

**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**

**Sixth meeting**

Geneva, 7–10 November 2016  
Item 3 of the provisional agenda

**Compliance and implementation**

**Elements for a draft report on the Implementation  
Committee's activities (until its 36<sup>th</sup> session)**

Note by secretariat

*Summary*

In accordance with the structure and functions of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/6, annex II, appendix, para. 11), the Implementation Committee is to report to the Meeting of the Parties, through the secretariat, and make such recommendations as it considers appropriate. In addition, the workplan adopted by the Meeting of the Parties at its sixth session and the Meeting of the Parties serving as the Meeting of the Parties to the Protocol (Meeting of the Parties to the Protocol) at its second session, calls for the Committee to report to both bodies at their seventh and third sessions, respectively (see ECE/MP.EIA/20/Add.3-ECE/MP.EIA/SEA/4/Add., decision VI/3-II/3).

This document presents elements of the Committee's draft report to the Meeting of the Parties in the intersessional period 2014–2017. It has been prepared by the secretariat based on the reports adopted by the Committee at its thirty-first through thirty-fifth sessions. The Committee is yet to complete and agree on its report. More details on the Committee's deliberations are presented in the Committee's reports on its sessions.<sup>1</sup>

The Working Group may wish to note and comment the elements of the draft report.

<sup>1</sup> Available from <http://www.unece.org/environmental-policy/conventions/environmental-assessment/meetings-and-events.html#/0/0/0/28089/19940>

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## I. Introduction

### A. Membership and sessions of the Implementation Committee

1. In the intersessional period 2014–2017, the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) reviewed compliance under the Convention and the Protocol, in accordance with article 14, paragraph 6, of the Protocol, and decision V/6–I/6 adopted at the fifth session of the Meeting of the Parties Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (Meeting of the Parties to the Protocol) (see ECE/MP.EIA/SEA/2).

2. The members of the Implementation Committee and the Parties they represented at the Committee for Convention matters were: Ms. Elyanora Grigoryan (Armenia); Ms. Anna Kliut, Mr. Ivan Narkevych (from the thirty-session) and later Ms. Nadezhda Zdanevich (from the thirty-fourth session) (Belarus); Mr. Michel Prieur, and later Mr. David Catot (from the thirty-fourth session) (France); Ms. Zsuzsanna Pocsai (Hungary); Mr. Romas Švedas (Lithuania); Mr. Felix Zaharia (Romania); Ms. Lourdes Aurora Hernando (Spain); and Mr. Vladimir Buchko (Ukraine).<sup>2</sup> Armenia, France, Romania and Spain were elected to nominate members at the fifth session of the Meeting of the Parties, so members nominated by them were serving their second term. Belarus, Hungary, Lithuania and Ukraine were elected to nominate members at the sixth session of the Meeting of the Parties.

3. Additionally, in accordance with the election processes set out in paragraphs 2 and 3 of decision V/6–I/6, the members of the Committee and the Parties they represented at the Committee for Protocol matters were: Mr. Kaupo Heinma (Estonia); Mr. Jerzy Jendroska (Poland);<sup>3</sup> Ms. Zsuzsana Pocsai (Hungary); Ms. Ornela Soshi and later Ms. Ilda Shahu (from the thirty-sixth session) (Albania); and Mr. Romas Švedas (Lithuania). The five members were elected to join the three continuing members of the Committee for Protocol matters, Armenia, Spain and Romania, while Estonia was elected to serve as an alternate to Ukraine, Poland as an alternate to Belarus and Albania as an alternate to France. Ukraine became a Party to the Protocol on 1 March 2016, but Estonia, elected by the Meeting of the Parties to serve as alternate to Ukraine, served as a member of the Committee until the end its term of office.

4. In line with the amendments to the Committee's structure and functions and operating rules and adopted by the Meetings of the Parties<sup>4</sup> in addition to the permanent members, the following alternate members were appointed by the elected Parties for the same term of office: Ms. Borana Antoni (Albania), Ms. Larisa Kharatova (Armenia), Mr. Ivan Narkevych and later Ms. Tatjana Laguta (from the thirty-fourth session) (Belarus), Mr

<sup>2</sup> Originally appointed as alternate member, Mr. Narkevych was appointed and served as permanent member of the Committee for one session. Mr. Catot was appointed to replace Mr. Prieur from the thirty-fourth session, but was unable to attend that session. Mr. Manuel Menendez Prieto exceptionally replaced the Committee member nominated by Spain at the Committee's thirty-first session.

<sup>3</sup> On the election of Mr. Jendroska, see also ECE/MP.EIA/20–ECE/MP.EIA/SEA/4, para. 69.

<sup>4</sup> See decision III/2 (ECE/MP.EIA/6, annex II), appendix, and decision IV/2, annex IV (ECE/MP.EIA/10), both amended by decision VI/2, (ECE/MP.EIA/20.Add.1–ECE/MP.EIA/SEA/4.Add.1). By reference, in decision II/2 (see ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2).

