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COMMITTEE ON ENVIRONMENTAL POLICY

Ad Hoc Preparatory Working Group of Senior Officials
“Environment for Europe”

REPORT OF THE FOURTH SESSION

Introduction

1. The fourth session of the Ad Hoc Preparatory Working Group of Senior Officials “Environment for Europe” took place in Geneva, at the Palais des Nations, on 7-8 November 2002.
2. The meeting was attended by delegates from Armenia, Austria, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States of America, Uzbekistan and Yugoslavia.
3. Representatives of the Commission of the European Communities (EU) and European Environmental Agency (EEA) also attended, as did representatives from the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the World Health Organization’s Regional Office for Europe (WHO/EURO), and the World Bank.

4. The following intergovernmental organizations were represented: Council of Europe, Environmental Action Programme for Central and Eastern Europe (EAP) Task Force Secretariat, Ministerial Conference on the Protection of Forest in Europe (MCPFE), Organisation for Economic Co-operation and Development (OECD), Organization for Security and Co-operation in Europe (OSCE), Pan-European Biological and Landscape Diversity Strategy (PEBLDS), Project Preparation Committee (PPC). The following regional environmental Centres were represented: Regional Environmental Centre for Central Asia (CAREC), Regional Environmental Center for Central Europe and Eastern Europe (REC) and Regional Environmental Center for Russian Federation.

5. The following non-governmental organizations were represented: European Eco-Forum and European Environmental Bureau.

I. ADOPTION OF THE AGENDA

6. The meeting was opened by the Chair, Ms. Anna Golubovska-Onisimova (Ukraine). She proposed that consideration of item 3 of the agenda, on the future of the "Environment for Europe" process, should be postponed until the second day of the meeting. The Working Group accepted this proposal and adopted the agenda as amended (CEP/AC.11/2002/23).

II. FOLLOW-UP TO THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT AND ITS LINK TO THE KIEV 2003 PROCESS

7. The Chair spoke about matters that had been taken up both in the World Summit on Sustainable Development (Johannesburg, South Africa, August 2002) and on its margins. She noted that countries in transition had achieved much more visibility overall than ever before in the official documentation. Important agreements were reached, including, in particular, actions and a timetable in the areas of water, chemicals, and biodiversity. Five priority areas for type II partnerships had been presented and discussed at the plenary meetings as the Water, Energy, Health, Agriculture and Biodiversity Strategy. All were consistent with the proposed environmental strategy of the countries of Eastern Europe, the Caucasus and Central Asia (EECCA) and the East-West environmental partnership for sustainable development launched in Johannesburg. She informed the participants that, among the many partnerships at the World Summit, only four had a UNECE regional character or implication: the East-West Partnership, the EECCA component of the EU Water Partnership initiative, the Alpine-Carpathian Cooperation as a part of the Global Mountain Partnership and Central Asia Agenda 21 Regional Partnership initiative.

8. Overall, the Working Group agreed that it was important to bring certain issues from Johannesburg to Kiev. At the same time, most of the participants stressed that the focus in Kiev should remain on the environmental pillar of sustainable development.

9. The Working Group discussed the connections among the current reforms under way within ECE, the future strategy of the Committee on Environmental Policy and preparations for the Kiev Conference. The secretariat agreed to provide a paper illustrating their relationship. It was also decided that the ECE secretariat would prepare a paper on linkages between decisions of Johannesburg and the Kiev process, and a second paper on the relationship between different

ongoing projects to reform the regional governance for environment and sustainable development.

III. FUTURE OF THE “ENVIRONMENT FOR EUROPE” PROCESS

10. The representative of the Czech Republic reported on the work of the drafting group for the future of the “Environment for Europe” process. The drafting group had met twice in Geneva, on 12 September 2002 and on 2 October 2002, respectively. The next step in the process was the convening of the third meeting of the drafting group on 3 December 2002 and, taking into account the comments made at the fourth session of the Working Group, the preparation of a paper for submission to it at its fifth session in February 2003.

11. She noted that the drafting group had agreed on the scope of the process and confirmed that it should apply to the ECE region as a whole. She informed the Working Group that the revised draft currently consisted of four chapters: achievements, challenges, goals and recommendations for improving the process.

