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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
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Ninth meeting

Geneva, 24–26 August 2020

Item 2 of the provisional agenda

Status of ratification

Status of ratification

Note by the secretariat¹

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
<i>Date adopted/in force</i>	25/02/1991	10/09/1997	27/02/2001	04/06/2004	21/05/2003	11/07/2010
<i>No. Parties to Convention at that date</i>			31	40		
Albania	26/02/1991	04/10/1991	12/05/2006	12/05/2006	21/05/2003	02/12/2005
Andorra						
Armenia		21/02/1997			21/05/2003	24/01/2011
Austria	26/02/1991	27/07/1994	14/09/2006	14/09/2006	21/05/2003	23/03/2010
Azerbaijan		25/03/1999	10/09/2019⁴	10/09/2019⁴		
Belarus	26/02/1991	10/11/2005	23/03/2011			
Belgium	26/02/1991	02/07/1999	*	*	21/05/2003	
Bosnia and Herzegovina		14/12/2009			21/05/2003	20/07/2017
Bulgaria	26/02/1991	12/05/1995	25/01/2007	25/01/2007	21/05/2003	25/01/2007
Canada	26/02/1991	13/05/1998	26/04/2018	26/04/2018		
Croatia		08/07/1996	11/02/2009	11/02/2009	23/05/2003	06/10/2009
Cyprus		20/07/2000	15/02/2017	15/02/2017	21/05/2003	15/02/2017
Czech Republic	30/09/1993	26/02/2001	18/04/2007	18/04/2007	21/05/2003	19/07/2005
Denmark	26/02/1991	14/03/1997	25/07/2017	25/07/2017	21/05/2003	04/06/2012
Estonia		25/04/2001	12/04/2010	12/04/2010	21/05/2003	12/04/2010

¹ Primary source: <http://treaties.un.org>

² Signature or succession to signature

³ Ratification, accession, approval, acceptance

* The country has indicated that it plans to ratify in the near future.

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
Finland	26/02/1991	10/08/1995	19/02/2014	19/02/2014	21/05/2003	18/04/2005
France	26/02/1991	15/06/2001		22/11/2011	21/05/2003	
Georgia					21/05/2003	
Germany	26/02/1991	08/08/2002	08/08/2002	22/02/2007	21/05/2003	22/02/2007
Greece	26/02/1991	24/02/1998	02/11/2018	02/11/2018	21/05/2003	
Hungary	26/02/1991	11/07/1997	29/05/2009	29/05/2009	21/05/2003	26/11/2010
Iceland	26/02/1991					
Ireland	27/02/1991	25/07/2002	*	*	21/05/2003	*
Israel						
Italy	26/02/1991	19/01/1995	18/07/2016	18/07/2016	21/05/2003	18/07/2016
Kazakhstan		11/01/2001				
Kyrgyzstan		01/05/2001				
Latvia		31/08/1998	21/03/2016	21/03/2016	21/05/2003	21/03/2016
Liechtenstein		09/07/1998	12/05/2015	12/05/2015		
Lithuania		11/01/2001	22/03/2011	22/03/2011	21/05/2003	22/03/2011
Luxembourg	26/02/1991	29/08/1995	05/05/2003	04/05/2007	21/05/2003	02/07/2008
Malta		20/10/2010	28/05/2014	28/05/2014		20/05/2016
Monaco						
Montenegro		09/07/2009	09/07/2009	09/07/2009	23/10/2006	02/11/2009
Netherlands	25/02/1991	28/02/1995	14/04/2009	14/04/2009	21/05/2003	08/12/2009
North Macedonia		31/08/1999			21/05/2003	13/09/2013
Norway	25/02/1991	23/06/1993	24/02/2010	24/02/2010	21/05/2003	11/10/2007
Poland	26/02/1991	12/06/1997	20/07/2004	11/01/2012	21/05/2003	21/06/2011
Portugal	26/02/1991	06/04/2000	22/05/2015	09/03/2012	21/05/2003	04/09/2012
Republic of Moldova		04/01/1994	15/03/2016	10/12/2018	21/05/2003	12/02/2019⁵
Romania	26/02/1991	29/03/2001	16/11/2006	03/05/2016	21/05/2003	08/03/2010
Russian Federation	06/06/1991					
San Marino						
Serbia		18/12/2007	21/03/2016	21/03/2016	21/05/2003	08/07/2010
Slovakia	28/05/1993	19/11/1999	29/05/2008	29/05/2008	19/12/2003	29/05/2008
Slovenia		05/08/1998	25/03/2014	25/03/2014	22/05/2003	23/04/2010
Spain	26/02/1991	10/09/1992	16/07/2008	06/04/2009	21/05/2003	24/09/2009
Sweden	26/02/1991	24/01/1992	30/03/2006	30/03/2006	21/05/2003	30/03/2006
Switzerland		16/09/1996	16/06/2010	15/03/2013		
Tajikistan						
Turkey						
Turkmenistan						
Ukraine	26/02/1991	20/07/1999			21/05/2003	02/12/2015
United Kingdom of Great Britain and Northern Ireland	26/02/1991	10/10/1997			21/05/2003	
United States of America	26/02/1991					
Uzbekistan						
European Union ⁴	26/02/1991	24/06/1997	18/01/2008	18/01/2008	21/05/2003	12/11/2008
Counts:	30	45	35	35	38	33
			<i>For entry into force, needed in total:</i>	<i>23 + 1⁴</i>	<i>30 + 1⁴</i>	
			<i>For the 1st amendment to have effect, need further:</i>	5		

