
Economic Commission for Europe

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

Bureau

Geneva, 1–2 February 2011

Informal notes on meeting

I. Opening

1. The following members of the Bureau were present: Mr. Aleksandar Vesic (Serbia), Chair of the Bureau and Chair of the Working Group on Environmental Impact Assessment; Ms. Eva Baron (Netherlands), Chair of the Meeting of the Signatories to the Convention's Protocol on Strategic Environmental Assessment; Mr. Jorgen Brun (Norway), Vice-Chair of the Working Group; Mr. Matthias Sauer (Germany), Chair of the Implementation Committee; and Mr. Nikoloz Tchaknakia (Georgia), Vice-Chair of the Meeting of the Signatories.
2. Not present were: Mr. Redi Baduni (Albania), Vice-Chair of the Meeting of the Signatories; and Ms. Daniela Pineta (Romania), Vice-Chair of the Working Group.
3. The Bureau adopted the agenda.

II. Status of ratification

4. The Bureau took note of the recent ratification of the Protocol by Armenia.

III. Implementation of the current workplan (decision IV/7)

A. Compliance with and implementation of the Convention

5. The Chair of the Implementation Committee reported on this activity, highlighting:
 - (a) The continuing dialogue with Ukraine, including the delayed implementation of Ukraine's strategy to implement the Convention, and adjustments made to the draft decision on the review of compliance to respond to observations made by the Working Group when it met in November 2010;
 - (b) The continuing dialogue with Belarus, with the Committee planning an ad hoc session with Belarus in the morning of 20 June 2011, immediately prior to the fifth session of the Meeting of the Parties (MOP5) (subject to confirmation);
 - (c) The expected provision of technical advice to Azerbaijan, which the secretariat confirmed was expected to begin just before MOP5, with financing through the Environment and Security Initiative;
 - (d) The proposal by the Committee to adjust the planned workplan sub-activity on country-specific compliance reviews to include development, if necessary, of general guidance on resolving a possible systemic inconsistency between the Convention and

environmental assessment within the framework of State ecological expertise systems. The Bureau agreed with the proposal;

(e) The proposal by the Committee to include in a draft decision a request to the secretariat to promote the use by international financial institutions of a checklist prepared by the European Bank for Reconstruction and Development under the current workplan for the Convention. The Bureau suggested that this request be included in the draft decision on the review of compliance;

(f) The Committee's contact with Albania, which had been the sole Party to the Convention in the period from 2006 to 2009 that had not submitted a completed questionnaire on its implementation of the Convention during that period;

(h) The Committee's decision to contact the Directorate-General for the Environment of the European Commission, with a copy to the head of the Commission's legal service, seeking clarification of the Commission's previous view that European Union (EU) law did not preclude an EU member State, having concerns about another EU member State's compliance with its obligations under the Convention, from making a submission to the Committee.

B. Subregional cooperation and capacity building

6. The Bureau took note of the holding of the seminar on a large-scale energy project in Szentendre (Hungary) on 30 November and 1 December 2010. The secretariat confirmed that funding was now expected through the Environment and Security Initiative for the planned workshop in Tbilisi for the Caucasus subregion, probably to be held in late May 2011. The planned second workshop for the Baltic Sea area was to be held in Espoo (Finland) on 31 March and 1 April 2011. The secretariat had been unable to obtain new information on the planned second workshop for the Mediterranean Sea area, but would attempt once again to contact the Government of Morocco on this matter.

C. Exchange of good practices

7. The Bureau took note that the member States of the European Union, as well as the secretariat, had been provided with opportunities to comment on a European Commission working document on application of the Convention to large-scale projects. Given concerns about the document's content and that non-EU member States of UNECE had not had access to the document, the Bureau was of the view that it might not be appropriate to discuss the document in its current form at MOP5.

D. Promoting ratification and application of the Protocol on SEA

8. The secretariat reported on a planned subregional training workshop on the Protocol in Central Asia, to be held in Almaty (Kazakhstan), from 28 March to 1 April 2011. The Bureau agreed that the holding of that workshop would satisfy the workplan expectation of a national workshop in Bishkek for Kyrgyzstan and Tajikistan.

