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**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**

**Eleventh meeting**

Geneva, 19-21 December 2022

Item 4 of the provisional agenda
**Compliance and implementation**

 Suggested improvements to the questionnaires on the implementation of the Convention and the Protocol

 Informal note prepared by the secretariat

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| *Summary:* |
|  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 (Espoo Convention) and the Protocol on Strategic Environmental Assessment, for consideration by the Working Group on EIA and SEA at its eleventh meeting. The document is based on Parties’ responses to question II.27 of the questionnaire on the implementation of the Convention in the period 2019–2021; and to question II.16 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 seventh review of the implementation of the Convention and the draft fourth 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 (2022-2024) taking into account the issues, or some of the issues, raised by Parties.  |
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I. Convention

1. When responding to question II.27 of the questionnaire on the implementation of the Convention in the period 2019 – 2021, the Parties made the following suggestions:

(a) A small number of Parties (approximately 5) observed that the information requirements associated with the questionnaire have become overly complicated and onerous. Notably,

(i) Armenia suggested that, in the absence of changes to national legislation, Parties should be allowed to complete Part II of the questionnaire only.

(ii) Estonia suggested, reflecting on the information required in the new annexes to the questionnaire and the increase in the number of questions asked, to evaluate the value of the additional data collected.

(b) Norway suggested giving further attention to the formatting of the tables in Annex II and that these tables should be provided to Parties as an excel file. Norway also noted that these tables could be modified to provide a template for Parties to use to track the transboundary projects they are involved with over time.

(c) Poland recommended reformulating question II.22 on the contribution made to the implementation of the Sustainable Development Goals because it was inaccurate to assume a process itself could make a direct contribution, whereas the result of the environmental impact assessment could make a contribution.

(d) Poland also noted an overlap between questions II.17 and I.4.2.

(e) Poland further suggested that question II.12 was extended to examine experiences with article 6 of the Convention (the final decision).

2. A consultant to the secretariat supporting the preparation of the draft seventh review of the implementation of the Convention analyzed the questionnaire and provided additional suggestions for enhancing information obtained through the questionnaires, including to help the Implementation Committee assist Parties to improve their implementation of the Convention:

(a) In some instances, the response options used in the questionnaire would 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. questions I.1.3. and I.3.7) where this is intended;

(b) In question I.2.2, referring to appendix I of the Convention, it should be made clear which version of appendix I is being implemented. In the current reporting round, respondents based their responses upon different iterations of appendix I;

(c) Question I.6.1. should be reformulated as it was misinterpreted by several respondents. It was wrongly understood as asking what information should be included in a public statement of the final decision;

(d) Question II.3, in combination with question II.2 and annex II, giving Parties the possibility to object the publication of data on the ECE website, leaves room for interpretation and should be clarified;

(e) In question II.12, the word “report” should be replaced by “questionnaire” as using the word “report” makes it unclear whether it applies to the questionnaire, or the final review report produced from the questionnaire data;

(f) In different questions, for example II.4, II.14 and II.15, Parties are asked to provide relevant examples and/or good practice examples, by filling out those parts of the form or using annex III. It might be better to collect descriptions of good practices in one place only (e.g. in annex III);

(g) The response options in question II.16 should be changed to a simple yes or no response (on the basis that only two options are given because all Parties should be aware of these networks), or the options should be: yes, no (but aware they exist) and no (not aware they exist);

(h) It should be considered how the data collected would be analyzed/used and any requests for data that prove to be less useful or not used subsequently should be removed. Due to the word limit in the report, not all data can be used within the report. Some information can be made available separately.

(i) The questionnaire should be subjected to a thorough review and rewrite, including individuals with expertise in questionnaire design, to bring it more in line with principles of good questionnaire design. This would help address the numerous design weaknesses: e.g. redundancy of questions or response options, illogical response options, a lack of clarity in the questions and the format, compound questions, etc.

 II. Protocol

3. In response to question II.16 of the questionnaire on the implementation of the Protocol in the period 2019–2021, a few suggestions were made by the Parties for improving the questionnaire:

(a) Estonia questioned the added value of providing detailed information concerning the list and number of domestic and transboundary cases asked for in annexes I and II of the questionnaire, compared to annex III regarding good practice examples of implementing strategic environmental assessment which contributes to sharing practical solutions. It further suggested taking into consideration that a plan or programme can involve or be related to several sectors at a time;

(b) Estonia referred to the increased number of questions and suggested that be reviewed.

(c) Malta commented that the current questionnaire represented a significant improvement to the previous reporting round.

(d) Norway suggested to limit the answers to question II.15 whether a country contributed to the funding of the workplans to yes or no, without asking for the exact amount. The total amount of contributions might be difficult for a Party to specify when several of its ministries provided funding and should be known by the secretariat.

(e) Poland recommended refining the report technically and making it more user-friendly. It should be made clear whether all grey fields should be completed.

4. A consultant to the secretariat supporting the preparation of the draft fourth review of the implementation of the Protocol analyzed the questionnaire and provided additional suggestions for enhancing information obtained through the questionnaires, including to help the Implementation Committee assist Parties to improve their implementation of the Protocol:

(a) Question II.6, in combination with questions II.3, II.4 and II.5, giving Parties the possibility to object to the publication of data on the ECE website, leaves room for interpretation and should be clarified. It should be clarified that, according to decision IV/5 on reporting and review of the implementation of the Protocol, Parties can only object to publishing the lists of domestic and transboundary strategic environmental assessment procedures, but not to the publication of the number of procedures.

(b) In question II.10 (a), the word “procedures” seems to be misleading, as most respondents describe their legislation instead of practical experience in the application of the Protocol.

(c) In different questions, for example, II.10 (b), II.11 and II.12, Parties are asked to provide good practice examples, by filling out those parts of the form or using the template provided for that purpose in Annex III. It might be better to collect descriptions of good practices in one place only (e.g. in annex III). In annex III it should be indicated that the template can be copied if a Party wishes to share more than one example (analogue to the instructions in annex III of the questionnaire on the Convention).

(d) The format of annexes I and II make it difficult to enter lists into the cells. If Parties should provide not only numbers of plans/programmes but also list them, the format should be modified. Annex II on transboundary strategic environmental assessments should distinguish between procedures as a Party of origin and as an affected Party. The endnotes in annex II are missing and should be added identically to annex I.