



**Economic and Social  
Council**

Distr.  
GENERAL

MP.EIA/AC.3/2003/2  
4 March 2004

ORIGINAL: ENGLISH

**ECONOMIC COMMISSION FOR EUROPE**

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

**Preparatory meeting for the first meeting  
of the Signatories to the Protocol on  
Strategic Environmental Assessment**

**REPORT OF THE FIRST PREPARATORY MEETING**

1. The first preparatory meeting for the first meeting of the Signatories to the Protocol on Strategic Environmental Assessment (SEA) took place in Geneva (Switzerland) from 27 to 28 November 2003.
2. It was attended by the delegations of: Albania, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Italy, Kyrgyzstan, Latvia, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Serbia and Montenegro, Slovakia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, United Kingdom and Uzbekistan. In addition, the Islamic Republic of Iran was represented.
3. A representative of the Commission of the European Communities attended the meeting.
4. The World Health Organization (WHO) was represented, as were the following international and non-governmental organizations: ECOGLOBE, ECOTERRA, Environment Experts Association, European ECO Forum, International Association for Impact Assessment (IAIA), International Public Network for Environmental Impact Assessment (IPNEIA), Regional Environmental Center for Central and Eastern Europe (REC) and Unisféra International Centre.
5. The Chairperson of the Meeting of the Parties to the Convention, Mr. Nenad Mikulic (Croatia), opened the meeting.

## **I. ELECTION OF OFFICERS**

6. The Meeting unanimously elected Mr. Jan De Mulder (Belgium) as its Chairperson and Mr. Gia Zhorzholiani (Georgia) and Mr. David Aspinwall (European Commission) as its two Vice-Chairpersons.

## **II. ADOPTION OF THE AGENDA**

7. The Meeting adopted the agenda as set out in document MP.EIA/AC.3/2003/1.

## **III. REPORT OF THE EXTRAORDINARY MEETING OF THE PARTIES ON THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT**

8. Mr. Terje Lind (Norway), Chairperson of the Ad Hoc Working Group on the Protocol on SEA, reported on the extraordinary meeting of the Parties to the Espoo Convention, held on 21 May 2003 during the Ministerial 'Environment for Europe' Conference (Kiev), noting the adoption of the Protocol and the Resolution on it, and the signature of the Protocol by 35 countries and the European Community. The Meeting took note of this information.

9. The secretariat informed the Meeting that the Protocol remained open for signature until the end of 2003 and invited member States to sign if they had not yet done so.

## **IV. IMPLEMENTATION COMMITTEE AND COMPLIANCE**

10. Mr. Roger Gebbels (United Kingdom), President of the Implementation Committee, reported on the activities of the Committee and presented the report of its third meeting (MP.EIA/WG.1/2003/8). He reported that the Committee had suggested in its draft decision for the third meeting of the Parties that the question of 'public initiative' should be further examined, taking into account the experience of the Compliance Committee of the Aarhus Convention. The Meeting agreed that the draft decision for the third meeting of the Parties should include issues related to the Protocol on SEA in the structure and functions of the Implementation Committee.

11. In response to questions, Mr. Gebbels said that he would ask the Committee to consider at its next meeting how it might: (a) respond to submissions regarding matters already being considered by another authority (for example, a court of law or another multilateral environmental agreement); and (b) manage possible cases related to the implementation of the Protocol on SEA.

## **V. POSSIBLE FINANCING MECHANISMS**

12. Mr. Stefan Ruchti (Switzerland), Chairperson of the Working Group on Environmental Impact Assessment (EIA), reported on its discussions at its last two meetings on possible financing mechanisms, as described in the report of its sixth meeting (MP.EIA/WG.1/2003/7).

13. Mr. Ruchti described how the financing mechanism would be applied to the work plan. He reported that the Working Group on EIA would propose to the Meeting of the Parties a work plan

and budget that encompassed activities linked to both the Convention and the Protocol. Mr. Ruchti also explained that delegations might decide to allocate funds to specific activities.

