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

Meeting of the Signatories to the Protocol on Strategic Environmental Assessment

Third session

Geneva, 22 and 23 November 2010

Report of the Meeting of the Signatories to the Protocol on Strategic Environmental Assessment on its third session

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I. Introduction

1. The third session of the Meeting of the Signatories to the Protocol on Strategic Environmental Assessment, under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), was held on 22 and 23 November 2010 in Geneva.

A. Attendance

2. The session was attended by delegations from the following Parties and Signatories to the Protocol and other member States of the United Nations Economic Commission for Europe (UNECE): Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Georgia, Germany, Hungary, Kyrgyzstan, Lithuania, Netherlands, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine and Uzbekistan. Representatives of the European Commission also attended. Iraq and Viet Nam, as States Members of the United Nations, were also represented.

3. A representative of a specialized agency of the United Nations system — the World Health Organization's Regional Office for Europe (WHO/EURO) — also attended.

4. Representatives of the Convention secretariat attended the session.

5. The following non-governmental organizations (NGOs) were represented: Caucasus Environmental NGO Network (CENN), Eco-Globe (Armenia), ECOTERRA (Russian Federation), European ECO-Forum, International Association for Impact Assessment (IAIA) and Regional Environmental Centre for Central and Eastern Europe (REC-CEE).

B. Organizational matters

6. The Meeting adopted its agenda (ECE/MP.EIA/AC.3/2010/1), which had been prepared by the secretariat in agreement with the Convention's Bureau. The Chair of the Bureau, Mr. Aleksandar Vesic (Serbia), opened the session. He noted that Portugal had withdrawn from chairing the Meeting and invited the Meeting to elect Ms. E. Baron (the Netherlands), Vice-Chair of the Meeting, as its Chair. The Meeting elected Ms. Baron as its Chair.

II. Status of ratification of the Protocol on Strategic Environmental Assessment

7. The Meeting welcomed the report by the secretariat on the status of the Protocol, which highlighted the entry into force of the Protocol on 11 July 2010. Delegations provided informal reports on planned ratifications.

8. The Meeting agreed that the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol would be held in Geneva, in the week from 20 to 24 June 2011, in conjunction with the fifth session of the Meeting of the Parties to the Convention.

III. Promoting ratification and application of the Protocol

9. The Meeting took note of the report by the delegation of Slovenia on its carrying out in Ljubljana on 9 June 2010 of a national awareness-raising workshop on the Protocol, and training using the draft resource manual to support application of the Protocol. The Meeting also took note of the secretariat's identification of key issues raised in the workshop requiring further attention: reasonable alternatives; transboundary consultations; and application of the Protocol to policies and legislation.

10. The Meeting took note of the report by the secretariat on preparations for a second national awareness-raising workshop on the Protocol and training using the draft resource manual to support application of the Protocol, originally expected to be held in Kyrgyzstan with the participation of Tajikistan. The secretariat reported on contacts with a possible donor to implement the planned workshop in Kyrgyzstan, while noting practical difficulties with holding the workshop in Bishkek at present. However, the secretariat was also arranging for a strategic environmental assessment (SEA) training workshop to be held in Almaty (Kazakhstan) in spring 2011 for the countries of Central Asia. The concerned States welcomed this information.

11. The secretariat reported on the continuing maintenance of the draft resource manual to support the application of the Protocol. The secretariat also reported on difficulties in coordinating with the Belgrade Initiative on Strategic Environmental Assessment (ECE/BELGRADE.CONF/2007/18), because of staffing changes in the Initiative's joint secretariat¹ and the lack of financing; the delegation of Armenia insisted that financing should be found to continue work on the Initiative.

12. The representative of WHO/EURO made a statement expressing its commitment to continue working in partnership with UNECE and others to foster application of SEA and to make sure significant health effects were taken into account under the Protocol.

13. The Chair invited each representative or expert from a State outside the UNECE region participating in the meeting to present briefly the SEA system and practices in their country. The delegation of Iraq indicated the absence of such a system or practices in Iraq. However, the delegate from Viet Nam made a presentation on his country's national SEA system and practice that concluded with some key challenges, which some other delegates observed were shared by countries in the UNECE region, including the difficulties of gaining acceptance by planning authorities and of encouraging stakeholder participation. The Meeting expressed its appreciation for the presentation by Viet Nam and asked that it be made available on Convention's website.

