



**Economic and Social
Council**

Distr.
LIMITED

ECE/MP.EIA/WG.1/2010/L.1
4 March 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 meeting
Geneva, 17–19 May 2010
Item 9 of the provisional agenda

**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**

Draft decisions proposed by the Bureau

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Part One
Draft decisions to be considered jointly by the Meeting of the Parties
to the Convention and the Meeting of the Parties to the Convention
serving as the Meeting of the Parties to the Protocol

The draft decisions presented in this part are submitted by the Bureau to the Working Group on Environmental Impact Assessment for consideration. They will also be considered by the third session of the Meeting of the Signatories to the Protocol on Strategic Environmental Assessment.

Draft decision I/5

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

Draft decision V/3

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its fifth session

APPLICATION OF THE COMPLIANCE PROCEDURE OF THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT TO THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

The following text was prepared by a small group comprising Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland. The Working Group on Environmental Impact Assessment supported the text at its tenth meeting (ECE/MP.EIA/WG.1/2007/2, para. 35). The secretariat subsequently prepared paragraph 5 below.

The Meeting of the Parties to the Convention, and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Meeting in joint session,

Recalling article 14, paragraph 6, of the Protocol on Strategic Environmental Assessment, which concerns the application of the procedure for the review of compliance with the Convention on Environmental Impact Assessment in a Transboundary Context to the Protocol,

Noting the appendix to decision III/2 of the Meeting of the Parties to the Convention, setting out the structure and functions of the Implementation Committee and procedures for the review of compliance,

Having considered the modalities for the application of the procedure for the review of compliance, pursuant to article 14, paragraph 6, of the Protocol,

Emphasizing that, in applying to the Protocol the structure and functions of the Implementation Committee and the procedures for review of compliance which are set out in the appendix to decision III/2 of the Meeting of the Parties to the Convention, references in the appendix to the Convention and to the Meeting of the Parties to the Convention shall, where review of compliance with the Protocol is concerned, be understood as references to the Protocol and to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, respectively,

1. *Decide* that, where the Implementation Committee is considering issues relating to compliance with the Convention, it shall be comprised only of Parties to the Convention, and that, where the Implementation Committee is considering issues relating to compliance with the Protocol, it shall be comprised only of Parties to the Protocol;

2. *Also decide* that the Parties to the Convention shall decide upon the composition of the Implementation Committee, in accordance with paragraph 1 of the appendix to decision III/2 of the Meeting of the Parties to the Convention, after which the Parties to the Protocol shall elect the number of Parties necessary for the operation of paragraph 1 of the current decision, to take the place on the Implementation Committee of those Parties to the Convention which at that time are not a Party to the Protocol, for the same term as those Parties; and decide that the Chair of the Implementation Committee shall be from a Party to the Convention which is also a Party to the Protocol;

3. *Further decide* that the two election processes set out in paragraph 2 shall take place during a joint session of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, at which the Parties to the Convention and to the Protocol shall also cooperate with a view to ensuring that the total of the number of Parties elected under the Convention and under the Protocol shall preferably not exceed twelve;

4. *Further decide* that when the appendix to decision III/2 of the Meeting of the Parties to the Convention is amended by the Meeting of the Parties to the Convention, the amended appendix shall also apply mutatis mutandis to the Protocol, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.[;]

[5. *Further decide* that the operating rules of the Implementation Committee which are set out in annex IV to decision IV/2 of the Meeting of the Parties to the Convention shall also apply mutatis mutandis to the Protocol, and shall continue to apply when amended by the Meeting of the Parties to the Convention, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.]

Draft decision I/8

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

ADOPTION OF THE WORKPLAN AND THE BUDGET AND FINANCIAL ARRANGEMENTS FOR THE PERIOD UP TO THE SIXTH SESSION OF THE MEETING OF PARTIES TO THE CONVENTION AND THE SECOND SESSION OF THE MEETING OF THE PARTIES TO THE CONVENTION SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL, AND FINANCIAL ASSISTANCE TO REPRESENTATIVES OF COUNTRIES WITH ECONOMIES IN TRANSITION, NON-GOVERNMENTAL ORGANIZATIONS AND COUNTRIES OUTSIDE THE REGION OF THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

The text of the draft decision prepared by the secretariat would endorse the three decisions below to be taken by the Meeting of the Parties to the Convention. Alternatively the three decisions might be considered by the Meeting of the Parties to the Convention, and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, meeting in joint session:

- (a) Adoption of the workplan for the period up to the sixth session of the Meeting of Parties to the Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;
- (b) Budget and financial arrangements for the period up to the sixth session of the Meeting of Parties to the Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;
- (c) Financial assistance to representatives of countries with economies in transition, non-governmental organizations and countries outside the region of the United Nations Economic Commission for Europe.

