



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.EIA/WG.1/2007/2
2 August 2007

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

MEETING OF THE PARTIES TO THE CONVENTION
ON ENVIRONMENTAL IMPACT ASSESSMENT
IN A TRANSBOUNDARY CONTEXT

Working Group on Environmental Impact Assessment

Tenth meeting
Geneva, 21–23 May 2007

**REPORT OF THE WORKING GROUP ON ENVIRONMENTAL IMPACT
ASSESSMENT ON ITS TENTH MEETING**

Summary

The Meeting of the Parties established the Working Group on Environmental Impact Assessment to assist in the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and the management of the workplan (decision I/2). The present report gives an account of the tenth meeting of the Working Group, held in Geneva from 21 to 23 May 2007, further to the adopted workplan (decision III/9) and in preparation for the next meeting of the Parties, to be held in Bucharest on 20 and 21 May 2008.

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I. INTRODUCTION

1. The meeting was attended by delegations from the following UNECE member States: Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Croatia, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kyrgyzstan, Latvia, Lithuania, Moldova, Montenegro, the Netherlands, Norway, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and Uzbekistan. Representatives of the Commission of the European Communities attended the meeting. Iraq, a State Member of the United Nations, was also represented.

2. The following non-governmental organizations (NGOs) were represented: ECOGLOBE, ECOTERRA and European ECO-Forum. Professor Joost Terwindt, Chair of the Inquiry Commission, also participated, as did a representative of the company NordStream.

3. Ms. Vania Grigorova (Bulgaria), Chair of the Working Group on Environmental Impact Assessment, opened the meeting. The Working Group adopted its agenda, prepared by the secretariat, and thanked the delegation of Switzerland for arranging informal translations into Russian of many of the informal documents for the meeting.

II. INQUIRY PROCEDURE

4. Professor Terwindt reported on the outcome of the inquiry procedure initiated at the request of Romania regarding the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (“the Bystroe Canal project”). He presented the Inquiry Commission’s opinion and recommendations. The Working Group welcomed the work of the Inquiry Commission and thanked Professor Terwindt for his presentation. The delegations of Romania and Ukraine expressed their commitment to follow the advice of the Inquiry Commission with regard to bilateral cooperation; the delegation of Romania informed the meeting that it had nominated two experts for this purpose.

5. The secretariat presented a paper on its findings on how the inquiry procedure had worked and recommendations for its improvement (ECE/MP.EIA/WG.1/2007/5). The secretariat also thanked the delegations of the Netherlands, Norway and the United Kingdom for their assistance in identifying candidates for the Chair of the Inquiry Commission.

6. **The Working Group agreed that the Bureau prepare a draft decision for consideration for possible adoption by the Meeting of the Parties on the inquiry procedure, taking into account the recommendations made by the secretariat and on the basis of the comments made by the Working Group, notably that:**

- (a) The proposed recommendations would not lead to an amendment of the Convention, but to a decision to be taken by the next meeting of Parties;

- (b) The secretariat might support the work of an inquiry commission either automatically in every inquiry or only case-by-case at the invitation of the Parties to the procedure;
- (c) The time frames mentioned in of appendix IV, paragraph 13, of the Convention might be applied flexibly, if legally possible, while taking into consideration the possibility for preventive measures to be taken if the procedure is completed quickly;
- (d) The resources available in the trust fund under the Convention might be used, perhaps to a limited extent only, to start the practical work of an inquiry commission, if agreed by the Bureau in advance and in the understanding that this would create an obligation on the two parties to replenish the trust fund without delay, in accordance with the agreed budget for the procedure and before the decision-making by the inquiry commission. Such an approach should not expose the Convention or its activities to financial difficulties and a specific budget might therefore be required.

III. WORKSHOP FOR THE EXCHANGE OF GOOD PRACTICES IN TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT METHODOLOGIES

7. The delegation of Tajikistan, in cooperation with the delegation of Kyrgyzstan, held a workshop for the exchange of good practices in transboundary environmental impact assessment (EIA) methodologies. The delegate from Tajikistan presented legislation, procedures and methodologies applied in Tajikistan and elsewhere in Central Asia. She went on to present a case study involving Afghanistan, emphasizing: (a) the inclusion of diverse stakeholders in consultation processes; and (b) public participation from the early stages through to implementation. The delegation of Kyrgyzstan provided an update on its pilot project with Kazakhstan and drew attention to the development of Guidelines on EIA in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/WG.1/2007/6). Professor Terwindt made a presentation of methodologies applied by the Inquiry Commission and by the specialists who supported its work. He emphasized the difference between abiotic and biotic evaluations and that expert judgement can lead to acceptable evaluation of impacts.

