



Council of the
European Union

Brussels, 12 November 2014
(OR. en)

15187/14

ENV 884
UNECE 17

INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: United Nations Economic Commission for Europe (UNECE): 20th session
of the Committee on Environmental Policy (CEP 20) (Geneva, 28-31
October 2014)
- Statements by the European Union and its Member States

Delegations will find in the Annex for information a compilation of the abovementioned agreed statements on the main CEP 20 agenda items, as delivered during the meeting.

Agenda item 5: Multilateral Environmental Agreements

1. The EU and its MSs welcome and appreciate the preparation by the Secretariat of documents ECE/CEP/2014/6 and ECE/CEP/2014/16.
2. We welcome the fact that a number of UNECE MEAs are open or have been opened toward the accession of non-UNECE States; at the same time we acknowledge the fact that, MEAs are independent instruments and that 3 of them do not yet foresee this opening. The advantages of joining the UNECE MEAs by other States are described in the above mentioned document ECE/CEP/2014/6. Still, one of the main challenges ahead is the financial costs for managing an Agreement with more Parties. In this regard the EU and its MS reiterate the request for a reallocation of financial resources within the UNECE budget for the UNECE Environmental Sub-programme and, in particular, for the secretariats of MEAs.
3. The EU and its Member States welcome the increasing number of expressions of interest toward the UNECE MEAs, both from States and from civil society, but notes that no accession by a non-UNECE State has occurred so far. This could show the necessity for greater awareness raising, through further dialogue and promotion of the contents and values of the UNECE instruments. We believe that in this regard the UNECE should carry out promotion and outreach activities on the contents of the MEAs and on the possibility to join them if they are open to accession for non-UNECE countries; this should be done in a cross-cutting way, with the aim of saving costs and increasing effectiveness and in cooperation with other interested partners (for example, other UN Regional Commissions and UN bodies and agencies). As a parallel process, the EU and its MS also welcome regional initiatives aiming at replicating the content and objectives of UNECE Instruments in other regions, such as the Latin American initiative to replicate an instrument on public participation, and invite the UNECE and Parties to share good practices.
4. Within the EU we have undertaken steps for the promotion of a number of UNECE MEAs: for example, the Council Conclusions on Water Diplomacy, adopted in 2013, recommend to develop the systematic promotion of the UNECE Water Convention, together with the UN Watercourses Convention, as important instruments to promote equitable, sustainable and integrated management of transboundary water resources.
5. With regard to the Environmental Performance Review Programme, we welcome the possibility of carrying our EPRs in States outside the UNECE region; a first positive case is given by the EPR conducted by the UNECE for Morocco, as State situated at the border of the UNECE region. We are positively impressed by the degree of cooperation and appreciation expressed by Morocco for the work of the UNECE EPR team. Depending on financial availability, the EU and its MSs therefore encourage further developments in this direction. At the same time, cooperation with and capacity-building of other UN Regional Commissions should be encouraged.
6. We take note of the work carried out by the informal Group of chairs and vice-chairs of the ECE MEAs and CEP, and we encourage future concrete outcomes in order to take advantage of synergies and possible common undertakings for cross-cutting issues.

- 7 The EU and its MSs welcome the background paper on reporting trends: we are of the opinion that a well structured reporting system, with the assistance to Parties to respond and compile the National Implementation Reports in an accurate way, i.e. through the exercise of reviewing national legislation and practical implementation, generally prevents cases of non compliance and helps avoid duplication. In the implementation phase of a MEA, to report not only on legislation but also on challenges and obstacles faced would be very useful. Public involvement can also help improving quality of the report.
- 8 The EU and its MS note however that each MEA has different schemes and timelines for reporting. In general, we consider that mainstreaming of reporting requirements would be beneficial for the national authorities when different reports are insisting on the same topic. Otherwise, the coordination effort requested to the national authorities could be demanding, as it is, for example, for drafting the national State of the Environment Report. Reporting requirements of EU Member States based on EU legislation have to be taken into account as well to avoid duplications.
- 9 In the respect of MEAs autonomy and specificity, the EU and its MS are open to discuss how specific cases of systematic and long term failure to report under different MEAs by Parties could be brought to the attention of the CEP.
- 10 Lastly, with regard to document ECE/CEP/2014/16, we express our surprise about the information reported in para. 97, on pages 19-20, and precisely the numbers concerning non-submission of reports by the EU and EU MSs; we would therefore appreciate a clarification from the Secretariat on how trends on reporting have been defined (and in particular which are the circumstances that define non-submission).

