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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
(Eighth meeting, Geneva, 27-29 April 2005)**

**REPORT OF THE SIXTH MEETING
OF THE IMPLEMENTATION COMMITTEE**

1. The sixth meeting of the Implementation Committee took place in Geneva from 3 to 5 November 2004.
2. All its members attended. They represented the following Parties: Armenia, Croatia, Finland, Germany, Kyrgyzstan, Poland, Slovakia and the former Yugoslav Republic of Macedonia.
3. Ms. Seija Rantakallio, Chairperson, opened the meeting. The Committee adopted its agenda prepared by the secretariat.
4. The members of the Committee introduced themselves, this being the first meeting of the Committee since the third meeting of the Parties, at which four new members were elected (Croatia, Germany, Kyrgyzstan and Poland). The four old members (Armenia, Finland, Slovakia and the former Yugoslav Republic of Macedonia) will remain in the Committee until the fourth meeting of the Parties. The Committee elected Ms. Menka Spirovska (the former Yugoslav Republic of Macedonia) as Vice-Chairperson.
5. Mr. Jerzy Jendrovska (Poland) outlined different compliance mechanisms employed by multilateral environmental agreements. Ms. Spirovska reviewed the Committee's past activities. Ms. Rantakallio listed its activities for the period 2004 to 2007 (see annex).

I. OPERATING RULES

6. The Committee decided to prepare operating rules for the conduct of its meetings. The Committee reviewed its mandate (as set out in its structure and functions, appended to decision III/2) and discussed issues to be included in its operating rules, inter alia, general principles of

operation, procedures for handling submissions and self-referrals, procedures for discussing submissions and self-referrals, information gathering, preparing recommendations, reporting to the Meeting of the Parties, initiatives, and technical issues such as the representation of its members by substitutes at its meetings. It requested the secretariat to prepare for its next meeting a list of issues for inclusion in the operating rules, based on the discussion. The Committee requested the secretariat to circulate the modus operandi for the Compliance Committee under the Aarhus Convention, and to make the necessary arrangements so that a representative of the Aarhus Convention's secretariat could present it.

II. REVIEW OF COMPLIANCE REPORTING SYSTEM

A. Measures to strengthen reporting

7. The Committee discussed the importance of reporting in order to review implementation of, and compliance with, the Convention on Environmental Impact Assessment (EIA) in a Transboundary Context. Following decisions III/2, paragraph 6, and III/1, paragraph 6, by the Meeting of the Parties, the Committee decided to establish a structure for a reporting system, based on the first review of the implementation of the Convention, that would include two main parts. One part would deal with national legal, institutional and administrative frameworks based on the first questionnaire. This part would only have to be updated by Parties. The second part would deal with the application of the Convention and was expected to include new information. Together they would form a national report from each country and also a basis for the Committee to review implementation of, and compliance, with the Convention. The Committee drew up a preliminary list of issues to be included in these reports. It requested the secretariat to prepare a first draft of the format for national reports on the implementation of the Convention, and to circulate this draft for comment to its members by e-mail before 23 December 2004. It also requested the secretariat to prepare a next version, based on the comments received by e-mail, for consideration at its next meeting. The Committee decided to come back to possible needs for capacity-building for reporting.

8. The Committee regretted that not all Parties had responded to the first questionnaire and it discussed ways to encourage future responses. The Committee recalled that, at its second meeting (MP.EIA/WG.1/2003/3), it had concluded that it could not review compliance with reporting, as there was not, at that time, a legal obligation to report. The second amendment to the Convention, adopted at the third meeting of the Parties, provides in Article 14 bis an obligation to report. The Meeting of the Parties shall decide on the frequency of regular reporting required by the Parties and the information to be included in those regular reports (Art. 14 bis, para. 1). Though the amendment was not yet in force, the Committee considered that the Meeting of the Parties had expressed a strong wish for Parties to report. Therefore, the failure to submit reports, or inadequate reporting, might be considered as a compliance matter in the future.

B. General compliance issues

9. The Committee discussed the matter of compliance/non-compliance, recalling its discussion at its second meeting and developing a common understanding of non-compliance.

10. The Committee agreed that each member would examine a part of the first review of implementation to identify possible general compliance issues as initially indicated by the secretariat and listed in decision III/1, paragraph 3:

Part	Subject	Reviewer
II	Notification	Mr. Nenad Mikulic (Croatia)
III	Preparation of the EIA documentation	Ms. Gulfiya Shabaeva (Kyrgyzstan)
IV	Transfer and distribution of the EIA documentation	Mr. Tomáš Cernohous (Slovakia)
V	Public participation	Mr. Jerzy Jendrovska (Poland)
VI	Consultation	Ms. Margarita Korkhmazyan (Armenia)
VII	Final decision	Mr. Matthias Sauer (Germany)
XIV	Research programme	Ms. Menka Spirovska (the former Yugoslav Republic of Macedonia)

C. Specific compliance issues

11. The Committee decided to discuss compliance issues related to the implementation of the Convention by specific Parties, identified in the first review of implementation and as indicated in the paper prepared by the secretariat, at its next meeting.

