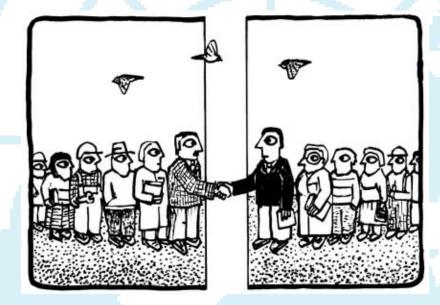
Convention on Environmental Impact Assessment in a Transboundary Context Protocol on Strategic Environmental Assessment

11th meeting of the **Working Group on EIA and SEA** 19–21 December 2022, Geneva

• INFORMAL presentation of the main decisions





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Opening of the meeting

 Working Group Chair, Ms. Dorota TORYFTER-SZUMANSKA opened the meeting

1. Adoption of the agenda

 Adopted its agenda as set out in document ECE/MP.EIA/WG.2/2022/1



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2. Status of ratification 1/3



- Recalled that, in 2020, MOPs agreed that treaties' wider implementation is a main strategic goal and their unified application a priority objective.
- Welcomed UA's completion of its national steps for ratifying both Convention amendments, noting that ratifications effective upon deposit of instruments of ratification
- Noted delegation's reports on planned ratifications, with most progress by BEL and IE, followed by MKD for the 1st amendment and by UA for both amendments; and by F and GR for the Protocol. Noted plans by KAZ to ratify the Protocol in 2024
- Although concerned that 5 ratifications were still missing for the 1st amendment to become effective - with the expected ratifications by BEL, UA and MKD and the progress by ARM expected the Convention to become a global instrument by the next intersessional period.
- Urged ARM, BEL, MKD, UA and UK to ratify the 1st amendment to allow for the Convention's global opening by the 2023 MOP





2. Status of ratification 2/3

- Noted with concern that:
 - 10 Parties (ARM, BEL, BY, BIH, IRL, KAZ, KGZ, MKD, UKR+ UK) were still to ratify 2nd amendment to ensure Convention's unified application
 - 6 signatories to the Protocol (BE, FR, GR, IRL, GEO, UK) were yet to become Parties
- Urged the concerned countries to complete their ratifications
- Failing that, asked concerned countries to announce by the next MOPs their firm commitment, with clear timelines, for doing so in the next intersessional period
- Thanked the secretariat for writing at the Bureau's request to the concerned countries' ministers to flag the missing ratifications – and encouraged the focal points to make use of them to prompt progress within their governments



2. Status of ratification 3/3



- Strongly encouraged beneficiary countries of technical assistance to accede to the Convention and/or the Protocol (AZE, BY, GEO and Central Asian Republics)
- Thanking RO for the report, invited HR and GR to join the Bucharest Agreement, and encouraged BiH to accede to it. Welcomed plans by GR to do so soon
- Invited all concerned countries to report on progress to its next meeting (WG12 in June 2023)



3. Financial arrangements:

Status of trust fund + sufficiency of the current financial scheme

- Recalled decision VIII/1–IV/1 on all Parties' "duty to take part in the sharing of the [workplan] costs"
- Noted secretariat's report on trust fund status until 10 Nov. 2022: 31 Parties contributed, 3 Parties covered 50% and 6 Parties 70% of total income; no contributions from 14 Parties; shortfall to be expected
- Invited the following Parties that have not yet contributed to do so by January 2023, contacting the secretariat: AZ, BY; BiH; HR, GR; KAZ; KRG; LIE; MKD; RO; SRB; UA; UK
- Noted Bureau's conclusions re. present financial scheme's insufficiency this far: funding remained insufficient, unpredictable and burden of cost sharing was unevenly distributed (nro of contributing Parties had not increased; a few Parties contributed more but most contributions remained small)
- Asked the secretariat to update the Bureau on the trust fund status for the Bureau to take into account when preparing for the draft MOP decisions at its February meeting



3. Financial arrangements:

Secretariat resource constraints and Bureau's proposals for increasing the funding 2024–2026 and beyond

