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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Environmental Impact Assessment in a Transboundary
Context: Twelfth Meeting of the Working Group on Environmental Impact
Assessment and Strategic Environmental Assessment
(WG 12 on EIA and SEA) (Geneva, 13–15 June 2023)
- Statements by the EU and its Member States

Delegations will find in [Annex](#), for information, a compilation of statements delivered on behalf of the EU and its Member States, at the 12th Meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Geneva, 13–15 June 2023), as transmitted by the Swedish Presidency.

**Convention on Environmental Impact Assessment in a Transboundary Context
Twelfth meeting of the Working Group on Environmental Impact Assessment
and Strategic Environmental Assessment (WG 12 on EIA and SEA)
(Geneva, 13–15 June 2023)**

- Statements by the EU and its Member States -

Agenda item 1: Adoption of the agenda

The EU and its Member States thank the Secretariat and the Bureau for the preparation of the Twelfth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and agree with the agenda items as proposed.

Agenda item 2: Status of ratification

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

Agenda item 3: Financial arrangements

The EU and its Member States thank the Bureau for their proposal on a draft decision concerning financial arrangements for 2024–2026.

The EU and its Member States suggest the following detailed changes to the draft decision IX/1–V/1 concerning financial arrangements in document ECE/MP.EIA/WG.2/2023/3.

1. Where the text of the decision refers to the term economic strength, the EU and its Member States want to acknowledge that the term is only applicable to the State Parties. Thus, we suggest that the wording “as concerns State Parties” is added in conjunction with the term economic strength throughout the text of the draft decision where the term is used
2. In order for point 1 to be clear on what should and should not be part of the work plan, it should be clarified that activities that do not have a funding should not be part of the workplan. Consequently, point 1 should be phrased as “*Agree* to maintain the existing financial scheme for funding the adopted workplans whereby all the Parties have a duty to contribute to the sharing of costs not covered by the United Nations regular budget and that activities which do not have a funding are not part of the workplan. Of the available fundings, the core activities should be prioritized before other activities.”

3. The word strong should be deleted from the wording “Note with strong concern” in point 5.
4. The word Urge in point 6 should be replaced by the word Invite.
5. The wording of point 7 should be adjusted in order for the wording not to go beyond the mandate given to focal points by their respective government when it comes to resource - mobilising activities. Consequently, point 7 should be phrased “*Invite* national focal points under the Convention and the Protocol to, if possible, engage in national awareness-raising and resource-mobilising activities”.
6. Point 8 (a) should have an adjusted wording and be phrased as “Make regular contributions in cash, preferably without earmarking them for a particular activity, in order not to limit their allocation for the priority costs”.
7. Point 10 should be deleted since it is an internal matter of each Party, which financial sources are used.
8. It should be clarified in point 25 that a prerequisite for the funding from the trust fund is that there is enough money in the fund to cover the expense in question. Hence, a subordinated clause should be added in the end of the sentence and should be phrased as “if there is enough money in the fund to cover the expense in question”.
9. As regards the contents of the annex, the EU and its Member states regret to inform we are not in a position to agree on the sums suggested. “Indicative” sums in the sense of not compulsory could be accepted. However, the usual procedure of recent years, listing the amounts announced/put forward by the Parties, only in an annex to the MOP report should be continued. Moreover, the last sentence of the footnote 3 of the draft decision should be deleted.

The EU and its Member States comment on the revision proposal put forward by the Secretariat on 14 June

As for the revised proposals on Decision IX/1–V/1, as circulated by the Secretariat on the morning of 14 June, the EU and its Member States have the following remark. We can, with one small exception, agree on all amendments put forward in the circulated document, including the suggested wording in square brackets in paragraph 1bis. The EU and its Member States wish to remove the word “core” in paragraph 14.

Moreover, since the EU and its Member States now can agree on the annex to the decision, we withdraw our previous position to delete the last sentence of the footnote 3 of the draft decision.

