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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

Twelfth meeting
Geneva, 11–13 May 2009

ANNOTATED PROVISIONAL AGENDA FOR THE TWELFTH MEETING

to be held at the Palais des Nations, Geneva,
starting at 10 a.m. on Monday, 11 May 2009*

I. PROVISIONAL AGENDA

1. Adoption of the agenda.
2. Status of ratification of the Convention, its amendments and its Protocol on Strategic Environmental Assessment.
3. Compliance with and implementation of the Convention.

* Delegates are requested to complete the registration form available from the Convention's website (http://www.unece.org/env/eia/meetings/wg_eia_12.htm) and to transmit it to the Convention secretariat, at the latest two weeks prior to the meeting, either by fax to +41 22 917 0107 / 0613 or by e-mail to eia.conv@unece.org. On their way to the meeting, members should obtain an identification badge at the Pass and Identification Unit of the United Nations Office at Geneva Security and Safety Section, located at the Pregny Gate entrance to the Palais des Nations (14, Avenue de la Paix; a map is available at <http://www.unece.org/meetings/map.pdf>). In case of difficulty, please contact the Convention secretariat by telephone at +41 22 917 2448.

4. Subregional cooperation and capacity-building.
5. Exchange of good practices:
 - (a) Large-scale transboundary projects;
 - (b) Other activities foreseen in the workplan.
6. Promoting ratification and application of the Protocol on Strategic Environmental Assessment.
7. Budget and financial arrangements.
8. Financial assistance to representatives of countries with economies in transition, non-governmental organizations and countries outside the region.
9. Other business.
10. Presentation of the main decisions taken and closing of the meeting.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1: Adoption of the agenda

1. This provisional agenda was prepared by the secretariat in agreement with the Bureau.

Item 2: Status of ratification of the Convention, its amendments and its Protocol on Strategic Environmental Assessment

2. The secretariat will report on the status of the Convention, its amendments and its Protocol. Delegations will be invited to report on planned ratifications.
3. The Chair will invite member States that are not Parties to the Convention to report on their preparations for their ratification and implementation of the Convention, and to identify measures to support to their ratification.
4. On the basis of a proposal by the Chair and in the light of the information provided by delegations on the status of ratification of the Protocol, the Working Group is expected to decide on the timing and preparations for the third meeting of the Signatories to the Protocol. The third meeting of the Signatories will make the final preparations for the first meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP/MOP1). The final preparations will include draft decisions on, among other matters, a workplan and budget.

Item 3: Compliance with and implementation of the Convention

5. The Chair of the Implementation Committee will report on this activity. He will present the report of the Committee's fifteenth session (ECE/MP.EIA/IC/2008/2) and the outcomes of the Committee's sixteenth session. He will also report on the Committee's follow-up activities to decision IV/2 of the Meeting of the Parties regarding Armenia and Ukraine (ECE/MP.EIA/10, decision IV/2, paras. 15–19 and paras. 7–14, respectively), and on any submissions that the Committee is considering.

6. The Chair of the Implementation Committee is expected to remind the Working Group of the findings of the Second Review of Implementation, as set out in paragraph 3 of decision IV/1:

- (a) Not all respondents to the questionnaire recognized that article 3, paragraph 8, and article 4, paragraph 2, of the Convention state that the “concerned Parties” (as defined in article 1, item (iv), to mean both the Party of origin and the affected Party) are responsible for ensuring opportunities for public participation;
- (b) Not all respondents recognized that article 5 provides for transboundary consultations distinct from article 4, paragraph 2;
- (c) Some Parties appeared to apply the Convention routinely. Others, with similar levels of development activity and similar possibilities to affect other Parties, appeared to be more reluctant to embark on transboundary consultations and so limited their experience in the application of the Convention;
- (d) Few Parties had had experience of carrying out post-project analysis under article 7;
- (e) There was a continuing need for Parties to establish bilateral and multilateral agreements to identify direct contacts and to address differences in, inter alia, language, payment of processing fees, time frames and deadlines, ways to proceed when there is no response to a notification, procedural steps, the timing of public participation (e.g. whether in screening or scoping), the interpretation of various terms (including “major change to an activity”, “significant” impact, “reasonably obtainable information” and “reasonable alternatives”), the content of the environmental impact assessment documentation and the requirement for post-project analysis.

7. Delegations will be invited to report on how Parties have responded to these findings.

8. The Chair of the Implementation Committee is also expected to inform the Working Group that the findings would be taken into account in the Committee's work and reflected in the revised questionnaire. The revised questionnaire would ask what Parties are doing to address these issues, or to explain why no action is envisaged.