- Noted that in 2021–2022, secretariat's limited core resources (only 2 P-staff and 0,5 admin staff) had been further reduced by extended sick-leaves of a SM, creating backlogs, delays and further pressure
- Noted the following staff changes as of 1 June:
 - Thanked Elena Santer who had transferred internally
 - Welcomed Elisabeth Losasso who took over the compliance and implementation work (until end of 2023)
- Welcomed Ivanna Kolisnyk who was engaged with ITA funding to support the MOP preparations (1 Nov 2022 - end of 2023);
- Noted no-cost extension until end of 2023 of the EU4Environment, including its project staff: Leonid Kalashnyk and Elena Kashina
- Agreed with Bureau that the protracted resource constraints contrasted with the treaties' proven benefits & multiplication of their Parties and activities



3. Financial arrangements:

Secretariat resource constraints and Bureau's proposals for increasing the funding 2024–2026 and beyond

- Acknowledged important increase of core secretariat tasks but no increase in staffing for over 20 years
- Noted that other UNECE Convention and Protocol (MEA) secretariats had considerably more human resources; despite practically identical financial arrangements across the UNECE MEAs
- Noted that no new UN regular budget staff was to be expected and that reallocation of existing RB staff not feasible (as all posts fully utilized)
- Agreed with the Bureau that:
- Parties should fund at least one additional professional post and parttime administrative support
- To be sustainable, secretariat staff increase should be long-term and not temporary
- Magnitude of Parties' voluntary contributions reflected above all national funding priorities (with other UNECE MEAs being of relatively higher priority)



3. Financial arrangements:

Secretariat resource constraints and Bureau's proposals for increasing the funding 2024–2026 and beyond

- Invited national focal points to advocate for/mobilize further funding from their respective Governments
- Agreed that if, due to other funding priorities, Parties could not provide additional funding for the core secretariat functions, the workplan should be adjusted to cut secretariat's workload and activities (to better align them with its limited resources)
- Invited delegations to inform the secretariat on their pledges for 2024-2026 by mid February (before the Bureau meeting), and, latest, by 15 May (before Working Group's June meeting) for the preparation of realistic draft workplan for 2024–2026 that corresponds to expected future funding



3. Financial arrangements: In-kind contributions

- Encouraged Parties and stakeholders to provide in-kind contributions as valuable additional means to implement the workplan activities, in addition to contributing funds to the treaties' trust funds
- Encouraged Parties to sponsor a JPO
- Agreed with the Bureau's views in informal doc.5, including that not all in-kind contributions could be quantified
- Invited Parties that wished to quantify their planned inkind contributions in 2024–2026 to provide estimated values in US dollars (before meetings of the Bureau in February and the Working Group in June).



4. Compliance and implementation Implementation Committee's work

- Noted the IC Chair's report on the IC's 52nd, 53rd and 54th sessions, welcoming progress made and acknowledging importance of IC's workload until the 2023 MOPs
- Acknowledged challenges for IC's work from the secretariat's staffing gaps and the need for stable and sufficient secretariat support
- Noted that several Parties continued to fail to respond to IC's questions in timely + complete manner and invited the Parties to be cooperative not to delay IC's deliberations



4. Compliance and implementation Implementation Committee's work (cont'd)

- Noted that IC's preparation of amendment proposals to its modus operandi, to improve its work methods and practice, including regarding conflict of interest and quorum, transparency and efficiency of IC's communications; use of videoconferencing/online meetings
- Welcomed IC's plan to prepare draft MOP decisions in May 2023 (at its 56th session) – as informal documents – for comments before, during and after WG12 in June 2023 and to finalize them in Sept. 2023 (at its 57th session)
- Noted BY's allegation of a non-compliance issue by another Party and referred it to the possibility to make use of the existing procedure under the treaties for the review of compliance
- Noted the study that NGOs: Okobüro and Society & Environment prepared on the lifetime extensions of nuclear reactors



4. Compliance and implementation Review of implementation

- Thanked all Parties that had reported in a timely manner on their implementation of the Convention + the Protocol in 2019–2021
- Welcomed reports from non-Parties (GEO for both instruments and KAZ for the Protocol)
- Recalled that reporting was mandatory for all the Convention and Protocol Parties – and that not reporting was a compliance matter.
- Also recalled that, in 2020, MOPs strongly emphasized the importance of timeliness and quality of national reporting, urging Parties to report by the agreed deadlines (decisions VIII/5 and IV/5) and that improving reporting was one of the key objectives of the Long-term strategy
- Expressed concerns about Parties' overall poor record in terms of timeliness of reporting, including in comparison with the last reporting round



