



REGERINGSKANSLIET

Swedish Ministry of Sustainable Development

Cooperation on the EIA Convention in the Baltic Sea subregion

Report of a Seminar in Stockholm 20-21 October 2005

The Seminar

The work plan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (EIA Convention) for the period up to the fourth meeting of the Parties was adopted at the Third Meeting of the Parties 2004. Subregional cooperation to strengthen contacts between the Parties is an activity in the work plan and the overall objective is improved and developed application of the Convention in the subregions. Denmark, Estonia, Finland and Sweden made a commitment at the Meeting of the Parties to perform this activity for the Baltic Sea in 2005.

Within the framework of this activity Sweden on behalf of the other lead countries arranged a Seminar on Cooperation on the EIA Convention in the Baltic Sea subregion on 20 – 21 October 2005 in Stockholm for the Focal Points and Points of Contact of the Convention from the states bordering the Baltic Sea. The Seminar was held at the Swedish Environmental protection Agency and the twenty participants represented all the nine states around the Baltic Sea (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russian Federation, Sweden), the Secretariat of the EIA Convention, HELCOM and the NGO Eco Terra. A list of the participants is found in the end of this report.

The seminar consisted of two short lectures on the state of the Convention and on the state of the Baltic Sea, an overview of Espoo activities in the subregion, presentations of the practical application of a number of Espoo cases in several states, discussions on cooperation with other conventions and organisations in the subregion and on the Protocol on Strategic Environmental Assessment and finally group discussions on conclusions and further work. The agenda for the seminar is found in the end of this report.

Introduction

The seminar was opened by its chair Mr. Sten Jerdenius from the Swedish Ministry of Sustainable Development, who welcomed the participants to this first meeting on the EIA

Convention for the states around the Baltic Sea. It was particularly satisfactory that all these nine states were represented at the seminar. He reminded of the decision at the third Meeting of the Parties as a background to the meeting and of the need for improving and developing the application of the Convention in the subregion and the need for cooperation on these issues. The agenda for the meeting was approved.

EIA Convention

The Secretary of the Convention Mr. Wiek Schrage informed about recent developments of the Convention and especially about other activities on subregional cooperation such as the meeting for South-East Europe in Bulgaria on 3-4 November 2005, the Caspian Sea cooperation where guidelines have been produced and the Black Sea cooperation.

The Baltic Sea – state of environment

Mr. Kjell Grip from the Swedish Environmental Protection Agency (SEPA) informed of the environmental status of the Baltic Sea and on ongoing and coming activities for improving the situation. Algal blooms are a growing environmental concern in the Baltic Proper due to eutrophication. Problems got acute this summer when the mass blooming algae made bathing in the western part of the Baltic Proper very unpleasant and risky. He also informed about a planned informal ministerial meeting for the Baltic in Stockholm in November 2005, the new Swedish Marine strategy, the EU Marine strategy and the ongoing EU work on a green paper for a maritime strategy. Finally he informed about the investigation on offshore banks made by SEPA that was connected with possible establishment of offshore wind farms.

Espoo activities in the subregion

In the invitation to the seminar sent out in June 2005, the Focal Points and Points of Contact were asked to send information on the following questions:

Which of your Espoo cases have been likely to have effect on the Baltic Sea Subregion?

What kind of activity was proposed?

Which were the likely significant environmental effects?

Who were affected Parties?

Is the case finished?

Any problems or other issues concerning these cases you would like to raise?

The representatives from the nine states gave the following information on these issues.

Denmark. There have been three gas pipeline projects of which two have undergone an Espoo process:

- The gas pipeline (BalticPipe) between Denmark and Poland is pending until mid 2006.
- The Baltic Gas Interconnector (BGI) between Sweden, Denmark and Germany has been granted permits.
- North-European Gas Pipeline (NEGP) from Russia through the Baltic to Germany. This project has been investigated since 1997 but has not yet become an Espoo case.

In June 2004 an agreement was signed between Denmark and Germany on producing a consultation paper for a bridge between Rødby in Denmark and Puttgarden in Germany but there have been no further decisions so far.

Several offshore wind power projects - Danish as well as German and Swedish - have undergone Espoo procedure with Denmark as either Party of Origin or Affected Party.

