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COMMITTEE ON ENVIRONMENTAL POLICY

REPORT ON THE SPECIAL SESSION 18-19* February 2003

Summary

The Committee discussed the future ECE strategic directions for the environmental policy, focusing its attention on three recurrent themes on which the paper was based namely (a) pan-European harmonization and governance, (b) programmes and strategies and (c) cross-sectoral cooperation and integration. Delegations stressed the necessity to consider the future strategic directions of the Committee in particular in relation to the future of the "Environment for Europe" process. The Committee focused on areas and activities where its input was considered to add the most value in the future, such as the Environmental Performance Reviews (EPRs), transboundary environmental concerns, and environmental education. The role of ECE in supporting subregional cooperation was also stressed. The Committee reviewed the environmental performance of Georgia, and discussed major policy issues emerging from this review. Furthermore, at their joint session, the Committee and the Working Group of Senior Officials discussed a document on lessons learned from ten years of environmental performance reviews and approved its recommendations focusing mainly on the second round of EPRs, for submission to the Kiev Conference.

The Meeting welcomed the successful conclusion of the negotiations of the draft protocol on strategic environmental assessment to the Espoo Convention and the draft protocol on pollutant release and transfer registers (PRTR) to the Aarhus Convention. The Meeting welcomed furthermore the consensus that was expected to be reached the next day in the negotiations of the draft protocol on civil liability and compensation for damage to the Water Convention and the Industrial Accidents Convention. The Meeting discussed other activities in relation to the fifth Ministerial Conference "Environment for Europe", such as environmental assessment and reporting, environmental education, compliance, energy and environment, and follow-up to the Strategy to Phase Out Leaded Petrol.

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^{*} On 19 February the Committee on Environmental Policy and the Working Group of Senior Officials held a joint session to discuss issues of common interest.

CONTENTS

		<u>Paragraphs</u>
Introdu	ction	1-5
	Tuesday, 18 February 2003 (Committee on Environmental Policy only)	
I.	ADOPTION OF THE AGENDA	6-7
II.	INFORMATION ON THE PREPARATIONS FOR THE SPRING SEMINAR AND FOR THE 58 TH SESSION OF THE ECONOMIC COMMISSION FOR EUROPE	8
III.	FUTURE ECE STRATEGIC DIRECTION FOR THE ENVIRONME	ENT 9-14
IV.	PRESENTATION OF THE ENVIRONMENTAL PERFORMANCE REVIEW OF GEORGIA AND ADOPTION OF THE RECOMMENDATIONS	15-19
V.	ENVIRONMENTAL POLICY IN TRANSITION: LESSONS LEARNED FROM TEN YEARS OF ENVIRONMENTAL PERFORMANCE REVIEWS.	20-22
VI.	OTHER BUSINESS	23
	Wednesday, 19 February 2003 (Committee and Working Group of Senior Officials)	
I.	ADOPTION OF THE AGENDA AND OPENING OF THE SESSION	N24-26
II.	ENVIRONMENTAL POLICY IN TRANSITION: LESSONS LEARNED FROM TEN YEARS OF ENVIRONMENTAL PERFORMANCE REVIEWS	27-29
III.	UPDATE ON UNECE MULTILATERAL ENVIRONMENTAL AGREEMENTS	30-34
Espoo (A. The draft protocol on strategic environmental assessment to the Convention	
to the A	B. The draft protocol on pollutant release and transfer registers	31-33

1	C.	The draft legal instrument on civil liability and compensation for	
_		ing from the transboundary effects of industrial accidents on waters to the convention on the protection and use of transboundary	
		and international lakes and the convention on the transboundary	
		strial accidents	34
IV.	ENV	IRONMENTAL ASSESSMENT AND REPORTING	35-38
* *		TO A DESCRIPTION OF THE PARTY O	
V.		IRONMENTAL EDUCATION FOR SUSTAINABLE	39-43
	DE V	ELOPMENT	39-43
VI.	GUII	DELINES ON COMPLIANCE	44
VII.	ENE	RGY AND ENVIRONMENT	45-50
	٨	Cuidelines on referming energy pricing and subsidies	15 17
	A.	Guidelines on reforming energy pricing and subsidies	43-47
	B.	Energy efficiency	48-50
VIII.	PHA	SE-OUT OF LEADED PETROL	51-52
IX	CLO	SING OF THE IOINT SESSION	53-54

