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Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Eleventh meeting

Geneva, 19–21 December 2022

Report of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on its eleventh meeting

I. Introduction

1. The eleventh meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment was held in Geneva from 19 to 21 December 2022. The meeting was held in person, but remote participation was exceptionally possible for delegates unable to travel.

A. Attendance

2. The meeting was attended by delegations from the following Parties to the Convention and the Protocol and other member States of the United Nations Economic Commission for Europe (ECE): Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, North Macedonia, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and Uzbekistan. The European Union was represented by the European Commission. Statements on behalf of the European Union and its member States were made by Czechia, which held the presidency of the Council of the European Union in the second half of 2022. Morocco, as a State Member of the United Nations, was also represented.



3. Representatives of the following United Nations bodies participated: the United Nations Development Programme (UNDP) and the World Health Organization (WHO). The Organization for Security and Cooperation in Europe (OSCE) and the European Investment Bank also took part. Representatives of the following non-governmental organizations (NGOs) were present: Caucasus Environmental NGO Network; EcoContact; the European ECO-Forum; Guta Environmental Law Association; the International Association for Impact Assessment (IAIA); Nuclear Transparency Watch; Right to Protection (Ukraine); and ÖKOBÜRO - Alliance of the Environmental Movement (Austria). In addition, academics from the National University of Singapore and two independent experts attended the meeting.

B. Organizational matters

4. The Chair of the Working Group, Ms. Dorota Toryfter-Szumańska (Poland), opened the meeting.

5. The Working Group adopted its agenda for the meeting (ECE/MP.EIA/WG.2/2022/1).¹

II. Status of ratification

6. The secretariat reported on the status of ratification of the Convention, its two amendments and the Protocol (ECE/MP.EIA/WG.2/2022/INF.2). The Working Group recalled that, in 2020, the Meetings of the Parties to the Convention and to the Protocol had agreed that the treaties' wider implementation within and beyond the ECE region was a main strategic goal and their unified application was a priority objective.²

7. The Working Group welcomed the completion by Ukraine of its national steps for ratifying the two Convention amendments, noting that the ratifications would be effective upon the deposit of the instruments of ratification.³ It also noted the information provided by representatives of other Parties regarding the steps taken towards ratification, with Belgium, Ireland and North Macedonia having advanced the furthest regarding the first amendment, and France and Greece regarding the Protocol. The Working Group also noted plans by Kazakhstan to accede to the Protocol in 2024. Although the Working Group remained concerned that four more ratifications were still needed for the first amendment to become operational, allowing non-ECE countries to accede to the Convention, with the announced imminent ratifications of that amendment by Belgium and North Macedonia and the progress reported by Armenia, it expected that the Convention would become a global instrument by the next intersessional period. Consequently, the Working Group urged Armenia, Belgium, North Macedonia and the United Kingdom of Great Britain and Northern Ireland to make every effort to ratify the first amendment by the next sessions of the Meetings of the Parties to the Convention and the Protocol (Geneva, 12–15 December 2023) to allow for the global opening of the Convention.

8. Moreover, to ensure unified application of the Convention by all its Parties, the Working Group stressed the importance of all Parties that had not yet done so ratifying the second amendment. It urged the nine Parties concerned – Armenia, Belgium, Belarus, Bosnia and Herzegovina, Ireland, Kazakhstan, Kyrgyzstan, North Macedonia and the United Kingdom of Great Britain and Northern Ireland – to proceed with the ratification of that amendment. Lastly, the Working Group called on the signatory States of the Protocol that had not already done so (Belgium, France, Georgia, Greece, Ireland and the United Kingdom of Great Britain and Northern Ireland) to ratify that instrument. The Working Group urged

¹ All official and informal documentation for the meeting and other information, such as presentations and statements provided to the secretariat, is available at <https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/364357>.

² ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex.

³ On 15 December 2022, Ukraine deposited its instruments of ratification of both amendments to the Convention. The two amendments will enter into force for Ukraine 90 days later, on 15 March 2023, in accordance with article 14 (4) of the Convention.

the concerned countries to complete their ratifications and/or accede to the treaties as soon as possible; failing that, the concerned Parties were invited to announce by the next sessions of the Meetings of the Parties their firm commitment to doing so, with clear timelines, in the next intersessional period.

9. The Working Group thanked the Executive Secretary of ECE for writing at the Bureau's request to the ministers for environment and ministers for foreign affairs of all concerned countries to flag the missing ratifications (letters dated on 7 December 2022) and encouraged the focal points to make use of the letters to prompt progress within their Governments.

10. The Working Group again encouraged beneficiary countries of technical assistance and capacity-building in Eastern Europe, the Caucasus and Central Asia to take steps to accede to the Convention and the Protocol and/or to ratify the amendments, as relevant (Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan).

11. The Working Group thanked Romania for its report on the status of the 2008 Multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Bucharest Agreement), inviting Croatia and Greece to join that Agreement, and encouraging Bosnia and Herzegovina to accede thereto. The Working Group welcomed the plans by Greece to ratify the Bucharest Agreement in the near future.

12. All the above-mentioned countries were invited to report on progress at the next meeting of the Working Group (Geneva, 13–15 June 2023).

III. Financial arrangements

A. Trust fund status

13. The Working Group recalled that, at their past sessions (Vilnius (online), 8–11 December 2020), in December 2020, the Meetings of the Parties had decided that all Parties had a duty to contribute to the sharing of the workplan costs that were not covered by the United Nations regular budget.⁴ At its current meeting, two thirds of the way through the period 2021–2023, the Working Group was to assess the effectiveness thus far of decision VIII/1–IV/1 (ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1) for improving the long-standing and increasingly critical resource constraints under the Convention and the Protocol.

