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Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Third meeting

Geneva, 11–15 November 2013

Items 3, 4 and 9 of the provisional agenda

Compliance and implementation

Exchange of good practices

**Preparations for the sixth session of the Meeting of the Parties
to the Convention and the second session of the Meeting of the
Parties to the Convention serving as the Meeting of the Parties
to the Protocol**

Draft decisions by the Meeting of the Parties to the Convention

Proposal by the Bureau

Summary

The draft decisions contained in the present document were prepared by the Bureau of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context, with the support of the Convention secretariat, as requested by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its second meeting. The Working Group is expected to review and agree on the text of the draft decisions to be forwarded for adoption by the Meeting of the Parties to the Convention at its sixth session (Kyiv, 2–5 June 2014).

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Decision VI/1

[to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session]

Reporting and review of implementation

The Meeting of the Parties to the Convention,

Recalling its decisions III/1, IV/1 and V/3 on the review of implementation, and decision V/7 on reporting and the review of implementation,

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

Recognizing again that regular reporting by each Party provides important information that facilitates the review of compliance under the Convention and thereby contributes to the work of the Implementation Committee,

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

Regretting that the following [five] States Parties that were Parties to the Convention during the period under review have not responded to the questionnaire on time: [Bosnia and Herzegovina, Greece, Ireland, Luxembourg and the United Kingdom of Great Britain and Northern Ireland],

Strongly emphasizing the importance of the timely submission of reports,

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

2. *Adopts* the Fourth Review of Implementation of the Convention [(ECE/MP.EIA/2013/8)] [as annexed to this decision] and requests the secretariat to arrange for its publication in an appropriate form;

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

(a) [...; etc.];

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

5. [*Requests*] [*Urges*] [Bosnia and Herzegovina, Greece, Ireland, Luxembourg and the United Kingdom] to provide the overdue responses to the questionnaire, and requests the secretariat to make them available on the Convention website;

6. [*Requests* the Implementation Committee to revise [and simplify] the current questionnaire to provide a questionnaire on the implementation of the Convention during the period 2013–2015, for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and for circulation by the secretariat thereafter] [*Requests* the secretariat to circulate to the Parties a questionnaire on the implementation of the Convention during the period 2013–2015 that is identical to the current questionnaire];

[7. *Further requests* the Implementation Committee to take into account the suggestions provided by Parties for improving the questionnaire and the report;]

[8.] *Decides* that Parties shall complete the [revised] questionnaire as a report on their implementation of the Protocol during the period 2013–2015, noting the obligation to report arising from article 14 bis of the Convention, as adopted by its decision III/7, and that a failure to report on implementation might be a compliance matter to be considered by the Implementation Committee;

[9.] *Urges* Parties to report by the deadline to be agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

[10.] *Requests* the secretariat to put the project lists included in the answers to the questionnaire on the website of the Convention, unless the responding Party does not agree;

[11.] *Further decides* that a draft review of implementation of the Convention during the period 2013–2015 based on the reports by Parties will be presented at the seventh session of Meeting of the Parties of the Convention, and that the workplan shall reflect the elements required to prepare the draft review;

[12.] *Also requests* the secretariat to post the review of implementation of the Convention and national reports on the website of the Convention in the languages in which they are available.

Decision VI/6

[to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session]

Aligning the authentic language versions of the Convention

The Meeting of the Parties to the Convention,

Recalling decision II/10 of the Meeting of the Parties to the Convention on the review of the Convention,

Aware that discrepancies between the three authentic language versions of the Convention have been identified in the course of the implementation of the Convention,

Concerned that such discrepancies might lead to different interpretations and inconsistencies in the application of the Convention by its Parties,

Determined to ensure the full alignment of the three authentic texts of the Convention,

Having considered the outcome of the review of the text of the three authentic language versions of the Convention conducted by a team of editors of the United Nations, listing discrepancies between these three versions,

Having also considered the additional guidance provided by the Treaty Section of the United Nations Office for Legal Affairs,

Additionally having considered the possible further discrepancies observed by Belarus and the non-governmental organization, European ECO Forum, between the English and the Russian versions of the Convention, and by Switzerland between the English and French versions of the Convention,

Further having considered the proposals by the ad hoc task force established by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment to review the discrepancies identified and to distinguish between typographical, linguistic and other technical errors to be addressed through a correction procedure and possible substantive discrepancies to be addressed through the amendment procedure, set out in article 14 of the Convention;

[Module A. Draft decisions regarding corrections to the Convention text]

1. *Agrees* on a list of discrepancies of a technical nature between the three authentic language versions of the Convention, as annexed to this decision;

2. *Proposes* that these technical discrepancies should be addressed through a correction procedure;

3. *Requests* the secretariat to submit the list of proposed corrections to the Convention to the United Nations Treaty Depository with a view to their being addressed accordingly.]

[Module B. Draft decisions on possible future amendments to the Convention text]

1. *[Decides to extend the mandate of the ad hoc task force] [Establishes an ad hoc task force with a mandate to] develop proposals for possible amendments;*

2. *Further decides* that the task force will report to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment in 2015. The Working Group will prepare a draft decision for possible adoption by the Meeting of the Parties to the Convention at its seventh session.]

