



GENERALNA
DYREKCJA
OCHRONY
ŚRODOWISKA



REPORT

Fifth Seminar on Cooperation on the EIA Convention in the Baltic Sea Region

27 – 28 October 2011

Sopot, Poland

I. Subregional cooperation

Subregional cooperation to strengthen contacts between the Parties and other bodies is one of the activities included in the current work plan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (EIA Convention) and its Protocol on SEA for the period up to the sixth session of the Meeting of the Parties to the Convention (MOP-6) and second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP/MOP-2).

The work plan for the implementation of the EIA Convention and its Protocol on SEA for that period was adopted at the Fifth Meeting of the Parties on June 2011. Poland, Sweden, Germany and Estonia made a commitment to continue the activity for the Baltic Sea subregion and hold two meetings in turn in 2011, 2012 and possible further meeting in 2012/2013.

Therefore, the first meeting in that period was held on 27 and 28 October 2011 in Sopot (Poland). The main aims of this meeting were particularly to improve and develop the application of the EIA Convention and its Protocol on SEA in the Baltic Sea Region.

The seminar, dedicated mainly to the Focal Points and Points of Contact to the Espoo Convention from the States bordering the Baltic Sea, was organized by the General Directorate for Environmental Protection in the framework of the Polish Presidency of the Council of the European Union. During this meeting eight States around the Baltic Sea were represented (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden) as well as Belarus and the Secretariat of the EIA Convention. A list of participants is found at the end of this report (appendix 1).

The organizers, in agreement with other Baltic Sea States, invited also the States bordering with the North Sea Region (Belgium, the Netherlands and Norway) as well as Russia to attend this meeting as observers. However, no representatives from these countries could take part in the meeting.

II. Programme of the seminar

The programme of the seminar (appendix 2) based on the issues of high importance for the Baltic Sea Subregion included in the current work plan for the implementation of the EIA Convention and its Protocol on SEA. Therefore, all presentations and discussions were focused on such topics as:

1. work on the EIA Convention,

2. updates on status of ratification of the amendments to the Convention and its Protocol,
3. review of the Espoo cases in the subregion, ongoing and new cases as well as practical application of a number of Espoo cases in the Baltic Sea Region,
4. transboundary access to justice by the public and NGO's,
5. cooperation with other conventions and organizations in the subregion, linkages between them and benefits derived from such cooperation,
6. maritime spatial planning and experiences within SEA for maritime spatial plans,
7. cumulative impacts of planned off-shore wind farms,
8. post-project analysis and monitoring,
9. application of EIA in preparation for shale gas projects.

During the second day the participants took part in a cruise on the Gulf of Gdąńsk presenting marine aspects of the natural heritage of the Pomeranian Voivodship and maritime infrastructure projects realized by the Port of Gdynia. In the Seal Center situated on the Hel Peninsula the participants attended a special show of feeding seals, which are a rare and endangered species in the area of Polish coastline. The staff of the Seal Centre gave several lectures about the seals, conditions of their existence and measures taken by the Seal Centre to preserve and increase the seal population.

Introduction

The seminar was opened by its Chair Mr. Piotr Otawski – Deputy General Director for Environmental Protection in Poland, who welcomed the participants and wished to all of them a fruitful meeting with a view to improving, developing and strengthening cooperation within the subregion under the EIA Convention. The agenda (appendix 2) of the meeting was approved by the participants.

1. Work on the EIA Convention

The representative of the Secretariat of the EIA Convention, Ms. Tea Aulavuo, gave a brief presentation (see on website¹) about work on the EIA Convention. She presented the main outcomes of the 5th Meeting of the Parties to the Convention and of the 1st Meeting of the Parties of the Convention serving as the Meeting of the Parties to the Protocol. The secretariat welcomed the ratification by Poland of the SEA Protocol in June 2011. In general terms, she expressed concerns about the very slow rate of ratifications of the Protocol and of the two important amendments to the Convention that were adopted in 2001 and in 2004. Moreover, the Secretariat hoped that new bilateral agreements on transboundary EIA and SEA will be developed and successfully signed as well implemented. The Secretariat also provided an overview of the work for the review of compliance and implementation carried out by the Implementation Committee under the Convention and the Protocol (the submissions currently before the Committee include those by Azerbaijan regarding Armenia, Lithuania regarding Belarus and Armenia regarding Azerbaijan).

The next part of presentation was dedicated to the implementation of the activities in the current work plan with special emphasis on the capacity building activities, involving, for example pilot project on SEA targeting Belarus and Ukraine focusing on post-project analysis, several other events for subregional cooperation, promotion of ratification and application of SEA Protocol, including national and international workshops and pilot projects in this regard. At the end, Ms. Aulavuo presented in-depth the financial arrangements and staff resources in the secretariat.