Estonia has had one Espoo case as Party of Origin, the renovation of one energy block of the Estonian Power Plant and of one block of the Baltic Power Plant in Narva. Finland and The Russian Federation were notified and participated in the EIA procedure (further information under “Practical Application of Espoo Cases”).

Estonia has received notifications from Finland on a nuclear power unit in Loviisa, from Sweden the Baltic Gas Interconnector (BGI) and from The Russian Federation on a harbour. Estonia has Bilateral Agreements with Finland and Latvia.

Finland

Finland has been a Party of Origin nine times during 1996-2004, where seven of the projects could be considered to have a possible significant adverse transboundary effects on the Baltic Sea.

- Enlargement of Tornio steel plant 1996-1997, Affected Party: Sweden.
- Final disposal of used nuclear fuel 1998-1999, Affected Parties: Estonia, Russian Federation and Sweden.
- New nuclear power plant unit at Olkiluoto, 1998-2000, Affected Party: Sweden.
- New nuclear power plant unit at Loviisa, 1998-2000, Affected Parties: Estonia, Russian Federation.
- Tornio flood protection project, 2000-2001, Affected Party: Sweden.
- Enlargement of Tornio steel plant 2004-2005, Affected Party: Sweden.
- Tornio fairway 2004-2005, Affected Party: Sweden.

Finland has been Affected Party in three projects.

- Gas pipeline linking Germany, Denmark and Sweden (2000), Parties of Origin: Denmark and Sweden.
- Gas pipeline linking Poland and Denmark (2000-2001), Party of Origin: Denmark.
- Reconstruction of two oil-shale power plants in Northeast Estonia (2001), Party of Origin: Estonia.

In addition to these, Sweden was Party of origin for two cases that were interrupted during the EIA procedure. For Ust-Luga multi-purpose harbour terminal, the Russian Federation notified Finland and a draft EIA documentation was received.

Germany. There is no obligation for a national statistic on EIA-cases including transboundary EIA-cases in Germany. In most cases Länder authorities are responsible for the development consent procedure and they are at the same time the competent authority for carrying-out the EIA that is integrated in the development consent procedure. In some cases federal authorities are responsible for the development consent procedure including the EIA. In this framework federal authorities are partly responsible for projects in the coastal region and in the Exclusive Economic Zone (EEZ), in particular the Federal Maritime and Hydrographic Agency (BSH). Any overview on German transboundary EIA-cases in the Baltic Sea subregion may therefore be incomplete.

There are some transboundary EIA-cases concerning on-shore projects between Germany - Denmark and Germany - Poland that are of minor importance for the Baltic Sea subregion. Finished, ongoing or abandoned projects in the coastal zone, the territorial waters and the EEZ of the German Baltic Sea are

- Gas pipeline project between Sweden, Denmark and Germany
- Gas pipeline project between Denmark and Poland (crossing the German EEZ)
- Several off shore wind farms in the EEZ. See Annex II.
- Abandoned project of a pier with harbour and port installations and an amusement-centre plus hotel complex on the isle of Usedom

Future projects in the coastal zone, the territorial waters and the EEZ of the German Baltic Sea:

- Bridge between Denmark and Germany crossing the Fehmarn Belt
- Pipeline project between Russia and Germany crossing the Baltic Sea

In summer 2005 Poland and Germany finished negotiations on a bilateral agreement that is expected to be adopted in spring 2006 and there are plans for some sort of common declaration with Denmark. Germany thought the issue of aquaculture would be interesting to study in an Espoo context.

Latvia has not yet been Party of Origin in any Espoo process but has received several notifications as Affected Party from among others Estonia, Lithuania and Sweden. Latvia has a Bilateral Agreement with Estonia.

Lithuania has one case as Party of Origin that is not yet finished. It concerns the establishment of a surface repository for short-lived radioactive waste near Ignalina nuclear power plant and Belarus and Latvia are Affected Parties. See Annex VIII.

