
Economic Commission for Europe

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

Bureau

Geneva, 31 January–1 February 2012

Informal notes of meeting

Note by the secretariat

I. Opening

1. The following members of the Bureau were present: Mr. Dmytro Mormul (Ukraine), Chair of the Bureau, and Mr. Matthias Sauer (Germany), alternate Chair for Protocol matters; Ms. Vesna Kolar-Planinsic (Slovenia), Chair of the Implementation Committee; Mr. Aleksandar Vesic (Serbia); Mr. Aleksandr Andreev (Belarus) and his alternate for Protocol matters, Mr. Felix Zaharia (Romania), first Vice-Chair, Implementation Committee; and the four Vice-Chairs of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, Ms. Migle Masaityte (Lithuania), Mr. Piotr Otawski (Poland), Mr. Volodymyr Buchko (Ukraine), and Ms. Milena Novakova replacing Mr. Georges Kremlis (European Commission).
2. The Director of the Environment Division of the United Nations Economic Commission for Europe (ECE) made some introductory remarks.
3. The Bureau adopted its agenda.
4. Further to a proposal by the European Environmental Bureau, during the fifth session of the Meeting of the Parties, that a representative of European ECO Forum be permitted to participate in meetings of the Bureau as an observer, in accordance with the rules of procedure, and further to the decision by the Meetings of the Parties that the Bureau was expected to decide on whether to allow this, the Bureau deferred its decision on this matter. It agreed to consider the question further at its next meeting and asked the secretariat to provide further information on practices in other ECE multilateral environmental agreements.

II. Status of ratification of the Convention, its amendments and its Protocol

5. The Bureau took note of the recent ratifications of the second amendment by France and Poland.
6. The Bureau asked that the Executive Secretary of ECE to write to the Parties to the Convention, identifying those that had adopted the amendments, or the Protocol, with a view to encouraging their prompt ratification. For member States of the European Union, the letter could highlight that as the European Union was already party to the two amendments and the Protocol. Ratification would enable the entry into force of the amendments and strengthen the Protocol.

III. Review of decisions by the Meetings of the Parties

7. The Bureau recalled the tasks assigned to it during the fifth session of the Meeting of the Parties to the Convention and by the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP5/MOP1), as included in the reports of the two sessions (ECE/MP.EIA/15 and ECE/MP.EIA/SEA/2, respectively).

IV. Outcomes of related events

8. The Bureau took note of information provided by the Chair on the holding of a meeting between representatives of the governing bodies of the ECE environmental conventions and the Committee of Environmental Policy (or “joint chairs’ meeting”) on 22 November 2011 in Geneva, in which the Chair had participated. The Bureau agreed that its Chair or Mr. Otawski, or both, might attend the next meeting of the joint chairs, to be held on 16 April 2012, immediately prior to the next session of the Committee on Environmental Policy.

9. The Bureau also took note of information provided by the secretariat on the holding of a side-event to the Seventh “Environment for Europe” Ministerial Conference held in Astana from 21 to 23 September 2011 (further to the declaration by the Meeting of the Parties to the Protocol, para. 19), and on relevant outcomes of the Conference.

10. Further, the Bureau took note of information provided by the secretariat on how it reported within the preparatory process for the United Nations Conference on Sustainable Development 2012 (Rio+20) on the contribution of the Convention and, in particular, the Protocol to the implementation of the principles proclaimed by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in June 1992 (A/CONF.151/26/Rev.1 (Vol. I)) (further to the declaration, para. 20).

V. Compliance with and implementation of the Convention and the Protocol

11. The Bureau confirmed the election of Poland to the Implementation Committee to serve as the eighth member for Protocol matters.

12. The Chair of the Implementation Committee told the Bureau in detail about the work of the Committee in the period since the June 2011 sessions of the Meetings of the Parties and in the year ahead. The Bureau took note of the report by the Committee Chair.

13. In the light of the Committee Chair’s report on recent difficulties for the Committee to adopt and implement its agenda, the Bureau proposed that the Working Group discuss in depth the conduct of business under the Convention and the Protocol, in particular in relation to compliance issues.

14. The Bureau supported a Committee proposal for a small group to examine possible inconsistencies between the authentic language versions of Convention. The Bureau wished to emphasize that the three language versions—English, French and Russian—were equally authentic. The Bureau would suggest to the Working Group that the small group comprise linguists and lawyers and that it should report back to the Working Group in spring 2013, differentiating between what it considered to be linguistic alignment, on the one hand, and substantive interpretation, on the other. The Working Group would then decide on possible further action.