Agenda item 6: Environmental monitoring, assessment and reporting:

Proposal concerning the extension of the mandates of relevant Bodies

Taking into consideration the experience from the past two mandates and the fact that progressively the Working Group on Environmental Monitoring and Assessment and the Joint Task Force on Environmental Indicators have been addressing issues linked to better management of environmental data and information, monitoring and reporting, the proposal by the EU and its Member States is to reflect on the possibility to bring these Groups together.

There are a number of relevant arguments to support this proposal, such as:

- make the implementation of SEIS-principles more effective, in support to regular reporting and assessment, given also the recently established 'Friends of SEIS' Group and the need to consolidate the existing activities in support of the Environment for Europe process;
- improved governance at national and UNECE level;
- a better link of the indicator production and use with both the monitoring aspects and the assessment and reporting process;
- more efficient use of scarce financial resources and reduced less administrative management.

The proposed (merged) Working Group on Environmental Monitoring, Indicators, Reporting and Assessment could meet 2-3 times a year and in various compositions as needed, to respond to the new integrated challenge through a wider mandate, as well as to further assess progress in SEIS implementation.

It is expected that this Group will maintain the current level of representation from both the environment and statistical authorities of the partner countries.

We therefore ask the Secretariat to work on new ToR for this body and to present them to the next CEP session. In the meantime we propose the extension of the mandates of the two existing bodies for one year.

We look forward to hearing the views of other UNECE members on this proposal.

Agenda item 10.: The Eighth Environment for Europe Ministerial Conference
b) Greening the economy

1. The EU and its MSs welcome the updated overview on greening the economy in the pan-European region, elaborated by UNECE and UNEP and aimed at identifying common priorities and options for advancing the green transition in this region. We consider that it represents a valuable tool for building further strategic evaluations on transition towards a green economy.
2. We acknowledge the importance of having a coherent framework for the green economy in the region and we invite UNECE to take into account the relevant processes already put in place by other international organisations, and to work together with them, avoiding overlapping and extra costs and promoting synergies. Therefore, we invite UNECE to work closely and in a cooperative manner with other intergovernmental organisations such as OECD, UNEP-ROE and the Regional Environmental Centers, as well as many other stakeholders already involved in the process. Furthermore we need to take into account the outcomes on the negotiations on the Post-2015 agenda and the results of the Open Working Group on the Sustainable Development Goals, with particular focus on goals, targets, accountability, monitoring, and the role of the UN Regional Commissions before defining any roadmap or assessment as proposed in document ECE/CEP/2014/5. A follow-up between CEP 20 and 21 will be useful.
3. The EU and its MSs believe that special attention to policy coherence is needed, both at national and regional level, especially with reference to the impact of policies in different sectors. The integration of the environmental priorities and objectives into other sectors remains therefore crucial and is fully consistent with the aims of the Environment for Europe process. We wish to point, in this context, to the role that strong and stable environmental legislation and governance play in contributing to greening the economy as well as the implementation of the 10-year Framework programme on sustainable production and consumption (10YFP on SPC).
4. We also consider that trainings, capacity building activities and tailored made sub-regional assistance programmes such as the EU-funded projects should be considered as suitable tools to facilitate the implementation of policy actions towards the achievements of the goals and targets selected by countries. The EAP Task Force and the RECs can play a significant role in this respect.

5. The EU and its MSs support the ambitious idea of organizing a multi stakeholder interactive discussion on green economy at the next EfE Ministerial Conference, with the participation of both Ministers of environment and Ministers of economy, as well as business and civil society, recognizing their inter-linkages and potential synergies to contribute, as appropriate, to the follow-up at the regional level to the decisions that the UN summit in September 2015 will have taken on the post 2015 global framework. Discussions could deal with thematic such as incentive schemes to enhance transition to a green economy, circular economy, resource efficiency, low carbon economy, sustainable production and consumption patterns. With regard to the post-2015 global framework for a green economy transition in the Pan-European region as proposed in doc. ECE/CEP/2014/5, it may be useful to consider such proposal again at CEP21, taking into account the newly adopted post-2015 agenda.
6. To this end, we encourage UNECE to make use of all information available at national, sub-regional and regional level to monitor progress on the green economy in the region. In particular, we consider that the current round of the Environmental Performance Reviews could already represent an opportunity for further assessment of the development of green economy instruments, goals and strategies. A stable and regular assessment of the state of the environment remains an essential requirement for the proper implementation of actions, and the elaboration of appropriate indicators is a fundamental factor of success, considering their role in measuring the progress achieved.

