



# Economic and Social Council

Distr.: General  
9 July 2010

Original: English

## 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

Thirteenth session  
Geneva, 17–19 May 2010

## Report of the Working Group on Environmental Impact Assessment on its thirteenth meeting

### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–7	3
A. Attendance .....	2–3	3
B. Organizational matters .....	4–7	3
II. Status of ratification of the Convention on Environmental Impact Assessment in a Transboundary Context, its amendments and its Protocol on Strategic Environmental Assessment .....	8–11	4
III. Compliance with and implementation of the Convention .....	12–25	4
IV. Subregional cooperation and capacity-building .....	26–35	6
V. Exchange of good practices.....	36–44	7
A. Task Force on Complex Activities .....	36	7
B. Seminar on legislation and procedures for implementation of the Convention	37	7
C. Other activities foreseen in the workplan .....	38	7
D. Practices in States outside the region .....	39	8
E. Strengthening the involvement of non-governmental organizations .....	40	8
F. Application of the Convention to nuclear energy-related activities.....	41–44	8
VI. Promoting ratification and application of the Protocol to the Convention .....	45–49	9
VII. “Environment for Europe” process .....	50–51	9

VIII.	Budget and financial arrangements .....	52–54	9
IX.	Preparations for the fifth session of the Meeting of the Parties to the Convention and for the Meeting of the Parties to the Convention serving as the first meeting of the Parties to the Protocol .....	55–62	10
X.	Financial assistance to representatives of countries with economies in transition, non governmental organizations and countries outside the region.....	63–65	11
XI.	Presentation of the main decisions taken and closing of the meeting .....	66	11

## **I. Introduction**

1. The thirteenth meeting of the Working Group on Environmental Impact Assessment (EIA), under the Convention on Environmental Impact Assessment in a Transboundary Context, was held from 17 to 19 May 2010 in Geneva.

### **A. Attendance**

2. The meeting was attended by delegations from the following Parties to the Convention and other member States of the United Nations Economic Commission for Europe (UNECE): Armenia, Austria, Belarus, Belgium, Bulgaria, Croatia, the Czech Republic, Finland, France, Georgia, Germany, Hungary, Italy, Kyrgyzstan, Latvia, Lithuania, the Netherlands, Norway, Poland, the Republic of Moldova, Romania, the Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine and Uzbekistan. Representatives of the European Commission also attended. Iraq and Mongolia, as States Members of the United Nations, were also represented.

3. Representatives of the Convention secretariat attended the meeting. The following non-governmental organizations (NGOs) were represented: Caucasus Environmental NGO Network (CENN), Eco-Globe (Armenia), ECOTERRA (Russian Federation) and European ECO-Forum. Two independent experts attended the meeting: Jerzy Jendroska and Dmytro Skrylnikov.

### **B. Organizational matters**

4. The Chair of the Working Group on EIA, Mr. A. Vesic (Serbia), opened the meeting.

5. The Working Group adopted its agenda (ECE/MP.EIA/WG.1/2010/1), which had been prepared by the secretariat in agreement with the Bureau.

6. The Working Group took note that, with the retirement of the Chair of the Meeting of the Signatories to the Protocol (Mr. A. Marcolino, Portugal), the departure of one Vice-Chair (Mr. G. Zela, Albania) and with the country of a second Vice-Chair (Mr. N. Tchakhnakia, Georgia) not having become a Party to the Protocol, the other Vice-Chair of the Meeting of the Signatories (Ms. E. Baron, Netherlands) would serve as Chair of the Meeting of the Signatories if Portugal did not come forward with a replacement Chair.

7. The Working Group decided to propose to the Meeting of the Parties that rule 7 of the rules of procedure (adopted in decision I/1, ECE/MP.EIA/2, annex I) should be amended so that it would apply *mutatis mutandis* to a researcher, commercial firm, developer, consultant or other commercial entity that was invited with the agreement of the Bureau to participate as an observer in a specific meeting, or in one or more specific agenda items of a specific meeting.

