

REPORT

**Eighth Meeting of the Parties to the UNECE Espoo Convention / Fourth Meeting of the
Parties to the UNECE Protocol on Strategic Environmental Assessment**

Vilnius, 8-11 December 2020



General information

The Eighth Meeting of the Parties to the UNECE Convention on Environmental Impact Assessment in Transboundary Context (Espoo Convention) and the Fourth Meeting of the Parties to the UNECE Protocol on Strategic Environmental Assessment was hosted by Lithuania from 8 to 11 December 2020 and carried out virtually due to the COVID-19 pandemic.

One of the main agenda items concerned the Applicability of the Convention to the Lifetime Extension of Nuclear Power Plants. The EU had proposed some changes to the version of the draft guidance published in October as well as to draft Decisions VII/4 and VIII/6, which were sent out to registered meeting participants. Within any intense discussions the meeting of the Parties approved the proposed changes in its general segment.

Other essential discussions focussed on the financial agreement and related thereto, the workplan for the next intersessional period from 2021 to 2023. As Norway, which provided a large share of the finances in the past, was no longer able to do so, the workplan had to be adapted and certain activities needed to be cut. Despite additional pledges by Parties, a deficit of almost 400.000 USD remains.

During the high level segment, presentations and a panel discussion was held in celebration of the Espoo Convention's 30th anniversary. All Decisions were adopted as approved in the general segment of the meeting.

All documents are available on the [meeting webpage](#).

Agenda:

General segment

1. Opening of the sessions
2. Organizational matters
 - a. Election of the Chair of the general segment;
 - b. Adoption of the agenda;
 - c. Report on credentials;
 - d. Status of the Convention and its amendments and the Protocol
3. Outstanding issues
 - a. Draft joint decisions
 - i. Draft decision on financial arrangements for 2021–2023;
 - ii. Draft decision on the adoption of the workplan;
 - iii. Draft decision on the long-term strategy and the action plan for the Convention and the Protocol;
 - b. Draft decisions by the Meeting of the Parties to the Convention
 - i. Draft decisions on the review of compliance with the Convention;
 - ii. Draft decision on the applicability of the Convention to the lifetime extension of nuclear power plants;
 - iii. Draft decision on reporting and review of implementation of the Convention;
 - c. Draft decisions by the Meeting of the Parties to the Protocol
 - i. Draft decision on general issues of compliance with the Protocol;
 - ii. Draft decision on reporting and review of implementation of the Protocol;
 - d. Draft Vilnius declaration;
 - e. Nomination of officers and election criteria;
 - f. Tentative calendar of meetings
4. Review of the workplan
 - a. Compliance with and implementation of the Convention and the Protocol;
 - b. Subregional cooperation and capacity-building;
 - c. Exchange of good practices;
 - d. Promoting ratification and application of the Protocol and the Convention

High-level segment

5. Opening ceremony for the high-level segment
 - a. Election of officers for the high-level segment;
 - b. Introductory speeches
6. High-level event to mark the thirtieth anniversary of the Convention
7. Statements by ministers and high-level representatives
8. Adoption of decisions: ECE/MP.EIA/29 ECE/MP.EIA/SEA/12 3
 - a. Decisions to be taken jointly;
 - b. Decisions to be taken by the Meeting of the Parties to the Convention;
 - c. Decisions to be taken by the Meeting of the Parties to the Protocol
9. Adoption of the declaration
10. Election of officers for the next intersessional period
11. Date and venue of the next sessions
12. Other business
13. Conclusion of the sessions
 - a. Adoption of the report of the sessions
 - b. Closing of the sessions

Tuesday, 8 December 2020

1. Opening of the sessions

George Kremlis thanks the Bureau and Lithuania for organizing and hosting the session.

Lithuania welcomes participants and presents introductory words and “virtual tour through Vilnius”.

2. Organizational matters

a. Election of the Chair of the general segment

George Kremlis is elected as chair to the general segment with no objections.

The secretariat introduces technical issues respective the virtual conference tool.

Germany congratulates and thanks the elected chair on behalf of the EU.

Notes on procedural matters regarding online meetings: General rules of procedure are applicable with only a few adjustments (provision of credentials by post, if required voting via roll call – see [here](#)). There will be a new version of the rules of procedure for future hybrid meetings.

The document with revised wording in paragraph 33 (by EU) was made available under informal documents:

“The European Union can exercise its right to vote *on matters within its competence*.”
(instead of, “collectively, on behalf of its member States.”)

Decisions will be published in track changes on the meeting webpage. There should then be no more need for adaptations at the high level segment.

b. Adoption of the agenda

There will be 15 minutes break every 90 minutes.

Most documents will not require long general presentations. All of them, except one official document were made available well in advance (either on the webpage or sent to registered participants). Documents will be shown on the screen during the sessions.

No objections to the [provisional agenda](#).

The Bureau held back-to-back meeting on 7 December.

c. Report on credentials

Organisational issues regarding credentials are presented.

The chair is allowed to permit debate to proceed when representatives of at least one third of the Parties are present (which is, currently, at least 15 Parties of the 44 States Parties to the Convention). The quorum for decision-making will be verified on Friday. The Chair may declare the meeting open

and permit debate. For decision-making, the presence of a majority (more than a half) of the Parties is required (which is, currently, 23 Parties of the 44 States Parties to the Convention, or for the matters concerning only the Protocol, 17 Parties of the 32 States Parties to the Protocol).

d. Status of the Convention and its amendments and the Protocol

The secretariat informs participants about the status of ratification of the Convention and its two amendments since the intermediary sessions of the Meetings of the Parties in February 2019. No new ratifications were received since last WG in November 2019. In September 2019, Azerbaijan ratified the amendments to the Convention.

