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**REVIEW OF THE PROGRAMME OF WORK: ENVIRONMENTAL
PERFORMANCE REVIEWS**

REVISION OF PEER REVIEWS PROCEDURE

**DRAFT PROPOSAL FOR REVISION OF THE PEER REVIEW PROCESS
OF THE UNECE ENVIRONMENTAL PERFORMANCE REVIEW PROGRAMME**

Note by the secretariat

Summary

Following a request from delegates (ECE/CEP/138, para. 15), the Committee on Environmental Policy (CEP) requested its Bureau to discuss alternative ways to organize Environmental Performance Review (EPR) Peer Reviews at the Committee sessions so that the Committee might be more deeply involved in the process and more time would be allocated to discussion of the EPRs. As a basis for the Committee's discussions, this paper proposes alternative options for conducting the Peer Reviews with greater involvement of CEP delegations in the process.

INTRODUCTION

1. At its thirteenth session in October 2006, the Committee on Environmental Policy (CEP) discussed the procedure of the Peer Reviews of the Environmental Review (EPR) programme and suggested that more of the Committee's time be allocated to these discussions. At its January 2008 meeting, on the basis of a proposal by the secretariat, the CEP Bureau discussed alternative ways to organize the Peer Reviews in order to more deeply involve the Committee in the process. This paper reflects the results of the discussion and is forwarded to the Committee for further decision.

I. HISTORICAL BACKGROUND

2. As a preamble, an overview of the background of the Peer Reviews conducted by the UNECE since the inception of the EPR programme may be valuable prior to elaborating new options for the Peer Reviews.

3. The UNECE EPR programme was originally based on the model of the EPR programme of the Organisation for Economic Co-operation and Development (OECD). This has been the case since the Second Ministerial Conference "Environment for Europe", held in Lucerne, Switzerland, in 1993, where it was decided that the UNECE would follow the OECD design. After three reviews carried out in collaboration with OECD as a training exercise, the pilot review of Estonia in 1997 was conducted under the full responsibility of CEP. The Peer Review of Estonia was conducted by the Committee during a regular session. A full day was devoted to an in-depth discussion of each of the nine chapters, and the Committee acted as the Peer Review body.

4. This pilot review was then followed by a series of full-fledged reviews of countries in transition by the UNECE secretariat, with the Committee as the responsible body. At the Committee's regular sessions in 1998 and 1999, two to three countries were reviewed per session directly by the Committee, thus taking two full days of the session time plus one half-day for the management of the EPR programme (to decide about further candidate countries, etc.). After two years, the Committee decided that this was taking too much of its session time (at that time, the duration of CEP sessions was five days). Moreover, the discussions were deemed to be often more technical than policy-oriented. For these reasons, the Committee decided to modify the Peer Review procedure.

II. THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT PEER REVIEW PROCEDURE

5. The OECD has a special EPR Expert Group to conduct the EPR Peer Reviews. This large body is composed of one delegate per member country. The Peer Review session of one day per country under review thus involves all the OECD member countries. Each country under review is assessed by two to four other member countries designated in advance, which examine and prepare the in-depth review with relevant specialists in those countries. During a review, the country reviewed and the reviewing countries are represented by several delegates and experts, as deemed appropriate by the respective countries. All expenses related to the participation of the delegations are covered by the participating countries. In general, two Peer Reviews are held

back-to-back. The EPR Expert Group is entitled to adopt the recommendations in the reports, a decision which is later endorsed by the higher responsible body, the Environment Policy Committee (EPOC), without a reopening of discussions.

III. CURRENT UNECE PROCEDURE

6. In 2000, the Committee decided that an EPR Expert Group would be set up and that the Peer Reviews would be carried out by this group. It also decided that such a body could not be comparable to that of OECD, as neither the Committee nor the United Nations were able to cover the expenses incurred by participation of all the delegations from countries eligible for reimbursement. Therefore, it was decided that an Expert Group comprised of 10 to 12 members nominated for two years (i.e. the biennium) would be set up by the Committee. These members, each expert in a specific domain, would be able to cover the total range of EPR issues and would represent a balanced geographical coverage of the UNECE region.

