

Bureau Geneva, 14-15 January 2010

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); Mr. Jorgen Brun (Norway), Vice-Chair, Working Group on EIA; Ms. Vesna Kolar-Planinsic (Slovenia), Vice-Chair, Implementation Committee, representing the Committee Chair; Ms. Eva Baron (Netherlands) and Mr. Nikoloz Tchakhnakia (Georgia), Vice-Chairs, Meeting of the Signatories to the Protocol on Strategic Environmental Assessment (SEA).

2. Not present were: Ms. Daniela Pineta (Romania), Vice-Chair, Working Group on EIA; Mr. Alberto Marcolino (Portugal), Chair, Meeting of the Signatories to the Protocol, who has retired from Government service and has yet to be replaced; and Mr. Gavrosh Zela (Albania), Vice-Chair, Meeting of the Signatories.

3. The Bureau adopted the agenda.

4. The Bureau took note of the retirement of Mr. Marcolino, and expected that Portugal would be proposing a new focal point and Chair of the Meeting of the Signatories to the Protocol.

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

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

5. Ms. Kolar-Planinsic reported on the Committee's 17th session; the secretariat reported on difficulties with contacting Azerbaijan further to the Committee's offer of technical advice¹.

6. The Bureau asked that the Implementation Committee in its next session advise on the appropriateness of the current format of the Review of Implementation.

b. Subregional cooperation and capacity-building

7. The secretariat reported on the holding of a meeting in Belarus, with participation of Lithuania and the Russian Federation, to start the pilot implementation project there. The secretariat also reported on the holding of subregional workshops in Vilnius for the Baltic Sea area and in Podgorica for South-eastern Europe; the latter workshop had not been foreseen in the Convention's workplan, but Montenegro had just joined the Convention and wished to raise

¹ Shortly after the Bureau meeting, the secretariat received confirmation from Azerbaijan of its wish to receive the offered technical advice.

awareness nationally as well as to build relationships with neighbouring countries. The only expense for the Convention's trust fund for the Vilnius and Podgorica workshops was the secretariat's travel. The report of the Vilnius workshop was awaited.

8. The secretariat indicated that a subregional workshop might be proposed in Bosnia and Herzegovina, the newest Party to the Convention.

9. The secretariat described the continuing difficulties in arranging the long foreseen workshop for the Mediterranean Sea area, with diplomatic channels having been used to establish initial contact with the Ministry of Environment of Tunisia; the Chair offered to contact lead countries to encourage their intervention.²

10. The secretariat reported that the planned subregional workshop for the Caucasus, to be held in Georgia, had been cancelled by the host country, despite the secretariat's arrangement of a donor. Mr. Tchakhnakia indicated that a fresh proposal on the holding of the workshop would be made by Georgia in the coming weeks.

11. The secretariat reported that, within the framework of the UNECE-GTZ programme "Regional Dialogue and Cooperation on Water Resources Management", it had organized a consultant to provide advice on the legislative amendments required by Tajikistan to implement the Convention, and for a follow-up workshop to examine implementation to be held in spring 2010.

c. Exchange of good practices

12. The discussion on the holding of a seminar at the next meeting of the Working Group is described in section 5(c) below.

13. The Bureau discussed the limited and diverse response to the Chair's letter to focal points intended to promote the involvement of non-governmental organizations (NGOs) in work under the Convention. **The Bureau agreed that this be raised with the Working Group, with a request for further responses.** The limited response made it difficult for the Bureau to determine how best to use the information provided.

d. Promoting ratification and application of the Protocol on SEA

14. The Bureau took note of activities to promote ratification and application of the Protocol, including a workshop planned in Slovenia in the first half of 2010. The secretariat explained that it had yet to identify a possible donor to support the planned workshop in Kyrgyzstan, to involve also participants from Tajikistan.