Ratifications for Amendments are still missing from Armenia, Belgium, North Macedonia, Albania and the UK. Armenia, Belarus, Bosnia and Herzegovina, Greece, Ireland, Kazakhstan, Kirgizstan, Ukraine and the UK must still ratify the second amendment. (Counted are all parties that were parties when the Amendment was adopted in 2001.)

The secretariat reports on the status of ratification of the Protocol. Ukraine and UK hope to be able to perform the necessary legislative changes soon and ratify within next year. In Greece ratification of SEA Protocol is under consideration. Likely that Ireland will ratify 1st amendment in early 2021.

The Multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (the Bucharest Agreement, MOP4 2008) concerns Bulgaria, Croatia, Greece, North Macedonia, Montenegro, Bosnia and Herzegovina, Serbia and Romania. It has currently been signed by 5 Parties. Croatia, BiH and Greece must still ratify the agreement.

BiH has informed the Secretariat they will soon start the legislative procedure for ratifying second amendment.

Plan of ratification is noted by MoP.

3. Outstanding issues

The draft documents were prepared taking into account comments made and decisions taken at the ninth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Geneva, 24–26 August 2020).

a. Draft joint decisions

i. Draft decision on financial arrangements for 2021–2023

The Meetings of the Parties is invited to keep in mind their deliberations and the information on the Parties' pledged contributions when discussing the workplan under item 3 (a)(ii) with a view to ensuring that the workplan to be adopted for the period 2021–2023 matches the resources that are expected to be available for its implementation.

Due to the additional exMoP and a longer intersessional period than originally planned (4,5 instead of 4 years), additional budget was needed. It was covered by savings of the trust fund and some Parties have provided additional funding. Due to online meetings, travel costs could be saved in 2020.

Contributions to the trust fund are insufficient, unpredictable and unsustainable. Norway alone has contributed 25 % of the budget. The large grant by Norway which was granted additional to the annual contribution won't be continued.

CH: Content with the spending of the money so far.

At the moment less than 70 % of the pledges needed for the next intersessional period are covered. The EU Commission will provide 66.000 EUR per year. Greece announces a contribution of 1.000 per year. There is a gap over 300.000-400.000 USD to fund the proposed workplan. Relevant information is still pending in order to finalise [draft decision VIII/1– IV/1](#) on financial arrangements for 2021–2023.

Canada proposes to delete the phrase “as a minimum, an amount calculated based on the adjusted scale of assessments of the United Nations, with a view to contributing to the agreed resource requirements of the workplan” in para 2(b).

Ukraine asks for assistance in bilateral agreement with Romania.

Discussions in the matter will continue on Wednesday.

ii. Draft decision on the adoption of the workplan

Annex I to the draft decision VIII/2-IV/2 contains a draft workplan for the implementation of the Convention and its Protocol, with proposed work areas and activities in the period 2021–2023. Annex II outlines the minimum necessary financial and secretariat staffing resources for the implementation of the workplan activities. Annex III lists additional activities that require further resources, including additional secretariat staff, to be implemented.

Delegations are invited to confirm that they will be leading or sponsoring activities and hosting events. Considering their earlier discussion on financial matters and the information on contributions for the next intersessional period pledged by Parties earlier, under item 3 (a)(i), it is expected to ensure that the workplan matches the resources available for its implementation in the period 2021–2023.

The workplan will need to be amended due to budgetary reasons.

Belarus notes that practical guidance on implementation of the Convention is still necessary and should be part of the workplan for the next years. The task to develop such guideline should be of a special priority.

EU: Annex I 3 (b) and others should be postponed to the next intersessional period. Also activities in Annex III should be deleted.

CH: It is important to keep Annex III.

Two meetings will be held on subregional cooperation and capacity building in the Baltic Sea region, hosted by Estonia (possibly virtual) and Poland.

CH: Switzerland is not Party to the SEA Protocol and can thus not fund any activities related to the Protocol.

IAEA proposes capacity building on assessment of nuclear power plants. An upcoming workshop is planned for 2021.

Preparation of factsheets on the practical application of the Convention: Currently there is no concrete proposal or interest regarding this activity.

Implementation of online database of Parties' good practice, or collection and compilation of good practice will depend on funding from Parties or partner organisations.

Pilot projects will be funded by the German Environmental Agency and les by the OECD

The EU proposes that in this intersessional period a seminar could be organised, as a basis for guidance on practical application as proposed by Belarus to be prepared in the next intersessional period. The seminar will be organised in one of the next working groups with the view to deciding on the next steps.

IAIA is willing to further cooperate with the secretariat to develop FasTips regarding EIA and SEA.

Annex III could be kept as wish list for the case that unexpected funding arises. However, in the current situation there is not even sufficient funding for the core workplan activities. In order not to raise any empty expectation, the list should rather be deleted and reconsidered for the next intersessional period.

CH: If Annex III is deleted, Switzerland cannot stick to the pledge made for the coming intersessional period, so the financial contribution would be longer.

CH and EU will have an coordination meeting on the question of Annex III this evening.

iii. Draft decision on the long-term strategy and the action plan for the Convention and the Protocol

The [Long-term strategy and the action plan](#) for the Convention and the Protocol should provide a passage also considering the 30th anniversary of the Espoo Convention.

The strategy is approved with proposed changes by EU and thus not to be re-opened during high level segment.

b. Draft decisions by the Meeting of the Parties to the Convention

i. Draft decisions on the review of compliance with the Convention

The MoP will first consider all individual draft Decisions and afterwards Decision VIII/4.