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Afternoon session

Additional statement on agenda item 10b)

Madam Chair,

We feel that there might have been a misunderstanding from our intervention this morning, so we wish to clarify our position.

The EU and its MS support continuing work on green economy in the region and remain committed to the Astana outcome. In the EU, too, we are very committed to promoting a smart, inclusive, low-carbon, sustainable growth.

We remain reluctant towards the proposal to develop a roadmap with goals and targets for the region. This work should rather wait until the global post 2015 agenda is decided to ensure coherence of action

We can support instead the idea of developing a regional framework within which good practices and practical examples of policy options can be put together to assist in the transition to a green economy in the pan-European region.

We favour a bottom-up approach and a pragmatic, operational focus in this exercise. International organisations already active with green economy initiatives in the region should be able to contribute to this framework. We could draw inspiration, for example, from the Astana Water Action which has proved to be a successful, concrete initiative in the pan-European region

Before ending, we would like to reiterate what we said this morning on how the EPRs (as already existing UNECE instruments) could represent a useful opportunity to further assess the development of green economy tools, goals and strategies.

Agenda item 10.: The Eighth Environment for Europe Ministerial Conference
c) Developing the Shared Environmental Information System

1. The EU and its Member States reiterate their strong support to the commitment taken by the Ministers of the Environment from the pan European region at the Seventh Environment for Europe (EfE) Astana Ministerial Conference on the development of SEIS across the region and, based on this, on the development of a regular reporting and assessment process. The EU and its Member States recognise the essential role of sharing environmental data and information not only as basis for improved assessments at all levels but also as a solid basis for better policies and environmental governance.
2. We are confident that the gradual implementation of the SEIS-principles will play an important role in reducing administrative reporting burden for the realisation of national state of environment reports in the pan European region and, if possible, in streamlining the various reporting processes at regional and global levels, including the reporting obligations under the various MEAs. While developing SEIS, its role as an input into the global assessment under UNEP must be kept in mind, with due emphasis on effective coordination between UNEP and UNECE.
3. We thank ‘The Friends of SEIS Group’, the ECE Secretariat and the European Environment Agency for the preparation of a very useful and comprehensive document that provides a valid framework to help countries in evaluating the SEIS progress at the national level. It also provides options for monitoring the SEIS-principles implementation in support to regular reporting at the Pan European level. Furthermore, South Eastern European, Eastern European, Caucasus and Central Asian countries are receiving support in implementing SEIS-principles through various EU assistance projects, with the aim of facilitating better cooperation between institutions for producing and sharing a number of crucial environmental data and indicators. Therefore we believe that the next generation of regular State of Environment reports could better rely upon SEIS principles and hopefully we will be able to achieve by 2021 a regular reporting process at the regional level.
4. The EEA, on the basis of its experience, provided that appropriate financial resources are available, should continue guiding this work and advice on possible supporting activities for the SEIS-principles implementation.
5. Lastly, the EU and its Member States fully support the idea of having in place a more sustainable mechanism to assess the SEIS performance and the progress achieved, using effectively existing and upcoming infrastructures (e.g. INSPIRE) and environmental indicators, as well as to facilitate the exchange of good practices among countries and to improve communication during the SEIS implementation phase. In this regard, we suggest to use as far as possible already existing structures like WGEMA and JTFEI, possibly reinforcing their mandates as proposed and incorporating the informal “Friends of the SEIS” Group. We are open to further discuss on this

Agenda item 10.: The Eighth Environment for Europe Ministerial Conference
e) Selection of themes for the Conference

