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**Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context**

Working Group on Environmental Impact Assessment

REPORT OF THE FIFTH MEETING

1. The fifth meeting of the Working Group Environmental Impact Assessment to the Convention on Environmental Impact Assessment (EIA) in a Transboundary Context took place in Geneva (Switzerland) from 27 to 29 January 2003.
2. It was attended by the delegations of: Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Serbia and Montenegro, Slovak Republic, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia and the United Kingdom.
3. The meeting was attended by representatives of the Commission of the European Communities.
4. The following international and non-governmental organizations were also represented: ECOGLOBE, ECOTERRA, Environment Experts Association, European ECO Forum, International Association for Impact Assessment (IAIA), International (CIS) Public Network for Environmental Impact Assessment (IPNEIA) and Regional Environmental Centre for Central and Eastern Europe (REC).
5. The Chairperson, Mr. Stefan Ruchti, opened the meeting.

I. ADOPTION OF THE AGENDA

6. The Working Group adopted the agenda as set out in document MP.EIA/WG.1/2003/1.

II. ELECTION OF OFFICERS

7. Ms. Vania Grigorova (Bulgaria) was elected by the Working Group to be its Vice-Chairperson

III. CO-OPERATION WITH THE ECE COMMITTEE OF ENVIRONMENTAL POLICY

8. Mr. Nenad Mikulic (Croatia), President of the Meeting of the Parties, reported on a meeting with representatives of the Bureaux of the Committee and of the governing bodies of the ECE environmental conventions (CEP/2002/8) and in particular on the following activities having a bearing on the activities under the Convention: the work of the Task Force on Monitoring and Compliance, the report on public participation in international environmental forums (CEP/2002/13 and Add.1) and the links between the Aarhus Convention and other ECE legal instruments (CEP/2002/14).
9. The Working Group took note of the information provided.

IV. ACTIVITIES UNDERTAKEN PURSUANT TO THE WORK-PLAN ADOPTED AT THE 2ND MEETING OF THE PARTIES

A) Review of the implementation of the Convention

10. The secretariat informed the Working Group of the preparation of the draft review of the implementation of the Convention. The implementation questionnaire will be circulated again in February 2003 with responses due by this summer. A small group will prepare a draft review, with the assistance of the Secretariat.
11. The Working Group established the small group, comprising Austria, Lithuania, Poland and the former Yugoslav Republic of Macedonia.
12. The draft review will be considered by the next Working Group meeting, 27-29 October 2003, and subsequently by the 3rd Meeting of the Parties.

B) Implementation Committee

13. The Working Group considered the report of the 2nd meeting of the Implementation Committee as presented by Mr. Roger Gebbels, Chairperson of that Committee (MP.EIA/WG.1/2003/3). The paragraphs 10 (notification), 12 (Committee functions) and 13 (public involvement in the Committee) of the report were discussed in detail. The Working Group endorsed the report.

14. The Secretariat requested delegations verify the points of contact (for notification) listed on the UNECE web site and to provide updated information as soon as possible.

15. Information on possible public involvement in the work of the Implementation Committee will be prepared by the Canadian delegation for the next meeting of the Committee. The Committee will then prepare proposals on this issue for consideration at the next meeting of the Working Group.

C) Strengthening cooperation with other ECE Conventions

16. The Secretariat (on behalf of the Romanian delegation) informed the Working Group of how this activity is to be implemented. A workshop will be held in Romania, 2-5 October 2003. The Working Group requested that the agenda for that workshop be sent to the focal points. The outcome of the workshop will be presented at the next meeting of the Working Group

D) Guidelines on good practice and on bilateral or multilateral agreements

17. The Finnish delegation presented the draft guidelines on good practice and on bilateral or multilateral agreements. The Working Group made suggestions for minor amendments to the guidelines, both structural and detailed (notably on the procedure, and public participation), and endorsed them.

18. The Finnish delegation will finalize the guidelines taking into account the comments made by the Working Group. The guidance will be proposed for adoption at the 3rd Meeting of the Parties.

19. The paper and electronic (interactive) versions will be available in May 2003. The Chairperson recommended that implementation of these guidelines will be discussed at the next Working Group meeting.

E) Strategic environmental assessment

20. Mr. Terje Lind (Norway), Chairperson of the ad hoc Working Group on the Protocol on Strategic Environmental Assessment, informed the Working Group of progress on the negotiations of the Protocol. It is expected that the Protocol will be finalized at the 8th session of the ad hoc Working Group on 30 January 2003. The Protocol will be open for adoption and signature in Kiev, May 2003.

F) Subregional cooperation

21. The delegations of Croatia and Poland provided information on how this activity is being implemented. It was understood that subregional cooperation aims at strengthening the application of environmental impact assessment in a transboundary context through the provisions of the Convention, in particular in the countries in transition. The Bulgarian delegation presented the outcome of a workshop on this issue (MP.EIA/WG.1/2003/5). The Working Group decided to discuss this matter, based on the outcome of workshops on this issue, at its next meeting on this issue in order to finalise the report and to prepare a decision on subregional cooperation, for possible adoption at the next meeting of the Parties.

22. Poland, with the support of the REC, is organizing a workshop to develop bilateral agreements with its neighbours, to be held from 23 to 25 June 2003 in Szentendre, Hungary; funds are sought to enable the Russian Federation and Belarus to participate. The Croatian delegation informed the meeting of a planned workshop in Serbia and Montenegro for the countries of South-East Europe. The Tajikistan delegation informed the meeting of a possible workshop to be held together with Uzbekistan for the benefit of countries in Central Asia.

