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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
(Third meeting, 9-12 October 2000)
(Agenda item 2, b (ii) of the provisional agenda)

Report of the Task Force on Amendments to the Convention */
Submitted by the delegation of Italy

1. The Task force on Amendments to the Convention met in Rome (Italy) from 13 to 14 July 2000.
2. It was attended by the following delegations: Belarus, Canada, Estonia, Finland, France, Georgia, Germany, Israel, Italy, Latvia, Lithuania, Norway, Portugal, Romania, Russian Federation, Switzerland and the United Kingdom.
3. The Commission of the European Communities was also represented.
4. In opening the meeting, it was recalled that the Working Group on Environmental Impact Assessment at its second meeting (MP.EIA/WG.1/2000/2, para. 15) decided to set up the task force with the aim to:

*/ This document has not been formally edited.

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a) Consider document MP.EIA/WG.1/2000/14 in relation to the opening of the Convention to non-ECE countries and to the definition of "the public". The proposed amendments may be discussed and adopted at the second meeting of the Parties;

b) Prepare draft amendments in relation to the inclusion of "scoping" into the Convention and to Appendices I and II;

c) Identify other areas for negotiation to be considered at the third meeting of the Parties with a view to revising the Convention.

5. The Task Force prepared amendments to the Convention in relation to the first two items above as included in annex I. Annex II contains the draft decision in relation to the last item above.

Annex I

**DRAFT DECISION II/11
AMENDMENTS TO THE ESPOO CONVENTION**

The Meeting,

Desiring to modify the Espoo Convention, with a view to clarifying that the public that may participate in procedures under the Convention includes civil society and, in particular, non-governmental organizations,

Recalling paragraph 13 of the Oslo Ministerial Declaration made by Ministers of the Environment and the European Union Commissioner for the Environment assembled at Oslo, Norway, on the occasion of the first meeting of the Parties to the Espoo Convention,

Desiring to allow States outside the UN/ECE region to become Parties to the Convention,

Decides to adopt the following amendments to the Convention:

- (1) At the end of Article 1(x), after the word “persons” add:

“... and, in accordance with national legislation or practice, their associations, organizations or groups”;

- (2) At the end of Article 2, para 5 add:

" If the Party of origin, according to national or domestic legislation, is obliged to carry out an environmental impact assessment for a proposed activity not listed in Appendix I that is likely to cause a significant adverse transboundary environmental impact, that Party shall consider to apply the provisions of the Convention."

- (3) In Article 3, para 6, after "documentation", add:

"... as well as an indication of possible areas of likely impacts to be considered in the relevant environmental information to be provided according to Article 4."

- (4) In Article 17, after paragraph 2, insert:

“ Any other State, not referred to in paragraph 2 above, that is a Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties. [Such approval shall be by consensus].”

- (5) At the end of Article 17, insert:

“ Any State that ratifies, accepts or approves this Convention shall be deemed simultaneously to ratify, accept or approve the amendment to the Convention set out in decision II/11 of the second meeting of the Parties. [That notwithstanding the provision of Article 14, paragraph 4, of the Convention, this amendment shall not enter into force until the ninetieth day after it has been ratified, approved or accepted by all the current Parties to the Convention.]”

- (6) In Appendix I, item 7 delete: "Construction of", and delete in second line: "of"

- (7) In Appendix I, after item 17 insert:

"18. a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic meters/year;

b) In all other cases, works for the transfer of water resources between river basins where the multiannual average flow of the basin of abstraction exceeds 2 000 million cubic meters/year and where the amount of water transferred exceeds 5% of this flow.

In both cases transfers of piped drinking water are excluded.

19. Waste - water treatment plants with a capacity exceeding 150.000 population equivalent"

- (8) In appendix II, at the end of para (d) add:

"..., including the possible impacts in the areas capable of being affected by the malfunctioning or accident of the proposed activity;"

Annex II

DRAFT DECISION II/... AMENDMENT TO THE CONVENTION

The Meeting,

Acknowledging the review of the implementation of Agenda 21 – and in particular Principle 17 - for the fifth Ministerial Conference “Environment for Europe” to be held in Kiev, Ukraine.

Having considered the results of the activities undertaken in accordance with the workplan adopted at the first Meeting, in particular the outcome of the Workshop on recent EIA developments and links with other ECE Conventions as well as of the Workshop on amendments to the Convention and its proposal for particular amendments,

Welcoming the important findings elaborated in this context,

Stressing the need to take into account all experiences gained in the implementation of the Convention,

Recalling our commitment to provide for the participation of the public and NGOs in the activities and the meetings of the Convention,

Recognising the value of a comprehensive package of amendments,

1. Agrees that the Convention merits review to assess its effectiveness in light of developments in the EIA field,
2. Establishes a task force with the mandate to review and analyse the implementation of the Convention, in consultation with the Implementation Committee and other stakeholders such as the public, NGOs and proponents with a view to prepare a report on its findings, including possible amendments to the Convention and supporting rationale for discussion and possible adoption at the third meeting of Parties.