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)

15. The secretariat reported that the UNECE accounts for 2009 were not yet closed so it was not yet possible to circulate the biannual financial report. The secretariat will send the report to

² Shortly after the Bureau meeting, the secretariat established contact with the host organization for the workshop leading to rapid preparations for the workshop.

the Bureau as soon as it has been drafted. The secretariat described the financial situation, with a substantial difference between the outstanding budgetary requirements and the expected resources available, representing a potential shortfall for the budget. This shortfall would need to be addressed through savings and additional contributions if the workplan is to be completed.

b. Contributions to the Trust Fund

16. The secretariat reported that all pledged contributions for 2008 had been received except from Italy, and for 2009 except for Portugal and Romania. The secretariat will continue to remind these Parties.

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

17. The Bureau discussed contributions by Parties to work under the Convention and, in particular, cash contributions to the Convention Trust Fund, following up on its letters sent to Parties not making contributions or making limited contributions. The secretariat reported on the receipt of unpledged contributions from a number of the Parties contacted, which represented up to 10% of the total amount of receipts since the fourth session of the Meeting of the Parties, and set a helpful precedent in the Parties concerned.

18. The Bureau noted that those Parties that continued to not make contributions or to make limited contributions were perhaps discouraging other possible contributors. **The Bureau requested the secretariat to contact selected missions as appropriate, referring to the biannual financial report and the Chair's letter regarding contributions.** The Bureau asked that the Convention's financial reports continue to present information on in-kind as well as cash contributions.

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

19. The secretariat reported that there had not been any variations from the budget beyond minor expenditure on financial support of participants, as described in the soon-to-be-issued biannual financial report.

4. FINANCIAL ASSISTANCE (DECISION IV/9)

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

20. The Bureau reviewed the evaluations by members of the Bureau of applications for financial support of experts from the NGOs, made against the following criteria agreed by the Bureau in January 2009:

- (a) The objectives of the organization;
- (b) The number of members of the organization and the basis for membership;
- (c) The number of members of the organization in other countries;
- (d) To whom it reports on its activities;
- (e) The funding of its activities;

- (f) The frequency of meetings of the organization;
- (g) The organization's qualifications in (a) EIA and (b) SEA;
- (h) The organization's experience in facilitating, or participating in, (a) EIA in a transboundary context, and (b) SEA;
- (i) The organization's activities having an international dimension, for example, through active participation in international NGO networks or international forums.

21. **On the basis of these evaluations the Bureau agreed that the secretariat would provide financial support for the participation of experts from the following NGOs at meetings under the Convention up to and including the fifth session of the Meeting of the Parties: the Caucasus Environmental NGOs Network (CENN), ECOGLOBE (Armenia), ECOTERRA, European ECOFORUM and the International Association for Impact Assessment (IAIA).** The secretariat reported that it sometimes benefited from the waiver of registration fees at IAIA annual conferences, but not membership fees.

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

22. **The Bureau agreed that the secretariat would provide financial support for the participation of representatives of China, Iran (Islamic Republic of) and Mongolia at the meeting of the Working Group in May 2010.** In reaching this conclusion, the Bureau took into consideration whether States neighboured the UNECE region, their geopolitical importance and influence, their natural resource use and any informal requests made by Parties. A representative of the Republic of Korea should be invited, but without financial support. Ms. Kolar-Planinsic indicated that she would provide suitable contacts in China, besides those available through the secretariat of the Aarhus Convention.

23. **The Bureau agreed that the secretariat would provide financial support for the participation of representatives of Lebanon and Viet Nam in the third meeting of the Signatories to the Protocol,** because of their interest and experience in SEA.

24. The Bureau considered that representatives of States outside the UNECE region should be invited to present the national environmental assessment systems and practice in meetings under the Convention.