8. Having welcomed the presentations by the delegations of Tajikistan and Kyrgyzstan and by Professor Terwindt, **the Working Group asked the secretariat to make the slideshow presentations available on the website of the Convention.**

IV. COMPLIANCE WITH AND IMPLEMENTATION OF THE CONVENTION

9. The Chair of the Implementation Committee introduced the reports of the Committee's ninth, tenth and eleventh meetings (ECE/MP.EIA/WG.1/2006/4, ECE/MP.EIA/WG.1/2007/3 and ECE/MP.EIA/WG.1/2007/4, respectively). The Working Group welcomed these reports.

10. The Chair of the Implementation Committee reported that the Committee had sent a letter to the six Parties that had not responded to the questionnaire on implementation of the Convention (Albania, Belgium, Greece, Ireland, Luxembourg and Portugal). She referred to paragraph 9 of the draft decision on the review of compliance (in annex to

ECE/MP.EIA/WG.1/2007/4), which addresses Parties that do not respond to the questionnaire, and indicated that the six countries would be identified in the Committee's report to the Meeting of the Parties. The secretariat then reported that responses had been received in the previous few days from Belgium, Portugal and Luxembourg, but not from Albania, Greece and Ireland. The Working Group took note of this information.

11. The Chair of the Implementation Committee then informed the meeting that the Committee had been examining the first review of implementation and had, as a result, started to assist one Party under paragraph 6 ("Committee initiative") of the description of the Committee's structure and functions (appendix to decision III/2).

12. She also indicated that the Committee had requested her to write to Ukraine, in the light of the inquiry procedure and Inquiry Commission's opinion that the Bystroe Canal project would likely have significant adverse transboundary impact, asking how Ukraine was planning to apply the Convention to the project, what was the status of the project, and how its construction was expected to progress (ECE/MP.EIA/WG.1/2007/3, para. 31). The letter had been sent to Ukraine and a response received on 22 December 2006. However, Romania had made a new submission, received by the secretariat on 23 January 2007, regarding its concerns about Ukraine's compliance with its obligations under the Convention.

13. The Committee had agreed at its meeting on 13 and 14 February 2007 that this was a new submission, superseding Romania's submission of 26 May 2004, which was considered closed (ECE/MP.EIA/WG.1/2007/4, para. 23). The Committee had also decided not to follow up on the outcome of the inquiry procedure separately as this was being addressed by the new submission by Romania. The delegation of Romania confirmed the recent receipt of a notification and EIA documentation, but had not yet had the opportunity to analyse the information received. **The Working Group took note of the submission by Romania and asked the Chair of the Implementation Committee to provide further information on the Committee's consideration of the matter at the next meeting of the Working Group.**

14. The Chair of the Implementation Committee then presented a draft decision on the review of compliance (ECE/MP.EIA/WG.1/2007/4, annex), to which will be appended the Committee's report to the fourth meeting of the Parties and, possibly, operating rules for the conduct of Committee meetings. She presented the proposed operating rules, amended to respond to the Working Group's comments on an earlier draft (ECE/MP.EIA/WG.1/2006/2, para. 10), and informed the meeting that the Committee's report to the fourth meeting of the Parties would be presented to the Working Group at its next meeting, as the Committee's work was ongoing.

15. The Working Group welcomed the draft decision on the review of compliance and the draft operating rules. **The Working Group agreed that delegations provide detailed comments on the draft operating rules in writing to the secretariat within one month, i.e. by 21 June 2007. The Working Group also requested the Bureau, with the support of the Implementation Committee, to present a revised draft decision, with possible appendices on operating rules and the Committee's report to the fourth meeting of the Parties, to the next meeting of the Working Group.**

16. The secretariat introduced a draft decision on the review of implementation, to which the second review of implementation of the Convention will be appended. The secretariat also presented the draft findings of the review for consideration by the Working Group. The secretariat reported that it had distributed to the focal points a first draft of the second review of implementation on 17 April 2007, inviting the respondents to the questionnaire to verify that the document accurately reflected their responses and to notify the secretariat of any errors by 17 June 2007. The Working Group took note of this information and welcomed the draft decision and the draft second review of implementation. **The Working Group requested the Bureau to revise the draft decision for presentation to the Working Group's next meeting, on the basis of comments made by the Working Group, notably:**

- (a) The findings of the second review of implementation of the Convention should be included in the draft decision rather than in the body of the review;
- (b) The next questionnaire on implementation should include a question on whether the Party responding to the questionnaire recognizes that article 3, paragraph 8, and article 4, paragraph 2, of the Convention provide the public of the affected Party with the opportunity to comment on the notification documentation and on the EIA documentation, respectively, i.e. that these are distinct provisions. No finding with respect to this issue should be included in the draft decision for consideration by the fourth meeting of the Parties;
- (c) The project lists from future completed questionnaires should be included in a compendium on the Convention's website, unless the Party does not agree. The limitations of the compendium should be indicated clearly.