¹ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/1_UNECE-Introduction_-Baltic-Sea-Region_Sopot-Oct11.pdf

Comments:

The participants welcomed enthusiastically Russia's declaration made recently about its intention to ratify the EIA Convention. All participants agreed that such a step from the Russian side may improve bilateral cooperation.

Estonia informed that the next meeting within the Baltic Sea Subregion cooperation will be hosted by Estonia in Tallinn in the second half of 2012. Therefore all participants were kindly invited to take part in this event.

Germany and Sweden made comments on the lengthy process of entry into force of the amendments to the convention. They indicated that the problem is strictly connected with sometimes complicated national procedure of ratification. Nevertheless they emphasized that the European Union is a Party to the both amendments, so each Member State had already been obliged to transpose the amendments to the national legislation.

2. Updates on status of ratifications

The participants raised some general problems, in particular of legal questions, that cause a lot of complications with ratification of the amendments to the convention. The EIA Secretariat pointed out that no new ratifications means no possibility for a quick entry into force of both amendments.

Latvia informed that has an intention to ratify the amendments, but after the parliamentary elections other priorities approached and ratification was postponed for a while.

Finland indicated that the ratification process of both amendments is proceeding satisfactorily and it is planned to submit the proposal of ratification to the Government at the beginning of 2012. Possibly, amendments may pass through the Parliament during the spring of 2012.

Poland is almost finishing the ratification process of the second amendment which passed through the Parliament successfully at the end of August 2011. The special act of law, empowering the President to ratify the amendment, has recently entered into force. So, at this moment it is expected that the President will sign the ratification document within few months. Therefore, all legal requirements should possibly be accomplished by the end of 2011 or at the very beginning of 2012.

Denmark prepares the official documents for ratification of the SEA Protocol and both amendments that will be the basis for discussion with the Minister of Foreign Affairs. Nevertheless, it was also emphasized that Denmark acts as if they already ratified the SEA Protocol and both amendments because they are the Member State of European Union which is the Party to these legal instruments.

Belarus ratified the first amendment at the beginning of 2011 and is currently considering the possible ratification of the second amendment which may presumably start at the beginning of 2012.

3. Case studies on transboundary EIA's and SEA's:

a) Review of the Espoo activities in the subregion – ongoing and new cases

The Chair invited the Parties to report on the status of Espoo cases likely to cause significant effects on the Baltic Sea Subregion.

Latvia participates as an Affected Party in a transboundary EIA for Nuclear Power Plant (NPP) in Belarus. The transboundary consultations have already been organized and it is planned to sign the bilateral agreement with Belarus regarding the operative announcement about

nuclear accidents, information exchange and radiation protection. The agreement will set out the ways how to approach effectively when such accidents will occur.

Finland circulated the list of Espoo cases (see on website²). Moreover, Finland informed about the status of discussion with Rosatom regarding the NPP in Kaliningrad, and the discussion is still ongoing.

Estonia, as a Party of Origin, is currently carrying out two transboundary cases with Finland: SEA of the detailed plan of the oil refinery in Vaivara Local Municipality and EIA of the offshore wind farms project in the coastal waters of North-West Estonia. On the other hand, Estonia participates as an Affected Party in a transboundary EIA for planned offshore wind farm in the Middle Bank in the Swedish Exclusive Economic Zone (EEZ). Not so many new cases since last meeting in Espoo.

Germany informed only about the most interesting cases, in particular about a transboundary EIA for NPP in Kaliningrad. The German representative pointed out that a voluntary consultation with Russia (Rosatom) was organized as well as two meetings on the experts level are scheduled on the next year. The discussion is ongoing in this regard.

Denmark gave a brief presentation about the Espoo cases (see on website³). The most interesting cases might be the offshore wind farms planned to be located close to the border with Germany. Denmark was also offered by Russia to meet with Rosatom to discuss about NPP in Kaliningrad. There is no specific date of such meeting but Denmark welcomed this proposal.

Belarus informed about no new cases.

Poland gave a brief presentation (see on website⁴) about current status of the Espoo cases. A number of Espoo cases are planned to be located on the south and south-west part of Poland, so that they will not have a direct impact on the Baltic Sea. In respect of the cases that might influence the subregion directly, Poland presented the following cases: SEA for Polish Nuclear Energy Programme (10 Parties were notified, 7 of them declared their wish to participate), SEA for Land Use Plan of West-Pomeranian Voivodship close to the border with Germany (not official application of article 10 of the SEA Protocol) and new case regarding the planned offshore wind farm on the Middle Bank in the Polish Economic Exclusive Zone (the notification to Sweden will be sent in the following days). At this place, Finland declared its wish to be notified due to the migratory corridors and fishery that might be potentially affected. Moreover, Belarus kindly asked for notifying them of the SEA for the Polish Nuclear Energy Programme though Belarus is not a Party to the SEA Protocol. Poland answered that due to the fact that Belarus is not a Party to the SEA Protocol, needs to discuss it internally and only then may decide on the Belarusian request. Poland also informed about the recent stages of EIA for NPP in Kaliningrad, where Poland takes part as an Affected Party.

