



# Economic and Social Council

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## Economic Commission for Europe

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

### Fourth session

Vilnius, 8–11 December 2020  
Items 3 (c) and 8 (c) of the provisional agenda

### Outstanding issues: draft decisions by the Meeting of the Parties to the Protocol

Adoption of decisions: decisions to be taken by the Meeting of the Parties to the Protocol

## Draft decision IV/4 on general issues of compliance with the Protocol

Prepared by the Implementation Committee

### *Summary*

The present document contains draft decision IV/4 on general issues of compliance with the Protocol. It was finalized by the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment at its forty-eighth session (Geneva, 1–4 September 2020) having taken into account the comments provided by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment during and after its ninth meeting (Geneva, 24–26 August 2020).

The Meeting of the Parties to the Convention is expected to review the draft decision and agree on its adoption.



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

*Recalling* article 14, paragraph 6, of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* decision V/6–I/6<sup>1</sup> 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 concerning the application of the compliance procedure of the Convention to the Protocol, and decisions II/2<sup>2</sup> and III/2<sup>3</sup> on the review of compliance with the Protocol,

*Determined* to promote and improve compliance with the Protocol,

*Seeking* to promote the identification, as early as possible, of compliance difficulties encountered by Parties and the adoption of the most appropriate and effective solutions for resolving those difficulties,

*Having reviewed* the structure and functions of the Implementation Committee under the two treaties, as adopted by the Meeting of the Parties to the Convention through its decisions III/2<sup>4</sup> and VI/2,<sup>5</sup>

*Having reviewed also* the operating rules adopted by decision IV/2,<sup>6</sup> as amended by decisions V/4,<sup>7</sup> annex, and VI/2,<sup>8</sup> annex II,

*Recognizing* the importance of improving the effectiveness of the compliance mechanism under the Convention in view of the growing number and complexity of compliance issues brought before the Committee,

*Recognizing also* the importance of rigorous reporting by Parties of their compliance with the Protocol, and noting the third review of the implementation of the Protocol<sup>9</sup> based on Parties' answers to the questionnaires on the implementation of the Convention and the Protocol, as adopted in its decision IV/5,<sup>10</sup>

*Recalling* that the compliance procedure is assistance-oriented and that Parties may make submissions to the Implementation Committee on issues regarding their compliance with the Protocol,

*Noting* that several compliance issues considered by the Committee related to or revealed shortcomings in the concerned Parties' national legislation to implement the Convention and/or the Protocol,

*Acknowledging* the secretariat's long-standing, donor-funded, technical assistance to countries in Eastern Europe, the Caucasus and Central Asia for aligning their legislation with the Convention and the Protocol, and encouraging the beneficiary countries of that assistance to bring their legislation into full compliance with the two treaties and, if not yet Parties, to ratify them,

1. *Adopts* the Implementation Committee's report on its activities contained in document ECE/MP.EIA/2020/4–ECE/MP.EIA/SEA/2020/4;

2. *Welcomes* the Committee's reports on its sessions in the period following 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);

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<sup>1</sup> See ECE/MP.EIA/SEA/2.

<sup>2</sup> See ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2.

<sup>3</sup> See ECE/MP.EIA/23/Add.3–ECE/MP.EIA/SEA/7/Add.3.

<sup>4</sup> See ECE/MP.EIA/6.

<sup>5</sup> See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

<sup>6</sup> See ECE/MP.EIA/10.

<sup>7</sup> See ECE/MP.EIA/15.

<sup>8</sup> See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

<sup>9</sup> See ECE/MP.EIA/SEA/2020/8.

<sup>10</sup> See ECE/MP.EIA/SEA/2020/7.

3. *Requests* the Implementation Committee to:
  - (a) Keep the implementation and application of the Protocol under review;
  - (b) Promote and support compliance with the Protocol, including by providing assistance in this respect, as necessary;
4. *Welcomes* the examination by the Committee of specific compliance issues identified in the second review of implementation of the Protocol<sup>11</sup> regarding Italy and Serbia, which:
  - (a) In the case of Italy, resulted in the Committee declaring its satisfaction with the clarifications provided by the Party,
  - (b) In the case of Serbia, will require further consideration by the Committee at its upcoming sessions due to the lack of response from the Party concerned;
5. Also welcomes the examination by the Committee of the specific compliance issues identified in the first review of implementation of the Protocol<sup>12</sup> regarding the European Union, which will require further consideration by the Committee at its upcoming sessions;
6. Further welcomes the examination by the Committee of information received from other sources, including the public, regarding Poland, Serbia and Ukraine, which resulted in the Committee declaring its satisfaction with the clarifications provided by Ukraine, in the case of Serbia led to a Committee initiative, and in the case of Poland will require further gathering of information at its forthcoming sessions;
7. Recognizes the efforts undertaken by the Committee thus far to review the effectiveness and efficiency of its working methods and practice with a view to addressing the growing number and increasing complexity of compliance issues brought before the Committee; and invites the Committee to pursue this work in its subsequent sessions;
8. *Notes with regret* that the Committee's work is hindered by the lateness and insufficient quality of responses by some Parties concerned, and, in some cases, also by their refusal to respond and to cooperate;
9. *Strongly urges* Parties to facilitate the Committee's work in good faith by providing it with the requested information in a timely manner and in good quality;
10. *Encourages* Parties to bring issues concerning their own compliance before the Committee;
11. *Requests* the Implementation Committee to assist Parties in aligning their legislation with the Convention and the Protocol, as needed, and to the extent possible, including through cooperating with the secretariat in the context of the technical assistance provided by the secretariat in accordance with the workplan for 2021–2023 adopted through decision VIII/2–IV/2<sup>13</sup>;
12. *Urges* Parties to take into account in their further work the recommendations for further improving the implementation of and compliance with the Protocol, including by strengthening national legislation, based on, but not limited to, the analyses of general compliance issues from the reviews of implementation listed in its decisions II/1,<sup>14</sup> III/1<sup>15</sup> and IV/5, as well as the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*,<sup>16</sup> endorsed by Parties through decision II/8;<sup>17</sup>

<sup>11</sup> ECE/MP.EIA/SEA/2017/9, adopted by the Meeting of the Parties to the Protocol through decision III/1.

<sup>12</sup> ECE/MP.EIA/SEA/2014/3

<sup>13</sup> [Symbol of the adopted decision]

<sup>14</sup> See ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2.

<sup>15</sup> See ECE/MP.EIA/23/Add.3–ECE/MP.EIA/SEA/7/Add.3.

<sup>16</sup> United Nations publication, Sales No. E.15.II.E.7.

<sup>17</sup> See ECE/MP.EIA/20/Add.2 - ECE/MP.EIA/SEA/4/Add.2.

13. *Adopts* the amendment to the operating rules of the Committee set out in annex to decision VIII/4<sup>18</sup> of the Meeting of the Parties to the Convention;

14. *Decides* to keep under review and to further develop the structure and functions of the Committee and its operating rules at its fifth session, in the light of experience gained by the Committee in the interim, and with a view to enhancing the coherence and reducing duplication between the two sets of rules and to increasing use of videoconferencing and other online and electronic communication tools as effective means for managing the Committee's workload; and requests the Committee to prepare proposals, as it deems necessary, for submission to the Meeting of the Parties at its fifth session.

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<sup>18</sup> [Symbol of the adopted decision]