V. EXCHANGE OF GOOD PRACTICES

17. The Working Group thanked Tajikistan for organizing the transboundary EIA methodologies workshop in cooperation with Kyrgyzstan (see para. 7 above).

18. The Chair of the Bureau (Romania) presented a draft decision on the exchange of good practices. She proposed that informal documentation on workshops on the exchange of good practices be made available on the Convention's website, rather than a formal document appended to the decision. **The Working Group welcomed the draft decision and requested the Bureau to present a revised draft decision to the next meeting of the Working Group, taking into account its comments, providing a follow-up to the current activity, removing the reference to the Protocol, and not appending a joint report on the workshops.**

VI. SUBREGIONAL COOPERATION

19. The delegation of Sweden reported on a meeting for the Baltic Sea subregion, held in Copenhagen on 8 November 2006. **The Working Group thanked Sweden for its presentation and requested lead countries to make subregional meeting reports available to the secretariat, asked the secretariat to post them on the Convention's website, and agreed that a joint report by the lead countries for this activity was not needed.**

20. Further to the information provided to the Working Group at its ninth meeting (ECE/MP.EIA/WG.1/2006/2, para. 19), the delegation of the Russian Federation provided updated information on the proposed gas pipeline between the Russian Federation and Germany. The delegation of Germany informed the Working Group of further multilateral meetings related to the project.

21. The secretariat informed the meeting that a representative of the company NordStream, the developer of the proposed gas pipeline, had registered for the meeting. The Chair invited the representative of NordStream to make a presentation to the Working Group. **The Working Group agreed that NordStream, as a private company, did not qualify as an observer under rule 7 of the rules of procedure and therefore asked NordStream's representative to leave once the discussion of the project had concluded.**

22. The Working Group thanked the delegations of Germany, the Russian Federation and Sweden and the representative of NordStream for their presentations on the project, and welcomed the decision by the Russian Federation, as a Signatory but not a Party to the Convention, to act as a Party of origin under the Convention as far as it considered it possible according to its legislation.

23. The secretariat reported that the planned meeting for the Mediterranean Sea subregion, to be held in Morocco, had been further delayed, but that information on the meeting would be posted on the Convention's website once available. The Working Group took note of this information. The delegations of Croatia, France, Italy, Slovenia and Spain expressed their interest in participating in the meeting, which would include States outside the UNECE region.

24. The Chair of the Bureau presented a draft decision on subregional cooperation. **The Working Group welcomed the draft decision and requested the Bureau to present a revised draft decision to the next meeting of the Working Group, taking into account its comments,** removing reference to the Protocol, not appending a joint report on the subregional meetings, and possibly expressing the draft decision more strongly.

VII. CAPACITY-BUILDING IN EASTERN EUROPE, CAUCASUS AND CENTRAL ASIA

25. The delegate from Tajikistan reported on a training workshop on EIA, including the practical application of the Convention, held in Dushanbe from 19 to 21 February 2007. The workshop had been held with the support of Switzerland and in partnership with the Regional Environmental Centre for Central Asia (CAREC) and the secretariat. She emphasized the value of the training. The delegation of Switzerland expressed its appreciation of the work of Tajikistan and reported that further training workshops were planned within a programme of EIA capacity-building in the countries of Central Asia, with which Switzerland shared a constituency in the Global Environment Facility.

26. The delegate from Kyrgyzstan reported on a transboundary EIA pilot project in Kyrgyzstan involving Kazakhstan as an affected Party. Despite some administrative difficulties,

she was confident that the Convention would be applied in full, taking into account the comments of Kazakhstan, and that subregional cooperation would be strengthened as a result.

27. The Working Group took note of the information on capacity-building activities provided by the delegations of Kyrgyzstan, Switzerland and Tajikistan.

28. The representative of ECOTERRA reported on its distribution of two publications to Russian-speaking NGOs in its network: the Guidance on Public Participation in EIA in a Transboundary Context (ECE/MP.EIA/7) and the Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8).

29. The delegation of Armenia indicated that it planned to host a workshop for transboundary EIA capacity-building in the Caucasus in September 2007, thanking Switzerland for its financial support. The delegation of Ukraine similarly indicated that it planned to host a workshop for transboundary EIA capacity-building in Eastern Europe in November 2007, again with the financial support of Switzerland and noting that the activity had been approved by the Ukrainian Council of Ministers. **The Working Group asked Armenia and Ukraine to hold their planned subregional workshops in advance of the next meeting of the Working Group and report on the workshops at that meeting.** The Working Group also thanked Switzerland for its support of capacity-building in Eastern Europe, Caucasus and Central Asia (EECCA).

