

<b>Bureau</b> Geneva, 15-16 January 2009
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## INFORMAL NOTES ON MEETING

### 1. OPENING

1. The following members of the Bureau were present: Mr. Aleksandar Vesic (Serbia), Chair of the Bureau and Chair of Working Group on Environmental Impact Assessment (EIA); Ms. Daniela Pineta (Romania), Vice-Chair, Working Group on EIA; Mr. Jorgen Brun (Norway), Vice-Chair, Working Group on EIA; Ms. Diana Olaru (Republic of Moldova), Vice-Chair, Implementation Committee, representing the Committee Chair; Mr. Alberto Marcolino (Portugal), Chair, Meeting of the Signatories to the Protocol on Strategic Environmental Assessment (SEA); Ms. Eva Baron (Netherlands), Mr. Nikoloz Tchakhnakia (Georgia) and Mr. Gavrosh Zela (Albania), Vice-Chairs, Meeting of the Signatories.

2. The Bureau adopted the agenda.

### 2. IMPLEMENTATION OF THE WORKPLAN UP TO THE 5TH MEETING OF THE PARTIES (DECISION IV/7)

#### a. Compliance with and implementation of the Convention (Chair/Vice-chair of Implementation Committee)

3. Ms. Olaru reported on the Committee's 15<sup>th</sup> session; the secretariat reported on progress in the hiring of consultants to follow-up on the decisions taken by the Meeting of the Parties regarding Armenia and Ukraine. The Bureau agreed that the agenda of the Working Group meeting in May 2009 include: (a) consideration of the revised questionnaire on implementation of the Convention; and (b) information to delegations that the Committee would be following up on the findings of the second review of implementation (decision IV/1). The Bureau discussed the image of the Committee, being assistance orientated rather than judicial; the Bureau agreed to ask the Chair of the Committee to present to the Working Group a planned brochure on the Committee.

#### b. Subregional cooperation and capacity-building

4. The secretariat reported on the holding of two subregional workshops, in Bulgaria and the Republic of Moldova. The Bureau agreed that the agenda of the Working Group would suggest that the Meeting of the Signatories consider the short awareness-raising paper on the relationship between EIA and SEA, produced at the Bulgaria workshop.

**c. Exchange of good practices**

5. The Bureau agreed that the secretariat contact EBRD regarding the planned checklist for financing institutions and that the agenda of the Working Group meeting be adapted as necessary to include the checklist.

6. See also section 5(c) below.

**d. Promoting ratification and application of the Protocol on SEA**

7. The Bureau took note of activities to promote ratification and application of the Protocol.

**3. BUDGET AND FINANCIAL ARRANGEMENTS FOR THE PERIOD UP TO THE 5TH MEETING OF THE PARTIES (DECISION IV/8)**

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

8. The secretariat reported that the UNECE accounts for 2008 were not yet closed so it was not yet possible to circulate the biannual financial report. The secretariat will send the report to the Bureau as soon as it has been drafted.

**b. Contributions to the Trust Fund**

9. The secretariat reported that all pledged contributions for 2008 had been received except from Italy. The secretariat will send invoice to Italy.

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

10. The Bureau discussed contributions by Parties to work under the Convention and, in particular, cash contributions to the Convention Trust Fund. The Bureau noted the level of contributions that might be expected if the United Nations scale of assessment (2006, ST/ADM/SER.B/668) were to be applied to the Convention budget, and listed Parties that might be expected to contribute at least one share (US\$1,000) to the Trust Fund. The Bureau recognized that the scale of assessment had not been adopted by the Meeting of the Parties, and that contributions are voluntary, but decided that the scale was useful as a guide. The Bureau agreed to write to the following Parties in the list that had neither pledged nor made cash contributions to the Trust Fund: Belgium, Cyprus, Denmark, Greece, Kazakhstan (but with reference to the pilot project with Kyrgyzstan), Luxembourg, Lithuania, Poland (but with reference to the Poznan climate meeting), Slovakia, Spain and Sweden (but with reference to an in-kind contribution). The secretariat will draft the letters to be signed by the Chair.

