



**COUNCIL OF
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NOTE

from : General Secretariat
to : Delegations

Subject : Fourth Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) (Bucharest, 19-21 May 2008)

Delegations will find annexed information from the Romanian delegation on the above subject, which will be dealt with under "other business" at the meeting of the Council (Environment) on 5 June 2008.

**The 4th Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
(19-21 May 2008, Bucharest)**

Information from the Romanian delegation

The 4th Meeting of the Parties to the *Convention on Environmental Impact Assessment in a Transboundary Context* (Espoo Convention) took place in Bucharest, Romania, from 19 to 21 May 2008. The meeting was attended by participants from more than 40 Member States.

The main objectives of the meeting were to review compliance with the Convention provisions and the activities that have been conducted since the 3rd Meeting of the Parties, and to adopt the necessary legal framework for the strengthening of sub-regional cooperation and institutional capacity building in Eastern Europe, the Caucasus and Central Asia.

At the same time, the meeting discussed issues relating to the Strategic Environmental Assessment Protocol and some examples of energy projects with significant environmental impacts in a transboundary context.

The Agenda for the 4th Conference of the Parties to the Espoo Convention also included a Work Plan, budget and financial arrangements required for the further implementation of the Convention provisions.

The signature of the *Multilateral Agreement between the South-East European Countries for the implementation of the Espoo Convention* has created the necessary legal framework for the implementation of the Convention provisions in this area of Europe, even if some of the countries are not yet members of the Espoo Convention. The agreement facilitates the implementation of environmental impact assessment in a transboundary context at the regional level and supports the consolidation of cooperation on environmental protection among the States that will ratify it.

Among the issues discussed during the meeting was the Ukrainian project for a deep Black Sea - Danube canal along the Chilia and Bastroe arms of the Danube.

Following debates, the Decision on the review of compliance (which also includes the Ukrainian project) was adopted by consensus (with the Ukraine ultimately agreeing). Under this Decision, the Parties to the Convention:

- Approved the conclusions of the Implementation Committee stating that the Ukraine did not comply with the Convention provisions, especially Articles 2,3,4,5 and 6;
- Decided to issue a non-compliance declaration to the Ukrainian Government;
- Noted the statement made by the Ukrainian delegation in the plenary session of the 4th Meeting of the Parties to review the final decision adopted on 28th December 2007 and urged the Ukrainian Government to cancel the final decision without delay and stop implementing the 2nd stage of the Project until all the Espoo Convention provisions have been applied, in line with the conclusions of the Implementing Committee;
- Decided to issue a caution to the Ukrainian Government, applicable as of 31st October 2008 unless the Ukrainian Party stops work on the Project, repeals the final decision and takes the necessary steps to comply with the relevant provisions of the Convention;
- Requested Ukraine to take the administrative and legislative measures required for correct implementation of the Convention;
- Invited the Ukrainian Government to start negotiations with its neighbouring countries, cooperate in developing bilateral agreements and other measures aimed at applying the Convention provisions.

According to the Decision adopted by the Parties, Ukraine is expected to report to the Convention representatives on the measures adopted regarding the Project.

It should be noted that it was the first time that an international body (the Espoo Convention) has ever adopted sanctions, even though they are declarative (with no financial or material consequences). Also, the Decision is one of the boldest conclusions adopted by relevant international organizations on the Bastroe issue.

Romania greatly appreciates the support of the Member States. The Romanian position was reflected in the common position of the EU Member States and supported, on their behalf, by the representative of the current EU Presidency (Slovenia).

If need be, Romania will endeavour to support Ukraine in complying in practice with its international obligations. Romania greatly appreciates the support of the Member States and the European Commission in ensuring sustainable protection of the Danube Delta, one of the most important natural reserves in Europe, designated by UNESCO as part of universal natural heritage and a Ramsar site.
