



**Economic and Social
Council**

Distr.
GENERAL

MP.EIA/WG.1/2005/2
20 July 2005

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

REPORT OF THE EIGHTH MEETING

1. The eighth meeting of the Working Group on Environmental Impact Assessment (EIA) took place in Geneva from 27 to 29 April 2005.
2. The meeting was attended by delegations from the following UNECE member States: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Estonia, Finland, France, Germany, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, United Kingdom and Uzbekistan. A representative of the Commission of the European Communities attended the meeting. The following States Members of the United Nations were also represented: Iraq and the Islamic Republic of Iran.
3. Representatives of two United Nations bodies attended the meeting: the United Nations Development Programme's Regional Bureau for Europe and the Commonwealth of Independent States (UNDP/RBEC) and the United Nations Environment Programme's Regional Office for Europe (UNEP/ROE). The following non-governmental organizations (NGOs) were represented: ECOGLOBE, ECOTERRA, European ECO Forum, the International Association for Impact Assessment (IAIA) and the Regional Environmental Centre for Central Asia (CAREC).
4. Ms Vania Grigorova (Bulgaria), Chair, opened the meeting, which began with a workshop organized by Switzerland on the exchange of best practice in environmental impact assessment of transboundary projects.
5. The Working Group adopted its agenda prepared by the secretariat.
6. The Working Group observed one minute's silence in memory of Mr Igor Vucer, who had represented Slovenia at meetings under the Convention and who had passed away at the end of

2004. The Working Group requested the secretariat to write to the Minister of the Environment of Slovenia in order to express its condolences.

7. The Chair noted the retirement of Mr Bob Connelly, of the Canadian Environmental Assessment Agency, who originally proposed the drafting of the Convention at a seminar in Warsaw in 1987. The Working Group requested the secretariat to write to Mr Connelly expressing its thanks for his involvement in the Convention. The Chair also noted the retirement of Mr Emilio Herrantz (Spain) and the departure of Mr Stefan Ruchti (Switzerland) from his current position.

8. The Chair introduced the new Chair of the Bureau, Mr Ioan Gherhes (Romania).

I. ACTIVITIES RELATING TO THE CONVENTION LISTED IN THE WORKPLAN (DECISION III/9)

A. Compliance with and implementation of the Convention

9. Ms Seija Rantakallio (Finland), Chair of the Implementation Committee, introduced the report on the last two meetings of the Implementation Committee, and presented the Committee's workplan. The Working Group was particularly interested in knowing more about the operating rules that the Committee had decided to prepare for the conduct of Committee meetings. The Chair of the Committee agreed to report on the intended contents of these rules in more detail at the next meeting of the Working Group. The Working Group adopted the reports.

10. The Working Group commended the Committee's work on the revised and simplified questionnaire but questioned its length and the demands it made on the Parties' knowledge of their experience in the application of the Convention. The Working Group was concerned that it had not been made clear that this was to be the only opportunity for it to consider the draft questionnaire and agreed that this should not set a precedent.

11. Later in the meeting, and based on the comments made, the Chair of the Implementation Committee presented a second revised version, with which the Working Group agreed in principle, given that the Committee would circulate by e-mail a third revised version within two weeks of the meeting. That e-mail would specify the possibility of submitting further minor changes by e-mail during a period of four weeks thereafter.

12. The secretariat informed the Working Group that it would do its utmost to include in the revised questionnaires sent to the Parties the responses they had provided in 2002-2003 to the first questionnaire. The Working Group agreed that the questionnaire would be circulated in October 2005 for completion by the end of April 2006. It also agreed that the responses would be placed on the Convention's website.

13. The secretariat informed the Working Group of the on-going Inquiry Procedure, involving Romania and Ukraine, and explained that it was not proceeding at that time because of insufficient funds. The delegation of Ukraine regretted that it had not been able to contribute to the inquiry commission's budget so far, but reported that the Ukrainian cabinet of ministers had now approved the release of funds, which were expected to be transferred by the end of May 2005.

14. The delegation of Romania asked that the inquiry commission proceed with the budget contribution Romania had made, given the lack of a specific date by which the Ukrainian contribution would be received. The secretariat explained that it might not be possible to proceed with the Romanian contribution alone for practical reasons, but it would seek the opinion of the inquiry commission's president.

15. The secretariat commended the positive attitude of the parties in the inquiry commission and suggested that the performance of this first inquiry procedure be assessed once completed, at the next meeting of the Working Group.

