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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Environmental Impact Assessment in a Transboundary
Context: Tenth Meeting of the Working Group on Environmental Impact
Assessment and Strategic Environmental Assessment
(WG 10 on EIA and SEA) (Geneva, 1-3 December 2021)
- 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 10th Meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Geneva, 1–3 December 2021), as transmitted by the Presidency.

**Convention on Environmental Impact Assessment in a Transboundary Context
Tenth meeting of the Working Group on Environmental Impact Assessment
and Strategic Environmental Assessment (WG 10 on EIA and SEA)
(Geneva, 1-3 December 2021)**

- 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 Bureau for the preparation of the Tenth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment,
- note that the Working Group will be informed under agenda item about the reporting templates that the Implementation Committee has prepared to facilitate the reporting of the European Union,
- recall that according to the agenda the two reporting templates of the European Union are for information according to item II.3 of the Agenda and EU wishes to enter a statement under this item,
- agree with agenda items as proposed.

Agenda item 3): Compliance and Implementation

Proposed modifications to the questionnaire for the report on implementation of the Convention in 2019-2021 (ECE/MP.EIA/WG.2/2021/3)

Proposed modifications to the questionnaire for the report on implementation of the protocol in 2019-2021 (ECE/MP.EIA/WG.2/2021/4)

The EU and its Member States:

- thank the Chair of the Implementation Committee for the report on compliance and implementation,
- thank all Implementation Committee members for their work,
- welcome the modifications to the Questionnaires for the report on implementation of the Convention and the Protocol in the period 2019-2021,
- agree in general on the draft modified questionnaires and their circulation by the end of December 2021 for completion and return by the end of April 2022,
- welcome the improved structure of the questionnaires and the clarity of questions,
- is of the opinion that Part II of SEA and EIA questionnaire goes beyond the purpose of the questionnaire, which according to MOP decision VIII/5 is to facilitate the review of compliance under the Convention and will therefore be difficult to answer, because of the lack of data,

- therefore, propose a footnote to Part II of both questionnaires, clearly stating: “Part II of this questionnaire is not considered to be a reporting obligation according to the Convention/Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data,”
- propose that there is no differentiation between environmental and health authorities (regarding the question in I.5.2, 1.6.2, I.9.1, I.9.2, I.9.3, I.9.4) and ask to delete the distinction between environment and health authorities,
- welcome the timetable prepared by the Secretariat for the preparation of the draft seventh review of implementation of the Convention and the draft fourth review of implementation of the Protocol,
- **invite the Implementation Committee to bring for consideration to the Parties in the next Working Group meetings the two EU reporting templates to be prepared in further consultation with the European Union,**
- **reiterate the European Union’s commitment to report under the Convention and its Protocol.**

Sixth review of implementation of the Convention and the third review of implementation of the Protocol

The EU and its Member States:

- welcome the publication of the sixth review of implementation of the Convention and the third review of implementation of the Protocol and the informal publication and periodic revision of the opinions of the Implementation Committee and
- also welcome the publication of the Guidance on applicability of the convention to the lifetime extension of nuclear power plants,
- thank the Secretariat for all the work done.

Agenda item 4): Promoting practical application of the Convention and the Protocol

a) Subregional cooperation and capacity building, ECE/MP.EIA/WG.2/2021/5

The EU and its Member States

- thank the Bureau and the Secretariat for preparing the Note “Identification of synergies and possible cooperation activities in marine regions”,
- thank Italy for funding this activity in the work plan,
- underline the importance of cooperation between the Espoo Convention and other regional seas conventions,
- urge the geographical scope of cooperation to be defined as soon as possible and clearly pointed out in the current note.

The EU and its Member States:

- thank Estonia and Poland for the reports on the preparation of subregional cooperation and capacity-building activities in the Baltic Sea subregion,
- welcome the reports on the subregional cooperation and capacity-building activities in Central Asia and Eastern Europe and the Caucasus.

b) Capacity building

ECE/MP.EIA/WG.2/2020/7 – Draft guidance on assessing health impact in strategic environmental assessment

The EU and its member States:

- has followed the work on the draft guidance and provided comments during the previous consultation rounds,
- support improved integration of assessing health impacts in SEA for plans and programmes,
- note that the guidance is still too abstract and theoretical,
- believe that guidance should provide pragmatic and practical advice to authorities responsible for conducting SEA,
- believe that different planning levels (national, regional, local) and planning types have different processes and methodological requirements, which needs to be addressed,
- wish to emphasise the following two critical matters within the proposed guidance:
 - a.) The definition of health is not consistently interpreted and elaborated in the text. Moreover, the proposed interpretation goes beyond the context of SEA procedure and extends to social impacts (see p.11, para.42;p.13, para.52);
 - b.) The demarcation line between the legal obligations stemming from the SEA Protocol and any other good practice proposals needs further clarification.