⁴ Ratification by the European Union did not count towards the entry into force of the Convention, its amendments, or its Protocol.

I. The Convention

1. The Convention on Environmental Impact Assessment in a Transboundary Context was adopted in Espoo (Finland) on 26 February 1991 by 29 member States of the United Nations Economic Commission for Europe (ECE) and the European Union as a regional economic integration organization. The Convention entered into force on 10 September 1997.
2. To date, the Convention counts 45 Parties, including 44 States (out of the 56 ECE Member States) and the European Union. The number of Parties to the Convention has remained unchanged since 2010.
3. Two Signatory States to the Convention, the Russian Federation and the United States of America, have not yet completed their ratification of the instrument.

II. First amendment to the Convention

A. Entry into force of the first amendment and accession by non-ECE member States

4. Wishing to allow States situated outside the ECE region to become Parties to the Convention, the Meeting of the Parties to the Convention adopted a first amendment to the Convention (art. 17), at its second session, on 27 February 2001 (decision II/4).
5. That amendment entered into force 13,5 years later, on 26 August 2014, i.e. on the ninetieth day after the receipt by the Treaty Depository of notification of Malta's accession on 28 May 2014 (art. 14, para. 1). Moreover, in 2014, the Meetings of the Parties to the Convention and the Protocol on Strategic Environmental Assessment adopted decision VI/5–II/5 giving blanket approval to any future request for accession by the United Nations Member States that are not members of ECE.
6. However, as stipulated in the text of the first amendment, the United Nations Member States that are not members of ECE may only be able to accede when the first amendment has entered into force for all the States and organizations that were Parties to the Convention at the time the amendment was adopted on 27 February 2001, i.e. 31 Parties (new art. 17, para. 3).
7. At present, from those 31 Parties, **the following five Parties still need to ratify the first amendment to make it operational:**

1. Armenia

4. Ukraine

2. Belgium

5. United Kingdom of Great Britain
and Northern Ireland

3. North Macedonia

8. It should be noted that from the entry into force of the first amendment, “any State or organization that ratifies, accepts or approves [the] Convention shall be deemed simultaneously to ratify, accept or approve the amendment to the Convention set out in decision II/14 taken at the second meeting of the Parties” (new art. 17, para.7).

B. Accelerating the operationalization of the first amendment

9. At its fifth meeting (April 2016), the Working Group on EIA and SEA considered Bureau's proposals for accelerating the operationalization of the first amendment to the

Convention.⁵ It acknowledged the Convention's global benefits and the need to accelerate the opening of the Convention. However, owing to the legal concerns expressed by several Parties, the Working Group did not support the proposal to adopt a separate agreement modifying article 17, paragraph 3 and entering into force through a non-objection procedure once a deadline specified in the agreement had lapsed. The delegation of the European Union felt that it would be wiser instead to focus on accelerating the missing (at the time ten) ratifications of the first amendment by those States that were parties to the Convention on 27 February 2001. In conclusion, the Working Group urged the concerned Parties to ratify the first amendment by June 2017 to honour the political commitments taken when adopting the amendment.

