

Decision VI/1

Adopted by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session

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 the review of implementation, and decision V/7 on reporting and the review of implementation,

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

Recognizing once again 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,

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

Expressing concern that the following States Parties that were Parties to the Convention during the period under review had not responded to the questionnaire on time: Bosnia and Herzegovina, Greece, Ireland, Luxembourg and the United Kingdom of Great Britain and Northern Ireland; and noting that Greece responded to the questionnaire before the sixth session of the Meeting of the Parties,

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 Fourth Review of Implementation of the Convention (ECE/MP.EIA/2014/3) and requests the secretariat to arrange for its publication in an appropriate form;

3. *Notes* the findings of the Fourth Review of Implementation, including the following possible weaknesses or shortcomings in the Convention's implementation by Parties:

(a) A frequent lack of definition in national legislation of several terms used in the Convention, such as "promptly", "due account" or "reasonably obtainable";

(b) A failure by some Parties to recognize that, in accordance with article 3, paragraph 8, and article 4, paragraph 2, the "concerned Parties" are both responsible for ensuring opportunities for public participation;

(c) A failure to recognize that article 5 provides for transboundary consultations distinct from article 4, paragraph 2;

(d) A frequent lack of definition of the "final decision" (art. 6) and of specification of its required content;

(e) A lack of experience in carrying out post-project analysis (art. 7);

(f) A continuing need for bilateral and multilateral agreements or other arrangements, particularly to address differences between Parties in: the content of

the notification; language; time frames; how to proceed when there is no response to a notification or if there is disagreement about the need for notification; the interpretation of various terms (such as “due account”, “promptly”, “reasonably obtainable”, etc.); and the requirement for post-project analysis;

(g) Confusion among the Parties about the respective functions of the point of contact for notification and the focal point for administrative matters;

(h) A continuing need to further improve awareness of and capacity in the implementation of the Convention’s obligations by the competent authorities at the national and regional levels, environmental impact assessment experts and practitioners, civil society, investors and academics;

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

5. *Urges* Bosnia and Herzegovina, Ireland, Luxembourg and the United Kingdom 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 and simplify the current questionnaire and to provide a modified version of the questionnaire on the implementation of the Convention 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;

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 shall complete the modified questionnaire as a report on their implementation of the Convention during the period 2013–2015, noting the obligation to report arising from article 14 bis of the Convention, as adopted by its decision III/7, and that a failure to report on implementation might be a compliance matter to be considered by the Implementation Committee;

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 put the project lists 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 Convention during the period 2013–2015 based on the reports by Parties will be presented at the seventh session of Meeting of the Parties of the Convention, 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 Convention and national reports on the website of the Convention in the languages in which they are available.