Introduction

- 1. The special session of the Committee on Environmental Policy took place in Geneva from 18 to 19 February 2003. On 19 February, the Committee and the Working Group of Senior Officials discussed issues of common interest. Mr. Hugo von Meijenfeldt (Netherlands) chaired the meeting on 18 February. He co-chaired the joint session of the two bodies together with Mr. Vasyl Shevchuk, Minister of Environment and Natural Resources of Ukraine.
- 2. The meeting was attended by delegates from 34 ECE member countries: Armenia, Austria, Azerbaijan, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kyrgyzstan, Latvia, Monaco, Netherlands, Norway, Portugal, Republic of Moldova, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States of America.
- 3. The session was attended by representatives of the European Commission and the European Environment Agency (EEA).
- 4. Representatives of the Council of Europe, the Organisation for Economic Co-operation and Development (OECD), the Project Preparation Committee (PPC), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the World Health Organization's Regional Office for Europe (WHO/EURO), the World Bank and the World Trade Organization (WTO) also took part.
- 5. The following non-governmental organization and regional environmental centres were also represented: European ECOFORUM, Regional Environmental Center for Central and Eastern Europe (REC) and Regional Environmental Center for Central Asia (CAREC).

<u>Tuesday, 18 February 2003</u> (Committee on Environmental Policy only)

I. ADOPTION OF THE AGENDA

- 6. The Committee adopted the agenda as contained in document ECE/CEP/90.
- 7. The Committee adopted the report on its ninth session, which had taken place in Geneva from 4 to 6 November 2002, as contained in document ECE/CEP/86. It adopted, furthermore, its programme of work for 2000–2003 (ECE/CEP/86/Add.1).

II. INFORMATION ON THE PREPARATIONS FOR THE SPRING SEMINAR AND FOR THE 58TH SESSION OF THE ECONOMIC COMMISSION FOR EUROPE

8. This agenda item was postponed until the opening of the joint session on 19 February.

III. FUTURE ECE STRATEGIC DIRECTION FOR THE ENVIRONMENT

- 9. The Committee discussed future ECE strategic directions for the environment on the basis of the document on "Challenges and emerging directions of an ECE environmental strategy", redrafted by the secretariat following the comments provided by the Committee at its ninth session. The Committee focused its attention on (a) pan-European harmonization and governance, (b) programmes and strategies and (c) cross-sectoral cooperation and integration, and addressed a series of questions put forward in the document for each of these principal themes.
- 10. The delegations stressed the necessity to consider the future strategic directions of the Committee in connection with the outcome of the Kiev Conference and in particular in relation to the future of the "Environment for Europe" process, as well as taking into account the decision of the Commission on its role in the follow-up to the World Summit on Sustainable Development. It was, nevertheless, considered important for the Committee to hold substantive discussions and to pinpoint the priorities within the environment component of sustainable development.
- 11. It was pointed out that the impact of EU enlargement had to be taken into account when defining the future role of ECE in multilateral environmental work.
- 12. The areas or activities where the Committee's input in the future was considered to add the most value included the Environmental Performance Review (EPR) programme. In particular the reviews should concentrate on a limited set of priorities, focusing in particular on implementation, financing and integration of the environment with other sectors, while strengthening regional reporting. Furthermore, issues such as environmental education and support for subregional cooperation may be prominent in the future.
- 13. Some delegations had reservations about involving ECE into new fields, such as tourism, agriculture and social activities, due to the risk of overlapping with the activities of other organizations. It was pointed out furthermore that the above-mentioned activities were already included as appropriate in the ECE work programme, e.g. the activities on transport, environment and health, civil liability, strategic environmental assessment and human settlements that have social and health-related implications.
- 14. Following the discussions, the Committee concluded that the document, once revised by the secretariat to reflect the comments made, and taking also account of the outcome of the Spring Seminar and the 58th session of the Economic Commission for Europe and the Kiev Conference, would constitute the basis for a consultation with the conventions' bureaux on 3 July. It would then be discussed and agreed upon by the Committee's Bureau at its meeting on 4 July 2003, before being adopted at the Committee's tenth session in October 2003.

