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**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****Second meeting**

Geneva, 27–30 May 2013

Item 3 of the provisional agenda

**Compliance and implementation****Annex to ECE/MP.EIA/WG.2/2013/INF.5  
Bringing into line the three authentic language  
versions of the Convention****Clarifications by the Treaty Section of the UN Office of Legal  
Affairs - provided on 24 May 2013**

Clearly, there are two distinct groups of concerns here, each requiring a different approach and a rationale for rectification.

(1) Correction of technical errors due to problems encountered during image processing of the relevant texts.

Regarding the CTC, the Treaty Section wishes to clarify that it is a stand-alone document made available on the Treaty Section's website at this address:

[http://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch\\_XXVII\\_04p.pdf](http://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf)

and, as such, it should be considered separately from the UNTS as an *a priori* basis for any semantic, substantive or publishing-related discrepancies in the adopted texts of the Convention.

The Treaty Section will proceed with the correction of technical glitches which regrettably slipped into the text reproduced in the United Nations Treaty Series (vol.1989, pages 309-380), in particular its Russian version, as the result of conversion to PDF and subsequent full-text-indexing for the website. Since it is manifestly a technical matter, we will re-scan the hard copy

and fix errors in the published texts. The Concordance table prepared by the Secretariat of the ESPOO Convention will be used as a guide for such corrective action.

(2) Other discrepancies noted in the authentic texts of the Convention in English, French and Russian as reproduced in the CTC.

Please note below our observations and preliminary remarks in the attached Concordance table for the ESPOO Convention.

Practically, all discrepancies listed in the table are, in our opinion, either semantic or technical in nature and do not rise to the level of amendment to the Convention.

Most of them (please see our observations) could appropriately be addressed through a correction procedure (Procès-verbal of correction) which normally applies to errors that are physical errors in printing, spelling, punctuation, numbering, etc., as well as some instances of the lack of concordance between the different texts. We have added a column to the table in track changes indicating which discrepancies could be appropriately handled through a correction procedure<sup>1</sup>.

However, with respect to a lack of concordance of the texts, if it falls in the category of interpretation of the texts and has the potential effect of modifying the meaning or substance of the authentic text of the Convention, this is not appropriately addressed by means of a correction procedure and is not something which could be handled by the Depositary *proprio motu*. We have noted in the attached which discrepancies would seem to be issues of interpretation. [see text highlighted in yellow]

#### Amendments

Article 14 of the Convention governs the amendment procedure, which provides as follows:

1. Any Party may propose amendments to this Convention.
2. Proposed amendments shall be submitted in writing to the secretariat, which shall communicate them to all Parties.  
The proposed amendments shall be discussed at the next meeting of the Parties, provided these proposals have been circulated by the secretariat to the Parties at least ninety days in advance.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.
4. Amendments to this Convention adopted in accordance with paragraph 3 of this Article shall be submitted by the Depositary to all Parties for ratification, approval or

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<sup>1</sup> Each apparent error is thoroughly scrutinised by the depositary to ensure that it does not have the effect of modifying the meaning or substance of the text of the treaty as adopted. This process necessitates consultations with all concerned. The depositary then communicates the proposed corrections to all States concerned through a depositary notification. Objections to the proposed corrections of the original must be notified to the depositary within 90 days from the date shown on the notification. In the absence of objections to the proposed corrections within 90 days, the corrections are deemed adopted and effected to the text of the treaty ab initio (to the text as adopted).

acceptance. They shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three fourths of these Parties. Thereafter they shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

5. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

6. The voting procedure set forth in paragraph 3 of this Article is not intended to constitute a precedent for future agreements negotiated within the Economic Commission for Europe.

### Concordance table for the Espoo Convention

(Listing discrepancies, with the UN editorial team's comments thereon, noted while cross reading the Convention in its three original languages, English, French and Russian.

<i>Art.</i>	<i>Lang.</i>	<i>Discrepancy</i>	<i>Editor's Comments</i>	<i>Treaty Section Preliminary comments</i>
Title p. 352 of the UN <i>Treaty Series</i>	R	"ВОЗДЕЙСТВИЯ ЗА" should read "ВОЗДЕЙСТВИЯ НА"	See Preliminary Remarks on typos due to scanning.	This is correct in the CTC.
	R	A footnote 1 should be added to the text of the Convention in Russian	The text of the footnote should be translated into R	There is no footnote in the CTC.
New paragraph	R	A new paragraph should be added below the title of the Convention: "Принята 25 февраля 1991 года"	Missing paragraph.	Reference to the HTML version of the Convention posted on the UN website at <a href="http://www.un.org/ru/documents/decl_conv/conventions/env_assessment.shtml">www.un.org/ru/documents/decl_conv/conventions/env_assessment.shtml</a> by the Department of Public Information. Has nothing to do with the CTC.
Preamble	E/F/R	none	n.a.	
Art. 1	E/F/R	none	n.a.	
Art. 2	E/F/R	none	n.a.	
Art. 3, § 2	E/F/R	There is an inconsistency in capitalization in the text following the subparagraphs	While not a substantive change, it may be worth pointing out for future reference if the text is to be reprinted. Change would be cosmetic.	Agreed.
Art. 3, § 2 b	E	French and Russian match and have "Des renseignements sur", which is missing in English	As the syntax of subparagraphs <i>a</i> and <i>b</i> in French and Russian matches, it may be advisable to align the English.	Question of interpretation.
§ 4	E/F/R	Mention of paragraphs, 5, 6, 7 and 8, could be listed as 5 to 8.	All language versions match. Change would be cosmetic.	Agreed.