Agenda item 4: Preparations for the next sessions of the Meetings of the Parties

4 (b) Provisional agenda

EU and its Member States agree with the provisional agenda for the next session of the Meeting of the Parties.

4 (c) Draft workplan for 2024–2026

The EU and its Member States thank the Bureau for their proposal on a draft decision concerning the workplan for 2024–2026 (Decision IX/2-V/2, Work plan for 2024-2026). Concerning the draft decision, the EU and its Member States have the following suggestions.

1. The workplan should only include activities that at the time of the MOP have a funding. If it is clear at the time of the MOP who is financing and carrying out the project, this should also be included in the text.
2. Letter (d) in the paragraph in the preamble starting with “*Welcoming* the valuable work...” regarding the finalization of guidance on the assessment of health in strategic environmental assessment should be phrased as “Preparation of guidance on the assessment of health in strategic environmental assessment (by volunteering Parties and Bureau members, initially funded by the European Investment Bank), resulting in a document for information purposes”. The position of the EU and its Member States concerning the draft decision on health guidance is something which we would like to come back to in connection with agenda point 6 (a).
3. The suggested activity concerning national issue- or sector-specific guidelines in Annex I, Chapter III. C point 1, paragraph 4 should be revised so that the activity does not include the drafting of guidelines, but can rather, focus on national issue- or sector-specific implementation assistance other than the drafting of guidelines. Hence, the word guidelines in Annex II, Table 1, III.C, should therefore also be replaced by the wording “national implementation assistance”.

The EU+MS answer to a question by the Secretariat.

The Secretariat had a question on our suggested change in Annex I, Chapter III. C point 1, paragraph 4 in the draft decision IX/2-V/2 on the work plan for 2024–2026 where we suggested that the wording should be revised so that the activity does not include the drafting of guidelines, but can rather, focus on national issue- or sector-specific implementation assistance.

We would like to clarify the reason for our suggested change. We were reluctant to the use of the wording “guidelines” since the text of the draft decision does not make it clear whether or not the proposed guidelines should be endorsed by the Meeting of the Parties. However, if it could be clarified in the text or in a footnote that this is not the case, the EU and its Member States can agree on the proposed text and suggest changing the word guidelines to the word guidance in order to make the implication of this part of the workplan more flexible.

4 (d) Draft declaration

The EU and its Member States are grateful to the Secretariat for preparing the Draft Geneva Declaration.

The EU and its Member States suggest the following detailed changes to the draft Geneva declaration in document ECE/MP.EIA/WG.2/2023/4.

1. The paragraph in the preamble of the draft declaration starting with “*Deploring* the severe...” should be rephrased so that the same language is used as in the UN General Assembly resolution of 1 March 2022. Hence, the paragraph should be phrased as “*Deploring* the severe damage that the aggression by the Russian Federation against Ukraine has inflicted on the population, the environment and the economy of Ukraine”.
2. In point 2 the phrase “climate impacts” should be complemented so that the wording is phrased “environmental and climate impacts”.
3. In point 15, the word insufficiency should be replaced by the word inadequacy and the word strongly should be deleted.
4. In point 16 the wording “must address the acute resource constraints” should be replaced by the wording “need to consider the resource constraints”.
5. Point 17 should be phrased as “*Invite* the contracting Parties to make available the necessary financial resources for the proper functioning of the Convention and the Protocol and the implementation of their workplan.”

The reason for the suggested changes in relation to the text that connect to the draft decision on health guidance is something which we would like to come back to in connection with the discussion under agenda item 6 (a).

The EU and its Member states’ comments on the proposal of Norway and Nuclear Transparency Watch:

The EU and its Member States would like to thank Norway and the Nuclear Transparency Watch for its proposed adjustments to the Draft Geneva Declaration.

Concerning the third paragraph in the preamble starting with “*Emphasizing*”, the EU and its Member states support the proposal made by Norway. Apart from this, the EU and its Member States can agree on all suggestions made, both by Norway and the Nuclear Transparency Watch.