30. The delegation of Kyrgyzstan introduced the draft Guidelines on EIA in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/WG.1/2007/6), noting the support of the secretariat, CAREC, Switzerland and the Organization for Security and Co-operation in Europe (OSCE). The delegation of Switzerland noted the absence of the French version of this document. The secretariat responded that unfortunately, despite submission on time, the document had not yet been translated, but that it would be made available in the three official languages on the Convention's website.

31. The Chair of the Bureau presented a draft decision on capacity-building in EECCA. The Chair invited the lead countries for the activity to consider preparation of a joint report. The representative of ECOGLOBE suggested that the draft decision might make explicit reference to environmental NGOs and international organizations. **The Working Group welcomed the draft decision, which would in turn welcome the guidelines on transboundary EIA in Central Asia, and requested the Bureau to present a revised draft decision to the next meeting of the Working Group, taking into account its comments. The Chair asked the lead countries to consider preparation of a joint report and to inform the next meeting accordingly.**

32. The delegate from Belarus reported on capacity-building activities in Belarus, including an informal meeting held on 23 and 24 November 2006 in Minsk involving experts, representatives of scientific institutions and the secretariat. He thanked the secretariat and ECOTERRA for their support. He went on to describe a draft strategy for developing capacity in strategic environmental assessment (SEA), the planned development of a new environmental code in 2007 and the holding of numerous national seminars. He also reported the planning of a seminar in 2007 on the application of the Convention, to be held with the support of OSCE.

VIII. EXAMINATION OF THE SUBSTANTIVE RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

33. The Chair invited the Working Group to decide on future steps for the examination of the substantive relationship between the Convention and its Protocol on SEA, noting that no decision was taken at the last meeting (ECE/MP.EIA/WG.1/2006/2, paras. 27–29). **The Working Group agreed to postpone any further discussion of this activity** until the Protocol had entered into force and some practical experience with its implementation and application had been gained.

34. The representative of ECOGLOBE noted that outside the European Union (EU), and particularly in EECCA, the examination of this relationship was important in facilitating ratification of the Protocol. The Chair therefore suggested that practical experience in the relationship might be discussed in subregional meetings.

IX. INSTITUTIONAL AND PROCEDURAL ACTIVITIES UNDER THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

35. The delegation of the Netherlands presented a revised, consolidated, informal paper, which included in annex draft decisions for the Meeting of the Parties and for the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. The Working Group thanked the small group (comprising Germany, the Netherlands and the United Kingdom) and the Chair of the Implementation Committee for their work on this activity. **The Working Group supported the proposal by the small group, as annexed to this report, and agreed with the suggestions in its paragraph 5.**

X. STATUS OF RATIFICATION OF THE CONVENTION, ITS AMENDMENTS AND ITS PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

36. The secretariat presented the status of ratification of the Convention, its two amendments and its Protocol on SEA, noting that the amendments were not near entry into force. The Chair of the Bureau reported that the Minister of Environment and Sustainable Development of Romania had written to his counterparts encouraging ratification of the Protocol. The Chair thanked Romania for its efforts to accelerate the entry into force of the Protocol. Delegations reported informally on their plans for ratification of the instruments. The secretariat reminded delegations that they might expect to have to report on progress in ratifying and implementing the Protocol under the 'Environment for Europe' Ministerial Process.

37. On the basis of responses provided regarding ratification of the Protocol, **the Working Group agreed that it was unlikely that the Protocol would enter into force before the fourth meeting of the Parties, so practical arrangements for that meeting should be adjusted accordingly. The Working Group also agreed that the third meeting of the Signatories would not be held until final preparations were being made for the first meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.**

XI. PRACTICAL PREPARATIONS FOR THE FOURTH MEETING OF THE PARTIES

38. The Chair of the Bureau reported on the practical arrangements for the fourth meeting of the Parties, to be held in the Palace of Parliament, Bucharest, on 20 and 21 May 2008. She introduced the outline programme, inviting suggestions for topics for the panel discussion and for speakers at the meeting. She noted that the proposed study tour would be brief and would occur outside of the meeting. She also reported on her Minister's letter to other European environmental ministers inviting financial contributions. The Working Group welcomed the presentation by the Chair of the Bureau.

39. **The Working Group requested the Bureau to prepare a draft provisional agenda for consideration by the Working Group at its next meeting, on the basis of the tentative outline programme and bearing in mind its comments, notably:**

- (a) Any meeting needed to resolve outstanding issues should be limited to a half day;
- (b) The events identified for the first half of the ministerial or high-level segment (opening ceremony, statements by ministers, press conference and signing of the multilateral agreement by ministers from the countries of South-Eastern Europe) should be limited to two hours, depending on the willingness of ministers to limit their interventions;
- (c) The study tour might be moved to precede the Meeting of the Parties;
- (d) The panel discussion should focus on energy projects, especially transboundary ones, with delegations to indicate which projects would be discussed before the next meeting of the Working Group;
- (e) NGOs should be invited to address the Meeting of the Parties during the discussion on "The Convention 10 years after its entry in force".