Sweden as a Party of Origin has six Espoo cases under way (see on website⁵). Sweden was also offered by Russia (Rosatom) to have a meeting regarding NPP in Kaliningrad.

Lithuania informed that there were not so many new cases. The last case where Lithuania was a Party of Origin was in 2010 and this case regarded the construction of railway close to the border with Poland. The notification was sent but Poland did not intend to participate in a

² http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/Finland_Espoo_cases.pdf

³ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/3_DK_Ongoing-cases-DK.pdf

⁴ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/2_PL_Espoo-Cases_Sopot.pdf

⁵ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/SE_Espoo-Cases.pdf

whole procedure. Moreover, as an Affected Party, Lithuania was notified about Polish Nuclear Energy Programme but had no intention to participate in SEA. Regardless of that, Lithuania informed Poland in advance about its wish to participate in EIA for the planned NPP in the future. Another case where Lithuania is an Affected Party is EIA for NPP in Kaliningrad with Russia (Rosatom). Regarding the NPP in Kaliningrad, Lithuania informed that is currently analyzing the explanations provided by the Rosatom and the final position will be possibly submitted to Russia on November 2011.

b) Presentation of the practical application of a number of Espoo cases in the Baltic Sea Region:

• Fehmarn Belt Fixed Link Case

Denmark gave a brief presentation (see on website⁶) about the current status of planned connection through the Fehmarn Belt Strait. The representative of Denmark informed that together with Germany sent the notification to all Baltic Sea States on 21 June 2010. Norway, Finland, Sweden, Poland and Germany declared their wish to participate in the entire EIA. Moreover, Denmark indicated completely new problems that occurred, in particular a long discussion on the best way of connection the straits between Denmark and Germany. Two solutions were considered: cable-stayed bridge or immersed tunnel. Finally, the Denmark chose the immersed tunnel. At the end, Denmark presented the timetable for further process, especially informed that the EIA documentation (EIA report) is planned to be ready around October 2012.

Germany complemented the information provided by Denmark (see on website⁷) about detailed course of procedure and current developments. For example, the EIA documentation is elaborated since Autumn 2010 and the next scoping-session is planned around the end of 2011. The German representative emphasized that close cooperation between Danish and German Espoo-authorities and as well as the developer is crucial in this case. Moreover, it was indicated that the German relevant authority introduced non-governmental dialogue between relevant authorities and NGO's that may significantly facilitate the whole procedure. The results of that dialogue will not be binding but shall be considered by developer and authorities. The presentation of the EIA documentation is planned around October 2012. Further, the consultation process will be initiated.

• Off-shore wind farm Wikingers Nord & Wikingers Sud

Germany gave a brief presentation (see on website⁸) on two planned offshore wind farms in the German EEZ. Both projects (Nord-8 turbines and Sud-18 turbines) are situated in a priority area for offshore wind energy according to the Maritime Spatial Plan for the German EEZ in the Baltic Sea, which was set into force on 19 December 2009. Denmark, Sweden and Poland were notified according to the Espoo Convention and only Poland wants to participate in the procedure. The scoping meeting is scheduled on 3 November 2011 and all stakeholders were invited. During that meeting the scope and content of the EIA documentation will be discussed.

Comments:

At this place, **Sweden** made a remark that this case remains the salami slicing because the planned wind farm was split in two projects. Germany explained that regardless of

⁶ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/4_DK_Fehmarnbelt-Fixed-Link-Status-oct-2011.pdf

⁷ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/5_DE_Fehrman-Belt.pdf

⁸ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/6_DE_Wikingers-1.pdf

that, both projects fall within the scope of EIA, so there is no danger that any assessment will be avoided. Moreover, the cumulative impacts of both projects will have to be assessed. It was also emphasized that several construction permits have been issued in the past for offshore wind farms in the German EEZ that have not been used as much as intended. Therefore it is considered to amend the national legislation in order to limit the validity of not used permits.

- **Off-shore wind farm Sodra Midsjobanken (Middle Bank)**

Sweden presented this planned project briefly (see on website⁹). The project will be comprised of 300 turbines with capacity up to 1000 MW. The wind farm is planned very close to the Polish EEZ and it will be connected to the Swedish-Lithuanian cable Nord Balt. The notification that was sent to the Affected Parties provided the basic information on the project including its location, technology and possible kinds of impacts on the environment. According to the pre-analysis the impacts may affect birds (Finland, Russia), fish and fishery (Poland, Estonia, Lithuania, Latvia, Denmark, Germany and Finland) as well ship routes and ship safety. The notification was wide around the Baltic Sea, except Germany. All documentation was translated into each language of the Affected Parties and the deadline for reply was 10 weeks. As a result of notification 3 Parties expressed their wish to participate in the procedure (Poland, Finland and Estonia). Moreover, Lithuania asked for submitting further information on the project but without participating in EIA. The Affected Parties in their replies raised a lot of requests and concerns. Therefore, Sweden asked them for providing information on environment exposed on transboundary impacts according to the article 3 paragraph 6 of the Espoo Convention. Additionally, Sweden asked for bilateral meetings with the Affected Parties.