The EU and its Member states’ comments on the proposal of WHO:

Firstly, the EU and its Member States would like to thank the WHO for its proposed adjustments to the Draft Geneva Declaration.

The EU and its Member States can agree on the additional text to the Draft Geneva Declaration proposed by the WHO with three exceptions concerning paragraph 1, 5 and the new proposed paragraph 8.

As concerns the additional wording “sustainable and healthy spatial planning” in paragraph 1, the EU and its Member States wish to have a clarification from the WHO on the meaning of the wording “healthy spatial planning”. As for now, the wording is not clear to the EU and its Member States and we therefore suggest only referring to “sustainable spatial planning.”

As concerns the EU and its Member States opposing the additional text proposed by the WHO in paragraph 5 concerning guidance on assessing health impacts in strategic environmental assessment, the EU and its Member States, as stated before, would like to come back to the reason for this in connection with the discussion under agenda item 6 (a).

As concerns the proposed new paragraph 8 concerning acknowledgment made by the ministers of Environment and Health at the 7th Ministerial Conference on Environment and Health in Budapest on 5–7 July 2023), the EU and its Member States would just like to remark that this can not be agreed upon since the final wordings from the Ministerial Conference is yet not known.

The EU and its Member States' comments on the intervention by BY

In light of the comments by the Belarusian delegation, we maintain the position already put forward by the EU and its MS.

The EU and its Member States comments on the compilation of revision proposals from EU+MS, NO, WHO, European Ecoforum, NTW

We maintain the position already put forward by EU and its MS that the wording should be as we previously suggested as regards the first paragraph in the preamble.

As regards the second paragraph in the preamble starting with “*Concerned*” we can agree with the European Eco Forum to change the wording, but we suggest the wording to be phrased as “aggression by the Russian Federation against Ukraine” so that the same language is used as in the UN General Assembly resolution of 1 March 2022.

Regarding the third paragraph in the preamble starting with “*Emphasizing*” we suggest taking onboard only the suggested proposal by Norway. Regarding the proposed deletion of the last part of the sentence, the EU and its Member States can agree on it being deleted.

Moreover, the rest of the suggested changes in the preamble could be accepted.

As regards the point 1, the EU and its Member States can agree on adding the word “green”. However, we stick to our previous position that the last part of the sentence should be phrased as “sustainable spatial planning” since, as also the WHO pointed out, this wording also includes health.

As regards the rest of the proposed changes, the EU and its Member States can agree on them with two exceptions.

When it comes to point 5, the EU and its Member States, as stated earlier, oppose the additional text proposed by the WHO concerning guidance on assessing health impacts in strategic environmental assessment. The EU and its Member States would like to come back to the reason for this in connection with the discussion under agenda item 6 (a).

Moreover, as concerns the proposed new paragraph 8 concerning acknowledgment made by the ministers of Environment and Health at the 7th Ministerial Conference on Environment and Health in Budapest on 5–7 July 2023), the EU and its Member States, as previously stated, would like to remark that this can not be agreed upon since the final wordings from the Ministerial Conference is yet not known. After the outcome of the ministerial conference is delivered, we see the possibility to come back to this question.

Furthermore, with a view to the information received since our statement on the Draft Declaration yesterday, EU and its Member States wish to withdraw our suggested amendments of point 17. However, we suggest that the wording “will necessarily” should be replaced with the word “might.”

4 (e) Chairs of the sessions

The EU and its Member States welcome nomination of the Bureau Chair, Mr. George Kremlis (Greece), as a candidate for chairing the general segment of the sessions. EU and its Member States also wish to welcome the availability of the Alternate Chair of the Bureau for Protocol matters, Ms. Vesna Kolar-Planinšič (Slovenia), to serve as a general segment co-Chair, should Greece not have ratified the Protocol in advance of the sessions.

4 (g) Provisional schedule of meetings 2024–2026

The EU and its Member States agree with the provisional schedule of meetings 2024–2026.

