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

Working Group on Environmental Impact Assessment

Eleventh meeting
Geneva, 21–23 November 2007

**REPORT OF THE WORKING GROUP ON ENVIRONMENTAL IMPACT
ASSESSMENT ON ITS ELEVENTH 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 eleventh meeting of the Working Group, held in Geneva from 21 to 23 November 2007, further to the adopted workplan (decision III/9) and in preparation for the next meeting of the Parties, to be held in Bucharest from 19 to 21 May 2008.

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I. INTRODUCTION

1. The eleventh meeting of the Working Group on Environmental Impact Assessment (EIA) was attended by delegations from the following UNECE member States: Albania, Armenia, Austria, Azerbaijan, Bulgaria, Canada, Croatia, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kyrgyzstan, Latvia, Lithuania, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, the United Kingdom of Great Britain and Northern Ireland, and Uzbekistan. Representatives of the European Commission also attended. Iraq, a States Member of the United Nations, was also represented.

2. The United Nations Development Programme (UNDP) was represented. The following non-governmental organizations (NGOs) were represented: ECOGLOBE, European ECO-Forum, the Institute for Ecological Modernisation, the International Association for Impact Assessment (IAIA) and the Regional Environmental Center for Central and Eastern Europe (REC-CEE).

3. Ms. Vania Grigorova (Bulgaria), Chair of the Working Group, 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. The Chair presented a first draft decision on improving the effectiveness of the inquiry procedure, further to the discussions of the Working Group at its tenth meeting (ECE/MP.EIA/WG.1/2007/2, paras. 5 and 6). **The meeting welcomed the draft decision and agreed that it be submitted for consideration by the Meeting of the Parties, revised in accordance with its comments, notably:**

- (a) The purpose should be to improve the effectiveness of the inquiry procedure, rather than strengthen it;
- (b) The secretariat should support the work of any inquiry commission if requested by the Parties concerned;
- (c) The date on which the inquiry commission was established, as referred to in item 13 of appendix IV to the Convention, should be taken to mean the date on which all members of the inquiry commission had been designated in accordance with the appendix;
- (d) The paragraph that provides for the Parties concerned to agree to extend the period, specified in item 13 of appendix IV to the Convention, should be deleted;
- (e) Rather than providing a sum in the budget, the Bureau should allow the use of funds from the Convention's Trust Fund, up to a limit of US\$ 20,000, which might be used to initiate the work of an inquiry commission pending the deposit by the Parties concerned, in a fund established for this purpose, of sufficient funds to cover in full the anticipated expenses of the inquiry commission.

III. REVIEW OF COMPLIANCE

5. The Chair of the Implementation Committee reported on the work of the Committee, beginning with an informal report of the Committee's twelfth and thirteenth meetings. She reported on the Committee's consideration of a submission by Romania, expressing concerns about Ukraine's compliance with its obligations under the Convention. She then reported on the Committee initiative on Armenia.

6. The meeting welcomed the report by the Chair of the Implementation Committee and took note of Committee's consideration of the submission by Romania and its initiative on Armenia. **The meeting requested the Committee to prepare its findings and recommendations regarding the two matters for consideration by the Meeting of the Parties. The meeting also requested early circulation of the Committee's findings and recommendations after the Committee's fourteenth meeting, to be held from 15 to 17 January 2008.**

7. The Chair of the Implementation Committee then presented a revised draft decision on the review of compliance, together with a draft of the Committee's report to the fourth meeting of the Parties and revised draft operating rules for the conduct of Committee meetings, both of which were to be appended to the draft decision. She noted that no comments had been received on the draft operating rules subsequent to an invitation to comment on the document after the Working Group's previous meeting (ECE/MP.EIA/WG.1/2007/2, para. 14)

8. The meeting agreed on the process for finalizing the draft decision, including possible recommendations, and for including possible related activities in the draft decision on the adoption of the workplan, when considering outstanding issues at the start of the fourth meeting of the Parties. **The meeting welcomed the draft operating rules, and the draft report by the Committee to the fourth meeting of the Parties, and asked that both be appended to the draft decision for consideration by the Meeting of the Parties.**

