

Economic Commission for Europe

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

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Ninth meeting

Geneva, 24–26 August 2020

Item 4 (f) of the provisional agenda

**Preparations for the next sessions of the Meetings of the Parties:
Officers for the next intersessional period**

Officers for the period 2021–2023: Nominations, election criteria and tasks

Note from the secretariat

Summary

This note presents a list of vacant positions in the treaty bodies for 2021–2023, i.e.: A Chair and Vice-Chairs of the Working Group, a Chair and members of the Bureau and five (permanent and alternate) members of the Implementation Committee. Additional new members of the Implementation Committee may need to be nominated depending on whether the Committee members are Parties to both instruments.

The note also presents a record of officers nominated by Parties from 2001 until to date, highlighting Parties that have never or not recently been represented in the treaty bodies. The Bureau encourages also those Parties to consider nominating officers to ensure a sufficient rotation and a broad representation of the Parties, including with a view to sharing the related costs (in terms of travel costs and staff resources).

Moreover, as requested by the Working Group, the note contains Bureau proposals for possible criteria for the officers to be elected. It also contains further procedural clarifications, namely on the functions and tasks of the Bureau.

The Working Group will be invited to consider and agree on the Bureau proposals to be forwarded to the Meetings of the Parties.

Delegations will be invited to come forward with nominations for officers to be elected for the next intersessional period. The Working Group will be invited to consider and comment the document and to take note of any information on the planned nominations. It may wish to propose actions aiming to ensure that all the vacancies are adequately filled and that all nominations are confirmed well in advance of the next sessions of the Meetings of the Parties (Vilnius, 8–11 December 2020).

I. A list of vacant positions (chairs and members) in the treaty bodies 2021–2023

<i>Position</i>	<i>Nominee (for Convention)¹</i>	<i>Nominee (alternate: for Protocol)²</i>
<u>Bureau members</u>		
1. Chair		Not required if Party to both
2. Vice-Chair	= Chair of the Working Group	Not required as must be Party to both
3. Vice-Chair	= Chair of the Implementation Committee	Not required as must be Party to both
4. Vice-Chair	= 1 st Vice-Chair of the Implementation Committee	Not required if Party to both
5. Vice-Chair	<u>Switzerland</u> (Martine Rohn-Brossard)	Alternate required for Protocol matters
6. Vice-Chair		
7. Vice-Chair		
8. Vice-Chair		
<u>Working Group officers</u>		
1. Chair	<u>Country</u> (Person)	Must be Party to both
2. Vice-Chair	<u>Country</u> (Person)	<i>Not required according to the rules</i>
3. Vice-Chair	<u>Country</u> (Person)	<i>Not required according to the rules</i>

¹ Necessarily a Party to the Convention.

² Necessarily a Party to the Protocol. In early February 2020 the Parties were: Albania, Armenia, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Ukraine and the European Union.

<u>Implementation Committee members</u> ³	Alternates for Protocol matters	
Chair ⁴	To be elected by the Committee	
1st Vice-Chair ³	To be elected by the Committee	
Continuing members and their alternates for Protocol matters	<u>Azerbaijan</u> (A. Babayeva)	<u>Finland</u> (L. Tallskog)
	<u>Portugal</u> (M. do Carmo Figueira)	
	<u>Sweden</u> (A. Bengtsson)	
Outgoing members and their alternates	1. <u>Belarus</u> (N. Zdanevich)	(<u>Czechia</u> L. Dvorak) (<i>unless able to continue - as a full member</i>)
	2. <u>Estonia</u> (K. Heinma)	
	3. <u>Hungary</u> (Z. Pocsai)	
	4. <u>Lithuania</u> (R. Švedas, Chair)	
	5. <u>Ukraine</u> (V. Buchko)	
<u>Nominations needed</u>	<i>Nominee</i>	<i>Nominee (alternate: for Protocol)</i> ⁵
	1. <u>Country</u> (Person)	<i>Required if not Party to both</i>
	2. <u>Country</u> (Person)	<i>Required if not Party to both</i>
	3. <u>Country</u> (Person)	<i>Required if not Party to both</i>
	4. <u>Country</u> (Person)	<i>Required if not Party to both</i>
	5. <u>Country</u> (Person)	<i>Required if not Party to both</i>