- **Danish experiences as an Affected Party within SEA from the North Sea**

Denmark gave a short presentation (see on website¹⁰) on experiences on SEA from the North Sea. The cases from that subregion were among others: Sectorial Marine Plan for Wave and Tidal in Scotland's Renewable Energy Zone that will cover the Scottish territorial and offshore waters as well Scottish National Plan that is under preparation. The Scottish ambition is to reach a production of 6000 MW wind energy in the North Sea, that is why Scotland is going to designate areas where the offshore wind farms could be allocated. On the other hand, Denmark has experiences in cooperation with Norway in respect of SEA for offshore wind energy sector.

4. Transboundary access to justice by the public and NGO's – the recent judgment of the European Court of Justice against Germany (C-115/09 – Trianel)

Germany gave a brief presentation (see on website¹¹) about a recent judgment of the ECJ against Germany regarding transboundary access to justice by the public and NGO's. Generally, the national legislation on the access to justice is influenced by the Aarhus Convention. It was stressed that the access to justice is of growing importance for the decision-making process. Inter alia, it is strongly recommended that the documentation should be of the high level of accuracy. In that way the number of appeals may be able to decrease significantly.

⁹ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/7_SE_Wind-power-project.pdf

¹⁰ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/8_DK_SEA-from-the-North-Sea.pdf

¹¹ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/9_DE_Trianel-Prsentation.pdf

5. Outcomes of the UBA-Workshop “Transboundary Access to Justice for Environmental NGOs”

Germany gave a presentation on the outcomes of workshop regarding the experiences with transboundary access to justice for environmental NGOs (see on website¹²). In 2008 the UBA (Federal Environmental Agency) organized an international workshop for NGOs, interested in access to justice. In Germany the UBA is a competent authority for the recognition procedure of environmental associations working on the federal level and of foreign associations, as only recognized NGOs are entitled to legal review of decisions in the field of environmental protection and nature conservation. During this workshop representatives of NGOs and national authorities presented their experiences on transboundary access to justice. So far only few cases occurred, but two of them were the most famous. The first one was the Nord Stream Pipeline case, where several Estonian NGOs initiated a legal review of the Finish decision. In the second case of Emssperrwerk (river in the border region between Germany and the Netherlands) Dutch NGOs tried to challenge the decision. Moreover, the discussion focused on linkages of transboundary access to justice with legal and practical barriers. From the legal point of view, the core problem is in many states a lack of specific regulations on access to justice by foreign NGOs. International law and the national legislation of EU Member States provide access to justice for national and foreign NGOs, but sometimes include no specific provisions on foreign NGOs. Furthermore access to justice systems in several countries is quite different. For example in Germany, NGOs need a recognition by an authority and must fulfill several conditions (e.g. the NGO must exist at least 3 years). From the practical point of view the most important barrier is the lack of NGOs on capacities regarding manpower and funding. Another important practical barrier is the language of the party of origin that leads to problems in understanding the domestic legal system. Therefore the workshop concluded that in many cases, foreign NGOs do not promote transboundary access to justice as such, but use instead a very close cooperation with domestic NGOs in the country of origin that then inter alia take on board the specific concerns of the foreign NGOs as well.

Comments:

EIA Secretariat informed about the cooperation with the Aarhus Convention Secretariat in order to prepare workshop on public participation in SEA, where access to justice will be also discussed. The workshop is scheduled on 29-30 October 2012.

Germany informed on the national criteria for the recognition of NGOs that need to be fulfilled by any NGO in order to be able to have access to justice. One very important criteria is the principle of internal democracy, what means that everyone must be able to become a member of the NGO and have an equal opportunity to influence the internal decision-making of the NGO.

Denmark informed that NGOs in Denmark need to be informed about each ongoing procedure. It was also emphasized that NGOs may try to challenge the decision according to not only the Espoo Convention but also the Aarhus Convention.

¹² http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/10_DE_Outcomes-Transboundary-Access-to-Justice_Lamfried.pdf

6. Cooperation with other conventions and organizations in the subregion, linkages between them and benefits derived from such cooperation (HELCOM, VASAB and others)

Sweden gave a short presentation (see on website¹³) about cooperation with other conventions and organizations. In particular, cooperation with HELCOM (The Helsinki Commission) and VASAB (Intergovernmental network to promote cooperation and development in the Baltic Sea Region) and others was mentioned. At the end it was pointed out that regular exchanging information and close cooperation between the Espoo Convention and the mentioned bodies might be beneficial for all stakeholders.

