



Swedish Ministry of the Environment

Cooperation on the EIA Convention in the Baltic Sea subregion

Report of a Seminar in Espoo 31 March – 1 April 2011

The Seminar

Subregional cooperation to strengthen contacts between the Parties has been an activity in the last two work plans for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (EIA Convention). The overall objective of the activity is improved and developed application of the Convention in the subregions. Under the work plan for the period 2004-2008 up to the 4th Meeting of the Parties, two seminars were held in Stockholm 2005 and in Copenhagen 2006, arranged by Sweden on behalf of the other lead countries Denmark, Estonia and Finland. For the period 2008–2011 up to the 5th Meeting of the Parties in June 2011, Finland, Germany, Lithuania and Sweden made a commitment to hold two seminars. A first meeting arranged by Lithuania and Sweden was held in October 2010 in Vilnius.

A second seminar arranged by Finland and Sweden was held 31 March – 1 April 2011 in Espoo in Finland. The fifteen participants at the meeting represented seven of the nine states around the Baltic Sea (Denmark, Finland, Germany, Latvia, Lithuania, Poland and Sweden) as well as the Secretariat of the EIA Convention. A list of the participants is found at the end of this report.

The seminar consisted of presentations of Espoo and SEA Protocol activities in the subregion and discussions on a number of issues that were considered of interest for the cooperation in the Baltic Sea subregion such as nuclear installations and maritime issues. The agenda for the seminar is found at the end of this report.

Introduction

The participants were welcomed by Ms. Seija Rantakallio who made a presentation of the city of Espoo and recalled that the Convention was signed twenty years ago in Espoo in the same building where the seminar was held. The agenda for the meeting was approved.

EIA Convention

The representative for the Secretariat of the EIA Convention Mr. Nicholas Bonvoisin informed about recent developments of the Convention. His presentation can be found in Annex I. He informed of the status of ratification of the two amendments to the Convention and of the SEA Protocol. He also informed about bilateral and multilateral agreements, the current work plan, resources, the upcoming Meeting of the Parties in June 2011 in Geneva and the ministerial meeting Environment for Europe in Astana in September 2011.

Update on Espoo projects

Lithuania had no new cases as Party of Origin (PoO). The Visaginas nuclear power plant case is finished. For Lithuania as Affected Party (AP) the Belarus and Kaliningrad nuclear power plants are on-going.

Estonia as PoO has an on-going case with Finland as AP concerning the construction of off shore wind farms near the northwest coast of Estonia but this has temporarily been halted. Russia has not answered to the notification of Estonia on the partial recovery of fish spawning grounds project in the canyon of the Narva river. Estonia has been notified by Germany and Denmark concerning the Fehmarnbelt link and by Finland on contaminated sediments at Kymijoki river, but has declined to participate in those projects. Estonia has been informed by the Netherlands on the project to build a NPP in Borssele. Concerning the Kaliningrad NPP there has been some exchange of information between Russia and Estonia.

Finland presented a list of cases. For Finland as PoO, EIA processes were on going for the Hannukainen iron ore mine in Lapland and two wind farm projects in the Bay of Bothnia, all with Sweden as AP. The EIA is finished but no final decision made for a bio-fuels factory, wind farms in Lapland and the Bay of Bothnia and off shore sand extraction, all with Sweden as AP and finally for several nuclear projects with Sweden, Norway, Estonia, Lithuania, Poland, Austria and Russia as AP. Finland is AP in the Fehmarnbelt link, a mine in Sweden, an off shore wind farm in Sweden, a repository for final disposal of spent nuclear fuel in Sweden, the Pajala-Kolari railway in Sweden and an off shore wind power plant in Estonia.

Sweden presented a list of Espoo cases that were new after the last meeting in Vilnius (Annex III). Sweden is PoO for an encapsulation and final repository for spent nuclear fuel where all Baltic Sea countries are AP. Sweden is PoO for an off shore wind farm at Finngrundén with Finland as AP and for the European Spallation Source at Lund in Scania with Denmark as AP. Sweden is AP for the Finnish NPP projects, wind farms and sand excavation project.

Denmark presented the Fehmarnbelt link project (Annex IV).

Germany said it had no specific problematic cases to report.

Latvia reported on being AP for the Lithuanian Visaginas NPP, the Russian Kaliningrad NPP and the Belarusian NPP.

Poland informed that it has fourteen on going cases as PoO where Ukraine, Slovakia, Czech Republic, Germany are AP. Few of these if any concern the Baltic Sea region. Poland made a presentation of the Swinoujscie LNG terminal project (Annex V) where there was no information from the local level and thus no Espoo process could start. In the spirit of good cross-border cooperation Poland although had informal consultations with Germany on that project. A risk assessment would have been interesting in such a process. The terminal is now in construction and will be in operation in 2014.

Lithuania had a similar example where local authorities did not inform and the Commission made a remark.

There was a short discussion on this issue where some commented that some projects had been missed in the past but that it was very improbable that an authority should refuse to inform. It was said that each Party is responsible for organising itself according to the Espoo requirements but that the Polish terminal project still was an example of good application. The problem was to achieve an effective timing. It was also remarked that it was important to inform neighbouring Parties when you did not believe there would be any significant transboundary effects. Poland and Germany has a treaty on how to cooperate on EIA matters and it might be expanded also to SEA matters.

