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**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****Second meeting**

Geneva, 27–30 May 2013

Item 3 of the provisional agenda

**Compliance and implementation****Draft reviews of implementation of the Convention and  
the Protocol 2010-2012****Note by the secretariat****I. Decisions by the Meetings of the Parties and the  
Working Group**

1. The Meeting of the Parties to the Convention at its fifth session (MOP-5) and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its first session (MOP/MOP-1) decided that a draft review of implementation of the Convention and of the Protocol during the period 2010-2012 based on the reports by Parties will be presented at the next sessions of the MOPs, and that the workplan shall reflect the elements required to prepare the draft review (decision V/7– I/7, EIA/MP.EIA/SEA/2).
2. The workplan for 2011-2014 adopted by the MOPs foresees the preparation of a draft review of implementation of the Convention and the Protocol by the secretariat and its presentation to the Working Group at the end of 2013 and ultimately to MOP-6 and MOP/MOP-2. (decision V/9– I/9, ECE/MP.EIA/SEA/2). The MOPs also allocated a budget of 20,000 USD for the drafting of the reviews by a consultant to the secretariat.
3. In April 2012, at its first meeting, the Working Group on EIA and SEA agreed a timetable for reporting by Parties on their implementation (end of March 2013 for the Convention and end of May 2013 for the Protocol) and for the preparation of the draft reviews of implementation by the secretariat on the basis of the responses received. The secretariat was requested to prepare the draft reviews by 1 September 2013 and to submit them for consideration by the Working Group at its third session to be held from 11 to 14 November 2013. The secretariat was then to finalize the reviews based on the Working Group's feedback and forward them for adoption by the next sessions of the MOPs in June 2014.

## **II. Guidance by the Bureau and the Implementation Committee**

4. In June 2011, prior to the adoption of the above decisions by the MOPs, the secretariat had clarified that “future draft reviews of implementation would be limited to 8,500 words each to comply with limits determined by General Assembly” (ECE/MP.EIA/15, para. 42).

5. As the previous (third) review of implementation of the Convention had been twice as long, the secretariat needed to seek guidance from the Governing bodies under the Convention and the Protocol on the elements that could be left out from each of the draft reviews and what it should focus on as a priority.

6. At its last meeting, the Bureau agreed that for producing reviews of implementation that are substantially shorter (half as long) than the past reviews, the secretariat should prioritize information on the implementation by Parties of their legal obligations under the Convention and the Protocol (Part I of questionnaires) and cut out information for example on research (article 9 to the Convention). It invited the Working Group to discuss and agree on further guidance for the preparation of the reviews.

7. The secretariat also deemed it important to consult the Implementation Committee, which had worked on the questionnaires in depth. Moreover, the Committee would subsequently be invited by the next MOPs to consider the reviews of implementation to identify possible general and specific compliance issues in the reviews and to take these into account in its work.

8. At its twenty-seventh session, in March 2013, the Committee agreed in general with the Bureau that information on the implementation by Parties of their legal obligations under the Convention and the Protocol (part I of the questionnaires) should be prioritized. It agreed furthermore that:

(a) As in the past the main findings should be summarized briefly in the introduction;

(b) The draft reviews should focus on highlighting those areas where implementation was still particularly challenging or weak in many of the Parties, and also flag best practice;

(b) Responses under part I should be supplemented with practical examples from part II that describe good practices and substantial weaknesses or difficulties in implementing the two treaties.

9. Based on the suggestions from the Committee curators, the Committee agreed on a number of detailed proposals for shortening the draft reviews, e.g.: shortening the prefaces and introductions; if possible, not repeating the entire questions; grouping the questions; and leaving out responses to questions 18, 19, 23 and 27 of part I of the SEA questionnaire.

10. Other suggestions regarding the review on the implementation of the Convention, included reporting only on Parties’ recent or soon to be finalized new legislation or measures, and bilateral or multilateral agreements; and on progress and plans regarding ratifications of the amendments to the Convention and the Protocol.

11. The Committee invited the secretariat to provide the Committee’s views and proposals for information to the Working Group at its second meeting.

## **III. Expected decisions by the Working Group**

12. The Working Group is expected to consider the views of the Bureau and the Implementation Committee and agree on aspects that the reviews should focus on and those to be left out.