

28 October 2019

English only

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

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Eighth meeting

Geneva, 26–28 November 2019

Item 4 of the provisional agenda

Compliance and implementation

Suggestions for improving the reports/questionnaires for the Implementation of the Convention and the Protocol

Informal note prepared by the secretariat

This document presents a compilation of suggestions for improving the questionnaires for the Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment, for consideration by the Working Group on EIA and SEA at its eighth meeting.

The document is based on Parties' responses to question II.12 of the questionnaire on the implementation of the Convention in the period 2016–2018; and to question II.11 of the questionnaire on the implementation of the Protocol in the same period, inviting Parties to provide suggestions on how the reports may be improved. It also includes comments to both questionnaires produced by the consultants who assisted the secretariat in the preparation of the draft sixth review of the implementation of the Convention and the draft third review of the implementation of the Protocol.

The Working Group may wish to review the suggestions and make proposals, as it deems necessary, on whether 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 should invite the Implementation Committee to further revise the questionnaires for the implementation of the Convention and/or of the Protocol for the next reporting round (2019-2021) taking into account the issues, or some of the issues, raised by Parties.

I. Convention

1. When responding to question II.12 of the questionnaire on the implementation of the Convention in the period 2016 – 2018, the Parties made the following suggestions:

(a) Finland noted, in respect to question I.18, that the term ‘public hearing’ was not used in the Convention and that it was unsure how to interpret this term. It suggested amending the terminology in the questionnaire to mirror that of the Convention;

(b) Austria did not raise any new issues. It noted, however, that some of the points it raised about the questionnaire in the fifth review of implementation remained valid. These earlier comments included that more than one response option can apply for some questions where the response options are presumed to be mutually exclusive. It also noted that it is not possible to respond accurately to some questions using the predefined response options (e.g. question II.5). Lastly, it suggested limiting section I of the questionnaire to questions concerning new or revised aspects of the Convention;

(c) Several Parties recommended improvements to the table used in question II.2. In particular, Parties noted that it was not straightforward for them to provide accurate information on ‘length in months’ for submission of the environmental impact assessment documentation and for consultations. It was also suggested to use two tables, one for information on transboundary environmental impact assessment procedures undertaken as the Party of origin and one for those in which the Party participated as an affected Party;

(d) Poland commented on the overlap between questions II.3h and II.4. It recommended that “[i]t would be more convenient if those two questions would treat public participation in transboundary procedures separately from the consultations under article 5, both questions should be divided into the problems occurring for a country as Party of Origin and as Affected Party”. It also found the inclusion of the term ‘expert consultation’ in question II.4 confusing;

(e) Switzerland recommended using an internet-based survey platform to improve the functionality of the questionnaire.

2. Under the secretariat’s guidance and with a view to generate information that would better equip the Implementation Committee to assist Parties to improve their implementation of the Convention, a consultant supporting preparation of the draft sixth review of the implementation of the Convention analysed the questionnaire and provided additional suggestions for its improvement as follows:

(a) There are a number of occasions where two or more discrete questions are included in one statement (e.g. QII.5, QI.9). This creates the potential to confuse the respondents, for partial responses to be made, or for the provision of data which is difficult to analyse as it is unclear exactly what it relates to;

(b) In many instances, the response options used in the questionnaire need additional thought. Some of the response options should be reformulated to improve their consistency in addressing possible responses and to ensure the options are mutually exclusive (e.g. QI.13, QI.33), where this is intended. In other instances, the range of response options is peculiarly narrow (e.g. QI.17). Better data could be obtained if the response options were reformulated;

(c) A number of questions include vague references to particular paragraphs in the legislation. In some instances (e.g. QI.29), it is difficult to discern what aspect of the provisions in a certain paragraph the question is addressing. In other instances, the clarity of the question could be improved by referring directly to the specifications contained in the Convention. This would help prevent Parties from misinterpreting the question and also

potentially enhance the conclusions that can be drawn about Parties' implementation of the Convention;

- (d) Some of the phrases used in the implementation section are vague (e.g. 'public hearing', 'sufficient quality', or 'are covered') and open to differing interpretations;
- (e) The utility and value of some of the data requested is not immediately clear (e.g. I.28). It is important to consider how the data collected will be analysed and remove any requests for data that are not useful or used;
- (f) The wording used in many questions could be improved to make them clearer, more precise and less open to differing interpretations (e.g. QII.3a), plus to improve the value of the data that are to be collected;
- (g) Many questions contain multiple spaces in which the respondent can or is expected to include supplementary information on their answer. The design of the questionnaire could be improved by providing consistency in terms of where additional information should be provided: i.e. probably at the end of each question. Consideration should be given to whether all the requests for supplementary information are necessary or whether some element of streamlining can take place;
- (h) It might be possible to make the questionnaire faster to complete by using a common response format for a series of questions on opinions regarding implementation experiences (e.g. ask the Parties to respond to a series of statements on implementation issues using standardised options such as: strongly agree, agree, neither agree nor disagree, disagree, strongly disagree).

II. Protocol

3. In response to question II.11 of the questionnaire on the implementation of the Protocol in the period 2016–2018, a few suggestions were made by the Parties for improving the questionnaire:

- (a) Estonia suggested that it should be possible to give comments on the questions;
- (b) Hungary recommended using an electronic reporting format to be accessed from the UNECE website. Such an approach would be more helpful and user friendly for filling in and submitting reports from the Parties as well as for evaluating the responses;
- (c) Hungary also indicated that questions II.8.c and II.8.f (on art. 10, para. 4) were repetitive;
- (d) Serbia recommended to improve the questionnaire with regard to article 10.4 on transboundary consultations;
- (e) Spain suggested that it would be inspiring to collect practical cases illustrating how strategic environmental assessment improved the quality of the plan or made a qualitative difference to the plan itself.
- (f) Several Parties highlighted a few typos in the questionnaire (e.g. paragraph number of the art 11. in the question I.25, and the time period in the Question II.4).

4. Under the guidance of the secretariat a consultant supporting preparation of the draft third review of the implementation of the Protocol analysed the questionnaire and provided additional suggestions for its improvement with a view to generate information that would better equip the Implementation Committee to assist Parties to improve their implementation of the Protocol. These are:

- (a) There are several occasions where two or more discrete questions are included in one statement (QI.7, QI.11, QI.15-1.18, QI.24, QI.26). This creates the potential to confuse the respondents, for partial responses to be made, or for the provision of data which is difficult to analyse as it is unclear exactly what it relates to;
 - (b) The wording used in some questions could be improved to make them clearer, more precise and less open to differing interpretations (e.g. Q1.14, QII.4), also to improve the value of the data that are to be collected;
 - (c) In some instances, the response options used in the questionnaire need additional thought. Some of the response options should be reformulated to improve their consistency (QI.11, QI.13);
 - (d) Some questions are repetitive or overlap with other questions (e.g. Q 1.24- Q.1.26, QII.8. (c) and QII.8. (f)). This creates the potential to confuse the respondents and causes repetitions in the responses;
 - (e) The Russian version of the questionnaire does not fully correspond to the English version (e.g. Q.I.17). A revision of the Russian version might be considered.
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