The Committee prepared the draft decisions on compliance at its 47th session in March 2020 and finalized them at its 48th session in September 2020. In doing so the Committee took into account

information and comments provided by the Parties concerned in advance of that session and the comments provided by the Working Group on EIA and SEA during and after its ninth meeting in August 2020. The draft decisions prepared for the consideration of the Meeting of the Parties to the Convention include:

1. Draft decision VIII/4 on general issues of compliance with the Convention (ECE/MP.EIA/2020/10);
 2. Five country-specific compliance decisions – all concerning the follow-up to related compliance decisions taken by the MoP to the Convention at its intermediary session
- **Draft decision VIII/4a on compliance by Armenia with its obligations under the Convention in respect of its national legislation (ECE/MP.EIA/2020/11)**

This is a decision on the follow-up to decision IS/1a. The Convention's MoP invited Armenia to adopt the proposed amendments to the legislation and the secondary legislation as soon as possible and to inform the Implementation Committee of the progress made.

Further to the reports from Armenia since the intermediary session of the MoP, the Committee concluded that despite steps taken since the intermediary session, Armenia had not yet:

- a) *Adopted the amendments to its legislation and the secondary legislation, and therefore, had not yet*
- b) *Fulfilled the requests addressed to it under paragraphs 5 and 6 of decision IS/1a.*

In addition, in the absence of official English translations of the adopted amendments and the secondary legislation, the Committee had to postpone the evaluation of the amended legislation referred to in para 7 of decision VIII/4a.

Although the Armenian government decided to approve changed implementing law, it has not yet been enforced due to current situation.

No objection, decision is adopted.

- **Draft decision VIII/4b on compliance by Azerbaijan with its obligations under the Convention in respect of its national (ECE/MP.EIA/2020/12)**

This is a draft decision on follow-up to decision IS/1 c. The Convention's MoP urged Azerbaijan to ensure that its environmental impact assessment legislation fully complies with the Convention and requested the Committee to evaluate the compliance of the environmental impact assessment legislation of Azerbaijan with the Convention.

In March 2020, the Committee noted that Azerbaijan had adopted two pieces of secondary legislation and two guiding documents to implement its 2018 framework Law.

The Committee also noted some specific deficiencies of the draft secondary legislation on EIA and on SEA, that was not adopted, notably, including concerning:

- a. *Definition referred to in article 1 (v) of the Convention and*
- b. *Ensuring proper public participation under articles 2 (6), 3 (8) and 4 (2) of the Convention.*

In September 2020, the Committee confirmed its previous conclusion that Azerbaijan had not to that date:

- a. Fulfilled the request addressed to it in paragraph 6 of decision IS/1c, and
- b. Remained in non-compliance with article 2 (2) of the Convention, despite steps taken since the intermediary session of the Meeting of the Parties.

Azerbaijan does not request the floor. No objections are noted. The Decision is adopted as such.

- **Draft decision VIII/4c on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets (ECE/MP.EIA/2020/13)**

This is a draft decision on follow-up to decision IS/1 d by which the Convention's MoP:

- a. Declared that Belarus failed to comply with article 4 (1), article 5 (a), and article 6 (1), of the Convention;
- b. Urged Belarus to ensure that, in the context of any future decision-making regarding any planned activity that falls under the Convention, the Convention is applied (para 16);
- c. Encouraged both Parties to
 - i. Accelerate the preparation of a bilateral agreement for the Convention's implementation under article 8 of the Convention (para. 17);
 - ii. Continue bilateral expert consultations on issues of disagreement, including on matters that were beyond the scope of the Convention (para. 18);
 - iii. Continue working on the post-project analysis regarding the activity (para. 19).

Since the MoP's intermediary session Belarus and Lithuania submitted to the Committee their reports further to paragraph 20 of decision IS/1d. They also copied the Committee on their correspondence.

Based on the analysis of all information provided to by the two Parties until March 2020, the Committee recommends that the MoP:

- a. Reaffirm its decision IS/1d and urge Belarus to apply the Convention in the future with regard to a proper evaluation of reasonable alternatives further to paragraph 16 of that decision;
- b. Endorse the finding of the Committee that Belarus and Lithuania have not yet fulfilled the requirements set out in paragraphs 17–19 of decision IS/1d and again encourages both Parties to comply with these requirements by the ninth session of the Meeting of the Parties.

The draft decision lists the concrete steps to be implemented by the two Parties, including with regard to:

- a. Concluding the bilateral agreement for the implementation further to article 8 of the Convention;
- b. Carrying out a post-project analysis, involving reaching an agreement on establishing a joint bilateral body and procedures for such analysis;
- c. Continuing bilateral expert consultations on issues of disagreement, including on matters that are beyond the scope of the Convention

The draft decision was provided well in advance and comments received were taken into consideration.

Belarus does not wish to take the floor. Other delegations, including Lithuania, express no objections. Decision can be approved by general segments with explanations provided by chair.

- **Draft decision VIII/4d on compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (ECE/MP.EIA/2020/14)**

This is a draft decision on follow-up to decision IS/1f by which the Convention's MOP welcomed:

- a. The adoption by Ukraine of the Law on EIA in May 2017, and*
- b. The declaration of Ukraine of its genuine wish to bring the Bystroe Canal Project into full compliance with the Convention*
- c. The intended steps to be taken by Ukraine listed in the road map developed by Ukraine to bring the project into full compliance with the Convention, such as repealing the final decision, conducting an assessment of damage to the environment and developing a plan for compensatory and mitigation measures.*

By decision IS/1f the MOP also provided a number of recommendations and requests for Ukraine to address its long-lasting persistent non-compliance with the Convention with a view to the caution issued at its fourth session being lifted at its eighth session.