IV. REVIEW OF IMPLEMENTATION

9. The secretariat presented the revised draft second review of implementation based on the responses to the questionnaire and taking into account comments received on the earlier draft. The secretariat also reported on the receipt of completed questionnaires from Belgium, Greece, Luxembourg and Portugal in the period from May to July 2007. Albania and Ireland were the only Parties to the Convention during the period under review (2003–2005) that had not returned completed questionnaires. **The meeting welcomed the draft second review of implementation and asked that it be appended to the draft decision on the review of implementation for consideration by the Meeting of the Parties.**

10. The Chair of the Working Group then presented the revised draft decision on the review of implementation, to which the second review of implementation will be appended. The draft decision had been amended in response to the comments made at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 16). **The meeting welcomed the draft decision and agreed that it be submitted for consideration by the Meeting of the Parties, revised in accordance with its comments, notably:**

(a) The Implementation Committee should modify the current questionnaire to provide a questionnaire on the implementation of the Convention in the period 2006–2009;

(b) The Implementation Committee should include in the questionnaire a question on the application of article 3, paragraph 8, and article 4, paragraph 2, of the Convention, without including any interpretation of these provisions.

V. EXCHANGE OF GOOD PRACTICES

11. The Chair of the Working Group presented a revised draft decision on the exchange of good practices, amended in response to the comments made at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 18). The meeting welcomed the draft decision, revised to request lead countries to prepare a one-page summary of the findings of each workshop held for inclusion in a report on the exchange of good practices. **The meeting agreed that the decision be submitted for consideration by the Meeting of the Parties.**

VI. SUBREGIONAL COOPERATION TO STRENGTHEN CONTACTS BETWEEN THE PARTIES

12. The meeting took note of the further delay of the workshop in Morocco for the Mediterranean subregion, as reported by the delegation of Italy, and of the posting on the Convention's website of the report on the workshop for the Baltic subregion, held in Copenhagen in November 2006.

13. The Chair of the Working Group presented a revised draft decision on subregional cooperation, amended in response to the comments made at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 24). **The meeting welcomed the draft decision and agreed that it be submitted for consideration by the Meeting of the Parties, revised in accordance with its comments, notably:**

- (a) The multilateral agreement for South-Eastern Europe (ECE/MP.EIA/WG.1/2007/10) should be appended;
- (b) Parties and non-Parties in Central Asia and located around the Black Sea should especially be invited to host workshops or to take other appropriate measures to promote cooperation in their subregions;
- (c) Lead countries should be requested to prepare a one-page summary of the findings of each workshop held for inclusion in a report on subregional cooperation;
- (d) Parties should be encouraged to develop bilateral or multilateral agreements and report to the Meeting of the Parties accordingly.

14. **The meeting requested the secretariat to establish a webpage dedicated to bilateral and multilateral agreements**, but considered it inappropriate to develop a model agreement.

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

15. The meeting took note of the report provided by the delegation of Armenia on the workshop on capacity-building in the Caucasus held in Yerevan in September 2007, and agreed to take the report's recommendations into consideration when elaborating the draft decision on the adoption of the workplan.

16. The meeting also took note of information provided by the secretariat that Ukraine had asked that the workshop on capacity-building in Eastern Europe be moved to another country in the subregion. The delegation of Switzerland, which had provided funds for the workshop, agreed to this change.

17. The Chair of the Working Group presented a revised draft decision on capacity-building in Eastern Europe, Caucasus and Central Asia, amended in response to the comments made at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 31). **The meeting welcomed the draft decision and agreed that it be submitted for consideration by the Meeting of the Parties, revised in accordance with its comments,** notably:

- (a) Reports of the workshops under the current workplan should be posted on the Convention's website and not appended to the draft decision;
- (b) Lead countries should be requested to prepare a one-page summary of the findings of each workshop held for inclusion in a report on capacity-building.

