



Economic and Social Council

Distr.: General
22 August 2016

Original: English

Economic Commission for Europe

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

Sixth meeting

Geneva, 7–10 November 2016

Item 3 of the provisional agenda

Compliance and implementation

Draft decision on reporting and review of implementation of the Protocol

Proposal by the Bureau

Summary

In accordance with its mandate, the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment is tasked with making recommendations to the governing bodies of the Convention and the Protocol regarding further work necessary to ensure the effective implementation of those two instruments (ECE/MP.EIA/SEA/2, decision I/5–V/5, para. 4).

At its second session (Geneva, 2–5 June 2014), the Protocol's governing body urged Parties to report on their implementation of the Protocol by the deadline set by the Working Group (ECE/MP.EIA/20.Add.2–ECE/MP.EIA/SEA/4.Add.2, decision II/1, paras. 8 and 9).

GE.16-14542(E)



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This document contains a draft decision on reporting and review of implementation of the Protocol prepared by the Bureau, with support from the secretariat, as requested by the Working Group at its fifth meeting (Geneva, 11–15 April 2016).

The Working Group is expected to consider the draft decision to be forwarded to the third session of the Meeting of the Parties to the Convention Serving as the Meeting of the Parties to the Protocol (Minsk, 13–16 June 2017).

Decision III/1

Reporting and review of implementation of the Protocol

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling decision I/7–V/7 of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment (Meeting of the Parties to the Protocol) and decision II/1 of the Meeting of the Parties to the Protocol on reporting and the review of implementation,

Also recalling article 14, paragraph 4, of the Protocol, concerning the regular review of the implementation of the Protocol,

Further recalling article 14, paragraph 7, of the Protocol, on reporting by Parties on measures they have taken to implement the Protocol,

Additionally recalling article 13, paragraph 4, of the Protocol, concerning reporting by Parties on their application of article 13 on policies and legislation,

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

Recognizing also that the report of each Party provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol,

Having analysed the reports provided by Parties in response to the questionnaire on implementation of the Protocol during the period 2013–2015,

Expressing strong concern that [Montenegro] [and] [the former Yugoslav Republic of Macedonia], which [was a Party] [were Parties] to the Protocol during the period under review [has] [have] not responded to the questionnaire,

Also expressing concern that the following States Parties that were Parties to the Protocol during the period under review responded to the questionnaire late (i.e., after the extended deadline of 30 April 2016): [...], Serbia[,] [and] [...],

Deeply concerned that Portugal has still not submitted reports on its implementation of the Protocol during the prior review period, 2010–2012, despite being urged to do so by the Implementation Committee,

Expressing appreciation that Italy and Malta, States not Parties to the Protocol during the period under review, and Belarus and Bosnia and Herzegovina, States not Parties to the Protocol, nevertheless responded to the questionnaire,

Strongly emphasizing the importance of the timely submission of reports,

1. *Welcomes* the reports by Parties on their implementation of the Protocol during the period 2013–2015, which have been made available on the Convention website;

2. *Adopts* the Second Review of Implementation of the Protocol as contained in document [ECE/MP.EIA/SEA/2017/...], and requests the secretariat to arrange for its publication in an electronic form in all three official languages of ECE;

3. *Notes* the findings of the Second Review of Implementation of the Protocol, including the following possible weaknesses or shortcomings and areas for further improvement in the Protocol's implementation by Parties:

(a) A need to align practice on the obligations arising from article 5, paragraph 3, and article 6, paragraph 3, of the Protocol with respect to public participation in screening and scoping;

(b) A need to ensure that strategic environmental assessment (SEA) documentation systematically contains information on health, including transboundary effects, following article 7, paragraph 2, and annex IV;

(c) Difficulties related to the translation of documentation during transboundary consultations and arising from differences in national practice as regards the SEA procedures, leading to Parties' failing fully to understand the procedure for particular consultations;

(d) A lack of bilateral agreements or other arrangements to facilitate transboundary consultations between several Parties, in particular in order to improve effectiveness in relation to language-related issues, time frames, public participation, the interpretation of various terms, the organization of transboundary SEA procedures and application of the Protocol;

(e) A need to improve the application of the Protocol, on the basis also of valuable experience gained so far, which should be further shared among Parties and other stakeholders;

(f) A lack of timely reporting by Parties, the majority of which submitted their reports following their obligation under article 14, paragraph 7, of the Protocol, so as to ensure the all-inclusive character of the review of implementation, which enables the Implementation Committee to highlight possible general and individual compliance issues and helps Parties to identify priorities for future work and disseminate good practice;

(g) A possible need to revise and update the *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/17), taking into account any available examples of good practice presented by Parties in their responses;]

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

5. *Urges* [Montenegro] [and] [the former Yugoslav Republic of Macedonia] to provide the overdue responses to the questionnaire, and requests the secretariat to make [them] [it] available on the Convention website;

6. *Decides* that the current questionnaire will also be used for the preparation of the next review on the implementation of the Protocol during the period 2016–2018, except for minor modifications that the Implementation Committee and the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment may decide, taking into account the suggestions provided by Parties for improving the report;

7. *Also decides* that Parties to the Protocol shall complete the questionnaire as a report on their implementation of the Protocol during the period 2016–2018, taking note of the obligations to report arising from article 14, paragraph 7, and article 13, paragraph 4, of the Protocol;

8. *Urges* Parties to report by the deadline to be agreed by the Working Group;

9. *Requests* the secretariat to post the lists of domestic and transboundary strategic environmental assessment cases included in the answers to the questionnaire on the Convention website, unless the Parties object to this;

10. *Decides* that a draft review of implementation of the Protocol during the period 2016–2018 based on the reports by Parties will be presented at the fourth session of the Meeting of the Parties to the Protocol, and that the workplan shall reflect the elements required to prepare the draft review;

11. *Requests* the secretariat to post the review of implementation of the Protocol and national reports on the Convention website in the languages in which they are available;

12. *Further requests* the secretariat to foresee the subsequent publishing of the third review of implementation, once adopted, in an electronic format in the three official languages of ECE.