SEA Protocol

Poland informed that it will ratify the Protocol very soon. For the Convention's second amendment work is on-going but will probably not be finished this year. Poland has been PoO for four SEA cases, two of them with Czech Republic and Slovakia as AP. Germany has been AP for local plans. Poland has been AP in four cases where Germany, Belarus and Finland were PoO. Work on a Polish plan for introduction of nuclear power has started and will be notified.

Latvia has not ratified the Protocol due to lack of resources.

Germany has ratified and has been PoO for maritime spatial plans in the North Sea and the Baltic Sea where the authority which drafted the plans was the competent authority.

Denmark is trying to convince Greenland to ratify and has not heard anything yet from the Faeroe Island.

Sweden has ratified and been AP for Finnish nuclear land use plans.

Finland has ratified and the Ministry of the Environment is the responsible authority. Finland has been PoO in several cases, all land use plans and two with Sweden as AP – a wind farm and a mine. Two plans concerned NPP.

Estonia has ratified and the Ministry of the Environment is responsible for notifications. Estonia as PoO has notified Finland and Russia on the SEA for the detailed plan for the oil refinery in Vaivara municipality. Finland informed in the meeting that it will participate in this case.

Lithuania has ratified. Which authority that is responsible depends on the type of plan. For national and regional plans the Ministry of the Environment is responsible. In a case with power lines nobody wanted to participate.

Sweden made a presentation on its experiences of applying the Protocol so far (Annex VI). Small municipalities with limited competence and resources combined with tight timeframes makes good application problematic. Where the Protocol and the Convention are applied for the same project, the question of different procedures and issues can be confusing. A discussion followed on the effects of different planning systems and planning hierarchies.

Finland presented an example with plans for Finnish NPP where the sheer number of plans was perhaps a bit too much to comprehend in consultation, Germany anyway expressed such confusion. **Poland** presented its system for planning of roads. In the following discussion it was questioned whether there was a need for EIA where a very satisfactory SEA had been made. **Lithuania** said that in its hierarchic planning system sometimes the project comes before the plan and thus the need for an SEA was not felt. In such a case the Commission had given a reasoned opinion. A wise combined application of EIA and SEA was generally called for. It was noted that whether there are combined or two different procedures, there are two sets of requirements which must be followed.

The question of ECE-wide notifications was raised and some concern was expressed over the fact that the responsible authority must do something with such information even if it cannot really be perceived as a proper Espoo notification. Those ECE-wide notifications concerning nuclear installations are related to projects with long range effects and it is difficult to decide whether you could be affected or not. It was felt that the PoO sometimes send such information just to be on the safe side.

Application and Draft Review of Implementation

There was a discussion on the Draft Review of Implementation presented earlier by the Secretariat and especially what was remarked on Article 5. Some stated that they specifically give answers according to that article, others always offered consultation according to it, while others still said that it was difficult for the responsible authority to give a national comment because of its subordinated role. It was also questioned whether all written comments are to be considered as Article 5 consultations. On Access to justice, there was discussion on the right for a NGO to appeal and references were made to ECJ rulings.

Nuclear installations

Finland made a presentation on EIAs for NPPs in Finland 1998-1999 (Annex VII). The question of how wide to notify was discussed again. The obligation to inform of the final decision according to Article 6 in the Convention was highlighted since the final construction license might come a long time after the Espoo consultations.

Lithuania made a presentation on the experiences in EIA for some NPPs in Lithuania, Russia and Belarus (Annex VIII). The participation of Austria in the consultations for Visaginas NPP in Lithuania made it necessary to translate the material into German. **Germany** informed of the Belarus NPP as a pending case in the Implementation Committee.

Poland informed of its experience as AP concerning NPP:s in Slovakia, Ukraine and Belarus. Poland will as PoO in a short time send information on a programme on nuclear energy and it's SEA.

Finland made a presentation on final disposal of spent nuclear fuel in Finland(Annex IX). The **Secretariat** made a presentation on the application of the Convention to nuclear energy-related activities (Annex X).

Sweden presented the Swedish management of spent nuclear fuel and radioactive waste (Annex XI). Applications for a final repository and an encapsulation installation at an interim storage have recently been submitted and the permitting process is likely to take several years.

Germany raised the question on the requirements of Directive 2009/72 concerning power line networks and the possible need for SEA of such plans. Poland said they made an SEA in such a case.

Nord Stream project

The experiences of the Nord Stream gas pipeline project were discussed as well as the latest activities and monitoring. **Finland** informed that the Regional Environmental Authority is responsible for making sure that the conditions in the

Finnish permit are met with. They have provided Estonia with information in this respect. In order to obtain the results from the monitoring performed for the Russian part of the pipeline, a special memorandum of understanding has been signed with Russia. Monitoring is also going on for the Swedish, Danish and German parts.

