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## Economic Commission for Europe

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

### Working Group on Environmental Impact Assessment

#### Fourteenth meeting

Geneva, 24–26 November 2010

Item 8 of the provisional agenda

#### Preparations for the fifth session of the Meeting of the Parties to the Convention

### Draft decisions

#### Proposal by the Bureau

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## Draft decision V/1

(to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its fifth session)

### Review of implementation

The following text was prepared by the secretariat.

*The Meeting of the Parties to the Convention,*

*Recalling* its decisions III/1 and IV/1 on the review of implementation,

*Recalling also* article 14 bis of the Convention, as adopted by its decision III/7, that provides a legal obligation on Parties to report on their implementation of the Convention,

*Having analysed* the reports provided by Parties [and other States] in response to the questionnaire for the reporting system,

[*Regretting* that not all Parties had responded to the questionnaire,]

1. *Welcomes* the reports by Parties [and other States] on their implementation, which have been made available on the website of the Convention;

2. *Adopts* the Third Review of Implementation [ECE/MP.EIA/2011/...] [, as annexed to this decision,] and *requests* the secretariat to arrange its publication in an appropriate form;

3. *Notes* the findings of the Third Review of Implementation:

(a) ...;

4. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the Third Review of Implementation [and a list of Parties that failed to respond to the questionnaire by the deadline of 30 June 2010 agreed by the Working Group on Environmental Impact Assessment], and *requests* the Implementation Committee to take these into account in its work;

5. *Requests* the Implementation Committee to modify as appropriate the current questionnaire to provide a questionnaire on the implementation of the Convention for the period 2010–2012, for consideration by the Working Group on Environmental Impact Assessment and for circulation, and for conversion into a parallel Internet-based questionnaire by the secretariat thereafter;

6. *Requests* the secretariat to put the project lists included in the answers to the questionnaire on the website of the Convention unless the responding Party does not agree;

7. *Decides* that Parties shall complete the questionnaire as a report on their implementation of the Convention, taking note of the obligation to report arising from article 14 bis as adopted by decision III/7, and that a failure to report on implementation might be a compliance matter to be considered by the Implementation Committee;

8. *Decides* that a draft fourth review of implementation based on the reports by Parties will be presented at the sixth session of the Meeting of the Parties, and that the workplan shall reflect the elements required to prepare the draft fourth review.

## Draft decision V/6

(to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its fifth session)

### Interpretation of article 14 of the Convention (amendments)

The following text was prepared by the secretariat on the basis of decision III/1 by the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2008/2/Add.3).

#### Implications of draft decision V/6 with 44 Parties, as at 1 July 2010

(Number of Parties)

Amendment (year of adoption)	Current situation		With this decision taken, so counting only those Parties that were Party to the Convention at the time of adoption	
	Have ratified, etc. the amendment	Required for entry into force	Have ratified, etc. the amendment	Required for entry into force
First (2001)	18	33	13	24
Second (2004)	16	33	15	30

*The Meeting of the Parties to the Convention,*

*Recalling* its decision II/14 through which an amendment to the Convention was adopted,

*Recalling also* its decision III/7 through which a second amendment to the Convention was adopted,

*Noting* that article 14, paragraph 4, of the Convention, which establishes the conditions for entry into force of amendments to the Convention other than those to an annex, is open to different interpretations due to the ambiguity inherent in the expression “by at least three fourths of these Parties”,

*Recalling* that the second amendment to the Convention replaces the above-cited expression with “by at least three fourths of the number of Parties at the time of their adoption”,

*Recalling also* article 31 of the Vienna Convention on the Law of Treaties, which sets out general rules on the interpretation of treaties and which requires, in paragraph 3 (a), that any subsequent agreement between the parties to a treaty regarding its interpretation or the application of its provisions shall be taken into account,

*Desiring* to bring about an early entry into force of the amendments adopted through decisions II/14 and III/7,

1. *Agrees* to interpret the expression “by at least three fourths of these Parties” as meaning at least three fourths of the Parties to the Convention that were Parties at the time of the adoption of the amendment in question;

2. *Decides* that any State that becomes a Party to the Convention after the date of adoption of this decision is also deemed to have agreed to the interpretation of article 14, paragraph 4, of the Convention set out above.

## Draft decision V/7

(to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its fifth session)

### Amendment of rule 7 of the rules of procedure

The secretariat prepared the following text on the basis of a text agreed by the Working Group on Environmental Impact Assessment at its thirteenth meeting (ECE/MP.EIA/WG.1/2010/2, para. 7).

*The Meeting of the Parties to the Convention,*

*Considering* that rule 7 of the Rules of Procedure of the Convention (adopted in decision I/1, ECE/MP.EIA/2, annex I) should be interpreted in a constructive manner taking into account the context of each specific case,

*Believing* that private companies, developers and others may provide valuable input to the deliberations of Parties in meetings under the Convention,

1. *Decides* to amend rule 7 of the Rules of Procedure of the Convention through the addition of a paragraph that reads:

3. Paragraphs 1 and 2 shall be applied mutatis mutandis to a researcher, commercial firm, developer, consultant or other commercial entity that is invited with the agreement of the Bureau to participate as an observer in a specific meeting, or in discussions on one or more specific agenda items of a specific meeting.