Rainer Persidski (Estonia), Ms. Jūratė Usevičiūtė (Lithuania), Ms. Katarzyna Twardowska (Poland) and Ms. Almudena Casanueva Canamero (Spain). Mr. Szabolcs Péter Orosz (Hungary) was appointed to serve as alternate from the thirty-second session of the Committee, Mr Marc Clément (France) from the thirty-fourth session, and Ms. Elena Dumitru (Romania) and Ms. Maryna Shymkus (Ukraine) from the thirty-sixth session. The Committee also agreed that in the absence of the Chair, the Chair's functions would be carried out by the Vice-Chairs, and not by the alternate member appointed by the country the Chair represented.

5. At its thirty-first session, the Committee nominated Mr. Zaharia as Chair of the Committee. At its thirty-second session, the Committee elected Ms. Hernando as the first Vice-Chair and Mr. Švedas as the second Vice-Chair.

6. *[IC 37–38: Possible specifications to the Committees operating rules: e.g. about the duties of the curators; stricter use of the English (operating rule 20) as working language etc.]*

7. The Committee held [eight] sessions in the intersessional period since the sixth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Protocol. Reports of the Committee's sessions were made available to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Working Group on EIA and SEA), and were published on the Convention website. Members nominated by Parties whose compliance was at issue, were not present when the Committee considered the respective items in closed sessions.

8. At the Committee's thirty-fifth session (15–17 March 2016), on the occasion of discussions (informal) of the Committee with a delegation of Ukraine regarding the follow-up by Ukraine on decision VI/2 in relation to the Bystroe Canal Project, Ukraine requested that any discussions within the Committee on the follow-up by Ukraine to decision VI/2 in relation to the Bystroe Canal Project be consistently carried out in the absence of the Committee members nominated by Romania and Ukraine. The Committee agreed to take note of the request that the Chair, as the member from Romania, would no longer participate in any discussions of the Committee on the matter or address letters to Ukraine on behalf of the Committee.

## **B. Activities assigned to the Committee**

9. The Meeting of the Parties took a number of decisions regulating the operation of and assigning activities to the Committee, which were carried out as described in this report. These decisions were:

(a) To establish the Committee for the review of compliance by the Parties with their obligations under the Convention with a view to assisting them fully to meet their commitments (decision II/4, para. 1);

(b) To decide on the structure and functions of the Committee and the procedures for review of compliance (decision III/2, para. 2);

(c) To extend the application of the compliance procedure of the Convention to the Protocol on SEA (decisions I/6–V/6);

(d) To request the secretariat to bring to the attention of the Committee general and specific compliance issues identified in the fourth review of implementation of the Convention and the first review of implementation of the Protocol, and to request the Committee to take these into account in its work (decision VI/1, para. 4, and decision II/1, para. 4);

(e) To request the Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible (decision VI/2, para. 9, and decision II/2, para. 7);

(f) To adopt the amendments to the structure and functions and operating rules of the Committee set out in annex I and II to decision VI/2 (decision VI/2, paras. 12 and 13, and decision II/2 para. 9) mainly concerning membership, participation in the meetings, documentation by Parties and electronic-decision making;

(g) To keep under review and develop, if necessary, the structure and functions of the Committee, as well as the operating rules, in the light of experience gained by the Committee in the interim, and prepare any proposals, as the Committee deems necessary, for the seventh session of the Meeting of the Parties to the Convention (decision VI/2, para. 14);

(h) To adopt the workplan for compliance with and implementation of the Convention and the Protocol in the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Protocol (decision VI/3–II/3), including:

(i) Consideration by the Committee of compliance submissions received;

(ii) If necessary, review of the Committee's structure and functions and operating rules (see also (g) above);

(iii) Examination of the outcome of the fourth review of implementation of the Convention and the first review of implementation of the Protocol;

(iv) Modification of the questionnaires for the report on implementation of the Convention and, as appropriate, the Protocol, in 2013–2015;

(v) Supervision of reviews of legislation, procedures and practice, and technical assistance in drafting legislation, to strengthen Parties' implementation of and compliance with the Convention and the Protocol, as decided by the Committee and the Party concerned, and subject to availability of funds, including country-specific reviews, including a period in-country examining national legislation and based on earlier reviews further to decision IV/2 (technical advice to Armenia on improving legislation to implement the Protocol and advice in drafting necessary amendments; technical advice to Azerbaijan on improving legislation to implement the Convention);

(vi) A number of dispositions in decision VI/2 regarding Armenia (paras. 29–35 and 45–46), Azerbaijan (paras. 38–44 and 47), Belarus (paras. 47–64), Romania (paras. 36–37) and Ukraine (paras. 15–28 and 68–71);

(vii) A report on the Committee's activities to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Protocol.

10. In addition, the Committee had been requested to contribute, as needed, in the preparation of guidance on the implementation of the Convention (drawing on opinions of the Implementation Committee), an activity initially led and funded by the European Investment Bank (EIB), which later was undertaken by the Committee Chair and a member of the Implementation Committee on a voluntary, pro bono basis, i.e., not as consultants to the EIB. The Working Group on EIA and SEA not reaching a consensus on the co-authors' proposal to enlarge the guidance's scope beyond that foreseen in the workplan and thus cover also relevant linkages of the Convention with other multilateral environmental ECE treaties, the co-authors informed the Working Group that they found the original scope to

be too restrictive and that they preferred to proceed with their work on extended draft guidance in their individual capacity, independently from the Convention bodies. [...].

