implement the treaties through bilateral support

The Bureau will prepare a draft workplan considering all comments submitted by the time of its next meeting.

e) Chairs of the sessions

The current Bureau Chair for Convention matters, George Kremlis, offered himself as a candidate for chairing the general segment of the MOPs sessions. Delegations are invited to submit nominations for Chair of the high-level segment.

f) Officers for the next intersessional period

The present Bureau and Working Group Chairs will continue to be available for their roles. Nominations for four permanent and alternate Committee members as well as Vice Chairs of the Bureau and the Working Group are open until 31 January 2023. Especially Parties that were never or not recently in the treaty bodies are invited to put forward nominations.

Related events and international processes

The Working Group noted the information on the outcomes of the Regional Forum on Sustainable Development for the United Nations Economic Commission for Europe region (Geneva, 6-7 April 2022), the Ninth Environment for Europe Ministerial Conference (Nicosia, 5-7 October 2022), Working Group on Transforming the Extractive Industries for Sustainable Development and the 7th Ministerial Conference on Environment and Health in July 2023 in Budapest.

Other Business

No items were discussed under this agenda point.