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COMMITTEE ON ENVIRONMENTAL POLICY

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Item 5 of the provisional agenda

REPORTING ON PROGRAMME PERFORMANCE

Note by the secretariat

Summary

The Committee on Environmental Policy at its fifteenth session agreed to postpone the discussion on reporting on programme performance related to the 2006-2007 budget year and on lessons learned to the next session (October 2008), and requested the secretariat when preparing the agenda to allocate adequate time for such discussions.

The Committee may wish to discuss the three expected accomplishment accounts and related conclusions and take them into account when deciding on its programme of work for 2009-2010 at its next session in 2009.

SUBPROGRAMME 1 - ENVIRONMENT

Expected accomplishment 1: Further mainstreaming of environmental concerns into policy formulation by Governments and implementation through the "Environment for Europe" process and other sustainable development activities

Indicator of achievement:

- Percentage of implemented decisions or commitments by ECE member States that relate to the integration of environmental concerns into policy formulation.

Baseline 2005: 60%

Target 2007: 100%

Accomplishment account:

Three protocols of ECE conventions (Espoo, Water and Aarhus) that were adopted at the fifth Ministerial Conference "Environment for Europe" in May 2003 in Kiev, and reporting under the Environmental Performance Review (EPR) Programme were used to measure progress.

- (a) The Protocol on Strategic Environmental Assessment to the Espoo Convention was signed by 38 States. Two meetings related to the Protocol have been held. The Protocol has been ratified by seven countries so far. The Protocol is intended to ensure that environmental and health considerations are systematically taken into account when plans and programmes are drawn up. It will also promote the consideration of these concerns in the preparation of policies and legislation.
- (b) The Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (Civil Liability Protocol) was adopted by Parties to two Conventions: (i) Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and (ii) Transboundary Effects of Industrial Accidents (Industrial Accidents Convention). Progress with its ratification has proved more difficult than expected. To date, 24 countries have signed the Protocol, but only one country has ratified it. The Bureaux of both Conventions organized a workshop to explore the ratification status of the Civil Liability Protocol (Budapest, 21-22 May 2007). The workshop showed that the ratification of UNECE member States, including the European Community together with its Member States, to the Protocol depended principally on policy considerations. It also underlined that with the non-entry into force of the Protocol, the region still lacked an appropriate legal mechanism to address liability and compensation in the transboundary context and thus a much more active approach by UNECE member States was needed to create an efficient legal framework. Cooperation between several different actors, in particular the private sector and the insurance and re-insurance sectors, and capacity-building were identified as crucial means to introduce appropriate liability regimes, including the ratification of the Protocol.
- (c) The Protocol on Pollutant Release and Transfer Registers (PRTR) to the Aarhus Convention has received five ratifications so far, including one by the European Community. The ratification by the Community was complemented by the adoption of an EU regulation on PRTR, directly implementing the provisions of

the Protocol in, as of 1 January 2007, 27 EU Member States. Preparations for the entry into force of the Protocol included achieving consensus on key elements of the Protocol's structure of governance by the Working Group on PRTRs, development and adoption of a guidance document on implementation, and the organization of two international capacity-building coordination meetings with United Nations agencies and Member States with national PRTR programmes and of two national capacity-building workshops held in the region.

- (d) The Environmental Performance Review (EPR) Programme, through its second cycle of reviews, continued to assess how the member countries of Eastern Europe have incorporated environmental concerns into their sectoral policies and recommended directions and actions to improve their situation. In the second EPRs of Ukraine, Montenegro and Serbia that were carried out and finalized in 2006-2007, integration of environmental concerns into energy, water, industry, tourism, and land management sectors were analyzed by international experts. Related recommendations were formulated and discussed with the countries. Most of them were policy-oriented. A key objective of the EPR programme is to seek for convergence of environmental policies and practices in the Pan-European region. Recommendations are formulated with this aim

Conclusions

Although none of the protocols adopted at the 2003 Kiev Ministerial Conference "Environment for Europe" entered into force during the biennium, substantial progress in preparation for their implementation was made. Compared to the environmental situation described in the first cycle of EPRs, second reviews clearly show progress in environmental governance and convergence between countries of the region, while progress on integration of environmental concerns is still weak. However, external factors like political will and capacities for implementation at the national level need to be further strengthened to allow for the full achievement of the target.