## **II. Follow-up to decision VI/2**

### **A. Ukraine**

*Committee reference: EIA/IC/S/1*

11. The issue of compliance by Ukraine with its obligations under the Convention in relation to its legislation and the Danube-Black Sea Deep-Water Navigation Canal in the Ukrainian sector of the Danube Delta (the so-called Bystroe Canal Project, hereinafter “the Project”) has been under consideration by the Committee since 2004. At its last session, the Meeting of the Parties to the Convention declared that the caution to the Government of Ukraine issued at MOP-4 in 2008 was still effective (decision VI/2, para. 23). It requested the Government of Ukraine to adopt the draft legislation on the implementation of the Convention and to bring the Project into full compliance with the Convention by the end 2015. In that respect, it also requested the Government to report by the end of each year to the Committee on how it implemented those recommendations.

12. Specifically, the Meeting of the Parties asked the Government to report on: (a) the implementation of the strategy to implement the Convention by the end of 2015 — in particular concrete legislative measures adopted to that effect — and to provide the Committee with relevant draft legislation for its review before it was adopted; and (b) the steps taken to bring the Project into full compliance with the Convention, implementing the measures in accordance with paragraph 19 of decision V/4, by the end of 2015, while refraining from undertaking any measure or programme that could jeopardize the fulfilment of those recommendations (decision VI/2, paras. 24–25).

13. During the intersessional period, the Committee followed closely the steps taken by the Government to bring about compliance with its obligations under the Convention, as requested by Meeting of the Parties. The Government of Ukraine provided information regularly and as requested by the Committee.

14. At the end of 2015, at its thirty-fourth session (December 2015), the Committee was presented with the English translation of a new draft law on “Environmental Impact Assessment” developed to align Ukrainian legislation with the Convention and European Union (EU) legislation. The new draft had been registered with the Ukrainian parliament, after the previous draft law “On assessing the impact on the environment” of May 2014 had been revoked upon signature by Ukraine of the Association Agreement with the EU in June 2014. The Committee welcomed the developments in legislation, but considered that as there was still no certainty about the final draft, it would be too early to proceed with the review of required legislation, as mandated by paragraph 25 (a) of decision VI/2.

15. In respect of the obligations to bring the Project into compliance with the Convention, at the same (thirty-fourth) session, the Committee noted that Ukraine had not provided any information on the steps taken to this end, specifically the proposed measures in decision V/4, paragraph 19, which requested Ukraine to fulfil recommendations set out in a European Commission report on the issue.<sup>5</sup> Decision VI/2 also required Ukraine to

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<sup>5</sup> Support to Ukraine to Implement the Espoo and Aarhus Conventions, Draft Final Report, EuropeAid Development and Cooperation, European Commission, August 2010, prepared by NIRAS A/S, Denmark (mention of any commercial firm in this document does not imply endorsement by the United Nations).

refrain from any measure or programme which could jeopardize the fulfilment of the recommendations contained in the report. The Committee expressed its concern that the lack of information seemed to indicate that Ukraine had taken no relevant steps to bring the Project into full compliance with the Convention.

16. On that basis, the Committee concluded that Ukraine had not provided adequate reports as required by decision VI/2. In order to obtain sufficient information, the Committee invited the Government to attend the Committee's thirty-fifth session to discuss progress made in complying with the decisions of the Meeting of the Parties. Indeed, at the Committee's thirty-fifth session, during discussions<sup>6</sup>, the delegation of Ukraine presented information and opinions on the progress it had made in complying with the decisions of the Meeting of the Parties, as required by decision VI/2 (paras. 15–28). The Committee invited Ukraine to provide additional information in writing in advance of its thirty-sixth session (5–7 September 2016).

17. At its thirty-sixth session, while regretting that the adoption of new draft law was still pending, the Committee noted with appreciation, that the second reading of the draft law in Ukrainian parliament was scheduled for October 2016. The Committee also noted that a trilateral commission (Republic of Moldova-Romania-Ukraine) had agreed in principle on joint monitoring programmes, but also noted that it lacked information on the contents of those programmes. Regarding the Bystroe Canal Project, the Committee concluded that, although some steps had been taken, Ukraine had so far not provided the Committee with evidence that would allow it to conclude that the Project had been brought into full compliance. The Committee agreed that, on the basis of the information to be provided by Ukraine by the end of 2016 on: legislative measures, concrete steps to bring the Bystroe Canal Project into conformity with the Convention, and on implementation of article 7 on post project analysis, the Committee would finalize its draft report including recommendations to the Meeting of the Parties at its thirty-eighth session (20–22 February 2017). The Committee would also invite Romania to provide its views on progress made.

18. [IC37, IC38]

[...]