10. The efforts to operationalize the first amendment after its entry into force in 2014, are still on-going and have included the following:

(a) At its sessions in 2014, 2017 and 2019, the Meeting of the Parties to the Convention has consistently urged all the States that were Parties to the Convention on 27 February 2001 that had not yet done so to ratify the amendment to article 17 as soon as possible;⁶

(b) The concerned Parties have been invited to report orally on their progress towards ratification of the first amendment at each meeting of the Bureau, the Implementation Committee, the Working Group and of the Meetings of the Parties;

(c) In advance of the intermediary sessions of the Meetings of the Parties (February 2019), the Bureau and the Working Group had also requested the concerned Parties to submit a written progress report regarding steps taken towards ratification of the first amendment;

(d) At the requests of the Bureau and the Working Group, before each session of the Meetings of the Parties, the ECE Executive Secretary has written to the foreign ministers and the environment ministers of the Parties to the Convention that had adopted the amendments or signed the Protocol to invite them to proceed promptly with their ratification and to report on their progress to the Meetings of the Parties. In addition, the ECE Executive Secretary has consistently repeated that invitation during bilateral meetings that she/he has held with high-level representatives of the concerned countries.

11. On 10 September 2019, the most recent ratification of the first amendment, by Azerbaijan, brought the number of missing ratifications down to five.

12. At its eighth meeting (Geneva, 26-28 November 2019), the Working Group welcomed Azerbaijan's ratification. It however remained concerned that five more ratifications of the first amendment were still needed. From the progress reports provided by the concerned countries, the Working Group noted that Belgium and North Macedonia had advanced the furthest, and that in Armenia intergovernmental discussions were ongoing. It urged Armenia, Belgium, North Macedonia, Ukraine and the United Kingdom to make every effort to ratify the amendment as soon as possible.

⁵ See document ECE/MP.EIA/WG.2/2016/L.3.

⁶ See decision VI/5-II/5, para. 2; Geneva Declaration 2014, para. B1; and the 2017 and 2019 reports ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 9 and ECE/MP.EIA/27-ECE/MP.EIA/SEA/11, para. 9

II. Second amendment to the Convention

13. In 2004, wishing to modify the Convention with a view to further strengthening its application and improving synergies with other multilateral environmental agreements, the Meetings of the Parties adopted a second amendment to the Convention (decision III/7).

14. 13 years later, further to the deposit by Denmark of its instrument of ratification on 25 July 2017, the second amendment entered into force on **23 October 2017** for those Parties to the Convention that had ratified that amendment.

15. In a nutshell, the second amendment modified the Convention as follows:

(a) Extended the list of activities subject to the Convention in appendix I, aligning it with the European Union Directive on environmental impact assessment;

(b) Incorporated a recommendation that a Party likely to be affected by a planned activity should to the extent appropriate be given the opportunity to participate already in the determination of the issues and impacts to be addressed (scoping procedure);

(c) Introduced measures for a “non-adversarial and assistance-oriented” review of compliance with the provisions of the Convention (led by the Implementation Committee, established in 2001). (In 2011, the review of compliance was extended to also cover the Protocol);

(d) Formalized the mandatory regular reporting by Parties;

(e) Clarified the Convention’s amendment procedure, specifying that the established proportion of Parties (three-fourths) for the entry into force of amendments is to be calculated based on the number of the Parties at the time of its adoption.

16. To date, the second amendment is in force for all but nine Parties to the Convention that remain bound by the unamended treaty obligations. The Bureau, the Working Group and the Meetings of the Parties agree on the importance for ensuring that the Convention applies in a unified manner to all its Parties. To this end, the Meeting of the Parties to the Convention in February 2019 and the Working Group in November 2019 again urged all Parties that have not ratified the second amendment to do so.

17. **The following nine Parties are yet to ratify the second amendment to the Convention:**

1. Armenia

6. Kyrgyzstan

2. Belarus

7. North Macedonia

3. Bosnia and Herzegovina

8. Ukraine

4. Ireland

**9. United Kingdom of Great Britain
and Northern Ireland**

5. Kazakhstan

III. The Protocol on Strategic Environmental Assessment

18. The Protocol on Strategic Environmental Assessment to the Convention was adopted and signed on 21 May 2003 by 38 Parties to the Convention, in Kyiv, at an extraordinary meeting of the Meeting of the Parties. It entered into force on 11 July 2010.

19. All States that are Members of the United Nations may accede to the Protocol. The procedure for accession is the same for all States since decision VI/5–II/5 by the Meetings of the Parties to the Convention and the Protocol in 2014 gave blanket approval to any future request for accession by the United Nations Member States that are not members of ECE.