Poland has been Party of Origin and Affected Party in several cases such as the Baltic pipeline between Poland and Denmark four years ago which was a joint procedure. There was no final permit because the project had economical difficulties. There have been plans for five to six wind farms that were located at Natura 2000 sites and they were therefore relocated to other areas. Poland is Party of origin in a case with Sweden concerning mineral extraction in the Polish EEZ. The Espoo process is ongoing and a translation of the EIA to Swedish will be sent to Sweden. Poland has been Affected Party in cases with German wind farms.

In summer 2005 Poland and Germany finished negotiations on a bilateral agreement that probably will be adopted in spring 2006.

The Russian Federation has not ratified the Convention and would like to give further information on this later on. Although not a Party to the Convention, Russia would like to be informed of Espoo activities in the neighbouring states and of matters concerning gas pipelines and EIA.

Sweden has had several Espoo-cases both as Party of Origin and as Affected Party. Cases with Sweden as Party of Origin within the Baltic Sea area are:

- The gas pipeline Baltic Gas Interconnector (BGI) where all countries around the Baltic were notified.
- The wind power project at Lillegrund in the Öresund Strait where Denmark was notified.

- Two wind power projects on Kriegers flak in the Swedish EEZ where Denmark and Germany were notified.

There are plans to upgrade the nuclear power plants in Oskarshamn and Forsmark. Information on the EIA process for Oskarshamn, located on the main land inside the island of Öland, has been sent to all states around the Baltic. For the plant in Forsmark, located at the cost about 200 km north of Stockholm, Finland has been notified. The government has decided to close down the nuclear power plant in Barsebäck at the coast in the Öresund Strait. Denmark has been notified both on former plans on the operation of the plant and now finally for the closure. An information meeting has been held in Copenhagen.

The planning of the bridge between Sweden and Denmark at Malmö and Copenhagen started before the Espoo-convention came into force, so there was no actual notification but Sweden did inform the countries around the Baltic. For other projects, there were discussions whether the Espoo convention should be applied or not. This was the case for the power cable Swe-Pool link between Sweden and Poland and they ended with the Convention not being applied.

Cases with Sweden as Affected Party within the Baltic area are:

- The gas pipeline Baltic Gas Interconnector (BGI) and the Baltic pipeline between Denmark and Poland. Denmark sent notification for both.
- The wind power project Middelgrund in the Öresund Strait where Denmark notified Sweden.
- Several German offshore wind power projects where Sweden was notified including one at Kriegers Flak in the German EEZ.
- Poland has notified Sweden on a mineral extraction project in the Polish EEZ.
- Finland has sent several notifications to Sweden for example a new nuclear power unit in Olkiluoto, a final deposit of nuclear waste, several projects close to the Tornio river on the border between Sweden and Finland such as dredging of fairway and steelworks in Tornio.

The Secretary of the EIA Convention wished that all Parties would collect examples of their Espoo cases that they want to share with others and send them to the Secretariat for publishing on the Convention's homepage. The examples can be in the own language of the Parties or in English. It is also feasible to make a link from the homepage of UNECE to the homepage of the Parties for the projects.

Eco Terra informed that in some cases where Russia was an affected Party, the Russian Ministry have invited NGO's to give their views on the planned activities. This was the case with the Finnish Loviisa Nuclear Power plant (two cases) and the nuclear waste disposal where *Eco Terra* informed hundreds of NGO's through its green network and about twenty of these participated in the EIA process. The time for responding was only two weeks but the EIA had been translated into Russian, which was very helpful. They also received information on how their opinions had been taken into account. These cases were considered as a good example of public participation.

Finland stressed that it always treated the Russian Federation as if they were a Party to the Convention.

Russia informed that their point of contact is at the Ministry of Natural Resources.

Practical application of Espoo Cases

Renovation of Estonian and Baltic Power Plant – Estonia

(Presentation in Annex I)

Estonia's so far only case as Party of Origin concerned the renovation of the 8th energy block of Estonian Power Plant and the 11th energy block of Baltic Power Plant. The developer Narva Elektriijaamad Ltd. proposed to replace pulverised oil shale boilers with new more effective and environmentally sound circulating fluidised bed boilers with maximum power of 215 MWe. Eight old worn boilers in Baltic Power Plant had to be dismantled and all the boilers in Estonian Power Plant were to be supplied with new effective electrostatic precipitators. Tallinn Pedagogical University, the Institute of Ecology and experts formed an EIA expert team for the project.