14. The Meeting took note of these proposals.

15. The secretariat reported that the Committee on Environmental Policy's criteria had been followed so far for determining which representatives from countries in transition might receive financial support for participation in meetings and in activities in the Espoo Convention's work plan. The secretariat asked that this approach should continue and that it should be applied equally to the meetings of the Signatories. It reported that the Bureau would present a draft decision on this matter to the Working Group at its next meeting.

## **VI. FUTURE WORK, WORK PLAN AND BUDGET**

16. The secretariat introduced a background paper on possible elements for inclusion in the work plan for the Protocol on SEA (MP.EIA/AC.3/2003/3).

17. Some delegations proposed that the work plan could also include an item on the relationship between the Espoo Convention and the Protocol on SEA, including on how they would work together, on an unified funding mechanism and a joint work plan and budget, and hold meetings back to back whenever possible.

18. The Meeting decided to establish a small group to examine these questions. The delegation of the Netherlands offered to lead it and was joined by the representatives of Croatia, Switzerland and the United Kingdom, together with the Chairperson of the Meeting and the secretariat.

19. The small group held an initial meeting and reported back that it had noted the need to determine what had to be done in each of the three following periods:

- Up to the first meeting of the Signatories to the Protocol, 1 June 2004;
- Between the first meeting of the Signatories until the entry into force of the Protocol and the first meeting of the Parties to the Protocol; and
- After the first meeting of the Parties to the Protocol.

20. The small group suggested that the focus now should be on the first and second periods. At their first meeting the Signatories should endorse a list of activities for the entry into force of the Protocol. This list should be presented to the Parties to the Convention at their third meeting for inclusion in the joint work plan. The list could include legal and procedural issues, such as the rules of procedure, the composition of the Bureau, which subsidiary bodies would be necessary, and the compliance procedure. The small group would produce a draft decision on this basis for discussion at the second preparatory meeting.

21. Dr. Carlos Dora of WHO welcomed the secretariat's item on health in the background paper and declared that WHO was willing to take the lead in facilitating this activity, particularly in developing training materials, hosting workshops and establishing a knowledge base to respond to the needs of people defining health effects in SEA. He presented an informal paper describing a proposal to strengthen the capacity for the consideration of health issues in relation to the implementation of the Protocol. The implementation would require cooperation between

environmental and health assessment experts from the member States.

22. Mr. Jiri Dusik of REC presented the outline of a proposed capacity development manual and explained that REC had already obtained funding to start the development of the manual. He proposed that a meeting should be held soon to examine the needs and to review national capacity-building programmes. The representative of the Commission of the European Communities suggested that, in considering all items for the work plan, account should be taken of work undertaken in other forums, in order to avoid duplication.

23. Mr. Lyudmil Ikonov of IAIA presented a case study on public participation in SEA for an urban development plan in Varna, Bulgaria. The Meeting requested the presentation to be put on the Convention's web site.

24. Ms. Ljiljana Stancic of the secretariat of the Aarhus Convention introduced a paper on public participation in strategic decision-making (MP.PP/WG.1/2003/5). She explained that the Working Group of the Parties to the Aarhus Convention at its first meeting had decided to promote the exchange of information to strengthen public participation in strategic decision-making at this stage.

25. The Meeting established three small groups to develop further proposals and initial priorities for the work plan. A summary of their reports is annexed below. The secretariat prepared a table on the basis of these reports, summarizing the major items to be included in the work plan, as also annexed below. The Meeting continued its discussion on the basis of this table and concluded that a more detailed table would be useful for its final discussion during the second preparatory meeting.

## **VII. ORGANIZATIONAL ASPECTS OF THE FIRST MEETING OF THE SIGNATORIES**

26. Mr. Mikulic reported on preparations for the first meeting of the Signatories to the Protocol and the third meeting of the Parties to the Convention. The Meeting agreed that the first meeting of the Signatories could be held during the meeting of the Parties. He also described the budget for the event and requested delegations to indicate their support soon. The Chairperson of the Working Group on EIA reported that at its sixth meeting many countries had indicated a willingness to provide funds; he urged countries to finalize such contributions.

