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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

Implementation Committee

Ad-hoc session

Minsk, 12 June 2017

Report of the Implementation Committee on its ad-hoc session held in advance of the Meeting of the Parties

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I. Introduction

1. The ad-hoc session of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment was held in Minsk, in the morning of 12 June 2017, back to back with the seventh session of the Meetings of the Parties to the Convention (Minsk, 13-16 June 2017). The Committee also continued to meet informally in the margins of the seventh session to conclude its deliberations. The Implementation Committee had agreed through its electronic decision-making procedure to convene the ad-hoc session to address some outstanding issues before the Meeting of the Parties to the Convention, as proposed by the Chair and the vice-Chair of the Committee. The meeting room and the interpretation for the Committee's deliberations were generously provided by Belarus.

A. Attendance

2. The following members of the Implementation Committee for Convention and Protocol matters attended the session: Vladimir Buchko (Ukraine); Elyanora Grigoryan (Armenia); Lourdes Aurora Hernando (Spain); Zsuzsanna Pocsai (Hungary); Felix Zaharia (Romania); and Nadezhda Zdanevich (Belarus). The Committee members nominated by Albania (Ilda Shahu) and Lithuania (Romas Švedas) were represented by their alternates Edlira Dersha and Jurate Useviciute respectively. The alternate members for Ukraine on Protocol matters, Kaupo Heinma (Estonia) participated by electronic means of communication (Webex). Jerzy Jendroška (Poland), and his alternate, Katarzyna Twardowska, were absent.

B. Organizational matters

3. The Chair of the Committee opened the session. The Committee adopted its agenda as set out in document ECE/MP.EIA/IC/ad-hoc/2017/INF.1.

II. Review of the general part of the draft decision VII/2

4. The discussions on the general part of the draft decision VII/2 took place in presence of all Committee members who had been present the ad hoc session.

5. As suggested by the Chair of the Committee further to his informal consultations with several Parties, the Committee reviewed the text of the general part of the draft decision VII/2 on the review of compliance with the Convention with a view to facilitate its adoption by the Parties by consensus at the seventh session of the Meeting of the Parties to the Convention. In particular, the Committee reviewed paragraph 5 of the decision taking into account the amendment proposals prepared by the Committee Chair further to the comments provided to him by several Parties in advance of the seventh session of the Meeting of the Parties. The Committee pointed out that the sub-paragraphs 5 (a) to (c) of decision VII/2 summarized the Committee's opinions regarding the Committee initiative concerning the United Kingdom of Great Britain and

Northern Ireland (EIA/IC/CI/5)¹ (see ECE/MP.EIA/2017/8, paras 5 (a) – 5 (c)) and that the text of the sub-para. 5 (d) derived from the Committee’s conclusions on the follow up by Belarus with decision VI/2 regarding the Belarusian nuclear power plant in Ostrovets (EIA/IC/S/4)² (ECE/MP.EIA/2017/8, para 5 (d)). Consequently, since the paragraph 5 was so intrinsically linked with the subsequent parts of decision VII/2 regarding the above individual compliance issues the Committee concluded that the Chair should ask the Meeting of the Parties to adopt this paragraph in its essence unmodified. However, regarding the subpara. 5 (b), the Committee agreed after further reflection that it could not maintain its opinion that ‘the mere notification of possibly affected Parties, regardless of their number, [did] not impose an excessive burden on Parties of origin’ (ECE/MP.EIA/2017/8, para 5 (b)) taking into account the future opening of the Convention to all the member States of the United Nations. Therefore, the Committee invited its Chair to advise the Meeting of the Parties to remove that specific subparagraph from draft decision VII/2.

III. Follow-up to decision VI/2 regarding Belarus

6. Discussions on the follow-up to decision VI/2 of the Meeting of the Parties to the Convention on the review of compliance with the Convention regarding Belarus (see draft decision VII/2, paras. 54–65 in ECE/MP.EIA/2017/8, and decision VI/2 (ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1 paras 51-58, 62 and 64) were not open to observers, in accordance with rule 17, paragraph 1, of the Committee’s operating rules.³ The discussions were held in absence of the Committee members nominated by Belarus and Lithuania who left the room after each presenting their positions regarding draft decision VII/2 in accordance with the Committee’s operation rule 5.

Belarus (EIA/IC/S/4)⁴

7. Further to its decision at its thirty-eighth session (Geneva, 20-22 February 2017), the Committee examined the report on the Site and External Events Design (SEED) mission conducted by the International Atomic Energy Agency (IAEA) in Belarus in January 2017 provided by Belarus on 5 June 2017. In particular, after the presentation by the co-curators of their analysis of the report, the Committee considered which of the five questions on technical and scientific aspects of the EIA documentation that it needed information on for reaching its conclusions (as included in annex I of decision VII/2 (ECE/MP.EIA/2017/8)), had been duly answered to by the report and revised the annex I of decision VII/2 accordingly.

8. The Committee recalled that its first question had referred to the characteristics of an aircraft whose direct crash on a commercial nuclear power reactor should be assessed before building a reactor. It noted based on the SEED mission report that according to the IAEA

¹ See ECE/MP.EIA/IC/2016/2, annex.

² Information on this compliance case is available from http://www.unece.org/env/eia/implementation/implementation_committee_matters.html.

³ The Committee’s operating rules were adopted by decision IV/2, annex IV (see ECE/MP.EIA/10) and then later amended by decisions V/4 (see ECE/MP.EIA/15) and VI/2 (see ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1).

⁴ Information on this compliance case is available from http://www.unece.org/env/eia/implementation/implementation_committee_matters.html.

