



Economic and Social Council

Distr.: Limited
30 August 2013

Original: English

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

Third meeting

Geneva, 11–15 November 2013

Items 3, 6 and 9 and of the provisional agenda

Compliance and implementation

**Promoting ratification and application of the Protocol on Strategic
Environmental Assessment**

**Preparations for the sixth session of the Meeting of the Parties
to the Convention and the second session of the Meeting of the
Parties to the Convention serving as the Meeting of the Parties
to the Protocol**

Draft decisions by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Proposal by the Bureau

Summary

The draft decisions contained in the present document were prepared by the Bureau of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context, with the support of the Convention secretariat, as requested by the Working Group on Environmental Impact Assessment and Strategic Environmental

Assessment at its second meeting (Geneva, 27–30 May 2013). The Working Group is expected to review and agree on the text of the draft decisions to be forwarded to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment for adoption at its second session (Kyiv, 2–5 June 2014).

Contents

<i>Decision</i>	<i>Page</i>
II/2. Reporting and the review of implementation	3
II/6. Aligning the authentic language versions of the Protocol on Strategic Environmental Assessment	4
II/8. Format for notification	5
II/9. Good practice recommendations on public participation in Strategic Environmental Assessment	6

Draft decision II/2

[to be considered by the 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 at its second session]

Reporting and the review of implementation

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling decision I/7–V/7 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 on Strategic Environmental Assessment on reporting and the review of implementation,

Also recalling article 14, paragraph 4, of the Protocol, concerning the regular review of the implementation of the Protocol,

Further recalling article 14, paragraph 7, of the Protocol, on reporting by Parties on measures they have taken to implement the Protocol,

Additionally recalling article 13, paragraph 4, of the Protocol, concerning 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 the report of each Party provides useful information to other countries within and beyond the region that facilitates their efforts to implement and accede to the Protocol,

Having analysed the reports provided by Parties in response to the questionnaire for the reporting system,

Regretting that the following five States Parties that were Parties to the Protocol during the period under review have not responded to the questionnaire [on time]: Luxembourg, Montenegro, Portugal, Serbia and Slovenia,

Strongly emphasizing the importance of the timely submission of reports,

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

2. *Adopts* the First Review of Implementation of the Protocol [(ECE/MP.EIA/2013/9)] [as annexed to this decision], and requests the secretariat to arrange its publication in an appropriate form;

3. *Notes* the findings of the First Review of Implementation of the Protocol, including:

(a) ...; [etc.]

4. *Requests* the secretariat to bring to the attention of the Implementation Committee general [and specific] compliance issues identified in the First Review of Implementation, and requests the Implementation Committee to take these into account in its work;

5. [Requests] [Urges] [Luxembourg, Montenegro, Portugal, Serbia and Slovenia] to provide the overdue responses to the questionnaire, and requests the secretariat to make them available on the Convention website;

[6. Requests the Implementation Committee to revise the current questionnaire to provide a questionnaire on the implementation of the Protocol during the period 2013–2015, for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and for circulation by the secretariat thereafter] [Requests the secretariat to circulate to the Parties a questionnaire on the implementation of the Protocol during the period 2013–2015 that is identical to the current questionnaire];

[7. Further requests the Implementation Committee to take into account the suggestions provided by Parties for improving the questionnaire and the report;]

[8.] Decides that Parties to the Protocol shall complete the [revised] questionnaire as a report on their implementation of the Protocol during the period 2013–2015, taking note of the obligations to report arising from article 14, paragraph 7, and article 13, paragraph 4, of the Protocol;

[9.] Urges Parties to report by the deadline to be agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

[10.] Requests the secretariat to post the lists of domestic and transboundary strategic environmental assessment [procedures] [cases] included in the answers to the questionnaire on the website of the Convention, unless the responding Party does not agree;

[11.] Further decides that a draft review of implementation of the Protocol during the period 2013–2015 based on the reports by Parties will be presented at the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, and that the workplan shall reflect the elements required to prepare the draft review;

[12.] Also requests the secretariat to post the review of implementation of the Protocol and national reports on the website of the Convention in the languages in which they are available.