B. Exchange of good practice

16. The Working Group thanked Switzerland for its successful organization of the workshop on transboundary projects, held at the beginning of the meeting. The Chair suggested that Tajikistan and Uzbekistan might organize a second workshop on the exchange of best practice, focusing on transboundary EIA methodology. She also suggested that countries with practical experience might wish to organize a third workshop, on post-project analysis and monitoring, and said that Bulgaria would consider doing so.

17. The secretariat presented two case-study fact sheets and invited further case studies and offers of support for translation and publication.

C. Subregional cooperation to strengthen contacts between the Parties

18. The delegation of Serbia and Montenegro presented a draft multilateral agreement for the countries of South-East Europe, developed at a subregional meeting held in Belgrade, on 16 and 17 December 2004. The delegation of the former Yugoslav Republic of Macedonia announced it would host a follow-up meeting in June 2005.

19. The delegation of Bulgaria announced it would host a meeting for the Balkan and Black Sea subregion in November 2005. The delegation of Sweden, on behalf of Denmark, Estonia, Finland and Sweden, announced a meeting for the Baltic Sea subregion in October 2005. There was no indication of arrangements for an expected meeting in the Mediterranean subregion, as the budget for this meeting had not yet been submitted. The Working Group requested the secretariat to contact the delegation of Italy on this matter.

D. Capacity building in Eastern Europe, the Caucasus and Central Asia (EECCA)

20. The delegation of Kyrgyzstan reported on:

- (a) The preparation of draft guidelines on the practical application of the Convention to meet the specific needs of EECCA;
- (b) A subregional workshop held in Issyk-Kul (Kyrgyzstan), from 5 to 7 October 2004;
- (c) The establishment of an expert group in order to finalize the guidelines;
- (d) The holding of national follow-up seminars; and
- (e) The initiation of a pilot project involving Kazakhstan and Kyrgyzstan.

21. The Working Group requested the delegation of Kyrgyzstan to circulate widely the finalized guidelines, and requested the secretariat to put them on the Convention's website.
22. The delegations of Armenia and Ukraine announced their readiness to host subregional workshops for the Caucasus (autumn 2005) and Eastern Europe (2006), respectively. Given the lack of funds in the Convention budget, they would present their financial plans within one to two weeks to potential donors and to the secretariat.
23. The delegation of Tajikistan reported on a proposed training course, to be held in November-December 2005, and provided an indicative budget, to which it sought contributions. It would provide further details after the meeting. It also observed that a World Bank project in the Fergana Valley might form the basis of a pilot study involving Kyrgyzstan, Tajikistan and Uzbekistan.
24. The representative of ECOTERRA reported that two editions of its proposed EIA journal were ready for printing and that it had identified half of the funds required for publication. The remaining funds were being sought from a donor country. The Working Group observed that the journal might form a bridge between different bodies in the Russian Federation having EIA responsibilities and between countries using Russian, and urged possible donors to provide the necessary funds.

E. Examination of the substantive relationship between the Convention and the Protocol

25. The European Commission reported that the study it had commissioned on the relationship between the two European Union's Directives, one on EIA and the other on Strategic Environmental Assessment, was close to completion. The Working Group decided that a presentation of the outcome of the study be included in the agenda of the next meeting of the Working Group; a separate workshop, foreseen in the workplan, would not be necessary. The delegation of Belgium observed that its work to follow-up on the study, as described in the workplan, was conditional upon the response of the Working Group to the presentation.

F. Institutional and procedural activities under the Protocol on SEA

26. The delegations of the Netherlands and the United Kingdom summarized an informal paper on institutional and procedural activities under the Protocol on SEA. The Chair of the Meeting of the Signatories of the Protocol, Mr Jan De Mulder (Belgium), informed the Working Group of the discussions on these issues at the second meeting of the Signatories held in Geneva, on 25 and 26 April 2005. The Chair of the Implementation Committee expressed her concerns about the practical implications of certain proposals in the paper. She also drew the Working Group's attention to decision III/2, paragraph 7, in which the Committee was requested to consider developing proposals on the membership of the Committee when considering matters under the Protocol.
27. The Working Group approved of the approach taken by the Meeting of the Signatories to ensure coordination between the Bureau's small group on financing, the Implementation Committee, the Meeting of the Signatories' small group on institutional and procedural issues, and the Bureau, so that a next version of this paper can be prepared for further discussion.