14. The Working Group took note of the information from the secretariat on contributions and expenditures with regard to the trust fund under the Convention and the Protocol until 10 November 2022 (ECE/MP.EIA/WG.2/2022/INF.3), including that 31 Parties had contributed to the trust fund. On the positive side, 2 Parties that had not previously contributed funding had done so in the current intersessional period and some Parties had increased their contributions. However, there was still a striking overreliance on only a few main donors, with half of the total income being covered by the contributions of only 3 Parties and 6 Parties covering 70 per cent of it. The Working Group also noted that 13 of the 45 Convention Parties had not yet contributed any funds to the trust fund. Moreover, the share of the funding earmarked for specific activities had increased, reducing the resources available for financing the priority costs of the extrabudgetary secretariat staff. Overall, as in the past periods, a shortfall between the agreed budgetary requirements for the intersessional period and the Parties' pledges and contributions was again to be expected.

15. The Working Group invited the Parties that, thus far, had not yet contributed to the trust fund (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Greece, Kazakhstan, Kyrgyzstan, Liechtenstein, North Macedonia, Romania, Serbia, Ukraine and the United Kingdom of Great Britain and Northern Ireland) to do so by 31 January 2023, contacting the

⁴ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/1–IV/1, para.1.

secretariat beforehand in order to receive the payment request documentation. It noted the statements of the delegations of Azerbaijan, North Macedonia and Ukraine on their countries' forthcoming payments. The representative of Belarus stated that the country faced difficulties in contributing due to the sanctions against it.

16. The Working Group noted that the Bureau had concluded on the insufficiency of the current financial scheme thus far in funding the treaties' workplan and in remedying the resource constraints: the funding remained insufficient, unpredictable and the burden of cost sharing unevenly distributed. Although a few more Parties had pledged funding, the number of Parties that had contributed had not increased. In addition, despite the fact that some Parties had increased their funding, most contributions remained small.

17. The Working Group asked the secretariat to update the Bureau on the status of the trust fund ahead of its next meeting (Geneva, 22–23 February 2023) and asked the Bureau to take the information into account when preparing draft decisions for the Meetings of the Parties.

B. Secretariat's resource constraints

18. The Working Group next addressed the secretariat's critical resource constraints for administering, supporting, coordinating and promoting the core work under the Convention and the Protocol and their workplans, as well as the Bureau's recommendations for improving the resources. It noted that, in 2021 and 2022, the secretariat's limited staffing for its core functions (two professional staff members and part-time administrative support) had been further reduced by extended sick leaves of a staff member, creating backlogs, delays and further pressure.

19. The secretariat first briefed the Working Group about its staff changes. The Working Group thanked Ms. Elena Santer who, on 1 June 2022, had transferred internally within the ECE Environment Division, and welcomed Ms. Elisabeth Losasso, who had taken over the compliance- and implementation-related work (until the end of 2023). It also welcomed Ms. Ivanna Kolisnyk, who had been engaged as an individual contractor to support the preparations for the next sessions of the Meetings of the Parties from 1 November 2022 until the end of 2023, with funding from Italy. Lastly, the Working Group noted the no-cost extension of the EU4Environment programme by another year, until the end of 2023, including its project staff: Mr. Leonid Kalashnyk and Ms. Elena Kashina.

20. The Working Group acknowledged that the secretariat's level of staffing had not been increased in over 20 years, despite the significant rise in the number of tasks allocated to the secretariat over the same period (with the adoption of a Protocol; and the increase in the number of treaty bodies, meetings, documents and compliance cases, as well as external and internal demands for coordination, communication, reporting, administrative actions, visibility, capacity-building, technical assistance and outreach activities). Although, throughout the years, the Meetings of the Parties had repeatedly recognized the inadequacy of the resources available, the Parties had continued to fund only one professional staff post, and no stable administrative support to the secretariat since 2001. The workload was expected to further increase with the Convention's expected global opening and both treaties' application beyond the ECE region.

21. The Working Group observed that the other ECE environmental instrument secretariats had considerably more resources, (although they also faced staffing constraints). The differences in the sizes of the trust funds and the secretariats of the respective treaties could not be attributed to any specific financial arrangement, since such arrangements were nearly identical across the ECE multilateral environmental agreements. Consequently, the Working Group agreed with the Bureau that the magnitude of the Parties' financial contributions reflected above all national funding priorities and that, thus far, the other ECE treaties appeared to have been of a relatively higher priority for the countries in the ECE region.

22. The Working Group echoed the Bureau in concluding that the protracted resource constraints under the Convention and the Protocol contrasted with their proven benefits and the multiplication of their Parties and activities.

23. The Working Group noted that the secretariat's staffing gaps could be remedied only through extrabudgetary resources from the Parties because no new United Nations regular budget-funded staffing was to be expected, nor was the reallocation of existing staffing feasible with all the posts being fully utilized within ECE.

24. The Working Group invited national focal points under the Convention and the Protocol to play the primary role in advocating for and mobilizing further funding from their respective Governments. It agreed with the Bureau that, by the next intersessional period 2024–2026, the Parties should collectively fund at least one additional professional post and part-time administrative support (on a 50 per cent basis) for the core secretariat functions.⁵ At the request of the Bureau, the Executive Secretary of ECE had also written to the ministers for environment and ministers for foreign affairs of all the Parties inviting the Governments to contribute to the cost sharing and to increase their financial contributions to that end (letters dated on 7 December 2022). The Bureau Chair pointed out that the proposed strengthening of the secretariat would constitute a minimum necessary improvement: the Convention and the Protocol secretariat would remain very small in comparison with the extent of its tasks and the sizes of the other treaty secretariats.

25. The Working Group also agreed that, to be sustainable, the secretariat's staff increase should be long-term and stable. Relying on ad hoc financing for short-term solutions, such as temporary staff or consultants, would not only not address the problem but would also aggravate the burden on the secretariat, which would need to dedicate its limited resources to repeatedly carry out hiring, training and other administrative procedures. Similarly, reliance on project funding was not suited to the nature of the work to be carried out and would imply tasks that would exceed the secretariat's current capacities, such as fundraising, project preparation, coordination, reporting, audit and evaluation requirements by the donors.