The Estonian Ministry of the Environment initiated the transboundary EIA for the Estonian and Baltic Power Plants in February 2002. The Ministry was decision maker and supervisor as the Party of origin. A notification was sent to Finland and the Russian Federation. The Russian Federation did not respond. Finland confirmed its participation in the EIA procedure and further information was exchanged between Estonia and Finland.

The developer organised a public hearing of the EIA programme in April 2002. Before the hearing the programme was also sent to the Ministry of the Environment of Finland that sent comments that were taken into account by the developer. The draft EIA report was written in Estonian and only the summary was translated into English and Russian. The report was sent to Finland for comments. Comments from the Finnish Ministry were received in August 2002, before a public hearing was organised in Estonia in beginning of September 2002.

The comments made by the public and Finland was taken into account and the draft EIA report was completed in October 2002. The amended final report was approved by the Ministry of the Environment and was sent to Finland in November 2002. All communication with Finland was in English. Some of the good experiences of this case were the early notification, the informal contacts by e-mail and the fact that the EIA report was amended according to the Finnish comments. Difficulties arose from the very tight time schedule that did not allow for Finland to arrange a public hearing. In accordance with the Estonian - Finnish bilateral agreement only the summary of the EIA report was translated to English although this limited the information given in the transboundary consultation. The report was more than hundred pages long and the summary was five to ten pages.

Finland underlined that informal information is crucial and that the Party of Origin should contact and inform the Point of Contact in the Affected Party about planned activities as early as possible. In most cases the time schedule is so tight that there hardly is any time to alert your authorities. This is due to the requirements in the legislation and the time schedule given for the EIA procedure. The public in the Affected Party should be given the same time for commenting as the public in the Party of Origin. The translation very often poses a problem and it is recommendable that the EIA report includes a special section on the transboundary effects.

Poland was of the opinion that at least the most important of the documents that concerns a project that is likely to have significant environmental effects in another Party should be translated into the language of that Party

Kriegers Flak offshore wind-farms

Kriegers Flak is an offshore bank in the EEZ of Germany, Sweden and Denmark. This area is suitable for offshore wind farms for which there are plans in all three states.

- Germany

(Presentation in Annex II)

An application for the establishment of an offshore wind farm at Kriegers Flak was submitted in May 2001 to the BSH. The area is situated within the German EEZ near the border of the Swedish and Danish EEZ and ca 30 km from the German coast. The project consisted of 80 wind turbines within an area of 25 km² and an electric cable to the shore. The responsibility for the approval procedure lies at the BSH for the EEZ and at the Federal State for Territorial Waters, in this case Mecklenburg-Western Pomerania. An EIA is mandatory for wind farms with more than 20 turbines.

Possible transboundary environmental effects of an offshore wind farm are i.e. the interference with staging or migrating birds, marine mammals or benthos organisms. In the case of Kriegers Flak, the operation of the wind farm may have significant effects on birds, especially cranes, migrating from the southern tip of Sweden towards the German coast of Rügen. The wind farm may also hinder water flow and could in such cases have negative effects on the oxygen exchange process in the Baltic Sea.

Sweden and Denmark were considered as possible Affected Parties and the transboundary cooperation with them was realised according to the Espoo Convention. Both were notified in December 2001 and were invited to a Scoping Conference in February 2002 in Germany but did not participate. The Swedish Environmental Protection Agency (SEPA) has the responsibility for the procedure in Sweden and sent the documents for comments to central and regional authorities and to organisations. The comments were sent to BSH in February 2004. In January 2004 Sweden and Denmark received EIA documents in English and a non-technical summary in Swedish and Danish. SEPA published the display of the German EIA-documents on its homepage and sent the documents for comments to authorities and organisations. All comments were sent to BSH in Swedish with a summary in English. The public had the possibility to send comments directly to BSH but it did not receive any such comments.

In September 2004 there was a hearing on the amended application documents where the Swedish Maritime Administration and Danish Maritime Authority participated. The project was approved on 6 April 2005 and the decision in German was sent to Sweden and Denmark, including a translation of the terms and conditions in English and Danish language. The SEPA distributed these documents to those in Sweden who had submitted comments. The decision on the cable will probably be taken in December 2005.