II. FOLLOW-UP TO OTHER DECISIONS TAKEN AT THE THIRD MEETING OF THE PARTIES NOT ADDRESSED BY THE WORKPLAN

A. Strengthening cooperation with other ECE conventions

28. The secretary to the Convention on the Transboundary Effects of Industrial Accidents, Mr Serge Ludwiczak, described the process for the development of pipeline safety guidelines and invited EIA experts to participate in a workshop to be held in Berlin, on 8 and 9 June 2005. The Working Group thanked the delegation of Bulgaria for the offer to present the EIA of a pipeline between the Black Sea and the Greek Mediterranean coast. The Working Group also thanked the representative of ECOTERRA for the offer to present the EIA of a pipeline between the Russian Federation and Turkey.

29. The secretary to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Mr Jeremy Wates, provided an introduction to draft guidelines on promoting the application of the principles of the Aarhus Convention in international forums (ECE/MP.PP/2005/8), on their evolution and status. He responded to specific questions on the draft guidelines, recognizing some ambiguities and suggesting that Parties convey their opinions to the Aarhus Convention bodies through national colleagues involved in the Aarhus Convention.

30. The delegation of the United Kingdom, acting on behalf of the European Union Presidency, provided European Union-coordinated comments (without prejudice to the final European Union position within the Aarhus Convention process) on the draft guidelines, as annexed to this report, welcoming clarification on several points and expressing its intent to convey the comments to European Union colleagues involved in the run-up to the second meeting of the Parties to the Aarhus Convention. The Working Group agreed with the European Union's concerns and sought the same clarifications. The secretary to the Aarhus Convention took note of the comments with interest.

31. The Working Group requested the secretariat to circulate the decision of the second meeting of the Parties to the Aarhus Convention on this matter.

32. The Chair of the Meeting of the Protocol Signatories summarized the discussion of the Meeting, on a proposal for a joint workshop between the Protocol and the Aarhus Convention on public participation in strategic decision-making. He reported that the Meeting of the Signatories was not against further discussion on this proposal, but chose to wait and see whether it was adopted at the second meeting of the Parties to the Aarhus Convention. The Working Group took note of the decision of the Meeting of the Signatories.

B. Use of guidance

33. The Chair reminded the Working Group that the Bureau had sent a letter to Parties requesting information on their use of the guidance, endorsed or adopted by the Meeting of the Parties, on:

- (a) Good practice and on bilateral and multilateral agreements (decision III/4);
- (b) Strengthening subregional cooperation (decision III/5); and

- (c) Public participation in EIA in a transboundary context (decision III/8).

34. The secretariat informed the Working Group that Armenia, Estonia and Poland had responded to the letter in advance of the meeting. The delegations of the following countries reported to the Working Group on their distribution of, use of or specific intention to use the guidance: Albania, Belgium, Bulgaria, Estonia, Finland, Germany, Kyrgyzstan, Romania, Sweden, Tajikistan and the former Yugoslav Republic of Macedonia.

35. The representative of ECOTERRA announced that he would continue to gather information to include in the guidance on public participation, and report on this matter at the next meeting.

C. Exchange of information

36. The Chair reminded the meeting that a request for information on the application of transboundary EIA, for inclusion in the Convention website, further to decisions III/4 and III/5, had been circulated to the Parties to the Convention. The secretariat informed the Working Group that responses had been received from Austria, Czech Republic, Germany, Latvia, Lithuania, the United Kingdom and the European Commission

37. The secretariat agreed that the Convention's website should also refer to the transboundary projects described in the workshop for exchange of good practice held at the beginning of the meeting.

D. Budget and financial arrangements

38. The Working Group welcomed an informal paper on the budget and financial arrangements, prepared by a small working group (Bulgaria, Switzerland and the United Kingdom) nominated by the Bureau, and decided that:

(a) The Bureau might make limited adjustments to the current budget between meetings of the Working Group;

(b) The secretariat would report on income and expenditure on a six-monthly basis to the Bureau;

(c) The small working group would monitor expenditure, develop further the paper on this issue and draft a decision for consideration by the Bureau; and

(d) The Bureau would report to the next meeting of Working Group.