Art.	Lang.	Discrepancy	Editor's Comments	Treaty Section Preliminary comments
§ 6	F	French use definite art: "La partie touchée communique à la partie d'origine" English use first indefinite and then definite	Legal advice may be sought.	Question of interpretation.
Art. 4	E/F/R	None	n.a.	
Art. 5, last paragraph	R	"временных" should read "временных"	Missing accent (twists meaning of a word).	Change not required.
Art.6, § 1		"указанных в Статье 5" should read "указанные в Статье 5"	Conjugation error.	Agreed. This could be addressed through correction procedure.
§ 3	E/F	Possible discrepancy in the use of adverbs : <i>sensiblement</i> <i>/materially</i>	May be worth seeking advice as to whether the meaning is not slightly different.	Question of interpretation.
Art. 7, § 2	F	... à penser que <b>l'activité proposée</b> a un impact... important... ... <b>that there</b> is a significant impact...	To the editor's view this is not major, it seems clear that "there" stands for the "proposed activity".	Agreed.
Art. 8		none	n.a.	
Art. 9 § c)	F	"impact" singular in French whereas plural in English	"Impact" is rarely used in plural form in French. Seems cosmetic.	Agreed
Art.10		none	n.a.	
Art. 11 § 1 § 2 c)	E/F/R F	Acronym: CEE  Order of occurrence is different in English from French and Russian: "comités scientifiques et d'organismes internationaux"	Improper usage. The full name is correctly used afterwards. Order should be from bigger to smaller entities ?	The Russian says "or" while the English and French say "and." This would be appropriately addressed through a correction procedure.  The order of occurrence should also be aligned.
Art. 12		none	n.a.	
Art. 13		none	n.a.	
Art. 14		none	n.a.	
Art. 15		none	n.a.	
Art.16	R	"передали полномочия" should read "включая полномочия"	Semantic error.	Agreed. This could be corrected through a correction procedure.

Art.	Lang.	Discrepancy	Editor's Comments	Treaty Section Preliminary comments
Art.17		none	n.a.	
Art.18		none	n.a.	
Art.19		none	n.a.	
Art.20		none	n.a.	
APPENDICES				
I § 1	R	"500 тонн или более" should read "500 или более тонн"	Combination of the words error.	Agreed. Could be changed through Correction procedure.
I § 9	R	"допускающих" should read "допускающие"	Semantic error.	Agreed. Could be changed through Correction procedure.
I § 12	R	"10 миллионов кубических метров или более" should read "10 или более миллионов кубических метров"	Combination of the words error.	Agreed. Could be changed through Correction procedure.
II § (b)	E/F	In English, there are the words "to the proposed activity" which are missing in French	The words are implied in French	Agreed, but could be aligned to match the English.
II § e)	E/F	"autant que possible" "to a minimum"	Legal advice may be sought to find out whether the two terms carry the same obligation.	Question of interpretation.
§ f)	E/F	"retenues" / "underlying", the two adjectives have slightly different meaning. In "retenues" there seems to be an intent (gardé, mis en reserve), which may not be the case in "underlying"	Legal advice may be sought.	Question of interpretation.
III § 1 b)	E/F/R	"Convention de Ramsar"	Full title of instrument should be given: Convention sur les zones humides d'importance internationale (Convention de Ramsar); in English "Convention on wetlands of international importance especially as waterfowl habitat" (Ramsar Convention)	Could possibly be addressed by correction procedure.
IV § 5 (cf to VII § 6)	E/F	French uses similar verb "arrête" whereas English uses "adopt" and "draw up" English use similar phrase "rules of procedure" whereas French uses "règlement intérieur" and "procédure"	Legal advice may be sought.  From a legal point of view the difference in French terms seems justified, since a Commission would have "règlement intérieur" whereas a tribunal a "procédure", legal advice may be needed.	Question of interpretation.
§ 12	E/F	Last part of the sentence, variation in syntax which may impact on obligations: "est, éventuellement, assorti de l'exposé" whereas English reads "shall include any.."	To match the syntax, French should read "est assorti, <b>le cas échéant</b> ou <b>s'il y a lieu.</b> " in which case the obligation would be the same: if there are dissenting views, there shall be included. As it is now, in French "éventuellement" makes this inclusion optional.	Could possibly be addressed by correction procedure.
V	F	"notamment", does not appear in the two other languages		

<i>Art.</i>	<i>Lang.</i>	<i>Discrepancy</i>	<i>Editor's Comments</i>	<i>Treaty Section Preliminary comments</i>
VI	F	“élargir le champ” should read “élargir le champ d’application”	optional	
VII 6 (cf. to IV § 5)	E/F	See previous comment above at IV § 5		
VII § 1	R	"Статья 5" should read "Статьи 15"	Semantic error.	This is a typographical error in the Russian text. Should be corrected via correction procedure.
Treaty Series, Vol. 1989, No. 34028 p. 378	R	[Illegible – Illisible] should be replaced by the name of the person who signed the Convention in the name of the USSR	Missing text.	Not in the CTC. The UNTS practice defers in that legible signatures which are printed in the texts submitted for registration are reproduced as such. Handwritten signatures which are not legible, are not reproduced and instead a notation [Illegible] is added.