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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

Ninth meeting
Geneva, 3-6 April 2006

REPORT OF THE NINTH MEETING

1. The ninth meeting of the Working Group on Environmental Impact Assessment (EIA) took place in Geneva from 3 to 6 April 2006.
2. The meeting was attended by delegations from the following UNECE member States: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, the Netherlands, Norway, Poland, the Republic of Moldova, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, the United Kingdom and Uzbekistan. A representative of the Commission of the European Communities attended the meeting. Iraq, a State Member of the United Nations, was also represented.
3. The following non-governmental organizations (NGOs) were represented: ECOGLOBE, ECOTERRA, European ECO-Forum and the International Association for Impact Assessment (IAIA).
4. Ms. Vania Grigorova (Bulgaria), Chair, opened the meeting, which began with a workshop organized by Bulgaria on the exchange of good practice in post-project analysis in transboundary EIA.
5. The Working Group adopted its agenda prepared by the secretariat.

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6. The Minister of Environment and Physical Planning of The former Yugoslav Republic of Macedonia addressed the meeting, expressing his country's support for the Convention, for example, through its hosting of a workshop to develop a multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention (see para. 14). He also indicated that his country would be able to ratify the Protocol on Strategic Environmental Assessment (SEA) in the near future.

I. Compliance with and implementation of the Convention

7. Ms. Seija Rantakallio (Finland), Chair of the Implementation Committee, introduced the report of the Committee's eighth meeting and provided an oral report of its ninth meeting. The Working Group welcomed these reports and took note of informal extracts provided from the report of the ninth meeting regarding (a) criteria for dealing with information other than submissions from Parties and (b) draft operating rules for the Committee.

8. However, the Working Group was concerned by the suggestion in the presentation by the Chair of the Committee that too much effort was being focused on procedural matters because of tasks assigned to the Committee. The Working Group therefore suggested that, when discussing the workplan to be adopted at the fourth meeting of the Parties, it concentrate the Committee's activities on substantial issues such as strengthening the implementation of the Convention, strengthening reporting mechanisms and encouraging self-referral.

9. The Working Group provided advice on the Committee's proposal for criteria for dealing with information other than submissions from Parties. The coordinated comments of the European Union (EU) on the proposal are annexed to this report. The Working Group agreed with these comments and suggested that any such criteria would need to be endorsed in an appropriate manner.

10. The Working Group also provided advice on the Committee's proposal for operating rules. Some delegations questioned whether operating rules would be necessary. Again, the EU-coordinated comments on the proposal are annexed to this report. The Working Group agreed with these comments. It also agreed that, if developed, the rules would need to be adopted by the Meeting of the Parties.

II. Exchange of good practice

11. The Working Group thanked Bulgaria for organizing the post-project analysis workshop (see para. 4 above) and asked that the presentations by Bulgaria and Romania be made available on the Convention's website.

12. The delegation of Tajikistan offered, in cooperation with Kazakhstan and Kyrgyzstan, to organize a workshop on good practice in transboundary EIA methodologies at the next meeting of the Working Group. The Working Group welcomed this offer.

13. The Working Group agreed that the lead countries (Switzerland, Bulgaria and Tajikistan) would prepare a common draft report on the three workshops for the exchange of good practice, as an addendum to current guidelines on good practice under the Convention (decision III/4 in annex IV to ECE/MP.EIA/6) or to public participation guidance (decision III/8 in annex VIII to

ECE/MP.EIA/6). At its next meeting the Working Group will consider the draft report for adoption at the fourth meeting of the Parties.

III. Subregional cooperation

14. The delegations of Bulgaria and The former Yugoslav Republic of Macedonia reported on subregional workshops, held in June–July and November 2005 respectively, further developing a multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention. The Working Group welcomed the work done and Romania's offer to host the agreement's signing at the fourth meeting of the Parties and to be the agreement's depositary.

15. The delegation of Sweden reported on the Baltic Sea subregional workshop held in Stockholm in October 2005 and announced that it was planning to organize a further workshop, if possible to be held in another Baltic Sea State.