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

1. *Endorses* decision V/... of the Meeting of the Parties to the Convention on the adoption of the workplan;
2. *Also endorses* decision V/... of the Meeting of the Parties to the Convention on the budget and financial arrangements;
3. *Further endorses* decision V/... of the Meeting of the Parties to the Convention on financial assistance to representatives of countries with economies in transition, non-governmental organizations and countries outside the region of the United Nations Economic Commission for Europe.

Part Two
Draft decisions to be considered by the Meeting of the Parties to the Convention
serving as the Meeting of the Parties to the Protocol

The draft decisions presented in this part are submitted by the Bureau to the Working Group on Environmental Impact Assessment for information only. They will be considered by the third session of the Meeting of the Signatories to the Protocol on Strategic Environmental Assessment.

Draft decision I/1

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

RULES OF PROCEDURE

The following text was prepared by a small group comprising Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland. The Working Group on Environmental Impact Assessment supported the text at its tenth meeting (ECE/MP.EIA/WG.1/2007/2, para. 35).

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling article 14, paragraph 5, of the Protocol on Strategic Environmental Assessment, which provides that the rules of procedure of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context, shall be applied *mutatis mutandis* under the Protocol, except as may otherwise be decided by consensus by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Conscious of article 14, paragraph 3, of the Protocol, which addresses the composition of the Bureau,

Having reviewed the application of the rules of procedure of the Meeting of the Parties to the Convention under the Protocol,

1. *Decides*, by consensus, that, when rule 19 of the rules of procedure of the Meeting of the Parties to the Convention is applied to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, this rule shall be supplemented by the following paragraph:

“A member of the Bureau of the Meeting of Parties to the Convention that represents a Party to the Protocol, having replaced a member representing a Party to the Convention, shall serve a term of office that expires at the same time as the term of office of the member of the Bureau whom he or she replaces.”;

2. *Also decides*, by consensus, that when the rules of procedure of the Meeting of the Parties to the Convention are amended by the Meeting of the Parties to the Convention, those amendments shall apply *mutatis mutandis* to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

Draft decision I/2

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

ESTABLISHMENT OF A SUBSIDIARY BODY

The following text was prepared by a small group comprising Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland. The Working Group on Environmental Impact Assessment supported the text at its tenth meeting (ECE/MP.EIA/WG.1/2007/2, para. 35).

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling article 14, paragraph 4 (d), of the Protocol on Strategic Environmental Assessment, which concerns the establishment of subsidiary bodies necessary for the implementation of the Protocol,

Having considered the most appropriate ways of effectively implementing the Protocol and successfully taking forward its workplan,

Concluding that it is necessary to establish a subsidiary body for this purpose,

1. *Establishes* a subsidiary body, called the Working Group on Strategic Environmental Assessment, to assist in the implementation of the Protocol and the management of the workplan;
2. *Requests* this subsidiary body, in carrying out the tasks assigned to it in paragraph 1, to take the necessary steps to take forward the workplan agreed at the first 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,¹ to monitor the expenditure of funds associated with the implementation of the workplan, to report to it at its second and subsequent sessions on progress in the implementation of the workplan and monitoring of expenditure, and to ensure the efficient management of workplans which are agreed from time to time by the Meeting of the Parties to the Convention serving as the Meeting of Parties to the Protocol;
3. *Invites* the subsidiary body, in the light of experience in the implementation of the workplan, to make recommendations for consideration at the second and subsequent sessions of

¹ The secretariat proposes that the reference to the session be “the Meeting of the Parties to the Convention serving as the first meeting of the Parties to the Protocol”, so as to be consistent with article 14 of the Protocol.

the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on further work necessary to ensure the effective implementation of the Protocol;

4. *Decides* that meetings of the subsidiary body should be held preferably in conjunction with meetings of the Working Group on Environmental Impact Assessment of the Convention;

5. *Invites* non-Parties to the Protocol that are member States of the United Nations Economic Commission for Europe and governmental, non-governmental and other relevant international organizations and institutions to contribute fully, in accordance with the rules of procedure, as observers to the work undertaken by the subsidiary body to implement the Protocol.

Draft decision I/3

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

POINTS OF CONTACT, FORMAT FOR NOTIFICATION AND FOCAL POINTS

The secretariat prepared the following text. Paragraph 2 below presents an initial suggestion.