IV. PRESENTATION OF THE ENVIRONMENTAL PERFORMANCE REVIEW OF GEORGIA AND ADOPTION OF THE RECOMMENDATIONS

- 15. Prior to the Committee's session on 17 February, the Environmental Performance Review (EPR) of Georgia had been reviewed by the EPR Expert Group in the presence of experts from the reviewed country.
- 16. At the Committee's session the Environmental Performance Review of Georgia was presented by Mrs. Nino Chkhobadze, the Georgian Minister of Environmental Protection. In her presentation, Mrs. Chkhobadze outlined the main environmental issues and constraints facing Georgia, such as those relating to industrial, hazardous and radioactive waste, affecting notably the quality of drinking water and thereby human health. She emphasized the value of the EPR in helping the country to move forward and asked the Committee for support for the wide distribution and promotion of a Georgian translation of the report, throughout the country and the economic sectors
- 17. The rapporteurs from the Expert Group reported on the main conclusions and recommendations that had been discussed in detail the day before with Georgia's representatives. As a result of the expert discussions, some of the recommendations made in the draft environmental performance review had been modified. These amendments were drawn to the Committee's attention.
- 18. The Committee welcomed the review as a thorough and frank account of the environmental situation in Georgia that reflected the good cooperation and active contributions from the Georgian environmental authorities in the review process. Based on document CEP/2003/3/Add.1, the Committee discussed major policy issues emerging from the current Environmental Performance Review of Georgia. These included, in particular, weak enforcement of legislation and obligations under international conventions, insufficient monitoring, weak public participation, lack of financial resources, low effectiveness of economic instruments, insufficient priority-setting as well as inadequate communication to the donor community about the national priorities. The Committee considered that these issues also applied to a great extent to other countries with economies in transition in the region. The Committee recognized furthermore the importance of separate environmental funds for the financing of environmental activities, and decided to include a recommendation in the EPR of Georgia for the establishment of such a fund.
- 19. Subsequent to its peer review of Georgia, the Committee:
- (a) Adopted the Environmental Performance Review and the recommendations therein, as amended;
- (b) Requested the secretariat to finalize the recommendations in accordance with the comments provided;
- (c) Agreed, furthermore, to carry out the next environmental performance reviews in Azerbaijan and in Bosnia and Herzegovina.

V. ENVIRONMENTAL POLICY IN TRANSITION: LESSONS LEARNED FROM TEN YEARS OF ENVIRONMENTAL PERFORMANCE REVIEWS

- 20. The Committee discussed the document on "Environmental policy in transition: lessons learned from ten years of UNECE environmental performance", as revised by the secretariat on the basis of the comments provided at the ninth session, together with the executive summary and a note from the secretariat containing a series of questions to stimulate the discussion on the item.
- 21. Some delegations shared information on their national experiences in relation to the EPRs. The EPRs were reported to be a particularly useful tool for environmental management issues in providing guidance for reforming domestic institutions.
- 22. The Committee provided further inputs to the document, particularly to the recommendations, and requested the secretariat to modify them accordingly prior to submitting them for the Committee's final approval the next day as well as for a decision by the Working Group of Senior Officials to submit them to the Kiev Conference.

VI. OTHER BUSINESS

23. The Swiss delegate informed the Committee on the third World Water Forum, which would take place in Kyoto, Japan, on 21-23 March 2003.

* * *

Wednesday, 19 February 2003
(Committee and Working Group of Senior Officials)

I. ADOPTION OF THE AGENDA AND OPENING OF THE SESSION

- 24. The Committee and the Working Group of Senior Officials adopted the agenda for their joint session as contained in document ECE/CEP/90.
- 25. In her opening address, Ms. Brigita Schmögnerová, Executive Secretary of ECE, expressed her appreciation to the Committee and the Working Group for holding a joint session, which she saw as a sign of the will to streamline the preparatory work for the Kiev Conference and to maximize the synergies between the work of the two bodies.
- 26. Ms. Schmögnerová stressed that one of the most important tasks ahead consisted in linking the "Environment for Europe" process with the follow-up to the World Summit on Sustainable Development and the new objectives of the Commission on Sustainable Development resulting from the Summit, such as the integration of the three dimensions of sustainable development, focus on monitoring and implementation, and the strengthening of the role of the regional level. She informed the Meeting that the ECE Spring Seminar and the 58th session of the Economic Commission for Europe, which would take place on 3 and 4 March 2003 respectively, would focus on different elements of sustainable development, and in particular on the UNECE role in the follow-up to the Summit.