16. The delegation of Italy reported on the preparations for a meeting in the Mediterranean Sea subregion, which will be held in autumn 2006 in Morocco. Several delegations, including those of Albania and Slovenia, indicated their interest in participating.

17. The delegations of Albania and The former Yugoslav Republic of Macedonia offered to host a subregional workshop on good practice. These delegations indicated the need for financial support and agreed to provide an indicative budget to the secretariat for circulation to possible donors.

18. The Working Group thanked the countries organizing, hosting and financing the subregional workshops. The Working Group agreed that the lead countries would prepare a common draft report on the subregional cooperation workshops. At its next meeting the Working Group will consider the draft report for adoption at the fourth meeting of the Parties.

19. The delegation of Germany provided information on an upcoming meeting for Baltic Sea States on the proposed gas pipeline between the Russian Federation and Germany.

IV. Capacity-building in Eastern Europe, Caucasus and Central Asia (EECCA)

20. The delegation of Kyrgyzstan reported on activities to develop guidelines on transboundary EIA in Central Asia and on a pilot project (a gold mine) in Kyrgyzstan involving Kazakhstan as an affected Party under the Convention. The Working Group requested the two countries to report on the pilot project at its next meeting. In addition, the Working Group agreed to submit the Central Asia guidelines to the fourth meeting of the Parties.

21. The delegation of Tajikistan indicated that it intended to use the guidelines in training workshops. The delegation of Switzerland pointed out that it was committed to engaging in a programme of EIA capacity-building in the countries of Central Asia, with which Switzerland shared a constituency in the Global Environment Facility. Switzerland hoped to organize a workshop in Tajikistan later in 2006 as part of this programme.

22. The delegation of Armenia indicated that it was ready to host a capacity-building workshop in the Caucasus. The delegation of Switzerland indicated that it was ready to support

this workshop. The delegation of Armenia thanked Switzerland and the secretariat for their support.

23. The delegation of Belarus asked for assistance with a pilot project and with transboundary EIA procedures, given that it had recently ratified the Convention (November 2005) and was aware of several impending projects likely to have a significant adverse transboundary impact. The secretariat asked that Belarus provide a budget for the activity, which the secretariat would circulate to possible donors.

24. The delegation of Ukraine reported on preparations for a capacity-building workshop to be held in November 2006 and thanked Switzerland for its financial support. The secretariat thanked Switzerland for its support of capacity-building in EECCA countries.

25. The Working Group agreed that the lead countries would prepare a common draft report on capacity-building in EECCA countries. At its next meeting the Working Group will consider the draft report for adoption at the fourth meeting of the Parties.

26. The delegation of the Russian Federation drew the meeting's attention to the publication by ECOTERRA of a Russian-language EIA journal and suggested that the decision on the workplan taken by the Meeting of the Parties (decision III/9 in annex IX to ECE/MP.EIA/6), which includes the journal as a means of capacity-building in EECCA, should be fulfilled. The delegations of Belarus, the Republic of Moldova, Tajikistan, Turkmenistan and Uzbekistan indicated the importance of this journal, while the secretariat underlined its use by EIA professionals.

V. Examination of the substantive relationship between the Convention and its Protocol on SEA

27. A representative of the European Commission (EC) presented an informal paper on the results of an EC study on the relationship between the EU's EIA and SEA Directives (85/337/EEC, amended by 97/11/EC and 2003/35/EC, and 2001/42/EC, respectively) to help the Working Group decide whether it wished to undertake a full examination of the substantive relationship between the Convention and its Protocol.

28. Some delegations considered that it might be difficult to provide guidance relevant to all Parties, but it was suggested that the Working Group might come back to this issue in a future workplan when there was more experience, perhaps through an addition to the manual being prepared to support application of the Protocol. Other delegations considered that the more immediate need was to help countries prepare for ratification of the Protocol.

29. The delegation of Sweden considered the relationship between the Convention and its Protocol to be of great importance for the Parties. The delegation suggested that this be discussed at a planned subregional cooperation workshop (see para. 15 above) and that the delegation report on this discussion at the next meeting of the Working Group.