IV. "Environment for Europe" process

14. The secretary to the Committee on Environmental Policy reported on preparations for the seventh "Environment for Europe" Ministerial Conference, to be held in Astana from 21 to 23 September 2011. The Conference's two themes would be sustainable management of water and water-related ecosystems; and greening the economy: mainstreaming the environment into economic development. The Chair of the Working Group on EIA also reported on the Working Group's consideration of this matter during its meeting in May 2010 (ECE/MP.EIA/WG.1/2010/2, chap. VII); the Meeting agreed with the Working Group that SEA was a unique and important instrument for planning and policymaking related to greening the economy. In addition, the Meeting also considered it

¹ UNECE, the United Nations Development Programme and REC-CEE.

important that the Astana Conference's outcome reflect on the importance of SEA in both Conference themes, and that round tables on both themes should consider SEA.

15. The Meeting further discussed possible inputs into the preparatory process for the Conference, as well as possible contributions to the Conference itself. The delegation of Sweden considered that the sharing of experience of member States of the European Union (EU), in the application of both the Convention and the Protocol in the implementation of the EU Marine Strategy and Water Framework Directives,² could provide a valuable contribution to the Conference and that EU member States might wish to consider this possibility. The Meeting agreed that it was important to demonstrate the importance of the Convention and Protocol in integrating the environment into economic development.

16. The representative of IAIA indicated her organization's interest in contributing to a side event on the role of impact assessment in the Conference themes.

V. Budget and financial arrangements

17. The secretariat presented the biannual financial report for the period to 30 June 2010 and highlighted the contributions made to the trust fund of the Convention. The secretariat also listed outstanding pledged contributions due for payment before the fifth session of the Meeting of the Parties to the Convention.

18. The Chair informed the Meeting that the Bureau had received a request from the Implementation Committee to take action to increase secretariat resources to support the Committee. The Chair also informed the Meeting that the secretariat had explained to the Working Group on EIA at its thirteenth meeting the need for additional staff resources in the secretariat because of the increased workload on the review of compliance and the impending entry into force of the Protocol (ECE/MP.EIA/WG.1/2010/2, para. 53). The entry into force of the Protocol would increase the functions that the secretariat was expected to provide in accordance with article 13 of the Convention and article 17 of the Protocol, and would likely increase the secretariat support required for capacity-development activities under the workplan. The Meeting took note of the above information, together with an informal document prepared by the secretariat regarding secretariat staff resources, which had been submitted in response to the Working Group's request to the secretariat to provide more information about the possibilities of financing its additional staff resources and the need for such resources.

19. The Meeting agreed that securing proper staffing of the secretariat had priority above financial support to participants in formal meetings and that, among participants, priority should be given to representatives of Parties, then of non-Parties and then of NGOs. The Meeting also concluded that a long-term and stable solution for staffing could only be provided through the regular budget of the United Nations.

20. The Meeting agreed to set priorities at the sub-activity level in the draft budget for the period between the first and second sessions of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. Further, the Meeting requested the secretariat to prepare terms of reference for the new posts proposed in the informal document regarding secretariat staff resources.

² Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy, and Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

21. The Meeting welcomed information that an associate expert to support the secretariat for a period of up to two years, funded by Finland, would be starting early in 2011.

22. In the light of the discussions on budgetary difficulties and the limited secretariat staff, and while recognizing that there were both synergies and differences between the Convention and the Protocol, the Meeting considered it appropriate that a single working group be established to oversee the implementation of the workplan under both the Convention and its Protocol.

VI. Financial assistance to representatives of countries with economies in transition, non-governmental organizations and countries outside the region

23. The Meeting took note of the selection of NGOs to receive financial support for representation at meetings, as listed by the Chair: CENN, Eco-Globe, ECOTERRA, European ECO-Forum and IAIA. The Meeting also took note of the decisions by the Bureau regarding financial support to non-UNECE member States for the present meeting, which had been provided only to the delegate from Viet Nam.