Expected accomplishment 2: Increased adherence to and further implementation by countries in meeting their obligations under ECE legal instruments for the protection of the environment

Indicators of achievement:

- Number of ratifications of ECE environmental conventions and protocols
Baseline 2005: 95 ratifications (estimate)
Target 2007: 140 ratifications (estimate)
- Number of reports from parties indicating significant progress in implementing key obligations
Baseline 2005: 90 reports
Target 2007: 110 reports

Accomplishment account:

Five conventions were so far negotiated and adopted within the UNECE framework. They include the: (i) 1979 Convention on Long-range Transboundary Air Pollution (LRTAP); (ii) 1991 Convention on Environmental Impact Assessment in a Transboundary Context (EIA); (iii) 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water); (iv) 1992 Convention on the Transboundary Effects of Industrial

Accidents (IA); and (v) 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus).

There are two indicators for this accomplishment: (i) Increase of the number of ratifications of the legal instruments; (ii) Reports from countries/Parties on implementation of the legal instrument.

Increased (cumulative) number of ratifications

The five conventions are supplemented by twelve protocols. All, apart from three adopted in 2003, are in effect. The governing bodies and the secretariats continued their awareness raising and promotion activities in 2006-2007, which resulted in 54 new ratifications and accessions to the above instruments – one more than the target of 45 set for the current biennium. The revised baseline at the start of the biennium was 105. Taking the conventions separately, each has increased the number of its ratifications:

- (a) The LRTAP Convention has achieved 17 ratifications in total. These may be broken down into one ratification of the Convention, one ratification of the EMEP Protocol, one ratification of the 1985 Sulphur Protocol, two ratifications of the 1988 Nitrogen Oxides Protocol, one ratification of the 1991 Volatile Organic Compounds Protocol, one ratification of the 1994 Second Sulphur Protocol, four ratifications of the 1999 Protocol on Persistent Organic Pollutants, two ratifications of the 1999 Protocol on Heavy Metals, and four ratifications of the 1999 Gothenburg Protocol;
- (b) The Water Convention had an additional five ratifications in total. One was for the Convention itself, and four were for the Protocol on Water and Health;
- (c) The Aarhus Convention received a total of 12 ratifications. There were three additional ratifications to the Convention itself, the Protocol on Pollutant Release and Transfer Registers received five ratifications, including one by the European Community as a regional economic integration organization, and four ratifications of the amendment. The ratification by the Community was complemented by the adoption of an EU Directive on PRTR, directly implementing the provisions of the Convention in, as of 1 January 2007, 27 EU Member States;
- (d) The IA Convention received an additional three ratifications;
- (e) The EIA Convention received an additional 17 ratifications in total. Six of these were for the first amendment to the Convention, four were for the Strategic Environmental Assessment Protocol and seven were for the second amendment to the Convention.

Implementation reports from countries/Parties

Conventions receive regular reports from countries on the steps they have taken to implement provisions of the Conventions and their protocols. There are formal reporting procedures for Parties to report on action taken for the following: (i) the LRTAP Convention; (ii) the EIA Convention; and (iii) IA Convention (. In 2004-2005 90 countries/Parties provided reports on implementation. For 2006-2007 a total of 101 Parties/countries report on implementation. However, if reports for each protocol are considered, the number increases to 209. Details for each convention for 2006-2007 are as follows:

- (a) For the LRTAP Convention, 24 Parties reported on their strategies and policies for air pollution abatement in 2006. Reports were in response to a questionnaire issued by the secretariat; the replies are held in a publicly accessible database and have provided the basis for a publication of results in 2007;
- (b) For the IA Convention, a total of 40 reports on the implementation of the Convention were received, 34 from Parties and six from other UNECE member States. On the basis of these national reports, an overall report was drafted by the Working Group on Implementation and submitted to the fourth meeting of the Conference of the Parties (Rome, 15-17 November 2006). The overall report contains the quantitative and qualitative assessment of the implementation of the Convention by Parties and other UNECE member States;
- (c) For the EIA Convention, 37 Parties to the Convention reported on the countries' implementation for the period mid-2003 to end-2005 and are included in a document entitled 'Review of Implementation 2006' on the basis of a questionnaire. The Secretariat has made available these responses on the Convention's website.

Conclusions

In summary for the two indicators, (i) the target of 45 ratifications was achieved with 46 ratifications received, while (ii) the target of 110 reports from countries/Parties was almost met with 101 reports received by the secretariat but exceeded with 209 protocol-specific reports. It is clear that more effort is needed, especially by the LRTAP Convention to ensure that Parties responds to requests for information. For the next reporting round the LRTAP Convention has devised a new questionnaire that is more user friendly and designed to encourage Parties' replies.

