OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Rule 7

Proposal by the Bureau

1. At its twelfth session, the Working Group on EIA considered that rule 7 of the Rules of Procedure of the Convention (adopted in decision I/1, ECE/MP.EIA/2, annex I) should be interpreted in a constructive manner taking into account the context of each specific case. The Working Group invited the Bureau to prepare for its next session a proposal to amend or interpret, as appropriate, rule 7 with the aim that private companies, developers and others be treated as observers on invitation by the Bureau. The Working Group also agreed that such a proposal should be used by the secretariat as guidance in the period leading up to the next Meeting of the Parties (ECE/MP.EIA/WG.1/2009/2, para. 6).

2. Subsequently, the Bureau examined two options: to amend rule 7 or to provide an interpretation of rule 7. The former option is clearer, more stable and less open to interpretation, but would require issue and later publication of revised Rules of Procedure. The latter option is simpler but risks being less transparent.

I. AMENDMENT OF RULE 7

3. Addition to rule 7 of a third paragraph:

3. Paragraphs 1 and 2 shall be applied mutatis mutandis to a commercial firm, developer, consultant, researcher or other commercial entity that is invited with the agreement of the Bureau to participate as observers in a specific meeting, or in one or more specific agenda items of a specific meeting.

II. INTERPRETATION OF RULE 7

4. Decision by the Working Group that the reference in rule 7, paragraph 1, to “body or agency, whether national or international, governmental or non-governmental” shall be interpreted as including a commercial firm, developer, consultant, researcher or other commercial entity that is 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.
III. ENACTMENT

5. In either case, the Meeting of the Parties could decide on the amendment or interpretation so as to enact it; this decision would be reflected in the session report.