## **VIII. CLOSING OF THE MEETING**

27. In closing, the Chairperson reminded the Meeting that the second preparatory meeting would take place from 26 to 27 January 2004 in Geneva.

## Annex I

### SUMMARY OF THE REPORTS OF THE THREE SMALL GROUPS ESTABLISHED TO DEVELOP WORK PLAN PROPOSALS

This annex presents the key issues identified by the three small groups. Annex II indicates which groups identified which issues.

(i) Legal, institutional and procedural issues, including the preparation of the terms of reference for subsidiary bodies under the Protocol (working group on SEA, group of experts and tasks forces); the expansion of the rules of procedure to include also meetings under the Protocol; the revision of the terms of reference of the Implementation Committee to include matters under the Protocol and to further define the relationship between (a) the Meeting of the Parties to the Convention and (b) that same Meeting serving as the Meeting of the Parties to the Protocol.

(ii) Relationships with other international agreements, this activity would look into the substantive relationship between the Espoo Convention and the Protocol such as the development of criteria that determine whether environmental impact assessment (EIA) or SEA should be conducted. This would also include an analysis of the possible relationship between the Protocol on SEA and other UNECE Conventions.

(iii) Capacity needs analysis, including an analysis of existing national and regional tools and materials, the preparation of a questionnaire to identify needs and the carrying-out of workshops. It was understood that subregional needs may be identified through subregional cooperation, including the organization of a needs assessment of the countries of Eastern Europe, the Caucasus and Central Asia.

(iv) Capacity-building, including the exchange of information regarding good practices or models of legislation for the implementation of the Protocol, the undertaking of training workshops as well as pilot projects and the preparation of guidance documents on issues such as those in (ix) and (x) below.

(v) Capacity development manual, this would include the preparation of a general manual for the Protocol focused on practice rather than legal issues, the preparation of training materials and the development of training modules, and an exchange of experiences in the implementation of this manual.

(vi) Subregional cooperation, including the undertaking of workshops to support the implementation of the Protocol on SEA and its key provisions, an exchange of information regarding the application of its provisions.

(vii) The application of SEA to policies and legislation, including the exchange of information regarding pilot projects and national legislation.

(viii) Transboundary consultations according to article 10 of the Protocol, including the preparation of guidance on bilateral agreements; on screening criteria; on transboundary

consultations; on public participation; and on transboundary consultations regarding scoping in order to obtain data on the environment in an affected Party.

(ix) The consideration of health effects in the implementation of the Protocol, including the support of cooperation between environment and health experts related to SEA, the consideration of which health issues are to be implemented in the Protocol, and an exchange of information on methods of health assessment.

(x) Public participation, including the preparation of guidelines for public participation in SEA and an analysis of the synergies between the implementation of the public participation provisions of the Protocol and articles 7 and 8 of the Aarhus Convention.

## Annex II

**TABLE SUMMARIZING THE MAIN ITEMS PROPOSED FOR INCLUSION IN THE WORK PLAN**

<b>Activity</b>	<b>(a) The countries of South-East Europe together with Switzerland</b>	<b>(b) The countries of Eastern Europe, the Caucasus and Central Asia</b>	<b>(c) The European Community and acceding countries</b>
Mandate of the subsidiary body	✓		✓
Rules of procedure	✓		✓
Implementation Committee	✓		✓
Relationship between meetings of the Parties to the Convention and the Protocol			✓
Monitoring implementation of Protocol		✓	
Capacity development manual	✓	✓	✓
Health effects	✓	✓	✓
Relationships to other international agreements	✓ (all UNECE environmental conventions)	✓ (Espoo Convention only)	
Transboundary consultations (incl. bilateral agreements)	✓	✓	
Subregional cooperation	✓ (initial focus)	✓	✓
Capacity-building / guidance	✓	✓	✓ (initial focus)
“Coordination” of capacity development		✓	
Needs analysis		✓ (initial focus)	✓ (initial focus)
Exchange of information		✓ (by many means)	✓ (database)
Public participation		✓	✓
SEA of policies and legislation		✓	