

## Decision V/5

### Reporting and review of implementation of the Protocol

*The Meeting of the Parties to the Protocol,*

*Recalling* decision V/7–I/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 decisions II/1, III/1 and IV/5 of the Meeting of the Parties to the Protocol on reporting and the review of implementation,<sup>1</sup>

*Recalling also* article 14 (4) of the Protocol, concerning the regular review of the implementation of the Protocol,

*Recalling further* articles 14 (7) and 13 (4) of the Protocol, on, respectively, reporting by Parties on measures they have taken to implement the Protocol and 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 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 Protocol,

*Recognizing further* the potential of reporting for collecting and disseminating good practice,

*Emphasizing strongly* the importance of timeliness and the quality of national reporting,

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

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

2. *Expresses serious concern* that the following 3 Parties have not responded to the questionnaire: Bulgaria, 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, and urges those Parties that have not responded to the questionnaire to do so within the shortest possible time frame;

3. *Expresses concern* that the following 9 Parties responded to the questionnaire with a delay of several weeks or months: Cyprus, Denmark, Germany, Italy, Luxembourg, Netherlands, Portugal, Slovenia and Ukraine;

4. *Adopts* the fourth review of implementation of the Protocol as contained in document ECE/MP.EIA/SEA/2023/9, and requests the secretariat, subject to availability of resources, to arrange for its publication in an electronic form in all three official languages of ECE;

5. *Notes* the findings of the fourth review of implementation of the Protocol,<sup>2</sup> including the following possible weaknesses or shortcomings and areas for further improvement in the implementation of the Protocol by Parties:

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

<sup>2</sup> ECE/MP.EIA/SEA/2023/9.

(a) Only about half of the Parties reported on time and an increased number of Parties failed to return their completed questionnaires within two months of the reporting deadline (at the time of writing (July–September 2022), 22 Parties have returned completed questionnaires compared to 30 Parties in the previous review). The failure by Parties to fulfil their obligation to report (in accordance with art. 14 (7)) in a timely manner complicated the review process;

(b) The lack of a central registry or database of national strategic environmental assessment procedures in many Parties made reporting on the number of procedures during the survey period complicated and imprecise;

(c) A wide range of implementation practices and experiences are reported by the Parties and this information could be used in developing material to enhance implementation. Ten Parties provide examples of what they consider constitute good implementation practices;

(d) 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 promote effective and efficient consultation and participation practices;

(e) Varying monitoring practices are applied to implement article 12 of the Protocol, resulting in differences in the scope of monitoring, its duration, and on the use of indicators. It is recommended that further collection and sharing of good practice be promoted;

(f) A number of Parties use the *Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment* and the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*, but several Parties indicated a lack of awareness about said documents as the reason for not using them. Efforts to promote awareness and use of guidance documents should continue;

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

(a) A variety of approaches exist to interpreting the term “set the framework for future development consent” referred to in article 4 (2) of the Protocol, with most Parties having no explicit definition of this term in their domestic legislation; the Parties also experience difficulties in interpreting the provisions of article 4 (4), in particular the terms “small areas at local level” and “minor modifications”;

(b) The Parties’ legislation and practice continue to differ considerably regarding the opportunities provided to the public concerned to participate in screening and scoping further to articles 5 (3) and 6 (3);

(c) Some consultations are complicated by difficulties arising from Parties’ differing practices in relation to the translation of documentation during transboundary consultations, in particular concerning the quality of, and time and resources required for, the translation, and with regard to the integration of the translation into time schedules for consultations and public participation;

(d) Further bilateral agreements or other arrangements to facilitate transboundary consultations between Parties might be useful, in particular to increase efficiency and to address differences between Parties’ implementation practices, including language-related issues, time frames, public participation, the interpretation of various terms and the organization of transboundary consultations;

(e) Ensuring quality of the environmental reports is an area of improvement in the application of the Protocol. Promoting use of quality control approaches could be recommended. Parties have also expressed the desire for adequate explanations to be

<sup>3</sup> ECE/MP.EIA/SEA/14, paras. 84–85.

provided of how the comments received in accordance with articles 8 to 10 have been taken into account;

(f) Differing monitoring practices are applied to implement article 12 of the Protocol, resulting to difficulties concerning the scope of monitoring, its duration, monitoring measures and the use of indicators;

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

8. *Notes* the reporting template prepared in 2021–2023 by the Implementation Committee in consultation with the European Commission, to facilitate reporting of the European Union under the Protocol;

9. *Requests* States parties to the Protocol to complete the questionnaire, and the European Union its reporting template, respectively, as reports on their implementation of the Protocol during the period 2022–2024, taking note of the obligations to report arising from articles 14 (7) and 13 (4) of the Protocol;

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

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

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

13. *Also requests* the secretariat to post the lists of domestic and transboundary strategic environmental assessment cases included in the responses to the questionnaire on the treaty website, unless the countries object to this practice;

14. *Decides* that a draft fifth review of implementation of the Protocol during the period 2022–2024 based on the reports by Parties will be presented at the sixth session of the Meeting of the Parties to the Protocol, and that the workplan should reflect the elements required to prepare the draft fifth review;

15. *Requests* the secretariat to foresee the subsequent publishing of the fifth review of implementation, once adopted, in an electronic format in the three official languages of ECE.

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