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### INFORMATION NOTE

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From: General Secretariat of the Council

To: Delegations

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Subject: Espoo Convention:

Seventh Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (MOP-7) and Third 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 (MOP-3)

(Minsk, Belarus 13-16 June 2017)

- Statements by the EU and its Member States

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Delegations will find in the Annex, for information, a compilation of statements delivered on behalf of the European Union and its Member States at the abovementioned meetings (including at the joint session), as transmitted by the (former) Presidency.

**Seventh Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (MOP-7) and  
Third session of the 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 (MOP-3)  
(Minsk, 13-16 June 2017)**

**- Statements by the EU and its Member States -**

**Agenda Item 2: Organizational matters**

- (a) Election of the Chair of the MOP to the Convention at its seventh session for the general segment and**
- (b) Election of the Chair of the MOP/MOP to the Protocol at its thirds session for the general segment**

Mister Chair, allow me to congratulate you on behalf of the European Union and its Member States on your election as Chair. We are certain that your knowledge and experience will be undoubtedly important for the smooth running of the meeting sessions.

- (c) Adoption of the Agenda  
(ECE/MP.EIA/22-ECE/MP.EIA/SEA/6 and ECE/MP.EIA/2017/INF.1)**

The European Union and its Member States would like to thank the Secretariat and the Bureau for the preparation of the agenda and the documentation and agree to adopt the agenda of the MOP-7 and the MOP/MOP-3.

- (e) Status of the Convention and its amendments and the Protocol  
(ECE/MP.EIA/2017/INF.2)**

The European Union and its Member States, acknowledging the importance to enable the effective entry into force of the two amendments to the Convention, and ratification of the Protocol, invite the MOP to stress the need and to prompt those Member States whose ratifications are still missing, to take the necessary actions towards the ratification of the two amendments and of the Protocol.

**Agenda Item 3: Outstanding Issues**

- (a) Draft joint decisions**

**(i) Draft decision VII/3-III/3 on the adoption of the workplan (ECE/MP.EIA/2017/1-ECE/MP.EIA/SEA/2017/1, page 3-22)**

The European Union and its Member States:

- 1) express their gratitude to the Bureau and the Secretariat for their preparatory work on the text of draft decision VII/3-III/3 on the adoption of the workplan for the period 2017-2020;
- 2) note with satisfaction that the majority of our previous comments and drafting suggestions have been taken on board;
- 3) support, in principle, draft decision VII/3-III/3, including its structure, in view of the fact that it only contains activities for which funding is ensured, while activities without funding are included in a waiting list;
- 4) propose the following amendment in relation to activity I.9:

The EU and its Member States propose to establish an ad hoc working group composed by State Parties for preparing draft terms of reference and organizing a workshop within the next meeting of the Working Group of the Convention. The workshop would discuss and recommend to the Working Group the adoption of such draft terms of reference for drawing up of guidance, when addressing the applicability of the Espoo Convention, concerning decisions on the life-time extension of nuclear power plants. The workshop would involve, amongst others, the IAEA, the European Commission, the Espoo Convention Implementation Committee and State Parties.

- 5) also note the following with respect to the workplan Annex II, activity II.D: it is being proposed that this activity is placed in brackets as it is not clear whether there will be a lead country or organization for that activity, as well as whether there are sources for its funding.
- 6) propose the following amendment to draft decision VII/3-III/3, Annex II, Activity II.A 'Baltic Sea sub region': it is being proposed that this activity will be moved to Annex I reading as follows: Method of work: 'Holding meetings in 2018 and 2019 on topics to be identified by the lead countries'; Organizational arrangements: to delete brackets (tbc by the countries); Expected outcome: Workshop reports.

**(ii) Draft decision VII/4-III/4 on the budget, financial arrangements and financial assistance (ECE/MP.EIA/2017/1-ECE/MP.EIA/SEA/2017/1, page 23-28)**

The European Union and its Member States:

- 1) express their gratitude to the Bureau and the Secretariat for its preparatory work on the text of draft decision VII/4-III/4 on the budget, financial arrangements and financial assistance;

- 2) note with satisfaction that their previous comments and drafting suggestions have been taken on board;
- 3) recognize the value of inviting international financial institutions and other stakeholders to contribute financially;
- 4) invite the Executive Secretary of ECE to consider seeking additional staff funded by the regular budget of the United Nations to provide long-term and stable secretariat functions;
- 5) underline the need for appropriate and stable staffing of the secretariat by giving the highest priority to financing an external expert or experts to the secretariat to provide support for the Implementation Committee under the Convention and the Protocol;
- 6) support draft decision VII/4-III/4, provided that the following modifications are made to the text of the Annex:
  - (i) Annex on page 27 Activity “Organizational activities and the support to the implementation of the Convention and the Protocol” in the column Priority the following priorities need correction:
    - The priority to participation of non-governmental organizations must be “3” instead of “2”; and
    - The priority to participation of non-ECE countries must be “4” instead of “2”.
  - (ii) Annex on page 28 Activity “Selected substantive activities ”Future of the Convention and the Protocol, A long-term strategy and action plan” must be placed in brackets to be consistent with Annex II of the Workplan, activity I.4.