*Committee reference:* EIA/IC/CI/4

19. By decision VI/2 (para. 71), the Committee had been invited to follow up its assessment of the case regarding the extension of the lifetime of the Rivne nuclear power plant (NPP) by Ukraine, which had been subject to proceedings before the Committee during the previous intersessional period, taking into consideration the specific circumstances and the fact that Ukraine had acted in good faith. At its thirty-second session (December 2014), the Committee noted that the mandate provided by decision VI/2 in relation to the case was unclear. The Committee observed, however, that the decision adopted by the Meeting of the Parties had explicitly endorsed the finding of non-compliance by Ukraine with several provisions of the Convention in relation to the project and the legislation. In that regard, the Committee agreed that following up with decision VI/2 would not imply reconsideration of the case.

20. Consequently, the Committee requested, the Government of Ukraine to provide information on specific measures to address the Committee's finding on non-compliance by Ukraine with article 2, paragraphs 2 and 3, article 4, paragraph 1, and articles 3 and 6 of the Convention, which was endorsed by the Meeting of the Parties. The Government

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<sup>6</sup> The discussions did not constitute a formal discussion (a hearing) on the matter, according to paragraph 9 of the Committee's structure and functions and operating rule 11,

informed the Committee that national EIA legislation did not require the carrying out of an EIA procedure for planning and implementing activities relating to the extension of the operation of a NPP and that that was in accordance with established international legislation and practice. However, at the discussions held with the delegation of Ukraine at the Committee's thirty-fifth session (see para. ... above), the Government confirmed that the new draft EIA law pending before parliament envisaged the carrying out of an EIA procedure for the extension of the lifetime of a nuclear power plant.

21. The Committee considered that the inclusion in the law of the requirement to carry out an EIA in case of the extension of the lifetime of nuclear power plants was a positive development. The Government was also invited to enter into discussions with Belarus, Hungary, Poland, the Republic of Moldova, Romania and Slovakia to agree on whether notification was needed for the extension of the lifetime for the Rivne nuclear power plant.

22. At its thirty-sixth session, the Committee noted the affirmation of the Government of Ukraine that in the period 2017–2018 it would implement the transboundary EIA procedure for the planned lifetime extension of power units 1 and 2 of the Rivne nuclear power plant. In absence of information from Ukraine, the Committee reiterated its request for Ukraine to enter into discussion with the above listed Governments, and to report on the outcomes of the discussions. Moreover, as the Committee had in the meantime been informed by the Government of Austria, that Austria had requested to be notified by Ukraine with respect to the planned activity, Ukraine was also invited to inform the Committee how it responded to the Austrian request. Finally, Ukraine was requested to inform the Committee on its planned steps for carrying out a transboundary EIA procedure in 2017 and 2018. The Committee agreed that, on the basis of the information to be provided by Ukraine by the end of 2016, the Committee would finalize its draft report including recommendations to the Meeting of the Parties at its thirty-eighth session (20–22 February 2017)

23. [IC37, IC38]

## **B. Romania**

*Committee reference:* EIA/IC/S/2

24. In its decision VI/2 (paras. 27 and 37), the Meeting of the Parties encouraged the Governments of Romania and Ukraine to strengthen their cooperation and develop the bilateral agreement for improved implementation of the Convention. The Governments of Romania and Ukraine provided information on how they had implemented decision VI/2. The Committee welcomed the steps undertaken by the two Governments, but noted the slow progress in the negotiation of a bilateral agreement or other arrangement, which was also due to the failure by Ukraine to adopt the draft EIA legislation.

25. The Committee agreed to [...]

## **C. Armenia**

*Committee reference:* EIA/IC/CI/1

26. The Committee initiative on Armenia was launched in 2007 as a result of the examination by the Committee of national responses to the questionnaire for the first review of implementation of the Convention (to mid-2003) and the request from Armenia for technical assistance from the Committee in implementing the Convention. In its decision VI/2 (paras. 31–32), the Meeting of the Parties welcomed the progress made by the Government of Armenia towards adoption of the draft revised legislation, prepared with

the assistance of the Implementation Committee and an international consultant to the Convention secretariat in the previous international periods. It invited the Government to adopt the revised law while ensuring its compliance with the Convention and the Protocol, as well as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. The Government was also requested to ensure that the adopted legislation was in accordance with the 2013 recommendations of the international consultant to the secretariat.

27. Immediately after the sixth session of the Meeting of the Parties to the Convention, the secretariat provided technical advice to the Government of Armenia in the context of the European Union-funded Greening the Economies in the Eastern Neighbourhood (EaP Green) Programme, to assist it in bringing its draft legislation fully in line with the Convention and the Protocol (see decision VI/2, para. 35). During the intersessional period, the Committee considered regular reports by the member of the Committee representing Armenia and the secretariat on the progress in the implementation of the technical advice and the adoption of the draft legislation on environmental assessment.

28. The Committee took note of the legislative developments in Armenia: the expert review, carried out by international and national experts, had been completed in summer 2014 and forwarded to Armenia on 23 July 2014; the law on EIA was approved by the parliament on 21 June 2014 and had entered into force on 11 August 2014 and the Government's decision No. 1325 of 19 November 2014 regulated public participation aspects.