Safety Guide number NS-G-3.1⁵ ‘the [nuclear power] plant should be protected against crashes of aircraft of any type’. The Committee also noted that the SEED mission report indicated that Belarus had conducted a ‘Detailed Aircraft Hazard Assessment’ following which protection measures for large aircrafts, and design protection measures for small aircrafts had been implemented. The Committee remarked that according to the report, no safety issues had been found. The Committee concluded that the report had properly answered its first question, and, therefore, decided to follow the recommendation of its co-curators and remove it from annex I of decision VII/2.

9. The Committee then reviewed the report with respect to its next three questions, but it did not find answers to them. It thus decided to maintain them on the list.

10. Regarding the fifth and last question, the Committee noted that although the report did not mention the application of selection and exclusion criteria (such as geological and seismotectonic structure of the site and seismic hazard assessment (probabilistic assessment), etc.) for the assessment of the suitability of the nuclear power plant site, it included specific reference to the current seismic hazard at Ostrovets. The report indicated that there were no safety issues connected to seismic hazards related to ground motion and fault displacement, nor to geotechnical issues like liquefaction, slope stability, cavities and karstic formations. For this reason, the Committee found that the information in the report properly answered the fifth question, and decided to also remove this question from the list.

11. Finally, further to the written proposals to draft decision VII/2 from Belarus received on 9 June 2017, the Committee considered whether and how to approach IAEA to seek answers from it to the three remaining questions. It noted that UNECE had no formal agreement with the IAEA that would provide a basis for such advisory services. The Committee further noted that it hadn’t instructed the secretariat to officially contact the IAEA during the last intersessional period. Taking into account that the seventh session of the Meeting of the Parties took place the following day, the Committee agreed that the proposals by Belarus should be addressed directly by the Meeting of the Parties. To facilitate the discussions during the seventh session of the Meeting of the Parties, the Chair invited the Committee members to hold informal discussions on that issue on the margins of that session (see informal document IC39_INF2 for the outcomes of the Committee’s informal discussions).

IV. Committee initiative

12. Discussions on Committee initiatives were not open to observers, in accordance with rule 17 of the operating rules.

United Kingdom of Great Britain and Northern Ireland (EIA/IC/CI/5)

13. The Committee recalled that further to the information provided by the United Kingdom of Great Britain and Northern Ireland on 13 February 2017, the Committee at its thirty-eighth session had prepared additional draft recommendations⁶ concerning the United Kingdom’s follow-up on the Committee’s initial recommendations⁷ contained in the report of the Committee’s thirty-fifth session (15-17 March 2016) before their endorsement by the Meeting of the Parties. The Committee also recalled that it had informed the United Kingdom about the essence of its additional draft recommendations, immediately after its thirty-eighth session, in its letter of 1 March 2017. However, the Committee had submitted

⁵ IAEA Safety Standards Series, Safety Guide No. NS-G-3.1: External Human Induced Events in Site Evaluation for Nuclear Power Plants (para 5.11). Online available from http://www-pub.iaea.org/MTCD/publications/PDF/Pub1126_scr.pdf

⁶ ECE/MP.EIA/IC/2017/2, paras 59 -60.

⁷ ECE/MP.EIA/IC/2016/2, annex, para 67.

these draft recommendations to the United Kingdom for comments only on 3 April 2017 after their formal editing and further to the letter of 28 March 2017 from the United Kingdom.

14. The Committee also recalled that during its electronic consultations on the matter in May 2017, the Committee had noted that:

(a) Because of its procedural concerns expressed in the letter of 26 April 2017, the United Kingdom had not provided its comments by the deadline of 2 May 2017.

(b) In the absence of these comments, the Committee had decided not to submit the additional recommendations for the consideration of the Meeting of the Parties to the Convention at its seventh session.

(c) The Committee had decided to extend the deadline for the United Kingdom to submit the comments by 17 July 2017 to allow the necessary time for the Party to present its views, and for the Committee to review and take them into account when finalizing the recommendations at its thirty-ninth session (Geneva, 5-7 September 2017).

15. The Committee noted that, in general terms, the Committee's operating rules were not very clear on the procedure to be followed when adopting additional recommendations regarding a Party's follow-up on recommendations that have not yet been endorsed by the Meeting of the Parties. Consequently, the Committee decided to review its operating rules during the next intersessional period with the view to develop a procedure for revisiting its draft recommendations to the Meeting of the Parties.

16. Finally, the Committee agreed that due to the increased number and complexity of the cases brought before the Committee, it should consider holding monthly virtual meetings in English provided that the dates and topics for these meetings were set well in advance. It requested the secretariat to prepare a draft schedule of the possible virtual meetings for the Committee's consideration at its next session in September 2017.

V. Review of implementation

17. Discussions on Committee initiatives were not open to observers, in accordance with rule 17 of the operating rules.

European Union (SEA/IC/SCI/1/4)

18. Due to time constraints, the Committee decided to continue its consideration of the specific compliance issue arising from the second review of implementation of the Protocol concerning the reporting obligation of the European Union at its thirty-ninth session.

VI. Presentation of the main decisions taken and closing of the session

19. The Committee recalled that its thirty-ninth session would be held from 5 to 7 September 2017 and its fortieth session from 5 to 7 December 2017. The Committee also took note of the preliminary schedule for its forty-first (13-15 March 2018), forty-second (11-13 September 2018) and forty-third sessions (4-6 December 2018).

20. The Committee requested the secretariat to prepare the draft report of its ad hoc session, and circulate it electronically for adoption. The Chair then formally closed the ad

hoc session, thanking the Committee members for their active involvement and cooperation during this intersessional period.