4. Compliance and implementation Review of implementation (cont'd)

- Urged BG, CY, KYRG, LIE, MKD, PT, SRB and UA to provide their overdue reports on the implementation of the Convention; and BG, CY, NL, PT, MKD, SRB, UA of the Protocol asap and latest by 31 January 2023
- Noted confirmation of PT and NL that this be done shortly
- Reiterated its request for the EU to report under the Convention and the Protocol using the State Parties questionnaire, as also requested by the IC, urging it to provide its overdue reports asap and latest by 31 January 2023
- Welcomed IC's development of draft reporting templates for the EU in consultation with the EU in 2021–2022, and invited the secretariat to make them available for its next meeting as official documents
- Invited the secretariat to update the Bureau on the reporting status in view of the preparation by the Bureau of the draft MOP decisions at its meeting in February

4. Compliance and implementation Review of implementation (cont'd)

- Considered the draft reviews of implementation of the Convention and Protocol for 2019-2022 and agreed on their main findings
- Considered and agreed on Parties' comments and corrections to both drafts regarding their own countries' responses
- Asked the secretariat to finalize both draft review reports taking into account the agreed comments, and to forward them to the MOPs in 2023
- Thanked CA for translating into English the reports received in French – as an in-kind contribution
- Noted that good practice examples were lacking but consistently called for including under the present and the past workplans
- Recalled that the long-term strategy aimed at making the reviews of implementation more informative, and tools for collecting and disseminating good practice including for sharing solutions and innovative approaches for improving the treaties' application.



4. Compliance and implementation Review of implementation (cont'd)

- Thanked 15 Convention Parties and 10 Protocol Parties for sharing practical examples on their implementation of the treaties– and encouraged further Parties to do the same in the next period.
- Invited delegations to identify most relevant good practice examples (by February/June 2023) and to propose ways to present and to further substantiate them -e.g. as fact sheets - to maximize the usefulness of the information for Parties and future Parties (as part of the workplan 2024–2026).
- Invited the secretariat to share with the Implementation Committee suggested improvements to the questionnaire for adjustments for the next reporting round
- Noted the proposal that Parties fund a consultant to improve the design and user-friendliness of the questionnaires for the next reporting round



4. Compliance and implementation Legislative assistance

- Noted the information from BY, KAZ, MDA and UZB regarding progress in establishing compliant legislation to implement the Convention and the Protocol, and, as appropriate, in ratifying or acceding to the treaties further to technical advice received,
- Welcomed the signature by UA and RO of a bilateral agreement for the Convention's implementation; expressed appreciation to the EU for the EU4Environment funding; and for assistance by UNECE and its legal consultants.
- Invited Parties and future Parties that had benefitted from legislative assistance to proceed with the finalization of their legal reforms in accordance with the Convention and the Protocol



(a) Subregional cooperation and capacity-building – Marine regions

- Welcomed progress in the Italian funded activity for identifying synergies and possible future cooperation activities in marine regions, involving six regional sea conventions or commissions and supported by the secretariat and consultants
- Considered the draft assessment report and the proposed cooperation activities
- Invited the secretariat and the Bureau to prioritize/select proposed activities for the draft workplan 2024–2026 for consideration of the Working Group at its next meeting
- Invited delegations to volunteer to contribute to the implementation of the proposed activities and/or to propose others, informing the secretariat before the Bureau meeting in February or latest by the June meeting of the Working Group.



(a) Subregional cooperation and capacity-building

- Noted Morocco's report on its legal reform and interest in sub-regional cooperation and exchange of good practice
- Invited Parties to encourage donors and developers of projects, plans and programs with potentially significant adverse transboundary impacts re. marine regions located in non-Convention and Protocol Parties to duly assess and consider these impacts as part of the respective EIA and SEA processes
- Welcomed case study fact sheets on good practice in the Convention's and Protocol's application in marine regions provided by PL (Baltic Pipe project; and MSP); by EE on Saare offshore Wind Farm; and by SI on MSP
- Welcomed ITA's willingness to also present good practice for the collection of case studies with drafting support from the consultants; and invited further Parties to volunteer to do so and to contact the secretariat



5. Promoting practical application of the Convention and the Protocol

(a) Subregional cooperation and capacity-building

Welcomed the reports of meetings organized in the following subregions:

