



Item 4.b: OPTIONS FOR POSSIBLE LEGAL INSTRUMENTS

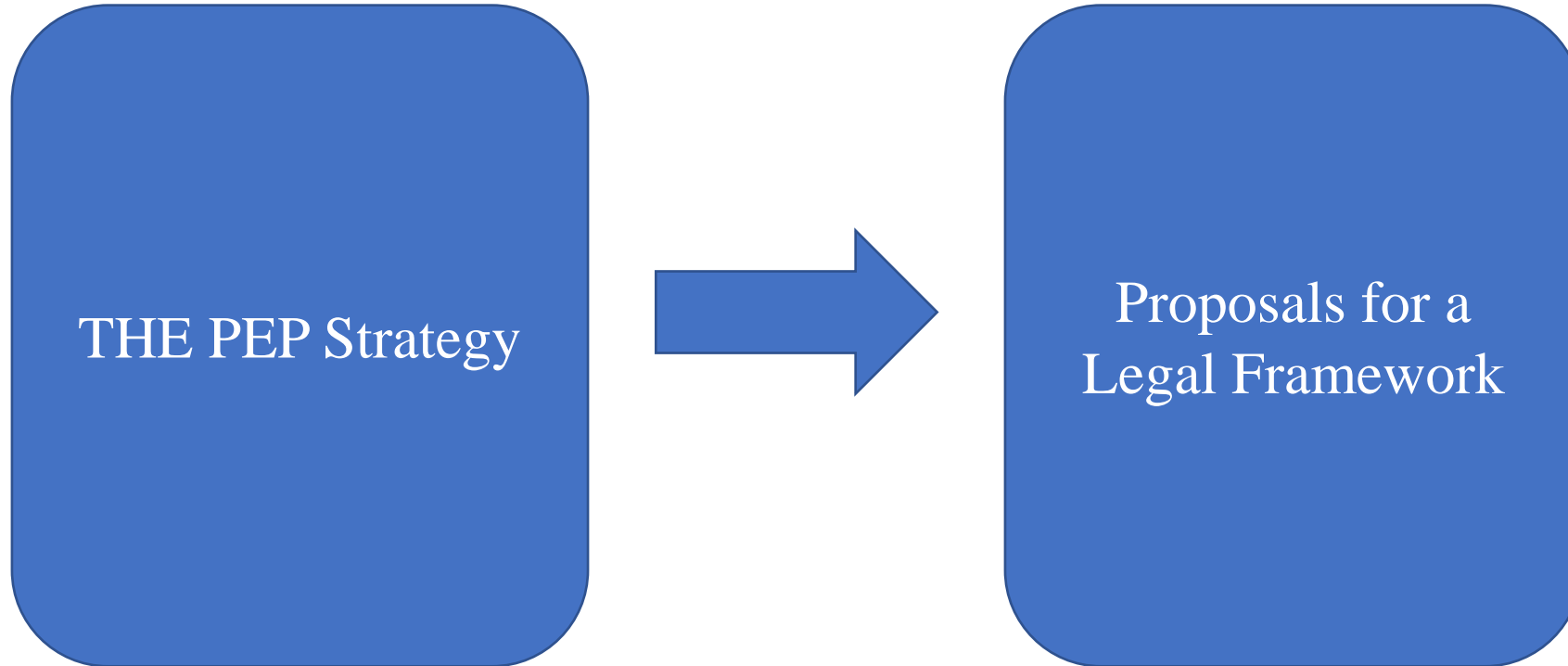
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Introductory Remarks





Structure of the document

- Review of the possible options for legal instruments
- Annex I: Development of the mandate and negotiations for a legally binding instrument
- Annex II: Draft Terms of Reference for the Ad Hoc Working Group and Proposed Timeline of Work



Mandate

Establish an ad hoc working group to analyse different legal options to give effect to our vision and strategy, and elaborate draft proposals for possible legal instruments and present them for consideration by the Steering Committee, which will agree on a proposal for adoption at the Sixth High-level Meeting on Transport, Health and Environment.

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Exploring the Mandate:

- Ad hoc working group
- Vision and strategy, and elaborate draft proposals for possible legal instruments



Vision and strategy, and elaborate draft proposals for possible legal instruments

- What are the best options for giving effect to the vision and strategy?
- What challenges would a legal instrument seek to address?
- How broad or specific should these challenges be?
- Are legal options a suitable means to give effect to the strategy?
- How many draft proposals should be presented by the working group?
- What type of legal options should be produced?

