

Draft decision III/2

Review of compliance with the Protocol

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recalling article 14, paragraph 6, of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, and decision V/6–I/6 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 concerning the application of the compliance procedure of the Convention to the Protocol,

Determined to promote and improve compliance with the Protocol,

Seeking to promote the identification, as early as possible, of difficulties encountered by Parties in complying with the Protocol and the adoption of the most appropriate and effective solutions for resolving those difficulties,

Having reviewed the structure and functions of the Implementation Committee under the two treaties, as adopted by the Meeting of the Parties to the Convention through its decisions III/2¹ and VI/2,² and considering that it is necessary to ensure continuity of the Committee's work during each intersessional period,

Also having reviewed the operating rules adopted by the Meeting of the Parties to the Convention in its decision IV/2,³ as amended by its decisions V/4⁴ and VI/2,⁵ and recognizing the importance of improving the effectiveness of the compliance mechanism under the Convention,

Recognizing the importance of rigorous reporting by Parties of their compliance with the Protocol,

Noting the second review of the implementation of the Protocol,⁶ based on Parties' answers to the questionnaires on the implementation of the Convention and the Protocol, as adopted in its decision III/1,

Recalling that the compliance procedure is assistance-oriented and that Parties may make submissions to the Implementation Committee on issues regarding their compliance with the Protocol,

1. *Adopts* the Implementation Committee's report on its activities contained in document ECE/MP.EIA/2017/4–ECE/MP.EIA/SEA/2017/4;
2. *Welcomes* the reports of the Implementation Committee's meetings in the period following the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;
3. *Requests* the Implementation Committee:

¹ See ECE/MP.EIA/6.

² See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

³ See ECE/MP.EIA/10.

⁴ See ECE/MP.EIA/15.

⁵ See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

⁶ ECE/MP.EIA/SEA/2017/9.

- (a) To keep the implementation and application of the Protocol under review;
- (b) To promote and support compliance with the Protocol, and to provide assistance in this respect, as necessary;
4. *Welcomes* the examination by the Committee of specific compliance issues identified in the first review of implementation of the Protocol⁷ regarding Austria, Spain and the European Union, which in the case of Austria and Spain resulted in the Committee declaring its satisfaction with the clarifications provided by the Parties, and in the case of the European Union led to a proposal to assess the additional replies of the European Union at its next session;
5. *Also welcomes* the examination by the Committee of information received from other sources, including the public, regarding Armenia and Serbia, which resulted in the Committee declaring its satisfaction with the clarifications provided by Armenia. In the case of Serbia, the Committee will continue to gather information at its forthcoming sessions;
6. *Encourages* Parties to bring issues concerning their own compliance before the Committee;
7. *Requests* the Implementation Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible, and in this respect refers to its decision III/3 on the adoption of the workplan;
8. *Urges* Parties to take into account in their further work the recommendations for further improving the implementation of and compliance with the Protocol, including by strengthening national legislation, based on but not limited to the analyses on general compliance issues from the first and second reviews of implementation, adopted in its decisions II/1 and III/1, respectively, as well as the Good Practice Recommendations on Public Participation in Strategic Environmental Assessment,⁸ endorsed by Parties in decision II/8;
9. *Invites* the Implementation Committee to review, and revise if necessary, its structure and functions and the amendments to its operating rules set out in annexes I and II to decision VII/2 of the Meeting of the Parties to the Convention so as to facilitate deliberations on compliance issues, for example, by deciding to hold at least one virtual meeting a month in the English language.
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⁷ ECE/MP.EIA/SEA/2014/3, adopted by the Meeting of the Parties to the Protocol through decision II/1.

⁸ ECE/MP.EIA/SEA/2014/2.