40. In response to a question posed by the delegation of Germany, acting on behalf of the EU Presidency, the Chair of the Bureau explained that the request for additional financial contributions was intended to reduce overheads on costs, by making payments direct to the host country, and so as to release funds for substantive (lower priority) activities, given that the Convention's workplan (decision III/9) was not fully funded. The secretariat reassured the meeting that numerous costs would be covered by the Convention's trust fund, such as the travel and subsistence costs of: speakers; the secretariat, including interpreters; and, if necessary, representatives of countries with economies in transition in accordance with decision III/11.

XII. SUBSTANTIVE PREPARATIONS FOR THE FOURTH MEETING OF THE PARTIES

41. Further to the decision taken at the previous meeting of the Working Group (ECE/MP.EIA/WG.1/2006/2, para. 36), the Chair presented a list of draft decisions being discussed by the Working Group. The secretariat asked for assistance with informal translations of informal documents, notably draft decisions and their appendices.

42. The Chair recalled the discussion on the future workplan at the last meeting (ECE/MP.EIA/WG.1/2006/2, paras. 35–36) and presented a draft decision on the adoption of the workplan. **The Working Group agreed to consider SEA workplan activities at its next meeting. It requested the Bureau to present a revised draft decision to the next meeting of the Working Group, taking into account its comments,** notably:

- (a) The secretariat should invite focal points and other relevant bodies and agencies to propose, by 31 August 2007, workplan activities supporting the implementation of the Protocol on SEA. Any such proposals should be included in the revised draft workplan;
- (b) The future capacity-building activities might address support for the domestic EIA systems in EECCA countries, bearing in mind that domestic EIA is a necessary basis for successful transboundary EIA procedures;
- (c) The paragraph in the draft decision “Noting with satisfaction that the workplan adopted at the third meeting of the Parties was largely completed” should be strengthened and, if possible, the degree of completion quantified.

43. The Chair reminded the Working Group that nominations would be required for officers (Bureau members) and for four members of Implementation Committee.

44. The Chair of the Bureau then reminded the Working Group that a multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention was to be signed in Bucharest on the occasion of the fourth meeting of the Parties. She suggested that the concerned countries should urgently: confirm their wish to be included in the agreement; indicate whether they anticipate signature in Bucharest; and begin their national procedures accordingly. She informed the meeting that the Bureau would write to the countries concerned to invite them to confirm these arrangements.

XIII. TENTH ANNIVERSARY OF THE CONVENTION’S ENTRY INTO FORCE

45. Further to the decision taken at the previous meeting of the Working Group (ECE/MP.EIA/WG.1/2006/2, para. 39), the Working Group discussed preparations for the Sixth Ministerial Conference “Environment for Europe”, to be held in Belgrade from 10 to 12 October 2007. The Chair of the Bureau introduced planned activities in Belgrade to mark the tenth anniversary of the entry into force of the Convention, including a side-event, a leaflet and a CD-ROM. She also informed the meeting that the Minister of Environment and Sustainable Development of Romania would chair the side-event and would invite ministers to the fourth meeting of the Parties.

46. The Working Group thanked: the Chair of the Bureau for providing information on activities relating to the Convention planned for Belgrade; Romania for offering to produce copies of the CD-ROM; and the representative of ECOGLOBE for her assistance with the content and translation of the CD-ROM and the leaflet. The Working Group took note of the intended content of the leaflet. The Working Group was satisfied with the information provided by the secretariat that the Convention’s trust fund would not be used for the planned activities.

47. **The Chair urged delegations to report to the secretariat by 31 May 2007 whether their Ministers might speak at the side-event, as proposed in its draft programme. The Working Group agreed that the material presented on the CD-ROM regarding the Bystroe Canal project should be limited to the report of the Inquiry Commission, pending consideration by the Implementation Committee of a related submission. The Working Group also asked the Chair of Implementation Committee to provide some information on the Committee's work for inclusion on CD-ROM. Finally, the Working Group requested the Bureau to proceed with these arrangements, taking into account its comments, and to report back on the activities to the next meeting of the Working Group.**

XIV. BUDGET AND FINANCIAL ARRANGEMENTS

48. The secretariat reported on the receipt of pledges made at the third meeting of the Parties and informed the Working Group that biannual financial reports had been circulated by email to the focal points and had been placed on the Convention's website. **The Working Group welcomed the biannual financial reports, while requesting that future reports explain any reported overspend.** The Working Group took note of the clarification provided by the secretariat regarding the overspend reported in the latest biannual financial report, and regarding proposed budget increases for certain activities present both in the current workplan (decisions III/9 and III/10) and in the draft workplan for the next intersessional period.