15. The secretariat reported on the implementation of activities in the workplan that related to compliance with and implementation of the Convention and the Protocol, notably:

(a) Simplification of the questionnaire for the report on implementation of the Convention, and its extension for the report on implementation of the Protocol;

(b) The timetable for the production of the fourth review of implementation (2010–2012);

(c) Pre-accession legislative assistance.

16. The Bureau decided that the secretariat should proceed with the contracting of a consultant to develop general guidance on resolving a possible systemic inconsistency between the Convention and environmental assessment within the framework of State ecological expertise. The secretariat should use funds identified in the budget for the hiring of a consultant.

17. The Bureau agreed to provide feedback on the draft questionnaires on the implementation of the Convention and the Protocol by 10 February 2012. The Bureau also suggested that the date of issue or of return of the Convention and the Protocol questionnaires be staggered.

18. The Bureau asked the secretariat to make the checklist prepared by European Bank for Reconstruction and Development available to Bureau members for their further consideration. The Meeting of the Parties had requested the secretariat to promote the use of the checklist by international financial institutions.

VI. Subregional cooperation and capacity-building

19. The Bureau took note of the report by the secretariat on the implementation of activities in the workplan that related to subregional cooperation and capacity-building.

VII. Exchange of good practices

20. The Bureau took note of the report by the secretariat on the implementation of activities in the workplan that related to the exchange of good practices.

21. The Bureau asked the secretariat to contact the lead countries (Austria, Finland, Sweden) of the planned one-day workshop on the long-range impacts of nuclear energy-related activities to request that it be held back-to-back with the meeting of the Working Group in spring 2013. The Bureau considered that a free-standing workshop—an option being considered by the lead countries—would be more costly for the trust fund, and would attract fewer participants, than a back-to-back event. The Bureau agreed to suggest to the Working Group that the national focal points be asked to submit case studies on the application of environmental impact assessment (EIA) and strategic environmental assessment (SEA) in the nuclear energy sector. The one-day workshop could then discuss or present the resulting collection of case studies, and could provide the basis for a discussion on possible further actions.

VIII. Promoting ratification and application of the Protocol

22. The Bureau took note of the report by the secretariat on the implementation of activities in the workplan that related to promoting ratification and application of the Protocol. In particular, the Bureau noted the draft format for notification under the Protocol

(ECE/MP.EIA/WG.2/2012/L.1) and a draft simplified version of the already-published Resource Manual to Support Application of the Protocol (ECE/MP.EIA/17). The Bureau also noted that progress was being made by the International Association for Impact Assessment with the elaboration of two-page pamphlets on key SEA topics. Further, the Bureau noted that Armenia and the Republic of Moldova had come forward with interesting proposals for pilot SEAs.

23. With regard to the planned workshop on public participation in strategic decision-making (29–30 October 2012, Geneva), the Bureau approved the secretariat's proposal for a consultant to prepare good practice recommendations on public participation in strategic decision-making. The recommendations should emphasize the importance of the quality of the assessment and encourage the engagement of the public. The Bureau wished to review the draft terms of reference for the consultant. The secretariat should use funds identified in the budget for the hiring of a consultant. Funds identified in the budget for a fourth workshop or half-day seminar on the exchange of good practices might be used to support participation. However, other sources should be sought to supplement those of the trust fund and workshop costs should be shared fairly with the Aarhus Convention.

24. In addition, the Bureau requested the secretariat to ensure the sharing with Espoo Convention focal points of information on the arrangements for, and the outcomes of, a related Aarhus Convention workshop on public participation in the nuclear sector. The workshop was expected to be held in spring 2013.

IX. Budget, financial arrangements and financial assistance

25. The Bureau took note of the report by the secretariat on the receipt of contributions to, and on expenditure from, the Convention's trust fund, with reference to the draft biannual financial report. The Bureau asked that the biannual financial report make clear that pledged, and non-earmarked, contributions were used to fund core budget activities with priority 1 or 2. The Bureau agreed to its issue.

26. The Bureau requested its Chair to write to those Parties that had not pledged or contributed to the trust fund, enclosing the table of pledges and contributions included in annex to the biannual financial report (table A.1), and suggesting a specific amount be contributed. The amount should be calculated using the agreed budget for the Convention and the scale of assessments for the apportionment of the expenses of the United Nations (A/RES/64/248). Letters should only be sent to those Parties that would be expected to contribute at least US\$ 1,000.