12. The paper was well received and valued as an important contribution to the preparations for Kiev. Eco-Forum welcomed the role of civil society reflected in the document.

13. Many members emphasized the importance of continuing a pan-European approach in the “Environment for Europe” process, but there was also support for the special role of subregional initiatives such as the EECCA Strategy and the Stability Pact for the South East European countries. Most participants indicated that the paper should be more politically oriented and focused on strengthening the cooperation framework. There was generally a consensus that more should be done to ensure the implementation of the conventions.

14. Many of the members considered that the architecture of the “Environment for Europe” process should be presented more explicitly, considering the role and mandates of the PPC, EAP TF and RECs. Both political changes in Europe (EU enlargement, reconstruction of South Eastern Europe) and outputs of the World Summit in Johannesburg should be taken into account. Many expressed the view that there was no need to establish new institutions.

15. There were differences of opinion regarding the frequency of the ministerial meetings, but the general view was that they should be held every two to three years.

16. Participants were requested to provide their written comments for the further revision and editing of the document to the ECE secretariat by 18 November 2002 for consideration in the draft group’s meeting on this topic scheduled for 3 December 2002. The next meeting of the Working Group would discuss the revised document.

IV. REPORT ON THE MATTERS DISCUSSED AT THE NINTH SESSION OF THE COMMITTEE ON ENVIRONMENTAL POLICY OF RELEVANCE TO THE AGENDA OF THE KIEV CONFERENCE

A. Environment and education

17. The delegation of Sweden reported on progress in the development of a strategy for education for sustainable development. It informed members that the final draft of the paper was expected to be ready for submission to the Working Group in February 2003. It also stressed the importance of cooperation with the Council of Europe, which was working closely with the Ministries of Education in Europe. The delegation of the Russian Federation informed participants about the second meeting of the drafting group to be held in Moscow on 22 November 2002 and welcomed all interested parties to participate.

18. The ECE secretariat noted that, at the request of the Executive Committee at its sixth meeting, it had sent a letter to the Ambassadors of Permanent Mission to the United Nations in Geneva, drawing their attention to the work of the Working Group on education and asking them to communicate this to all relevant partners at the national level, including the Ministry of Education. The letter had been copied, by email, to the members of the Working Group.

19. The Working Group noted the importance of working towards education for sustainable development in the region, and it expressed its appreciation to the drafting group, led by the Governments of Sweden and the Russian Federation, that had prepared the draft strategy for the Working Group's consideration. It pointed out that environmental education for sustainable development was also addressed in the World Summit's Plan of Implementation (A/CONF.199/20, paras 116-124) and was of great importance for public participation.

20. At the same time, many delegates were concerned that a strategy on education for sustainable development could exceed or lie outside the competences of Ministries of Environment. Some participants also pointed out that, in their countries, decision-making on education was highly decentralized.

21. The Working Group stressed that a strategic view on education for sustainable development needed a coordinated view between Ministers of Environment and Ministers of Education and other bodies concerned. It therefore asked the Council of Europe, which was currently organizing a discussion by Ministries of Education on this issue, to consider the possibility of developing a joint process for education on sustainable development. The Working Group also requested the United Nations Economic Commission for Europe to take up this question at its session in March 2003.

22. With respect to the next meeting of the drafting group on environmental education for sustainable development, scheduled for 22 November 2002, in Moscow, the Working Group directed the drafting group to provide to the Executive Committee at its meeting in January a short document on environmental education for sustainable development, examining the key issues and suggesting possible future actions.

23. On the basis of the discussion in the Executive Committee and the outcome of the consultations with the Council of Europe, other governmental and international organizations,

the Working Group might consider at its fifth session (20-21 February 2003) the possibility of presenting to the Ministers in Kiev the options for further work on this issue. The Working Group might also, at its fifth session, review the possibility of organizing a seminar in Kiev on best practices on environmental education for sustainable development.

B. Report on environmental performance reviews

24. The ECE secretariat reported to the Working Group on the discussion that had taken place within the Committee on Environmental Policy on the Report on environmental policy in countries with economies in transition: ten years of Environmental Performance Reviews. The draft report was available for further comment; the document would be redrafted and finalized during the fifth session of the Working Group in February 2003. The ECE secretariat asked members to provide their comments on the paper by 14 November 2002.

