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

Ninth session

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

Fifth session

Geneva, 12–15 December 2023

Items 3 (b) (ii) and 8 (b) of the provisional agenda

Outstanding issues: draft decisions by the Meeting of the Parties to the Convention – draft decision on reporting and review of implementation of the Convention

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

Draft decision on reporting and review of implementation of the Convention

Proposal by the Bureau

Summary

The present document contains draft decision IX/5 on reporting and review of implementation of the Convention, prepared by the Bureau and agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its twelfth meeting (Geneva, 13–15 June 2023).

The Meeting of the Parties to the Convention is expected to review the text of the draft decision and agree on its adoption. It should be noted that paragraph 5 of draft decision IX/5 lists the main findings of the draft seventh review of the implementation of the Convention (ECE/MP.EIA/2023/9), as agreed by the Working Group at its eleventh meeting (Geneva, 19–21 December 2022), and paragraph 6 of draft decision IX/5 lists those main findings that remain valid of the sixth review of the implementation of the Convention (ECE/MP.EIA/32), as adopted by the Meeting of the Parties at its eighth session (Vilnius (online), 8–11 December 2020).



Decision IX/5

Reporting and review of implementation of the Convention

The Meeting of the Parties to the Convention,

Recalling its decisions III/1, IV/1 and V/3 on review of implementation, and decisions V/7–I/7, VI/1, VII/1 and VIII/5 on reporting and the review of implementation,¹

Recalling also article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context, which requires Parties to report on their implementation of the Convention,

Recalling further 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,

Recognizing that Parties' reporting 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 Convention,

Recognizing also the potential of national reporting for collecting and disseminating good practice,

Strongly emphasizing the importance of the timeliness and the quality of national reporting,

Having analysed the reports provided by Parties in response to the questionnaire on the implementation of the Convention during the period 2019–2021,

1. *Welcomes* the reports by Parties, and by one non-Party (Georgia), on their implementation of the Convention during the period 2019–2021, which have been made available on the treaty website;

2. *Expresses serious concern* that the following 5 Parties have not responded to the questionnaire: Bulgaria, Kyrgyzstan, Liechtenstein, North Macedonia and Serbia, and that the European Union only submitted a blank questionnaire and a separate note containing information that it chose to provide;

3. *Expresses concern* that the following 11 Parties responded to the questionnaire with a delay of several weeks or months: Canada, Cyprus, Denmark, Germany, Ireland, Kazakhstan, Luxembourg, Portugal, Slovenia, Ukraine and the United Kingdom of Great Britain and Northern Ireland;

4. *Adopts* the seventh review of implementation of the Convention (ECE/MP.EIA/2023/9) and requests the secretariat, subject to availability of resources, to arrange for its publication in an electronic format in all three official languages of ECE;

5. *Notes* the findings of the seventh review of implementation of the Convention,² including the following possible weaknesses or shortcomings and areas for further improvement in the implementation of the Convention by Parties:

(a) A number of Parties to the Convention are yet to ratify and/or transpose the amendments to the Convention, to ensure unified application of the Convention to all its Parties;

(b) Challenges continue to be raised by the Parties regarding translation and interpretation practices. Further emphasis on, and/or assistance with, the establishment of bi- or multilateral agreements could be provided to the Parties, as such agreements appear to be

¹ All decisions of the Meeting of the Parties to the Convention referred to in the present decision are available at <https://unece.org/environment-policy/environmental-assessment/decisions-taken-meetings-parties>.