7. This has been the procedure since 2000. The review reports are discussed in depth by the EPR Expert Group. Discussions are often rather technical and may result in some adjustments of the proposed recommendations. When amended, the recommendations are submitted to the CEP for adoption. They are briefly introduced to the CEP by a rapporteur chosen from the EPR Expert Group and the Head of delegation of the reviewed country. In general, discussions on substance are not reopened and the adoption step is rather short.

8. As a complement, and to stay informed of the problems and progress that are typical with countries in transition, the Committee decided that one or two issues of topical importance and/or general interest related to the reviews in process should also be discussed during its sessions.¹ Over the years, a series of “Major policy issues” have thus been debated, such as legal frameworks, economic instruments, regional cooperation, integration of environment in other sectors, and environmental information and public participation (see, for example, CEP/2001/4, CEP/2002/7, CEP/2003/3/Add.1, CEP/2004/5 and CEP/2005/7). The Committee considered these discussions to be important.

9. At its thirteenth session in October 2006, the Committee also discussed how Peer Reviews are conducted and suggested that more of its time be allocated to these discussions (ECE/CEP/138, para. 15). The Committee requested the Bureau to discuss alternative ways to organize Peer Reviews at the Committee sessions, and to present the results of these discussions at the Committee’s next session. To facilitate the discussions, the secretariat, in consultation with the EPR Expert Group, prepared a proposal which was further discussed and amended by the Bureau at its meeting of 30 January 2008. The following options, described below, are proposed as basis for discussion and decision by the Committee.

¹ The review of Ukraine in October 2006 was an exception, as the discussion was about the participation of the EPR programme in the Sixth Ministerial Conference “Environment for Europe” (10–12 October 2007, Belgrade,) and about the content of the EPR contribution, which was a policy paper of Category I based on the findings of the EPR.

IV. POSSIBLE EVOLUTIONS OF THE PEER REVIEW PROCEDURE

10. When selecting alternatives to the current process, the following key features should be kept in mind: (a) the short duration of CEP sessions (now 2.5 days instead of 5 as in the past); (b) the long time necessary for a review by the EPR Expert Group (1 full day per country under review); (c) the large number of member countries that have difficulties affording the costs of participating in additional meetings; (d) the need for in-depth discussion of the recommendations, often of a technical character, which might not be appropriate for the CEP body; and finally (e), the wish expressed by the Committee that it maintain a major role in EPR Peer Reviews.

11. Based on these considerations, the Bureau suggests the following three non-exclusive options for discussion:

- (a) To make the existing EPR Expert Group an open-ended working group composed of: (a) the current membership of the EPR Expert Group, as the core team of experts capable of covering the specific issues in the EPR; and (b) ad hoc participation of representatives from the Committee who wish to contribute to the work of the experts or/and are interested in the country under review. The EPR Expert Group would keep its competencies, working methods and tasks unchanged, and delegates from member countries would take part in the discussions on the recommendations.
Procedural aspects: This enlarged participation would be on a voluntary basis and would increase the linkages between the Committee and the EPR Expert Group.
Time implications: No change.
Cost implications: Expenses linked to the participation of interested countries in the EPR Expert Group meetings for the duration of the chosen review (usually 1 full day held in the week immediately preceding the CEP session).
- (b) To hold problem-oriented discussions during the CEP session based on a few major recommendations of policy nature emerging from the EPR report of the country under review. Peers could share their experience on the selected topic(s) during the CEP session. The secretariat would prepare background documentation as a basis for discussion. This document (of about 4 pages) would be derived from the EPR report of the country under review and would wrap up the problematic of the country about the chosen issue, including the directions proposed in the recommendations to overcome these problems.
Procedural aspects: The discussion would be limited to 1 to 1.5 hours, as has been done so far for “Major policy issues”, and would be organized as a roundtable. The country under review could introduce the paper drafted by the secretariat and explain the details of its own problematics. To enhance the discussions, the EPR Expert Group could prepare an expert opinion on its review of the selected recommendations. A moderator could be designated to facilitate the discussions at the Committee.