26. The Working Group agreed that, if, due to other national funding priorities, the Parties could not finance the necessary additional staffing for the performance of the core secretariat functions, the workplan should be adjusted to cut the workload and the activities of the secretariat to better align them with its limited resources, and to ensure that the Parties' demand for activities and services matched their offer of resources.

27. The Working Group invited the delegations to inform the secretariat about their pledges for the next intersessional period 2024–2026 by mid-February 2023, in advance of the next meeting of the Bureau, or, at the latest, by 15 May 2023, prior to the twelfth meeting of the Working Group (Geneva, 13–15 June 2023). It stressed that prior information on the Parties' pledges was essential for the preparation of a realistic and implementable draft workplan for 2024–2026 that would correspond to expected future funding.

C. In-kind contributions

28. The Working Group 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. To provisionally supplement the secretariat's staffing, the Parties were encouraged to sponsor a Junior Professional Officer,⁶ following the example of Finland (in 2011–2014). The secretariat pointed out that, while Junior Professional Officers constituted a welcome additional opportunity to strengthen its resources, the Junior Professional Officer Programme was not intended to fill in resources gaps for the conduct of the treaty secretariat's core functions.

⁵ These include the organization of meetings of the treaty bodies, the preparation of the documentation, and the other tasks necessary for the administration of the two treaties, the coordination and the visibility of their activities, and support to the review of compliance, reporting and the review of implementation-related work.

⁶ Information on the Junior Professional Officer Programme is available at www.un.org/development/desa/jpo/about/.

29. The Working Group then reverted to the proposals regarding the recognition of in-kind contributions within the financial scheme, which the Bureau had initially prepared for the Working Group's previous meeting in 2021 and slightly adjusted for added clarity (ECE/MP.EIA/WG.2/2022/INF.5).⁷ It agreed with the Bureau's views as contained in informal document 5, including that not all in-kind contributions could be quantified. It invited those Parties that wished to indicate the monetary values of their in-kind contributions under the workplan 2024–2026 to provide to the secretariat the estimated values, in United States dollars, of the planned activities or services in advance of the next meetings of the Bureau in February and of the Working Group in June 2023, for their inclusion in the workplan.

IV. Compliance and implementation

1. Review of compliance

30. The Chair of the Implementation Committee reported on the main outcomes of the Committee's fifty-second, fifty-third and fifty-fourth sessions (Geneva (online), 29–31 March, Geneva (hybrid) 10–13 May 2022 and Geneva (hybrid) 4–7 October 2022, respectively)⁸ and the main objectives for the Committee's fifty-fifth session (Geneva (online), 31 January–3 February 2023). The Chair also presented the Committee's plans for the preparatory work for the next sessions of the Meetings of the Parties (Geneva, 12–15 December 2023).

31. The Working Group took note of the report of the Committee's Chair, welcoming the progress made thus far and acknowledging the importance of the Committee's workload until the Meetings of the Parties in December 2023. It recognized the challenges for the Committee's work due to the secretariat's staffing gaps in 2021 and 2022 and affirmed the need for stable and sufficient secretariat support for the extensive and work-intensive review of compliance led by the Committee. Noting that several Parties continued to fail to respond to the Committee's questions in a timely and complete manner, it again invited the Parties to be cooperative so as not to delay the Committee's deliberations.

32. The Working Group noted the Committee's preparation of amendment proposals to the rules governing its mode of operation, with a view to improving its work methods and practice in the light of its experience, including regarding issues of conflict of interest and quorum, transparency and efficiency of its communications and the use of videoconferencing/online meetings.

33. The Working Group welcomed the Committee's plan to prepare the draft decisions on compliance with the Convention and the Protocol at the Committee's fifty-sixth session (Geneva, 2–5 May 2023) as informal documents for comments before, during and after the twelfth meeting of the Working Group and to finalize them at the Committee's fifty-seventh session (Geneva, 4–6 September 2023 (date to be confirmed)).

34. The Working Group noted the allegations by the delegation of Belarus of non-compliance by another Party and referred the delegation to the possibility to make use of the existing procedure for the review of compliance.

35. The Working Group took note of the joint study that the NGOs ÖKOBÜRÖ - Alliance of the Environmental Movement (Austria) and the Resource and Analysis Centre "Society and Environment" (Ukraine) had prepared on the lifetime extensions of nuclear reactors.⁹

⁷ See also ECE/MP.EIA/WG.2/2021/INF.11, para. 1; ECE/MP.EIA/WG.2/2021/2, para. 55; and ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, para. 12.

⁸ The reports of the Implementation Committee on its 2022 sessions are available at <https://unece.org/sessions-3>.

⁹ Available at https://oekobuero.at/files/823/oekobueroracse_lte_assessment_and_public_participation.pdf.

2. Reporting and review of implementation

36. The secretariat presented the draft seventh review of implementation of the Convention (ECE/MP.EIA/WG.2/2022/3) and the draft fourth review of implementation of the Protocol (ECE/MP.EIA/WG.2/2022/4) in the period 2019–2021, which it had prepared with the assistance of consultants based on the completed questionnaires submitted by Parties and 2 non-Parties to those treaties by 30 June 2022. By that date, two months after the initial reporting deadline, only 34 out of the 45 Parties to the Convention, as well as Georgia, and 22 out of the 33 Parties to the Protocol, as well as Georgia and Kazakhstan, had submitted the questionnaire. As of 19 December 2022, 8 States parties to the Convention and 7 States parties to the Protocol had yet not reported. During the current reporting round, the European Union had not reported under the Convention or the Protocol through the questionnaires for the States parties, as the Working Group had invited it to do, pending the finalization by the Implementation Committee of the reporting templates for the European Union. Instead, as in the past, it had returned blank questionnaires and provided additional information separately, which the Implementation Committee had found did not fulfil the reporting obligations.