II. A record of officers nominated by Parties since 2001

A. Membership of the Implementation Committee

<i>Party (in bold if also Party to Protocol)</i>	<i>MOP2-MOP3 (2001–2004)</i>	<i>MOP3–MOP4 (2004–2008)</i>	<i>MOP4–MOP5 (2008–2011)</i>	<i>MOP5–MOP6 (2011–2014)</i>	<i>MOP6–MOP7 (2014–2017)</i>	<i>MOP7-MOP8 (2017-2020)</i>
Albania					Yes	
Armenia	Yes	Yes		Yes	Yes	
Austria						
Azerbaijan			Yes	Yes		Yes
Belarus					Yes	Yes
Belgium						
Bosnia & Herzegovina						
Bulgaria			Yes	Yes		

³ In accordance with the Committee's operating rules, each elected Party should nominate a permanent member and an alternate member for the same term of office.

⁴ To be from a Party to both the Convention and the Protocol.

⁵ Necessarily a Party to the Protocol.

<i>Party (in bold if also Party to Protocol)</i>	<i>MOP2-MOP3 (2001–2004)</i>	<i>MOP3-MOP4 (2004–2008)</i>	<i>MOP4-MOP5 (2008–2011)</i>	<i>MOP5-MOP6 (2011–2014)</i>	<i>MOP6-MOP7 (2014–2017)</i>	<i>MOP7-MOP8 (2017–2020)</i>
Canada	Yes					
Croatia		Yes	Yes			
Cyprus						
Czechia						Yes (Protocol)
Denmark						
Estonia					Yes (Protocol)	Yes
Finland	Yes	Yes				Yes (Protocol)
France				Yes	Yes (Convention)	
Germany		Yes	Yes			
Greece						
Hungary					Yes	Yes
Ireland						
Italy						
Kazakhstan						
Kyrgyzstan		Yes	Yes			
Latvia						
Liechtenstein						
Lithuania					Yes	Yes
Luxembourg						
Malta						
Montenegro						
Netherlands	Yes					
Norway				Yes (Protocol)		
Poland		Yes	Yes	Yes	Yes (Protocol)	
Portugal						Yes
Republic of Moldova	Yes		Yes	Yes		
Romania				Yes	Yes	
Serbia						
Slovakia	Yes	Yes		Yes		
Slovenia			Yes	Yes		
Spain				Yes	Yes	
Sweden						Yes
Switzerland						
The former Yugoslav Republic of Macedonia	Yes	Yes				
Ukraine					Yes	Yes
United Kingdom of Great Britain and Northern Ireland	Yes					
European Union						

B. Membership of the Bureau (including the Chair and Vice Chairs of the Working Group; and the Chair and the First Vice-Chair of the Implementation Committee)

<i>Party (in bold if Protocol too)</i>	<i>MOP2-MOP3 (2001–2004)</i>	<i>MOP3-MOP4 (2004–2008)</i>	<i>MOP4-MOP5 (2008–2011)</i>	<i>MOP5-MOP6 (2011–2014)</i>	<i>MOP6-MOP7 (2014–2017)</i>	<i>MOP7-MOP8 (2017–2020)</i>
Albania			Yes		Yes	
Armenia					Yes	Yes
Austria						
Azerbaijan					Yes	Yes
Belarus				Yes	Yes	Yes
Belgium	Yes	Yes				
Bosnia and Herzegovina						
Bulgaria	Yes	Yes				
Canada						
Croatia	Yes					
Cyprus						
Czech Republic						
Denmark						
Estonia						
Finland		Yes				Yes
France						
Germany				Yes		
<i>Georgia</i>	Yes	Yes	Yes			
Greece						
Hungary						
Ireland						
Italy						
Kazakhstan						
Kyrgyzstan						
Latvia		Yes				
Liechtenstein						
Lithuania	Yes			Yes	Yes	Yes
Luxembourg						
Malta						
Montenegro						
Netherlands			Yes			
North Macedonia						
Norway	Yes		Yes			Yes
Poland	Yes			Yes	Yes	
Portugal			Yes			Yes
Republic of Moldova					Yes (Convention)	
Romania		Yes	Yes	Yes	Yes	
Serbia			Yes	Yes	Yes	
Slovakia						