- Sweden

(Presentation in Annex III)

In Sweden two different companies has been investigating the possibility to build an offshore wind farm at Kriegers flak. Sweden has notified Denmark and Germany in both cases. Eurowind AB proposed a wind farm with 200 wind turbines in the Swedish EEZ close to the Danish and German EEZ. Notification was sent to Denmark and Germany in May 2003. Both Denmark and Germany submitted comments on the EIA. In summer 2004 the company withdrew the application and information was sent to Denmark and Germany. The other company Sweden Offshore AB started their investigations in spring 2004 for a project with 128 wind turbines. Notification was sent to Denmark and Germany but the fact that two

projects were proposed at the same site did cause some confusion and Denmark referred to comments given to the former project. Germany sent comments from their agencies in German with a summary in English. Germany referred to the conditions for the German project. The project is now in the permitting stage.

- *Denmark*

In Denmark an investigation was made in 2003 on possible suitable areas for offshore wind farms. Kriegers Flak was one of the sites that were suggested. Later investigations however prioritised other areas.

Gas pipeline – Sweden, Germany and Denmark

The Baltic Gas Interconnector (BGI) is a gas pipeline connecting Sweden with Denmark and Germany. In accordance with the Espoo convention the three states considered themselves to be Parties of Origin as well as Affected Parties. A preparatory meeting was held in Copenhagen in May 2000 with the developer and the responsible authorities in the three states. It was decided that the developer should prepare a presentation of the BGI-project in English translated at least into German. It was also decided that the three Parties of Origin together should notify all the countries around the Baltic Sea at the same time as the three countries got the documents for examination.

- *Sweden*

(Presentation in Annex IV)

Sweden sent the documents together with the notification in September 2000. Denmark also sent their notification in September in accordance with both the Espoo and Helcom conventions. All countries answered to the notification saying that it was unlikely that there would be any significant adverse impact on their environment. However Finland and Russia wanted to have the opportunity to take part in the EIA process in order to get information on the gas pipeline project and its environmental impact. Latvia and Poland did not want to participate but wanted to receive further information. Estonia and Lithuania did not see any need in participating in the further EIA process.

During summer 2001 there were some complementary studies within the German zone. The preparation of the final EIA for the offshore part of the project was finished in December 2001. In January 2002 Sweden sent the EIA document for the offshore part to the countries around the Baltic Sea. It was sent as information to some countries and for comments to Finland and Russia. Denmark also sent a letter asking for comments and referred to the EIA document sent by Sweden. In Sweden all permits were given in 2004 and they were sent to Denmark and Germany but not to Finland and Russia.

- *Denmark*

The Baltic Gas Interconnector (BGI) between Sweden, Denmark and Germany has been granted permits.

- *Germany*

For the German part of the project a two-step procedure was necessary. First a regional planning procedure including an EIA had to be carried out followed by a development consent procedure including an EIA. The regional planning procedure was initiated at the end of 2000. The competent authority was the authority for spatial planning and regional planning in Mecklenburg-Western Pomerania. This procedure was finalized in March 2004. In addition a second regional planning procedure for an

alternative route of the pipeline was started and ended successfully in January 2005. The competent authority for the second step (the onshore and offshore parts of the pipeline) will be the mining authority in Stralsund/Mecklenburg-Western Pomerania. So far – until October 2005 – there has been no formal request for a development consent concerning one of the alternative routes. The developer has informed the competent authority that at the end of October 2005 he will submit draft documents for the scoping stage.

- Conclusions

It appeared that the difficult element of the procedure was the fact that the different countries have different time schedules for the EIA processes and the permitting processes. Cooperation and information on legal and administrative conditions in the countries concerned is therefore of great importance.

Fairway and Steelworks in Tornio – Finland
(Presentations in Annex V and VI)

There are plans to expand the Steelworks in Tornio in northern Finland. The steelwork is situated close to the Tornio River that forms the border between Finland and Sweden. To make it possible to improve the transport facilities from the steelworks, the fairway has to be deepened from 8 to 9 meter. On the Swedish side of the border there are several areas of high natural values that might be affected by this project.