37. The Working Group thanked the Parties that had reported in a timely manner on their implementation of the Convention and the Protocol in 2019–2021 and welcomed also the reports from two non-Parties. It thanked Canada for translating into English the completed questionnaires received in French, as an in-kind contribution.

38. The Working Group expressed concerns about the overall poor record of the Parties' reporting in terms of timeliness, including in comparison with the previous reporting round. It recalled that reporting was mandatory for all the Convention and Protocol Parties, and that not reporting was a compliance matter. It also recalled that, in 2020, the Meetings of the Parties had strongly emphasized the importance of timeliness and quality of national reporting, urging Parties to report by the agreed deadlines¹⁰ and had adopted a long-term strategy with "improving reporting and review of implementation" as one of the key objectives.¹¹

39. The Working Group urged Bulgaria, Cyprus, Kyrgyzstan, Liechtenstein, North Macedonia, Portugal, Serbia and Ukraine to provide their overdue reports on the implementation of the Convention, and Bulgaria, Cyprus, Netherlands, North Macedonia, Portugal, Serbia and Ukraine to provide their reports on the implementation of the Protocol as soon as possible and, at the latest, by 31 January 2023. It noted the confirmation by the delegations of the Netherlands and Portugal that the reports would be provided, and the explanation of the representative of North Macedonia that the country's reports would be submitted upon the receipt of final internal clarifications.

40. The Working Group also reiterated its request for the European Union to report under the Convention and the Protocol using the questionnaires of the States parties, as also requested by the Implementation Committee, urging it to provide its overdue reports as soon as possible and, at the latest, by 31 January 2023. It welcomed the Implementation Committee's development of draft reporting templates for the European Union in consultation with the European Union in 2021–2022 and invited the secretariat to make them available for its next meeting as official documents.

41. The secretariat was also invited to update the Bureau on the reporting status in view of the preparation by the Bureau of the draft decisions on reporting and review of implementation at its next meeting in February 2023.

42. The Working Group then considered the draft reviews of implementation of the Convention and Protocol and agreed on their main findings. It also considered and agreed on the comments and corrections by delegations to both drafts regarding their own countries' responses. It asked the secretariat to finalize the two draft review reports, taking into account

¹⁰ ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2, decision VIII/5, sixth preambular paragraph, and ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3, decision IV/5, seventh preambular paragraph.

¹¹ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, subsection II A.9.

the agreed comments, and to forward them to the Meetings of the Parties ahead of their next sessions.

43. The Working Group observed that good practice examples of the implementation of the Convention and the Protocol were lacking and consistently called for, including under the present and the past workplans. It recalled that both the present workplan and the long-term strategy aimed at making the reviews of implementation more informative and maximizing their usefulness, including for collecting and disseminating good practice. It thanked the 15 Convention Parties and the 10 Protocol Parties for having shared practical examples on their implementation of the treaties as part of their reporting¹² and encouraged further Parties to do the same in the next period. It invited all delegations to identify the most relevant good practice examples for their countries by February or, at the latest, by June, and to propose ways to present and further substantiate them during the period 2024–2026, for example, as fact sheets, to maximize their usefulness for Parties and future Parties.

44. The Working Group noted the suggested improvements to the questionnaires on the implementation of the Convention and the Protocol (ECE/MP.EIA/WG.2/2022/INF.9) and invited the secretariat to share them with the Implementation Committee for it to consider when adjusting the questionnaires for the next reporting round. Lastly, it noted the proposal that Parties fund a consultant to improve the design and increase the user-friendliness of the questionnaires for the next reporting round.

3. Legislative assistance to support implementation and ratification

45. The Working Group reviewed progress in providing legislative assistance envisaged in the workplan for 2021–2023 with a view to promoting the implementation of or accession to the two treaties.¹³

46. The delegations of Belarus, Kazakhstan, the Republic of Moldova and Uzbekistan reported on 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. The Working Group invited Parties and future Parties that had benefited from legislative assistance to proceed with the finalization of their legal reforms in accordance with the Convention and the Protocol.

47. The Working Group welcomed the signature by Romania and Ukraine of a bilateral agreement on the Convention's implementation on 18 November 2022. It expressed appreciation to the European Union for the EU4Environment programme funding and to ECE and its legal consultants for supporting the drafting of the agreement.

V. Promoting practical application of the Convention and the Protocol

A. Subregional cooperation and capacity-building

48. The Working Group considered progress with the subregional cooperation and capacity-building activities envisaged in the current workplan.

1. Marine regions

49. A consultant to the secretariat presented progress in the Italian-funded activity for the identification of synergies and possible future cooperation activities in marine regions, involving six regional sea conventions or commissions and supported by the secretariat and consultants. The Working Group considered the draft assessment report proposing cooperation activities in marine regions (ECE/MP.EIA/WG.2/2022/INF.10), welcoming the progress made.

¹² See ECE/MP.EIA/WG.2/2022/INF.7 and ECE/MP.EIA/WG.2/2022/INF.8.

¹³ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, annex I, item II.C.

50. The Working Group asked the secretariat and the Bureau to prioritize and select proposed activities for the draft workplan 2024–2026 for consideration by the Working Group at its next meeting. It invited delegations to volunteer to contribute to the implementation of the proposed activities and/or to propose other activities, notifying the secretariat before the next Bureau meeting in February 2023 or, at the latest, by the next meeting of the Working Group in June 2023.

51. The Working Group welcomed case study fact sheets on good practice in the application of the Convention and the Protocol to projects, plans and programmes in marine regions prepared by the following Parties, with drafting support from the consultants:

- (a) Poland (Baltic Pipe project and Maritime Spatial Plan in the Baltic Sea);
- (b) Estonia (Saare offshore wind farm);
- (c) Slovenia on the Maritime Spatial Plans in the Adriatic Sea.