1. The EU and its Member States recognise the value of the Environment for Europe as a unique high-level platform for addressing relevant environmental concerns across the pan-European region. Therefore we believe that the selection of the themes need to be considered carefully and on the basis of the broadest consensus possible among the ECE MS for securing the success of the next EfE Conference.
2. Keeping this in mind, the EU and its MS would like to thank the CEP Bureau for having proposed some criteria for choosing the themes for the Conference, in line with the EfE Reform Plan, thus allowing a more focussed and streamlined discussion.
3. Along this line we support the idea of identifying the two themes focusing on the needs of the sub regions and at the same time assuring that ECE and EfE partners have specific competence and expertise to follow up on the themes selected. With regard to the post-2015 global framework for a green economy transition in the Pan-European region as proposed in doc. ECE/CEP/2014/5, it may be useful to consider such proposal again at CEP21, taking into account the newly adopted post-2015 agenda.
4. Consequently, the EU and its MS could support the two overarching themes recommended by the CEP Bureau, modified as follows:
 - a. Greening the economy in the pan-European region
 - b. Improving air quality for a better environment and human health.

We share in fact the idea that they both represent relevant themes for Countries in the pan-European region. However, in order to facilitate further discussion, the EU and its MS would like to propose some concrete ideas within the context of the green economy theme to make it more operational, such as: incentive schemes to enhance transition to a green economy, circular economy, resource efficiency, low carbon economy, sustainable production and consumption patterns.

With regard to the other theme, we concur that air pollution represents a serious concern in the countries of the region for its significant impacts (including trans-boundary ones) on the environment and human health with its heavy toll in terms of premature deaths, and demands reinforced action at different levels.

5. We also note with appreciation the proposal to organize a high-level segment on the key topic of Education for Sustainable Development during the EfE Conference, in order to further strengthen the implementation of the ECE Strategy for Education for Sustainable Development.
6. Finally, considering the outstanding technical expertise of EfE partners such as the EAP Task Force, the RECs and others, the EU and its MS encourage their further involvement in the preparation for EfE Ministerial Conference.

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Questions for Ministers

Mme Chair,

We have considered the subthemes listed in the paper kindly distributed by the Secretariat yesterday afternoon and your request to us to come up with possible questions for ministers.

We consider that the choice of the right questions for the next ministerial conference is crucial to secure a good discussion and therefore the success of the conference. With that in mind, we feel that we need more time to consider the questions, and more time to consult back home within our ministries but also, for instance, with the economy ministries if we want to have both at the table.

In this regard, we would consider very relevant to include in the discussion the aspects relating to the costs of inaction; that could even feature as a cross-thematic element linking the two themes, as it was done in Astana with water and green economy.

Yesterday in our intervention we had highlighted our preference for an action-oriented, operational approach that we wish to see for each of the two main themes, for instance with regard to the circular economy, which we would like to see coupled with the mentioned 'resource efficiency' in point c) in your list. And we would rather see 'sustainable public procurement' with the wider SCP topic (point a) in your list).

We also wish to avoid a proliferation of sub-themes, so as not to lose focus in our discussions at the Conference in June 2016. We also consider that the ministerial discussion should take stock of where we stand with our efforts in the transition to a green economy since Astana.

With regard to air quality, a) and b) in your list seem to us more a description of the situation and in large part repetitive of what is in the heading for this theme. We consider also useful for the CEP Secretariat to liaise with the CLRTAP Secretariat to benefit from their experience and MEA perspective in the area of transboundary air pollution.

In summary, Madam Chair, we are of the view that we need a further reflection on this important matter.

That is why that we would find it useful to continue working on this during the intersessional period and to mandate the Bureau to progress further and propose some possible questions for ministers around the topics we have suggested so far. The Bureau proposal could be circulated in the coming months (in Spring next year for instance) to the members of the CEP, who could send views through an electronic consultation so that we can advance efficiently with the preparation of the 8th EfE Conference.

Agenda item 10.: The Eighth Environment for Europe Ministerial Conference **g) Resource requirements**

The EU and its MS would like to express their deep appreciation to the Government of Georgia for hosting the Eight EfE Ministerial Conference in June 2016.

With regard to the estimated resource requirements for preparing the Conference as presented in the Information paper No. 6/Add.1 we would appreciate if the Secretariat, together with the host country, could provide further information on the expected burden-sharing to cover the overall costs of the conference in Batumi, bearing also in mind the need for cost-effectiveness.

Agenda item 12: Rules of Procedure

The EU and its MS express their appreciation to the CEP Bureau and to the UNECE Secretariat for providing document ECE/CEP/2014/L.1 containing a proposal of draft Rules of Procedure for the CEP.

