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European Union

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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:

Eighth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and Fourth 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 on Strategic Environmental Assessment

(virtual, 8 – 11 December 2020)

- 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, as transmitted by the Presidency.

**Eighth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and Fourth 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 on Strategic Environmental Assessment  
(virtual, 8 – 11 December 2020)**

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

**Agenda item 2: Organizational matters**

**(a) Election of the Chair of the general segment**

Dear Chair, on behalf of the EU and its Member States we would like to congratulate you on your election as Chair. We are certain that your knowledge and experience will be very important for the smooth running of the meeting sessions, especially under these challenging conditions of a virtual meeting due to the COVID-19 pandemic.

**(b) Adoption of the agenda**

The EU and its Member States warmly thank Lithuania for hosting this meeting under the difficult circumstances arising from the COVID-19 pandemic. We also thank the Secretariat and the subsidiary bodies for the preparation of this meeting and agree to adopt the agenda. We are looking forward to fruitful discussions and will make all necessary efforts to achieve successful outcomes.

Regarding the documentation for this meeting, we would like to briefly comment on the note on procedural matters prepared for this meeting. Firstly, we would like to thank the Bureau and the Secretariat for the preparation of this note. From our point of view it is essential to clarify the procedural arrangements for meetings convened in hybrid or fully virtual mode. We understand the time pressure for quickly adapting to the rapidly changing environment before the meetings. This regretfully did not allow for advance consultation on the note.

The EU and its Member States would like to note that the note on procedural arrangements needs to address the particular issues that may arise when convening a meeting in hybrid or fully virtual format. However, it should not extend or change the agreed Rules of Procedure. Therefore, we see the need to adjust the current note to existing provisions, and in particular the one concerning the EU participation and right to vote as provided in paragraph 33 of this note. Besides, we wish to draw the attention to paragraph 25 and how quorum is established in hybrid and/or fully virtual meetings. Finally, the EU and its Member States will make the best efforts to provide their comments in advance on meetings' documents and strive to reach compromise. However, the required period of three weeks may not necessarily suit all Parties, as it limits the time for preparation to seven weeks from the date of publication of the documents on the UNECE website.

Taking into consideration the special circumstances and all the efforts to prepare this note within very tight timelines, we can accept the note for the sake of MOP 8 and MOPP 4 except the reading of paragraph 33. In view of our further concerns, we invite the Secretariat and the Bureau to invite the Parties to submit their views in the next intersessional period and eventually revise the note.

In conclusion, further work on the note, as well as agreement on this by all Parties is needed for it to become a basis for any subsequent meeting of the parties and its subsidiary bodies taking place under the same circumstances.

**(d) Status of the Convention and its amendments and the Protocol**

The EU and its Member States underline the importance of ratifying the two amendments to the Convention to ensure unified application of the Convention by all its Parties. The EU and its Member States also underline the importance of ratifying the Protocol and invite the MOP to stress the need and prompt those Parties whose ratifications are still outstanding, to take the necessary actions towards the ratification of the two amendments and of the Protocol.

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**Agenda item 3: Outstanding issues**

**(a) Draft joint decisions**

**(i) Draft decision on financial arrangements for 2021 – 2023**

The EU and its Member States, express their gratitude to the Bureau and the Secretariat for their further work on the text of draft decision VIII/1–IV/1 on financial arrangements for 2021–2023.

We note with satisfaction that previous comments and drafting suggestions have been taken on board.

The EU and its Member States encourage all Parties to raise their contributions during the current and future budget cycles. We recognize that pledges in cash are needed, but underlines once more the importance of in-kind contributions that also support the work under the two treaties. In order to give more attention to in-kind contributions by Parties to the Convention and the Protocol, a system to recognize in-kind contributions in a proper manner within the financial scheme should be established. The development of such a system should be given as a task to the Bureau for the next intersessional period.

The EU and its Member States support draft decision VIII/1–IV/1, provided that the modifications set out in track changes in the draft decisions are made.

## **(ii) Draft decision on the adoption of the work plan**

The EU and its Member States thank the Bureau and the Secretariat for preparing the text of draft decision VIII/2-IV/2 and its annexes on the adoption of the work plan for the period 2021-2023.

The EU and its Member States support, in principle, the draft decision, including the structure of the work plan, provided that it only contains activities for which funding is secured.