**(iii) Draft decision VII/7-III/6 on the development of a strategy and an action plan for the future application of the Convention and the Protocol (ECE/MP.EIA/2017/1-ECE/MP.EIA/SEA/2017/1, page 30-31)**

The European Union and its Member States

- 1) express their gratitude to the Bureau and the Secretariat for its preparatory work on the text of draft decision VII/7-III/6 on guidance on the development of a strategy and an action plan for the future application of the Convention and the Protocol;
- 2) support, in principle, draft decision VII/7-III/6; which launches a reflection on the future of the Convention, its future activities and the partnerships. New challenges, which were not taken into account during the elaboration and during the negotiation of the Convention at the beginning of the 90s, require to be integrated into the future works and the reflections of the Convention;
- 3) however would like to see more flexibility, leading to a more open document which is non-binding;

- 4) notice that this decision depends on the availability of sufficient funding for this activity ; and,
- 5) propose the following amendment to the document:

- (i) We suggest to delete the word '10 and beyond' and replace it by "the next years". In addition, we suggest to delete the word 'nuclear' in order to emphasize the inclusiveness of all forms of energy. Furthermore, we propose to add the words 'land-use and' before the word 'urban planning' and to finish this paragraph with the words 'agriculture, waste management and transport' so the entire paragraph reads as follows:

Para 1 (a) Set a vision for the next ~~[10]~~ years to address priorities and to meet challenges, including climate change, biodiversity, ~~[nuclear]~~ energy, land-use and urban planning, agriculture, waste management and transport  
Thus, the text should read as follows:

"Set a vision for the next years to address priorities to meet challenges, including climate change, biodiversity, energy, land-use and urban planning, agriculture, waste management and transport."

- (ii) Furthermore, we suggest to amend para. 1(c)(iii) to read 'Ensuring coordination', instead of 'Enhancing cooperation', thus the text should read as follows:

"Ensuring coordination with other international conventions and processes within and beyond the ECE region."

- (iii) In conclusion, we also suggest to put para 1, para 4 and para 5 in brackets until sufficient funding is available for these activities.

**(iv) Draft decision VII/5-III/5 on guidance on land-use planning, the siting of hazardous activities and related safety aspects (ECE/MP.EIA/2017/1-ECE/MP.EIA/SEA/2017/1, page 29)**

The European Union and its Member States:

- 1) express their gratitude to the Bureau and the Secretariat for its preparatory work on the text of draft decision VII/5-III/5 on guidance on land-use planning, the siting of hazardous activities and related safety aspects, and the related general and technical guidance documents; and,
- 2) also express their gratitude to the consultants, the European Investment Bank and the Secretariats for the preparation of the text of the draft general guidance and the draft technical guidance;
- 3) note with satisfaction that their previous comments and drafting suggestions have been taken on board; and,

- 4) endorse the general part of the guidance and take note of the technical part of the guidance; and,
- 5) reiterate the statement in the document (paragraph 9) that the guidance does not create any obligation on the European Union Member States, and its recommendations are without prejudice to the obligations set out in the respective European Union legislation;
- 6) support draft decision VII/5-III/5.

**(b) Draft decisions by the Meeting of the Parties to the Convention**

**(i) Draft decision VII/2 on the review of compliance with the Convention (ECE/MP.EIA/2017/8)**

- The European Union and its Member States note the comments of the Chair of the General Part and that the final decision on draft Decision VII/2 will be postponed pending the convening of an Intermediate Meeting of the Parties, tentatively scheduled for the end of 2018 or the beginning of 2019.
- This Intermediate Meeting of the Parties will consider those matters currently within draft Decision VII/2 of this Meeting of the Parties.
- We understand that this postponement is necessary in order to reach consensus on the general part and all the specific matters within the current draft Decision VII/2. However, we regret that such postponement is required.
- We would like very much to thank the Implementation Committee, its chair and its members, for their considerable efforts over the last inter-sessional period as well as during this Meeting of the Parties.
- We consider that the important work undertaken and the progress achieved during this Meeting of the Parties should be reflected on by all Parties to the Espoo Convention and communicated to the incoming Implementation Committee for their consideration before submitting any future draft Decision on compliance to the Intermediate Meeting of the Parties.
- We expect that this Statement will also be reflected in the minutes of this Meeting of the Parties.