II. ENVIRONMENTAL POLICY IN TRANSITION: LESSONS LEARNED FROM TEN YEARS OF ENVIRONMENTAL PERFORMANCE REVIEWS

- 27. The recommendations on the lessons learned from ten years of environmental performance reviews, which had been discussed and amended by the Committee the previous day, were presented.
- 28. Following further discussions, the Committee and the Working Group approved the document and its recommendations, amended as follows:
- (a) The process of Environmental Performance Reviews should continue, taking into account the experience from the first ten years. Countries and organizations are encouraged to make broader use and support wider dissemination of the Reviews, through, for example, press conferences, or by bringing the reports to the attention of staff of embassies, national aid organizations, all relevant ministries, departments and institutes within the country and national information centres:
- **(b)** The first round of reviews should be completed and the second round **proceed.** All countries that are member States of UNECE but not members of OECD are eligible for first and second reviews;
- (c) The second Environmental Performance Reviews should measure progress made in implementation, including implementation of the recommendations from the first review, using a relevant set of indicators;
- (d) The second Reviews should focus more on issues of implementation. With the most dynamic legislative phase of the early transition over, the future EPRs should devote more attention to performance in implementation of the national policy targets, national legislation, best practices, and international commitments, such as conventions and regional strategies. This could be very valuable for the further development of international instruments;
- (e) The second Reviews should remain flexible and focus on priorities of particular importance to the countries, including, in particular, new concerns that have arisen;
- (f) The second Reviews should examine issues of financing. This would include, for example, the generation and allocation of public domestic financing for the environment; the position of environmental funds; the use of economic instruments; funds derived from the private sector; donor support; and foreign direct investment; as well as an assessment of the cost-effectiveness of environmental policy measures;
- (g) The second Reviews should give greater emphasis to the integration of the environment with other sectors at all decision-making levels and to its socio-economic interface. In this regard, the Reviews should further assess how environmental issues could be viewed comprehensively and in an integrated manner. This could assist countries, inter alia, to implement decisions taken at the fifth Ministerial Conference "Environment for Europe" and the Johannesburg World Summit and to meet the Millennium Development Goals. They should also assess environmental issues in the context of environmental democracy, environmental justice

and poverty eradication, among other critical economic and social concerns common to all countries:

- (h) The second Reviews should make maximum use of existing data. The first Reviews have dedicated considerable resources to collecting and assessing data that had not been available outside the country or in electronic format. Many countries in transition have now had an opportunity to strengthen their monitoring and reporting systems and are providers of data to, for example, the European Environment Agency. UNECE should work in close cooperation with this and other organizations to maximize efficiency;
- (i) Cooperation with the Environmental Performance Review programme of OECD should be continued and strengthened;
- (j) Reviewed countries could provide an interim report to the Committee on Environmental Policy on their implementation of first Review recommendations within three years of the conclusion of their first Review.
- 29. The Meeting decided to submit the document and its executive summary to the Kiev Conference.

III. UPDATE ON UNECE MULTILATERAL ENVIRONMENTAL AGREEMENTS

A. The draft protocol on strategic environmental assessment to the Espoo Convention

30. The secretariat of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) informed the Meeting that the draft protocol on strategic environmental assessment had been successfully negotiated and that a draft ministerial resolution on the protocol had also been finalized. The protocol, the resolution and the provisional agenda for the extraordinary meeting of the Parties had been submitted for translation. The English-language versions of the three draft documents were available on the UNECE web site (www.unece.org/env/eia). Finally, the secretariat presented information on the content and the objectives of the protocol.

B. The draft protocol on pollutant release and transfer registers to the Aarhus Convention

- 31. The secretariat of the Aarhus Convention informed the Meeting that the negotiations on the draft protocol on pollutant release and transfer registers (PRTR) to the Convention had been successfully concluded. Environmental NGOs and industry had been actively involved in the negotiation process. Having been reviewed by a group of legal experts, the draft protocol was ready to be submitted for formal adoption and signature at the Kiev Conference. The advance English copy of the draft protocol would be available by the end of February, and the Russian and French translations of the document approximately four weeks later.
- 32. The Meeting was informed, furthermore, that an informal meeting of representatives of prospective signatories to the PRTR protocol and of the Parties to the Convention would take

place in Kiev on 20 May 2003, to finalize a draft resolution of the Signatories. It was also pointed out that although the protocol had been developed under the auspices of UNECE, it would be open to accession by any State which was a Member of the United Nations.

