

**5th Meeting of the Parties to the Convention on EIA in a Transboundary  
Context**

**20 – 23 June 2011, Geneva, Switzerland**

**High-level segment**

**23 June 2011**

**Intervention by**

**Mr. Cristian Apostol, Secretary of State,  
Ministry of Environment and Forests of ROMANIA**

Dear Ministers,  
Dear Heads of Delegations,  
Dear Delegates and Guests,  
Ladies and Gentlemen,

It is a great honour to speak on behalf of Romania on the occasion of this 5<sup>th</sup> Meeting of the Parties to the Espoo Convention. This Convention, and the activity of its organs towards ensuring the protection of the environment through meaningful environmental impact assessment of relevant projects, are of outmost interest for Romania. Therefore, the Convention enjoys high political visibility in my country.

As every Meeting of the Parties does, this 5<sup>th</sup> one has confirmed its value by gathering all stakeholders involved in the transboundary EIA process and addressing key issues both aiming at continuing the implementation process and for finding solutions to improve and promote the Espoo principles inside and outside the UNECE region. It goes without saying that having the first Meeting of Parties to the SEA Protocol together with the Meeting of Parties to the Convention strengthens the importance and role of these meetings.

In recent times, the obligation to undertake an environmental impact assessment where there is a risk that a proposed activity may have a significant adverse impact in a transboundary context has become an obligation under general international law, as confirmed by the International Court of Justice in its 2010 judgment in the Pulp Mills Case. This makes the role of our Convention ever more important, for it is to the rules and procedures defined under this Convention other States outside the UNECE region refer when carrying out transboundary environmental impact assessment. This enhances our responsibility, not only in drafting these rules and procedures, but also in finalizing the steps needed to allow other States to become parties to our Convention.

In this context, the implementation of the Convention becomes extremely important. All States Parties have to understand that environmental impact assessment in a transboundary context is not an extraordinary procedure, especially in relation to large projects, like building and upgrading nuclear power plants, but on the contrary, something normally expected by all States in the neighbourhood of the Party of origin.

I would like therefore to express my appreciation to the Implementation Committee for all the work undertaken in order to provide information on how to implement the EIA transboundary provisions. I also wish the Implementation Committee good luck and success in its activity for the next cycle, taking into consideration the new challenges provided by the SEA Protocol. It is expected that the next period of time will come as a test for the new structure and envisaged activity but I am confident that having the support of all the Parties, the Implementation Committee will show, once again, its usefulness and added value.

We see that some Parties still have difficulties in implementing the provisions of the Convention into national law and procedures, and we believe that these difficulties can be overcome, provided all Parties act in good faith. The difficulty confronting the Conference of the Parties in such cases is the approach that needs to be taken in relation to these Parties. We have heard since the beginning of this week the position of one non-compliant Party, and tried to accommodate it. We should be careful not to affect in future exercises of this kind the legitimate interests of the affected Party.

It is sad that we have no rules under our Convention prohibiting a country in relation to which a caution has been issued to bring forward a candidature to the organs of the Convention. This is a rule in many other multilateral environmental agreements and my country believes the Conference of the Parties should follow suit. Even if there is, for now, no legal rule, we believe that we have a moral rule preventing non-compliant States to become members to the organs of the Convention, and we hope that this view is shared by the majority of the other Parties.

In relation to the SEA Protocol, we salute its entry into force, to which Romania has contributed, among other Parties, by negotiating and later ratifying it in 2009. We consider that the Protocol is a significant multilateral instrument for achieving sustainable development in the region and will prove to be an effective instrument, also for regional cooperation and thus contributing to trustful relations between neighbours.

In this context, I would also like to mention the fact that Romania has participated in several activities under the Convention at sub-regional level,

using all the opportunities to share its experience on topics such as large scale energy projects or strategic environmental issues, in a transboundary context.

Another relevant piece of international legislation for South Eastern Europe is the Bucharest Agreement, which is expected to enter into force in the near future. Romania has almost fulfilled the ratification process of this agreement. This instrument goes further than the Convention, in terms of practical arrangements, and it will be extremely interesting to see whether the added value will trigger other regions/Parties in elaborating similar tools.

I sincerely hope that all Parties will find the power and willingness to face all the challenges raised by the application of the Convention, including non-compliance issues, in order to go further into the spirit of the Convention and set a good example and message to the RIO+ Conference, which is expected to be a milestone in the environmental protection field.

I end here my brief intervention by thanking those who have made this Meeting possible, the Government of Switzerland, UNECE and the Secretariat of the Convention, and those who have participated to it, especially to the panellists that have come to share with us their valuable expertise.

**Thank for your attention!**