11. Again referring to the list and highlighting Parties that had made substantial pledges or contributions, but the amount represented less than 15% of that which might be expected, the Bureau agreed to write to: Canada, France, Germany, Italy and the United Kingdom. The secretariat will draft the letters to be signed by the Chair; the letters should make reference to the contributions already being pledged or made, and to in-kind contributions, including membership of the Bureau or Implementation Committee.

12. Bearing in mind the use in the decision by the Meeting of the Parties of the adjective "limited" to describe contributions from some Parties, the Bureau requested the secretariat to

prepare a discussion paper for the Bureau on a voluntary scale of contributions, including reference to a related decision under the Aarhus Convention.

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

13. The secretariat reported that there had not been any variations from the budget.

**4. FINANCIAL ASSISTANCE (DECISION IV/9)**

**a. List of designated experts from NGOs, per instrument (decision IV/9, para. 5)**

14. The Bureau agreed that the secretariat would provide financial support for the participation of experts from the following NGOs at the meeting of the Working Group in May 2009: European ECOFORUM, ECOGLOBE (Armenia), Commission on Public Ecological Expertise (Kyrgyzstan), Public Union “Sustainable Development Society” (Azerbaijan) and Caucasus Environmental NGOs Network (CENN).

15. The Bureau also agreed to write to a number of NGOs that had expressed an interest in participating in meetings under the Convention: ECOTERRA, European ECOFORUM, ECOGLOBE, International Association for Impact Assessment (IAIA), Commission on Public Ecological Expertise, Public Union “Sustainable Development Society”, CENN, Russian Regional Environmental Centre, Ecodefense-Kaliningrad and Bellona-SPb (Russian Federation), Environmental Experts Association (Romania), International Public Network for Environmental Impact Assessment (Russian Federation), UNISFERA (Canada) and Institute for Ecological Modernization (Bulgaria). The letter would also be placed on the Convention’s website.

16. The letter, from the Chair and to be drafted by the secretariat, would ask for information on each NGO, similarly to an earlier letter of 10 November 2004 but with the inclusion of a question on SEA experience; the deadline for response would be 31 March 2009. The Bureau will consider responses received and select NGOs to be represented at meetings under the Convention and Protocol after the May 2009 meeting and until the fifth meeting of the Parties to the Convention. The Bureau’s selection criteria would include geographical representation and the apparent need for funding.

17. The Bureau further agreed that it might be useful in the promotion of the Convention if a register of NGOs, interested in the Convention and its Protocol, be developed. NGOs would be expected to provide information about themselves (the information might be based on the list in the letter mentioned in the previous para., with the addition of contact details). The register might be used after the fifth meeting of the Parties to identify NGOs to receive financial support, but this would **not** be its main purpose. Registered NGOs might be provided with information about the Convention and Protocol, invited to participate in national and subregional events, asked for input on the application of the two instruments, etc; registered NGOs might also form a network between themselves, independent of processes under the Convention and Protocol. The register would be located and advertised on the website. In addition the Bureau agreed that the Chair propose to the Working Group that he write to the Convention’s focal points in this regard; the secretariat would draft the letter.

18. The letter would request focal points to inform relevant NGOs of the following: the existence of the Convention and Protocol, the application of the Convention to activities in the country (named examples), the website and the opportunity to register, open meetings under the

Convention and Protocol, the availability of documentation on request, the possibility (as appropriate) to request that the focal point provide translations into local languages, any planned national awareness-raising or training workshops for NGOs, and any other open workshops. In addition, the letter would ask the focal point to provide to the secretariat contact details and some description of relevant NGOs, and the letter would include an offer to send documentation.

**b. Representatives and experts from States outside the UNECE region (decision IV/9, para. 6)**

19. The Bureau agreed that the secretariat would provide financial support for the participation of representatives of China, Iraq and Mongolia at the meeting of the Working Group in May 2009. A representative of the Republic of Korea should be invited, but without financial support. The Bureau agreed that the secretariat would provide financial support for the participation of a representative of Viet Nam in the third meeting of the Signatories to the Protocol.