The draft guidance included the broad definition of “health” proposed by the authors. However, this broad definition of health is not acceptable to the EU and its Member States in the context of the SEA Protocol. Thus, as a preliminary question, it should be discussed whether and how a revision of the Health Guidance, which was drafted based on the broad definition, would be possible and reasonable at all.

The EU and its Member States wish to highlight that SEA Protocol aims to integrate »environmental, including health, consideration into the preparation and adoption of plans and programmes and, to the extent appropriate, policies and legislation«. Hence, the consideration of health is part of the protection of the environment, including human, natural and cultural, and not substance that needs to be assessed during SEA as something separate and distinct from the environment.

Furthermore, the provision of the EU SEA Directive enables preserving, protecting and improving the quality of the environment and protecting human health. Therefore, guidance on the topics should properly fall within the scope instead of extending it to matters to which the SEA does not apply, i.e.social impact. Doing this would not only risk weakening the environmental focus of SEA as mandated by the Protocol, but also weaken the SEA as a decision support tool to ensure effective consideration of environmental aspects altogether. The health guidance needs to reflect the specific assessment requirements of the different levels of planning (national, regional, local) taking into account the level of detail, the stage in the decision making process and the extent to which certain matters are more appropriately assessed at different levels.

Therefore, the EU and its Member States identify the following areas for improvement. To be applicable the guidance should be:

- easy to read and understand (schemes, tables, lists, clear division into chapters and subchapters with relevant titles, no unnecessary or too general information),
- based on the analysis of legal requirements (not just listing), existing recommendations and guidance towards the SEA: the procedure itself (domestic and transboundary) and the documentation (environmental report).

The guidance should:

- describe how different planning levels (national, regional, local) and planning types have different processes and methodological requirements,
- describe approach to the local level of SEA, with the emphasis to the land use local plans,
- clearly identify key issues and aspects (health, impacts and activities causing impacts, stages of the investment process, institutional/administrative, organisational, legal, social, etc.),
- clearly, thoroughly and completely describe the role of the above issues and aspects in health assessment and their influence on its results,
- define important problems (definition of terms like »significant impact«, lack of data, legal and institutional issues, etc.), give examples (clearly and thoroughly described) of such problems and appropriate solutions,
- contain clearly described methodological recommendations for health assessment (a general list of tools is not enough),
- present typical scenarios (elaborated on the basis of an analysis of the above – mentioned key issues and aspects) and propose a relevant attitude towards health assessment,
- present examples including a clear and comprehensive description of their background (health, institutional/administrative, organisational, legal, social, etc.) and comments linking them to the theoretical issues presented before,
- explain how to decide whether the implementation of a given type of project document would have a significant impact on human health or not,
- explain the different impacts and give recommendation. For example, that the impact on human health may appear both at the stage of implementation (construction) of a given project and at the stage of operation (and in some particular cases, at decommissioning). The impact may differ and it should be addresses in the environmental report.

The EU and its Member States emphasise the Chapter III »Strategic Environmental Assessment and Health in Practice«, as a very important chapter and note:

- the chapter is not clear and there are too few practical recommendations,
- the chapter should list and describe the areas in which the actions taken have the greatest impact on human health and which should always be taken into account when assessing the impact of the plan or programme, e.g. noise and vibration, electromagnetic radiation, air pollution, landscape transformations, etc.
- the chapter should mention the existence of limit standards which differ from one country to another and give examples.

According to the EU and its Member States, the guidance requires a comprehensive revision in order to achieve a practical and effective guidance as outlined above. The revisions proposed directly in the text of the draft guidance (Appendix 1) do not cover all issues mentioned in the statement and are to be read as addition to the individual points of the statement.

At this stage the EU and its Member States are not in position to engage in convening a dedicated working group or propose an alternative working arrangement that can lead to a revision of the draft guidance.

Agenda item 5): Seminar on sustainable infrastructure

The EU and its Member States:

- thank the Secretariat and Switzerland for the organisation of a seminar on sustainable infrastructure,
- thank all speakers and the moderators for the interesting presentations,
- highlight the importance of Espoo Convention and SEA Protocol as important tools for greening infrastructure.

Agenda item 6): Financial arrangement

The EU and its Member States:

- thank the Secretariat for the report on contribution and expenditures regarding the Convention's and Protocol's trust fund and invite the Secretariat in consultation with the Bureau to prepare a first annual financial report in the intersessional period 2021-2023.

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

The EU and its Member States:

- recall the conclusions in the report of the 2020 Meeting of the Parties about a possible further clarification of procedural matters of relevance of meetings with remote participation,
- note that in the meantime the Meeting of the Parties of other UNECE Conventions and Protocols (for example Aarhus Convention and the PRTR Protocol) adopted similar notes on procedural matters of relevance of meetings with remote participation,
- stress the importance of the coherent reading of the UNECE notes of procedural matters of relevance of meetings with remote participation,
- invite the Bureau to review and revise the current note on procedural matters taking into account the above mentioned more recent notes on the matter.