The MoP also encouraged Ukraine and Romania to continue their cooperation in preparing a bilateral agreement to support implementation of the Convention further article 8 of the Convention.

After the intermediary session of the MOP, the Committee, as mandated, continued its followup on the steps taken by Ukraine to bring about compliance with the Convention.

It also continued taking additional steps to assist Ukraine in addressing its long-standing noncompliance with the Convention, including by:

- a. Providing Ukraine with a list of specific questions to help it summarize all required information for the reporting on progress made;*
- b. Holding additional informal consultations with Ukraine at its forty-sixth session (Geneva, 10–13 December 2019) and in advance of the Committee's forty–eighth session.*

In September 2020, Committee noted that Ukraine had:

- a. Not adopted all the secondary legislation required to fully align its national legislation with the Convention; Taken various steps listed in the road map. Among other things Ukraine had:*
- b. Carried out an assessment of damage to the environment resulting from works under Phases I and II of the Bystroe Canal Project;*
- c. Developed a draft plan of compensatory or mitigation measures.*
- d. Begun developing a new "Bystroe Route" project, intended to cover Phases I and II of the Bystroe Canal Project, and had notified Romania under the Convention.*

In addition, the Committee found that Romania and Ukraine taken only limited steps towards concluding their bilateral agreement to facilitate the implementation of the Convention.

The Committee concluded, that despite progress made Ukraine had not to date fulfilled all its obligations under paragraphs 9 and 11 of decision IV/2, paragraphs 17 and 19 of decision V/4,

paragraphs 24, 25 and 26 of decision VI/2 and paragraphs 5, 14, 15 and 17 of decision IS/1f. 6 Subsequently, the Committee could not recommend that the Meeting of the Parties lift the caution issued to the Government of Ukraine at its fourth session (ECE/MP.EIA/10, para. 10).

The Implementation Committee has drafted a decision and Ukraine provided a roadmap with additional explanations. Some changes were does integrated in the draft.

Ukraine does not have any comments to the draft decision and will move forward with their national legislation as well as cooperation with Romania.

The EU will discuss changes in tonight's EU coordination round.

- **Draft decision VIII/4e on compliance by Ukraine with its obligations under the Convention in respect of extension of the lifetime of the Rivne nuclear power plant (ECE/MP.EIA/2020/15)**

This is a decision on follow-up to decision IS/1 g by which the Convention's MOP:

- Endorsed the Committee's finding that Ukraine remained in noncompliance with its obligations under the Convention, as referred to in paragraph 70 of decision VI/2, and*
- Requested Ukraine to continue the transboundary environmental impact assessment procedure with the Parties wishing to participate in the procedure in order to bring the activity into compliance with the Convention.*

In September 2020, the Committee examined information from Austria, Belarus, Hungary, Poland, Romania, Slovakia, and Ukraine. It confirmed its previous findings that Ukraine had not yet:

- Fulfilled all its obligations under paragraph 69 of decision VI/2 and paragraph 4 of draft decision IS/1g pending the adoption of the remaining pieces of secondary legislation on environmental impact assessment;*
- Completed the transboundary impact assessment procedure under the Convention as referred to in paragraphs 7 (a), (b) and (c) and 8 of decision IS/1g.*

Subsequently, the Committee – in draft decision VIII/4e – recommended that the Meeting of the Parties endorse its finding that Ukraine remained in non-compliance with its obligations under the Convention pending adoption of the remaining pieces of its secondary legislation on environmental impact assessment and completion of the transboundary procedure under the Convention as referred to in paragraphs 4, 7 (a), (b) and (c) and 8 of decision IS/1g.

Ukraine proposed changes according to which legislation has already been brought into compliance with the Convention.

Wednesday, 9 December 2020

- **Draft decision VIII/4d on compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (ECE/MP.EIA/2020/14)**

EU: Proposes [different text](#). Ukraine supports proposed text. Decision is approved.

- **Draft decision VIII/4e on compliance by Ukraine with its obligations under the Convention in respect of extension of the lifetime of the Rivne nuclear power plant (ECE/MP.EIA/2020/15)**

EU: Proposes [different text](#). Ukraine supports proposed text. Decision is approved.

- **Draft decision VIII/4 on general issues of compliance with the Convention**

Draft decisions VIII/4 on general issues of compliance with the Convention follows the structure of previous MOP decisions/sections on general compliance matters. Its preamble recalls the related decisions taken by the Meeting of the Parties to the Convention.

Paragraphs 1 and 2 of the draft decision propose that MOP adopt the report of the Committee on its activities and welcome the Committee's reports on its session, the Committee. Paragraph 3 recommends that the MOPs reiterate its request the Committee to continue:

- To keep the implementation and application of the Convention under review;*
- To promote and support compliance with the Convention, including by providing assistance in this respect, as necessary.*

In the subsequent operative paragraphs (paras 4–8 of draft decision VIII/4), Committee recommends that the MoPs acknowledge the outcomes of the Committee's work in the 7 intersessional period 2017-2020 further to the Committee's report to the MoPs, including with regard to follow-up to previous decisions, submissions, Committee initiatives, information gathering procedures and specific compliance issues identified in the fifth review of implementation of the Convention.