25. The Working Group welcomed the document and stressed the importance and value of this review for the Kiev process. Some participants suggested that this issue should appear as a separate agenda item at the Kiev Conference.

C. Environmental assessment and reporting

26. The ECE secretariat and EEA reported on the progress made in the preparations of contributions to the Kiev Conference related to environmental assessment and reporting. Members were informed that preparation of the Kiev Assessment report was proceeding according to schedule and that the draft Kiev Assessment report had been sent to the national focal points for comment. In addition to the Kiev Assessment and its Executive Summary, conclusions on lessons learned from data collection for the Kiev report would also be submitted as a category I document. Two further documents, namely recommendations on strengthening national environmental monitoring and information systems in EECCA, and recommendations on improving national state-of-the-environment reporting, would be submitted as background papers.

27. The Working Group welcomed the progress made and stressed the importance of assessment and monitoring preparations. Some delegations suggested that this issue should be included as a separate item on the Kiev agenda.

D. Compliance and enforcement

28. The delegation of the Netherlands reported on progress made in the preparation of the guidelines on strengthening compliance with and enforcement of multilateral environmental agreements in the ECE region. The final draft was ready and would be available for the next session of the Working Group. The Working Group welcomed the work on this issue and expressed its interest in seeing the final document.

29. The OECD EAP Task Force secretariat introduced the "Guiding principles for reform of environmental enforcement authorities in transition economies of Eastern Europe, the Caucasus and Central Asia", which it intended as a supplement to the UNECE compliance guidelines. The Working Group took note of the "Guiding principles" and agreed to consider their possible inclusion on the Kiev agenda at its next session.

E. Energy and environment

30. The Energy Charter secretariat presented a draft policy statement on energy efficiency as a possible input to the Ministerial Declaration. They informed the Working Group that the progress report on the implementation of the energy-related decisions of the Aarhus Conference would be submitted to the Kiev Conference as an information document.

31. The secretariat reported on the work carried out on guidelines for reforming energy pricing. The document should be completed in early 2003.

V. UPDATE ON UNECE MULTILATERAL ENVIRONMENTAL AGREEMENTS

32. The secretariat informed the Working Group on the status of preparations for the following legal instruments:

- The draft protocol on strategic environmental assessment to the Espoo Convention;
- The draft protocol on pollutant release and transfer registers to the Aarhus Convention; and
- A joint legally binding instrument on civil liability for transboundary damage caused by hazardous activities within the scope of both the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Convention on the Transboundary Effects of Industrial Accidents.

33. The negotiations and drafting of all instruments were well under way, and it was foreseen that all three would be ready for the Conference, during which time extraordinary sessions of the Parties to the respective conventions would be organized. A protocol to the Convention on Long-range Transboundary Air Pollution on long-term financing of core activities and on strengthening pollution abatement would not be put forward for the Kiev agenda.

34. The secretariat stressed that delegates responsible for signing the protocols should consult with the appropriate authorities in their countries to ensure that they had the appropriate credentials for this purpose.

35. The Working Group welcomed the progress in the negotiations and underlined the importance of these legal instruments for the whole UNECE region.

VI. EAST-WEST ENVIRONMENTAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT: EECCA ENVIRONMENTAL STRATEGY

36. The environmental strategy of the countries of Eastern Europe, the Caucasus and Central Asia (EECCA) was discussed under agenda item 2.

37. The representative of Georgia reported on the main outcome of the third meeting of the Steering Group and expert meetings for the elaboration of an EECCA environmental strategy held in Tbilisi on 13-17 October 2002. All countries of EECCA, except Turkmenistan, had provided political support for the process (Azerbaijan and Russian Federation were not present for technical reasons). The concept and the structure of the strategy had been agreed. The strategy concept had been transformed into an "East-West" environmental partnership for

sustainable development as it had been launched in Johannesburg, and it would use the mandate from Johannesburg accordingly. Therefore, the membership of the Steering Group created by Ministers to develop the strategy had been enlarged to include new partners from among UNECE member States, international organizations and civil society. It was open to participation from all UNECE member States.