Party (in bold if Protocol too)	MOP2-MOP3 (2001–2004)	MOP3-MOP4 (2004–2008)	MOP4-MOP5 (2008–2011)	MOP5-MOP6 (2011–2014)	MOP6-MOP7 (2014–2017)	MOP7-MOP8 (2017–2020)
Slovenia				Yes		Yes
Spain					Yes	Yes
Sweden	Yes					
Switzerland	Yes				Yes (Convention)	
Ukraine				Yes	Yes (Convention)	Yes
United Kingdom of Great Britain and Northern Ireland	Yes	Yes				
European Union	Yes	Yes		Yes	Yes	Yes

III. Possible election criteria for the officers and guidance on tasks and procedures

1. As requested by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its last meeting (Geneva, 26–28 November 2019), the Bureau considered and put forward proposals to the Working Group on possible criteria for the officers to be elected to the treaty bodies. To assist the Bureau, the secretariat summarized the existing rules and practice under the Convention and Protocol, and, whenever relevant, also referred to the 2013 guidelines on procedures and practices for United Nations Economic Commission (ECE) bodies,⁶ and to rules adopted under other ECE Multilateral Environmental Agreements. The present document proposes possible criteria and procedural guidance as agreed by the Bureau.

2. The Bureau proposals focus on the Bureau of the Meetings of the Parties to the Convention and the Protocol, but they can also apply to the other treaty bodies, in absence of other rules. The membership and the functioning of the Implementation Committee are governed by specific rules adopted and updated by the Meetings of the Parties (decisions IV/2, V/4 and VI/2). The Committee has also a standing mandate to review its own modus operandi and, as needed, to propose revisions to them.

3. The Bureau recommended that the possible criteria and/or specifications regarding the officers and their tasks should take the form of recommendations from the Meetings of the Parties and be recorded in the report on their next sessions (Vilnius, 8–11 December 2020).

4. The Bureau considered that the general principle governing ECE subsidiary bodies and its secretariat is also applicable to the Convention and the Protocol bodies, namely that they are to carry out their work “in a way that is member driven, participatory, consensus-oriented, transparent, responsive, effective, efficient, results-oriented and accountable”.

A. The size of the Bureau

5. The rules of procedure of the Meeting of the Parties to the Convention adopted in 1998 (decision I/1) apply mutatis mutandis to the Meetings of the Parties to the Protocol (article 14, para. 5 of the Protocol) and to the subsidiary bodies established under them (in absence of specific rules, e.g. those adopted concerning the Implementation Committee). These rules contain few details about the Bureau of the Meetings of the Parties. They define

⁶ See document E/2013/37; E/ECE/1464, available at: http://www.unece.org/fileadmin/DAM/commission/EXCOM/Key_documents/E_ECE_1464_Appendix_III.pdf (E/2013/37; E/ECE/1464)

the Bureau as “the President (**the Chair**) and **one or more Vice-Presidents (Vice Chairs)**, elected in accordance with rule 19 of the rules of procedure” (rule 2.6), but without specifying the minimum or the maximum number of Bureau members.

6. In accordance with the text of the Protocol, the membership of the Bureau must consist of **an equal number of representatives of Parties to the Convention and the Protocol**: article 14, paragraph 3, of the Protocol, which addresses the composition of the Bureau, requires that when a member of the Bureau represents a Party to the Convention that is not also a Party to the Protocol, the election of a “replacement” or an “alternate” Bureau member must be elected by and from amongst the Parties to the Protocol. As an additional clarification, the Meeting of the Parties to the Protocol has decided that the alternate Bureau member for Protocol matters “shall serve a term of office that expires at the same time as the term of office of the member of the Bureau whom he or she replaces” (decision I/1, para. 1, modifying rule 19 of the rules of procedure).