Decision II/6

[to be considered by the 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 at its second session]

Aligning the authentic language versions of the Protocol on Strategic Environmental Assessment

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Aware that discrepancies between the three authentic language versions of the Protocol on Strategic Environmental Assessment have been identified in the course of the implementation of the Protocol,

Concerned that such discrepancies might lead to different interpretations and inconsistencies in the application of the Protocol by its Parties,

Determined to ensure the full alignment of the three authentic texts of the Protocol,

1. *Invites* the secretariat to arrange for a review of the text of the three authentic language versions of the Protocol by the United Nations, which would list all the inconsistencies;
2. *Establishes* an ad hoc task force with a mandate:
 - (a) To consider the listed inconsistencies and to distinguish between possible technical errors to be addressed through a correction procedure and possible substantive interpretation issues to be addressed by an amendment;
 - (b) To agree on a list of possible technical errors;
 - (c) To develop proposals for possible amendments;
3. *Decides* that the drafting group should work electronically and deliver its proposals for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment [by 2016];
4. *Requests* the secretariat to submit the proposed corrections as agreed by the Working Group to the United Nations Treaty Depository, with a view to their being addressed accordingly;
5. *Requests* the Working Group, as needed, to submit draft amendments for possible adoption by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment at its third session.

Draft decision II/8

[to be considered by the 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 at its second session]

Format for notification

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling article 10 of the Protocol,

Also recalling its decision I/2 on points of contact, format for notification and focal points and decision V/9–I/9 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 on Strategic Environmental Assessment on the adoption of the workplan,

Having considered the draft format for notification under article 10 of the Protocol, prepared by the secretariat with the support of an editorial group comprising Austria and Germany,

1. *Adopts* the format for notification set out in the annex to this decision;
2. *Recommends* Parties to use the format to the extent possible when transmitting a notification according to article 10 of the Protocol.

Draft decision II/9

[to be considered by the 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 at its second session]

Good practice recommendations on public participation in strategic environmental assessment

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling its decision I/4 on public participation in strategic decision-making, and decision V/9–I/9 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 on Strategic Environmental Assessment on the adoption of the workplan,

Recalling also decisions II/3 and III/8 of the Meeting of the Parties to the Convention on the guidance on public participation in environmental impact assessment in a transboundary context,

Convinced that public participation forms an essential part of strategic environmental assessment,

Noting that for many Parties, the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) contributes significantly to the strengthening of public participation in their implementation of the Protocol on Strategic Environmental Assessment,

Aware of the recommendations on public participation in environmental decision-making prepared under the Aarhus Convention [(ECE/MP.PP/201X/XX)],

Having considered the outcome of the workshop on public participation in strategic decision-making organized jointly with the task force on public participation under the Aarhus Convention (Geneva, 29–30 October 2012) in accordance with the Protocol and with article 7 of the Aarhus Convention,

Aware of the need for synergies and continuous cooperation with relevant bodies under the Aarhus Convention to ensure the consistent application of the relevant provisions under the two treaties;

1. *Recognizes* the need for guidance to assist competent authorities and the public in organizing effective public participation in strategic environmental assessment;

2. *Welcomes* the development of draft good practice recommendations by a consultant to the secretariat, the Bureau and the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, taking into account the feedback received at the joint workshop and the outcomes of consultations of stakeholders under the Protocol on Strategic Environmental Assessment and the Aarhus Convention;

[3. *Also welcomes* the alignment of these recommendations with the provisions of the Aarhus Convention;]

[4.] *Adopts* the Good Practice Recommendations on Public Participation in Strategic Environmental Assessment set out in the annex to this decision;

[5.] *Recommends* that the Parties should take into account the contents of the Good Practice Recommendations when implementing the Protocol;

[6.] *Calls on* Parties to distribute the Good Practice Recommendations to national authorities, experts on strategic environmental assessment, non-governmental organizations and other stakeholders and to support them in implementing public participation in strategic environmental assessment;

[7.] *Invites* Parties to provide information to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on the usefulness of the Guidance and any suggestions for its future development;

[8.] *Also invites* Parties and non-Parties to provide [case studies] [further examples of good practice] to the Convention secretariat to be made available on the Convention website;

[9.] *Proposes* that [capacity-building activities based on the Guidance should be included in the workplan] [the Guidance is used in the capacity-building activities included in the workplan].