In this context, we would like to reiterate the proposal of including only one list of those activities that are regarded necessary and feasible in the light of resources. Consequently, we propose to delete Annex III listing the activities requiring additional resources, including secretariat staffing for implementation in the period 2021-23. Furthermore, the work plan should contain the Parties or funds, which will cover the costs of the listed activities, the Parties who are volunteering for in-kind contribution and Parties who take a lead function in activities, where necessary.

As for the development and updating of new guidance and/or good practice recommendations, experience has shown that it is a very demanding task and requires many financial, personal and time resources. Taking into account these considerations, we suggest suspending this activity/sub-item for the next intersessional period. This means that we propose that Annex I, III. D. *Development and updating of guidance materials* and III. B. 4. *Good practice recommendations* are deleted from the work plan activities.

Recalling our previous statement on the draft decision on financial arrangements, recognizing that pledges in cash are needed, but underlining the importance of in-kind contributions, we propose to include in the work plan under Annex I, I. C. the task for the next intersessional period to develop a system to recognize in-kind contributions in a proper manner within the financial scheme.

The EU and its Member States acknowledge the importance of submitting proposals and amendments to proposals as early as possible. Nevertheless, we do not support an amendment to rule 32 (1) of the rules of procedure, as the current rule draws from the practice broadly used within the UN system and other intergovernmental organizations. Instead, we support the encouragement of all Parties to make all efforts to submit proposed amendments as early as possible.

## **(iii) Draft decision on the long-term strategy and the action plan for the Convention and the Protocol**

The EU and its Member States would like to thank the Netherlands, Poland, Austria and the Secretariat for their work in preparing the draft long-term strategy and action plan for the Convention and the Protocol.

We note with satisfaction that our previous comments and suggestions have been taken on board in square brackets after the Working Group 9 meeting in August 2020. We support the proposed revised version of the strategy and action plan, with the incorporation of our comments, which launches a reflection on the future of the Convention, its mid-term activities and building up partnerships.

Additionally we would like to mention that we see a need for further prioritization with regard to the nearer future. Therefore we would like to propose that Parties discuss their concrete priorities within the strategy at their sessions for the duration of the following period, which should then be reflected in the respective work plan.

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

**(i) Draft decisions on the review of compliance with the Convention;**

The EU and its Member States support the revised draft decisions VIII/4a –VIII/4d as proposed by the Implementation Committee.

Regarding draft decision VIII/4e the EU and its Member States propose to add a new paragraph to the draft decision VIII/4e as set out in track changes. We would like to point out that Ukraine should submit the complete EIA documentation as required by the Espoo Convention, as soon as it is available, to all Parties taking part in the transboundary procedure. Two EU Member State received the complete documentation only recently, in November 2020, despite several requests.

With regard to draft decision VIII/4 on general issues of compliance, we suggest to insert one recital that is part of our compromise package on the LTE guidance that will be discussed under the next agenda item.

**(ii) Draft guidance on the applicability of the Convention to the lifetime extension of nuclear power plants**

*Introductory statement*

The EU and its Member States would like to express their gratitude to the members of the ad hoc working group as well as to the Co-chairs for their enormous efforts and dedicated commitment over the past three years in drawing up guidance on the applicability of the Convention to the lifetime extension of nuclear power plants.

Our thanks also extends to the Secretariat for its continuous support of this work and for finding viable solutions, in particular during this last year of intensive in-depth deliberations while facing the global Covid-19 pandemic. We are well aware that this was a complex and demanding task, considering the importance of the topics discussed and the difficult circumstances under which the ad hoc group had to proceed.

The EU and its Member States recognize the urgent need for guidance to assist the Parties in determining the applicability of the Convention with respect to the lifetime extension of nuclear power plants and to guide the Implementation Committee in assisting Parties to fully comply with their obligations under the Convention and facilitating its work in reviewing related compliance cases. We will make best efforts to ensure that the guidance can be unanimously endorsed during this session of the Meeting of the Parties and are confident that a compromise is possible on the remaining open issues. In this regard, we call on all Parties to work in constructive manner with the view to achieve consensus.

## *Guidance*

The EU and its Member States welcome the draft guidance published on the UNECE website as a good basis for finalising the discussion during this session of the Meeting of the Parties.

We value and support the compromise reached by the ad hoc working group. We therefore consider it important that those parts of the guidance agreed upon by the ad hoc working group should not be re-opened.

As for the remaining open issues, the EU and its Members States have taken forward the discussion in extensive coordination meetings and have found possible compromise solutions also for those paragraphs that had not been finalised by the ad hoc working group before. This was done in a way that properly reflects the wide range of views of Parties and other stakeholders consulted in the workshops in Geneva and Vienna.