7. Polish legal background for maritime spatial planning and short presentation of pilot maritime spatial plans for the Western Part of the Gulf of Gdańsk and the Middle Bank

Poland gave a presentation (see on website¹⁴) regarding Polish legal background for maritime spatial planning. The presentation was mainly focused on the pilot maritime spatial plans for the Western part of the Gulf of Gdańsk and the Middle Bank.

8. Polish experience with Strategic Environmental Assessment (SEA) for the pilot maritime spatial plan for the Western Part of the Gulf of Gdańsk

Poland gave a short presentation (see on website¹⁵) regarding the experiences within SEA for pilot maritime spatial plan for the Western Part of the Gulf of Gdańsk.

Comments:

During discussion regarding maritime spatial planning the case of spatial plan for German EEZ was mentioned as an example of application of the SEA Protocol for maritime spatial planning. In this case transboundary SEA was carried out where Poland participated as an Affected Party. Finally, Parties concluded that not so many experiences have been gained so far within maritime spatial planning in the subregion.

9. Discussion on cumulative impacts of planned offshore wind farms in the Baltic Sea

The Chair started discussion by presenting some problems regarding planned offshore wind farms in the Baltic Sea, in particular indicating the cumulative impacts that may occur as a result of construction of several planned offshore wind farms by all Baltic Sea States. Moreover, the Chair presented a map showing potential locations of planned offshore wind farms in the Polish territorial waters and the EEZ.

The main issues discussed were: What will be the overall capacity of the Baltic Sea for constructing offshore wind farms? How many offshore wind farms may be built there without collision with other interests? How Baltic Countries should cooperate together for preserving the Baltic Sea against undesirable deterioration of its natural conditions? Should States cooperate while performing analysis and research of the Baltic Sea ecosystem? What about the availability of the findings of such researches?

Comments:

Poland asked other participants about the access to data regarding migratory corridors in the Baltic Sea, especially birds. All the Baltic Sea States agreed that such information

¹³ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/11_SE_ConvcoopSopot.pdf

¹⁴ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/12_PL_Spatial-planning-PL-Espoo-sem.pdf

¹⁵ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/13_PL_Polish_experience-SEA.pdf

should be available to others. That is why they declared that after internal consultation with specialists they will provide relevant information in this regard.

As a result of this discussion, **Sweden** informed later-on that the leading people in this field in Sweden is Prof Susanne Åkesson (University of Lund) who is a coordinator for the Centre for Animal Movement Research. More information and contact details are available at <http://orn-lab.ekol.lu.se/birdmigration/>.

Moreover, **Estonia** informed later that this kind of information could be provided by different institutions (e.g. the Environmental Board, the Estonian Ornithological Society, the Estonian University of Life Sciences). In case of interest the communication could take place via the Ministry of the Environment.

10. Post-project analysis and monitoring:

- **short presentation about a post-project analysis**

Secretariat to the EIA Convention gave a brief presentation (see on website¹⁶) about a post-project analysis and monitoring. Firstly, the representative of the Secretariat presented the legal requirements for a post-project analysis under the Espoo Convention, the recommendations, practical guidance and experiences as well as capacity-building on the example of pilot project in Belarus and Ukraine. Regarding the recommendations it was emphasized that: the results of a post-project analysis should be taken into account in the environmental management of the project, monitoring should collect data from very early base line as complete as possible, the public should be obligatory involved in this process, the post-project analysis should principally detects and deals with unexpected results as well it should be setting on the multi stakeholder advisory group then its credibility increases. Guidance on the Practical Application of the Espoo Convention recommends that issues connected with post-project analysis should be included in the bilateral agreements. Moreover, it is commonly known that one concerned country cannot perform monitoring solely that is why it is recommended to carry out joint monitoring that covers all concerned Parties. Unfortunately, there is not enough experiences in application of a post-project analysis. This was confirmed by the Parties during MOP 5 in June 2011 where the Governments stated that there is a lack of experiences in this regard. The questionnaires regarding the way of application of the Espoo Convention by Parties showed that Parties generally decide on a case-by-case basis whether a post-project analysis is needed to be done. Additionally, the representative of the Secretariat informed about the training activities that are foreseen in the work plan, especially about the pilot project for Belarus and Ukraine regarding post-project analysis. Decision about this activity should be made by the end of 2011 due to the availability of funds. Secondly, a monitoring under the SEA Protocol was described, in particular, legal provisions, benefits, guidance and practical considerations.