52. It also welcomed the willingness of Italy to present good practice and invited further Parties to volunteer to do so and to contact the secretariat.

53. The Working Group noted the report by the representative of Morocco on its legal reform and its interest in subregional cooperation and exchange of good practice.

54. As a rule, the Working Group invited Parties to encourage donors and developers of projects, plans and programmes with potentially significant adverse transboundary impacts regarding marine regions located in non-Convention and non-Protocol Parties to duly assess and consider those impacts as part of the respective environmental impact assessment and strategic environmental assessment processes.

2. Baltic Sea

55. The Working Group welcomed the report by the representative of Poland on the twelfth Baltic Sea subregional meeting under the framework of the Convention and the Protocol organized by Poland (Warsaw (hybrid), 14–15 June 2022).¹⁴

3. Eastern Europe and the Caucasus

56. The secretariat reported on the outcomes of the second subregional workshop on the practical application of strategic environmental assessment and transboundary environmental impact assessment (Eastern Europe and the Caucasus) (online, 29 June 2022), which it had organized with funding from the European Union EU4Environment programme and support from consultants.¹⁵ The Working Group welcomed the information.

B. Exchange of good practices

57. The Working Group considered possible thematic half- or full-day workshops or seminars in 2023 that related to the exchange of good practices on the selected topics in the workplan for 2021–2023, to be organized by volunteering Parties or stakeholders.¹⁶ Such events could be held during the twelfth meeting of the Working Group (Geneva, 13–15 June 2023) and the (general and high-level segments of the) next sessions of the Meetings of the Parties.

58. Following discussions on the Bureau's proposals for priority topics for thematic events to be held during the next sessions of the Meetings of the Parties, the Working Group agreed that the event at the sessions' high-level segment should focus on energy transition combined with circular economy. It thanked Italy for funding consultancy support for the organization of the high-level event and the preparation of a background document. It also thanked Spain, IAIA, WHO and Nuclear Transparency Watch for their offers to support the

¹⁴ See unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/368973.

¹⁵ See unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/367411.

¹⁶ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2, annex I, item III.B.1.

event's organization. The Bureau, with the assistance from the secretariat, was invited to identify key questions on energy transition to be addressed at the event.

59. Next, the Working Group identified green financing as the topic for an event to be held during the general segment of the next sessions of the Meetings of the Parties, subject to the identification of a volunteering Party or organization to organize it. It welcomed the offer of the European Investment Bank to provide inputs.

60. The Working Group took note of the need expressed by the delegation of Belarus for a seminar during the Working Group's meeting in June on the evaluation of geographic and technological alternatives to the proposed activity (in the environmental impact assessment documentation) and invited delegations to co-organize that event with Belarus and/or to provide funding.

61. The Working Group also noted a proposal to hold a side event on biodiversity during the twelfth meeting of the Working Group in June 2023 and called for volunteers to organize it.

62. The Working Group pointed out that, due to the secretariat's acute staffing gaps, without volunteers to organize thematic events at the next meeting of the Working Group and at the general segment of the next sessions of the Meetings of the Parties, said events could not be held. The same held true for side events. It invited volunteering delegations wishing to organize a seminar in June 2023 to contact the secretariat in January 2023 and those wishing to do so during the general segment of the sessions of the Meetings of the Parties to contact it by June 2023.

63. The Working Group recalled that, for the exchange of good practices, the workplan also foresaw the preparation by Parties of fact sheets on their practical application of the Convention and/or the Protocol and, subject to the availability of funding, an online database or a compilation of good practice.¹⁷ In that context, it again welcomed the funding from Italy under the marine cooperation activity to collect and compile related good practice, as well as the good practice examples provided by Parties as part of their reporting, which could provide the basis for the preparation of fact sheets in the future.

64. The Working Group invited Parties or 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.

C. Capacity-building

1. Draft guidance on assessing health impacts in strategic environmental assessment

65. The Working Group recalled that, in 2017, the Meetings of the Parties had mandated the preparation of guidance on assessing health in strategic environmental assessment in the period 2017–2020,¹⁸ further to requests for guidance on that topic from six countries of Eastern Europe and the Caucasus, including at the subregional conference held in Kakheti, Georgia, from 2–6 November 2015, with European Union funding under the Greening Economies in the Eastern Neighbourhood programme.¹⁹

66. It recognized, in addition, that many future Protocol Parties, including in Central Asia and beyond the ECE region, needed guidance in developing legislation and practice on strategic environmental assessment, including regarding the assessment of health impacts and the involvement of health authorities. It further recognized that Parties, including the European Union member States, that had relatively more experience in strategic environmental assessment could face challenges in the field. The Working Group also pointed out, in general, that questions on assessing health in strategic environmental

¹⁷ Ibid., items III.B.2 and 3.

¹⁸ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/3–III/3, annex II, item IV.1.

¹⁹ A report is available at <https://unece.org/environmental-policy/events/enhancing-sea-selected-countries-eastern-europe-caucasus-and-central>.

assessment might become compliance issues that the Implementation Committee and, ultimately the Meeting of the Parties, would be requested to respond to.

67. The Working Group expressed praise for a video made by the Italian Ministry of the Environment and Energy Security on human health in environmental assessments, which the Ministry had produced together with three other videos to raise awareness of all stakeholders involved in environmental assessments of the importance of environmental assessments for sustainable development. The video was projected during the meeting in Italian with English-language subtitles.²⁰ The delegation of Italy indicated in its introductory statement to the video that its country paid great attention to the issue of human health in environmental assessments, taking human health into account as much as possible when developing new plans, programmes and projects.