7. In practice, the Bureau has been composed of **a Chair and a number of Vice-Chairs, the Chair and the Vice-Chairs of the Working Group**; and, as set out in the modus operandi of the Implementation Committee, of **the Chair and the first Vice-Chair of the Implementation Committee**. Finally, in accordance with the established practice, a representative of the host-Government of the sessions of the Meeting of the Parties has been part of the Bureau either as its Chair or as a member/Vice-Chair. As needed, the Bureau has invited relevant stakeholders as observers to the Bureau meetings, or to parts of them, to address (without a right to vote) specific agenda items (e.g. on one occasion, representatives of the European Investment Bank attended the Bureau meeting at the invitation of the Bureau).

8. The size of the Bureau has somewhat increased over the years. At present, the Bureau consists of 11 members, and in the preceding periods of 12 members (2014–2017) 10 members (in 2011–2014) and of 8 members (2011–2008). The Bureau Chair nominated by the European Commission has most of the time been assisted by another representative of the European Commission.

9. To maximise the effectiveness of the deliberations, the Bureau recommends that the Bureau consist as a maximum of 11 members (including, the following 5 ex-officio members of the Bureau: the Chair and the first Vice-Chair of the Implementation Committee and; Chair and two Vice-Chairs of the Working Group on EIA and SEA, as well as a representative of the host country for the forthcoming sessions of the Meetings of the Parties) – unless the Meetings of the Parties decided differently.

B. Composition of the Bureau/election criteria

10. The rules of procedure of the Meetings of the Parties to the Convention and its Protocol provide only one criterion for nominating and electing the officers, which is that: “due account should be taken of the **need to ensure that the officers adequately represent different interests within the region of UNECE**” (rule 19).

11. English is the working language of the Bureau, with all the documentation and correspondence related to the work of the Bureau available in English only. Consequently, the Bureau members should be **fluent in English**. Until the end of 2019, the Bureau members under the Espoo Convention and its Protocol could exceptionally benefit from interpretation between English and Russian at their meetings. As of the beginning of 2020, ECE had to discontinue providing that service for budgetary reasons. The fluency in English is therefore more necessary than ever. (The meetings of the Bureaux of all the other ECE MEAs and of the Committee on Environmental Policy are held in English only.)

12. The 2013 guidelines on procedures and practices for ECE bodies, specify that “candidates for the Bureaux of the Sectoral Committees and other subsidiary bodies shall be

nominated by member States based on the **person’s expertise, professionalism, and expected support from the membership**. The members of the Bureaux shall be elected by the respective body according to the relevant rules of procedure and following consultations among member States. **Elected Bureaux members serve collectively in the interest of all member States**. In the absence of Rules of Procedure of such body, the composition of the Bureau should take into account expertise, with due regard to **as wide a geographical representation as possible**. A Bureau may invite major stakeholders active in the area of the subprogramme to attend the meetings of the Bureau and contribute to its work, without the right to vote”.

13. Few ECE Environmental Agreements provide additional criteria to be taken into account with respect to the composition of the Bureau, such as **gender** (Aarhus Convention and the Industrial Accidents Convention)

14. **The Bureau proposes recommending to the Meetings of the Parties the following three basic (minimum) criteria for the Bureau membership:**

- (a) **Adequate representation of the ECE subregions;**
- (b) **Equal representation of the Convention and the Protocol;**
- (c) **Linguistic capacities: Fluency in English.**

C. Terms of office of the Bureau members

15. The Bureau members are elected by the Meetings of the Parties for the subsequent intersessional period, which has been in average three years. The rules of procedure under the Convention and the Protocol do not provide guidance concerning the re-election of the officers. (In contrast, the modus operandi of the Implementation Committee specify that the officers are expected to serve two terms (of 3 years), and that “no officer should serve for more than two consecutive terms”, (unless the Meetings of the Parties decide otherwise).