39. The Working Group recommended that other countries contribute to the budget.

40. The delegation of the United Kingdom, on behalf of the European Union Presidency, reported that the European Union Parties to the Espoo Convention supported the elaboration of the proposals outlined in the paper on financing and welcomed the proposals on reporting and reviewing; taking these forward was considered particularly important in the context of the review of the UNECE that was underway. The secretariat observed that the paper focused on reporting without reference to income generation. The Working Group agreed that the secretariat might have some flexibility in the reporting on income and expenditure. The Working Group adopted the following recommendations:

(a) Countries should seek to transfer their contributions to the Local Technical Fund of the Espoo Convention as early as possible in their budget year, so as to provide greater certainty for future financial and project management;

(b) The table on the status of commitments and contributions, prepared by the secretariat, should be revised to include all Parties to the Convention. The table should also be revised by including in the receipts column contributions paid in addition to those pledged, with an explanatory note. The table should also include a note that contributions paid directly into the Local Technical Fund incur UN programme support costs;

(c) Currently in-kind contributions vary in nature, form and specificity, which may hinder planning and project management. This could be addressed by providing a separate table for in-kind contributions and encouraging countries to detail their proposals. Ideally, they should also be specified in the budget. If this is not possible at that time, they shall be specified at the earliest time possible to provide a clear picture of all the expenses incurred;

(d) Those countries that have so far not pledged anything or, compared to their economic strength, only committed limited funds or in-kind contributions, should be encouraged to raise their contributions if not for the current budget cycle (the period between the third and fourth meetings of the Parties) then for the next one;

(e) Biannual reports should be prepared by the secretariat with the view to assist in preparing the report to the fourth meeting of the Parties, as requested in decision III/10, paragraph 10. These reports should be submitted to the Bureau for consideration and then circulated to the Parties. Biannual reporting best addresses the schedule of the meetings of the Working Group and the Meeting of the Parties, as well as national budgeting cycles. Therefore, the first report should be prepared at the end of June 2005;

(f) The biannual reports should include a breakdown in the form of a table setting out expenditure on each item specified in the budget; the costs incurred per item should be as specific as possible. This could benefit further from distinguishing between subsistence allowances and travel costs;

(g) To avoid confusion between expenditure on activities under the Local Technical Fund and those funded by in-kind contributions, expenditure under these contributions should be reported in a separate table, similar to the one on the status of commitments and contributions; and

(h) To assist with monitoring and planning of future expenditures, a table on the status of resources available should also be provided. This should again take account of UN programme support costs.

41. The delegation of the United Kingdom presented an informal paper on future meetings of the Parties. The Working Group generally supported the holding of lower-profile meetings of the Parties, at intervals of about three years, with occasional higher-profile meetings being held. On the basis of the comments made, the delegation of the United Kingdom agreed to revise the paper, elaborating this scenario. The Working Group agreed that the Meeting of the Parties might want to take a formal decision on this matter, but that it would nonetheless wish to preserve the current flexibility. Given its possible implications for the work of her Committee, the Chair of the Implementation Committee said that it would discuss the paper at its next meeting and forward comments to the delegation of the United Kingdom. The delegation of the United Kingdom also

agreed to discuss the paper with the Meeting of the Signatories' small group on institutional and procedural issues.

42. The secretariat presented a summary of the pledges made at the third meeting of the Parties and reported on contributions made by Parties to the Espoo Trust Fund. The secretariat also noted that Canada, Ireland and the Netherlands had recently made contributions, and that Hungary had made a non-pledged contribution. The delegation of Norway reported that it had paid part of its contribution. The delegation of Sweden noted that its pledge should be included in the summary as in cash or in kind.

E. Financial assistance to representatives of countries in transition, non-governmental organizations and countries outside the UNECE region

43. Ms Sandra Ruza (Latvia), Vice-chair of the Working Group, reported on the process by which the Bureau had selected four NGOs to receive financial support for their participation, further to decision III/11.

44. Ms Ruza also summarized the Bureau's discussion on financial assistance for the participation of representatives of non-ECE States. The secretariat reported receiving requests for financial support to attend the meeting from Iraq and the Islamic Republic of Iran. Given their expression of strong interest in joining the Convention and the availability of funds on this occasion, the two representatives had received financial support.

III. FOLLOW-UP TO THE CAVTAT DECLARATION

45. The secretariat reported on its efforts to promote the Convention further to paragraph 13 of the Cavtat Declaration (ECE/MP.EIA/6, annex XIII), through contacts with member organizations of the World Bank Group. The Working Group requested the secretariat to report on this matter at its next meeting.

IV. MEETINGS OF THE PARTIES

46. The delegation of Romania confirmed its willingness to host the fourth meeting of the Parties in April 2007 and reported on its preparations. It invited the Bureau and the secretariat to come to Bucharest in order to support the preparations of the fourth meeting of the Parties. It also reported that it was analysing its needs for the meeting and would provide a detailed budget to the Bureau, the secretariat and potential donors within a few months.

