



ECONOMIC COMMISSION FOR EUROPE

**Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context**

**Ad hoc Working Group on the Protocol
on Strategic Environmental Assessment**

REPORT OF THE FIRST SESSION

1. The first session of the ad hoc Working Group on the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context took place in Geneva from 14 to 16 May 2001.

2. It was attended by the delegations of: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States, Uzbekistan and Yugoslavia.

3. The meeting was also attended by representatives of the Commission of the European Communities. The following international and non-governmental organizations were also represented: the Regional Office for Europe of the World Health Organization (WHO/EURO), Regional Environmental Center (REC), European ECO Forum and Ecoterra.

4. In his opening statement, Mr. K. Bärlund, Director of the ECE Environment and Human Settlements Division recalled decision II/9, adopted at the second meeting of the Parties to the Convention, which had formally decided to start work on this protocol and had established this Working Group for the negotiations. He also underlined the importance of the participation of representatives from countries in transition in the work, and appealed to possible donor countries to provide financial support to the Trust Fund for Assistance to Countries in Transition (TFACT). In referring to the mandate of the Working Group, he welcomed the fact that many delegations consisted of experts from both the EIA and the Aarhus Conventions and that several NGOs and WHO/EURO were present.

I. ADOPTION OF THE AGENDA

5. The Working Group adopted the agenda as contained in document MP.EIA/AC.1/2001/1.

II. ELECTION OF OFFICERS

6. The Working Group was informed that the Parties, at their second meeting, had already elected Mr. Terje Lind as Chairperson. The Working Group elected the following Vice-Chairpersons: Ms. U. Platzer (Austria), Mr. J. Jendroska (Poland) and Mr. C. Dora (WHO/EURO). A question was raised as to whether it was legally and procedurally possible for a representative of an intergovernmental organization to serve as an officer of such a working group and it was agreed to look into this matter and discuss it at the next session if there was a problem.

III. PREPARATION OF A DRAFT PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

7. The Working Group had before it a document with draft elements for a protocol on strategic environmental assessment prepared by the secretariat (MP.EIA/AC.1/2001/3). Delegations taking part in the discussion commended the secretariat for these draft elements, which they considered a useful basis for the preparation of the protocol. The delegation of Canada reiterated Canada's difficulty with a legally binding approach to strategic environmental assessment, a position that it had previously stated at a meeting of the Working Group on Environmental Impact Assessment. The delegation of Canada nevertheless stated that it would follow the work of the ad hoc Working Group on the Protocol on Strategic Environmental Assessment with interest, but that it would not take an active part in the negotiations nor would it put forward positions during the current debate of the Working Group. However, it indicated Canada's willingness to share its experience with strategic environmental assessment.

8. The structure set out in document MP.EIA/AC.1/2001/3 was generally found to be acceptable. The delegations provided general comments. They recognized the complexity of the issues and therefore provided their comments without prejudice to their positions in the future. Some delegations indicated that the article on objectives should focus more narrowly on the subject of the protocol. It was generally held that the article on definitions, in particular the definitions of "strategic environmental assessment", "public authorities" and "effects", should be further strengthened. Some delegations were of the opinion that the articles on public

participation should be combined, while others held the view that there should be different articles on this issue for the different phases of the strategic environmental assessment procedure. There were mixed views as to whether the public-participation provisions should apply to the strategic decision-making procedure as such, or only to the strategic environmental assessment part of that procedure.

9. In discussing the scope of the protocol, it was generally agreed that the protocol should be binding for plans, programmes and policies with transboundary impacts and flexible for policies without transboundary impacts and for regulatory and legislative decisions. It was also held that an article on access to justice was essential, although some delegations were of the opinion that such an article would have to cover the strategic environmental assessment procedure and not the strategic decision-making procedure.

10. In concluding the agenda item on the draft elements for the protocol, Mr. Terje Lind summarized the discussion and requested the secretariat to prepare, for the second session, alternative texts for the provisions which had been dealt with at the first session, taking into account the discussion and written comments provided by delegations. Delegations were requested to provide the secretariat with comments on the draft elements by 6 June at the latest.

11. The Working Group was informed that its second session would be held from 26 to 28 September 2001.

12. The meeting was closed on Wednesday, 16 May 2001.