Agenda item 5: Compliance and implementation

5 (a) Review of compliance and related draft decisions

The EU and its Member States respect and support the work of the Implementation Committee. We would like to thank all Parties, which contribute by nominating members of the Implementation Committee. We also thank the Secretariat for its continuous support of the Implementation Committee.

Draft decision IX/4e on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets

The EU and its Member States would like to present the following suggestions to be taken into account by the Implementation Committee.

The draft decision should be complemented with a new point 1 with the following wording:

1. *Reaffirms* its decision IS/1d including paragraph 15 that Belarus failed to comply with certain provision of the Convention and paragraph 16 that urges Belarus to apply the Convention in the future with regard to a proper evaluation of reasonable alternatives;

The reason behind this suggestion is that although the title of the draft decision refers to the compliance by Belarus, the text itself is suggesting that both countries are in non-compliance with its obligations under the Convention.

The EU and its Member States comment on the Belarus statement:

The EU and its Member States wish to comment on the statement by Belarus. The EU and its Member States strongly disagree with the part of the statement by Belarus, which suggests that Lithuania has been misleading members of the Committee for years, and reject the accusations made. Nevertheless, the EU and its Member States can agree that there is no need to establish a joint body for conducting the post-project analysis in this specific case, however, acknowledge the importance of such analysis and encourage to define the procedures of the analysis in bilateral Agreement on Implementation of the Espoo Convention between Lithuania and Belarus.

5 (b) Reporting and review of implementation

The EU and its Member States are grateful to the Implementation Committee and the Bureau for the preparation of the draft decisions on reporting and review of implementation of the Convention and of the Protocol.

Moreover, the EU and its Member States would like to thank the Implementation Committee for preparing templates for the reports of the European Union on the implementation of the Convention and the Protocol. The EU and its Member States welcome the templates since it will considerably facilitate the reporting of the European Union under the Convention and the Protocol.

The EU and its Member States suggest the following detailed change to the draft decision IX/5 concerning the reporting and review of implementation of the Convention in document ECE/MP.EIA/WG.2/2023/5.

The word requests in the last subordinated clause of the sentence in point 7 should be replaced by the word invites. This would give the Implementation Committee more flexibility since their resources are limited and priorities might need to be set in relation to relevance.

Moreover, the EU and its Member States suggest following detailed changes to the draft decision V/5 concerning the reporting and review of implementation of the Protocol in document ECE/MP.EIA/WG.2/2023/6.

1. The wording “and good practice recommendations be developed” in point 5 (e) should be deleted. The EU and its Member States support the exchange of good practice but not any new recommendations at this moment. Monitoring is quite complex depending on the very different national planning and monitoring systems in place. Recommendations on an international level can only be very general and may therefore not be of sufficient practical help. First and foremost, it needs to be analysed what the deficiency in the different Parties are before any useful recommendations can be elaborated.
2. The word requests in the last subordinated clause of the sentence in point 7 should be replaced by the word invites. This would give the Implementation Committee more flexibility since their resources are limited and priorities might need to be set in relation to relevance.

5 (c) Legislative assistance

The EU and its Member States are grateful to the Secretariat for preparation of the document on Implementation Status of activities in the Workplan for 2021-2023 and take note of the information.

Agenda item 6: Promoting practical application of the Convention and the Protocol

6 (a) Draft guidance on assessing health impacts in strategic environmental assessment

The EU and its Member States would like to thank the Bureau for the revised version of the draft guidance. This version reflects the EU and its Member States' input in the follow up to the 11th Working Group in December 2022.

In that Working Group meeting, the EU and its Member States repeated their reservation regarding an endorsement of the draft guidance at the 9th session of the Meeting of the Parties to the Convention and the 5th session of the Meeting of the Parties to the Protocol.

The objective of the EU and its Member States' suggestions for improvement of the draft guidance is first and foremost to ensure that the document does not go beyond the provisions of the SEA Protocol. At the same time, and even with these additional revisions, the document is in our view still too generic.