VIII. SIXTH MINISTERIAL CONFERENCE "ENVIRONMENT FOR EUROPE"

18. The delegate from Serbia, who had been Chair of the Ad Hoc Working Group of Senior Officials responsible for preparing the Sixth Ministerial Conference "Environment for Europe", presented the key outcomes of the Conference, held in Belgrade from 10 to 12 October 2007. The secretariat of the Conference provided additional information.

19. The delegate from Armenia presented information on the proposal by Armenia, Belarus and Moldova for an Initiative on Strategic Environmental Assessment (ECE/BELGRADE.CONF/2007/18), of which the Ministers had taken note with interest (ECE/BELGRADE.CONF/2007/8, para. 18). The secretariat provided further information on the Initiative. The Head of delegation of REC-CEE also presented information on the Initiative and on a Conference side-event to develop a work programme for the Initiative. She also described a Conference side-event organized jointly by REC-CEE, UNDP and UNECE "to review implementation of the UNECE Protocol on Strategic Environmental Assessment: from Kiev to Belgrade and beyond". She thanked Moldova for chairing this latter side-event, and thanked Bulgaria, Croatia and the Netherlands Commission for Environmental Assessment for their contributions to it.

20. The Head of delegation of Romania presented the conclusions of a Conference side-event on "Future directions after 10 years of implementation of the Espoo Convention¹", which was chaired by Romania. She thanked Croatia, Switzerland, the European Bank for Reconstruction and Development, and European ECO-Forum for supporting the event by providing panellists.

21. The Working Group took the above-mentioned information into account when later elaborating the decision on the adoption of the workplan. **The meeting also requested the secretariat to make available on the website the presentations by Romania and REC-CEE.**

¹ The Convention on Environmental Impact Assessment in a Transboundary Context.

IX. WORKPLAN FOR THE NEXT INTERSESSIONAL PERIOD

22. The Chair of the Working Group presented a revised draft decision on the adoption of the workplan, amended in response to the comments made at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 42). The secretariat described how the degree of completion of the current workplan, as presented in the draft decision, had been calculated as a percentage for the workplan activities, grouped by activity priority. The secretariat also noted that the percentages indicated would need to be increased in the draft decision if the workshop in Morocco (see para. 12) or for capacity-building in Eastern Europe (see para. 16) were to be held before the fourth meeting of the Parties.

23. The meeting took note of this information. Several presentations were then made to provide a basis for further elaboration of the draft decision:

(a) The delegation of REC-CEE presented a proposal for an activity based on an award scheme for good practices;

(b) The delegate from UNDP reported on a training course on the practical application of the Convention's Protocol on Strategic Environmental Assessment (SEA), held in Prague in October 2007, for practitioners from Eastern Europe and the Caucasus. She also informed the meeting of two UNDP projects on SEA in the same subregion: (i) an ongoing SEA of the Regional Development Strategy of the Autonomous Republic of Crimea (Ukraine); and (ii) SEA capacity development in Azerbaijan, including a pilot SEA related to spatial planning in Baku, expected to start in January 2008;

(c) The secretariat presented a proposal submitted by the International Institute for Environment and Development for an activity on SEA and climate change;

(d) The IAIA representative presented a proposal for an activity contributing towards an IAIA update of the 1996 International Study of the Effectiveness of Environmental Assessment².

24. **The meeting welcomed the draft decision, and agreed that it be elaborated further when considering outstanding issues at the start of the fourth meeting of the Parties, once revised in accordance with its comments, notably:**

(a) The draft decision should welcome the Initiative on SEA (see para. 19) and the workplan should include activities to assist the entry into force of the Protocol on SEA,

(b) Seminars, workshops and meetings foreseen in the workplan should facilitate compliance with, as well as the implementation of, the Convention and its Protocol;

(c) Capacity-building in Eastern Europe, Caucasus and Central Asia should be included within the activity on subregional cooperation;

² The original study is available at <http://www.unece.org/env/eia/documents/StudyEffectivenessEA.pdf>.