49. The delegation of the United Kingdom presented a revised draft decision on the budget and financial arrangements. **The Working Group welcomed the draft decision prepared by the delegations of Bulgaria and the United Kingdom and requested the Bureau to present a revised draft decision to the next meeting of the Working Group, taking into account its comments, notably:**

- (a) The draft decision should provide for activities under the Convention and the Protocol;
- (b) The total budget and the anticipated "cash" contributions should not be larger than the current ones (decision III/10);
- (c) The draft decision should provide for informal translations of informal documents;
- (d) The secretariat's recommendations on financial reporting should be clarified;
- (e) The draft decision should not refer to Parties' economic strength, or request the Bureau to contact Parties, regarding financial contributions;
- (f) The draft decision should not encourage Parties to seek alternative sources of funding to supplement those from national and international programmes;

(g) The draft decision should quantify what “limited adjustments” the Bureau might make to the budget and Parties should subsequently be invited to confirm the adjustments;

(h) References to the Protocol should be amended as appropriate.

50. The secretariat indicated that its report on the budget and financial arrangements in the period since the third meeting of Parties, to be appended to the draft decision, would be presented later, but that it would provide the same information as presented in the biannual financial reports.

51. The Chair of the Bureau presented the draft decision on financial assistance. The secretariat drew the meeting’s attention to the criteria for financial assistance to countries with economies in transition, adopted by the Committee on Environmental Policy (ECE/CEP/138, annex), and the implications of their being changed. The delegation of Armenia asked whether Parties were consulted regarding the selection of NGO experts from their countries; the Chair indicated that the Bureau would present its selection criteria at the next meeting of the Working Group.

52. The Working Group welcomed the draft decision on financial assistance and requested the Bureau to present a revised draft decision to the next meeting of the Working Group, taking into account its comments, notably:

(a) The draft decision should allow for different NGOs to be represented in activities relating to transboundary EIA and to SEA;

(b) References to the Protocol should be amended as appropriate.

XV. TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT IN OTHER MULTILATERAL AGREEMENTS

53. The Chair invited delegations to report on their bilateral and multilateral agreements with provisions for transboundary EIA. No information was provided by the delegations.

XVI. OTHER BUSINESS

54. As previously agreed by the Bureau, the delegate from Iraq made a presentation on the restoration of wetlands in Iraq. **The Working Group thanked him for his presentation and asked the secretariat to make it available on the Convention’s website.**

55. Two further items were proposed by the delegation of Germany, acting on behalf of the EU Presidency, and agreed by the meeting, as detailed below.

56. Referring to its deliberations at its previous meeting (ECE/MP.EIA/WG.1/2006/2, part XIII), the Working Group wished to be informed further on how its detailed comments (in annex to ECE/MP.EIA/WG.1/2006/2) on the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (ECE/MP.PP/2005/2/Add.5, annex) had been taken into account by the relevant subsidiary body of the Convention on Access to

Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). **The Working Group requested the Bureau and the secretariat to invite a representative of the Aarhus Convention to the next meeting of the Working Group** to provide such information.

57. The Working Group thanked the small editorial group established under the Meeting of the Signatories to the Protocol for its excellent work in preparing the draft Resource Manual to Support Application of the Protocol on SEA, including a part regarding health. The secretariat invited interested delegations to visit the Convention's website and to provide comments on the document. The Working Group took note of the plan by the World Health Organization (WHO) to produce a separate guidance document on health in the Protocol on SEA. **The Working Group asked the Bureau to write to WHO, requesting that any such guidance on health and SEA should not be related specifically to the Protocol on SEA, so as to avoid any misunderstanding or even confusion among practitioners.**

58. **The Working Group decided to meet next in Geneva from 21 to 23 November 2007.**

59. The secretariat summarized the main decisions taken at the meeting, which the Working Group approved. The Working Group requested the Bureau to finalize the report of the meeting, with the support of the secretariat. The Chair closed the meeting on Wednesday, 23 May 2007.

Annex

PROPOSALS ON INSTITUTIONAL AND PROCEDURAL MATTERS IN PREPARATION FOR THE FIRST MEETING OF THE PARTIES TO THE CONVENTION SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

Consolidated proposals to the Working Group on Environmental Impact Assessment and to the Meeting of the Signatories to the Protocol on Strategic Environmental Assessment, prepared by Germany, the Netherlands and the United Kingdom.