For the Steelworks project Finland initiated an informal contact in April 2004 to discuss the procedure. Finland sent a notification with the EIA program in May 2004. As EIA legislation in Finland requires a fixed timetable for consultations, the preparation of these is important. In this case the developer sent the necessary reports directly to the Swedish Environmental Protection Agency (SEPA) that has the responsibility for the procedure in Sweden. SEPA issued a press release and made the information available at its homepage and at the regional and local authorities. Swedish comments on the EIA-program were sent to Finland in July 2004. The EIA was prepared and sent to Sweden in January 2005 but due to insufficient translation of the EIA, additional translated material had to be sent in April 2005. Final comments from Sweden could therefore be sent to Finland only in May 2005.

The procedures for the fairway project followed a similar timetable starting with the first contacts in February 2004 and comments on the EIA in March 2005. For the Steel works project a single information meeting with interpretation was held for the combined public in Sweden and Finland. The developer also arranged a meeting with the media. For the Tornio fairway public information meetings were held separately in Sweden and Finland. The documents were available at Swedish local and regional authorities in Haparanda and Luleå.

Conclusions drawn from this project were that the procedure should be well planned with sufficient exchange of information at all stages. The different responsibilities for the national authorities concerned should be made clear and there might be a need for written guidance for them. The Points of Contact should meet occasionally to agree on practicalities and to improve the procedure.

Repository for radioactive waste – Lithuania
(Presentation in Annex VII)

The Radioactive Waste Management Agency (RATA) under the Ministry of the Economy has started to prospect for a site suitable for establishing the near surface repository for short-

lived low- and intermediate radioactive waste near Ignalina nuclear power plant (NPP). The repository will consist of 50 vaults with total disposal volume of 100 000 m³ and will occupy an area about 40 ha including waste disposal zone of 3 ha. The impact on two countries relatively close to repository sites, Belarus and Latvia, has been assessed. Other countries that are several hundred kilometres away will not be affected by the planned activity.

The case is not finished. After the consultations between national relevant stakeholders and RATA and consultations with Latvia and Belarus, RATA is making investigation on alternatives and has requested the International Atomic Energy Agency (IAEA) to organize an independent peer review and assessment related to the safety of the site and to design aspects of near-surface disposal facility. Since there are no precise procedures and practicalities prescribed in a bilateral agreement on the Convention, application in this case may lead to practical uncertainties.

North-European Gas Pipeline (NEGP) – Russian Federation

The participants from Russian Federation gave a presentation of the project. Information on the project can be found at www.negp.info

Others

A brief description of the coming procedure for the EIA and the application for a Swedish Encapsulation Plant and final Repository for spent nuclear fuel was given. Sweden informed that all states around the Baltic soon would be notified.

Planning of territorial sea and Economic Zone

(Presentation in Annex VIII)

Germany made a presentation of their marine spatial planning which was initiated at a Ministerial Conference for Spatial Planning in December 2001. One motive was the different competences for approval of activities in the EEZ and territorial waters in combination with more intense and diverse uses of oceans and coastal waters that create conflicts between different users. In July 2004 an amendment of the Federal Regional/Spatial Planning Act entered into force that states that the Federal Ministry of Transport, Building and Urban Affairs (former Federal Ministry of Transport, building and Housing) shall make a statutory instrument setting out the objectives and principles of regional/spatial planning in the EEZ. The preparatory procedural steps shall be carried out by the BSH.

An information base based on a Marine geo information system has been created which enables mapping of different uses. Mecklenburg- Western Pomerania has made at Regional Development Plan 2005 that includes territorial waters where suitable areas for offshore wind farms, priority areas for nature conservation etc. have been indicated.

The planning initiative for the EEZ started with the Federal Ministry setting up goals and principles for this spatial planning. The aim is to achieve a Marine Spatial Plan for the EEZ and there is the intention to make a strategic environmental assessment of this plan. In spring 2005 the Ministry sent information on the initiative to the neighbouring states together with an invitation to give comments. Comments were received from Sweden. Two hearings were arranged, one for the North Sea and one for the Baltic Sea where Poland participated. Work

is ongoing on another planning instrument introduced in 2002 called Preferred Areas for Offshore Wind Energy for which there will also be an SEA.