5. ARRANGEMENTS FOR 13TH MEETING OF WORKING GROUP ON EIA

a. Dates

25. **The Bureau agreed that the meeting of the Working Group would be held 17-19 May 2010.**

b. Provisional agenda

26. The Bureau reviewed the draft provisional agenda of the Working Group's next meeting and, in line with discussions described elsewhere in this report, revised the draft. Some minor adjustments might be made once contact has been made by the secretariat with possible speakers. The Bureau agreed that, subject to a suitable introductory speaker agreeing, the agenda could

include an item on nuclear-energy activities: introducing a good practice example and then asking delegates to identify on-going and planned nuclear-energy activities, so as to facilitate early notification.

c. Seminars

27. The secretariat explained that the Baltic Sea workshop had not resulted in major potential inputs to an expected half-day seminar on climate change and EIA and SEA, which the Working Group had planned for its coming meeting. The European Commission was developing guidance on the same topic, but the guidance was not yet available. The Working Group had also planned a half-day seminar on application of the Convention to large-scale projects, as a follow up to subregional workshops in Moscow (follow-up on the Nord Stream project in the Baltic Sea) and Bucharest (on a large-scale energy project in the Black Sea), but neither of these workshops had an agreed date.

28. The secretariat presented a draft programme for a seminar on legislation for the implementation of the Convention, to be led by Armenia, with possible inputs regarding legislation in a number of countries. **The Bureau decided that this seminar would be held during the next meeting of the Working Group.**

d. Status of multilateral agreement for South-Eastern Europe

29. The secretariat informed the Bureau that its understanding was that Bulgaria and Montenegro had deposited instruments of ratification (etc.) with Romania, the depository for this agreement, but the secretariat had not been able to obtain confirmation of this. The agreement requires three parties to enter into force.

e. Decisions required for the fifth meeting of the Parties, including possible draft decision on amendments

30. The Bureau reviewed briefly a document prepared by the secretariat comprising draft decisions and requested that, when presented to the Working Group, the document would indicate the origin of each draft decision and whether the Working Group was expected to react. **The Bureau agreed that a draft decision on the interpretation of article 14 on amendments to the Convention should be presented to the Working Group, but that issues regarding the strengthening of subregional cooperation and the exchange of good practices could be incorporated into the draft decision on the adoption of the workplan, rather than being presented as separate draft decisions.** The complete list of draft decisions for consideration by the Meeting of the Parties would therefore comprise:

- (a) Review of implementation;
- (b) Review of compliance;
- (c) Application of the compliance procedure of the Convention to the Protocol;
- (d) Adoption of the workplan;
- (e) Budget and financial arrangements;

- (f) Financial assistance to representatives of countries with economies in transition, non-governmental organizations and countries outside the UNECE region;
- (g) Interpretation of article 14 of the Convention (amendments);
- (h) Amendment / interpretation of rule 7 of the rules of procedure.

31. **The Bureau decided that the draft declaration regarding the Protocol should not be included in the above-mentioned document, but should be circulated to the Bureau for its consideration until the meeting of the Working Group.** It would then be submitted to the third meeting of the Signatories to the Protocol for its consideration.

32. **The Bureau agreed that there was no need to develop a strategic plan for the Convention.**

33. The Bureau took note of the secretariat's efforts to arrange donor funding of a framework for the substantive activities in the next workplan, while not pre-judging what the Meeting of the Parties might decide to include in the workplan.

34. The secretariat presented a proposal that one possible new workplan activity could be the development of an implementation guide. The Bureau discussed the proposal and considered that it might be better to suggest to the Working Group the revision of the guidance on the practical application of the Convention. **The Bureau asked the secretariat to revise its proposal accordingly.**

35. The Bureau agreed that the delegations in the meeting of the Working Group would be asked to break into three small working groups to review implementation of the current workplan and to prepare elements for the next workplan. These elements would be combined and discussed by the Working Group and the Bureau would then offer to prepare, on the basis of the agreed elements, a draft decision on adoption of the workplan, to be considered at the 14th meeting of the Working Group, in November 2010.

f. **Timing and preparations for 14th and possible 15th meetings**

36. **The Bureau agreed that the 14th meeting of the Working Group would be held back-to-back after the third meeting of the Signatories to the Protocol, in the week 22-26 November 2010 (subject to entry into force of the Protocol being near). The 15th meeting would be held at the start of the fifth session of the Meeting of the Parties, to resolve any outstanding issues.**