In paragraph 7 the Committee recommends that the MoP acknowledge that:

- Several information gathering cases before the Committee relate to concerns of the public regarding the applicability of the Convention to lifetime extensions of nuclear power plants;*
- The Committee's deliberations have been delayed pending the development of guidance on that topic by an ad hoc working group of Parties to the Convention.*

In paragraph 10 and 11 of draft decision VIII/4 the Committee recommends that the MoPs:

- Note with regret that the Committee's work is hindered by lateness and insufficient quality of responses by some Parties concerned, and, in some cases, also by their refusal to respond and to cooperate and*

- b. *Strongly urges Parties to facilitate the Committee's work in good faith by providing it with the requested information in a timely manner and in good quality.*

Paragraph 12 of draft decision VIII/4 recommends the Convention's MOPs to consider its opinions generated since its intermediary session.

Paragraph 12(a) contains the Committee's clarification concerning the application of article 3(7) and Appendix IV.

Under a number of compliance cases before it, the Committee invited potentially affected Parties to indicate whether a significant adverse environmental impact from the proposed activities on their territories was likely and whether they wished to be notified with regard to the proposed activities.

To answer those questions from the Committee, a few Parties attempted to use mechanism provided for in article 3(7), including to exchange sufficient information with the Party of origin and to hold discussions on the likelihood of the significant adverse transboundary impact.

The Committee observed, however, that the Parties had difficulties applying article 3(7) in practice leading to delays in the Committee's further deliberations.

In addition, one Party requested to establish an Inquiry Commission, without meeting preconditions set out in article 3(7).

Consequently, the Committee felt it was important for it to provide clarify with regard to application of that article and the annex IV.

The Committee explained that:

Appendix IV of the Convention regarding the inquiry procedure is not applicable unless the preconditions in article 3 (7) had been met. Notably:

1. *In absence of notification, the potentially affected Party might request exchange of sufficient information for the purposes of holding discussions on whether there was likely to be a significant adverse transboundary impact. It should make its request as soon as it became aware of a proposed activity that it considered to have a likely significant adverse transboundary impact.*
2. *Subsequently, the concerned Parties should:*
 - a. *Exchange information that is sufficient and within the scope of the Convention. If available, the Party of origin should provide the EIA documentation for the proposed activity to the potentially affected Party; The exchange of information should be conducted within a reasonable time frame.*
 - b. *Hold discussions on whether a significant adverse transboundary impact on the territory of the affected Party was likely; and document the outcomes of those discussions, preferably as joint statements or meeting minutes signed by the Parties concerned, or, as a minimum, as part of official correspondence;*
 - c. *Endeavor to agree on another method of settling that question.*

Paragraph 12(b) clarifies a situation when a Party of origin unilaterally decides to terminate an ongoing transboundary procedure. The Committee is of the opinion that by doing so, the Party of origin places itself in a situation of non-compliance with the Convention.

A notification by a Party of origin regarding a proposed activity under articles 2 (4) and 3 (1) of the Convention, followed by the indication by the affected Party of its intent to participate in the environmental impact assessment procedure further to article 3 (3) of the Convention, constituted a mutual agreement between the Parties concerned to apply the Convention. Consequently, and following the mutual agreement among the concerned Parties, the subsequent steps of the transboundary procedure should be finalized in accordance with the Convention prior to a decision to authorize or to undertake the proposed activity.

In paragraph 16 of the draft decision, the Committee also recommends that MOPs urge Parties to take into account in their further work the opinions of the Committee in the period from 2001 to 2020.

Last but one paragraph of draft decisions VIII/4 refers to the amendment to the operating rules of the Committee, notably on adjusting the deadline for Parties' submission of information to the Committee, as provided for in paragraph 4 of rule 11. This recommendation addresses the collision of the deadlines for preparation of the unofficial documents for the Committee's sessions further to rule 10.

In the final paragraph of the draft decision, the Committee recommends that the MOPs:

- a. Keep under review and to further develop the structure and functions of the Committee and its operating rules, in light of experience gained by the Committee in the interim, and with a view to:
 - i. Enhancing the coherence and reducing duplication between the two sets of rules and*
 - ii. Increasing use of videoconferencing and other online and electronic communication tools as effective means for managing the Committee's workload.**
- ii. Request the Committee to prepare proposals, as it deems necessary, for submission to the Meeting of the Parties at its ninth session.*

The EU [proposes](#) additional recital as package of EU compromise in connection with the Decision and guidance on lifetime extension of nuclear power plants:

Affirming that in line with their obligations under article 2 (2) and (3) and article 6 (1) of the Convention, Parties shall have procedures in place providing for a final decision to authorize or undertake proposed activities that fall within the scope of the Convention, taking due account of the outcome of the environmental impact assessment

No objections; proposal is considered agreeable and will be introduced to the high level segment.

- [Draft decision on the long-term strategy](#) and the action plan for the Convention and the Protocol

The approval is postponed to after the lunch break for the EU to coordinate.

- **Draft decision on the applicability of the Convention to the lifetime extension of nuclear power plants**

The number of information gathering cases related to concerns of the public regarding the applicability of the Convention to lifetime extensions of nuclear power plants before the Committee grows exponentially. Currently the Committee gathers information on lifetime extension of 55 nuclear units of 18 nuclear power plants in seven countries. The Committee's deliberations have been delayed pending the development of guidance on that topic by an ad hoc working group of Parties to the Convention. The Parties urgently need guidance to properly apply the Convention to their ongoing lifetime extension activities. The Committee also urgently needs guidance to proceed with the consideration and development of findings regarding present and future cases. Many of the current cases had been pending before the Committee for number of years in the absence of guidance and could no longer wait to be concluded.

Christof Sangenstedt and Lucy Tanner introduce the guidance and its drafting phase. The draft also takes into account views of civil society. Some passages on which the ad hoc group could not agree are still shown in square brackets.