## **II. Status of ratification of the Convention on Environmental Impact Assessment in a Transboundary Context, its amendments and its Protocol on Strategic Environmental Assessment**

8. The secretariat informed the meeting about the status of ratification of the Convention, its amendments and its Protocol on Strategic Environmental Assessment (SEA), highlighting the entry into force of the Protocol on 11 July 2010.

9. The Chair invited member States of UNECE that were not Parties to the Convention to report on their preparations for their ratification and implementation of the Convention and to identify measures to support their ratification. The representative of Turkey indicated that, though not acceding to the Convention, his Government was planning bilateral agreements with neighbouring States.

10. The Chair then invited Signatories of the Protocol to report on their preparations for their ratification and implementation of the Protocol. The delegations of Armenia, Belgium, France, Hungary, Lithuania, Poland and Serbia reported that procedures for ratification of the Protocol were under way, with those in Hungary and Serbia being the most advanced.

11. The Chair invited Parties to the Convention to report on any planned ratifications of the two amendments to the Convention, noting in particular that the secretariat had already received inquiries from States outside the region about the possibility of accession to the Convention, which was provided for in the first amendment. The delegations of Lithuania and Switzerland reported that procedures for ratification of the two amendments were under way, with those in Switzerland for the first amendment being the most advanced.

## **III. Compliance with and implementation of the Convention**

12. The Chair of the Implementation Committee reported on compliance with and implementation of the Convention, presenting the reports of the Committee's seventeenth and eighteenth sessions (ECE/MP.EIA/IC/2009/4 and ECE/MP.EIA/IC/2010/2, respectively). He noted the repeated absence of the Committee member nominated by Azerbaijan (ECE/MP.EIA/IC/2010/2, para. 4).

13. The Chair of the Committee informed the meeting that the Committee had received the Government of Ukraine's strategy to bring about compliance with the Convention, as requested by the Meeting of the Parties (ECE/MP.EIA/10, decision IV/2, para. 12; see also ECE/MP.EIA/IC/2010/2, para. 6).

14. The Chair of the Committee then informed the Working Group that a consultant had provided technical assistance to the Government of Armenia in drafting the necessary legislation to ensure full implementation of the Convention, as requested by the Meeting of Parties (decision IV/2, paras. 16–17), and that the Government of Armenia had reported to the Committee on actions taken to implement the recommendations of the Meeting of the Parties (decision IV/2, para. 19, and ECE/MP.EIA/IC/2010/2, para. 15). The delegation of Armenia informed the Working Group that it had not been able to carry out a pilot project on transboundary EIA and to elaborate a bilateral agreement to support implementation of the Convention, as planned (decision IV/2, para. 18), as those would necessarily have involved Georgia and Georgia had cancelled the planned subregional workshop for the Caucasus, which had been expected to be held in Tbilisi in autumn 2009 (but see para. 33 below). However, Armenia was planning to apply the Convention on a pilot basis to a planned nuclear power plant.