38. At the meeting in Tbilisi it had also been decided what steps to take next. The first draft of the strategy would be sent out to the countries of EECCA and to other partners of the East-West environmental partnership for comment by 10 December 2002. Thereafter, a broad discussion will be organized at the national level within the EECCA countries, and the second draft (including an English translation) was expected to be ready by 1 February 2003. The fourth meeting of the Steering Group (8-9 February 2002, Tbilisi) would finalize the strategy for submission to the Working Group at its session in February 2003. A ministerial meeting might be organized by the EECCA countries to consider the strategy in February-March 2003. The Kiev Secretariat would play a coordinating role and would prepare the first draft.

39. The delegation of Georgia stressed that the paper was based on the needs of EECCA countries and was being developed by experts from EECCA countries with contributions from international organizations. The delegation of Ukraine noted that the Kiev Secretariat would do its best to support the preparation of materials for the Kiev Conference. It also indicated its support to the partnership approach developed at the World Summit, and proposed that it would also prepare a national strategy in parallel to the regional strategy, taking into account national circumstances.

40. The Working Group welcomed the outcome of the meeting in Tbilisi on the environmental strategy and noted that it should lead to real improvements in the state of the environment. The strategy should also help to find solutions to the common environmental problems of these countries, become a means for them to meet the objectives of Agenda 21 and the Plan of Implementation of the World Summit on Sustainable Development, and serve as a core instrument for developing further the "Environment for Europe" process.

41. The environmental strategy could serve as a framework for partnerships between countries in the region, especially those involving financial and technical assistance. It could also help international organizations and institutions to coordinate their programmes in the EECCA countries and clearly identify international initiatives to support the objectives stated in the strategy. To be most effective, the strategy should be concise and focus on a few principal objectives and specific actions for implementation. The process of the strategy's drawing-up and implementation should be open to and inclusive of all major groups, in particular environmental NGOs and business.

42. The Working Group agreed that the strategy should be on the agenda of the Kiev Conference and looked forward to having an opportunity to review the final draft at its fifth session, in February 2003. Possible issues concerning institutional or other arrangements for implementation would be viewed also in the context of the Working Group's discussion on the future of the "Environment for Europe" process. In this regard, many delegates stressed that the Environmental Action Programme (EAP) for Central and Eastern Europe adopted at the Lucerne Ministerial Conference in 1993 had played an important role in strengthening environmental protection in Central European countries, and in supporting their movement toward accession to

the European Union. They emphasized that a similar internationally agreed programme was urgently needed for Eastern Europe, the Caucasus and Central Asia.

43. The Working Group invited the secretariat to prepare proposals regarding the procedure for the endorsement of the strategy, for consideration by the Executive Committee at its meeting in January 2003 and, subsequently, by the Working Group in February 2003.

VII. ENVIRONMENT, WATER AND SECURITY IN CENTRAL ASIA

44. The secretariat reported on the high-level meeting of the representatives from the Ministries of Environment of countries of Central Asia (Khujand, Tajikistan, 1-2 October 2002). The meeting had been funded by a grant from the Norwegian Government. OSCE had co-funded and participated in the meeting. Turkmenistan and Kazakhstan had not participated for technical reasons, but had provided the organizers with written statements as their input to the meeting.

45. According to the minutes of the meeting in Khujand, the countries of Central Asia had proposed to include an item on "Environment, water and security – basis for sustainable development" in the Kiev agenda. This item should be based on the Central Asian initiative on sustainable development launched at the Johannesburg Summit. The development of a legal document on regional cooperation could be started after the Conference.

46. However, two issues needed to be addressed in the further development of this initiative: Kazakhstan and Turkmenistan would have to agree to participate; and the authorities responsible for the water sectors must be involved.

47. Due to time constraints, it was suggested to have a document on commitment, possibly a regional declaration or charter, for adoption at the Kiev Conference. This would be the basis for developing a stronger instrument.

48. The delegation of Kazakhstan confirmed its participation in the process and suggested hosting the next meeting. It spoke on behalf of the Central Asian region and requested that this issue should be put on the Kiev agenda. It also stressed the importance of the question of water quality in the region and requested that special attention should be paid to this problem.