This compromise package of the EU and its Member States encompasses the entire text of the draft guidance, as well as the wording of draft decision VIII/6 and draft decision VIII/4.

We call on all Parties to review and consider our proposal in a spirit of compromise with a view of reaching consensus. We have discussed the remaining open issues in four clusters to facilitate agreement among Member States on paragraphs that are linked to each other:

As cluster 1, the issues related to the notion of “decision” have been discussed. For draft decision VIII/6 on the “Applicability of the Convention to the lifetime extension of nuclear power plants”, we suggest to add a new recital to clarify, whether Parties are required under the Convention to have decision-making procedures for proposed activities listed in Appendix I. As a consequence, the square brackets in paragraphs 49, 52 and 86 could be deleted.

As cluster 2, the factors listed in annex II have been discussed together with paragraphs in the text not agreed by the ad hoc working group which can be linked to these factors. Broadly speaking, we suggest to delete factors in annex II that are included in the text related to these factors (see paragraphs 47 and 78) to allow for a coherent approach on the concept of “major change” to an activity. Despite overlaps with annex II, paragraph 2, we suggest to keep paragraph 75 in the guidance with some minor change of wording.

As cluster 3, on the “accidents” issue, the paragraphs related to impacts that need to be considered when determining whether the lifetime extension is likely to cause significant adverse transboundary impact on the environment, have been discussed. We suggest to merge the elements from the different options presented by the ad hoc working group in paras 58 and 63 and to revise and move the footnote in para 64.

The other paragraphs with remaining square brackets – specifically paragraphs 12, 18, 48, 51 and 95 – have been discussed as cluster 4. Our proposals aim to modify as little as possible the existing text while ensuring further clarity.

### *Draft decisions VIII/6 and VIII/4*

As already mentioned in regard to cluster 1 regarding the notion of "decisions", the EU and its Member States suggest to add a recital to draft decision VIII/6 affirming that Parties are required under the Convention to have decision-making procedures for proposed activities under Appendix I of the Convention in place. However, the question is of general relevance for the entire scope of the Convention. We therefore consider it helpful, if - in parallel - the new recital in draft decision VIII/6 is mirrored also in the draft decision VIII/4 on general issues of compliance with the Convention.

Finally, we suggest some additions to draft decision VIII/6 on the "Applicability of the Convention to the lifetime extension of nuclear power plants" that reflect the compromises reached by the ad hoc working group. These new recitals also aim to accommodate concerns expressed by EU Member States. Other revisions are primarily editorial and do not intend to change the content of the draft decision, but seek to improve the language.

### *EU speaking with one voice*

Over the past weeks, the EU and its Member States have engaged in an intensive and challenging discussions in order to come to an agreement on proposals for the remaining open issues that can be presented to the other Parties during this 8th session of the Meeting of the Parties. We are pleased that these efforts have been successful and that the EU and its Member States speak today with one voice.

We are well aware that what we propose is a compromise text in the true sense of the word. We do not try to pretend that it is perfect, and that one might not find better and more ambitious language on some issues. However, we consider our proposals as one carefully prepared package which reflects a balanced and sensitive compromise among the EU and its 27 Member States as Parties to the Convention in full respect of their right to decide upon their energy mix at national level.

We hope that the other Parties will be able to support our proposals. Within the EU, there is a broad variety of approaches to the subject-matter of lifetime extension of nuclear power plants, and we feel that this broad range of positions might be exemplary for the entire ECE region.

We strongly hope that other Parties will be able to find that this compromise package also takes up their ideas on the remaining open issues and help accommodates their eventual concerns – and then join this broad and balanced understanding. The EU and its Member States are confident that this important reference document will prove its value for the Parties to the Convention and the Implementation Committee when it will be put in practice in the near future.

**(iii) Draft decision on reporting and review of implementation of the Convention**

The EU and its Member States thank the Bureau and the Secretariat for preparing draft decision VIII/5. We welcome that our previous comments and drafting suggestions have been taken on board and support draft decision VIII/5 provided that the modifications set out in track changes in the draft decisions are made.

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

**(ii) Draft decision on reporting and review of implementation of the Protocol**

The EU and its Member States thank the Bureau and the Secretariat for their preparatory work on the text of draft decision VI/5. We note with satisfaction that our previous comments and drafting suggestions have been taken on board and support draft decision VI/5.