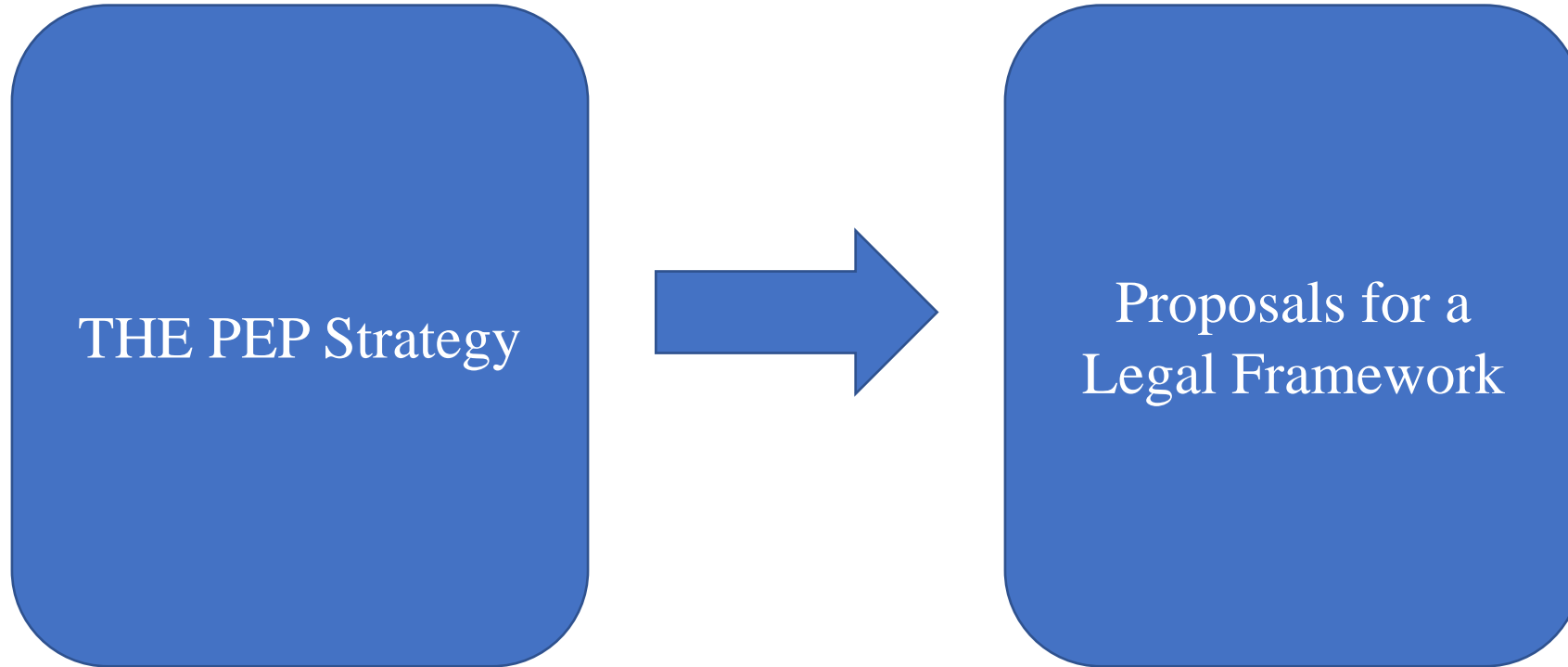


Additional Considerations:

- 20 years of THE PEP
- An enabling factor
- Negotiating a legally binding instrument may lead to more resources being made available
- Financial implications need to be considered of the possible legal instruments



Potential Ways Forward



Annex II: Draft Terms of Reference for the Ad Hoc Working Group and proposed Timeline of Work



Mandate

1. Decides to link the current work with the mandate to create a strategy for THE PEP and that the open-ended ad hoc working group responsible to develop the strategy will also lead on this mandate.
2. Consequently, the Steering committee could establish an open-ended ad hoc working group, which will start its work in 2021, to work on THE PEP strategy and the drafting of proposals for possible legal instruments. This group will carry out its work in two main steps. The work on THE PEP strategy will be undertaken first, with the proposed period of work from 2021 – 2023, when the Strategy should be adopted, as per the Vienna Declaration. This will be followed by the drafting of proposals for possible legal instruments in line with the strategy and vision of THE PEP and based on the preliminary work prepared under the strategy. The mandate is proposed for the period 2021 – October 2024.

