

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

Thirteenth meeting
Geneva, 17–19 May 2010
Item 9 of the provisional agenda

PREPARATIONS FOR THE FIFTH SESSION OF THE MEETING OF THE PARTIES TO THE CONVENTION AND FOR THE MEETING OF THE PARTIES TO THE CONVENTION SERVING AS THE FIRST MEETING OF THE PARTIES TO THE PROTOCOL

Decision V/... Interpretation of article 14 of the Convention

Proposal by the Bureau

The Meeting of the Parties,

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

Recalling also 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;

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.