G) Database on environmental impact assessment

23. The Polish delegation reported to the Working Group on the workings of the database, noting a lack of use, user interest, maintenance and financial support. The delegation also provided an informal written report on its operation.

24. The Czech Republic and Ecoterra offered to provide technical reviews of the database and recommendations for a way forward. The Working Group requested the Bureau of the Meeting of the Parties to review the database and propose solutions to the current difficulties, for discussion at its next meeting.

H) Amendments to the Convention

25. Mr. Christian Baumgartner, Chairperson of the small group on amendments, presented a paper on twenty-one possible areas for amendment. The Working Group discussed these areas and decided to establish a small working group, to comprise delegations from Germany, Norway, the former Yugoslav Republic of Macedonia, the United Kingdom and the Commission of the European Communities, to examine and make proposals for:

- the revision of Annex I to the Convention,
 - the introduction of scoping procedures, and
 - technical amendments to align the Convention with the SEA Protocol,
- for consideration at the next meeting of the Working Group.

I) Public participation in EIA in a transboundary context

26. The delegation of the Russian Federation introduced this activity. As this activity is based on practical experience, the delegations were invited to continue sending in case studies until the end of February 2003. A meeting on the draft guidance on public participation in a transboundary context will be held 25-27 September 2003 in Moscow. The outcome of that meeting, including the draft guidance, will be presented for consideration at the next meeting of the Working Group.

V. FINANCING OF THE ACTIVITIES OF THE CONVENTION

A) Current funding

27. The Working Group reviewed decision II/3 on the budget (ECE/MP.EIA/4, annex XIII). The Secretariat provided an update on the table contained therein.

28. Funding was reported as still being required, in particular for activities on sub-regional cooperation and the database, which seems to be one of the major problems of its functioning, for the organization of the 3rd Meeting of the Parties in Croatia, and for the participation of representatives of the eligible countries in transition.

B) Future funding

29. The Bureau of the Meeting of the Parties presented possible options for securing future funding for the activities in the work plan. The secretariat of the Convention on Long-Range Transboundary Air Pollution presented the funding mechanisms of that Convention and its Protocols.

30. The Working Group discussed funding options in detail and requested the Bureau to prepare more concrete proposals for the future financing of activities under the EIA Convention for consideration at the next meeting of the Working Group. The Working Group considered that the following options should be further investigated:

- Sharing the costs of 'core' activities across the Parties, with contributions in kind being taken into account. Contributions to these activities need not be mandatory.
- Flexibility is required for funding of other activities. This funding option was presented by the Bureau of the Meeting of the Parties: "Parties will provide voluntary funding of particular activities in the work plan agreed by the Meeting of the Parties – a commitment for such funding should be made by a Party at the Meeting of the Parties".

VI. PREPARATION OF THE EXTRAORDINARY MEETING AND THE THIRD MEETING OF THE PARTIES

31. The secretariat informed the Working Group of the practical arrangements for the extraordinary meeting of the Parties to the Convention, to be held in Kiev, 21-23 May 2003. Parties present at the Working Group endorsed the following request for the extraordinary meeting of the Parties: "With reference to Decision II/9 on Strategic Environmental Assessment adopted at the Second Meeting of the Parties, Parties to the Convention meeting at the Working Group on 27-29 January 2003 request in writing that an extraordinary meeting of the Parties take place 21-23 May 2003 on the occasion of the fifth Ministerial Conference "Environment for Europe" in Kiev, Ukraine".

32. Mr. Nenad Mikulic (Croatia), President of the Meeting of the Parties, informed the Working Group of the practical arrangements for the 3rd Meeting of the Parties, to be held in Croatia, probably near Dubrovnik, 24-25 May 2004. The Working Group endorsed a suggestion that a Meeting of the Signatories of the Protocol on Strategic Environmental Assessment be held back-to-back with the 3rd Meeting of the Parties.

33. The Chairperson of the Working Group requested delegations to consider for the next meeting of the Working Group issues to be addressed in the work plan to be proposed at the 3rd Meeting of the Parties and prepare proposals to that extent.

VII. ACTIVITIES FOR PROMOTING THE IMPLEMENTATION & RATIFICATION OF THE CONVENTION

A) Status of ratification

34. The secretariat informed the Working Group of the status of ratification of the Convention, with 40 Parties having ratified, acceded to, approved or accepted the Convention. The delegations for Bosnia & Herzegovina, Serbia and Montenegro and the Russian Federation reported on progress to become Parties. The Working Group requested those countries that have not yet ratified, acceded to, approved or accepted the Convention to do so soon.

B) Amendment of the Convention

35. The secretariat informed the Working Group of the status of ratification of the Amendment to the Convention, with one Party (Germany) having ratified the Amendment.

36. The meeting took note of the information provided by Mr. Nenad Mikulic (Croatia) regarding discussions within the Bureau on implementation of decision II/14 to amend the Convention, in particular on contacting States outside the UNECE region. Delegations recommended that the following countries be invited to the 3rd Meeting of the Parties as observers: some countries from the African and South American continents, and from the Middle East, and, in particular, China, Mexico, the Islamic Republic of Iran and South Africa.

VIII. OTHER BUSINESS

37. The delegation of the Russian Federation requested that the secretariat endeavour to distribute in advance, and simultaneously, all documentation in all three official languages.

IX. CLOSING OF THE MEETING

38. The Chairperson presented a summary of the discussions and the main decisions taken by the Working Group and thanked the delegations for a productive meeting. The Working Group requested its Bureau to finalize the report, with the assistance of the Secretariat, for consideration at its next meeting.