[Module C. Format for draft decisions for amending the Convention, if proposals for amendments can be agreed]

[Wishing to modify the Convention with a view to [clarifying/further strengthening...]

Adopts the following amendments to the Convention:

(a) In article X, after paragraph x, replace the second sentence by a sentence reading...].

Draft decision IV/7

[to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session]

Application of the Convention to nuclear energy-related activities

The Meeting of the Parties to the Convention,

Recalling its decision V/9–I/9 on adoption of the workplan up to the fifth meeting of the Parties,

Having considered the outcome of the seminar on the [long-range] impacts of nuclear energy-related activities foreseen in the workplan [(ECE/MP.EIA/WG.2/2013/7, annex)],

Having also considered the outcome of the panel discussions on nuclear energy-related projects likely to have a significant adverse transboundary impact held at the fifth

meeting of the Parties to the Convention (ECE/MP.EIA/15, paras. 44–47) and the background document prepared by the secretariat on the topic (ECE/MP.EIA/2011/5),

[Additionally having considered the outcome of the discussions held on nuclear-energy related activities under the auspices of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/WG.1/2013/6, paras. 22–73)¹],

Aware that a [large] number of nuclear energy-related activities are being carried out or planned in the region,

Also aware of the [work] [opinions] of the Implementation Committee under the Convention and the Protocol on Strategic Environmental Assessment regarding the application of the Convention to planned nuclear energy-related activities,

Recognizing that it is essential for Parties to meet fully their legal obligations arising under the Convention,

1. *Notes* the main findings of the seminar, which state, inter alia, that...;
2. *[Welcomes] [Also notes]* the practical experience presented at the seminar by countries and organizations within the region [and beyond];
3. *Recognizes* the need for guidance to assist countries in the practical application of the Convention to nuclear energy-related activities;
4. *Proposes* to include in the Convention workplan the elaboration [,with the assistance of a consultant,] of good practice guidance to support the application of the Convention to nuclear energy-related activities;
5. *Decides* that the guidance should build on [document ECE/MP.EIA/2011/5 and on...];
6. *Establishes* [an open-ended ad hoc drafting group, with a mandate to develop the draft guidance] [an editorial group, with a mandate to oversee the development of the draft guidance];
7. *Decides* that the ad hoc [drafting] [editorial] group should work electronically and deliver the draft guidance for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and, subsequently, for its submission for adoption to the Meeting of the Parties to the Convention at its seventh session;
8. *Invites* Parties and non-Parties and other stakeholders to lead and contribute to work under this activity, including through providing [further good practice case studies] [further examples of practical experience] [for inclusion in the guidance] [and] [which the secretariat shall make available on the Convention website].

¹ Available from <http://www.unece.org/env/pp/aarhus/wgp16.html>.

Draft decision VI/8

[to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session]

General guidance on enhancing consistency between the Convention and environmental assessment within State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia

The Meeting of the Parties to the Convention,

Recalling decision V/9–I/9 of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment on the adoption of the workplan,

Recognizing that, in the past decades, Parties and non-Parties to the Convention in Eastern Europe, the Caucasus and Central Asia have significantly developed their legislation on environmental impact assessment, in line with their obligations under the Convention,

Aware that the national legislation and systems in countries of the subregion share many commonalities, but also present distinctive features and represent various degrees of development,

Wishing to assist Parties to the Convention in Eastern Europe, the Caucasus and Central Asia in complying fully with their obligations under the Convention, and to promote the effective application of the Convention in the subregion,

Recognizing that compliance concerns both legal implementation and practical application,

1. *Endorses* the General Guidance on Enhancing Consistency between the Convention and Environmental Assessment within State Ecological Expertise in Countries of Eastern Europe, the Caucasus and Central Asia, as annexed to this decision;

2. *Recommends* that the Parties in Eastern Europe, the Caucasus and Central Asia take into account the contents of the Guidance when applying the Convention, [as appropriate];

3. *Calls on* these Parties to distribute the Guidance to authorities and relevant stakeholders;

5. *Proposes* that [capacity-building activities based on the Guidance be included in the workplan] [the Guidance is used in the capacity-building activities included in the workplan].

Draft decision VI/9

[to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session]

Good practice on communication, cooperation and conflict resolution

The Working Group may consider whether to submit a decision on this for adoption by the Meeting of the Parties or whether to just welcome the outcomes of the seminar and possibly include follow-up activities in the workplan.

The Meeting of the Parties to the Convention,

Recognizing that the Convention is a key instrument for promoting communication, exchange of information and consultations, involving also public participation, between its Parties, in line with its provisions,

Wishing to promote and facilitate the effective application of the Convention by all Parties to the Convention,

Having considered the outcome of the seminar on Good practice on communication, cooperation and conflict resolution organized by the European Union, the International Association for Impact Assessment and the Chair of the Implementation Committee under the Convention and the Protocol (ECE/MP.EIA/WG.2/2013/7, annex),

- [1. Endorses the general conclusion of the seminar that, ...]*
- 2. [Recommends that] [Encourages] Parties, [and in particular Parties with no diplomatic relations,] [to] [should] take into account the outcomes of the seminar when applying the Convention;*
- [3. Proposes that [further capacity-building activities] [a follow-up seminar] should be included in the workplan, building on the outcome of the seminar] [subject to confirmation of their funding].*