(d) The activity for the exchange of good practices should include one-day seminars on legal matters, organized with the support of the Implementation Committee, and half-day seminars on good practices from Parties' experiences, possibly including: (i) projects with long-range transboundary impacts or a risk of accidents; (ii) interactions between climate change, biodiversity, desertification and environmental assessment; (iii) the IAIA update of the Study of the Effectiveness of Environmental Assessment; and (iv) other topics proposed by lead countries;

(e) An activity should be included on promoting ratification and application of the Protocol on SEA, including national activities, maintenance of the Protocol's Resource Manual and coordination with the Initiative on SEA.

25. **The meeting agreed that the discussion of outstanding issues, foreseen for the start of the fourth meeting of the Parties, would not revise the draft decision or the structure of the activities in the appended workplan, but be limited to completing details in the appended workplan, specifically topics, organizational arrangements, outcomes, timescales and budgets.**

X. BUDGET AND FINANCIAL ARRANGEMENTS

26. The Chair of the Working Group presented a revised draft decision on the budget and financial arrangements, amended in response to the comments made at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 49). **The meeting welcomed the draft decision, and agreed that it be elaborated further when considering outstanding issues at the start of the fourth meeting of the Parties, once revised in accordance with its comments, notably:**

(a) Financing of activities under the Convention and the Protocol should be distributed among as many Parties and non-Parties as possible;

(b) The Bureau should be requested to assist the secretariat in fund-raising;

(c) The Bureau should be requested to contact Parties that so far have either not pledged anything or only committed limited funds or in-kind contributions;

(d) The Bureau should be able to propose limited adjustments to the budget, up to a maximum of 10 per cent;

(e) Priorities should be assigned only to activities and not to sub-activities.

27. **The meeting agreed that the discussion on outstanding issues would not revise the text of the draft decision, but be limited to completing details in the budget table in line with the draft decision on the workplan and the expected availability of funds.**

28. **The meeting welcomed the fifth biannual financial report, presented by the secretariat, and asked that it be updated and appended to the draft decision on the budget and financial arrangements for consideration by the Meeting of the Parties.**

29. The meeting discussed the pledging of financial contributions as foreseen in the draft decision on the budget and financial arrangements. **The meeting agreed that information on likely pledges towards the budget should be provided to the secretariat by 29 February 2008 by Parties and non-Parties. To facilitate such information, the meeting requested the Chair of the Working Group to write to countries inviting pledges.**

XI. FINANCIAL ASSISTANCE

30. The Chair of the Working Group presented a revised draft decision on financial assistance, amended in response to the comments made at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 52). **The meeting welcomed the draft decision and agreed that it be submitted for consideration by the Meeting of the Parties, revised in accordance with its comments**, notably that the Convention and its Protocol should apply, rather than seek to apply, the guiding criteria for financial assistance established and periodically updated by the Committee on Environmental Policy.

31. The Chair of the Working Group described in detail the process and criteria the Bureau had applied when selecting NGOs to receive financial assistance for their representation in meetings under the Convention, further to paragraph 5 of decision III/11 (ECE/MP.EIA/6, annex XI). The meeting took note of this information.

XII. FOURTH MEETING OF THE PARTIES

32. The Chair of the Bureau reported on the further practical arrangements for the fourth meeting of the Parties, to be held in Bucharest from 19 to 21 May 2008, including a revised draft programme. She indicated that, broadly, all items would be covered, with some items being financed by the Government of Romania, others by the Convention's Trust Fund, and the remaining balance through a special fund established by the Romanian Government. She reported that the special fund had received a deposit from Hungary and that further deposits were anticipated from Austria, Italy, Slovenia and Switzerland. The delegation of Austria requested a detailed budget for the fourth meeting of the Parties.