(a) Baltic Sea, by Poland (Warsaw, 14-15 June 2022);

(b) Eastern Europe and the Caucasus, by the secretariat with EU4Environment funding (online, 29 June 2022)



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5. Promoting practical application of the Convention and the Protocol

(b) Exchange of good practices

- Agreed to hold during the high-level segment of the 2023 MOPs a thematic event focusing on energy transition combined with circular economy, thanking Italy for funding consultancy support for its organization and background document
- Thanked ESP, IAIA, WHO and NTW for their offers to support the organization of the high-level event
- Invited the Bureau with support from the secretariat to identify key questions on energy transition to be addressed at the event
- Identified green financing as the topic for a possible event at the MOP general segment event and welcomed EIB's offer to provide inputs
- Noted the need expressed by BY for a seminar during the Working Group's meeting in June re. evaluation of geographic and technological alternatives to the proposed activity: Invited delegations to co-organize and/or fund that event



5. Promoting practical application of the Convention and the Protocol

(b) Exchange of good practices

- Noted that due to the secretariat's staffing gaps, in case there were no volunteers to organize thematic events at WG12 and general MOP segment - these could not be held
- Invited delegations wishing to organize a seminar at the Working Group's meeting in June 2023 to contact the secretariat in January and those wishing to do so during the general segment of the 2023 MOPs by June
- Welcomed again good practice examples provided by Parties as part of their reporting
- Invited Parties/stakeholders to provide further good practice and funding for consultants or secretariat staffing for the preparation of an online database or collection/compilation of good practice;
- Welcomed the funding from Italy under the marine cooperation activity to collect and compile related good practice.
- Noted a proposal to hold a side event on biodiversity during the WG12 – and called for volunteers to organize it

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(c) Capacity-building: <u>Draft guidance on assessing health</u> <u>impacts in strategic environmental assessment</u>:

- Recalled that the MOPs mandated the preparation of guidance on health in SEA in 2017–2020, further to requests from countries in Eastern Europe and the Caucasus
- Recognized that also many future Protocol Parties, including in Central Asia and beyond the UNECE region needed guidance in developing SEA legislation and practice, including regarding the assessment of health impacts and the involvement of health authorities
- Also recognized that Parties, including EU Member States, that have relatively more experience in SEA can have challenges in this field
- Recalled also that, with funding from EIB, guidance was drafted in 2019–2020 in consultation with the Bureau, Working Group and WHO, and with support of a task force and the secretariat
- Recalled further that, in 2020, the MOPs urged Parties and stakeholders to finalize the guidance in 2021–2023, subject to availability of resources, inviting Parties to contribute in-kind expertise for that purpose

- Thanked the Bureau Chair for the Protocol matters and the other volunteering Bureau members for revising the draft guidance to accommodate EU's comments from the last (2021) Working Group meeting;
- Noted:
 - Needs of KAZ and GEO for guidance, including in Russian;
 - EIB's recommendation to finalize the important piece of work that it had initially funded;
 - WHO's regrets re. EU's inability to agree on the draft guidance and recommendation for it to do so; Proposal to refer to "human health" instead of "public health"
 - IAIA's recommendation that the EU include a disclaimer in the document re. the "health" definition – for proceeding with the work
- Emphasized that EU's contribution was determinant for finalizing the guidance based on the development needs it had identified; as other Protocol Parties had less experience; and as many of them had requested for guidance
- Regretted that EU +MS could not yet agree on the revised draft guidance, due to "fundamental unresolved issues" (re. the definition of "health" and the scope of the guidance); and did not provide amendment proposals for the WG's consideration

(c) Capacity-building

Draft guidance on assessing health impacts in strategic environmental assessment:

- Noted the willingness of EU +MS to provide concrete amendment proposals on specific parts of the guidance until end of January
- Invited comments by the end of January for consideration by the Bureau at its meeting in February
- Further noted the proposal of the EU + MS to publish on the UNECE website an "improved" draft as an informal document
- Stressed that to be useful for the main beneficiary countries the guidance should imperatively be translated into Russian



(c) Capacity-building

Draft guidance on assessing health impacts in strategic environmental assessment:

- Urged all Parties, subject to the availability of resources, to make further efforts to comply with the request of the 2020 MOP to finalize the draft guidance ahead of the 2023 Protocol MOP
- Agreed to continue its deliberations at its next meeting, based on the textual amendment proposals and any other feedback provided ahead of the Bureau meeting
- Noted that questions on health in SEA might become compliance issues that the Implementation Committee and ultimately the MOP would be requested to respond to
- Thanked WHO for its 2022 publication of case studies of health in EIA and SEA across the WHO region
- Invited Parties to provide related good practice examples ahead of the MOPs and/or in the next period



5. Promoting practical application of the Convention and the Protocol

(c) Capacity-building

EU4Environment capacity-building activities:

- Noted the update by the secretariat on the planning and implementation of EU4Environment capacity building activities, and the additional information by AZ; UNDP's interest in exchanging information on SEA pilot projects
- Noted outcomes of a project on "Improving skills of NGOs in EECCA-states to participate in procedures according to the UNECE SEA Protocol" presented by the European EcoForum



(c) Capacity-building

Activities in Central Asian countries:

- Noted the reports from OSCE on the follow-up activities to the capacity-building activities carried out in Central Asia, in particular under the joint UNECE/OSCE project (2019–2021), including its translation of guidance material into the languages of the 5 Central Asian countries; and the planned launch of a new German funded project in the first half of 2023
- Noted the relevant work from the German Development Agency (GIZ) of relevance to implementing SEA in Kazakhstan and Uzbekistan (including 2 pilot SEA projects/per country)
- Encouraged other donors to bilaterally fund pilot projects in Eastern Europe, the Caucasus and Central Asia

Activities of IAIA:

- Noted IAIAs updates on recent and upcoming "FasTips" on key issues in SEA practice.
- Encouraged the secretariat to explore ways to informally www.unece.org/env/eia translate further FasTips into Russian.

6. Management, coordination and visibility of intersessional activities

- Observed that all other MEA's procedural notes of relevance to meetings with remote participation due to extraordinary circumstances had applied only to specific sessions of their respective Governing bodies in 2020 or 2021– and were not being reused nor modified for subsequent meetings.
- Noted that, in 2022, the UN secretariat had reverted back to inperson meetings – and that, as of January 2023, all meetings were to be held in-person (remote simultaneous interpretation would no longer be offered for hybrid/online meetings free of charge)
- Invited all delegations to plan their travel to Geneva for the next meeting of the Working Group in June – and to the MOP sessions in December 2023.



6. Management, coordination and visibility of intersessional activities

- Noted the Bureau conclusions that, consistent with the other UNECE MEA's practice: revisiting the 2020 procedural note was not needed at this point (a) as it had applied only to the 2020 MOP sessions and to any similar future exceptional case of extraordinary circumstances; and (b) as in-person meetings were again the norm (c) Should the extraordinary circumstances reappear, it would look into the matter again and to adjust the note, as required.
- Noted that the EU + its MS regretted that the Bureau did not see the need to amend the note; was of the opinion that the note deserved due consideration, revision and improvement for future use, not limited to emergency situations, and reserved the right to get back to the matter at a later stage – if needed
- Invited the EU + its MS to provide clear textual amendment proposals to the note by the end of January



(a) Practical arrangements

- Noted that, as no Party had offered to host the 2023 MOP sessions (offers were invited by the WG's present meeting), they will be held in Geneva
- Agreed on the preliminary schedule for the MOP preparations, including the following deadlines for the information that was required ahead of the Bureau meeting of 22-23 February:
 - 31 January 2023: for the concerned Parties to provide their overdue reports on their implementation of the Convention and the Protocol; and for all delegations to provide comments to documents; and inputs for consideration by the Bureau.
 - 15 February 2023: Initial information on Parties' pledged financial contributions for 2024–2026
- Invited the secretariat and the Bureau to prepare a provisional schedule of meetings for 2024–2026 ahead of its next



meeting

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(b) List of draft documents and decisions

- Noted that the initial list of draft compliance decisions was still subject to changes – including regarding Ukraine - which the IC had put on hold due to the war
- Agreed on the other draft decisions and official documents and invited the Bureau, supported by the secretariat, within the limits of its capacities, to prepare drafts for the Working Group's consideration before its next meeting (except draft decisions and documents on review of compliance to be prepared by the Implementation Committee), building on Working Group's inputs during and after this meeting.
- Noted that no delegation volunteered to contribute to the drafting of the documents. Invited delegations to provide inputs and suggestions by 31 January



Draft declaration

- Noted, but did not comment the Bureau's suggestions that a draft declaration focus on the treaties' importance as tools to boost energy transition and to ensure circular economy, low carbon economy and climate neutrality
- Invited comments and inputs to the draft declaration by 31 January 2023
- Invited the Bureau, supported by the secretariat, within the limits of its capacities, to prepare a draft declaration for consideration of the Working Group in advance of its next meeting building on inputs from the delegations by 31 January 2023.