Expected accomplishment 3: Improved environmental performance in countries with economies in transition

Indicators of achievement:

- Number of countries having carried out environmental performance reviews by the end of the biennium
Baseline 2005: 9 countries
Target 2007: 13 countries
- Number of countries that have implemented more than 50 per cent of the recommendations contained in the first environmental performance review, as reflected in the second reviews and in country reports
Baseline 2005: 8 countries
Target 2007: 12 countries

Accomplishment account:

The Environmental Performance Reviews (EPR) Programme is carrying out second cycle of reviews. The programme continues to assess and monitor progress in environmental management in countries of Europe in transition. It measures progress since the first reviews and examines in-depth the environmental policy framework, the financing of environmental protection and the integration of environmental concerns into sectoral activities. The second EPRs of the 3 countries reviewed during biennium 2006-2007, i.e. Ukraine, Serbia and Montenegro, have shown that they all have made progress since the first review (in the period 1999-2001). Second reviews include an assessment of the implementation of recommendations in the first review. On this basis, it was estimated that the three countries have implemented more than 50% of the recommendations addressed to them. Progress was mostly seen in the elaboration of strategies and legislation. However, in spite of general improvements, countries still need to make efforts to overcome a series of serious bottlenecks. In the second reviews, between 30 and 50 recommendations were respectively addressed to the three countries to help them further improve their environmental practices. These recommendations, as tailor-made for each country, aim to establish convergence between the environmental management practices all over Europe, as follows:

- (a) *Policy making, planning and implementation.* Virtually all three countries now have modern environmental framework laws in place providing a legal basis for subsidiary legislation (Serbia and Montenegro have new laws on Environment, IPPC, EIA and SEA which follow EU practices, and Ukraine is step by step adjusting its legislation using this of the EU as a model/Neighbourhood policy framework) and have set ambitious environmental targets. Progress has been aided by their ambition to use EU legislation as a model and principles of multilateral environmental agreements as guidance. All three countries have actively drafted environmental strategies, programmes and plans. In 2007, Montenegro and Serbia have also adopted their sustainable development strategies, both worked out through a broad participatory approach, and Ukraine is still working on its own. Since the first round of EPRs national environmental strategies (NES) and national environmental action plans (NEAPs) have been readjusted to fit new situations and objectives. The three countries have also undertaken institutional reforms. However, too frequent modifications in the composition of the staff under political pressure (Ukraine, Serbia), too short environmental staff (Montenegro), and the difficulty to adjust competences to more modern practices (all three countries) seriously undermine the effectiveness of the environmental institutions. Moreover, institutions are even weaker at regional and local level. A greater involvement by civil society is increasingly pushing governments to act in a more effective and responsible manner regarding environmental protection. However, countries still face obstacles in raising public awareness. In general, the challenge for the three countries remains to tackle implementing the strategies, policies and legislation that have been adopted. Typically, implementation is weak in all three countries.
- (b) *Mobilizing financial resources for environmental protection.* Second reviews give more focus to the financing of environmental protection than first ones, a direction taken at the 4th ministerial Conference in Kiev in 2003. Second EPR

reviews show that budgets devoted to environmental protection have increased, often through the establishment and use of environmental funds. Still, the amounts allocated and spent are not sufficient, the economic instruments not sufficiently developed, and their incentive effect toward a better environmental protection not effective enough. Strategies, programme and action plans are not accompanied with a cost estimate of the prescribed actions and projects, nor with an assessment of the sources of funding, resulting in weak implementation.

- (c) *Integration or environmental concerns into economic sectors and promotion of sustainable development.* Most countries are engaged in promoting environmental policy integration through the development of sustainable development strategies and the introduction of new market-based mechanisms and institutional tools. Water use, energy production, tourism development, land use, extraction of mineral resources were selected as having the largest impact on the environment in these reviewed countries. Although serious efforts are made in the energy sector, that are boosted by the current climate change challenge, countries face difficulties to find efficient mechanisms to make institutions of different sectors work together and involve all concerned stakeholders. In this view the strong political support and cross sectoral institutions needed are often insufficient. The regular supply of safe drinking water often stays a problem in rural areas, and the treatment of wastewater is still inexistent in most of the three countries which can barely afford the cost of related high investments and heavy maintenance.
- (d) *Conclusions: Remaining critical bottlenecks.* These reviews have shown that clear improvements have occurred in all three reviewed countries. These trends have been analyzed through the reporting of the status of implementation of the recommendations in the first reviews which are a systematic constituent part in second reviews (Annex 1 of EPRs). However, despite these improvements, key barriers to progress persist in reviewed countries. All of them have not made progress at the same pace. The difference is mainly attributable to different starting points and transition paths, and also to the degree of influence of EU neighbouring countries and practices. The most critical obstacles, as identified through the EPR Programme, are the lack of political support for environmental goals, the ineffectiveness of environmental institutions (in particular with regard to implementation and enforcement), the inability of governments to mobilize financing even for clearly established environmental priorities, the still weak environmental policy integration, and the failure to establish and use monitoring to measure progress and set new targets.