68. The Working Group recalled that, with funding from the European Investment Bank and based on the terms of reference that the Working Group had welcomed in May 2018,²¹ guidance had been drafted in consultation with the Bureau, the Working Group and WHO, and with support from a task force and the secretariat. The draft had been discussed during the Working Group's eighth meeting (Geneva, 26–28 November 2019),²² revised based on comments made and, after that, further worked on by a task force representing Austria, Finland, Ireland and Slovenia. In early 2020, after the introduction of final changes, the Bureau had agreed on a revised draft and forwarded it to the Working Group. At its ninth meeting (Geneva, 24–26 August 2020), however, the Working Group had decided not to forward the draft to the Meeting of the Parties to the Protocol at its session in December 2020, because the European Union and its member States had considered that the draft document required further work.²³

69. In 2020, the Meetings of the Parties had welcomed the drafting of the guidance and committed to finalizing that work in 2021–2023, subject to the availability of resources, prior to the formal adoption of the guidance document at the next session of the Meeting of the Parties to the Protocol.²⁴ Parties had been invited to contribute in-kind expertise for that purpose.²⁵

70. The Working Group thanked the Chair of the Bureau for Protocol matters and the other volunteering Bureau members for having revised the draft guidance to accommodate the comments made by the European Union and its member States at the past meeting of the Working Group (Geneva, 1–3 December 2021).

71. The detailed presentation of the revised draft (ECE/MP.EIA/WG.2/2022/INF.13) by the Chair of the Bureau for Protocol matters was followed by discussions. The delegations of Georgia and Kazakhstan expressed their need for guidance, including in Russian, and the representative of the European Investment Bank recommended that the important piece of work that it had initially funded be finalized. The European Union and its member States stated, however, that they could not yet agree on the revised draft guidance, due to fundamental unresolved issues regarding the definition of the term “health” and the scope of the guidance. The delegation of WHO expressed regret at the inability of the European Union delegation to agree on the draft and recommended that it do so. To facilitate a consensus, it proposed, as required, that the draft guidance refer to “human health” instead of “public health”. The representative of IAIA recommended that the European Union and its member States include a disclaimer regarding the definition of “health” to allow the finalization of the guidance.

72. The Working Group noted the statements made. It expressed regret that the European Union and its member States could not yet agree on the revised draft guidance and that they

²⁰ See www.youtube.com/watch?v=4LntIVY_p-4&list=PLFz_9icLLI-KfM-6Mg9wN1VQFmiQGeOiA&index=7.

²¹ Guidance on addressing health impacts of plans and programmes and for the involvement of health authorities in strategic environmental assessment: a concept note (ECE/MP.EIA/WG.2/2018/INF.9) ECE/MP.EIA/WG.2/2019/2, paras. 42–44.

²² ECE/MP.EIA/WG.2/2020/2, paras. 38–44.

²³ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, Vilnius declaration, para. 13.

²⁴ Ibid., decision VIII/2–IV/2; and ECE/MP.EIA/30–ECE/MP.EIA/SEA/13, para. 33.

had not provided any amendment proposals for the consideration of the Working Group. It emphasized that the contribution of the European Union and its member States was determinant for finalizing the guidance based on the development needs the delegation had identified, considering also that other Parties had much less experience in the application of the Protocol and many of them had themselves requested for guidance on the topic in question.

73. The Working Group noted the statements of the European Union and its member States expressing willingness to provide concrete amendment proposals on specific parts of the guidance by 31 January 2023 and suggesting that an “improved” informal draft document be published on the ECE website.

74. The Working Group stressed that, to be useful for the main beneficiary countries, the guidance should imperatively be translated into Russian. It urged all Parties, subject to the availability of resources, to make further efforts to comply with the request of the Meetings of the Parties in 2020 to finalize the draft guidance ahead of the 2023 session of the Meeting of the Parties to the Protocol. To that end, it invited comments to the draft revised guidance by 31 January 2023 for consideration by the Bureau at its meeting in February 2023.

75. The Working Group agreed to continue its deliberations at its next meeting, based on the textual amendment proposals and any other feedback to be provided by the delegations ahead of the meeting of the Bureau.

76. The secretariat informed the meeting that, at the request of the beneficiary countries, the EU4Environment-funded subregional workshop for the countries in Eastern Europe and the Caucasus of June 2022 (see para. 56 above) had addressed several of their questions on the assessment of health in strategic environmental assessment. The secretariat also clarified that, in the future, the EU4Environment programme would have little or no margin to serve as a platform for further assistance on the topic in question. The programme had recently been extended until the end of 2023 without additional budget and the remaining funding for the final year of implementation had already been allocated for activities, such as pilot projects, that had been agreed with the beneficiary countries and the donor.

77. The Working Group thanked WHO for its publication of case studies of health in environmental impact assessment and strategic environmental assessment across the WHO region²⁶ to supplement the cases contained in the annex to the draft guidance. The WHO publication was also available in Russian.

78. The Working Group invited all Parties to provide related good practice examples ahead of the next sessions of the Meetings of the Parties and/or in the next intersessional period.

2. Activities in Eastern Europe and the Caucasus

79. The Working Group noted the update by the secretariat on the planning and implementation of EU4Environment-funded capacity-building activities, in particular, strategic environmental assessment pilot projects, and the additional information on the progress with the pilot project provided by the delegation of Azerbaijan. It also noted the interest of UNDP in exchanging information with ECE on the implementation of strategic environmental assessment pilot projects to identify synergies with the UNDP strategic and social assessments planned in the respective countries.

80. The Working Group also noted the outcomes of a German-funded project on improving skills of NGOs in Eastern Europe, the Caucasus and Central Asia to participate in procedures according to the ECE Protocol on Strategic Environmental Assessment, which the European Eco-Forum had implemented in partnership with the Resource and Analysis Centre “Society and Environment” (Ukraine) and ÖKOBÜRO - Alliance of the Environmental Movement (Austria) between April 2021 and the end of 2022.

²⁶ World Health Organization Regional Office for Europe, *Learning from Practice: Case Studies of Health in Strategic Environmental Assessment and Environmental Impact Assessment across the WHO European Region* (Copenhagen, 2022).