² ECE/MP.EIA/2023/9.

effective in ameliorating many of the common challenges with translation and interpretation practices;

(c) The “focal point” and “point of contact” networks are both used and valued, but there is a need to ensure that contact information is kept up to date by the Parties. It is therefore vital that any changes in national contacts be reported to the secretariat promptly;

(d) Use of official ECE guidance by the Parties has increased in comparison to usage trends reported in the sixth review. Efforts to promote awareness about, and use of, guidance documents should continue;

(e) Some Parties gained experience in the use of electronic technologies for remotely conducting consultation and participatory activities during the coronavirus disease (COVID-19) pandemic. Promoting lessons learned and good practices for the use of remote communication technologies could help to promote effective and efficient consultation and participation practices;

(f) Twelve Parties and Georgia report that transboundary environmental impact assessment made a significant contribution to the implementation of the Sustainable Development Goals, but multiple respondents to this question emphasized the difficulties in generating robust evidence documenting contributions;

(g) In the reporting period, an increased number of Parties failed to report on time and also to return their completed questionnaires within two months after the reporting deadline (10 Parties compared to 3 in the previous review). Consequently, the proportion of Parties represented in the data underpinning the review of implementation has decreased from 93 per cent in the sixth report to 75 per cent in the seventh report;

(h) An increased number of Parties provided examples of good practice, which indicates the usefulness and potential of the questionnaires as tools for collecting good practice in the future;

6. *Notes* again the conclusions previously reached in the sixth review of implementation,³ the following of which remain valid and may need to be addressed:

(a) Parties’ definitions of and approaches to key terms in the Convention, such as “impact”, “transboundary impact” and “major change”, continue to differ, which has the potential to cause problems, particularly if the consequence is a lack of clarity about which proposed activities fall within the scope of the Convention (arts. 1 and 6);

(b) Only a minority of Parties have an explicit provision in their legislation on how to ensure application of article 6 (3), which requires that concerned Parties be updated on additional information that may trigger consultations and a new decision before work on an activity commences;

(c) There is only rudimentary experience in carrying out post-project analysis under article 7, with 11 Parties having no express provisions implementing this article in their legislation;

(d) Differing practices exist in relation to the translation of documentation for affected Parties. A number of difficulties and concerns are raised by the Parties about such practices, in particular concerning the quality of translations and proper integration of translation into time schedules for consultations and public participation;

(e) Bilateral and multilateral agreements or other arrangements under article 8 can be useful, in particular in addressing differences between Parties’ implementation practices;

(f) A lack of timely reporting by Parties complicated the review;

(g) Different quality control measures are used by the Parties to ensure the quality of environmental impact assessment documentation;

(h) A wealth of implementation practices and experiences are reported, but few Parties volunteer to share their good practices by preparing factsheets;

³ ECE/MP.EIA/32, paras. 62–63.

7. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the seventh review of implementation of the Convention, and invites the Committee to take these into account in its work;

8. *Requests* the Implementation Committee to adjust, if necessary, the questionnaire for the next reporting round on Parties' implementation of the Convention in the period 2022–2024, taking into account the suggested improvements to the questionnaire on the implementation of the Convention, and to provide, if necessary, a modified version for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and for circulation by the secretariat thereafter;

9. *Notes* the reporting template prepared in the course of the period 2021–2023 by the Implementation Committee, in consultation with the European Commission, to facilitate reporting of the European Union under article 14 bis of the Convention;

10. *Requests* States parties to complete the questionnaire, and the European Union its reporting template, respectively, as reports on their implementation of the Convention during the period 2022–2024;

11. *Urges* Parties to report by the end of April 2025;

12. *Invites* Parties to provide good practice examples of their implementation of the Convention and evidence on what made their practice successful;

13. *Requests* the secretariat to post national reports on the Convention website in the languages in which they are available;

14. *Also requests* the secretariat to post the project lists included in the responses to the questionnaire on the Convention website, unless the countries object to this practice;

15. *Decides* that a draft eighth review of implementation of the Convention during the period 2022–2024 based on the reports by Parties will be presented at the tenth session of the Meeting of the Parties to the Convention, and that the workplan shall reflect the elements required to prepare the draft review;

16. *Requests* the secretariat to foresee the subsequent publication of the eighth review of implementation, once adopted, in an electronic format in all three official languages of ECE;

17. *Decides* that the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment agree on a further draft decision on reporting and review of implementation of the Convention for adoption by the Meeting of the Parties at its tenth session, based on the outcomes of the next reporting round.