Time implications: A document by the secretariat would be circulated to the CEP and to the EPR Expert Group as a session document.²

Cost implications: None.

- (c) To introduce the concept of “reviewing countries”. The Committee, when approving the next country to be reviewed, could also call upon two countries to volunteer to be reviewing countries for the review. The two reviewing countries would be appointed taking into account geographical distribution in the UNECE region.

Procedural aspects: The task of the reviewing countries could be, *a minima*, to study the draft EPR report when ready, and to send a representative to the EPR Expert Group to participate in the review of the recommendations.

Other optional roles for the reviewing countries could be:

- (i) To introduce the results of the Expert Group review at the CEP session;
- (ii) To include one of their experts in the team of international experts involved in the EPR main mission, so he/she could draft a chapter of the EPR;
- (iii) To act as moderator(s) in the discussion on the paper on problematic issues drawn from specific recommendations (see above) to the CEP session.

Time implications: The reviewing countries would receive the EPR draft report to be reviewed at the same time as the EPR Expert Group to actively contribute to the discussion on the recommendations.

Cost implications: Expenses linked to the participation of delegates of reviewing countries in the EPR Expert Group meetings for the duration of the chosen review (usually one full day held in the week immediately preceding the CEP session).

12. NOTE: In all the options above, the duties of the EPR Expert Group would remain unchanged vis-à-vis its terms of reference, and the Committee would remain the body carrying out the Peer Reviews and adopting the recommendations, as is currently the practice.

² Such a document would replace the “Major policy issues” document drafted by the secretariat in the current procedure.

Annex

**[REVISED] TERMS OF REFERENCE
AD HOC EXPERT GROUP ON ENVIRONMENTAL PERFORMANCE**

Membership

1. The [core of the] Expert Group should comprise 10 to 14 members, with due consideration to geographical balance among countries in the region. It is suggested that, when new members are chosen, due regard should be given to experts from countries that have recently been reviewed, as well as to those who have undergone or will soon undergo second reviews.
2. [Participation in the meetings of the Expert Group will be open to CEP delegates, who would act [either as reviewing countries or] as advisers to review the report and its recommendations.]

Terms of reference

3. The UNECE Committee on Environmental Policy renews the mandate of the [core members of the] Ad Hoc UNECE Expert Group on Environmental Performance for a period of two years for the purposes of:
 - (a) Carrying out the Expert Review process prior to the peer review to be undertaken by the Committee on Environmental Policy;
 - (b) Providing guidance to the UNECE secretariat and the Committee on all substantive and organizational matters arising in the implementation of the UNECE programme of Environmental Performance Reviews (EPRs);
 - (c) Assisting the UNECE secretariat in coordinating the UNECE EPR programme with processes under way in other international institutions that have a bearing on it, inter alia, the United Nations Environment Programme (UNEP), the World Health Organization (WHO), the World Bank, the European Bank for Reconstruction and Development (EBRD), the Asian Development Bank, and the Organisation for Economic Co-operation and Development (OECD) EPR programme and its work in the region of East Europe, the Caucasus and Central Asia.
4. The guidance of the Expert Group to UNECE and the Committee will include:
 - (a) Identification of opportunities and requirements for improving the conduct of the EPRs;
 - (b) Assessment of environmental trends relevant to the EPR process in countries in transition, including the organization of joint meetings, seminars and workshops at the regional and subregional levels, where these are demand-driven;

- (c) Review and improvement of the data and information used for the EPR;
- (d) Drawing up proposals on how to improve the adoption of the recommendations contained in the EPR country reports and their implementation.

5. The [core members of the] EPR Expert Group [is][are] elected by the Committee on Environmental Policy upon the recommendation of the Bureau. The secretariat will invite international institutions pursuing related work to participate in the work of the EPR Expert Group.

[- While taking decisions on an EPR report under review and its recommendations, the Expert Group shall take into consideration the inputs by the reviewing countries and CEP delegates who participate in the meeting.]

6. The EPR Expert Group elects its Chair [and Vice-Chairs].

7. The EPR Expert Group will report annually on its activities to the Committee on Environmental Policy, and may raise any issue with the Committee that it deems necessary for the implementation of its mandate.