15. Further, the Chair of the Committee reported that the Committee had concluded its consideration of a submission made by Ukraine, which had concerns about Romania's compliance with its obligations under the Convention (ECE/MP.EIA/IC/2010/2, para. 26). The Committee had found that Romania was not in non-compliance with the Convention in relation to the activities referred to in the submission (ECE/MP.EIA/IC/2010/2, annex, para. 54).
16. The delegation of Romania made a statement regarding the Committee's recommendations further to the submission by Ukraine and regarding the implementation of the Bystroe Canal Project (ECE/MP.EIA/IC/2009/4, chapter II, section B).
17. The Chair of the Committee described the Committee's consideration of general and specific compliance issues identified in the second review of implementation (decision IV/1, para. 4). Having sought clarification from Parties, the Committee had concluded its consideration of all specific compliance issues and had begun a Committee initiative (ECE/MP.EIA/6, decision III/2, appendix, para. 6) on Azerbaijan as a result (ECE/MP.EIA/IC/2009/4, para. 32).
18. The Chair of the Committee also described the Committee's receipt of information regarding possible non-compliance by Parties, provided by NGOs and the secretariat and further to rule 15, paragraph 1 (b), of the Committee's operating rules (decision IV/2, annex IV). The Committee had decided not to consider further the information provided regarding Belgium (ECE/MP.EIA/IC/2010/2, para. 32) and regarding Ukraine (ECE/MP.EIA/IC/2009/4, para. 46), but was seeking further clarification from other Parties.
19. The delegations of Belgium and the Netherlands, wishing to clarify text that might be subject to different interpretations, made a joint statement that the finding of the Committee expressed in paragraph 37 of the Committee's latest report (ECE/MP.EIA/IC/2010/2) was a general finding that did not apply to the particular case between Belgium and the Netherlands, in which the public of the affected Party was provided with the opportunity to participate in the procedure under the Convention.
20. The delegation of the Republic of Moldova made a statement regarding the Committee's decision further to information on the Dniester hydro-accumulating power station in Ukraine, upstream of the Republic of Moldova.
21. The Chair of the Committee also reported that the Committee would propose to the Meeting of the Parties that its operating rules be revised to increase transparency (ECE/MP.EIA/IC/2010/2, para. 48).
22. Finally, the Committee Chair invited delegations to come forward with candidates for members of the Committee for the period after the fifth session of the Meeting of the Parties.
23. The meeting took note of the reports of the Committee on its seventeenth and eighteenth sessions and the oral report by Chair of Committee. The Working Group commented extensively on the Committee's opinions on the implementation of article 3, paragraph 8, article 4, paragraph 2, and article 5 of the Convention, as recorded in the Committee's latest report (ECE/MP.EIA/IC/2010/2). The Committee Chair indicated that he would report back to the Committee on that discussion.
24. The secretariat reported on the receipt of one completed questionnaire on national implementation of the Convention in the period from 2006 to 2009. The secretariat recalled the deadline of 30 June 2010 for the return of completed questionnaires and explained that it was important that Parties respect that deadline. The secretariat had to examine all completed questionnaires to prepare the draft third review of implementation, which was to

be considered by the Implementation Committee on 31 August 2010 (see ECE/MP.EIA/WG.1/2009/2, annex II).

25. The Working Group decided not to establish a small editorial group to support the secretariat in drafting the third review of implementation.

#### **IV. Subregional cooperation and capacity-building**

26. The representative of Sweden reported on the holding in Vilnius in October 2009 of a subregional workshop for the Baltic Sea area. The secretariat reported on a subregional workshop for South-Eastern Europe, held in Podgorica in December 2009, following Montenegro's accession to the Convention. The delegation of Italy reported on the holding of the first subregional workshop for the Mediterranean Sea area in Tunis in April 2010.

27. The secretariat reported on the start-up workshop for a pilot implementation project, held in Minsk in June 2009. The pilot project was based upon a transboundary EIA procedure for a proposed hydropower plant on the Neman River in Belarus. Unfortunately, though the EIA procedure had advanced, the pilot implementation project had yet to be approved by the Government of Belarus. That had prevented the carrying out of, among other activities, an analysis of the EIA procedure, the drafting of recommendations for improving implementation of the Convention in the countries concerned and the holding of a subregional workshop to present the project results. The secretariat was continuing to seek means of carrying out the project.

28. The delegation of Switzerland described its continuing series of national EIA workshops in Central Asia and Azerbaijan, to be completed in 2011. The delegation also indicated that, if the concerned countries were interested, Switzerland might support, including through partial financing, a secretariat proposal on implementation guidance for the countries of Eastern Europe, the Caucasus and Central Asia.

29. Short summaries of the findings of the Minsk and Podgorica workshops were also presented in an official document (ECE/MP.EIA/WG.1/2010/3), as requested by the Meeting of the Parties (decisions IV/4 and IV/5, ECE/MP.EIA/10). The Working Group welcomed the workshop reports. Additional information on the workshops was available on the website of the Convention.