VI. Institutional and procedural activities under the Protocol on SEA

30. The Working Group welcomed the work done by the delegations of Germany, the Netherlands and the United Kingdom and by the Implementation Committee on the membership

of the Committee once the Protocol is in force. The Working Group took note of the informal extract provided from the report of the ninth meeting of the Committee regarding this issue. The EU-coordinated comments on the proposal, with which the Working Group agreed, are provided in the annex to this report.

31. The Working Group requested the Implementation Committee and the delegations of Germany, the Netherlands and the United Kingdom to consult each other further and to prepare a consolidated draft decision, to be presented at the next meeting of the Working Group and distributed to delegates in English and Russian well in advance of the meeting.

32. The Working Group welcomed an informal paper prepared by the delegations of Germany, the Netherlands and the United Kingdom on the relationship between the Meeting of the Parties to the Convention, on the one hand, and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, on the other hand. The Working Group agreed to take the suggestions in the paper into account when organizing the fourth meeting of the Parties to the Convention and the first meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, including the implications of these suggestions for the budget.

VII. Practical preparations for the fourth meeting of the Parties

33. The Chair, on behalf of the Bureau, requested the postponement of the fourth meeting of the Parties to the Convention from 2007 to 2008 in order to facilitate better preparation for that meeting and to allow for the possible holding, during that meeting, of the first meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. The delegation of Romania confirmed its commitment to host the postponed meeting, and the Working Group welcomed the postponement.

34. The delegation of Romania presented the practical arrangements for the fourth meeting of the Parties, including its proposed location in the Parliament Palace in Bucharest. The Working Group agreed with these arrangements and asked Romania, with the assistance of the Bureau and the secretariat, to proceed with the organization of the fourth meeting of the Parties.

VIII. Substantive preparations for the fourth meeting of the Parties

35. Three small groups of delegations were formed, one comprising EECCA States, another EU Member States and the third other States. Each small group evaluated implementation of the current workplan and, on this basis, made proposals to the Working Group on possible elements for the workplan to be adopted at the fourth meeting of Parties. The proposals by the EU Member States are annexed to this report.

36. The Working Group agreed that delegations could send further concrete proposals for possible elements for the future workplan to the Bureau, via the secretariat, until 22 December 2006. The Working Group requested the Bureau to prepare a list of draft decisions and a list of possible elements for the future workplan for discussion at the next meeting of the Working Group.

IX. Frequency of future meetings of the Parties

37. The Working Group welcomed the informal paper by the delegation of the United Kingdom on the frequency of future meetings of the Parties. The paper recommended a flexible approach after the fourth meeting of the Parties, built around triennial low-profile meetings, with the option of occasional high-profile meetings of the Parties. The Working Group agreed that the Bureau would take this paper into account when drafting decisions for the fourth meeting of the Parties.

X. Tenth anniversary of the Convention's entry into force

38. The delegation of the United Kingdom presented a revised informal paper on options for celebrating the tenth anniversary of the entry into force of the Convention at the "Environment for Europe" Ministerial Conference (to be held in Belgrade in October 2007), noting that no financing for this was available in the budget.

39. The Working Group welcomed the informal paper and asked that a CD-ROM be prepared and made available at a side event to the Belgrade Conference. The delegations of Romania and The former Yugoslav Republic of Macedonia (vice-chair of the Implementation Committee), along with the representative of ECOGLOBE (who proposed assistance with translation of materials from English into Russian), offered to form a small preparatory group. The Working Group asked the small group, with the support of the secretariat, to prepare content for the CD-ROM for examination by the Bureau before distribution to the members of the Working Group.

40. The secretariat undertook to investigate possibilities for preparing a leaflet for the Belgrade Conference.

XI. Status of ratification of the Convention, its amendments and its Protocol on SEA

41. The secretariat reported on the status of ratification of the Convention, its two amendments and its Protocol on SEA, noting the following ratifications since the previous meeting of the Working Group (April 2005):

- (a) The Czech Republic became the second Party to the Protocol on 19 July 2005;
- (b) Belarus became the forty-first Party to the Convention on 10 November 2005;
- (c) Albania became the third Party to the Protocol on SEA on 2 December 2005; and
- (d) On 30 March 2006, Sweden became the fourth Party to the Protocol on SEA, the fourth Party to the first amendment to the Convention (decision II/14 in annex XIV to ECE/MP.EIA/4) and the first Party to the second amendment (decision III/7 in annex VII to ECE/MP.EIA/6).