7. Preparations for the next MOP sessions

(c) Provisional programme

- Welcomed the funding from Italy for the organization of the highlevel thematic seminar/panel, and invited the Bureau to provide guidance for its organization, taking into account comments to be provided until end of January (see also related decisions under item 5(b))
- Acknowledged that in case no country or organization would volunteer to organize the general segment thematic event – it could not be held
- Agreed on the general programme for the next MOP sessions
- Invited the Bureau with support of the secretariat to prepare a provisional annotated agenda for the two MOP sessions at its meeting in February, in advance of the next meeting of the Working Group



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

Agreed that the workplan 2024-2026 should:

- Be realistic and implementable, address the needs of the Parties, future Parties and stakeholders while corresponding to the funding and the secretariat staffing available
- Take into account the strategic goals and priority objectives in the long-term strategy; in particular for preparing for accession by non-ECE countries in view of the expected global opening of the Convention
- Include a prioritized selection of cooperation activities in marine regions
- Possibly address weaknesses or shortcomings identified in the draft reviews of implementation
- Assist countries in developing their legislation and capacities to implement the treaties through bilateral support



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

- Invited delegations to propose workplan activities, and to offer to lead their implementation, and/or to provide the corresponding funding for their implementation by 31 January 2023
- Again invited delegations to inform the secretariat on their pledges by early/mid-February and, confirm them latest, in advance of the twelfth meeting of the Working Group (13–15 June 2023), for the preparation of a realistic draft workplan for 2024–2026 that corresponds to the expected future funding
- Recalled its agreement (under agenda item 3) that without additional funding for the core secretariat functions, the workplan should be adjusted and the secretariat tasks and services cut
- Invited the Bureau, with secretariat's support, to prepare a draft workplan, taking into account the proposals will made ahead of its next meeting



(e) Chairs of the sessions

- Welcomed the offer of the current Bureau Chair for the Convention matters, Mr. George Kremlis, as a candidate for chairing the general segment of the Meetings of the Parties' sessions, as needed
- Invited delegations to come forward with nominations for Chair of the high-level segment, for agreement by the Working Group at its next meeting



(f) Officers for the next intersessional period

- Welcomed the availability of present Bureau and WG Chairs to continue in their role and the initial availability of the IC Chair to do so
- Invited Parties to put forward nominations for officers to be elected to the treaty bodies for the next period by end of January ahead of the Bureau meeting or by the next Working Group meeting in June 2023 (4 permanent and alternate Committee members; Vice chairs of the Bureau and the Working Group)
- Encouraged Parties that were never or not recently in the treaty bodies to put forward their nominations
- Agreed to propose to the MOPs that, if required, and on an exceptional basis, travel expenses of officers from countries not eligible for financial support could be funded from the trust fund
- Agreed that Parties should be mindful of possible conflicts of interest when electing members to the Implementation Committee



8. Related events and international processes

Noted information on

(a) Relevant outcomes of the meeting of the **Regional Forum on Sustainable Development for the United Nations Economic Commission for Europe Region** (Geneva, 6–7 April 2022);

(b) Relevant outcomes of the **Ninth Environment for Europe Ministerial Conference**, including the Third Highlevel Meeting of Education and Environment Ministries (Nicosia, 5–7 October 2022);

(c) Working Group on Transforming the Extractive Industries for Sustainable Development, coordinated by the United Nations Development Programme, the United Nations Environment Programme and the United Nations regional commissions, including ECE.

(d) **7th Ministerial Conference on Environment** and Health in July 2023 taking place in Budapest.



Closing of the meeting

- Endorsed the main decisions agreed at the meeting, as presented by secretariat, and asked them to be posted on the meeting webpage
- Invited the secretariat to prepare the meeting report in consultation with the Chair



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