49. The representative of UNEP informed members about the joint initiative of UNEP, OSCE, the North Atlantic Treaty Organisation (NATO) and other organizations on environment and security issues linked to the subregions of Southern Europe and Central Asia. Possibly, this initiative would be presented during the Kiev Conference in the format of posters; and water matters of Central Asia could be reflected there also. Noting the relevance of water-borne disease to the issue of water quality in the subregion, the WHO/EURO representative expressed her willingness to contribute.

50. Delegations considered the issue to be of high importance. The Chair concluded that it was too early to make a final decision on this matter and that the discussion would be revisited at the next session of the Working Group.

VIII. POSSIBLE DNEIPEP CONVENTION (UKRAINE, RUSSIAN FEDERATION AND BELARUS)

51. The Chair informed the Working Group about a possible side event on the signing of the Dnieper Convention negotiated by Ukraine, the Russian Federation and Belarus and suggested reviewing the progress at the next session of the Working Group.

52. A number of participants welcomed the initiative and expressed their interest in participating in the process.

IX. UPDATE OF OTHER PREPARATORY ACTIVITIES

A. Regional mountain initiatives

53. The representative of UNEP informed the Working Group about the substantial progress in the development of a Carpathian convention and confirmed that the document was expected to be ready for the Kiev Conference.

54. The delegation of Kyrgyzstan suggested reviewing in Kiev developments with regard to the Central Asian Mountain Charter. The Charter had been signed by Tajikistan, Kyrgyzstan and Kazakhstan at the Global Mountain Forum (Bishkek, 2002), and it was expected that Uzbekistan, Turkmenistan and possibly Mongolia would join the process.

55. The delegations of Georgia and Armenia confirmed that a legal instrument on the mountain ecosystems in the Caucasian region would not be ready for the Kiev Conference.

B. Biodiversity-related activities

56. The delegation of the Netherlands reported on behalf of PEBLDS on its expected contributions to the Kiev Conference. Documents foreseen include a draft decision for Ministers on a resolution on the regional implementation of the biodiversity targets of the Convention on Biological Diversity and of the World Summit on Sustainable Development, and the integration of biodiversity into sectoral policies. The main element for discussion in the resolution would be a limited number of concrete targets for furthering biodiversity in Europe in the coming years. There would, in addition, be a number of information documents, including those on the European Landscape Convention, the Guiding Principles for Sustainable Spatial Development of the European Continent, the Code of Practice for the Introduction of Biological and Landscape Consideration into the Transport Sector, a political message from the Committee of Ministers of the Council of Europe to the Ministerial Conference, a declaration on the Pan-European Ecological Network, a declaration of the pan-European High-level Conference on Agriculture and Biodiversity, an approach to the financing of biodiversity in Europe, a report on the implementation of the Pan-European Biological and Landscape Diversity Strategy (1998-2002), and a joint framework programme with the Ministerial Conference on the Protection of Forests in Europe (MCPEE) on forests. The PEBLDS Council would meet in January 2003 to decide on the draft commitments to be put forward to the Kiev Conference for discussion and decision.

57. In addition, the MCPFE representative stressed the importance of close cooperation with both the "Environment for Europe" process and the Pan-European Biological and Landscape Diversity Strategy (PEBLDS). MCPFE planned to submit to the Kiev Conference a background document on a framework for cooperation between PEBLDS and the MCPFE in Europe.

58. The Working Group welcomed the initiatives on biodiversity and noted that they were important contributions to the Kiev Conference.

C. Possible contribution from the business community

59. The Working Group discussed the possible organization of an agenda item or side event during the Conference on the role of the business community in environmental management. The EAP Task Force's representative proposed that this might be considered in the context of discussions involving the water sector.

60. The Working Group requested the EAP Task Force and PPC to prepare a detailed proposal on this matter for consideration at its next session.

X. MINISTERIAL DECLARATION

61. It was decided that the Executive Committee would be responsible for drafting the Ministerial Declaration. It was also agreed that the Chair would prepare the first draft of elements that might be included in the Ministerial Declaration in consultation with a small drafting group on 4 December, in Geneva. The draft would then be submitted to the Executive Committee at its next meeting in January 2003, revised and then provided to the Working Group at its session in February for consideration.