- 33. Finally, the Meeting was given a brief account of the main features of the draft protocol. The new protocol was expected to strengthen corporate accountability by requiring companies to report annually on their output of certain pollutants. The reported information would then be made publicly available, including through the Internet, on national pollutant release and transfer registers. More information on the protocol, including the final version of the draft may be accessed from the UNECE web site (http://www.unece.org/env/pp/prtr.htm).
 - C. The draft legal instrument on civil liability and compensation for damage resulting from the transboundary effects of industrial accidents on transboundary waters to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Convention on the Transboundary Effects of Industrial Accidents
- 34. The secretariats of the Water Convention and the Industrial Accidents Convention gave the Meeting a progress report on the status of the negotiations of the draft legal instrument on civil liability and compensation for damage to the two Conventions. They reported that the seventh negotiation meeting, scheduled to take place in Geneva on 26-27 February 2003, was expected to reach a consensus on the text of the protocol. They also expressed their expectation that the European Community would have a mandate to negotiate some articles on behalf of its 15 member States.

IV. ENVIRONMENTAL ASSESSMENT AND REPORTING

- 35. Mr. Yu. TSATUROV, Chairperson of the Working Group on Environmental Monitoring, reported on the contributions of the Working Group to the Kiev Assessment report and the documents prepared for the Kiev Conference, including the document on lessons learned from data collection for the report, the recommendations on strengthening national environmental monitoring and information systems in Eastern Europe, the Caucasus and Central Asia, and guidelines on the development of the state-of-the-environment reports in these countries. He also referred to the importance of publishing the Kiev Assessment in Russian, as well as in English.
- 36. A representative of EEA reported that an advance version of the Kiev Assessment would be finalized in English by the end of March, and that its official release would take place on 12-13 May in Brussels, Geneva and Moscow, simultaneously. The report's summary would also be published by end-March, in English, French, Russian and Spanish (and possibly in Greek). He stressed that EEA was contacting prospective donors to raise the necessary funds for the publication of the Kiev Assessment in Russian. The delegation of Finland announced its willingness to provide financial assistance to that end.
- 37. Delegations thanked the Working Group on Environmental Monitoring and EEA for their contributions to the Kiev Conference. They supported the continuation of the Working Group's activities after Kiev and emphasized its role in facilitating future regional environmental assessments and enhancing international comparability of environmental information in priority

areas, and strengthening monitoring and reporting capacities in countries in transition that were not EEA members. The representative of EEA emphasized that, building on the successful cooperation between the Working Group and EEA in the run-up to the Kiev Conference, a stronger institutional and financial basis should be provided to develop this cooperation further after the Kiev Conference.

38. The Meeting adopted the recommendations on strengthening national environmental monitoring and information systems in Eastern Europe, the Caucasus and Central Asia, and the guidelines on the development of state-of-the-environment reports in these countries, and agreed to transmit these documents, together with a paper on lessons learned from data collection for the Kiev Assessment, to the Kiev Conference.