The EU and its MS welcome the new version prepared by the Bureau of draft RoP for the CEP, on the basis of the ECE Rules of Procedure, taking into account the 2013 Guidelines.

Recalling previous discussions on specific and still unclear points, the following comments on the text are put forward:

- Para 1. We propose to modify this para as to recall wording of para 1 of the Guidelines and para 27 of Commission Decision A(65):
 - After “relevant United Nations rules and regulations” insert the wording “and is in line with Commission Decision A(65)”
 - After “in accordance with paragraph 27 of” substitute the wording “the outcome, must be applied by all the subsidiary bodies and the secretariat” with the words “Commission Decision A(65), EXCOM should see to it that all subsidiary bodies and the secretariat apply the Guidelines on procedures and practices”.
- Para 14: we propose to use wording from para 5 of the Guidelines
- Para 14bis: In line with the principles and rules of the Aarhus Convention we suggest to add a new paragraph 14bis which reads as follows: "Representatives of non-governmental organisations, academia, business and other civil society stakeholders can participate in the CEP as observers."
- *Para 22b: we propose to insert wording of para 15 of the Guidelines concerning the modalities of sending draft conclusions, recommendations and decisions to participants and to Geneva Permanent Representations*

[possible drafting: Preferably at least two months in advance to the CEP session, the secretariat in consultation with the CEP Chair shall prepare and distribute an advance copy of the annotated provisional agenda for the session, with the indication of the actions required, including, where appropriate, draft conclusions, recommendations or decisions to be taken by CEP on a particular agenda item. The annotated provisional agenda and other documents for the session shall be made available by the secretariat to all participants and permanent missions of ECE member States in Geneva. At least 10 days before the start of the meeting the Secretariat shall distribute any draft conclusions, recommendations or decisions to all participants and Geneva permanent representations, so as to allow participants to finalize their position during the meeting. This does not prejudice the possibility for member States to propose additional draft conclusions, recommendations or decisions at the meeting.]

- *Para 25. According to the 2013 Guidelines the approval of the CEP reports should be at the end of the meeting after consultation with the Parties, unless otherwise decided. We propose to have a procedure in line with para 20 of the UNECE 2013 Guidelines. We propose to substitute the language in para 25 with the following : “ A draft report of the meeting, which reflects in a concise and factual manner the discussion and the views expressed by participants, or alternatively a draft summary of key outcomes and decisions, should be circulated well in advance of the end of the meeting for comments and adoption by Member States at the end of the meeting. If such a draft report or summary of key outcomes and decisions cannot be circulated at or adopted during the meeting, the CEP may decide to distribute it to all participants and Geneva representations for subsequent approval, for instance by way of an electronic no objection procedure under which member States have at least 25 working days to inform the Bureau and the Secretariat of their agreement or not on the use of the procedure and on the proposed decision, recommendation or conclusion.”*
- *Para 29 (a). Among CEP Bureau Members we think is more appropriate to elect only one or two vice-chairpersons. In this way the responsibility for chairing in case of absence of the Chair is better identified. This is also in line with the ECE RoP (Rule 12). Para 31 and 36 should be changed accordingly.*
- *Para 32. We would like to have more explanations regarding the necessity of this rule. Proposal to delete it.*
- *Para 33. We would like to have more explanations regarding the necessity of this rule. In general terms, it should be the Chair and the Bureau itself that rise issues on the conduct of one of its members, and not the Secretariat. In any case the Secretariat may raise any issue with the Chair, who will decide on the way forward. We then consider this rule not necessary and we propose to delete the para.*
- *Para 41. Proposal to delete. The CEP can delegate the Bureau any tasks that considers appropriate. Moreover, we notice that there is no such rule in the ECE RoP.*
- *Para 42. Proposal to delete. We notice that there is no such rule in the ECE RoP. Since the Secretariat is serving the CEP and its Bureau, the type and degree of exchange of information and collaboration between the secretariat and the Bureau derives from the abovementioned task and relationship and is implicit.*
- *Para 48. We propose a new version of para 48: “ The CEP adopts, enforces, amends, or suspends these rules of procedure and forwards them to EXCOM to verify their overall conformity with Commission Decision A (65) and the Guidelines on procedures and practices. If concerns are raised in the EXCOM, further discussions will have to take place in the CEP to address those concerns.”*