62. At the seventh meeting of the Executive Committee, the delegations of Ukraine and Norway had asked to be included in the drafting group. The Chair had invited the delegation of the United States to join the drafting exercise at the next meeting of the Executive Committee.

63. The Working Group agreed on the following deadlines: the first draft of the declaration would be available by 15 December 2002 and the revised version would be circulated for comment by 24 January 2003.

XI. THE KIEV AGENDA

64. The Chair introduced the revised document on the draft organization of work during the Conference, prepared by the Kiev Secretariat on the basis of the comments provided at the sixth and seventh meetings of the Executive Committee.

65. The delegation of Ukraine proposed "environmental security for sustainable development" as the overriding theme for the Conference. However, some participants were concerned that it did not adequately reflect the breadth of the agenda. Others preferred to adopt a theme that might better reflect the outcome of the Johannesburg Summit and sustainable development. It was decided that the Kyiv Secretariat would review this issue for further discussion at the next meeting of the Executive Committee.

66. Most delegations participating in the discussion stressed the importance of the EECCA strategy and suggested that it should have a clear focus and separate agenda item at the Conference. Many participants spoke in favour of holding two separate sessions, respectively, on ten years of Environmental Performance Reviews and on environmental monitoring, including discussion on the Kiev Assessment Report.

67. There was interest in ensuring that major groups, including, for example, academics, industry and local authorities, should be involved in the session on partnerships. The delegation of Canada offered to share its experience on corporate social responsibility.

68. The Working Group reviewed the schedule for signing the three new legally binding instruments at the Conference. Some participants suggested that the signing ceremonies should be clustered into a single event.

69. Of particular importance was the concern, expressed by virtually all members of the Working Group, that a considerable amount of time should be provided to the Ministers to speak. Among the issues where this might be most appropriate are the future of the "Environment for Europe" process and the session on partnerships. In addition, ECO-Forum was asked to provide a paper with details of its plans for the joint Ministerial-NGO session.

70. Other items that were proposed for inclusion in the agenda included energy and a possible Dniester convention.

71. It was decided that the Kiev Secretariat would prepare a revised organization of work and circulate it before the next meeting of the Executive Committee.

XII. ORGANIZATION OF THE KIEV CONFERENCE

72. The Kiev Secretariat welcomed the rules and procedures suggested by the secretariat on participation and registration and on screening of side events for the Conference. It also informed the Working Group that it had started to work at full capacity, and it confirmed that the action plan on national preparations was discussed at the second meeting of the Organizing Committee and approved by the Prime Minister.

73. The Kiev Secretariat introduced the national budget, which had been approved by the Ministry of Finance of Ukraine. The budget consisted of two parts: contributions from Ukraine and support from donors. The representative noted that there remained a deficit of USD 250,000-300,000. The money was needed for national consultations of EECCA countries on the EECCA environmental strategy, publications, organizing the computer and copy centres and closed-circuit TV for the Conference, Ukraine was also seeking the support of the local business community.

74. Among other items, the national budget of Ukraine included support for accommodation and board for the heads of national delegations of all UNECE member States and some Ukrainian NGOs. The Kiev Secretariat noted that it would not be able to provide support to NGOs from outside Ukraine.

75. The delegation of Ukraine expressed its appreciation to Denmark, Germany, the Netherlands, United Kingdom, the European Commission and UNDP for their financial support.

76. Pursuant to the recommendation of the Executive Committee, the Working Group approved the rules with regard to documentation for the Conference, participation and registration, and screening of side events.

XIII. PROPOSED CALENDAR FOR THE MEETINGS OF THE EXECUTIVE COMMITTEE AND THE WORKING GROUP OF SENIOR OFFICIALS

77. The Working Group decided to organize the eighth meeting of its Executive Committee in Kiev, in January 2003 (date to be confirmed), and the fifth session of the Working Group on 20-21 February 2003, back to back with the special session of the Committee on Environmental Policy. The Working Group requested the secretariat to consider a possible extension of its session.