29. At its thirty-fourth session, the Committee noted that the new law departed from the traditional expertiza system,<sup>7</sup> which was common in the countries in Eastern Europe, the Caucasus and Central Asia, and the transboundary procedure was sufficiently regulated. However, practical application of the law could create confusion, because both EIA and SEA procedures were not clearly distinguished from each other. It agreed to wait for the English translation of the Government's decision of 19 November 2014 on public participation and to consider it at its next session.

30. At its thirty-sixth session, the Committee noted the ongoing development of legislative amendments and subsidiary regulations by Armenia, including efforts to better regulate the distinction between the EIA and SEA procedures, which the Armenian authorities would strive to submit to the Armenian parliament by the end of 2016. It also noted the update by the secretariat with regard to the implementation of the technical assistance to Armenia foreseen in the workplan.

31. [IC37, IC38]. The Committee considered that... It decided to recommend to the MOP...

*Committee reference:* EIA/IC/S/3

32. The Committee had also been requested by the Meeting of the Parties to the Convention to follow up and, as appropriate, monitor the steps in the transboundary EIA procedure in relation to the planned construction of the Metsamor NPP (decision VI/2 paras. 45–46). In fall 2014, the Government informed the Committee that through decision 511-A of 19 May 2014, the Government had approved its new energy programme, which among other projects, envisaged that the construction of the new block of the NPP would

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<sup>7</sup> See general guidance on enhancing consistency between the Convention and environmental impact assessment within the framework of State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia (ECE/MP.EIA/2014/2), available from [http://www.unece.org/env/eia/meetings/mop\\_6.html#/](http://www.unece.org/env/eia/meetings/mop_6.html#/).

only start in 2018. It also informed that no works had been initiated or carried out in relation to the planned construction of the Metsamor NPP, that the information contained in Armenia's notification dated 27 August 2010 – which had originally been subject to concerns of compliance by Azerbaijan – for the project had no further validity, that any activities based on that notification had been suspended and any new developments would be based solely on the Government's new programme.

33. The Committee took into account the information provided. It agreed that since the decision for the planned construction of the NPP was no longer valid and activities based on that decision were suspended, there was no transboundary EIA procedure relating to that project and therefore no longer a ground to follow up. It decided to recommend to the Meeting of the Parties to close the case and to encourage Armenia to ensure that any projects carried out in accordance with the new Energy programme from 2018 be compliance in the Convention.

34. However, as Armenia was a Party to the Protocol on SEA and the Programme of the Government adopted by Decision 511-A of 19 May 2014 seemed to set the framework for future activities in the energy field, the Committee also enquired about the nature of the Programme and whether an SEA procedure, including a transboundary procedure or at least the notification of potentially affected countries, had been carried out before the adoption of the Programme. The Government informed that the energy chapter of the Programme had simply provided a list of the Government priorities in the energy sector in the country and therefore, in the view of the Government, an SEA procedure was not required and had not been carried out. As requested by the Committee, the Government provided for the Committee's consideration parts of 2014 Decision, the legal basis for its adoption, as well as the list of the Government priorities in the energy sector.

35. At its thirty-sixth session, the Committee appointed a curator to review the unofficial English translation of the Government Programme. On the basis of the curator's analysis, the Committee would decide whether further information should be requested from Armenia, and consequently, whether it should formally open an information-gathering case (SEA/IC/INFO/2).

36. [IC37, IC38]. The Committee concluded that...

## **D. Azerbaijan**

*Committee reference:* EIA/IC/CI/2

37. The Committee initiative on Azerbaijan was prompted by Azerbaijan's responses to the questionnaire on its implementation of the Convention in the period 2009 to 2011, indicating that it lacked national legislation on the application of the Convention and by the request from Azerbaijan for technical assistance from the Committee in that regard.

38. In its decision VI/2 (paras. 38–44), the Meeting of the Parties requested Azerbaijan to ensure that its draft framework law on environmental assessment and its implementing regulations complied with the Convention. In particular, Azerbaijani legislation had to clearly designate which decision constituted a final decision for the purposes of the Convention and any final decision had to comply with the requirements of the Convention, taking into account the 2009 recommendations of the international consultant to the secretariat and also the general guidance on enhancing consistency between the Convention and EIA in the framework of state ecological expertise in the countries of Eastern Europe, Caucasus and Central Asia (ECE/MP.EIA/2014/2, endorsed through decision VI/8). Azerbaijan had also been requested to adopt the draft law and the subsequent implementing regulations and to regularly report to the Committee.

39. Immediately after the sixth session of the Meeting of the Parties, the secretariat provided technical advice to the Government of Azerbaijan in the context of the EaP Green Programme, to assist it in bringing its draft legislation fully in line with the Convention and the Protocol (see decision VI/2, para. 44), including an expert review of the draft legislation and drafting of new legislation. During the intersessional period, the Committee considered regular reports by the Government, an international expert to the secretariat and the secretariat, on the progress in the implementation of the technical advice to Azerbaijan to assist it to comply fully with the Convention. Accordingly, the drafting of environmental assessment legislation with the assistance of international experts had been concluded in January 2015, although amendments might be necessary to bring the law into full compliance with the Convention in respect of the public participation and transboundary procedures, and had been expected to be submitted to the parliament by October 2015.