3. Activities in Central Asian countries

81. The Working Group noted the report from the representative of OSCE on the follow-up activities to the capacity-building activities carried out in Central Asia, in particular under the joint ECE/OSCE project (2019–2021), including the planned launch by OSCE of a new German-funded project in the first half of 2023 to further support the Central Asian countries in aligning their legislation with the Convention and the Protocol and in enhancing their capacities for the effective application of strategic environmental assessment. OSCE had also translated into the Kazakh, Kyrgyz, Tajik, Turkmen and Uzbek languages the ECE publication *Protocol on Strategic Environmental Assessment: Facts and Benefits*²⁷ and the OSCE illustrated guide to the Espoo Convention and its Protocol in a cartoon format.²⁸

82. The Working Group also noted the activities presented by the German Agency for International Cooperation for promoting the implementation of strategic environmental assessment in Kazakhstan and Uzbekistan, as part of its project “Ecologically oriented regional development in the Aral Sea region”, which would involve the conduct of two pilot projects in each country.

83. The Working Group encouraged other donors to bilaterally fund pilot projects for the practical application of the Convention and the Protocol in Eastern Europe, the Caucasus and Central Asia.

4. FasTips

84. The Working Group acknowledged the work carried out by IAIA in promoting best practices in impact assessment, including via its two-page informal pamphlets, or “FasTips”.²⁹ It also took note of IAIA updates on recent and upcoming FasTips on key issues in strategic environmental assessment practice. It encouraged the secretariat to explore ways to informally translate further FasTips into Russian.

VI. Management, coordination and visibility of intersessional activities

85. The Chair of the Bureau for Convention matters reported on the Bureau’s deliberations regarding the possible need for further clarifications to the informal note on procedural matters of relevance to meetings with remote participation due to extraordinary circumstances, which the Bureau had prepared for the sessions of the Meetings of the Parties in 2020 with the secretariat’s support, in consultation with the Treaty Section of the Office of Legal Affairs.³⁰ As requested by the Working Group at its past meeting,³¹ the Bureau had reviewed its note again, considering also similar notes prepared under three other ECE multilateral environmental agreements and information on their subsequent meetings.

86. The Working Group observed that the notes under the other multilateral environmental agreements had applied only to the specific sessions of their respective governing bodies in 2020 or 2021, and that none of them had been reused or modified for any subsequent meetings.

87. The Working Group also noted that, in 2022, the United Nations Secretariat had reverted to in-person meetings and that, as of January 2023, remote simultaneous interpretation (platform, interpreters and technical staff) would no longer be offered for hybrid/online meetings free of charge. It invited all delegations to plan their travel to Geneva

²⁷ N.p., United Nations Economic Commission for Europe, 2022.

²⁸ Organization for Security and Cooperation in Europe, *UNECE Convention on Environmental Impact Assessment in a Transboundary Context: The Espoo Convention – Selected elements in pictures* (2021).

²⁹ For FasTips in English, see www.iaia.org/fasttips.php; for their translations, see www.iaia.org/translated-documents.php.

³⁰ See the note of 10 November 2020, as revised on 27 November 2020, available at <https://unece.org/environmental-policy/events/meeting-parties-espoo-convention-8th-session-and-meeting-parties> (under the tab “informal documents”, “item 2”).

³¹ ECE/MP.EIA/WG.2/2021/2, para. 60.

for the next meeting of the Working Group in June and the next sessions of the Meetings of the Parties in December 2023.

88. The Working Group noted the Bureau's conclusions that, consistent with the practice of the other ECE multilateral environmental agreements, there was no need to revisit the 2020 procedural note at the current point in time for the following reasons:

- (a) It had applied only to the 2020 sessions of the Meetings of the Parties and to any similar future exceptional case of extraordinary circumstances;
- (b) In-person meetings were again the norm;
- (c) Should the extraordinary circumstances arise again, it would look into the matter again and adjust the note, as required.

89. The Working Group noted that the delegation of the European Union and its member States had expressed regret that the Bureau did not see the need to amend the note and 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 revisit the issue at a later stage, if needed.

90. The Working Group invited the European Union and its member States to provide clear textual amendment proposals to the note by 31 January 2023.

VII. Preparations for the next sessions of the Meetings of the Parties

A. Practical arrangements

91. The Working Group considered practical arrangements for the ninth session of the Meeting of the Parties to the Convention and the fifth session of the Meeting of the Parties to the Protocol (Geneva, 12–15 December 2023). It noted that the sessions would be held in Geneva, as no Party had offered to host them.

92. The Working Group agreed on the preliminary preparatory schedule for the Meetings of the Parties sessions, including deadlines for the following information that was required ahead of the Bureau meeting of 22 and 23 February 2023:

- (a) 31 January 2023: overdue reports on the implementation of the Convention and the Protocol by the concerned Parties; and comments to documents and other inputs for consideration by the Bureau by all delegations;
- (b) 15 February 2023: Initial information on Parties' pledged financial contributions for 2024–2026.

B. List of draft documents and decisions

93. The Working Group considered an initial list of draft decisions and documents to be prepared for consideration by the Meetings of the Parties at their sessions in December 2023. It noted that the list of draft compliance decisions, in particular, was still subject to changes, including regarding decisions concerning Ukraine, which the Implementation Committee had put on hold due to the war. It 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 consideration by the Working Group in advance of its next meeting (except draft decisions and documents on the review of compliance to be prepared by the Implementation Committee), building on the Working Group's inputs during and after the current meeting. In addition, it invited the secretariat and the Bureau to prepare a provisional schedule of meetings for the next period 2024–2026 ahead of its next meeting.

94. The Working Group noted that no delegation had volunteered to contribute to the drafting of the documents. It invited delegations to provide any inputs and suggestions by the end of January through the secretariat.

C. Draft declaration

95. The Working Group noted the Bureau's suggestions that a draft declaration focus on the importance of the Convention and the Protocol as tools to boost energy transition and to ensure circular economy, low carbon economy and climate neutrality.