Introduction

1. In decision III/9, containing the workplan up to the fourth meeting of the Parties, the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context entrusted Germany, the Netherlands and the United Kingdom (hereinafter referred to as “the small Group”) to present several institutional and procedural proposals to the Meeting of the Signatories for its consideration (see ECE/MP.EIA/6).
2. According to the workplan, as well as decision III/12, those proposals were to cover the following issues:
 - (i) Consideration of whether any amendments are necessary to the rules of procedure of the Meeting of the Parties to the Convention arising from the application of these rules to the Protocol, in accordance with article 14, paragraph 5, of the Protocol and, if necessary, the drafting of such amendments;
 - (ii) If necessary, preparation for the election of substitute members of the Bureau of the Meeting of the Parties, in accordance with article 14, paragraph 3, of the Protocol;
 - (iii) Consideration of the modalities for the application of the compliance procedure of the Convention to the Protocol and preparation for the adoption of modalities, in accordance with article 14, paragraph 6, of the Protocol;
 - (iv) Preparation for establishing such subsidiary bodies as are considered necessary for the implementation of the Protocol, in accordance with article 14, paragraph 4 (d), of the Protocol;
 - (v) Consideration of the institutional and administrative aspects of the relationship between the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (hereinafter referred to as “MOP/MOP”) and the Meeting of the Parties to the Convention (hereinafter referred to as “MOP”).
3. In line with the workplan, the small Group over the past three years prepared several proposals covering the five topics listed in paragraph 2 above. These have been discussed by

both the Working Group on EIA and the Meeting of the Signatories. Close consultations have also been undertaken with the Implementation Committee, notably where it concerned the recommendation on the application of the compliance procedure to the Protocol.

4. On the basis of the discussions and consultations referred to above, the proposals have been updated and are collated in the present document. Appendix I contains a draft MOP/MOP decision on the Rules of Procedure, and relates to the items (i) and (ii) listed in paragraph 2 above. Appendix II contains the joint draft decision by MOP and MOP/MOP on the compliance procedure, and relates to item (iii) listed in paragraph 2 above. Appendix III contains the MOP/MOP draft decision on the establishment of a subsidiary body, and relates to item (iv) listed in paragraph 2 above. Appendix IV contains a draft recommendation by the Working Group on EIA to the Meeting of the Signatories and the Convention Bureau on institutional links between the MOP and the MOP/MOP, and relates to item (v) listed in paragraph 2 above.

5. The small Group invites the Working Group on EIA:

(i) To note, with support, the draft MOP/MOP decisions contained in Appendix I and III, and convey this message to the Meeting of the Signatories, having in mind that it falls within the mandate of the Meeting of the Signatories to consider and forward them to the MOP/MOP for final adoption;

(ii) To endorse the joint draft decision contained in Appendix II and to forward it to the MOP; and to also forward it to the Meeting of the Signatories for positive consideration, having in mind that the Meeting of the Signatories will have to recommend and forward the same joint draft decision to the MOP/MOP;

(iii) To endorse the recommendation contained in Appendix IV and to forward it to the Bureau of the MOP, thus signalling the agreed approach to the organization of the MOP in conjunction with the MOP/MOP, and to also forward it the Meeting of the Signatories, with the request to accept this approach in its preparation of the MOP/MOP.

Appendix I

Draft decision by MOP/MOP, on its Rules of Procedure

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling paragraph 5 of article 14 of the Protocol on Strategic Environmental Assessment, which provides that the rules of procedure of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context shall be applied *mutatis mutandis* under the Protocol, except as may otherwise be decided by consensus by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Conscious of paragraph 3 of article 14 of the Protocol, which addresses the composition of the Bureau,

Having reviewed the application of the rules of procedure of the Meeting of the Parties to the Convention under the Protocol,

1. *Decides*, by consensus, that, when rule 19 of the rules of procedure of the Meeting of the Parties to the Convention is applied to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, this rule shall be supplemented by the following paragraph:

“A member of the Bureau of the Meeting of Parties to the Convention that represents a Party to the Protocol, having replaced a member representing a Party to the Convention, shall serve a term of office that expires at the same time as the term of office of the member of the Bureau whom he or she replaces.”;

2. *Also decides*, by consensus, that when the rules of procedure of the Meeting of the Parties to the Convention are amended by the Meeting of the Parties to the Convention, those amendments shall apply *mutatis mutandis* to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

Appendix II

Draft joint decision by MOP and MOP/MOP, on the application of the compliance procedure of the Convention on Environmental Impact Assessment in a Transboundary Context to the Protocol on Strategic Environmental Assessment

The Meeting of the Parties to the Convention, and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Meeting in joint session,

Recalling paragraph 6 of article 14 of the Protocol on Strategic Environmental Assessment, which concerns the application of the procedure for the review of compliance with the Convention on Environmental Impact Assessment in a Transboundary Context to the Protocol;

Noting the appendix to decision III/2 of the Meeting of the Parties, setting out the structure and functions of the Implementation Committee and procedures for the review of compliance;