Cooperation with other conventions and organisations

HELCOM

(Presentation in Annex IX)

Mr. Kaj Forsius from the secretariat of the Helsinki Commission, or HELCOM, made a presentation of HELCOM and of the Draft HELCOM Guidance on conducting EIA. HELCOM is the governing body of the Convention on the Protection of the marine Environment of the Baltic Sea Area, known as the Helsinki Convention. Its main task is to protect the marine environment of the Baltic Sea from all sources of pollution. The Convention has ten contracting Parties - all Baltic Sea coastal states and the European Community. EIA requirements are to be found in Article 7 of the Convention. Due to different opinions on the implementation of these requirements draft guidance was developed. Since there was no agreement on the draft it was decided that this Baltic Espoo Seminar should be asked to review it that is to check whether it covers all major issues and if there are inconsistencies with other EIA guidance. There was also a wish that the Seminar would explore ways of better cooperation between the two Conventions. A note from HELCOM on this issue was sent by Sweden on their request to all participants before the seminar.

It was noted in the discussions that the internal cooperation in a country between the two Conventions could be better and that this might result from different approaches on how to deal with projects with significant environmental effects. HELCOM confirmed that they rarely get involved in individual projects. There was an understanding that efforts should be made to improve cooperation between the Conventions both within the states and in the applications in the Baltic Sea region. It was also noted that this first meeting between the secretariats of the two conventions should be followed by continued contacts and the Espoo Secretary pointed out that there are examples of good cooperation between different subregional Espoo groups and regional sea conventions.

As there was limited time for this issue on the agenda, no detailed examination of the draft guidance was possible, but rather a more general discussion on the above issues and some comments were made on problematic issues and on possible improvements. Some of the delegates had been part of a ad hoc HELCOM Working Group on EIA in a Transboundary Context and participated in the development of the draft HELCOM guidance. They reminded that already eight out of nine Contracting Parties had been ready to adopt the guidelines as such.

It was noted that it took six years to finalise the Espoo Guidance on the Practical Application of the Espoo Convention. Finland, Germany, Sweden and the Espoo Secretariat offered to have a closer look at the draft and provide comments to HELCOM although that would probably not be possible in time for the HELCOM meeting in December. HELCOM expressed its thanks for these offers and welcomed all comments on the guidance.

The Protocol on Strategic Environmental Assessment

The participants informed of the status for ratification of the Protocol in their countries. The Secretariat informed that so far two states have ratified, Finland and the Czech Republic and that others are making progress in that process. Estonia has started the ratifying process that also includes the Espoo amendments and it will probably be ended next year. Finland said they already have a case with Norway. Germany implemented the Directive 2001/42/EC in summer 2005 and is now progressing in ratifying the Protocol as well as the second Espoo amendment. Latvia is in the same position as Germany. Lithuania plans to ratify but prioritise the transposition of the Directive. In Poland new environmental protection legislation that transposes the Directive entered into force in July 2005 but there are at present no preparations for ratification of the Protocol. Sweden implemented the Directive in July 2004 and will probably ratify the Protocol and the amendments in 2006. SEPA is the authority responsible for the transboundary activities according to both the Directive and the Protocol. The Secretary made the reflection that the Protocol may well have entered in power before the next Meeting of the Parties.

Conclusions and further work

The Seminar ended with a discussion on the conclusions that was held in three small working groups and centred on five issues. The result can be summarised as follows:

Is there a need for principles for cooperation in the Baltic Sea subregion?

There was an understanding that there already are general principles for cooperation at hand that have been agreed and that cooperation in the subregion rather should concentrate on practical cases and informal meetings. Results from such cooperation might perhaps later on motivate discussions on more detailed or further principles for cooperation on subsequent seminars.

Information and knowledge of Espoo activities and system

(via bilateral/multilateral meetings, information on national and Convention web sites, reports etc.)

It was generally felt that better information is crucial for an improved cooperation. There is a need for more exchange of information on a number of issues such as national legislation, Points of Contacts, websites and other nation specific information, practical cases and agreements etc. Meetings were considered to be important for achieving this provided there were reports from them preferably written in the official languages. Websites should also be designed in order to allow for this exchange although that would require Espoo information to be provided for at least in English if it was to be understandable for all countries in the subregion.