- **update on the monitoring of the Nord Stream case**

Germany gave a short presentation (see on website¹⁷) regarding the Nord Stream Monitoring, especially informing about results from monitoring of the physical and chemical, biological, socioeconomic environment as well as presenting monitoring stations in German waters. No significant adverse impacts were observed so far.

¹⁶ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/14_UNECE-Post-project-analysis-montoring_Sopot-Oct11.pdf

¹⁷ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/15_DE_NordStream-Prsentation.pdf

Denmark gave a presentation (see on website¹⁸) about Nord Stream Monitoring in Danish Waters. At the beginning, the Danish monitoring program was briefly described with special indication on its content that includes, among other, hydrography and seabed topography, water quality, seabed sediment, fish along the pipeline route, benthic fauna, cultural heritage and chemical warfare agents. Monitoring showed that no significant changes in the environment were found.

Finland gave a presentation (see on website¹⁹) about Finish Nord Stream Monitoring. At the first place, the permits and monitoring programmes in Finland were described. Further issues mentioned were: the objectives of environmental monitoring, the construction activities during 2010 in Finish EEZ, water quality monitoring in 2010, and monitoring of other subjects in 2010. The conclusion was that the detected changes were minor or negligible. Moreover, the finding of monitoring confirmed that the assessments made on the basis of modeling are conservative, Additionally, no transboundary impacts from the construction works in the Finish Waters were observed.

Comments:

The participants asked the Nord Stream Parties of Origin to provide the primary data (output data) from results of the environmental monitoring for Nord Stream.

- **Polish experiences of a post-project analysis**

Due to the limited time **Poland** did not give a presentation regarding its experiences of post-project analysis. However, the presentation regarding Polish experience in this field on the basis of planned sand excavation in the Polish EEZ close to the Middle Bank and the Swedish EEZ is available on web site²⁰. In that case a post-project analysis was performed and no unpredictable changes were detected.

11. The application of EIA in preparation of shale gas projects

- **Current Polish discussion on the shale gas projects**

Poland gave a brief presentation (see on website²¹) how it deals with preparation for shale gas projects and the role of EIA in this process.

- **Current German discussion on the shale gas projects**

Germany presented a brief information (see on website²²) about the current status of the national discussion on shale gas projects.

¹⁸ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/17_DK_Monitoring-in-Danish-Waters.pdf

¹⁹ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/16_FI_NSP-Monitoring-Results-in-FIN-and-EST-2010.pdf

²⁰ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/18_PL_Post-project-analysis_sand-excavation.pdf

²¹ http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/19_PL_Shale-Gas.pdf

²² http://www.unece.org/fileadmin/DAM/env/eia/documents/ActivityReports/SopotOct11/20_DE_Fracking-Prsentation.pdf

Appendixes:

- Appendix 1 – list of participants
- Appendix 2 – agenda of the meeting

All presentations from meeting are posted on the EIA Convention web site:

<http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/espoo-meetings-and-events/environmental-impact-assessment/workshops-under-workplan/2011/baltic-sea/doc.html>

**Fifth Seminar on Cooperation on the EIA Convention
in the Baltic Sea Region
27 – 28 October 2011
Sopot, Poland**

List of participants:

Lp.	COUNTRY	NAME	INSTITUTION	CONTACT DETAILS
1.	UNECE	Tea Aulavuo	Secretariat of the Convention on EIA in Transboundary Context, UNECE	tea.aulavuo@unece.org tel. +41-22-9171723
2.	DENMARK	Laila Wieth-Knudsen	Ministry of the Environment, Nature Agency	lwk@nst.dk tel. +45 72 54 47 47
3.	DENMARK	Christina Bergendorff	Ministry of the Environment, Nature Agency	cberg@nst.dk tel. +45 72 54 48 96
4.	SWEDEN	Sten Jerdenius	Ministry of the Environment	sten.jerdenius@environment.ministry.se tel. +46 (0)8 4053910
5.	SWEDEN	Egon Enocksson	Swedish Environmental Protection Agency	egon.enocksson@naturvardsverket.se tel. +46 10 698 11 91
6.	LATVIA	Madara Šinke	Ministry of Environmental Protection and Regional Development	madara.sinke@varam.gov.lv tel. +371 67026479
7.	ESTONIA	Rainer Persidski	Ministry of the Environment	rainer.persidski@envir.ee tel. + 372 626 29 73
8.	ESTONIA	Valdeko Palginõmm	Ministry of the Environment	valdeko.palginomm@envir.ee tel. +372 5300 4273
9.	GERMANY	Matthias Sauer	Federal Ministry of the Environment, Nature Conservation and Nuclear Safety	matthias.sauer@bmu.bund.de tel. +49 30 18 305 2253
10.	GERMANY	Marianne Richter	Federal Environment Agency	marianne.richter@uba.de tel. +49 340 2103 2841