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling article 10 of the Protocol,

1. *Agrees* that notifications of proposed plans and programmes, the implementation of which are likely to cause significant transboundary environmental, including health, effects shall be transmitted to the relevant points of contact listed on the website of the Convention unless otherwise provided for in bilateral or multilateral agreements or other arrangements. Where no point of contact has been nominated, the notification shall be transmitted to the Ministry of Foreign Affairs of the affected Party or Parties;

[2. *Recommends* Parties to use the format for notification appended to decision I/4 of the Meeting of the Parties to the Convention, mutatis mutandis, to the extent possible when transmitting a notification according to article 10 of the Protocol;]

3. *Establishes* a network of focal points, listed on the website of the Convention, with the aim of strengthening links between Parties and facilitating a systematic exchange of relevant information;

4. *Calls on* Parties to submit information on modifications or additions to the list of points of contact and the list of focal points to the secretariat immediately;

5. *Also calls on* Parties which have not yet informed the secretariat of their point of contact or focal point to do so as soon as possible;

6. *Invites* non-Parties to implement this decision in order to ensure a region-wide application of the Protocol;

7. *Requests* the secretariat to update these lists continuously in order to facilitate the effective implementation of the Protocol.

Draft decision I/4

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

REPORTING AND THE REVIEW OF IMPLEMENTATION

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| The secretariat prepared the following text. |
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The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling article 14, paragraph 4, of the Protocol, which concerns the keeping under regular review of the implementation of the Protocol,

Recalling also article 14, paragraph 7, of the Protocol, which concerns the reporting by each Party on measures that it has taken to implement the Protocol,

Recalling further article 13, paragraph 4, of the Protocol, which concerns the reporting by each Party on its application of article 13 on policies and legislation,

Recognizing that regular reporting by each Party provides important information that facilitates the review of compliance under the Protocol and thereby contributes to the work of the Implementation Committee,

Emphasizing the importance of timely submission of reports,

1. *Requests* the Implementation Committee to modify the current questionnaire on implementation of the Convention to provide a questionnaire on the implementation of both the Convention and the Protocol in the period 2010–2013, for consideration by the Working Group on Strategic Environmental Assessment and for circulation;
2. *Decides* that Parties shall complete the questionnaire as a report on their implementation of the Protocol in the period 2010–2013, taking note of the obligations to report arising from article 14, paragraph 7, and article 13, paragraph 4;
3. *Also decides* that a draft review of implementation of the Protocol based on the reports by Parties will be presented at the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, and that the workplan shall reflect the elements required to prepare the draft review.
4. *Requests* the secretariat to post the review of implementation of the Protocol and national reports on the website of the Convention in the languages in which they are available.

Draft decision I/6

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

CAPACITY-DEVELOPMENT

The secretariat prepared the following text.

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Having considered the draft resource manual to support the application of the Protocol,

Recognizing that capacity-development activities, such as training and pilot projects, improve the practical application of the Protocol,

1. *Welcomes* the work done by, among others, the secretariat and the Regional Environmental Center for Central and Eastern Europe and by the members of the small editorial group on the draft resource manual;
2. *Welcomes also* the work done by the above-mentioned bodies, together with the World Health Organization, on the production of [a chapter of]/[an annex to] the draft resource manual addressing the consideration of health;
3. *Adopts* the resource manual to support application of the Protocol (ECE/MP.EIA/AC.3/2011/L....)²;
4. *Requests* the secretariat to publish the resource manual in the three official languages of the United Nations Economic Commission for Europe;
5. *Also requests* the secretariat to continue maintenance of the version of the resource manual on the Internet;
6. *Invites* Parties to use the resource manual and to report on its use;
7. *Proposes* that capacity-development activities be included in the workplan.³

² English only

³ A description of the proposed capacity-development activities and their justification are required here.

Draft decision I/7

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

PUBLIC PARTICIPATION IN STRATEGIC DECISION-MAKING

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| The secretariat prepared the following text. |
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The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling the workshop on public participation in strategic decision-making, held in Sofia on 3 and 4 December 2007,

Noting the work programme for the period 2009–2011 adopted by the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

1. *Welcomes* the work undertaken by the ad hoc expert group on public participation under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;
2. *Decides* to explore further synergies and possibilities for cooperation with relevant bodies under the Convention on Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;
3. *Proposes* that activities for further capacity-building in public participation in strategic decision-making should be included in the workplan.⁴

⁴ A description of the proposed capacity-development activities and their justification are required here.

Draft decision I/9

to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the first meeting of the Parties to the Protocol on Strategic Environmental Assessment

**ACCESSION BY MEMBER STATES OF THE UNITED NATIONS NOT MEMBERS OF
THE ECONOMIC COMMISSION FOR EUROPE**

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| The secretariat prepared the following text. |
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The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling article 23, paragraph 3, of the Protocol, which concerns the accession upon approval of a State that is a Member of the United Nations but that is not a member of the Economic Commission for Europe,

1. *Approves* the accession of ... to the Protocol.

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