Large scale transboundary projects

The paper on Large Scale Transboundary projects drafted by the European Commission was discussed in light of the experiences drawn from the Nord Stream and the Norwegian-Swedish-Danish Skanled gas pipeline projects. The complex question of associated projects was especially highlighted.

MOP 5, MOP/MOP₁

The **Secretariat** made a presentation on the preparations for the upcoming fifth Meeting of the Parties and first Meeting of the Parties serving as the Meeting of the Parties to the Protocol 20-23 June 2011 in Geneva. The activity subregional cooperation in the Baltic Sea region in the next period was discussed, subjects for the activity as well as lead countries. **Poland** will be a lead country and announced the next subregional meeting to be early in the autumn 2011 in Sopot near Gdansk and made a presentation of the venue and the tri city region in Poland. **Estonia** will also be a lead country and announced the second meeting to be in Estonia in the autumn 2012.

Maritime issues

A representative from **HELCOM**, the Helsinki Commission, which is the governing body of the Convention on the Protection of the Marine Environment of the Baltic Sea, made a presentation on HELCOM, Ecosystems and Maritime Spatial Planning (Annex XIII).

Sweden made a presentation on Baltic Sea Region cooperation in maritime spatial planning by HELCOM/VASAB (Annex XIV). HELCOM and the Baltic Sea Region cooperation VASAB have formed a joint working group for cooperation on maritime spatial planning in the Baltic Sea Region and SEAs for maritime spatial plans are one of the issues discussed in that cooperation. This group is a parallel cooperation to the EIA Convention Baltic Sea Region cooperation network and closer contact between them could prove to be fruitful. The Nordic Council of Ministers has a working group for cooperation on maritime spatial planning that includes also Greenland, Iceland, the Faeroe Islands and Norway. Sweden is currently working on introducing new legislation allowing national maritime spatial planning for all the Swedish territorial waters and the exclusive economic zone.

Estonia informed that research has been made on how maritime spatial planning could be introduced in Estonia. A national plan for the year 2030 is now being drafted together with an SEA. **Poland** informed that a proposal for legislation on maritime spatial planning is now in the parliament for decision.

Germany informed on the North Sea Countries' Offshore Grid Initiative which is a co-operation on electric grids where one working group is devoted to planning and authorization procedures which includes EIAs.

**Seminar on Cooperation on the EIA Convention
in the Baltic Sea subregion**

Espoo 31 March – 1 April 2011
Dipoli Congress Centre, Palaver Meeting Room

Agenda

Thursday 31 March

13:00-13.15 **Welcome and practicalities**

13:15-13.35 **Work on the EIA Convention**

Nicholas Bonvoisin – Secretariat EIA Convention
Comments

13:35-14.35 **Espoo cases**

On-going and new cases – tour de table
Fehmarnbelt link project DE/DK
Swinoujscie LNG terminal PL
List of cases for the Baltic Sea Region

14:35-14.55

Coffee break

14:55-16.15 **SEA protocol**

Ratification, implementation, competent authority,
cases - tour de table
Application matters such as notification (timing, ECE
wide notifications etc.), applying the Convention and
the Protocol to the same cases

16:15-16.30 Break

16:30-18.00 **Application and Draft Review of implementation**

Comments given on draft, Secretariat
Discussion on issues such as Consultation according
to Article 4.2 and 5, Notification etc.
Purpose of and Conclusions on review
Access to justice, DE
Public participation

19:30-22

Dinner at restaurant Lasipalatsi

Friday 1 April

09.00-10.20

Nuclear installations

Experience of Espoo procedures, FIN, LT, LV, PL, SE
 Secretariat's paper on NPP
 Reflections on Baltic Sea Region situation

10.20-10.40 Coffee Break

10.40-11.30 **Nord Stream project**

Reflections, monitoring etc.

Large scale transboundary projects

Commission's paper, associated works, guidance

11.30-12.15 **MOP 5, MOP/MOP1**

Preparations

Subregional activity in next work plan period, (lead countries, extended participation, issues to cover, wider commitments)

12.15-13.15 Lunch

13.15-15.00 **Maritime issues**

Maritime spatial planning (MSP), marine ecosystems, marine protected areas.

Ecosystems and protected areas, HELCOM

State of play for MSP in EU and Baltic Sea Region, SE North Sea Grid, DE

Overall Conclusions

15.00

Close

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Subregion
Espoo 31 March – 1 April 2011**

Participants

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Annexes

- I. Work on the EIA Convention, Secretariat
- II. Swedish Espoo cases, Sweden
- III. Femernbelt link project, Denmark
- IV. Swinoujscie LNG terminal project, Poland
- V. The Protocol – experiences so far, Sweden
- VI. Nuclear power plant EIAs in Finland, Finland
- VII. Lithuanian experience in EIA for nuclear power plant projects, Lithuania
- VIII. Final disposal of spent nuclear fuel in Finland, Finland
- IX. Application of Convention to nuclear energy-related activities, Secretariat
- X. Management of spent nuclear fuel and radioactive waste, Sweden
- XI. Meeting of Parties, Secretariat
- XII. HELCOM, Ecosystems and Maritime Spatial Planning, HELCOM
- XIII. Baltic Sea Region cooperation in Maritime Spatial Planning, Sweden