

Economic Commission for Europe / Environment

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## **Examples of key provisions with transboundary implications in the UNECE MEAs**

### **Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)<sup>1</sup>**

#### **Article 3 [Notification]**

1. For a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.

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### **Protocol on Strategic Environmental Assessment<sup>2</sup>**

#### **Article 10 [Transboundary consultations]**

1. Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.

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### **Convention on Long Range Transboundary Air Pollution<sup>3</sup>**

#### **Article 2 [Fundamental principles]**

The Contracting Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution.<sup>4</sup>

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<sup>1</sup> [http://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/Espoo\\_Convention\\_authentic\\_ENG.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/Espoo_Convention_authentic_ENG.pdf)

<sup>2</sup> <http://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/protocolenglish.pdf>

<sup>3</sup> <http://www.unece.org/fileadmin/DAM/env/lrtap/full%20text/1979.CLRTAP.e.pdf>

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## Convention on the Transboundary Effects of Industrial Accidents<sup>5</sup>

### Article 4 [ Identification, Consultation and Advice]

1. For the purpose of undertaking preventive measures and setting up preparedness measures, the Party of origin shall take measures, as appropriate, to identify hazardous activities within its jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity.

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3. The Parties shall, with respect to proposed or existing hazardous activities, apply the procedures set out in Annex III hereto.

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## Convention on the Protection and Use of Transboundary Watercourses and International Lakes<sup>6</sup>

### Article 2 [General provisions]

2. The Parties shall, in particular, take all appropriate measures:

- (a) To prevent, control and reduce pollution of waters causing or likely to cause transboundary impact;
- (b) To ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection;
- (c) To ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact;

### Article 9 [Bilateral and multilateral cooperation]

1. The Riparian Parties shall on the basis of equality and reciprocity enter into bilateral or multilateral agreements or other arrangements, where these do not yet exist, or adapt existing ones, where necessary to eliminate the contradictions with the basic principles of this Convention, in order to define their mutual relations and conduct regarding the prevention, control and reduction of transboundary impact. ...

2. The agreements or arrangements mentioned in paragraph 1 of this article shall provide for the establishment of joint bodies. ...

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## Water and Health Protocol<sup>7</sup>

### Article 13 [Cooperation in relation to transboundary waters]

1. Where any Parties border the same transboundary waters, as a complement to their other obligations under articles 11 and 12, they shall cooperate and, as appropriate, assist each other to prevent, control and reduce transboundary effects of water-related disease. In particular, they shall:

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<sup>4</sup> The transboundary aspect of this obligation is also contained in each of the Protocols to the Convention.

<sup>5</sup> <http://www.unece.org/fileadmin/DAM/env/documents/2006/teia/Convention%20E%20no%20annex%20I.pdf>

<sup>6</sup> [http://www.unece.org/fileadmin/DAM/env/documents/2013/wat/ECE\\_MP.WAT\\_41.pdf](http://www.unece.org/fileadmin/DAM/env/documents/2013/wat/ECE_MP.WAT_41.pdf)

<sup>7</sup> <http://www.unece.org/fileadmin/DAM/env/documents/2000/wat/mp.wat.2000.1.e.pdf>

- (a) Exchange information and share knowledge about the transboundary waters and the problems and risks which they present with the other Parties bordering the same waters;
- (b) Endeavour to establish with the other Parties bordering the same transboundary waters joint or coordinated water-management plans in accordance with article 6, paragraph 5 (b), and surveillance and early-warning systems and contingency plans in accordance with article 8, paragraph 1, for the purpose of responding to outbreaks and incidents of water-related disease and significant threats of such outbreaks and incidents, especially from water-pollution incidents or extreme weather events;
- (c) On the basis of equality and reciprocity, adapt their agreements and other arrangements regarding their transboundary waters in order to eliminate any contradictions with the basic principles of this Protocol and to define their mutual relations and conduct regarding the aims of this Protocol;
- (d) Consult each other, at the request of any one of them, on the significance of any adverse effect on human health which may constitute a water-related disease.

2. Where the Parties concerned are Parties to the Convention, the cooperation and assistance in respect of any transboundary effects of water-related disease which are transboundary impacts shall take place in accordance with the provisions of the Convention.

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## **Aarhus Convention**<sup>8</sup>

### **Article 3 [General provisions]**

9. Within the scope of the relevant provisions of this Convention, the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

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## **Protocol on Pollutant Release and Transfer Registers**<sup>9</sup>

### **Article 7 [Reporting requirements]**

5. Each Party shall require the owners or operators of the facilities required to report under paragraph 2 to complete and submit to its competent authority, the following information on a facility-specific basis:

...(d) (ii)... for transboundary movements of hazardous waste, the name and address of the recoverer or disposer of the waste and the actual recovery or disposal site receiving the transfer;

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<sup>8</sup> <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

<sup>9</sup> [http://www.unece.org/fileadmin/DAM/env/pp/prtr/Protocol%20texts/PRTR\\_Protocol\\_e.pdf](http://www.unece.org/fileadmin/DAM/env/pp/prtr/Protocol%20texts/PRTR_Protocol_e.pdf)