16. In practice, although the unwritten rule has been to ensure a regular rotation/turnover of the representation of State Parties in the Bureau, several State Parties and, in the past, also one signatory State (Georgia) have served in the Bureau for more than one terms. This is to some extent due to the fact that only a fairly limited amount Parties have nominated officials for the Bureau and the Working Group, served as Chairs or Vice-Chairs of the Implementation Committee, or hosted sessions of the Meetings of the Parties. A member nominated by the European Commission has served in the Bureau since 2001, either as its member of as its chair except for one intersessional period (2008–2011). Out of the 44 States Parties to the Convention, the following 19 have this far not been represented in the Bureau: Austria, Bosnia and Herzegovina, Canada, Cyprus, Czechia, Denmark, France, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Liechtenstein, Luxembourg, Malta, Montenegro, Slovakia and North Macedonia.

17. **The Bureau proposes recommending to the Meetings of the Parties to better ensure a rotation/turnover among the representatives of the States Parties to the Convention and the Protocol in the Bureau, including by limiting the length of the mandate/terms of service per Party to maximum of two consecutive terms – except for the European Commission, which represents a regional economic integration organization. In addition, Parties that have never or not recently nominated officers to the Bureau or other treaty bodies should be encouraged to do so. The Meetings of the Parties should however reserve their right to decide otherwise.**

C. Role and tasks of the Bureau

18. The rules of procedure of the Meetings of the Parties to the Convention and the Protocol do not specify the tasks of the Bureau but simply state that “the Meetings of the Parties may assign specific tasks to the officers to be carried out before its next meeting” (rule 19).

19. In practice, the Bureau is an advisory body that is expected to review, provide guidance and recommendations to the treaty bodies and the secretariat on all the matters regarding the implementation of the workplan, the related budgetary matters and the preparation of the meetings under the treaties. It reviews and agrees the provisional agendas and the respective draft documentation for the meetings of the Working Group and the sessions of the Meetings of the Parties, considering any feedback from the Working Group. The Bureau also reviews the annual financial reports prepared the secretariat before they are made publicly available; and decides on the financial support to be provided to NGOs and countries outside the ECE region in the given intersessional period. The secretariat turns to the Bureau for feedback and guidance on the substantive and practical preparations of the treaty bodies meetings and the workplan implementation during the meetings of the Bureau that are held at least once a year and, as needed, consults the Bureau in between the meetings.

20. The Bureau specifies that it carries out its tasks in coordination with and with the assistance of the secretariat, and in consultation with the subsidiary bodies. It proposes describing its **key functions** as follows:

(a) To help monitor and ensure implementation of the work plans, and of past decisions and recommendations of the Meetings of the Parties, during intersessional periods, providing advice and guidance, and, if needed, making recommendations on the further development of workplans or their adaptation to changing circumstances;

(b) To help monitor the use of funding in accordance with the decisions on budget and financial arrangements of the Meetings of the Parties, involving considering annual financial reports prepared by the secretariat and agreeing on their publishing for information of the Parties; deciding on the financial support to be provided to NGOs and to countries outside the ECE region in the given intersessional period;

(c) To help ensure effective preparations of forthcoming meetings of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and sessions of the Meetings of the Parties to the Convention and its Protocol, including agreeing on draft agendas and draft documents, taking into account feedback from Parties and stakeholders (the exception being the Implementation Committee which reports directly to the Meetings of the Parties);

(d) To help ensure effective conduct of business for the preparations and the conduct of the meetings of the treaty bodies in full compliance with the rules of procedure, and to facilitate consensus-building process and the reaching agreement on decisions and recommendations (Unless Parties decide otherwise, the Chair or a Vice Chair of the Bureau chairs the general segment of the Meetings of the Parties' sessions);

(e) To take initiatives and to make recommendations to strengthen and to facilitate the implementation of the Convention and the Protocol;

(f) To liaise with relevant partners, including other ECE multilateral environmental agreements, and the ECE Committee on Environmental Policy, international organizations and programmes, multilateral forums and representatives of civil society, non-governmental organizations to cooperate, coordinate and exchange information on the implementation of the Convention and the Protocol, and their workplans;

(g) To carry out other tasks entrusted to it by the Meetings of the Parties.