9. In addition, the Chair of the Committee will present a draft of the questionnaire on the implementation of the Convention in the period 2006–2009, for consideration by the Working Group, as required by the workplan adopted in decision IV/7 (ECE/MP.EIA/10). The Working

Group is expected to recommend any necessary amendments to the draft and to agree the subsequent circulation of the questionnaire. The Working Group is also expected to agree a detailed timetable, based on a Committee proposal, for the submission of completed questionnaires, and for the generation of the subsequent draft third review of implementation.

Item 4: Subregional cooperation and capacity-building

10. Representatives of Bulgaria and the Republic of Moldova will report on subregional workshops hosted by them for South-Eastern Europe and Eastern Europe, respectively. As requested by the Meeting of the Parties (decisions IV/4 and IV/5) the two Parties, with the support of the secretariat, have prepared short summaries of the findings of each workshop held (ECE/MP.EIA/WG.1/2009/3). The short awareness-raising paper on the relationship between environmental impact assessment and strategic environmental assessment (SEA), as prepared in the South-Eastern Europe workshop, is included in annex to the summaries. The Working Group may recommend that this paper be considered by the Meeting of the Signatories to the Protocol for possible action.

11. Representatives of the lead countries for the other subregional workshops foreseen in the workplan (decision IV/7) are expected to report on the outcomes of their activities.

12. The delegation of Romania, which is the depository for the multilateral agreement signed by ministers from South-Eastern Europe during the fourth meeting of the Parties, is expected to report on the status of the agreement. Other countries of South-Eastern Europe will be invited to report on actions taken to bring about the entry into force of the agreement, so that a date can be set for the first meeting of the Parties to the agreement.

Item 5: Exchange of good practices

(a) Large-scale transboundary projects

13. As foreseen in the workplan (decision IV/7), the European Commission will organize a seminar on large-scale projects involving several countries, to be held on 12 May 2009. Detailed information on the seminar will be distributed in advance.

14. On the basis of the seminar outcomes and of a note on the application of the Convention to complex activities (ECE/MP.EIA/WG.1/2009/4), the Working Group is expected to decide on follow-up actions.

(b) Other activities foreseen in the workplan

15. A representative of the European Bank for Reconstruction and Development is expected to report on progress with the preparation of a guidance note and checklist for financial institutions on projects with transboundary impacts, as foreseen in the workplan.

16. The delegations of Bulgaria and Croatia are expected to make a proposal that the Working Group consider the difficulties arising from interaction between the application of the

Convention and of the European Union Birds and Habitats Directives¹. The Working Group may decide on follow-up actions.

Item 6: Promoting ratification and application of the Protocol on Strategic Environmental Assessment

17. Either a representative of the United Nations Development Programme or the secretariat is expected to report on the holding of a subregional training workshop on SEA for countries of South-Eastern Europe, held from 22 to 26 September 2008 in Prague.

18. The delegation of Slovenia is expected to report on preparations for the following activities to facilitate the ratification of the Protocol: two national awareness-raising workshops, training using the draft resource manual to support application of the Protocol on SEA, and pilot projects.

19. The secretariat will report on maintenance of the draft resource manual and on coordination with the Belgrade Initiative on SEA (ECE/BELGRADE.CONF/2007/18). A representative of the United Nations Development Programme, or delegations of the participating countries, may provide further information on the Initiative.

Item 7: Budget and financial arrangements

20. The secretariat will present the biannual financial report for the period to 31 December 2008 (decision IV/8, para. 9). The secretariat will also highlight the contributions made to the Convention's trust fund, including any outstanding pledges.

21. The Chair is expected to inform the Working Group about the Bureau's actions to encourage further contributions to the trust fund (decision IV/8, paras. 2 (c), 7 and 8).

Item 8: Financial assistance to representatives of countries with economies in transition, non-governmental organizations and countries outside the region

22. The Chair will report on support being provided to experts from non-governmental organizations at the meeting. The Chair will inform the Working Group of the preparation of a list of designated experts from non-governmental organizations who are to receive financial assistance for their participation in future meetings under the Convention and under its Protocol (decision IV/9, para. 5).

23. The Chair will also propose a mechanism for promoting greater participation of non-governmental organizations in work under, and the application of, the Convention, based on the invitation of the Meeting of the Parties to "civil society and all stakeholders to continue to assist with and contribute to the development and implementation of the Convention and the

¹ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

preparations for the implementation of the Protocol (ECE/MP.EIA/6, annex XIII, Cavtat Declaration).

24. In addition, the Chair will report on any support being provided to representatives and experts from States outside the UNECE² region (decision IV/9, para. 6).

25. The secretariat will report on the results of any travel outside the UNECE region.

Item 9: Other business

26. Delegations wishing to raise other business should contact the Chair and the secretariat as soon as possible.

Item 10: Presentation of the main decisions taken and closing of the meeting

27. The Working Group is expected to agree on the main decisions taken at the meeting and to then agree on the date and venue of its next meeting.

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² United Nations Economic Commission for Europe.