The latest proposal for adaptation was submitted by EU.

EU: Presents "compromise package" regarding the guidance and Decisions VIII/4 and VIII/6. Clarifications have also been provided to non-EU Parties. The EU welcomes the draft published at the meeting webpage as good basis for finalising. The text should not be re-opened.

CH: The guidance text is a delegate compromise and should not be re-opened.

Norway: In support of EU compromise, highlights precautionary principle.

RACSE: Note issues of transparency, as EU proposal up to now has not been published at the meeting webpage.

Greenpeace: Thanks especially Christof Sangenstedt for his engagement in the process.

ÖKOBÜRO: Welcome emphasis on precautionary principle and principle of sustainability. Adoption of guidance should be regarded a success also for civil society.

Compromise accepted by general segment.

- **Draft decision on reporting and review of implementation of the Convention**

EU support draft decision.

[Decision VIII/5](#) approved by general segment and the [Draft sixth review of implementation of the Convention](#).

- a. Draft decisions by the Meeting of the Parties to the Protocol**

- i. Draft decision on general issues of compliance with the Protocol**

Decision IV/4 on general issues of compliance with the Protocol as referred to in document ECE/MP.EIA/SEA/2020/9 follows the same structure as decision VIII/4 on the Convention, but is much shorter, since the work of the Committee with respect to the implementation of the Protocol has been less intensive. Notably, the Committee considered:

- a. 2 specific compliance issues identified in the third review of the implementation of the Protocol
- b. 4 information gathering procedures, which in case of case of Serbia led to a Committee initiative.

It also followed up on the specific compliance issue identified in the first review of the implementation of the Protocol regarding the European Union.

Similarly, to draft decision VIII/4 the Committee recommends that the MoPs in decision IV/4:

- a. *Note with regret that the Committee's work is hindered by lateness and insufficient quality of responses by some Parties concerned, and, in some cases, also by their refusal to respond and to cooperate and*
- b. *Strongly urges Parties to facilitate the Committee's work in good faith by providing it with the requested information in a timely manner and in good quality.*

Paragraph 13 of draft decisions IV/4 refers to the amendment to the operating rules of the Committee as set out in annex to decision VIII/4 of the Meeting of the Parties to the Convention. Finally, paragraph 14 recommends that the MOP request the Committee to prepare any proposals, as it deems necessary, for amending the Committee's structure, functions and operating rules further to the experience gained during this intersessional period.

[Decision IV/5](#) is approved by general segment.

ii. **Draft decision on reporting and review of implementation of the Protocol**

[Draft Decision](#) approved by general segment.

b. [Draft Vilnius declaration](#)

Canada proposes to remove square brackets.

WHO: Calls to focus on a broad perception of health issues. Climate, environmental degradation and pandemics are interrelated.

c. **Nomination of officers and election criteria**

See [Informal list of nominations and proposed election criteria](#).

Belarus will be part of the Bureau as it represents Bureaus members and WG officers.

Regarding the IC, usually only 4 members are elected. This time, one member would only need to serve one term. As Hungary has already served in the Committee, it was proposed that the Hungarian member would step out in 2023.

Ukraine proposes Olena Miskun from Ukraine to be nominated as alternate for the Bureau (together with Switzerland).

[Tentative calendar of meetings](#) will be presented to high level segment.

d. Tentative calendar of meetings

4. Review of the workplan

Details on the Committee's work during the 2017-2020 intersessional period are provided in the Committee's report on its activities in the intersessional period (ECE/MP.EIA/2020/4–ECE/MP.EIA/SEA/2020/4) and reports on the Committee's individual sessions (see the Convention's website following the link: <https://www.unece.org/environmentalpolicy/conventions/environmental-assessment/meetings-andevents.html#/0/0/0/28089/19940>).

The Committee's workload has considerably increased during this last period. By way of indication, the Committee had been considering 36 compliance issues:

- a. 5 cases to follow-up on previous decisions of the Meeting of the Parties,*
- b. 5 specific compliance issues arising from reviews of implementation of the Convention,*
- c. 2 submissions, (d) 24 information gathering cases*
- d. One Committee initiative.*

In the 2017-2020 intersessional period those amounted to 22 cases.

Moreover, the Committee's workload significantly increased further to MOP's request to revise draft decision VII/2 for its intermediary session.

Thus, the Committee's consideration of numerous pending issues and new compliance issues had been delayed for almost a year.

To tackle its considerable workload, the Committee had extended the duration of its sessions from three to four days and held ten sessions, instead of the nine foreseen by the 2017–2020 workplan.

In order to fulfil its mandate, the Committee also carried out, in accordance with its operating rule 19, consultations by email between its sessions and held four additional meetings using videoconferencing, including:

- a. A half a day session in October 2020 to hold informal consultations with Bosnian and Herzegovina, Croatia and Serbian about application of the Convention to three thermal power plants, and*
- b. A half a day session in November 2020 to hold discussions with Serbia with regard to the Committee Initiative on Protocol matters.*

The information on Committee's workload is reported in chapter IX. Generally, the Committee's report on its activities in 2017-2020 is divided in ten chapters.

Chapter I describes the composition, participation, the sessions and the mandate of the Committee.

Chapter II reports on:

- a. The revision by the Committee of draft decision VII/2 on the review of compliance with the Convention, and*

- b. *Preparation for the intermediary session of the Meeting of the Parties of decision IS/1 on general compliance issues and decisions IS/1 (a) – (h) on country-specific compliance issues.*

This chapter also draws on the Committee’s follow-up to decisions IS/1 a, c, d, g and f and preparation of related draft decisions VIII/4 (a)-(e) for the present Meeting of the Parties. To establish a correlation between country-specific paragraphs of draft decision VII/2, decisions IS/1 (a)–(h) and draft decisions VIII/4 (a)–(e) on its follow-up to decision VI/2, Chapter II of the report contains table 1. The table also refers to decision VI/2, as needed.