11.	GERMANY	Daniel Lamfried (27 th) till 13:30	Federal Environment Agency	daniel.lamfried@uba.de
12.	FINLAND	Lasse Tallskog	Ministry of the Environment	lasse.tallskog@ymparisto.fi tel. +358 50 413 0550
13.	FINLAND	Seija Rantakallio	Ministry of the Environment	seija.rantakallio@ymparisto.fi tel. +358 (0)400 143 937
14.	LITHUANIA	Miglė Masaitė	Ministry of the Environment	m.masaityte@am.lt tel. +370 5 266 3654
15.	LITHUANIA	Dalia Židonytė	Ministry of the Environment	d.zidonyte@am.lt tel. +370 5 266 3645
16.	BELARUS	Anna Kliut	Ministry of Natural Resources and Environmental Protection	envexp@minpriroda.by + 375 17 200 74 75
17.	POLAND	Piotr Otawski	General Directorate for Environmental Protection	piotr.otawski@gdos.gov.pl tel. +48 22 57 92 110
18.	POLAND	Katarzyna Twardowska	General Directorate for Environmental Protection	katarzyna.twardowska@gdos.gov.pl tel. +48 22 57 92 105
19.	POLAND	Paulina Filipiak	General Directorate for Environmental Protection	paulina.filipiak@gdos.gov.pl tel. +48 22 57 92 146
20.	POLAND	Joanna Adamowicz	General Directorate for Environmental Protection	joanna.adamowicz@gdos.gov.pl tel. +48 22 57 92 146
21.	POLAND	Dorota Toryfter – Szumańska	General Directorate for Environmental Protection	dorota.szumanska@gdos.gov.pl tel. +48 22 57 92 158
22.	POLAND	Aleksandra Ziółkowska	General Directorate for Environmental Protection	aleksandra.ziolkowska@gdos.gov.pl tel. +48 22 57 92 158
23.	POLAND	Hanna Dzikowska	Regional Directorate for Environmental Protection in Gdańsk	hanna.dzikowska@gdansk.uw.gov.pl tel. +48 58 68 36 800
24.	POLAND	Elżbieta Roeding – (27 th) till 16:00 Olivia Kondrat – (28 th)	Regional Directorate for Environmental Protection in Gdańsk	elzbieta.roeding@gdansk.uw.gov.pl tel. +48 58 68 36 800 olivia.kondrat@gdansk.uw.gov.pl tel. +48 58 68 36 836

25.	POLAND	Joanna Jarosik	Regional Directorate for Environmental Protection in Gdańsk	joanna.jarosik@gda.rdos.gov.pl tel. +48 58 68 36 800
26.	POLAND	Wiesława Wawro-Noga (27 th) till 16:00	Regional Directorate for Environmental Protection in Gdańsk	wieslawa.wawro-noga@gdansk.uw.gov.pl tel. +48 58 68 36 800
27.	POLAND	Anna Moś (27 th) till 16:00	Regional Directorate for Environmental Protection in Gdańsk	anna.mos@gda.rdos.gov.pl tel. +48 58 68 36 800
28.	POLAND	Andrzej Cieślak	Maritime Office in Gdynia	cieslak@umgdy.gov.pl tel. +48 58 355 34 35
29.	POLAND	Agnieszka Mostowiec (27 th) till 16:00	Maritime Office in Gdynia	agnieszka.mostowiec@umgdy.gov.pl tel. +48 58 355 34 37
30.	POLAND	Barabara Olczyk (27 th) till 16:00	Maritime Office in Gdynia	barbara.olczyk@umgdy.gov.pl tel. +48 58 355 34 66
31.	POLAND	Monika Michałek-Pogorzelska (27 th) till 16:00	Maritime Institute in Gdańsk	mmichale@im.gda.pl tel. +48 58 552 00 93
32.	POLAND	Magdalena Matczak (27 th) till 16:00	Maritime Institute in Gdańsk	magmat@im.gda.pl tel. +48 501875577
33.	POLAND	Eugeniusz Andrulewicz	National Marine Fisheries Research Institute in Gdynia	eugene@mir.gdynia.pl

Staff:

34.	POLAND	Małgorzata Zakrzewska	General Directorate for Environmental Protection	malgorzata.zakrzewska@gdos.gov.pl tel. +48 22 57 92 174
35.	POLAND	Hanna Kozłowska	General Directorate for Environmental Protection	hanna.kozłowska@gdos.gov.pl Tel. + 48 22 57 92 174

Appendix 3

Fifth Seminar on Cooperation on the EIA Convention in the Baltic Sea Region Sopot, October 27–28, 2011