**5. ARRANGEMENTS FOR 12TH MEETING OF WORKING GROUP ON EIA:**

**a. Dates**

20. The Bureau agreed that the meeting of the Working Group would be held 11-13 May 2009.

**b. Provisional agenda**

21. The Bureau reviewed the agenda and, in line with discussions described elsewhere in this report, finalized the draft.

**c. Seminar on complex/large-scale projects**

22. The secretariat informed the Bureau of preparations for a seminar on large-scale projects, to be held within the meeting of the Working Group and to be organized by the European Commission. The seminar would be built around a panel with representatives of different subregions; it might lead to the establishment of, say, a task force on guidelines. The Bureau agreed that the seminar be held on the second day of the Working Group meeting. The secretariat emphasized that it was in a difficult position regarding the proposed participation of a representative of a project proponent, particularly of the company NordStream, given the Working Groups decision that private sector representatives do not qualify as observers (ECE/MP.EIA/WG.1/2007/2, para. 21). The Bureau recognized this difficulty and agreed that a small group might need to be established to clarify the Rules of Procedure (decision I/1) regarding observers.

**d. Status of multilateral agreement for South-Eastern Europe**

23. Ms Pineta, representing the depository of this agreement (Romania), informed the Bureau that it had not received any instrument of ratification. Bulgaria had indicated in November 2008 that its instrument of ratification would be deposited in December 2008.

**e. Follow-up to the findings of the Second Review (decision IV/1)**

24. The Bureau considered a suggestion that the Working Group's attention be drawn to the findings of the second review of implementation. The Bureau agreed that this issue be included in the agenda of the May meeting.

**f. Bulgaria/Croatia proposal to consider the difficulties arising from interaction between application of Convention and of EU Birds and Habitats Directives**

25. The Bureau agreed that the Chair write to Bulgaria and Croatia asking for a background paper on the relationship between the Convention and the EU Birds and Habitats Directives, explaining any difficulties and how the Working Group might react. The secretariat will prepare a draft letter.

**g. EIA in the Russian Federation**

26. The Bureau considered a note by the secretariat on EIA in the Russian Federation. The Bureau agreed to ask, during the May meeting, all UNECE member States not Parties to the Convention to report on the actions taken by them to ratify and implement the Convention.

**6. PROTOCOL IN SEA**

**a. Status**

27. The secretariat reported on the status of ratification of the Protocol. Bureau members reported on their countries' plans for ratification. The Bureau agreed that the Protocol was unlikely to enter into force before late 2009.

**b. Timing and preparations for the 3<sup>rd</sup> meeting of the Signatories ("MOS3")**

28. The Bureau considered that the 3<sup>rd</sup> meeting of the Signatories should be held in May 2010 and the 1<sup>st</sup> meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol should be held in November 2010, subject to the status of ratification. Nonetheless, the Bureau agreed that the Working Group would decide on this in May 2009.

**c. Decisions required at 1<sup>st</sup> meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol ("MOPMOP1")**

29. The Bureau did not discuss this item.

**7. ANY OTHER BUSINESS**

30. The Bureau agreed to write to Vania Grigorova, previously Chair of the Working Group, to thank her for her support of the Convention; the secretariat will draft the letter to be signed by the Chair. Ms Grigorova had left the Bulgarian Ministry of Environment at the end of 2008. A greetings card would also be circulated by the secretariat at the next meeting of the Working Group.

31. The Bureau discussed possible synergies between the 2010 annual conference of IAIA, to be held in Geneva between 1 and 7 May 2010, and the likely meetings under the Convention at that time. The Bureau thought that it would be useful to hold the Convention meetings the week

before the conference, so that representatives of countries with economies in transition might seek funding to stay on after the meetings, to participate in training over the intervening weekend and to participate in the conference if appropriate. An “Espoo Day”—or seminar—might be held on the Monday at the start of the conference, with some speakers being delegates to the Convention meetings; the seminar might be held in the Palais des Nations so as to provide interpretation and to reduce costs. A proposal might be made to the Working Group after consultations with IAIA management at the start of March 2009; the secretariat would prepare the proposal.

## **8. CLOSING**

32. The Bureau agreed to meet again in the evenings of Sunday 10 May 2009 and Tuesday 12 May 2009.

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