**(d) Draft Vilnius declaration**

The EU and its Member States thank the Bureau and the Secretariat for the preparation of the draft Vilnius declaration. We note with satisfaction that previous comments and drafting suggestions have been taken on board.

The EU and its Member States support the draft Vilnius declaration, provided that the modifications set out in track changes in the draft declaration are made.

**(e) Nomination of officers and election criteria**

The EU and its Member States welcome and support the following nominations of officers for the next intersessional period: Mr. George Kremlis from Greece to the position of Chair of the Bureau, Ms. Milena Novakova, nominated by the Commission, to the position of a Bureau member, Ms. Dorota Toryfter-Szumańska from Poland to the position of Chair of the Working Group and Ms. Anna Maria Maggiore from Italy to the position of a Bureau Member and Vice Chair of the Working Group. Furthermore, the EU and its Member States welcome and support the following nominations to the Implementation Committee: Mr. Christian Baumgartner from Austria, Mr. Joe Ducombe from Luxembourg, Ms. Barbora Donevová from Slovakia, Ms. Zsuzsanna Pocsai from Hungary and Ms. Heidi Stockhaus from Germany. We also would like to thank the current members of the Implementation Committee, Ms. Maria do Carmo Figueira from Portugal, Mr. Anders Bengtsson from Sweden and Mr. Lasse Tallskog from Finland for continuing to serve as members of the Implementation Committee for the next intersessional period.



**EU+MS High Statement in the High Level Segment**  
**(delivered by the Presidency)**

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

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

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, as well as to the host country Lithuania for organizing the Eighth Meeting of the Parties to the Espoo Convention and the Fourth Meeting of the Parties to the SEA Protocol.

Under these particularly difficult conditions of the COVID-19 pandemic, we think it is a very strong and positive sign that we all joined efforts to make this a very successful meeting.

But this MOP will not only be remembered as the MOP in COVID-times.

It will be remembered for celebrating the 30st anniversary of the Convention. Thirty years is a long period of time. We all know that from our biographies. And we are pleased to see that the Convention is still alive and going strong after all these years, which have brought considerable progress in the environmental field and also brought the Espoo Community closer together.

The MOP will also be remembered as the MOP, where – for the first time – the Parties to the Convention set up a “Long Term Strategy” and discussed and defined priorities not only for the next three years, but for the next ten or 15 years. This is a reasonable thing to do on your 30st Birthday.

Madame Chair,

The MOP will hopefully also be remembered as a MOP that found, once again, consensus on all agenda items, including on challenging issues such as the “Financial Arrangements” and the Guidance on the “Applicability of the Convention to the lifetime extension of nuclear power plants”.

This last topic has long been on the agenda.

Let us keep up the spirit of compromise that has taken us to such a positive outcome in this matter. Thanks to all those, who have made this small miracle possible, especially the ad hoc-group's two Co-Chairs, Ms. Lucy Tanner and Mr. Christof Sangenstedt, as well as its members but also the experts from international organizations or non-governmental organizations. Making civil society part of this process has been key to the success, and it is also an essential Espoo value.

To our understanding, Espoo is in the first place about environmental protection, but also about good neighbourhood, transparency, participation, involvement of civil society and communication.

And let me reflect a little further on communication in my closing remarks:

This MOP has been a successful MOP, because all of us, we never stopped communicating. What lessons can we learn from that?

We should keep on communicating and talking to each other, even when COVID-19 makes it impossible to meet in person. We should keep picking up phones and setting up video-conferences and continue to exchange our views, express our ideas and concerns and try to understand the ideas and concerns of others.

And when we touch upon difficult issues, as we have in the MOP, we should not stop communicating, but communicate even more and more intensively.

With this in mind, I am confident that we will also be able to address and solve the major challenges that the Espoo Long Term Strategy is highlighting. The Convention can and must contribute to the existential challenges of our generation, especially those related to climate change and the sustainable development goals.

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

The Lithuanian government has provided us with a virtual Conference that has run so smoothly that it is a role-model for future Conference formats.

We also wish to highlight the work of the Chair of the General Segment, Mr. George Kremlis, and congratulate him for his leadership and for conducting a successful meeting.

In closing, I want to express my hope that in the not-so-far future we will all meet and talk in person again. Because this is also at the heart of the Espoo Convention and the Espoo family.

On behalf of the EU and its Member States I wish you all the best for a safe and peaceful year 2021.

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