40. The Committee noted with regret that the draft framework law on environmental assessment in Azerbaijan had been under consideration at the ministerial level for several years and had yet not been submitted to parliament. In December 2015, the Committee wrote to the Government expressing the Committee's concern that the adoption of the law was already pending for several years and urging Azerbaijan to adopt the draft law and the subsequent implementing regulations as soon as possible for the Committee to evaluate on time for the seventh session of the Meeting of the Parties.

41. In September 2016, the Committee again wrote to Azerbaijan requesting it to report on progress in the legislative developments; to provide the Committee with an English translation of the amended draft law as submitted to the parliament, for the Committee to assess its compliance with the Convention and the Protocol; to report on progress regarding the subsequent implementing regulations; and to clarify the implementation mechanisms for the basic obligations of the transboundary procedures in its draft legislation. The Committee agreed that it would assess the compliance of Azerbaijan with decision VI/2 based on the information to be provided by the country and finalize the draft report and recommendations to the Meeting of the Parties on the matter at its thirty-eighth session, in February 2017.

42. [IC37, IC38]: findings on Azerbaijan

## E. Belarus

*Committee reference:* EIA/IC/S/4

43. In the intersessional period, the Committee considered its follow-up to decision VI/2 regarding Belarus (paras. 48–64). The Meeting of the Parties had issued its recommendations following the Committee's findings and recommendations at its twenty-seventh session – after consideration of the submission by Lithuania expressing concerns about compliance by Belarus with its obligations under the Convention in relation to the planned construction of an NPP in Ostrovets close to the border with Lithuania – and the additional recommendations made by the Committee after extensive documentation submitted prior to the sixth session of the Meeting of the Parties to the Convention by Belarus and Lithuania on the steps they had taken to reach compliance with the Committee's findings (see ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4, paras. 53–56).

44. The Meeting of the Parties had requested the Committee to thoroughly analyse the steps undertaken after the adoption of the Committee's report on its twenty-seventh session and to reflect the conclusions of its analysis in the report of the Committee's thirty-third session at the latest, and to report to the seventh session of the Meeting of the Parties on the matter. Belarus and Lithuania submitted regular reports and information during the intersessional period, and copied the Committee on their correspondence.

45. At its thirty-third session (Geneva, 17–19 March 2015), the Chair presented a thorough analysis of the steps undertaken by Belarus and Lithuania, which had been prepared by the curator with the support of the Chair. The Committee considered the analysis, but could not agree on its conclusions, and further to the Committee's request, Belarus provided additional information.

46. At its thirty-fourth session (Geneva, 8–10 December 2015), the Committee considered that the matters of disagreement between the two Parties related to scientific and other technical matters. The Committee recalled that, according to its structure and functions, its mandate was to provide advice and recommendations, *inter alia*, relating to technical matters (decision III/2, appendix, para. 4 (c)); but since it did not in this specific case have the sufficient technical and scientific knowledge to assess compliance by Belarus with the Convention on that basis, it was necessary for it to seek the services of scientific experts and other technical advice or consult other relevant sources, according to its structure and functions (*ibid.*, para. 7 (d)).

47. At that session, the Committee agreed that, subject to the agreement of Belarus and Lithuania, it would be useful if the two countries established and financed an expert body modelled after the inquiry commission provided for under appendix IV to the Convention. In that regard, the Governments of Belarus and Lithuania were invited to provide their views about the possibility of establishing such an expert body before the meeting of the Bureau (Geneva, 19–20 January 2016) and to attend the Committee's thirty-fifth session (Geneva, 15–17 March 2016) to discuss the steps they had taken to implement the recommendations in decision VI/2. The Committee was also invited to discuss the proposal.

48. As requested by the Committee, the Bureau discussed the proposed establishment of an expert body, taking into account the views already expressed by the two Parties: Lithuania was in principle favourable towards the proposal, but Belarus had expressed reservations, pointing to the need to exhaust all possible avenues through bilateral consultations. Following clarifications from representatives of Belarus and Lithuania, the Bureau encouraged Belarus to reconsider its reservations regarding the proposal in advance of discussions on the matter at the Committee's present meeting.<sup>8</sup>

49. The Committee held discussions, which did not constitute a formal discussion (a hearing) on the matter, with the delegations of Belarus and Lithuania at its thirty-fifth session (15–17 March 2016). Both Parties reiterated their views on the proposed establishment of an expert body to advise the Committee's deliberations on technical and scientific issues concerning the matter, Lithuania supporting the establishment of the expert body and Belarus expressing reservations.

50. The Committee noted areas of disagreement between the two Parties on technical issues concerning the construction of the nuclear power plant, for example, regarding reasonable locational alternatives and the methodology and data used in determining the siting (including but not limited to seismic activity, hydrological and geological data). It then asked the Chair to write to the Parties inviting them to carry out bilateral expert level consultations on the issues of disagreement raised during the discussions with the Committee on 15 March 2016, and to jointly report to the Committee on the results of those consultations by 29 July 2016.

