I. GENERAL RATIONALE

1. Guidance that would address the legal and practical implications of ratification and implementation of the Convention would be an effective response to the requests for assistance from several Parties and non-Parties in Eastern Europe, the Caucasus or Central Asia (EECCA). It would help the Implementation Committee to have more efficient cooperation with those Parties requesting support. It is suggested that, to promote ownership, the activity might be led by a Party from EECCA, carried out in Russian and supported by a consultant.
II. NEEDS

2. Most countries in the UNECE region have an EIA system. However, many countries of the former Soviet Union have inherited a system combining OVOS (OVOS can be equated to preparation of EIA documentation) and SEE, that is different from the EIA system. Therefore, it may be more difficult for some countries with SEE-OVOS systems to align their legal requirements with the Convention. To implement the Convention, national legislation in most cases should be amended or new legislation drafted to provide for a transboundary EIA procedure. Institutional issues and decision-making systems are also important for dealing with compliance, especially when deciding on the competent authority and its tasks, and on authorities responsible for taking the final decision. Both of these aspects can be particularly difficult in EECCA countries having SEE-OVOS.

3. The second review of implementation (ECE/MP.EIA/11), as well as recent compliance cases, showed a range of (apparently widespread and recurrent) practical problems with implementation of the Convention. These difficulties have come to light in the day-to-day operation of the Convention and mostly when the Convention is applied to a particular transboundary project. There is sometimes a lack of understanding that before, initiating transboundary projects, countries should have:

   (a) Well-established national EIA legislation and related administrative system;
   (b) Provisions for transboundary EIA procedure;
   (c) An identified competent authority, etc.

III. OBJECTIVES OF THE GUIDANCE

4. The Convention reflects the system of EIA prevalent in Western Europe, and is less compatible with the SEE-OVOS systems inherited by many countries of the former Soviet Union. The proposed guidance would be a practical tool responding to EECCA country-specific needs by:

   (a) Providing legal explanation of each of the Convention’s articles and how OVOS and SEE provisions could be applied to assure full implementation;

   (b) Focusing on selected provisions of the Convention that may be particularly difficult to implement due to specific legal and administrative conditions in applying SEE-OVOS. For example, the SEE-OVOS system is generally applied to activities that involve construction, so non-construction activities such as deforestation of large areas may not be subject to SEE-OVOS;

   (c) Offering detailed commentary on those Convention provisions, implementation of which may involve special difficulties for EECCA countries;
(d) Reflecting the opinions of the Convention’s Implementation Committee and outcomes of the Convention’s periodic reviews of implementation.

5. The guidance would also provide support to non-Parties by enhancing their capacities in preparing and adopting legislative and administrative measures necessary for implementing the Convention’s provisions prior to ratification or accession.

IV. FOUNDATIONS FOR THE GUIDANCE

6. It is proposed that guidance will be built on the basis of experience with country specific compliance reviews. Besides the reviews already undertaken for Armenia and Ukraine, it is expected that a review of Tajikistan’s legislative and other measures will be completed in the first half of 2010. The pilot implementation project in Belarus may also produce recommendations in 2010 for strengthening implementation. Discussions about initiating a review in Azerbaijan are underway. Reviews provide valuable, up-to-date information on countries’ specific SEE-OVOS legislation and institutional, administrative and decision-making practices relevant to the implementation of the Convention.

<table>
<thead>
<tr>
<th>Country-specific compliance reviews, or similar, performed or planned in:</th>
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<tbody>
<tr>
<td>• Armenia (2007, 2009)</td>
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<tr>
<td>• Azerbaijan (possibly in 2010)</td>
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<tr>
<td>• Belarus (possibly in 2010, through pilot implementation project)</td>
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<tr>
<td>• Tajikistan (2010)</td>
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<td>• Ukraine (2009)</td>
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V. ACTIVITY DESCRIPTION

8. To promote the ownership it is foreseen that the activity is led by an EECCA Party. It is proposed that, on the basis of country specific compliance reviews, the second review of implementation and compliance cases, an international consultant will develop a draft of the guidance. It is also expected that the activity will include two subregional workshops (one for Central Asia, the other for Eastern Europe and the Caucasus) and one concluding workshop (probably in Geneva back to back with a meeting of the Working Group on EIA in 2013-2014). Guidance is expected to be drafted in Russian.

7. The activity would be implemented in the period from 2011 to 2014, up to the sixth session of the Meeting of the Parties.

8. The budget requirement is US$ 85,000 total:
   US$ 30,000 per each of two subregional workshops,
   US$ 20,000 for consultant's fees and travel,
   US$ 5,000 for secretariat travel.

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