III. SUBMISSIONS

A. Self-referral

12. The Committee decided to discuss in detail at its next meeting how to encourage Parties to the Convention to bring forward issues related to their implementation of the Convention.

B. Other information

13. The Committee recalled that the Meeting of the Parties, in its decision III/2, paragraph 7, had requested it to consider criteria for dealing with information other than submissions from Parties. It also recalled that its mandate allowed it to take the initiative when it became aware of possible non-compliance. The Committee decided to come back to this issue at its next meeting.

C. Submission by Romania

14. The Committee recalled that Romania had made a submission to it in May 2004. However, it was aware that in August 2004 Romania had started an inquiry procedure under Article 3, paragraph 7, of the Convention. The Committee noted that, because of paragraph 15 of its structure and functions, it was not in a position to consider this submission. It requested the secretariat to circulate to all its members the letters sent on its behalf to Romania and Ukraine requesting more information, as well as the replies received. It requested the secretariat to inform it at its next meeting of any progress in the inquiry procedure.

IV. STRUCTURE AND FUNCTIONS

15. The Committee recalled decision III/2, paragraph 5, whereby the Meeting of the Parties requested it to keep under review and develop as necessary its structure and functions. The Committee decided to come back to this issue at a later stage.

16. The Committee also decided to come back at a later stage to its membership in the light of the entry into force of the Protocol on Strategic Environmental Assessment, further to paragraph 7 of decision III/2.

V. REPORT TO THE MEETING OF THE PARTIES

17. The Committee recalled paragraph 11 of its structure and functions, whereby it was expected to prepare a report for submission to the Parties at their next meeting. It decided to include, inter alia, the results of its analysis of the first review of the implementation of the Convention and would consider the full content of the report at a later stage.

VI. CASPIAN PROTOCOL ON EIA IN A TRANBOUNDARY CONTEXT

18. The secretariat informed the Committee about the preparation of a protocol on EIA in a transboundary context to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea. The Committee requested the secretariat to identify compliance issues that might arise for Parties implementing both that protocol and the Espoo Convention. The Committee decided to discuss this matter in further detail at its next meeting.

VII. WORKING METHODS

19. The Committee decided that English would be used for communications by e-mail between its members and for informal papers. Its meetings would continue to be interpreted into English and Russian.

20. The Committee decided that the agenda item concerning submissions on possible non-compliance should not be open. Furthermore, it decided that observers should register with the secretariat in advance of a meeting.

VIII. ANY OTHER BUSINESS

21. The secretariat summarized the Committee's main decisions of the meeting, which the Committee approved. The Committee decided to meet again from 2 to 4 March 2005, in Geneva.

22. The meeting was closed on Friday, 5 November 2004.

**DECISIONS OF THE MEETING OF THE PARTIES RELATED TO
THE IMPLEMENTATION COMMITTEE'S
OVER THE PERIOD 2004 TO 2007**

- (a) Encourages Parties to bring issues concerning their own compliance before the Committee (decision III/2, para. 1)
- (b) Decides to keep under review and develop if necessary the structure and functions of the Committee at the fourth meeting of the Parties in the light of experience gained by the Committee in the interim, including with public involvement, and in this context requests the Committee to prepare any necessary proposals for the fourth meeting of the Parties (decision III/2, para. 5)
- (c) Recommends that further measures should be taken to strengthen reporting, and in this respect welcomes decision III/9 on the work plan (decision III/2, para. 6)
- (d) Welcomes the reports of the first five meetings of the Implementation Committee and requests the Committee to consider developing criteria for dealing with information other than submissions from Parties and proposals on membership of the Committee when considering matters under the Protocol on Strategic Environmental Assessment (decision III/2, para. 7)
- (e) Requests the secretariat to bring to the attention of the Implementation Committee general compliance issues identified in the Review of Implementation 2003, and requests the Implementation Committee to take these into account in its work (decision III/1, para. 5)
- (f) Requests the Implementation Committee to prepare a revised and simplified questionnaire on the implementation of the Convention for consideration by the Working Group on Environmental Impact Assessment and for circulation by the secretariat thereafter (decision III/1, para. 6)
- (g) Consideration of compliance issues and recommendations (decision III/2, appendix)
- (h) Synthesis report of its meetings to the Parties at their fourth meeting (decision III/2, appendix)
- (i) Operating rules of the Implementation Committee