VII. Preparations for the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

24. The Chair presented a Bureau proposal on draft decisions (ECE/MP.EIA/AC.3/2010/L.1) and a draft declaration (ECE/MP.EIA/AC.3/2010/L.2) for consideration by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. Three small groups were formed comprising: the EU member States; the countries of Eastern Europe, the Caucasus and Central Asia; and other countries represented in the meeting. NGO representatives joined different small groups. The small groups then examined the description of the activity, “promoting ratification and application of the Protocol on SEA”, set out in the draft decision on adoption of the workplan (ECE/MP.EIA/AC.3/2010/L.1, decision I/8).

25. In plenary, the Meeting revised the description of this activity and asked the Bureau, with the support of the secretariat, to prepare a revised text for consideration by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. In the light of information presented by the secretariat on a proposal by a body under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),³ the Meeting included the holding of a workshop on public participation in strategic decision-making, jointly with the relevant Aarhus Convention body.

26. Having discussed whether some elements of the draft workplan activities might be supported through an assistance programme, similar to that implemented under the Convention on the Transboundary Effects of Industrial Accidents (CP.TEIA/2004/2), the Meeting requested the Bureau to investigate the merits of an assistance programme in the future.

³ Task Force on Public Participation in Decision-making under the Aarhus Convention.

27. The Meeting then revised the draft decision on the budget, financial arrangements and financial assistance (ECE/MP.EIA/AC.3/2010/L.1, decision I/9), reflecting the earlier deliberations on the budget and financial arrangements (see chap. V above). The Meeting also decided that the new joint working group should not meet more than four times, and the Implementation Committee not more than eight times, in the intersessional period. The Meeting agreed to forward the draft decision to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

28. The Meeting then reviewed and, in some cases, revised a series of draft decisions contained in document ECE/MP.EIA/AC.3/2010/L.1:

- (a) Rules of procedure (decision I/1);
- (b) Establishment of a subsidiary body (decision I/2), which the Meeting considered should be a single joint working group on EIA and SEA;
- (c) Points of contact, format for notification and focal points (decision I/3);
- (d) Reporting and the review of implementation (decision I/4), which the Meeting considered should provide for a single, greatly simplified questionnaire and review for both the Convention and the Protocol, while clearly distinguishing between questions related to each of the legal instruments;
- (e) Application of the compliance procedure of the Convention to the Protocol (decision I/5);
- (f) Capacity development (decision I/6), with minor revision;
- (g) Public participation in strategic decision-making (decision I/7), with minor revision;
- (h) Accession by Member States of the United Nations not members of UNECE (decision I/8), which the Meeting considered should contain an instruction to the secretariat to inform the Depositary of such decision.

29. The Meeting asked the Bureau, with the support of the secretariat, to submit the revised draft decisions to the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. The Meeting took note that the following decisions should be considered by the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, in joint session:

- (a) Adoption of the workplan;
- (b) Budget, financial arrangements and financial assistance;
- (c) Establishment of a subsidiary body;
- (d) Reporting and the review of implementation;
- (e) Application of the compliance procedure of the Convention to the Protocol.

30. The Meeting also revised the draft declaration and asked the Bureau, with the support of the secretariat, to submit the revised draft declaration to the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

31. The Chair presented a Bureau proposal on the programme for the fifth session of the Meeting of the Parties to the Convention, and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. On the basis of that proposal, the Meeting requested the Bureau, with the support of the secretariat, to prepare

the annotated provisional agenda of the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

32. The Chair invited delegations to come forward with nominations for the Chair of the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. No nominations were forthcoming.

33. However, delegations informally nominated some officers for the Bureau and future working group, and some members of the Implementation Committee. Some delegations indicated informally their expected financial contributions to the trust fund, to be pledged at the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

34. There were no proposals for the timing and location of the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

VIII. Presentation of the main decisions taken and closing of the session

35. The Meeting of the Signatories agreed on the main decisions taken at the session, as presented by the secretariat. The Chair closed the session on Tuesday, 23 November 2010.