AGENDA

26 October – arrival to Sopot

27 October – Sopot

Sheraton Sopot Hotel

8.30 – 9:00	Registration
9:00	Start of the conference
9:00 – 9:15	Welcome and practicalities – <i>Tri-City (Gdańsk – Gdynia – Sopot)</i>
9:15 – 9:45	Work on the EIA Convention – <i>introduction, information and updates on the work by Secretariat of the Espoo Convention</i> <u>Comments</u>
9:45 – 10:00	Update on status of ratifications – <i>tour the table</i> Planned ratifications – <i>Belarus, Denmark, Finland, Latvia, Poland</i> <u>Comments</u>
10:00 – 11:30	Case studies on transboundary EIAs and SEAs: <ul style="list-style-type: none">• review of Espoo activities in the subregion – ongoing and new cases – <i>tour de table</i>• presentation of the practical application of a number of Espoo cases in the Baltic Sea Region:<ul style="list-style-type: none">- update on FehrmanBelt Fixed Link Case – <i>short presentation by Denmark & Germany</i>- off-shore wind farm WIKINGER NORD & WIKINGER SÜD – <i>short presentation by Germany</i>- off-shore wind farm Södra Midsjöbanken – <i>short presentation by Sweden</i>- Danish experiences as an Affected Party within Strategic Environmental Assessment (SEA) from the North Sea – <i>brief presentation by Denmark</i> <u>Comments & discussion</u>
11:30 – 11:45	Coffee break
11:45 – 12:15	Transboundary access to justice by the public and NGO's – the recent judgment of the European Court of Justice against Germany (C-115/09 – Trianel) – <i>short presentation by Germany</i> <u>Comments & discussion</u>
12:15 – 12:45	Outcomes of the UBA-Workshop "Transboundary Access to Justice for Environmental NGOs" – <i>brief presentation by Germany</i> <u>Comments & discussion</u>

12:45 – 13:00	Cooperation with other conventions and organizations in the subregion, linkages between them and benefits derived from such cooperation (HELCOM, VASAB and others) – <i>introductory presentation by Sweden</i> <u>Comments & discussion</u>
13:00 – 14:00	Lunch
14:00 – 14:45	Polish legal background for maritime spatial planning and short presentation of pilot maritime spatial plans for the Western part of the Gulf of Gdańsk and the Middle Bank – <i>brief presentation by Poland</i> <u>Comments & discussion</u>
14:45 – 15:30	Polish experience with Strategic Environmental Assessment (SEA) for the pilot maritime spatial plan for the Western part of the Gulf of Gdańsk – <i>short presentation concerning among others the methodological problems by Poland</i> <u>Comments & discussion</u>
15:30 – 16:00	Discussion on cumulative impacts of planned off-shore wind farms in the Baltic Sea <u>Comments & discussion</u>
16:00 – 18:00	Free time
18:00 – 21:00	Dinner

28 October – Sopot

Cruise on the Baltic Sea – Sopot – Hel Peninsula – Seal Centre – Gdańsk (in a case of bad weather transport by coach)

8:30 – 8:45 – *Boarding time*

8:45 – 10:45 - Cruise on the Hel

9:15 – 9:40	Practicalities of the cruise Presentation of natural heritage of the Pomeranian Voivodship of Poland (such as Kępa Redłowska – nature reserve) – <i>by Professor Stepnowski, guide</i>
9:40 – 10:00	Presentation of the Port of Gdynia and its infrastructure projects – <i>by President of Port of Gdynia Authority SA</i>
10:00 – 10:45	Natural heritage of the Pomeranian Voivodship of Poland - <i>continuation</i> by <i>Professor Stepnowski, guide</i>
Coffee break in a canteen while presentations	

11:00 – 12:15 - Excursion to the Seal Centre

12:15 – 12:30 - Walk to the conference room of Hel Marine Station

12:30 – 14:00 - Hel Marine Station

12:30 – 13:15	Post-project analysis and monitoring: <ul style="list-style-type: none"> • <i>short presentation by Secretariat of the Espoo Convention</i> • <i>update on the Monitoring of the Nord Stream case – brief presentation</i>
---------------	--

	<p><i>by Parties of Origin, among others Germany & Denmark & Finland</i></p> <ul style="list-style-type: none"> • Polish experiences of a post-project analysis on the basis of sand exploitation case on the Middle Bank – <i>short presentation by Poland</i> <p><u>Comments & discussion</u></p>
13:15 – 14:00	<p>The application of EIA in preparation of shale gas projects:</p> <ul style="list-style-type: none"> • current Polish discussion on the shale gas projects – <i>short presentation by Poland</i> • current German discussion on the shale gas projects – <i>brief presentation by Germany</i> <p><u>Comments & discussion</u></p> <p>Conclusions and further work/ the next meeting / close of the fifth seminar</p>
14:00 – 15:30	Lunch

Voluntarily

15:30 – 15:40	Arrival to the Port
15:45 – 17:45	Cruise Hel - Gdańsk / opportunity to network while cruising to Gdańsk
17:45 – 18:45	Sightseeing of Gdańsk (Długa street, Dwór Artusa street)