IV. Current budget and financial arrangements (decision IV/8)

A. Biannual financial report (decision IV/8, para.9)

9. The secretariat reported that the preparation of the biannual financial report to 31 December 2010 awaited the release of the necessary information by the UNECE Executive Office. Nonetheless, the secretariat indicated that expenditure was likely to match income in the current intersessional period, provided all pledged contributions were fulfilled.

B. Contributions to the trust fund

10. The Bureau took note of the list of contributions to the trust fund, as well as of a list of Parties that had yet to fulfill pledged contributions. The Bureau asked the Chair to write to Portugal to request payment and asked the secretariat to remind the other Parties listed, on behalf of the Bureau, to fulfill their pledges before MOP5.

C. Fund-raising (decision IV/8, paras. 2(c), 7, 8)

11. The Bureau agreed not to address this issue.

D. Variations from the budget (decision IV/8, para.12)

12. The secretariat confirmed that there were no significant variations from the budget.

V. Secretariat staff resources

13. The Bureau agreed that the secretariat should not prioritize the development of terms of reference for additional regular budget or extrabudgetary staff, as such staff would be unlikely to be funded. The Bureau advised the secretariat to follow up on the possibility of a trainee from a Party, perhaps to assist in implementation of expected workplan activities after MOP5.

VI. Arrangements for the MOP5 and MOP/MOP1¹

A. Provisional agenda

14. The Bureau decided to retain the structure of the agenda as foreseen in the programme presented to the Working Group and the Meeting of the Signatories, with the high-level segment on 23 June 2011 only.

B. Outstanding issues for MOP5 and MOP/MOP1

15. The Bureau identified the main outstanding issues as being the review of implementation, the review of compliance, the workplan and budget, the declaration and some minor checks on other draft decisions.

¹ MOP/MOP1: first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment.

C. Financial assistance priorities

16. The Bureau reconfirmed that the budget available for the meetings in June was that originally foreseen for MOP5 plus MOP/MOP2, and that the budget allocated to a free-standing MOP/MOP1 should not be used. Only one representative per eligible country with its economy in transition would receive financial support; in addition, for those countries Parties to the Protocol, an additional representative would receive support. The Chair of the Implementation Committee observed that eligible members of the Committee might also benefit from financial support for their participation in the planned ad hoc Committee meeting in the morning of 20 June.

17. The Bureau confirmed that only the five NGOs (Caucasus Environmental NGOs Network (CENN), ECOGLOBE (Armenia), ECOTERRA, European ECOFORUM and the International Association for Impact Assessment (IAIA)) and the non-ECE countries (China, Iran (Islamic Republic of), Lebanon, Mongolia and Viet Nam) previously listed by the Bureau would receive financial support.

D. Chair for the MOP5, MOP/MOP1 and high-level segment

18. The Bureau welcomed the nomination of Mr. Andrzej Kraszewski, Minister for the Environment of Poland, as Chair of the high-level segment, and agreed that the Chair of the Bureau might serve as Chair of the general segment, if agreed by the Parties. If Poland was not yet a Party to the Protocol by the time MOP5 was held, the Chair of the Bureau might also serve as Chair of the high-level segment for agenda items addressing the Protocol.

E. Invited speakers on panel discussion on nuclear energy-related projects

19. The Bureau asked the secretariat to contact the expected speakers for the panel discussion, enclosing the draft background paper. The secretariat should also circulate a compilation of bullet points received from each speaker so as to reduce overlap between interventions. The Bureau agreed that the moderator of the panel on nuclear energy-related activities should be invited to report back to the high-level segment on the key messages from the panel.

F. Invited speakers for seminar on 20 years of law and practice under Convention

20. The Bureau confirmed that the secretariat might use the budget line reserved for speakers at MOP5 (US\$10,000) and that for the half-day seminar (US\$5,000) to provide financial support to the seminar speakers. The Bureau also suggested that the six presentations for the seminar should be divided into two panels, with an opportunity for questions to each panel; presentations should not exceed 15 minutes each.

VII. Future Bureau members; officers for Working Group on EIA & SEA

21. The Bureau reviewed nominations for members of the Bureau (Chair and Vice-Chairs, plus alternates) and for the Chair and Vice-Chairs of the Working Group. The Bureau developed a proposal, including the situation where a possible host country would provide the future Chair of the Bureau.