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Annex II: Draft Terms of Reference for the Ad Hoc Working Group and proposed Timeline of Work



B. Terms of Reference

1. Composition

3. Each member State could nominate, on a voluntary basis, one or two experts to join the ad hoc working group. Member States might also consider nominating one expert from each sector (i.e. up to 3 experts). The composition of the group may also vary on the topic (i.e. discussion on the strategy or discussion on a legal framework) and it is intended that the group be flexible and open-ended in order to bring together different experts for different needs.
4. The group might wish to be supported, at the beginning of each task, initially by a consultant to support the development of the strategy, followed by an experienced consultant on international law.
5. Stakeholders might also wish to nominate a representative.
6. The Secretariat of THE PEP will participate in the working group *ex officio* to provide expert input.

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7. Tasks

6. The ad hoc working group will:

- (a) Take stock of the current situation regarding transport, health and the environment, and define the challenges that need to be solved.
- (b) Draft the Strategy with a view of adopting it by 2023.
- (c) Take stock of the work carried out to develop the strategy. In particular, take stock of the findings on the current situation regarding transport, health and the environment, in order to assess the issues faced, the problems to be solved and possible solutions, including those that possible legal instruments can seek to address.
- (d) Update the scoping exercise of legal instruments that address transport, health and environmental issues.²⁰
- (e) Elaborate legal proposals for review by the Steering Committee, as per the mandate contained in the Vienna Declaration. Work with the draft documents elaborated so far and improve them further as appropriate.

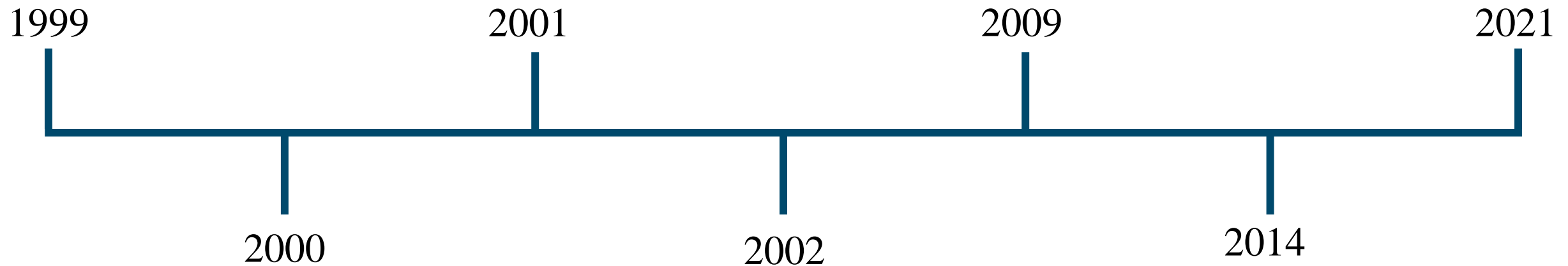
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8. Methods of work

7. The ad hoc working group is expected to meet at least once every 2 months. The meetings should be held at the Palais des Nations in Geneva or in an online or hybrid format.
8. The Chair of the ad hoc working group, appointed at the first meeting of the group, should report on the ongoing work at the annual sessions of the Steering Committee, whilst the final outcome should be submitted to the session scheduled before the sixth High-level Meeting on Transport, Health and Environment.
9. The working group might wish to nominate a rapporteur to support the Chair in the work.
10. The meetings of the ad-hoc working group will be held in English only.
11. Participation in the ad hoc working group is open to all ECE member States and experts. Interested intergovernmental and non-governmental organisations are invited to participate and provide expert advice in compliance with United Nations rules and practices.
12. The ad hoc working group should ensure inclusiveness and so active participation of experts in the group from all ECE member states, and in particular from the countries of Eastern Europe, Caucasus and Central Asia.



Annex I: Development of the mandate and negotiations for a legal binding instrument



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