30. The Chair invited lead countries to report on preparations for the other subregional cooperation and capacity-building workshops foreseen in the workplan (ECE/MP.EIA/10, decision IV/7). The meeting took note of the following information provided by delegations and the secretariat.

31. The secretariat reported on a planned national workshop in Tajikistan, which it hoped would be held in June 2010, concluding technical advice to Tajikistan on measures necessary for the implementation of the Convention (see also chapter V, section B, below).

32. The secretariat also reported that representatives of both the Libyan Arab Jamahiriya and Morocco, participating in the workshop in Tunis, had proposed hosting a follow-up workshop for the Mediterranean Sea area. Morocco had proposed that the workshop be held in April 2011. The secretariat indicated that the earmarked funding provided by Italy for the first Mediterranean workshop might also be adequate for funding of the follow-up workshop, because of the in-kind support provided by the Government of Tunisia for the Tunis workshop.

33. The representative of Georgia indicated that his country would host the planned workshop for the Caucasus subregion in autumn 2010. The secretariat indicated that it had obtained funding for the workshop when it had been planned for autumn 2009, and that it

would attempt again to secure donor support, once it had received written confirmation from the Government of Georgia on the new date.

34. The representative of Sweden stated that the second subregional workshop for the Baltic Sea area would be held in autumn 2010. However, the representative of Romania reported that the planned workshop for the Black Sea area could not be held at that time because of financial constraints, but that it might still be held prior to the fifth session of the Meeting of the Parties, or that it might be carried forward into the next workplan (see chapter IX below).

35. The Working Group took note of information provided by the representative of Romania, the depository and other signatories of the multilateral agreement signed by ministers from South-Eastern Europe during the fourth session of the Meeting of the Parties (ECE/MP.EIA/10, para. 35). The representative of Romania reported that Bulgaria and Montenegro were already parties to the agreement and that Romania expected to ratify the agreement in 2011. Croatia was in the process of ratification, whereas Serbia expected its instrument of ratification to be deposited by the end of 2010. The agreement required three parties for its entry into force.

## **V. Exchange of good practices**

### **A. Task Force on Complex Activities**

36. The Working Group noted that only Georgia, Romania and Ukraine had expressed interest in joining the European Union in the Task Force on Complex Activities (ECE/MP.EIA/WG.1/2009/2, para. 37), with no further expressions of interest having been made by States since the previous meeting. The Working Group recalled that no clear commitment for the lead of the Task Force had been undertaken. The Working Group therefore decided to dismiss the Task Force. The meeting then noted that the European Union would present in due course a European Commission working document that could become the basis for the follow-up on complex activities.

### **B. Seminar on legislation and procedures for implementation of the Convention**

37. The delegations of Armenia and Ukraine, the representative of European ECO-Forum and two independent experts, Mr. D. Skrylnikov and Mr. J. Jendroska, made presentations on legislation and procedures for the implementation of the Convention in countries of Eastern Europe, the Caucasus and Central Asia. The independent experts highlighted that the Convention's EIA procedure was process-oriented, whereas the EIA system in place in many countries of Eastern Europe, the Caucasus and Central Asia was substance-oriented. The Working Group welcomed the presentations and asked that they be posted on the website.

### **C. Other activities foreseen in the workplan**

38. The Working Group welcomed a proposal by the delegation of Austria to lead the planned half-day seminar on climate change, EIA and SEA (see decision IV/7 and ECE/MP.EIA/WG.1/2009/2, para. 40), including inviting speakers, chairing discussions and producing a short discussion paper for the Meeting of the Parties. The meeting agreed that the seminar would be held on the afternoon of 24 November 2010. No other seminar

for the exchange of good practices would be held during the meetings planned for November 2010.

#### **D. Practices in States outside the region**

39. The Working Group welcomed the presentation by the representative of Mongolia on Mongolia's EIA system and asked that the presentation be placed on the website.

#### **E. Strengthening the involvement of non-governmental organizations**

40. The secretariat reported on the receipt of 14 responses to the Chair's letter on strengthening the involvement of NGOs (ECE/MP.EIA/WG.1/2009/2, paras. 51–52) and on the secretariat's follow-up actions, notably the sending of publications. The Chair explained that the responses provided information on the involvement of NGOs in work under the Convention and asked that all Parties respond to his letter. The Working Group decided that all responses would be placed on the website.