42. Delegations provided informal indications of future planned ratifications:

- (a) The delegation of Albania informed the Working Group that the country's parliament had ratified the two amendments to the Convention;

- (b) The delegation of Austria expected ratification of both amendments by summer 2006;
 - (c) The delegation of Bulgaria expected to present to its country's parliament ratification of both amendments in November 2006 and ratification of the Protocol in March or April 2007;
 - (d) The delegation of Finland expected a proposal for ratification of both amendments before its country's parliament in spring 2007;
 - (e) The delegation of Germany expected formal deposit with the United Nations of Germany's instrument of ratification of the second amendment before summer 2006;
 - (f) The delegation of Hungary expected ratification within the next year of both amendments; and
 - (g) The delegation of The former Yugoslav Republic of Macedonia expected ratification of the Protocol by the end of 2007 and of both amendments in early 2007.
43. Two delegations indicated that their States were likely to ratify the Protocol by the end of 2006, and a further 10 delegations indicated that their States were likely to ratify it by the end of 2007.

XII. Budget and financial arrangements

44. The secretariat presented the first two biannual financial reports and a report on the receipt of pledges made at the third meeting of the Parties. The secretariat also informed the Working Group of imminent contributions to the Espoo Convention's Trust Fund from Albania and Hungary. The delegation of The former Yugoslav Republic of Macedonia informed the meeting of its in-kind contribution to the budget (see para. 14 above).
45. The delegation of Romania presented an indicative budget for the fourth meeting of the Parties and invited contributions from donors.
46. The Working Group welcomed the draft decision on budget and financial arrangements prepared by the delegations of Bulgaria and the United Kingdom and made a number of suggestions. The Working Group asked the two delegations to update the draft decision, in the light of the comments made, and to present it to the Bureau and then to the next meeting of the Working Group.

XIII. The Aarhus Convention's guidelines on public participation in international forums and the Aarhus Convention's proposals for actions in the field of public participation in strategic decision-making

47. The secretary of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters described the decision of the Meeting of the Parties to the Aarhus Convention on promoting the application of the principles of that Convention in international forums and the guidelines it had adopted (Aarhus decision II/4, ECE/MP.PP/2005/2/Add.5). He described the report of the first meeting of the Task Force on Public Participation in International Forums (ECE/MP.PP/WG.1/2006/3) and its workplan (ECE/MP.PP/WG.1/2006/3/Add.1). The delegation of Austria, acting on behalf of the EU

Presidency, presented EU-coordinated comments on the Task Force documents, which are annexed to this report.

48. The secretary of Aarhus Convention then described the mandate for, and the Aarhus Convention's Bureau proposals for, actions in the field of public participation in strategic decision-making (ECE/MP.PP/WG.1/2006/6). Again, the delegation of Austria, acting on behalf of the EU Presidency, presented EU-coordinated comments on the Bureau document (see annex).

49. The Working Group adopted the EU-coordinated comments and asked Mr. Jan de Mulder (Belgium), Chair of the Meeting of Signatories to the Protocol, together with representatives of other interested States, to attend the first day of the next meeting of the Working Group of the Parties to the Aarhus Convention on 5 April 2006 (i.e. on the last day of the meeting of the Working Group on EIA).

50. The Working Group's position was presented to the Working Group of the Parties to the Aarhus Convention as requested. The delegation of the United Kingdom, reporting on behalf of those who attended the meeting under the Aarhus Convention, expressed his hope that the Working Group of the Parties to the Aarhus Convention would involve the Meeting of the Signatories to the Protocol in the proposed actions in the field of public participation in strategic decision-making.