6. **PROTOCOL ON SEA**

a. **Status**

37. 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 likely to enter into force in 2010. **In this case, the Meeting of the Parties to the Convention serving as the first meeting of the Parties to the Protocol ("MOP/MOP1") could be held back-to-back with the fifth session of the Meeting of the Parties to the Convention (MOP5) in Geneva in May 2011.**

b. Timing and preparations for the third meeting of the Signatories (“MOS3”)

38. See section 5(f) above.

c. Decisions required at Meeting of the Parties to the Convention serving as the first meeting of the Parties to the Protocol (“MOP/MOP1”)

39. See section 5(e) above. In addition, the Bureau noted that complete list of draft decisions for consideration by MOP/MOP1 would likely comprise:

- (a) Rules of procedure;
- (b) Establishment of a subsidiary body;
- (c) Points of contact, format for notification and focal points;
- (d) Reporting and the review of implementation;
- (e) Application of the compliance procedure of the Convention to the Protocol;
- (f) Capacity development;
- (g) Public participation in strategic decision-making;
- (h) Adoption of the workplan;
- (i) Budget and financial arrangements;
- (j) Financial assistance to representatives of countries with economies in transition, non-governmental organizations and countries outside the UNECE region;
- (k) Accession by UN Member States not ECE members (if requests received).

40. Items (h)-(j) might be combined, or be joint with the fifth session of the Meeting of the Parties to the Convention. Item (e) would be a joint decision with MOP5.

7. RULES OF PROCEDURE (RULE 7)

41. The Bureau reviewed options for either amending or interpreting rule 7 (on observers) of the rules of procedure. **The Bureau agreed to recommend amendment of rule 7, but to present both options.**

42. The Bureau also reviewed a range of possible measures to increase the transparency of the Bureau’s work. **The Bureau decided to publish information on meetings as far as practicable, to consider possibilities to invite resource persons but not to open meetings to observers, and to keep under review its consideration of its structure, membership and functions.** The Bureau agreed to inform the Working Group of the availability of some documentation.

8. TASK FORCE ON COMPLEX ACTIVITIES

43. The secretariat informed the Bureau that it understood that the European Commission was considering the hiring of a consultant to draft possible recommendations on the application of the Convention to complex activities, and that the planned Task Force might meet to discuss the draft recommendations during planned workshops in Moscow and Bucharest, which the European Commission was to support, and perhaps a third dedicated workshop.

9. POSSIBLE INPUTS INTO THE “ENVIRONMENT FOR EUROPE” PROCESS

44. The secretariat informed the Bureau of the two agreed themes for the “Environment for Europe” Ministerial Conference in Astana in September/October 2011:

- (a) Sustainable management of water and water-related ecosystems;
- (b) Greening the economy: mainstreaming the environment into economic development.

45. **The Bureau decided to invite the Working Group to make and discuss proposals for inputs into the Conference**, while noting that SEA is a unique instrument for “greening” planning and policymaking.

10. STAFF RESOURCES

a. Request by Implementation Committee to take action to increase secretariat resources to support the Committee

46. The secretariat presented a proposal on the future staffing needs of the secretariat. The Bureau recognized the need for more staff resources, with the increased workload of the Implementation Committee and the pending entry into force of Protocol. **The Bureau decided to bring this to the attention of the Working Group and to include in the draft decision on the budget a request for a second regular budget post.**

b. Recruitment of new Secretary to the Convention

47. The Bureau took note that the process for the recruitment of the secretary to the Convention was underway and was expected to be completed soon.

c. Associate expert, extrabudgetary and temporary staff

48. **The Bureau encouraged the secretariat to pursue the proposed recruitment of an associate expert. The Bureau also decided to propose inclusion in the draft decision on the budget sufficient budget for a second extrabudgetary post.**

11. ANY OTHER BUSINESS

49. (None.)

12. CLOSING

50. The Bureau meeting concluded on 15 January 2010.