**(ii) Other draft MOP decisions**

- a) **With respect to the Draft decision VII/1 on reporting and review of implementation of the Convention(ECE/MP.EIA/2017/7, pages 1-4)**

The European Union and its Member States:

- 1) express their gratitude to the Bureau and the Secretariat of the Convention for their preparatory work on the text of draft decision VII/1;
- 2) note with satisfaction that our previous comments and drafting suggestions have been taken on board;
- 3) strongly encourage Parties to the Convention to respond to the questionnaire on the implementation of the Convention and in time;
- 4) support draft decision VII/2.

**b) With respect to the Draft decision VII/6 on the application of the Convention to nuclear energy-related activities (ECE/MP.EIA/2017/7, pages 4-5)**

The European Union and its Member States:

- 1) express their gratitude to the Bureau and the Secretariat for their preparatory work on the document;
- 2) note with satisfaction that our previous comments and drafting suggestions were taken on board;
- 3) support, in principle, draft decision VII/6;
- 4) propose the following amendments:
  - a. With respect to the third recital, proposes the following:  
“Reiterating that nuclear energy-related activities by their nature can lead to significant transboundary and long-range adverse environmental impacts and imply special challenges owing, **inter alia**, to great public concern **in some countries** and national interests.”
  - b. With respect to Paragraph 1, an addition is being proposed to read as follows:  
“Welcomes the development of draft good practice recommendations by consultants to the secretariat under the supervision of members of an editorial group representing Austria, Belarus, the European Commission, Finland, France, Germany, the Netherlands, Poland, Ukraine and the European ECO Forum, with support from the secretariat, in line with agreed terms of reference, and taking into account the information provided by **a number of** Parties and stakeholders through a questionnaire survey and also comments from the Bureau and the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

- c. With respect to Paragraph 7, the European Union and its Member States agrees to retaining the word [Notes] instead of [Welcomes];
  - d. With respect to Paragraph 8, we propose deletion of the paragraph because it would re-open past discussions about the criteria for selection of ‘good practice examples’. And the value of new ‘good practice examples’ would be limited in comparison with those already included in the Guidance and in the informal document.
- c) With respect to the Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/2017/10)**

The European Union and its Member States would like to present the below speaking points to be then reflected in the final minutes:

- 1) express their gratitude to the Bureau and the Secretariat for their preparatory work on the document; and,
- 2) note with satisfaction that our previous comments and drafting suggestions were taken on board;
- 3) would like to bring to the attention that:

Revision and unification of the terminology may be useful. Various terms dominating the same documents are still used in the text (e.g. EIA report versus EIA documentation: we suggest replacement of the term ‘EIA report’ by the term ‘EIA documentation’);

- 4) reiterate the statement in the document (para. 7) that the Good Practice Recommendations do not create any new legal obligations.

**(c) Draft decisions by the Meeting of the Parties to the Protocol**

- (i) With respect to the Draft decision III/1 on reporting and review of implementation of the Protocol (ECE/MP.EIA/SEA/2017/7)**

(This decision was adopted by the MOP without an intervention by the European Union and its Member States)

- (ii) With respect to the Draft decision III/2 on the review of compliance with the Protocol (ECE/MP.EIA/SEA/2017/8)**

The European Union and its Member States:

- 1) express their gratitude to the Bureau and the Secretariat for its preparatory work on the text of draft decision III/2 on reporting and review of implementation of the Protocol; and,
- 2) support draft decision III/2, provided that the following modifications are made to the text:



- regarding paragraph 4 : “4. Welcomes the examination by the Committee of specific compliance issues identified in the first review of implementation of the Protocol regarding Austria, Spain and the European Union, which in the case of Austria and Spain resulted in the Committee declaring its satisfaction with the clarifications provided by the Parties, and in the case of the European Union led to a proposal to ~~further assess whether to open a Committee initiative~~ the additional replies of the European Union at in its next session.”

The EU and its Member States wish to outline that such modification is presented in view of the fact that although, the European Union is a Party to the Protocol as a regional economic organisation, it does not carry out Strategic Environmental Assessment per se on plans and programmes, but these are carried out by the single Member States.

**(d) Draft Minsk declaration (ECE/MP.EIA/2017/2-ECE/MP.EIA/SEA/2017/2)**

The European Union and its Member States propose the following amendments:

- at the Preamble, paragraph 6: « Also welcoming the Addis Ababa Action Agenda of the third International Conference on Financing for Development, the Sendai Framework for Disaster Risk Reduction and the outcome of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (Paris Agreement) **as key milestones towards a sustainable future**,[...] ».
- Paragraph 2 : « 2. Acknowledge the vast benefits witnessed by Parties from the application of the Convention and the important contribution of the instrument **in the protection of the environment through the development of anticipatory and prevention policies against significant adverse environmental impact in shaping sustainable development policies** and fostering international cooperation throughout the region »;
- Paragraph 5: « 5. Recognize that by applying the Protocol during the past seven years Parties have enhanced **the protection of environment and** the implementation of their sustainable development objectives in all sectoral policies and promoted green growth; »
- Paragraph 7 : « 7. Emphasize that the Convention and in particular the Protocol **play an important role in supporting countries to translate** international principles and global commitments for **the protection of environment and** sustainable development into practical action at the national level and thus **to contribute to the achievement of** achieve the Sustainable Development Goals; »
- Paragraph 8 : **We suggest the deletion of this paragraph.**
- Paragraph 11: ~~the adoption of~~

- Paragraph 13 : « Recognize that the Convention and the Protocol are also effective instruments for realizing benefits worldwide, by fostering **contributing to** the achievement of the global sustainable development commitments within and beyond the ECE region; »
  - Paragraph 17: “welcome the design and implementation of workplan activities and the development of information materials in the forthcoming intersessional period that highlight the contribution of the Convention and the Protocol to the **transposition** of the relevant Sustainable Development Goals”;
  - Paragraph 18 should read as follow “18. Also welcome decision VII/7–III/6 of the Meetings of the Parties on the development of a long-term strategy and an action plan for adoption at the next session of the Meetings of the Parties ;»
  - Paragraph 20 : We prefer to see the part between brackets deleted: [for the achievement of the Sustainable Development Goals;].
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## High Level Statement (delivered by the Presidency)

This Statement is made on behalf of the EU and its 28 Member States.

Mister Chair and Madame Chair, Excellencies, distinguished Delegates, Ladies and Gentlemen,

It is an honour for me to address the Meetings of the Parties.

Please allow me to begin by expressing, on behalf of the European Union and its Member States, our appreciation to the United Nations Economic Commission for Europe and in particular the Secretariat of the Espoo Convention for organizing the Seventh Meeting of the Parties to the Espoo Convention and the Third Meeting of the Parties to the SEA Protocol. I would like to extend our thanks to Belarus for hosting the Meetings of the Parties, and I would also like to extend our thanks to the Bureau, the Implementation Committee and the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment for all their work since the previous Meeting of the Parties.

Over the years, the role and the meaning of environmental assessment has gained importance and visibility. At the EU level, integrating environmental protection objectives through EIA and SEA was highlighted in the 7<sup>th</sup> Environmental Action Programme, which guides European environment policy until 2020. We would like to note that the European Union EIA Directive has been amended and the changes came into force on 16 May 2017.

The Espoo Convention and the SEA Protocol support environmentally sound and sustainable development by providing information on the interrelationship between certain economic activities and their environmental impact. Both instruments enhance and strengthen co-operation between the Parties. EIA and SEA are the most cross-cutting environmental integration tools promoting environmental governance.

In addition and as we have heard from the Sustainable Development Goals (SDGs) panel, the Convention, and in particular the Protocol, can contribute to the attainment of the SDGs. Both treaties address the key challenges covered by the SDGs, including climate change and biodiversity.

The Panel discussion on the role of the Protocol and the Convention in addressing climate change this morning highlighted the importance of EIA and SEA as tools for achieving SDGs in the ECE-region. By integrating climate change issues into land-use plans, water safety policy and nature protection, we can address the negative effects of climate change, whilst at the same time increase awareness of the issues and encourage public participation in environmental decision-making.

When developing their long-term strategy and action plan, Parties may wish to take into account the outcomes of the informal brainstorming session on the future of the two treaties in November 2016 and the panel discussion on the SDGs. We should identify and address present and future priorities through workplan activities, partnerships and possible new funding mechanisms.

The European Union and its Member States recognize the role of the Espoo Convention and the SEA Protocol in environmental protection and sustainable development and reiterate our willingness to participate actively in different bodies.

To further enhance the effectiveness of the Espoo Convention and the SEA Protocol, we invite all Parties that have not yet done so, to ratify the SEA Protocol, as well as the two amendments to the Espoo Convention. In this respect, allow me to stress the importance of the first amendment, which will allow for the accession of non-UNECE United Nations Member States to the Convention. The further globalization of both the Espoo Convention and the SEA Protocol will be a significant step forward. In addition, in the Minsk Declaration, the Parties have identified the key issues at stake for the two treaties.

The EU and its Member States acknowledge the importance of information sharing and cooperation among Parties to the Convention and the Protocol, in particular through networks of points of contact for notification and focal points for administrative matters, bilateral agreements and sub-regional cooperation.

Mister Chair and Madame Chair, Excellencies, distinguished Delegates, Ladies and Gentlemen;

In conclusion, I would like to convey that the EU and its Member States would like to thank Belarus for hosting these Meetings of the Parties and express that we are looking forward to successful and fruitful discussions and exchanges over the next inter-sessional period.

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