51. The Working Group asked the Bureau to write to the Chair of the Working Group of the Parties to the Aarhus Convention confirming its position on actions in the field of public participation in strategic decision-making, asking that the Meeting of Signatories to the Protocol be involved in the organization of the proposed joint workshop, and requesting responses to the questions asked in the EU-coordinated comments on this matter.

XIV. Transboundary EIA in other multilateral agreements

52. The Working Group welcomed the secretariat's provision of information on transboundary EIA in other multilateral environmental agreements (see para. 54 of the report of the last meeting, MP.EIA/WG.1/2005/2). The delegation of Germany suggested that the secretariat might undertake a similar review of provisions for strategic environmental assessment in multilateral agreements. The Working Group noted that it was for the States Parties individually to ensure consistency of their obligations under different multilateral agreements.

53. The delegation of Sweden provided information through the secretariat on guidance on transboundary EIA being prepared under the Convention on the Protection of the Marine Environment of the Baltic Sea Area. A planned further workshop on subregional cooperation in the Baltic Sea subregion (see para. 15 above) could encourage further communication between the Parties to the two Conventions concerned and touch upon progress in preparing the guidance.

54. The delegation of the Russian Federation described the ongoing negotiation of a Protocol on Transboundary EIA to the Framework Convention on the Protection of the Marine Environment of the Caspian Sea, reporting that a second meeting had been held in Moscow in October 2005 and a third was planned for summer 2006.

55. The delegation of Canada provided contextual information on the 1997 draft North American Agreement on Transboundary EIA, prepared with a view to satisfying requirements set out in the North American Agreement on Environmental Cooperation (NAAEC), a side-agreement to the overarching North American Free Trade Agreement (NAFTA). Negotiations on this draft had come to an impasse on the issue of the scope of application. Canada, the United States of America and Mexico are once again pursuing a trilateral agreement on transboundary environmental impacts, this time not under NAFTA/NAAEC but further to a commitment in the Security and Prosperity Partnership that the leaders of the three countries signed in 2005. The goal is to have an agreement in place by June 2007.

XV. Other business

56. The Director of the UNECE's Environment, Housing and Land Management Division, Mr. Kaj Bärlund, reported on the conclusion and implementation of the comprehensive review of UNECE and on its implications for the work of the Division.

57. The representative of ECOTERRA informed the meeting of his continuing work on public participation in transboundary EIA, on collecting information on practice, on employing the Convention's guidance on public participation and on facilitating such participation. The Working Group asked that he report again at the next meeting.

58. 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 of the meeting, with the support of the secretariat. The Working Group decided to postpone its next meeting until May 2007, taking into account the postponement of the fourth meeting of the Parties. The Chair closed the formal session of the meeting on 5 April 2006.

59. The meeting resumed on 6 April 2006 with a study tour organized by Switzerland for representatives from countries of Central Asia. The study tour was also open to other delegations, in particular from countries of Eastern Europe and the Caucasus. The tour included three activities in the Geneva area that were likely to have significant adverse transboundary impact and had been subject to transboundary consultations.

Annex

EUROPEAN UNION COMMENTS AT THE MEETING

Comments regarding the agenda item on compliance with and implementation of the Convention

The European Union (EU) declares the following on the topics addressed in the papers distributed by the Chair of the Implementation Committee:

1. Criteria for dealing with information other than submissions from Parties

The EU

- (a) Notes that the Parties have agreed at successive meetings of the Parties that the Convention's compliance procedure should be a non-adversarial and assistance-oriented procedure;
- (b) Appreciates the work done by the Committee in identifying criteria for dealing with information other than submissions from Parties following decision III/2, paragraph 7, of the third meeting of the Parties;
- (c) Acknowledges that it might be useful for the current work of the Committee to clarify the words "to become aware of possible non-compliance" in paragraph 6 of the appendix to decision III/2 by establishing such criteria;
- (d) Reminds the Working Group of the wording of paragraph 6 of the description of the Committee's structure and functions (decision III/2, appendix), which clearly indicates that there is no right for non-Parties to initiate any action of the Committee. It is entirely up to the Committee whether or not it begins an initiative in the light of information it has received;
- (e) Wishes to make clear that it would not recommend any change of the wording of paragraph 6 of the appendix to decision III/2;
- (f) Therefore recommends the inclusion of criteria for dealing with information other than submissions from Parties, if decided necessary by the Parties, in future Operating Rules rather than through revising the description of the structure and functions;
- (g) Recommends not to formulate the possible sources of information too strictly nor to over-emphasize certain sources of information; it therefore may suffice to say:

"The sources of information by which the Committee might become aware of a possible non-compliance can be:

- (i) Parties' work under the Convention and
- (ii) any other source";

- (h) Proposes, in determining whether to begin a Committee initiative, to delete the text under
- (e) (as it may be not practical) and to retain the other text.

2. Structure and functions of the Implementation Committee when considering matters under the Protocol on SEA

The EU

- (a) Appreciates the work done by the Committee and the small Working Group on institutional matters in identifying possible proposals for membership of the Committee;
- (b) Welcomes the proposed approach by the Committee and the small Working Group and looks forward to a consolidated draft decision.

3. Operating Rules

Here the EU does not see any major problems. However, in order to agree the introduction of Operation Rules, the EU

- (a) Thinks that a legally sound and evidence-based argument for such a change needs to be made; and
- (b) Notes that agreement of such Operating Rules may imply a considerable commitment for the Working Group's time.

Comments regarding the agenda item on elements for the workplan for the period up to the fifth meeting of the Parties

The EU takes as its starting point the belief that better implementation and capacity-building are the priorities for future activities under the workplan.

Having considered the current workplan (decision III/9, appendix), the small Working Group of EU countries proposes the following elements to be included in a future workplan to be adopted at the fourth meeting of the Parties:

1. Compliance and implementation, for example:

- (a) Work of the Implementation Committee with the objective to enhance the implementation of and compliance with the Convention; possible method of work: reporting system, identification, discussion and, as far as possible, resolution of implementation and compliance issues, enhancement of the implementation by observation/supervision of pilot projects;
- (b) Exchange of good practice with the objective to improve the implementation of the Convention by learning from Parties' experience; possible method of work: production of an update of the Convention's guidelines in the light of the reports of some activities under the

current workplan (e.g. workshops on joint projects, post-project analysis and EIA methodology), meetings of experts (including practitioners) on: projects with long-range transboundary impacts; how to deal with risk of accidents in transboundary EIA; cross-border projects; enhancement of the implementation by observation/supervision of pilot projects.

2. Cooperation and capacity-building, for example:

- (a) Subregional cooperation to strengthen contacts between the Parties with the objective of improving and developing the application of the Convention within subregions; possible method of work: holding of (further) subregional meetings supported by virtual networks (information exchange);
- (b) Capacity-building in Eastern Europe, Caucasus and Central Asia (EECCA) with the objective of increasing the awareness and professional skills of officials and of the public in relation to transboundary EIA and to the application of the Convention.

Wherever possible, sub-activities should be carried out within the framework of other planned meetings to encourage synergies between activities – for example, between improving compliance and capacity-building – thus increasing the efficient use of resources.

The EU suggests that Parties should be asked to develop further concrete elements for the workplan, where possible within two or three priority categories, and to provide these to the Bureau by the end of 2006.

Comments regarding the agenda item on the Aarhus Convention's guidelines on public participation in international forums and proposals for actions in the field of public participation in strategic decision-making

The European Union at the ninth meeting of the Working Group on EIA agreed on the following:

A. Public participation in international forums (ECE/MP.PP/WG.1/2006/3 and its two addenda)

In the light of its experience applying the Espoo Convention on EIA in a Transboundary Context, the EU

- (a) Welcomes and appreciates in particular the very comprehensive work done in a such short time by the Task Force under the chairmanship of France;
- (b) Supports the envisaged approach in general but wishes to refine some of the elements in their contextual structure as well as in the priority setting and in the order of events;
- (c) Realizes that there are two main thematic challenges described in very good detail in the report, namely the consultation on the guidelines as such and secondly the exchange of experience/information;