Joint projects and projects where Party of Origin is also Affected Party

There was a common wish that there should be further presentations of joint projects so that more experience could be shared. For these cases the processes in the Parties involved should preferable start at the same time and there should be a formal notification to all. There is a specific need for informal meetings and intensified cooperation between the Points of Contact in order to avoid the problems that are likely to arise in the formal processes in these cases. Issues to be discussed at such informal meetings could be thresholds, legal provisions and differences in national EIA procedures concerning for instance timing and public information

Agreements – can they ease cooperation?

The participants were of the opinion that different approaches to the need for agreements was understandable in view of how the conditions varied for the different states. An agreement is a formal treaty and that is not always the best way to solve Espoo cooperation. It was however generally felt that it was important to have an agreed arrangement for the cooperation on a Espoo case by case basis and that such a formulated and written procedure can be valuable not the least for the continuity of the cooperation. There was also the view that the existing agreements in the subregion namely between Estonia-Finland, Estonia-Latvia and Germany-Poland (draft) could be examined for further discussion on these issues.

Need for further regional meetings – subjects?

It was generally agreed that further meetings like this Seminar is needed in the subregion and they should preferably be held annually at least for the next couple of years. There was plenty of suggestions for subjects for these meetings and examples of these were: impact on the environment in Espoo cases, cumulative impacts, joint projects, update on information on ongoing projects, application of the SEA protocol, the Aarhus Convention and access to justice in transboundary cases, NGO's, information on similar activities in other subregions and under related conventions, continued cooperation in the subregion in the future and next lead countries after MOP 4.

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

Stockholm 20-21 October 2005

Swedish Environmental Protection Agency, Blekholmsterassen 36

Thursday 20 October

10:00-11:00 **Welcome and practicalities**

EIA Convention

Wiek Schrage – Secretary EIA Convention

The Baltic Sea - state of environment

Kjell Grip – SEPA

Espoo activities in the region

Overview

Number and type of cases, discussion
issues - tour de table

11:00–11:20 **Break**

11:20-12:30 **Espoo activities continued**

Practical application of Espoo cases

Presentations of cases and discussions on
issues such as

Screening – Appendix II, Notification,
Consultation, Timing, Translation,
Final decision, Bi- and multilateral
agreements, Joint transboundary
projects,

Renovation of Estonian and Baltic Power
Plant

Estonia

12:30-13:30 **Lunch**

13:30-15:00 Kriegers Flak offshore wind-farms

Germany, Sweden, Denmark

15:00-15:20 **Break**

15:20-17:00 Gas pipeline

Sweden, Germany, Denmark

**Planning of territorial sea and Economic
Zone**

Germany, Other countries

19:00-21:30 **Social activity and Dinner. Visit of Town
Hall**

Friday 21 October

09:00-10:15 **Practical application continued**

Fairway and Steelworks in Torneå
Finland

Repository for radioactive waste
Lithuania

10:15-10:35 **Break**

10:35-12:00 **Cooperation with other conventions
and organisations in the Baltic Sea
subregion**

Helsinki Convention, *HELCOM*
Others

The SEA Protocol

State of implementation - tour de table
Discussion on issues such as application,
points of contact, how to initiate
cooperation

12:00-13:00 **Lunch**

13:00-15:00 **Conclusions and further work**

Agreements, meetings on cases, regularly
bi- or multilateral meetings,
understanding of Espoo systems in other
states, dissemination of information in
subregion, etc.

Further cooperation

15:00 **Close**

**Seminar on Cooperation on the EIA Convention
Stockholm 20-21 October 2005**

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Annexes

- I. Presentation by Estonia “Renovation of Power Plants”
- II. Presentation by Germany “Kriegers Flak”
- III. Presentation by Sweden “Kriegers Flak”
- IV. Presentation by Sweden “Gas pipeline”
- V. Presentation by Finland “Fairway and steelworks in Tornio”
- VI. Presentation by Sweden “Fairway and steelworks in Tornio”
- VII. Presentation by Lithuania “Radioactive waste”
- VIII. Presentation by Germany “Planning of off shore areas”
- IX. Presentation by HELCOM