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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  
(Second meeting, Geneva 29-31 May 2000)  
(Item 3 (b) of the provisional agenda)

**AMENDMENT TO THE 1991 ESPOO CONVENTION ON ENVIRONMENTAL  
IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

Submitted by the Chairman of the Working Group

1. This paper is to be read in conjunction with document MP.EIA/WG.1/1999/12, which was discussed at the first meeting of the Working Group.
2. Paragraph 21 of the report of the first meeting of the Working Group (MP.EIA/WG.1/1999/2) summarizes the discussion. It was suggested that, at their second meeting, the Parties could decide on a package of amendments to the Convention, which could include a revision to appendix I to the Convention or a new definition of the term "public" to bring it into line with new developments. The Chairman of the Working Group was requested to prepare a draft decision on this issue for the Working Group's next meeting.
3. It has only been possible to prepare a draft decision that would amend the Convention in order (a) to align the definition of "the public" in article 1(x) of the Espoo Convention with the definition of "the public" in article 2, paragraph 4 of the Aarhus Convention, and (b) to allow States outside the UN/ECE region to accede to the Espoo Convention. That draft decision appears at annex I below.

4. During the preparation of this paper, consideration was given to amending the definition in article 1(x) definition so that it could be aligned with the definition of "the public concerned" in article 2, paragraph 5, of the Aarhus Convention.

5. Such an amendment may have other consequences. The word "public" appears in the Espoo Convention in articles 2, paragraph 2 and paragraph 6 (three times), 3, paragraph 1 and paragraph 8, and 4, paragraph 2. If the definition of the "public" in the Espoo Convention was aligned with the definition in article 2, paragraph 5, of the Aarhus Convention, the effect of some of those provisions would become unclear. Moreover, such an amendment of the definition in article 1(x) that used wording from article 2, paragraph 5, of the Aarhus Convention would make the Espoo Convention more restrictive, as it would introduce a requirement for the public to have an interest before they enjoyed the benefit of the public participation provisions in the Espoo Convention.

6. It is of the utmost importance for the Meeting of the Parties to make any decision amending the Convention by consensus (see MP.EIA/WG.1/1992/12, para. 25). If it becomes clear during the second meeting of the Working Group that a proposal for amendment of the Convention will not get consensus support, it might be appropriate the Parties at their second meeting to make a decision to mandate further work on amendment. A draft decision to that effect may be found at annex II below.

7. The Working Group is asked to address the following issues:

(a) Can the Parties agree that the Espoo Convention should be amended at their second meeting?

(b) If so, can a decision based on annex I be agreed?

(c) If not, can a decision based on annex II be agreed?

Annex I

**DRAFT DECISION II/...**  
**AMENDMENT 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:

(a) At the end of Article 1(x), after the word "persons" the words "... and, in accordance with national legislation or practice, their associations, organizations or groups" shall be added;

(b) In Article 17, after paragraph 2, the following paragraph shall be inserted:

" 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."

(c) At the end of Article 17, the following paragraph shall be inserted:

" 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/... of the second meeting of the Parties."

**Annex II**

**DRAFT DECISION II/...  
AMENDMENT TO THE ESPOO CONVENTION**

The Meeting,

Acknowledging the desirability of reviewing the Espoo Convention on its tenth anniversary,

Recognizing the value of consolidating all proposed amendments in one text,

Recalling paragraph 13 of the Oslo Ministerial Declaration, in which 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, invited Parties to the Convention to consider possibilities for allowing non-ECE member countries to become Parties to the Convention,

Desiring to consider any other proposed amendments that there may be,

Calls upon the Parties to submit all proposals for amendment to the Convention to the secretary by [ ] so that a task force [, led by x,] can undertake further work with a view to recommending amendments that might be adopted by consensus at the third meeting of the Parties.