- (d) Underlines that the consultation process as it is pointed out in paragraphs 5 and 6 of Aarhus decision II/4 is of more immediate concern to Parties of the Espoo Convention and should be prioritized;
- (e) Would suggest that all steps in the consultation on the guidelines should be distinguished clearly from steps aiming at experience sharing and considers that all consultation steps taken in the near future, that is, at least in the first wave, are carried out on a written basis only;
- (f) Would suggest to carry out the consultation on the guidelines with a selection of international forums to obtain their views on the guidelines;
- (g) Would suggest that the timing of the consultation process take into account the calendar of meetings of the international forums to be consulted;
- (h) Recommends that the task force invite each forum to decide whether it wishes to delegate any part of its response to, for example, its Bureau, secretariat or other designated body;
- (i) Would suggest that experience regarding the application of the guidelines should be sought by means of a questionnaire relating directly to that experience as foreseen in paragraph 7 of Aarhus decision II/4;
- (j) Welcomes in principle the opportunity to participate in the international workshop (scheduled for the first half of 2007) and would like to discuss with the Aarhus Working Group the exact timing, content and composition of the workshop.

B. Workshop – Proposed actions in the field of public participation in strategic decision-making (ECE/MP.PP/WG.1/2006/6)

Noting that the proposals being put forward by the Parties to the Aarhus Convention are of more direct interest to the Signatories to the Protocol on SEA, the Parties to the Espoo Convention strongly urge that the Signatories are given an opportunity to respond to the proposals at their next meeting. However, in the interests of taking this forward and given the degree of synergy between the interests of the Parties to the Espoo Convention and the Signatories to the Protocol on SEA, the Espoo Parties strongly recommend that the following comments be taken into account and, if possible, included in a revised proposal to be submitted to the Protocol Signatories for their consideration at their next meeting.

The EU

- (a) Takes note of the approach envisaged in the document, notably in paragraph 7;
- (b) Is interested in getting additional strategic details on the planned workshop (its focus, final aims and main target groups, while taking note also of the secretariat paper dated 2003 (MP.PP/WG.1/2003/5) on this issue as well as of the letter of the Aarhus Chair to the Espoo Chairman, Mr. Gherhes, dated 9 February 2006);

- (c) Would welcome clarification as to which strategic decisions and policies outside the Protocol on SEA would be covered by the workshop and in what detail these would be discussed;
- (d) Refers to the wording and various approaches outlined in Articles 7 and 8 of the Aarhus Convention concerning plans and programmes relating to the environment, policies relating to the environment and executive regulations and generally applicable legally binding rules that may have a significant effect on the environment;
- (e) Could envisage presenting examples of good practice and thus contributing also to the envisaged compendium of good practices;
- (f) Takes note that due to the parallel development of this activity and the ongoing ratification process of the Protocol on SEA (four ratifications up to now) there still seems to be limited experience in applying the Protocol in many countries (not only in the EU);
- (g) Would, however, like to share its experience in the EU Member States while expressing the initial view that it will in practice not be easy at all to always draw a clear line between strategic decisions covered by the Protocol and others;
- (h) Would therefore also encourage the integration, in such a workshop, of the experience of those countries which have recently ratified the Protocol by considering the invitation of experts from such countries;
- (i) Would welcome clarification on how to interpret some elements of document ECE/MP.PP/WG.1/2006/6, such as the links between paragraphs 6 and 7 or what is actually meant by the words “establishing a framework approach” in paragraph 8;
- (j) Would therefore suggest close cooperation with Espoo experts and strongly supports involving them in the planning process of any workshop as expressed by the Aarhus Convention secretariat in paragraph 10 of the document;
- (k) Notes that the envisaged compendium of good practices would cover all sorts of strategic decisions and would therefore mean even closer integration of Espoo expertise and colleagues;
- (l) Would like to discuss any potential overlaps of activities (e.g. the *SEA Manual*) with existing tools or experience (database) in order to avoid wasting resources;
- (m) Would welcome clarification of how comments by the Parties to the Espoo Convention will be taken into account in taking proposals forward, noting that it is particularly important that the principles of the Aarhus Convention be demonstrated in good practice when consulting other UNECE Conventions, including time frames sufficient for effective consultation.