#### **F. Application of the Convention to nuclear energy-related activities**

41. The Working Group welcomed a presentation by the representative of Hungary on Hungary's experience in the application of the Convention to nuclear energy-related activities. On the basis of the presentation, and an informal paper by the secretariat listing nuclear energy-related activities in the UNECE region, delegations reported on their recent or expected application of the Convention to such projects. The Working Group discussed practical issues extensively, including:

- (a) Whether a risk assessment were required, noting that the risk of an accident might be low, but that the potential damage from such an accident would be high;
- (b) The selection of which States to notify, and whether there were suitable selection criteria;
- (c) The right of the affected Party to request notification, as provided under the relevant European Union Directive but not under the Convention;
- (d) Whether the extension of an operating permit constituted a major change;
- (e) The high level of public interest in such activities;
- (f) More generally, possibilities for registering both comments on and objections to a proposed activity.

42. The representative of Lithuania made a statement regarding planned nuclear power plants in Belarus and Kaliningrad (Russian Federation). She also asked that the Russian Federation, which was not a Party to the Convention, provide information on the proposed nuclear power plant in Kaliningrad.

43. The Working Group requested the secretariat to update its informal paper on the basis of information provided by focal points by 30 June 2010, and to place on the website the updated paper and the interventions made in the meeting.

44. The Working Group agreed that this issue was of importance, should be prioritized and should be addressed in the next workplan. The Working Group also agreed that the issue should be on the agenda of its next meeting and might be the subject of a panel discussion during the fifth session of the Meeting of the Parties. The Working Group asked the secretariat to prepare an informal background paper, based on the discussions in the

meeting, in advance of the Working Group's next meeting and to circulate it to the focal points for comment beforehand.

## **VI. Promoting ratification and application of the Protocol to the Convention**

45. The secretariat reported on the planned workshop in Slovenia to raise awareness of the Protocol, to be held on 9 and 10 June 2010 in Ljubljana.

46. The representative of Kyrgyzstan indicated her country's readiness for a similar awareness-raising workshop, to involve also Tajikistan, the agenda for which had already been provided to the secretariat. The secretariat described its attempts to secure funding for the Kyrgyz workshop.

47. The representative of the Republic of Moldova announced plans for a pilot project applying the Protocol.

48. The secretariat reported on its maintenance of the draft resource manual online (ECE/MP.EIA/WG.1/2009/2, para. 43).

49. The Working Group took note of the above information. The Working Group supported a proposal by the Presidency of the European Union (Spain) to keep the draft resource manual as a flexible document, without formal adoption by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, and to include in the next workplan the elaboration of shorter, simplified guidance that might be helpful with regard to the implementation of the Protocol.

## **VII. "Environment for Europe" process**

50. The secretary to the Committee on Environmental Policy described preparations for the seventh "Environment for Europe" Ministerial Conference, to be held in Astana in September 2011. Having considered the Conference's two themes (ECE/CEP/155, para. 44), and while discussing possible inputs into the preparatory process for the Conference and possible contributions to the Conference itself, the Working Group agreed that SEA was a unique and important instrument for planning and policymaking related to greening the economy.

51. The Working Group requested its Chair to inform the Committee on Environmental Policy that the Working Group considered it 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.

## **VIII. Budget and financial arrangements**

52. The meeting took note of the biannual financial report for the period to 31 December 2009 and the informal list of contributions received subsequently, including an in-kind contribution by the Government of Tunisia in hosting the Mediterranean Sea subregional workshop (see para. 26 above). The Chair informed the Working Group about the results of the Bureau's actions to encourage further contributions to the trust fund (decision IV/8, paras. 2 (c), 7 and 8), which appeared to include several new contributions.