51. At its thirty-sixth session (5–7 September 2016), the Committee considered information on the outcomes of the first bilateral expert meeting held in Vilnius, on 21 and 22 June 2016, and on a second bilateral meeting scheduled for September 2016. The Committee noted that, unlike it had requested, the two Parties had not submitted a joint

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<sup>8</sup> See informal notes of the Bureau meeting, available from <http://www.unece.org/index.php?id=40421#/>.

report on the bilateral expert-level consultations. The Committee decided to remind the Parties of the requests by the Meeting of the Parties in decision VI/2, highlighting, in particular, that the bilateral consultations should provide the possibility to Belarus to agree with Lithuania on the steps to be followed to continue the procedure of transboundary EIA on the basis of the final EIA documentation and for the two Parties to continue consultations. It further requested the Parties to provide it with a joint report that would be signed by both Parties and list both the issues agreed on and those on which the Parties could not reach a consensus. The Committee agreed to wait for the outcome of the second bilateral expert meeting before finalizing its report, including its recommendations to the Meeting of the Parties at its seventh session in that regard.

52. IC37, IC38]

### III. Examination of the outcome of the reviews of implementation

53. The secretariat presented to the Committee general and specific compliance issues identified in the fourth review of implementation of the Convention and the first review of implementation of the Protocol (ECE/MP.EIA//2014/3 and ECE/MP.EIA/SEA/2014/3), and in the completed questionnaires on which it was based. The Committee took this information into account in its work, as requested in decision VI/1 of the Meeting of the Parties (para. 4) and decision II/1 of the Meeting of the Parties to the Protocol (para. 4).

#### A. General compliance issues

54. The Committee did not consider any general compliance issues in the intersessional period.

#### B. Specific compliance issues

55. The Committee examined five specific compliance issues, one regarding the Convention and four regarding the Protocol, as summarized in table 1. [... of them, regarding ..., led to a Committee initiative (...?)]. The correspondence between the Committee and concerned Parties on specific compliance issues arising from the reviews of implementation are posted on the Convention's website,<sup>9</sup> according to the now established practice since the Committee's decision at its eighth meeting (Geneva, 14–15 November 2005) to do so as an illustration of the Committee's approach to a specific compliance issue and of a proper and sufficient response from a Party to address the issue.

56. The Committee was satisfied with the clarifications provided by Austria and Spain. Moreover, the Committee did not pursue the specific compliance issue regarding Bosnia and Herzegovina.

Table 1

#### Specific compliance issues

<i>Committee reference</i>	<i>Party concerned</i>	<i>Issue</i>
EIA/IC/SCI/4/1	Cyprus	Seemed to lack any regulation in its legislation about notification.

<sup>9</sup> See [http://www.unece.org/env/eia/implementation/implementation\\_committee\\_letters.html](http://www.unece.org/env/eia/implementation/implementation_committee_letters.html).

SEA/IC/SCI/1/1	Austria	Seemed to not strictly apply the requirement of article 5, paragraph 4, of the Protocol that screening conclusions be made available to the public in a timely manner.
SEA/IC/SCI/1/2	Bosnia and Herzegovina	Seemed to lack provisions in its legislation regarding the content of the transboundary notification under article 10, paragraph 2, of the Protocol.
SEA/IC/SCI/1/3	Spain	Seemed to set overly restrictive conditions for NGO participation in the assessment procedures, which might prevent the fulfilment of effective public participation under the Protocol.
SEA/IC/SCI/1/4	European Union	Did not complete and return the questionnaire on its implementation of the Protocol in the period from 2010 to 2012, according to the obligation set in article 14, paragraph 7, of the Protocol.

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## 1. Regarding Cyprus *pending*

*Committee reference:* EIA/IC/SCI/4/1

57. In its response to the questionnaire for the preparation of the fourth review of implementation, Cyprus had indicated that notification under the Convention was not regulated in its legislation. Considering that regulation of notification constituted “an integral part of the whole process in the Convention” (MP.EIA/WG.1/2003/3, para. 9), the Committee requested Cyprus to provide clarification of its implementation of the Convention regarding the notification, specifically on when and how the public was notified in the absence of current national legislation.

58. In its response of 23 December 2014, Cyprus provided references to applicable national legislation and clarified when the public was notified, but did not explain how the public was notified. The Committee decided to ask Cyprus to provide excerpts of the English translation of the provisions mentioned in its letter of 23 December 2014 (i.e., art. 24, paras. 1 and 3, of the Environmental Impact Assessment Laws of 2005 to 2014) and details on how the public was notified.

59. Despite repeated reminders, the Committee has not received a response. The Committee also postponed consideration of the issue due to its workload.

60. [IC37, IC38]

## 2. Regarding Austria

*Committee reference:* SEA/IC/SCI/1/1

61. In December 2014, the Committee considered the clarification provided by Austria on the timing of publication of screening conclusions in accordance with article 5, paragraph 4, of the Protocol. The Committee agreed that the response was to its satisfaction.