The EU and its Member States acknowledge the extensive work and financial resources that have been put into this document. It is indeed important that the present document can be used to the extent that is possible. The EU and its Member States therefore propose that the document is published in the current version on the UNECE website, as a document for information purposes, without its formal endorsement by the Parties to the Protocol in the forthcoming 5th Meeting of the Parties. Thereby, the document would be available to Parties wishing to consult it.

Consequently, the EU and its Member States suggest the following changes to the draft Geneva declaration in document ECE/MP.EIA/WG.2/2023/4.

As regards point 5, the word guidance should be replaced by the word document, the word highlighting should be replaced by the word recognizing and the word key should be deleted.

Moreover, the EU and its Member States suggest the following changes to the draft decision V/6 in document ECE/MP.EIA/WG.2/2023/6.

1. A paragraph following the paragraph in the preamble starting with "*Recalling* its commitment" should be added and should be phrased as "*Recognizing* that, despite the substantial efforts that were deployed, the work on the draft guidance could not be finalized as initially intended, however, these efforts resulted in a document for information purposes".
2. The word Highlighting in the paragraph in the preamble starting with "*Highlighting* the importance" should be replaced by the word Recognizing.

3. A subordinated clause should be added in the end of the sentence of point 2 and should be phrased as “resulting in a document for information purposes”.
4. Point 3 should be phrased as “Agrees that the Document on Assessing Health Impacts under the Protocol on Strategic Environmental Assessment [(ECE/MP.EIA/SEA/2023/...) is to be made available to the public at the UNECE website in English, French and Russian for information purposes without being endorsed”.
5. Point 4 should be phrased as “*Invites* Parties to take note of the contents of the document when applying the Protocol.
6. Point 5 should be phrased as “*Invites* Parties to disseminate the document to authorities and relevant stakeholders”.
7. The word Guidance in point 6 should be replaced by the word document.
8. The word impacts should be inserted after the wording “assessment of health” in point 8.

Furthermore, the EU and its Member States have investigated the possibility of contributing to the translation of the document, if it is agreed as a document for information purposes. The EU and its Member States are delighted to share the good news that Germany can carry out and finance the translation of the document into French and Russian.

The EU and its Member States’ comments on a compromise proposal from the Secretariat Concerning paragraph 3 in decision V/6 the EU and its Member States can agree on replacing the word “Agrees” with “Acknowledges”.

However, concerning the deletion of the wording “without being endorsed” as proposed by EU and its Member States, we would like to make the following remarks. In order for the EU and its Member States to be able to accept the solution with the document being acknowledged by the MOP and published on the UNECE website, the wording “without being endorsed” is necessary. For us it is paramount for this to be expressed in order for the document to be put forward to the MOP for acknowledgment as is proposed in the Draft Geneva Declaration.

Concerning the question on further elaboration as to why EU and its Member States has the position not to endorse the document, we would like to make the following clarifications. We appreciate the suggestion on handling this issue in an informal way, i.e. for the EU and its Member States to send complement reasons for its position informally by e-mail to the Secretariat. We can confirm that we can handle it this way and that consequently, the conclusions on this by the EU and its MS is neither included in the conclusions of the Working Group meeting nor published on the UNECE website.

Agenda item 7: Management, coordination and visibility of intersessional activities

The EU and its Member States are grateful to the Bureau for the request to submit the revised version for consideration by the Working Group at its twelfth meeting. The EU and its Member States believes the Working Group will welcome the revised version of the Procedural note.

Agenda item 8: Related events

The EU and its Member States are grateful for the report on events and international processes of relevance to the Convention and its Protocol.

Agenda item 10: Presentation of the main decisions taken and closing of the meeting

The EU and its Member States would like to convey our thanks to the Secretariat for the smooth organisation of this meeting. The EU and its Member States would also like to thank the interpreters and all the speakers for their clear and very informative presentations. Thank you. We wish you all a good and safe journey back home.