33. **The meeting took note of information provided by the Chair of the Bureau, welcomed her practical arrangements, and asked that space be provided for poster presentations in the Conference area.**

34. The secretariat confirmed receipt of funds from France into the Convention's Trust Fund, which would be used to support the fourth meeting of the Parties.

35. The Chair of the Working Group presented proposals by the Bureau for speakers at the fourth meeting of the Parties. **The Working Group discussed precise topics and further possible speakers, and asked the Bureau to finalize the list of speakers with the support of the secretariat.**

36. The Chair of the Bureau also presented the draft provisional agenda of the fourth meeting of the Parties, further to discussions at the tenth meeting of the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 39). **The Working Group welcomed the draft and asked the Bureau to finalize the provisional agenda in accordance with the Working Group's**

comments and to include an item on outstanding issues to be addressed on Monday, 19 May 2008, in the afternoon.

37. The Chair of the Working Group presented the Bureau with proposals for officers and members of the Implementation Committee in the period between the fourth and fifth meetings of the Parties. **The Working Group took note of this information and agreed to finalize nominations when considering outstanding issues at the start of the fourth meeting of the Parties.**

38. The delegation of Romania reminded the Working Group that a subregional agreement on the implementation of the Convention among the countries of South-Eastern Europe (ECE/MP.EIA/WG.1/2007/10) would be signed in Bucharest on the occasion of the meeting of the Parties. In response, concerned delegations provided information on their possible signature of the agreement.

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

39. The meeting took note of the current status of ratification of the Convention, its amendments and its Protocol, as reported by the secretariat. The meeting also took note of the announcement by the delegation of Serbia of the ratification of the Convention by Serbia's Parliament.

40. Further, the meeting took note of information provided by a representative of the European Commission regarding the European Community's future ratification of the two amendments and the Protocol.

XIV. MATTERS RELATING TO THE CONVENTION'S PROTOCOL

41. Further to the request of the Working Group that the Bureau contact the World Health Organization (WHO) regarding preparation by WHO of draft guidance on the consideration of health under the Protocol (ECE/MP.EIA/WG.1/2007/2, para. 57), the secretariat reported to the meeting that it had been informed that WHO was no longer pursuing preparation of such guidance. **The meeting agreed that no further actions would be needed in this regard.**

42. The meeting took note of information provided by the delegate from Austria on a workshop on public participation in strategic decision-making, being organized under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and to be held in Sofia from 3 to 4 December 2007.

XV. PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS

43. In response to an invitation by the Working Group (ECE/MP.EIA/WG.1/2007/2, para. 56), the secretary of the Aarhus Convention provided information on work under the that Convention to promote application of its principles in international forums. He described the relevant processes under the Aarhus Convention and noted the response of the secretariat to the Convention on EIA in a Transboundary Context to a short questionnaire on the subject. He also

highlighted that the responsible task force had proposed a shift of focus, from the implementation of the relevant guidelines (ECE/MP.PP/2005/2/Add.5, annex) within international forums, to implementation of the guidelines by Parties to the Aarhus Convention. The meeting thanked the secretary of the Aarhus Convention, and took note of this information and the availability of further information on the Aarhus Convention website.³

XVI. OTHER BUSINESS

44. The delegate from Iraq reported that Iraq would become a Party to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) on 17 February 2008. He indicated Iraq's wish to become a Party to the Convention on EIA in a Transboundary Context once the Convention's first amendment (decision II/14) entered into force.

45. The Working Group confirmed that the following outstanding issues for the fourth meeting of the Parties would be resolved at the start of the fourth meeting of the Parties:

- (a) Officers and members of the Implementation Committee;
- (b) The draft decision on the review of compliance and appended findings;
- (c) Details to be included in the workplan appended to the draft decision on the adoption of the workplan;
- (d) Details to be included in the budget table included in the draft decision on the budget and financial arrangements;
- (e) Financial pledges.

46. The Chair 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 Friday, 23 November 2007.

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³ Relevant information is available at <http://www.unece.org/env/pp/ppif.htm>.