53. The secretariat presented an informal paper on the need for additional staff resources in the secretariat. The Working Group took note of the paper and was aware of the need for additional staff resources in the secretariat to support: (a) the Implementation Committee

because of the increased workload on the review of compliance; and (b) the impending entry into force of the Protocol. The Working Group requested the secretariat to provide more information about the possibilities for financing its additional staff resources and the need for such resources, taking into account the budgetary constraints, for consideration at its next meeting.

54. The Working Group welcomed news of Finland's provision of an associate expert to support the secretariat for a period of up to two years, starting from spring 2011.

## **IX. Preparations for the fifth session of the Meeting of the Parties to the Convention and for the Meeting of the Parties to the Convention serving as the first meeting of the Parties to the Protocol**

55. The Working Group agreed the dates of the remaining meetings up to and including the next session of the Meeting of the Parties to the Convention, all to be held in Geneva:

(a) The third session of the Meeting of the Signatories to the Protocol, and the fourteenth meeting of the Working Group on EIA, to be held back-to-back in the week of 22 to 26 November 2010;

(b) 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, to be held together in the week of 20 to 24 June 2011.

56. The Working Group agreed that the bodies meeting in June 2011 should consider, among other draft decisions, joint draft decisions on three topics:

(a) The adoption of the workplan;

(b) The budget and financial arrangements, as well as financial assistance to representatives of countries with economies in transition, NGOs and countries outside the UNECE region;

(c) The application of the Convention's compliance procedure to the Protocol.

57. The Working Group agreed the text of the draft decision on the application of the compliance procedure to the Protocol, including a fifth paragraph that addresses the Implementation Committee's operating rules (ECE/MP.EIA/WG.1/2010/L.1, part one, draft decision I/5).

58. To support its preparation of the new workplan, the Working Group asked the secretariat to collate for its next meeting the general compliance issues from the second review of implementation, as considered by the Implementation Committee, as well as key findings from the draft third review of implementation (see para. 24 above).

59. The Working Group formed three small groups to develop elements for the new workplan. Following deliberations in the small groups, those elements were described to the Working Group. The meeting requested the Bureau, with the support of the secretariat, to draft the new workplan for consideration by the two meetings in November 2010, based on the presentations by the three groups and on NGO interventions, and including further inputs provided by focal points by 30 June 2010.

60. Having considered an informal list of draft decisions, the Working Group also requested the Bureau, with the support of the secretariat, to draft all other decisions to be considered by the bodies meeting in June 2011, except that on the review of compliance, which was to be drafted by the Implementation Committee.

61. The Working Group asked the Bureau, with the support of the secretariat, to draft the outline programme for the meetings in June 2011. Further proposals on attracting high-level representation in the meetings and on enriching the agendas could be sent to the secretariat until 1 September 2010. The secretariat should issue the draft programme as an informal paper well in advance of the two meetings in November 2010.

62. The Working Group invited delegates, in the two meetings in November 2010, to: nominate the Chair of the fifth session of the Meeting of the Parties to the Convention; 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; and the members of Bureau and Implementation Committee to serve in the following intersessional period. That would also imply identification of the venue of the following sessions of the Meetings of the Parties to the two treaties.

## **X. Financial assistance to representatives of countries with economies in transition, non governmental organizations and countries outside the region**

63. The Working Group took note of the Bureau's selection of designated experts from NGOs to receive financial assistance for their participation in meetings under the Convention and under its Protocol (decision IV/9, para. 5): CENN, Eco-Globe, ECOTERRA, European ECO-Forum and the International Association for Impact Assessment.

64. The Working Group also took note of the decisions by the Bureau regarding financial support to Member States of the United Nations not members of UNECE for the present meeting — Iraq and Mongolia — and for the expected participation of other States — China and the Islamic Republic of Iran.

65. The Working Group took note of the information provided by the secretariat and the representative of Hungary regarding travel outside the UNECE region.

## **XI. Presentation of the main decisions taken and closing of the meeting**

66. The Working Group agreed on the main decisions taken at the meeting, as presented by the secretariat. The Chair closed the meeting on Wednesday, 19 May 2010.

---