Chapter III *presents the outcome of the Committee’s examination of the fifth review of implementation of the Convention and the third review of the implementation of the Protocol. It also contains interim results of the Committee’s consideration of the specific compliance issues regarding the European Union identified in the first review of the implementation of the Protocol.*

Chapter IV *draws on submissions by Parties, **chapter V** on information from other sources (information-gathering cases concerning the Convention and the Protocol) and chapter VI on Committee initiatives. All these activities represented the bulk of the Committee’s work. Tables provide basic information on different cases.*

Although the Committee’s work on cases regarding the extension of lifetime of nuclear power plants had been delayed pending the preparation of the related Guidance, the Committee continued gathering information on some of the cases. It also provided inputs to the ad hoc working group preparing the draft guidance, including a description of all related compliance cases under the Committee’s consideration and clarifications on interpretation of article 2 (2) and (3) of the Convention.

Chapter VII *describes the work of the Committee related to revision of questionnaires and preparation of reviews of implementation.*

The outcomes of the Committee’s consideration on the matters have been presented in the context of draft decisions VIII/4, VI/4 and VIII(a) – (e) and VIII/5 and IV/5.

*Finally, **Chapters VIII to X** describe the work of the Committee concerning its structure and functions and operating rules; the workload; and outreach.*

During this intersessional period the Committee decided not to propose substantive revisions to its structure and functions and procedures for the review of compliance.

However, the Committee:

- a. *Clarified its operating rules on handling conflict of interest by its members;*
- b. *Proposed some ways to increase its effectiveness and efficiency to tackle the constantly growing number of compliance cases before it, including through be making available, whenever necessary, the correspondence from Parties to the Committee to all Parties concerned;*
- c. *Agreed to continue its efforts with a view to revising, during the 2021–2023 intersessional period, the Committee’s structure and functions and its operating rules for the consideration of the Meeting of the Parties at its ninth session.*

In addition, the Committee returned to its previous practice to hold informal consultations with the Parties concerned with a view to facilitating the Parties understanding of the Convention's provisions and steps to be taken by them to bring about their compliance.

Besides, as mentioned above the Committee held a number of sessions using videoconferencing and found this method rather efficient also for holding the informal consultations and hearings.

On the last point of outreach, the Chair of the Committee, regularly exchanged experiences with the Chair of the Compliance Committee Aarhus Conventions and, together with a Committee member, participated (by videoconference) in a meeting of the Implementation Committee under the Water Convention.

Chair thanks members of the Committee and of the Secretariat for their dedication, especially under the sub-optimal conditions.

- **Continued discussion on Draft decision on the adoption of the [workplan](#)**

Italy proposes the discussion on a feasibility study regarding marine regions, especially the Mediterranean region within subregional cooperation and capacity building.

CH: Declares that capacity building is very crucial. As within the recovery phase, a lot of public money will run into infrastructure projects, the correct application of environmental Conventions is essential. Reference to workshops should thus be kept.

OSCE: Will gladly participate in planned projects.

a. Compliance with and implementation of the Convention and the Protocol

Projects in Central Asia were carried out with funding of Switzerland, Germany and OECD.

Moldova: With support of UNECE and EU, a compliance gap analysis was carried out. Results were discussed in summer 2020.

Kazakhstan: Together with UNECE an EIA and SEA code has been developed. In October, an online seminar was organised to review the progress in SEA and EIA with the support of Switzerland. Additional events to mainstream information on SEA and build capacities would be more than welcome. A plan of action for implementation was developed and extra materials are now being prepared.

Uzbekistan: Actively implementing stepwise the strategy on EIA and SEA as approved by the president. They rely on key targets and key dimensions. Roadmap for 2019-2021 covers various industries. A Draft law on SEA was developed. Strategic documents are considered highly valuable. A monitoring mechanism is planned to be introduced. Technical support by the Convention secretariat is more than timely and highly needed. Uzbekistan is also committed to respond to dramatic climate change in the Central Asian region.

b. Subregional cooperation and capacity-building

Italy proposes the discussion on feasibility study regarding marine regions, especially the Mediterranean region within subregional cooperation and capacity building.

CH: Declares that capacity building is very crucial. As within the recovery phase a lot of public money will run into infrastructure projects, the correct application of environmental Conventions is essential. Reference to workshops should thus be kept.

OSCE will gladly participate in planned projects.

c. Exchange of good practices

Denmark, Georgia, Ukraine, OSCE and UNECE (in representation of Kirgizstan) report on projects carried out.

d. Promoting ratification and application of the Protocol and the Convention

Moldova: With support of UNECE and EU a compliance gap analysis was carried out. Results were discussed in summer this year.

Kazakhstan: Together with UNECE an EIA and SEA code has been developed. In October, an online seminar was organised to review the progress in SEA and EIA with the support of Switzerland. Additional events to mainstream information on SEA and build capacities would be more than welcome. A plan of action for implementation was developed and extra materials are now being prepared.

Thursday, 10 December 2020

- **Review of the workplan**

Latest [draft version](#) is discussed.

The EU proposes to lift the square brackets on thematic workshops or seminars. Although the EU's general position is to only include activities which are actually carried out in the workplan, but in this case the workshops are considered elementary.

CH: EU for Environment (EfE) conference is in 2022.

