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Economic Commission for Europe

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

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Intermediary session

Geneva, 5–7 February 2019

Item 5 of the provisional agenda

Review of compliance, implementation and the activities of the Implementation Committee

A possible strategy and an action plan for the future application of the Convention and the Protocol: proposals for a way forward

Note by the delegations of Austria and the Netherlands

Summary

The present note summarizes for information of the Meetings of the Parties the informal discussions by representatives of Parties to the Convention and the Protocol that was held at the initiative of Austria and the Netherlands in London, on 1 October 2018.

The Meetings of the Parties may wish to comment the information and provide advice on the drafting of the strategy and an action plan for the future application of the Convention and the Protocol, with a view to their adoption at the next sessions of the Meetings of the Parties in December 2020.

I. Background

1. At their last sessions (Minsk, 13–16 June 2017), the Meetings of the Parties to the Convention and the Protocol agreed on the development of a long-term strategy and an action plan for the Convention and the Protocol, through decision VII/7–III/6,¹ as part of the workplan 2017–2020, subject to the identification of resources. The Chair noted that in the view of the Bureau it would be preferable that those documents be drafted by volunteering representatives of Parties rather than by external consultants.

2. The proposal to draft a strategy and an action plan was made as a follow-up on the brainstorming session that Austria, Finland and the Netherlands had organized in April 2016, during the sixth meeting of the Working Group on Environmental Impact

¹ See ECE/MP.EIA/2017/23/Add.1–ECE/MP.EIA/SEA/2017/7/Add.1

Assessment and Strategic Environmental Assessment, in order to discuss the strategic vision and the future role and aims of the two instruments.

3. In May 2018, the Chair of the Bureau reported to the Working Group on the Bureau's recommendation that efforts to define strategic directions and priority actions for the two instruments would be best undertaken by volunteering representatives of the Parties, with support from the secretariat, rather than by external consultants. The Working Group took note of the Bureau's recommendation; invited delegations, especially from the three countries that had organized the brainstorming session, to consider their availability to lead the development of a draft strategy and an action plan and to report to the secretariat by the end of August 2018; encouraged other Parties to provide expertise for this activity; and invited all volunteering Parties to contact the secretariat.

4. Following the meeting of the Working Group, Austria and the Netherlands took the initiative to organize an informal meeting in London, on 1 October 2018 back to back to the meeting of the ad hoc working group on the lifetime extension of nuclear power plants that was hosted by the United Kingdom on 2 and 3 October 2018. The aim of the meeting was to initiate discussions on the development of the future strategy and the action plan.

5. The informal meeting was co-chaired by representatives of Austria and the Netherlands and attended by representatives of Finland, France, Italy, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, the United Kingdom and the European Commission. The secretary to the Convention and the Protocol was also present.

II. Summary of the informal discussions

6. At the beginning, the co-chairs gave a short overview of the status quo and the steps taken so far regarding the elaboration of elements for a possible strategy and an action plan for the future application of the Convention and the Protocol. In particular, they recalled and summarized the outcome of the workshop and the brainstorming exercise, both conducted during the sixth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (7-10 November 2016).

7. Taking into account the introductory comments and information by the Secretariat, the group reflected on the rationale for a future strategy. It also identified various challenges for the future performance of the Convention and its Protocol, such as the limited financial resources and secretariat staffing for tackling the workload that had substantially increased, owing to the introduction and growing use of the review of compliance mechanism, the entry into force of the Protocol, and the extensive capacity building activities and events implemented. With the Convention and its Protocol going global and the related outreach activities even more resources and funding were required.

8. Furthermore, the group discussion brought out that a future strategy must also recall the very purpose of the Convention and its Protocol and has to take into consideration the various needs at various levels of action. A sound future strategy requires a well-balanced and adequate structure addressing all identified challenges and needs.

9. Accordingly, the following three clusters, corresponding to three levels of challenges and future engagement, were identified during the discussion: First, a global and international level which asks for future outreach activities and the adequate embedding and incorporating of the Convention and the Protocol, of their requirements and obligations, into the international and global legal and political frameworks. These included contributing to mitigating global climate change and to the achievement of the sustainable goals worldwide.

10. The second level relates to the Convention and the Protocol as part of the UNECE family and its various legal and organizational instruments. In this respect, the group considered a closer co-operation among the various Conventions of the UNECE family and a better use of possible synergies useful. Parties should also aim at identifying how to improve the financial situation of the Convention and its bodies, cooperation with other instruments, and using synergies within the UNECE system. A better financial, technical and staffing of the Implementation Committee was flagged as an essential issue to be considered in order to enable it in future to master its increasing workload and related challenges. Generally speaking, the second level relates to organizational, financial, budgetary and administrative issues, as well as to the coordination of content (such as definitions used in the conventions, but also the assessment of the same or a similar case by the respective implementation/compliance committees).

11. Finally, the third level addresses Parties and future Parties themselves for ensuring a successful future implementation of the Convention and the its Protocol. Practical issues of application of the Treaties, such as the still unsolved language regimes, the mutual and equal understanding of all the necessary requirements related to an environmental report, feasible timeframes for transboundary procedures, the possible elaboration of bilateral agreements between member states and more valuable information exchange are issues to be tackled at this level. Equally, the need for further assistance in establishing new national legislation and good practice is to be addressed at this level (e.g. capacity building, and regionally tailored workshops).

12. The participants of the informal meeting then split into two discussion groups. The first group deliberated on the possible advantages and needs for a closer co-operation between the Aarhus Convention and the Espoo Convention and its Protocol. Among possible future workplan activities, that group proposed updating the 2006 Guidance on public participation under the Espoo Convention, taking into account the opinions and recommendations of the Implementation Committee, and in consultation with the treaty bodies of the Aarhus Convention. The second group concentrated on identifying and distinguishing the very urgent needs and practical requirements for improving the performance of the Convention, and collecting and screening the most important aspects and elements of the “third level”. Afterwards, the discussions were reported back to the whole group.

13. The structure of the future work on the future strategy and the action plan for the future application of the Convention and the Protocol was discussed as well as proposals of a way forward.

14. At its meeting in October 2018, the Bureau considered the outcome of the informal meeting of the group. The Bureau recommended that the discussions on the strategy and the action plan continue at additional informal meetings with a broader participation of all volunteering national focal points. All the Bureau members and representatives of other Parties were invited to contribute to that work. The Bureau also recommended that an informal note be submitted to the Meeting of the Parties at its intermediary session (5-7 February 2019), inviting Parties to provide guidance for the drafting of the strategy and the action plan in advance of the next sessions of the Meetings of the Parties scheduled for December 2020.

15. The draft of the strategy and an action plan for the future application of the Convention and the Protocol should, in particular, address the three identified clusters and levels with regard to the main aspects and issues, that have partly been identified at the informal meeting of the 1st of October; it also should be developed in a way that facilitates its immediate and direct implementation, while the implementation of certain parts of the strategy could be reserved for a later period.
