



**Economic and Social
Council**

Distr.
GENERAL

MP.EIA/WG.1/2004/2
16 March 2004

ORIGINAL: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

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

Working Group on Environmental Impact Assessment

REPORT OF THE SEVENTH MEETING

1. The seventh meeting of the Working Group on Environmental Impact Assessment (EIA) took place in Geneva (Switzerland) from 28 to 30 January 2004.
2. It was attended by the delegations of: Albania, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Ireland, Italy, Kazakhstan, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom, United States of America and Uzbekistan. In addition, the Islamic Republic of Iran was represented.
3. A representative of the Commission of the European Communities attended the meeting.
4. The United Nations Environment Programme Mediterranean Action Plan (UNEP/MAP), and the World Health Organization (WHO) were represented. The following non-governmental organizations were also represented: ECOGLOBE, ECOTERRA, Environment Experts Association, European ECO Forum, International Association for Impact Assessment (IAIA), International Public Network for Environmental Impact Assessment (IPNEIA) and Unisféra International Centre.
5. Mr. Stefan Ruchti (Switzerland), Chairman, opened the meeting.

I. ADOPTION OF THE AGENDA

6. The Working Group adopted the agenda as set out in document MP.EIA/WG.1/2004/1.

II. PREPARATION OF DRAFT DECISIONS FOR POSSIBLE ADOPTION AT THE THIRD MEETING OF THE PARTIES

7. The Working Group focused on the finalization of draft decisions for possible adoption at the third meeting of the Parties, in particular the development of a draft work plan for the period between the third and fourth meetings of the Parties. All draft decisions had been circulated to the focal points of the Convention and to the participants. The Working Group agreed with this working method on the understanding that the period for preparation of these decisions was short. The Working Group also requested the Bureau to finalize all draft decisions for formal adoption at the third meeting of the Parties, apart from the decisions on the work plan and the budget which would be finalized during the first general segment of that meeting.

A. Review of the implementation of the Convention

8. The secretariat presented a revised draft decision on the review of implementation. It was suggested to add a paragraph which would request the Implementation Committee to consider the general compliance issues as identified in the "Review of Implementation 2003". The Working Group requested the Bureau to finalize the draft decision for submission to the Parties at their third meeting, taking into account this suggestion.

B. Implementation Committee

9. The President of the Implementation Committee, Mr. Roger Gebbels (United Kingdom), presented a draft decision on the review of compliance as prepared by the Implementation Committee and amended at the second preparatory meeting for the first meeting of the Signatories (26-27 January 2004). Having made some further minor amendments, the Working Group agreed to submit the draft decision to the Parties at their third meeting.

10. The delegation of Ireland, as holder of the EU Presidency, welcomed the draft decision on the basis that the compliance procedure was a non-adversarial and assistance-orientated procedure and that the Implementation Committee remained focused on its objective to assist Parties to comply with the Convention, and noted that the EU particularly supported the reference in the draft decision to encourage Parties to self-refer compliance issues to the Committee.

C. Strengthening cooperation with other UNECE conventions

11. The secretariat presented a draft decision on strengthening cooperation with other UNECE conventions. The Working Group decided to amend the draft decision so that the Parties request it to identify issues for further work in this area.

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

12. The Working Group discussed the draft decision on guidelines on good practice and on bilateral and multilateral agreements and agreed to submit it to the Parties at their third meeting.

E. Subregional cooperation

13. The secretariat presented a draft decision on subregional cooperation. The Working Group decided that the activities on subregional cooperation in the work plan should be aimed in particular at capacity-building in Eastern Europe, the Caucasus and Central Asia. It then agreed to submit the draft decision to the Parties at their third meeting.

F. Database on environmental impact assessment

14. The secretariat presented a draft decision on a clearing house, based on the conclusions drawn at the sixth meeting of the Working Group. The Working Group agreed to submit the draft decision to the Parties at their third meeting.

G. Possible future amendments to the Convention

15. The delegation of Germany presented a draft decision including a second amendment to the Convention. The Working Group discussed the decision and decided to:

(a) Remove a paragraph on the interdependence between the Convention and the Protocol on Strategic Environmental Assessment (SEA), given that not all Parties had the intention of ratifying the Protocol;

(b) Add two paragraphs confirming that a Party to the Convention that did not ratify this second amendment would nonetheless be able to participate fully in its meetings and activities and that prior decisions of the Meeting of the Parties would remain valid once the second amendment came into force;

(c) Include a proposal that “if the Party of origin intends to carry out a procedure for the purposes of determining the content of the environmental impact assessment documentation, the affected Party should to the extent appropriate be given the opportunity to participate in this procedure”; and

(d) Remove a proposed addition to Article 17 that “any State or organization that ratifies, accepts or approves this Convention shall be deemed simultaneously to ratify, accept or approve the second amendment to the Convention set out in decision III/7 taken at the third meeting of the Parties”, as the Working Group considered this amendment to be unnecessary.

16. The Working Group agreed to submit the draft decision to the Parties at their third meeting. The delegation of Ireland, as holder of the EU Presidency, noted that the EU member States were opposed, in principle, to the concept of introducing amendments at each meeting of the Parties.