EU: Instead of "jointly EU and Belarus" it should read "jointly EU and interested Parties". This way the activity can also be eligible for EfE.

Belarus: Regrets that EU won't finance the workshop with budget from EU for Environment, because they won't be able to bear the costs on their own. Suggest that the Secretariat in consultation with the Parties concerned should be responsible. If EU cannot be named as supporter/responsible, they suggest to re-open the discussion on the LTE guidance.

Regarding budget there is still a huge lack. The secretariat in the coming intersessional period has even less resources at hand than it had in the past. But of course it will support again the organisation of events and activities, but cannot take the own responsibility.

EU and Belarus join a breakout room with the secretariat.

During coffee break, the chair spoke to EfE. They are expecting a formal proposal by Belarus, which can then be eligible. In this case, EfE can stay as such in the workplan.

Workplan is approved.

- **Nomination of officers and election criteria**

All open candidacies have been filled. Slovenia will have the chair for the SEA Protocol.

The list of nominations is approved to be presented to the high level segment for adoption.

- **financial arrangements for 2021–2023**

Canada proposes a completely voluntary system for contributions.

Chair: The work of Convention so far was financed by three main donors. Therefore the wording "duty" should remain in order to ensure continuation.

With another change proposed by Canada and CH, the decision is approved.

Currently, there is a total budgetary requirement of 1.600.000 USD, leaving an unfinanced gap of 390.000 USD.

Italy agreed to bridge the gap which will be left, since Norway's large contribution can no longer be provided.

Friday, 11 December 2020

5. Opening ceremony for the high-level segment

a. Election of officers for the high-level segment

George Kremlis welcomes participants and suggests the Finnish Minister of the Environment and Climate Change, Krista Mikkonen, as chair of high level segment. Krista Mikkonen is elected.

b. Introductory speeches

Chair expresses her gratitude to Lithuania and members of the Compliance Committee and Secretariat.

Prime Minister of Lithuania presents opening remarks.

Executive Secretary of the UNECE Olga Algayerova welcomes everyone and presents her introduction.

6. High-level event to mark the thirtieth anniversary of the Convention

Olga Algayerova reads the statement of UN Secretary General Antonia Guterres.

A video on Espoo Convention is presented.

Presentations on

- (1) Introductory remarks: The moderator of the panel, H.E. Ms. Krista Mikkonen, Minister of the Environment and Climate Change, Finland – proposes initiative to strengthen cooperation of Arctic countries under the Convention and stresses need for financing
- (2) The creation of the Convention: “The father of the Convention”, Mr. Robert Connelly, President of Connelly Environmental Assessment Consulting Inc., Canada
- (3) Success stories and good practice examples in implementing and promoting the Convention; visions for the future: Vitalijus Auglys, Head of Pollution Prevention Policy Group, Ministry of Environment, Lithuania (grove of oak tree named “Espoo” was planted in Lithuania) & Ms. Martine Rohn-Brossard, Deputy Head, International Affairs division, Federal Office for the Environment, Switzerland (talks about importance of sustainable infrastructure projects)
- (4) Progress made towards ratification and expectations v-à-v the Convention: H.E. Ms. Nino Tandilashvili, Deputy Minister of Environmental Protection and Agriculture, Georgia & Mr. Sokhib Yuldoshev, Head of the Center for State Environmental Expertise; State Committee for Ecology and Environmental Protection, Uzbekistan
- (5) Views from the civil society and academia on the main achievements and the way forward: Mr. Andriy Andrusevych, Senior Policy Expert, Society and Environment, Ukraine & Ms. Mari Koyano, Professor, Hokkaido University, Japan

The presentations are followed by a panel discussion.

OSCE presents a “birthday present” for the Convention.

7. Statements by ministers and high-level representatives

Statements by Norway, Slovakia, Lithuania, European Commission (Virginijus Sinkevičius, Environment, Oceans & Fisheries), Germany (on behalf of EU), Armenia, Belarus, Slovenia, Greece, Italy, Ukraine, OSCE, IAEA, WHO, Azerbaijan,

8. Adoption of decisions: ECE/MP.EIA/29 ECE/MP.EIA/SEA/12 3

a. Decisions to be taken jointly

All decisions were discussed and agreed during the general segment.

Secretariat reports on credentials. She confirms that we are in presence of quorum both for Espoo Convention and SEA Protocol.

Decision VIII/1-IV/1 is presented.

CH: Highlighting the discussions in the morning, referring to the importance of the Convention and the Protocol, CH calls for additional, maybe small, contributions from all countries.

Decision VIII/1-IV/1 is adopted.

There is a total Budget of 1.205.000 USD, leaving a deficit of almost 400.000 USD. Pledges of 16 parties are still missing.

The list of pledges will be annexed to report of the session.

The workplan in its latest version is adopted as well without objections.

Decision VIII/3-VI/3 is adopted as well without objections.

b. Decisions to be taken by the Meeting of the Parties to the Convention

Decisions VIII/4 and VIII/4a-VIII/4e are adopted without objections.

Decision VIII/5 is adopted as well.

Decision VIII/6 and LTE guidance adopted as well in the version approved by the general segment.

c. Decisions to be taken by the Meeting of the Parties to the Protocol

All Decisions are adopted.

9. Adoption of the declaration

Adoption of Vilnius declaration without objections.

10. Election of officers for the next intersessional period

Officers elected as proposed.

11. Date and venue of the next sessions

MOP9 will take place in mid-December 2023 in Geneva (unless a Party offers by December 2021 to host the meeting).

12. Other business

None.

13. Conclusion of the sessions

a. Adoption of the report of the sessions

Closing of the sessions