96. In the absence of inputs or comments regarding the possible contents of a draft declaration, the Working Group invited the delegations to provide such feedback by 31 January 2023. It then invited the Bureau, supported by the secretariat within the limits of its capacities, to prepare a draft declaration for consideration by the Working Group in advance of its next meeting, building on inputs from the delegations.

D. Provisional programme

97. The Working Group agreed on the provisional programme for the next sessions of the Meetings of the Parties, as proposed by the Bureau (ECE/MP.EIA/WG.2/2022/INF.11, section IV). It invited the Bureau, with the support of the secretariat, to prepare the annotated provisional agenda for the sessions at its meeting in February, in advance of the next meeting of the Working Group.

98. It welcomed once again the funding from Italy for the organization of a thematic seminar/panel during the high-level segment of the sessions, on Friday, 15 December 2023, focusing on energy transition and circular economy (see para. 58 above), thanking the delegations that had volunteered thus far to contribute to it. It invited the Bureau, at its meeting in February, to initiate discussions and to provide guidance for the event's organization, taking into account any comments to be provided by the delegations until the end of January.

99. The Working Group reiterated that, should no country or organization volunteer to organize the thematic event dedicated to green financing, to be held during the sessions' general segment, it would not be possible to hold that event. It again invited delegations to volunteer to organize or to co-organize the event, and to contact the secretariat.

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

100. The Working Group agreed with the Bureau that the workplan for the next intersessional period (2024–2026) should:

(a) Be realistic and implementable, as well as address the needs of the Parties, future Parties and stakeholders, while corresponding to the funding and the secretariat staffing available (for each activity, financial and staffing requirements should be specified, and a corresponding lead country or organization identified);

(b) Take into account strategic goals and priority objectives contained in the long-term strategy; including, in particular, with a view to preparing for accession by non-ECE countries in view of the expected global opening of the Convention and any future extension of the scope of the Protocol's application;

(c) Include a selection of priority cooperation activities in marine regions;

(d) Possibly address any of the weaknesses or shortcomings identified in the draft reviews of implementation;

(e) Assist countries in developing their legislation and capacities to implement the two treaties through bilateral support.

101. The Working Group invited delegations to propose by 31 January 2023 workplan activities for the next period, and to offer to lead their implementation and/or to fund them. The Working Group again invited delegations to inform the secretariat of their pledges by early/mid-February and, to confirm them, at the latest, in advance of the twelfth meeting of the Working Group, in view of the preparation of a realistic draft workplan for 2024–2026 that would correspond to the expected future funding.

102. The Working Group recalled its agreement (see para. 26 above) that, without additional funding for the core secretariat functions, the next workplan should be adjusted accordingly and the secretariat tasks and services cut.

103. The Working Group invited the Bureau, with the secretariat's support, to prepare a draft workplan, taking into account the proposals that would be made ahead of its next meeting.

F. Chairs of the sessions

104. The Working Group welcomed the offer of the current Chair of the Bureau for Convention matters, Mr. George Kremlis, representing Greece, to serve as a candidate for the post of chair of the general segment of the Meetings of the Parties' sessions, as needed. It noted that, unless Greece ratified the Protocol in advance of the next sessions, a co-chair, responsible for Protocol matters, would need to be nominated and elected in addition.

105. The Working Group invited delegations to come forward with nominations for a chair of the high-level segment, for agreement by the Working Group at its next meeting.

G. Officers for the next intersessional period

106. The Working Group welcomed the availability of the current Chairs of the Bureau and the Working Group to continue in their roles in the next intersessional period, if elected by the Meetings of the Parties, and the initial availability of the Implementation Committee Chair to do so.

107. The Working Group invited Parties to put forward nominations of candidates for election as officers by the Meetings of the Parties for the next period, namely: four permanent and alternate Implementation Committee members; Vice-Chairs of the Working Group and members of Bureau. Delegations were invited to inform the secretariat of the nominations ahead of the Bureau meeting, by the end of January, or, at the latest, by the next Working Group meeting in June 2023.

108. The Working Group encouraged Parties that had never or not recently been represented in the treaty bodies to put forward their nominations. It also agreed to propose to the Meetings of the Parties 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. Lastly, the Working Group agreed that Parties should be mindful of possible conflicts of interest when electing members to the Implementation Committee.

VIII. Inputs to related international processes

109. The Working Group took note of the information provided by the secretariat on the following related international processes:

(a) The Regional Forums on Sustainable Development for the United Nations Economic Commission for Europe Region (Geneva (hybrid), 6–7 April 2022 and 29–30 March 2023);³²

(b) The Ninth Environment for Europe Ministerial Conference (Nicosia, 5–7 October 2022),³³ which had focused on “greening the economy in the pan-European region: working towards sustainable infrastructure” as one of its main themes, and, in that respect, had also referred to the important role of the Espoo Convention, and, in particular, its Protocol;

³² See <https://regionalforum.unece.org/>.

³³ See <https://unece.org/nicosia-conference>.

(c) The Working Group on Transforming the Extractive Industries for Sustainable Development, coordinated by UNDP, the United Nations Environment Programme and the regional commissions, including ECE;³⁴

(d) The Seventh Ministerial Conference on Environment and Health, to be held in Budapest, from 5–7 July 2023, coordinated by the WHO Regional Office for Europe.

IX. Presentation of the main decisions taken and closing of the meeting

110. The Working Group endorsed the main decisions agreed at the meeting, as presented by the secretariat, and requested the secretariat to post them on the meeting web page. It noted, in addition, that the comments and statements that delegations had provided in writing to the secretariat had been made available on that web page. The secretariat was invited to prepare the report on the meeting under the guidance of the Chair.

111. The Chair officially closed the meeting on Wednesday, 21 December 2022.

³⁴ See <https://unece.org/unece-and-sdgs/working-group-transforming-extractive-industries-sustainable-development>.