22. The Bureau agreed that the secretariat should inform Parties once sufficient nominations had been received

VIII. Future members of the Implementation Committee

23. The Bureau reviewed nominations for members of the Implementation Committee and developed a proposed membership for: (a) the review of compliance with the Convention; (b) alternatively, the review of compliance with the Protocol.

24. The Bureau asked the secretariat to contact a number of other countries to determine whether they would be interested in joining the Committee. Again the secretariat should inform Parties once sufficient nominations had been received.

IX. Draft elements of the workplan (MOP5–MOP6)

25. The Bureau examined the draft workplan in detail and emphasized that any sub-activity lacking organizational arrangements should be deleted from the workplan. The Bureau shared the secretariat's concern that the number of sub-activities exceeded the capacity of the secretariat to provide support, particularly for Eastern Europe, the Caucasus and Central Asia, within the activity on subregional cooperation and capacity-building, and therefore asked the secretariat to contact these countries to seek clarification.

26. Concerned by the lack of planned activities in South-eastern Europe, the Bureau inserted into the draft workplan possible workshops for that subregion (in square brackets). The Bureau asked the secretariat to contact all lead countries that had been indicated in the workplan in square brackets, to seek their confirmation. As noted above, the Bureau also agreed to expand the sub-activity on country-specific performance reviews.

X. Draft decisions to be forwarded to MOP5, to MOP/MOP1 and to the joint session

27. The Bureau examined each draft decision in turn and attempted to minimize the number of square brackets remaining in the text.

28. For the draft decision on the review of compliance, as noted above, the Bureau suggested that reference be made to the checklist for international financial institutions.

29. For the draft decision on the application of the Convention's compliance procedure to the Protocol, the Bureau agreed with the insertion of two clarifying preambular paragraphs, one proposed by the secretariat, the other by the Implementation Committee.

30. For the draft decision on capacity-development for the Protocol, the Bureau considered it unnecessary to include a reference to health experts, as proposed by the World Health Organization, and asked the secretariat to inform that Organization accordingly.

31. For the draft decision on accession by non-UNECE States, which set out a procedure for accession to either the Convention or Protocol, the Bureau considered it useful to include in annex the format of the decision on accession by an individual State.

32. For the draft decision on the budget, financial arrangements and financial assistance, the Bureau decided upon a number of revisions to the operative paragraphs, in line with decisions taken by the Working Group and the Meeting of the Signatories, particularly regarding the prioritization of experts to receive financial support. The Bureau also decided to define only priority 1 (core) and priority 2 (non-core) sub-activities in the budget table

attached to the draft decision. The Bureau was also able to reduce the total budget. In this regard, the Bureau also considered it important that when the Bureau next selects NGOs to receive financial support, geographical distribution should be added to the selection criteria.

XI. Draft declaration

33. The Bureau decided to add two operative paragraphs to the draft declaration in preparation for the Seventh “Environment for Europe” Ministerial Conference, to be held in Astana from 21 to 23 September 2011, further to discussions in the Working Group and the Meeting of the Signatories. In addition, the Bureau added an operative paragraph in preparation for United Nations Conference on Sustainable Development 2012 (Rio+20).

XII. Timing of next meetings

34. The Bureau confirmed that MOP5 and MOP/MOP1 would be held from the afternoon of 20 June to 23 June 2011, in Geneva. The Bureau agreed to meet next in the evening of 19 June.

35. The Bureau confirmed that the new Working Group on EIA and SEA would meet in spring 2012, spring 2013 and late 2013, and agreed an informal timetable of formal meetings to be presented at MOP5.

XIII. Possible proposals for the location and timing of MOP6 and MOP/MOP2

36. The Bureau took note of information provided by the secretariat regarding a possible host country for the sixth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

XIV. Possible inputs to the “Environment for Europe” process

37. The Bureau suggested that the secretariat contact interested countries and organizations regarding the possible organization of a side-event to the Astana Ministerial Conference, including the presentation of experiences in the use of SEA, as discussed by the Meeting of the Signatories.

XV. Other business

38. (None.)

XVI. Closing

39. The Bureau meeting concluded on 2 February 2011.