H. Public participation in EIA in a transboundary context

17. The delegation of the Russian Federation and the representative of Ecoterra provided information on further amendments to the draft guidance on public participation as described at the previous meeting. A draft decision on the guidance was presented by the secretariat. At the request of European ECO Forum, the draft decision was revised to recognize that public participation was an “essential” element in transboundary EIA. In addition, the draft decision was changed to reflect that not all UNECE member States had the intention of ratifying the Aarhus Convention. The Working Group requested the Bureau to finalize the draft decision for submission to the Parties at their third meeting, taking into account the comments made.

I. Work plan

18. The Chairman introduced the draft decision on the work plan that had been prepared by the secretariat on the basis of the discussions on the work plan during the previous meeting of the Working Group and during Bureau meetings.

19. The Chairman introduced a form listing possible activities to be carried out under the Convention in the period between the third and fourth meetings of the Parties. He proposed a procedure for setting priorities. The procedure resulted in the selection of the following activities for further examination:

- Exchange of good practice;
- Subregional cooperation;
- Capacity-building in Eastern Europe, the Caucasus and Central Asia, and in other countries in the region; and
- Examination of the substantive relationship between the Espoo Convention and the Protocol on Strategic Impact Assessment (SEA).

20. Small groups were established to define for each of these activities the objective, expected outcomes, method of work, organizational arrangements, time schedule and budget. The small groups presented their recommendations to the Working Group, which made a number revisions. The Chairman presented a complete work plan including these activities and the activities identified at the second preparatory meeting for the first meeting of the Signatories to the Protocol.

21. The Working Group also examined the draft decision itself and decided to:

(a) Remove a recognition that Parties should “strive to go beyond their mere legal obligations”;

(b) Include in the work plan “activities to assist the Signatories to the Protocol on Strategic Environmental Assessment in preparing for its entry into force”; and

(c) Include a suggestion that lead countries (i.e. countries choosing to organize activities) should “benefit from each other’s experiences and [...] avoid unnecessary overlap”.

22. It was decided that the Bureau should prepare a revised draft decision on the work plan taking into account the comments made, for consideration by the Parties at the beginning of their third meeting, when outstanding issues would be resolved.

J. Cavtat Declaration

23. The draft of the Cavtat declaration as prepared for the Bureau was presented. The Working Group decided to eliminate the reference to a “ministerial declaration” on the understanding that not all ministers would be present at the third meeting of the Parties. A small group was established to prepare a revised text and it reported back to the Working Group, which agreed to submit the revised draft Cavtat declaration to the Parties at their third meeting.

III. FINANCING OF THE ACTIVITIES OF THE CONVENTION

A. Current funding

24. Mr. Nenad Mikulic (Croatia), Chairman of the Meeting of the Parties, reported on progress in obtaining funding for the third meeting of the Parties and informed the Working Group that at least two thirds of the funding had been covered.

B. Future funding

25. The Working Group briefly discussed the draft decision on the budget and financial arrangements prepared by the secretariat, without examining the costs of activities. There was no agreement on whether the draft decision presented a “transitory” or an “effective and workable” financing solution, nor on how to express the possibility of earmarked funding. It was decided that the Bureau should prepare a draft decision on the budget with indicative activity costs, for consideration by the Parties at the beginning of their third meeting, when outstanding issues would be discussed and decided upon.

C. Future financing of participants

26. The secretariat presented a draft decision on financing participants from countries in transition, non-governmental organizations (NGOs) and interested countries outside the UNECE region. The delegation of Ireland, as the holder of the EU Presidency, proposed a number of amendments, which the Working Group considered. The Working Group agreed to apply the guiding principles established and periodically updated by the Committee on Environmental Policy with a certain flexibility.

27. The Working Group also agreed to limit funding of NGO participation in meetings to a maximum of five experts, unless it decided otherwise following the practice under the Aarhus Convention. Finally, the Working Group decided that the Bureau would examine the provision of financial assistance to participants from countries outside the UNECE region, subject to the availability of funding and priority being given to funding (i) the work plan and (ii) participation by experts and representatives from countries in transition and from NGOs. The Working Group requested the Bureau to finalize this decision for submission to the Parties at their third meeting.

IV. ORGANIZATIONAL ASPECTS OF THE THIRD MEETING OF THE PARTIES

28. Mr. Mikulic described the practical arrangements for the third meeting of the Parties to the Convention including the first meeting of the Signatories to the Protocol (Cavtat, Croatia, 1-4 June 2004), specifically the conference facilities and hotel accommodation.

V. RELATIONSHIP WITH THE PROTOCOL ON SEA

29. The Working Group also examined a draft decision proposed by the delegations of the Netherlands and the United Kingdom regarding preparations for the Meeting of the Parties to the Convention serving as the first meeting of the Parties to the Protocol. The Working Group agreed to submit the draft decision to the Parties at their third meeting.

VI. CLOSING OF THE MEETING

30. The Chairman thanked the delegations for a productive meeting. The Working Group requested the Bureau to finalize the report, with the assistance of the secretariat.