27. The Bureau suggested that donors might fund directly the participation of representatives of countries with economies in transition, rather than through contributions to trust fund.

28. Further to the decision by the Meeting of the Parties that the Bureau should agree on the development, possibly with the support of a small group, of a strategy for carrying out the work under the Convention and the Protocol given the financial constraints, the Bureau agreed to seek advice from the Working Group on what the strategy might comprise.

29. The Bureau noted proposals by the secretariat for the harmonization of planning, workplans and budgets for the multilateral environmental agreements serviced by ECE, as set out in an attachment to the minutes of the above-mentioned joint chairs' meeting.

30. The Bureau reviewed applications received from seven non-governmental organizations (NGOs) for financial support at meetings under the Convention. Further to its mandate, the Bureau decided to fund representatives of the following five NGOs: European ECO Forum, International Association for Impact Assessment (IAIA), Caucasus

Environmental NGOs Network (CENN), Environment and Justice, and EcoGlobe (Armenia). The secretariat should inform the seven NGOs accordingly.

31. Given the limited level of funds in the trust fund for the Convention, and the few substantive matters on the agenda of the Working Group meeting in April 2012, the Bureau decided not to offer financial support in 2012 to representatives of States outside the ECE region for them to attend. Nonetheless, the secretariat might invite States and intergovernmental organizations from outside the ECE region to participate but without financial support. Further, the Bureau asked the secretariat to encourage donors to provide financial support for representatives of such countries that they wished to assist.

32. Further, in relation to any future financial support to representatives of States outside the ECE region, the Bureau was of the opinion that such support should be provided only if the representatives of States outside the ECE region would draw clear benefits from their participation, such as attendance at a workshop or involvement in relevant discussions. The Bureau also agreed to prioritize financial support for States neighbouring the ECE region.

X. Staffing of the secretariat

33. The secretariat informed the Bureau of the recruitment of a programme assistant who had previously only been temporarily employed; the secretariat benefits from 50% of her time. The secretariat also informed the Bureau of the departure on 17 February 2012 of the associate expert provided by Finland, Ms. Laura Leino, who was to be replaced by Ms. Mina Torkkeli on 5 March 2012 for the start of a new two-year period.

XI. Preparations for the first meeting of the Working Group

34. The Bureau noted the annotated provisional agenda of the first meeting of the Working Group, to be held in Geneva from 24 to 26 April 2012 (ECE/MP.EIA/WG.2/2012/1).

35. The Bureau agreed that a researcher, commercial firm, developer, consultant or other commercial entity might be permitted to participate in meetings under the Convention as an observer provided that no member of the Bureau objected. Requests from potential observers should be made well in advance of the meeting concerned and should make clear whether participation would be for specific agenda items or for the complete meeting. The secretariat should inform the Bureau of such requests by electronic mail, in advance of the meeting concerned, and allow not less than five working days for a response. If the Bureau was unable to arrive at a consensus, it would need to meet to decide. The Bureau agreed to consider at a later stage possible additional criteria to assist it in deciding on such requests.

XII. Preparations for the next sessions of the Meetings of the Parties

36. The Chair informed the Bureau on the initiation of practical arrangements for the sixth session of the Meeting of the Parties to the Convention, and the second session of the Meeting of the Parties to the Protocol (MOP6/MOP2), which are expected to be held in Ukraine in May or June 2014. The Chair indicated that Ukraine will establish a working group to oversee preparations and that Ukraine might already be in a position to present a programme for the sessions to the Working Group in April 2012.

XIII. Publications

37. The Bureau noted the publication in electronic format, further to decisions taken by the Meeting of the Parties, of the Third Review of Implementation (ECE/MP.EIA/16), the Resource Manual to Support Application of the Protocol (ECE/MP.EIA/17), revised operating rules of the Implementation Committee, the opinions of the Committee (2001–2010), and an informal list of cases of the application of the Convention.

XIV. Other business

38. The Bureau noted correspondence sent to the secretariat by the European Wind Energy Association and decided that, for the moment, a meeting was not necessary.

XV. Closing of the meeting

39. The Bureau agreed to meet again in the afternoon of Monday, 23 April 2012, in advance of the Working Group meeting. The Bureau might thereafter meet in early 2013, perhaps in Ukraine.

40. The Bureau meeting concluded on 1 February 2012.