V. ENVIRONMENTAL EDUCATION FOR SUSTAINABLE DEVELOPMENT

- 39. The delegation of Sweden reported the main outcome of the second meeting of the Drafting Group on environment and education, which had taken place in Moscow on 22 November 2002. On the basis of the comments provided at the ninth session of the Committee (4-6 November 2002) and at the fourth meeting of the Working Group (7-8 November 2002), the Drafting Group had prepared documents on education for sustainable development and suggested that two documents should be submitted to the Kiev Conference: a short political "ministerial statement" (CEP/2003/13-CEP/AC.11/2003/19) for decision by the Ministers and an annex on basic elements for a UNECE strategy for education for sustainable development (CEP/2003/13-CEP/AC.11/2003/19/Add. 1 and 2) for the post-Kiev work.
- 40. Among other issues, the Drafting Group had suggested that UNECE should initiate a regional process, in consultation with United Nations Educational, Scientific and Cultural Organization (UNESCO) and relevant regional actors, such as the Council of Europe, on this issue. The Kiev Conference would provide the first step towards the development and future implementation of the strategy. The follow-up would require the establishment of a task force to continue the development of the strategy and to facilitate and monitor its implementation.
- 41. The Meeting congratulated the two co-chairs of the Drafting Group, Sweden and the Russian Federation, for their successful work. The overall proposals of the Drafting Group were supported by all participants, and it was agreed that further work should start immediately after the Kiev Conference. There was general consensus that this issue was important for the region and should be on the agenda of the Kiev Conference.
- 42. The document was adopted as amended during the meeting, with one exception. Decision on which organization, UNECE or UNESCO, should initiate the regional follow-up process remained pending. It was agreed that the UNECE secretariat should approach UNESCO to determine its capacity and willingness to take the initiative to establish and follow through on a regional process to develop and implement a UNECE regional strategy for education for sustainable development; whether it was ready to do so immediately after the Kiev Conference; and how would it envisage the process. It was decided that on the basis of the comments provided and taking into account the result of the communication with UNESCO, the draft statement would be finalized for submission to the Kiev Conference.

43. The representative of Eco-Forum informed the Meeting that it planned to organize in cooperation with Regional Environmental Center for Central and Eastern Europe a side event on education for sustainable development at the Kiev Conference and invited all interested actors to take part in this.

VI. GUIDELINES ON COMPLIANCE

44. The Chairman of the Task Force on Environmental Compliance and Enforcement made a brief presentation of the guidelines and the process of their development. Delegations expressed their satisfaction with the work accomplished by the Task Force. The Meeting approved the draft guidelines for strengthening compliance with and implementation of multilateral environmental agreements (MEAs) in the ECE region and decided to submit them for adoption at the fifth Ministerial Conference "Environment for Europe".

VII. ENERGY AND ENVIRONMENT

A. <u>Guidelines on reforming energy pricing and subsidies</u>

- 45. The UNECE secretariat introduced draft guidelines on reforming energy pricing and subsidies (CEP/2003/14-CEP/AC.11/2003/9 and Add. 1 and 2) prepared by a task force established jointly by the Committees on Environmental Policy and on Sustainable Energy and adopted by the Bureau of the Committee on Sustainable Energy in accordance with the discussions by the Committee on Environmental Policy at its ninth session.
- 46. Several delegations supported the draft guidelines as practical experience of cooperative work between the energy and environmental community in the region on a topical issue, but still some amendments were needed to reach full consensus. Consequently, the Chairperson of the Working Group of Senior Officials established a small drafting group to amend the guidelines.
- 47. On the basis of these amendments, the Meeting adopted the guidelines on reforming energy pricing and subsidies on the understanding that the texts of the two annexes would also be submitted to the Conference, as explanatory notes.

B. Energy efficiency

- 48. The representative from the Energy Charter secretariat presented a draft policy statement on energy efficiency (CEP/AC.11/2003/24) as a possible input to the Ministerial Declaration and as a category-I document (i.e. for possible action by Ministers).
- 49. The delegation of Greece, speaking on behalf of the EU, circulated a draft statement on energy efficiency and informed the Meeting that it would provide further comments on the document submitted by the Energy Charter secretariat. It was agreed to continue discussions on the draft policy statement on energy efficiency at the next meeting of the Working Group, which would take place on 3-4 April 2003.
- 50. The representative of Energy Charter secretariat also informed the Meeting that the progress report on the implementation of the energy-related decisions of the Aarhus Conference

would be finalized in March for submission to the Kiev Conference as a category-II document (i.e. as background document of direct relevance to the Kiev agenda).

VIII. PHASE-OUT OF LEADED PETROL

- 51. The Meeting welcomed the progress report provided by the delegation of Denmark on the implementation of the pan-European Strategy to phase out leaded petrol. It welcomed furthermore the executive summary of a review containing the results of a questionnaire-based survey that covered all signatories to the Strategy as well as other European countries.
- 52. It was recommended that the document should be submitted for Kiev Conference as a background document.

IX. CLOSING OF THE JOINT SESSION

- 53. The decisions taken by the Committee at its special session and prepared by the secretariat in consultation with the Chairman were distributed by the end of the meeting. The Committee entrusted the secretariat with finalizing the report on the session in consultation with the Bureau.
- 54. The Committee noted that its tenth session would be held on 20-22 October 2003.