20. To date, the Protocol counts 33 Parties, including 32 ECE Member States and the European Union. The latest ratification was by the Republic of Moldova on 12 February 2019.

21. **The following Signatory States to the Protocol have not yet completed their ratification of the Protocol:**

1. Belgium

4. Greece

2. France

5. Ireland

3. Georgia

**6. United Kingdom of Great Britain
and Northern Ireland**

22. At each of their meetings, the Bureau, the Working Group and the Meetings of the Parties have invited the Signatory States to proceed promptly with the ratification of the Protocol and to report on progress towards this end at the forthcoming meetings. At its last meeting, the Working Group invited the above countries to report back to its next meeting (9-11 June 2020). The treaty bodies have also requested the ECE Executive Secretary to do prompt the concerned States to ratify when writing to foreign ministers and environment ministers of the concerned countries in advance of the sessions of the Meetings of the Parties.

23. In addition, all the beneficiary countries of the secretariat's technical pre-accession assistance on strategic environmental assessment, that had not yet done so, have been encouraged to ratify the instrument (Azerbaijan, Belarus, Georgia, Kazakhstan and Kyrgyzstan).

III. Status of the Bucharest Agreement⁷

Multilateral agreement among the countries of South-East Europe for implementation of the Convention (Bucharest, 2008)– *in force since 25 February 2011*

24. On 20 May 2008, during the fourth session of the Meeting of the Parties to the Convention held in Bucharest, Bulgaria, Croatia, Greece, Montenegro, Romania, Serbia and North-Macedonia (at the time, the Former Yugoslav Republic of Macedonia) signed a multilateral agreement for the implementation of the Espoo Convention in the sub-region, called the Bucharest Agreement. The Agreement entered into force on 25 February 2011. Aside from the Signatory States, the instrument is open for accession by the other countries in the sub-region.

25. To date, five of the Signatory States and Albania have ratified the Agreement by depositing their instrument of ratification/accession with Romania, as the Depositary for the Agreement. Most recently, in November 2018, Serbia became the sixth Party to the Agreement. Croatia and Greece (nor Bosnia-Herzegovina) are not yet Parties.

⁷ Source: Ministry of Foreign Affairs of Romania, as the Depositary for the Agreement.

26. The first meeting of the Parties to the Bucharest Agreement has been planned since 2011. The workplan for the period 2014–2017 also foresaw a preparatory workshop for the meeting of the Parties under the leadership of Romania. At the request of Romania, the organization of the two events was again included in the waiting list of the workplan for 2017–2020, pending the identification of funding. However, in absence of funding until to date, the events have not been held.

27. In September 2017, with support from the secretariat, Romania organized and facilitated a round-table discussion on the Bucharest Agreement with participants from Albania, Croatia, Montenegro and North Macedonia, and with invited speakers from Hungary and Slovenia. The round-table was preceded by a questionnaire on the Bucharest Agreement, which was completed by the participating countries, as well as by Bosnia and Herzegovina and Bulgaria. The round table was held during a special session on the Convention, the Bucharest Agreement and the Protocol at the Third Regional Conference on Environmental Impact Assessment (Vodice, Croatia, 14-15 September 2017).

28. At its intermediary session, the Meeting of the Parties to the Convention welcomed Serbia's ratification of the Bucharest Agreement. The Meeting of the Parties encouraged Croatia and Greece to also ratify the Agreement and Bosnia and Hercegovina to accede to the Agreement.

29. At the eighth meeting of the Working Group, in November 2019, the delegation of Montenegro proposed the inclusion into the next workplan 2021–2023 of capacity building activities to implement the Bucharest Agreement and to promote sub regional networking for transboundary environmental impact assessment. (The Working Group is expected to discuss and agree on the draft workplan at its next meeting (9-11 June 2020)).

Bucharest Agreement: Status of ratifications/accessions

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Acceptance(A), Approval(AA), Accession(a), or one of the previous actions but unspecified (u)</i>	<i>Entry into force</i>
Albania	-	26 March 2015 (a)	25 April 2015
Bosnia and Herzegovina	-		
Bulgaria	20 May 2008	23 January 2009 (AA)	25 February 2011
Croatia	20 May 2008		
Greece	20 May 2008		
Montenegro	20 May 2008	28 December 2009 (u)	25 February 2011
North Macedonia	20 May 2008	26 January 2011 (u)	25 February 2011
Romania	20 May 2008	29 December 2011	28 January 2012
Serbia	20 May 2008	2 November 2018	2 December 2018
