

## Decision V/3

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

#### Review of implementation

*The Meeting of the Parties to the Convention,*

*Recalling* its decisions III/1 and IV/1 on the review of implementation,

*Recalling also* article 14 bis of the Convention, as adopted by its decision III/7, that provides a legal obligation on Parties to report on their implementation of the Convention,

*Having analysed* the reports provided by Parties in response to the questionnaire for the reporting system,

*Regretting* that one Party that was a Party to the Convention during the period under review has not responded to the questionnaire,

1. *Welcomes* the reports by Parties on their implementation, which have been made available on the website of the Convention;

2. *Adopts* the Third Review of Implementation (ECE/MP.EIA/2011/2 and ECE/MP.EIA/2011/3) and requests the secretariat to arrange its publication in an appropriate form;

3. *Notes* the findings of the Third Review of Implementation, including:

(a) Confusion among the Parties about the respective functions of the point of contact for notification and the focal point for administrative matters;

(b) That the list of activities covered by the Convention in appendix I is not being reflected in full by some Parties;

(c) A frequent lack of a definition by Parties of “the public”;

(d) A failure by Parties to recognize that article 3, paragraph 8, and article 4, paragraph 2, state that the “concerned Parties” are responsible for ensuring opportunities for public participation;

(e) A failure to recognize that article 5 provides for transboundary consultations distinct from article 4, paragraph 2;

(f) A lack of experience in carrying out post-project analysis (art. 7);

(g) A continuing need for bilateral and multilateral agreements or other arrangements, particularly to address differences between Parties in: the content of the notification; language; time frames; how to proceed when there is no response to a notification or if there is disagreement about the need for notification; the interpretation of various terms; and the requirement for post-project analysis;

4. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the Third Review of Implementation, and requests the Implementation Committee to take these into account in its work.