47. The delegations of Belgium and Bulgaria expressed their willingness to support Romania in organizing the fourth meeting of the Parties. The delegation of Finland indicated that it would do its best to provide financial support. However, the delegation of Germany observed that the current budget provided for the fourth meeting of the Parties, and that the financial arrangements being applied (decision III/10) had been intended to provide greater certainty in planning.

48. The Working Group welcomed an informal paper prepared by the United Kingdom, discussing why and how the tenth anniversary of the Convention's entry into force might be celebrated. The Working Group favoured the inclusion of an item in the agenda of the Ministerial Conference 'Environment for Europe', to be held in Belgrade in 2007. It was suggested that the item, possibly supported by a side-event, might focus on the implementation of and compliance

with the Convention. The Working Group agreed that funding for this activity was not included in the budget and therefore should be identified. It requested the Bureau to make a concrete proposal on this matter to the next meeting of the Working Group.

V. STATUS OF RATIFICATION

49. The secretariat reported on the status of ratification of the Convention and its two amendments. The delegation of Germany informed the Working Group that it expected to ratify the second amendment (decision III/7) to the Convention by the end of 2005. The delegation of Albania informed the Working Group that it expected to ratify the first (decision II/14) and second amendments to the Convention, also by the end of 2005. The delegation of Tajikistan informed the meeting that it had finalized its internal procedure for ratification. The Working Group thanked the delegations for the information provided and, in particular, welcomed Tajikistan as the forty-first Party to the Convention.

VI. OTHER BUSINESS

50. The delegation of the Islamic Republic of Iran made a presentation on the Iranian EIA system to the Working Group. The Working Group asked that the secretariat place the presentation on the Convention's website and that it try to organize translation into Russian.

51. The secretariat described the on-going negotiation of a Protocol on Transboundary EIA to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, reporting that one meeting had been held in Moscow, from 9 to 11 March 2005, and that another was planned in Teheran in the summer of 2005.

52. The representative of UNEP/ROE reported on its organization of transboundary EIA training workshops for the Caspian Sea region.

53. The Director of the UNECE's Environment and Human Settlements Division, Mr Kaj Barlund, reported to the meeting on the on-going comprehensive review of UNECE.

54. The secretariat presented an informal review of EIA in a transboundary context in other multilateral agreements. The Working Group welcomed the presentation and asked that the review be placed on the Convention's website, and requested that this matter would be discussed at its next meeting.

55. 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, with the support of the secretariat. The Working Group agreed to meet again in April 2006. The meeting was closed on Friday, 29 April 2005.

Annex

**EUROPEAN UNION COMMENTS AT THE MEETING OF THE ESPOO
CONVENTION'S WORKING GROUP ON EIA, 27-29 APRIL 2005, CONCERNING THE
PRESENTATION BY THE SECRETARIAT OF THE AARHUS CONVENTION OF THE
DRAFT GUIDELINES ON PROMOTING THE APPLICATION OF THE PRINCIPLES
OF THE AARHUS CONVENTION IN INTERNATIONAL FORUMS**

The European Union (EU), noting this is the first opportunity that the Parties to the Espoo Convention have had to meet and discuss in its Working Group any draft of the guidelines, welcomes the presentation by the secretariat to the Aarhus Convention, which has clarified somewhat the latest draft.

We note that the guidelines are in their drafting phase and still under consideration by the Parties to the Aarhus Convention. Therefore the discussions within the EU and its Member States are also still ongoing. Hence the EU perspective expressed here today is without prejudice to the final EU position within the Aarhus process.

We consider that each Multilateral Environmental Agreement has its own specificities. To reflect this, cooperation between the Espoo and the Aarhus Conventions would be welcomed.

From the Espoo perspective we would welcome clarification particularly on the following issues:

- (a) Definitions (e.g. see paragraph 9 for “international forums” and paragraph 10 for “international access”);
- (b) Scope (e.g. see paragraphs 4 and 5 – at what stage in international negotiations are the guidelines intended to apply?);
- (c) Extent of application (e.g. see paragraphs 13, 33 and 34);
- (d) Funding arrangements (e.g. see paragraphs 38 and 39 – why mention support for international secretariats in paragraph 38?); and
- (e) Review procedures (e.g. see paragraphs 40-42).

We will convey these comments to our EU colleagues involved in the run-up to the second meeting of the Parties to the Aarhus Convention.