Having considered the modalities for the application of the procedure for the review of compliance, pursuant to paragraph 6 of article 14 of the Protocol;

Emphasizing that, in applying to the Protocol the structure and functions of the Implementation Committee and the procedures for review of compliance which are set out in the appendix to decision III/2, references in the appendix to the Convention and to the Meeting of the Parties to the Convention shall, where review of compliance with the Protocol is concerned,

be understood as references to the Protocol and to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, respectively;

1. *Decide* that, where the Implementation Committee is considering issues relating to compliance with the Convention, it shall be comprised only of Parties to the Convention, and that, where the Implementation Committee is considering issues relating to compliance with the Protocol, it shall be comprised only of Parties to the Protocol;

2. *Also decide* that the Parties to the Convention shall decide upon the composition of the Implementation Committee, in accordance with paragraph 1 of the appendix to decision III/2, after which the Parties to the Protocol shall elect the number of Parties necessary for the operation of paragraph 1 of the current decision, to take the place on the Implementation Committee of those Parties to the Convention which at that time are not a Party to the Protocol, for the same term as those Parties; and decide that the Chair of the Implementation Committee shall be from a Party to the Convention which is also a Party to the Protocol;

3. *Further decide* that the two election processes set out in paragraph 2 shall take place during a joint session of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, at which the Parties to the Convention and to the Protocol shall also cooperate with a view to ensuring that the total of the number of Parties elected under the Convention and under the Protocol shall preferably not exceed twelve;

4. *Further decide* that when the appendix to decision III/2 is amended by the Meeting of the Parties to the Convention, the amended appendix shall also apply mutatis mutandis to the Protocol, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

Appendix III

Draft decision by Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, on the establishment of a subsidiary body

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling paragraph 4 (d) of article 14 of the Protocol on Strategic Environmental Assessment, which concerns the establishment of subsidiary bodies necessary for the implementation of the Protocol,

Having considered the most appropriate ways of effectively implementing the Protocol and successfully taking forward its workplan,

Concluding that it is necessary to establish a subsidiary body for this purpose,

1. *Establishes* a subsidiary body, called the Working Group on Strategic Environmental Assessment, to assist in the implementation of the Protocol and the management of the workplan;
2. *Requests* this subsidiary body, in carrying out the tasks assigned to it in paragraph 1, to take the necessary steps to take forward the workplan agreed at the first 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, to monitor the expenditure of funds associated with the implementation of the workplan, to report to it at its second and subsequent meetings on progress in the implementation of the workplan and monitoring of expenditure, and to ensure the efficient management of workplans which are agreed from time to time by the Meeting of the Parties to the Convention serving as the Meeting of Parties to the Protocol.
3. *Invites* the subsidiary body, in the light of experience in the implementation of the workplan, to make recommendations for consideration at the second and subsequent Meetings of the Parties to the Convention serving as the Meetings of the Parties to the Protocol on further work necessary to ensure the effective implementation of the Protocol.
4. *Decides* that meetings of the subsidiary body should be held preferably in conjunction with meetings of the Working Group on Environmental Impact Assessment of the Convention;
5. *Invites* non-Parties to the Protocol that are member countries of the United Nations Economic Commission for Europe and governmental, non-governmental and other relevant international organisations and institutions to contribute fully, in accordance with the rules of procedure, as observers to the work undertaken by the subsidiary body to implement the Protocol.

Appendix IV

Draft recommendation by the Working Group on Environmental Impact Assessment to the Meeting of the Signatories and the Bureau of the Convention on Environmental Impact Assessment in a Transboundary Context

The Protocol on Strategic Environmental Assessment provides that a MOP/MOP shall be held in conjunction with a MOP, unless the MOP/MOP decides otherwise (art. 14.1 of the Protocol).

Having considered (at its 9th meeting in April 2006) the three possible organisational scenarios compatible with article 14.1 of the Protocol, the Working Group on EIA recommends that the MOP and the MOP/MOP schedule their meetings sequentially within the same timeframe.

Such an approach would best foster efficiency, would maximize the opportunities for coordinating and developing synergies between the work and agendas of the MOP and the MOP/MOP, and would seem to avoid unnecessary overlaps.

This approach would provide for the most flexibility and almost fully exploits the possibilities for interaction and functional integration between two bodies. It would also allow for the possibility of joint sessions of the MOP and the MOP/MOP.

A possible example of the organization of work of sequential meetings.

	Monday	Tuesday	Wednesday	Thursday	Friday
Morning	MOP opening	MOP continues	MOP continues	Joint session MOP and MOP/MOP	MOP decisions and closure
Afternoon	MOP/MOP opening	MOP/MOP continues	MOP/MOP continues	MOP/MOP decisions and closure	

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