### 3. Regarding Bosnia and Herzegovina

*Committee reference: SEA/IC/SCI/1/2*

62. Bosnia and Herzegovina had indicated in its response to the questionnaire for the first review of implementation of the Protocol that there were no provisions in its legislation regarding the content of the transboundary notification (art. 10, para. 2). The Committee sought clarification by Bosnia and Herzegovina. Despite the lack of response from the country, the Committee agreed to close the case, taking into consideration that Bosnia and Herzegovina had completed the questionnaire without being a Party to the Protocol. The Committee, however, welcomed the report by Bosnia and Herzegovina as merely a Signatory, encouraged ratification by Bosnia and Herzegovina of the Protocol and offered the Committee's assistance in the country's efforts to become a Party to and implement the Protocol.

### 4. Regarding Spain

*Committee reference: SEA/IC/SCI/1/3*

63. The Committee was satisfied with the clarification provided by Spain in November 2014 with regard to the conditions for NGO participation in SEA procedures, which might prevent the fulfilment of effective public participation under the Protocol.

### 5. Regarding the European Union *pending*

*Committee reference: SEA/IC/SCI/1/4*

64. In September 2014, the Committee noted that the EU had not returned the questionnaire, as required by article 14, paragraph 7, of the Protocol. The Committee requested the EU to complete and return the questionnaire by November 2014 and also to address questions regarding any EU legislative, regulatory or administrative provisions on plans or programmes subject to article 4, paragraphs 2 or 3, of the Protocol on SEA.

65. In December 2014, the Committee took note of the clarifications provided by the EU with regard to the obligation of the EU to report under the Protocol and its competences as a regional economic integration organization. After reviewing the requirements under article 4, paragraphs 2 and 3, of the Protocol, and the competence of the EU in defining activities by its member States, notably in the areas of its exclusive competence, the Committee decided to seek further clarification from the EU in respect of the nature of specific EU measures, such as those on the European rail network for competitive freight in transport sector, the 2030 Energy Strategy in energy sector or the total allowance catches in fisheries sector, all of which seemed to set the framework for future development consent by Member States.

66. At its thirty-sixth session (5–7 September, 2016), the Committee discussed the matter on the basis of an in-depth analysis by the curator. It agreed to ask the European Commission to answer additional specific questions that were to be agreed by the Committee after the session.

67. [IC37, IC38]

## IV. Submissions by Parties

68. There were no submissions by Parties regarding their own compliance or another Party's compliance during the present intersessional period.

## V. Information from other sources (information gathering cases)

69. The Committee received information from sources other than Parties, further to operating rule 15, paragraph 1, as summarized in table 2 below.

Table 2  
Information from other sources<sup>10</sup>

<i>Committee reference</i>	<i>Party concerned</i>	<i>Issue</i>
EIA/IC/INFO/10	Ukraine	Planned construction of nuclear reactors 3 and 4 at Khmelnytskyi NPP, close to the border with Belarus.
EIA/IC/INFO/13	Ukraine	Planned construction and operation of a gold-mine using cyanide technology in Muzhiyevo.
EIA/IC/INFO/14 which led to EIA/IC/CI/6 and SEA/IC/INFO/1	Serbia	Planned construction of a new block at the Kostolac lignite power plant.
SEA/IC/INFO/1	Serbia	SEA procedures for the Energy Development Strategy and the Spatial Plan.
EIA/IC/INFO/15	Netherlands	Planned extension of the lifetime of the Borssele NPP.
EIA/IC/INFO/16	Bosnia and Herzegovina	Planned construction of a third block for the thermo-power plant in Ugljevik, close to the border with Serbia.
EIA/IC/INFO/17	Bosnia and Herzegovina	Planned construction of a new thermo-power plant in Stanari, close to the border with Croatia.
EIA/IC/INFO/18	Belgium	Planned lifetime extensions of reactors at Doel and Tihange NPPs.
EIA/IC/INFO/19	Czech Republic	Planned lifetime extension of reactors at the Dukovany NPP
EIA/IC/INFO/20	Ukraine	Planned lifetime extension of the South Ukrainian, Khmelnitskiy and Zoprizhia NPPs

<sup>10</sup> EIA/IC/INFO/11 (Azerbaijan) was concluded and EIA/IC/INFO/12 (United Kingdom) had led to EIA/IC/CI/5 (see below) before MOP-6

## **A. Convention matters**

### **1. Regarding Ukraine**

*Committee reference: EIA/IC/INFO/10*

70. The Belarusian NGO Ecohome had provided information concerning the planned construction of nuclear reactors 3 and 4 at Khmelnytskyi NPP, in Ukraine, approximately 150 kilometres from the borders with the Republic of Moldova and Romania, and approximately 350 kilometres from the border with Belarus before the sixth session of the Meeting of the Parties. The Committee had initiated reviewing the case prior to the session and continued consideration of the information it had gathered during the present intersessional period.

71. The Government of Ukraine was requested to provide further information and clarification regarding the transboundary public participation and consultation procedures with all concerned Parties in accordance with article 3, paragraph 8, and article 5, of the Convention, respectively; and to adopt the final decision in compliance with article 6 of the Convention. Additional information was also requested from potentially affected countries, i.e. Austria, Belarus, Hungary, Poland, Republic of Moldova, Romania and Slovakia.

72. In the light of the information received from the Government of Ukraine that Ukraine had renounced the cooperation agreement with the Russian Federation for the construction and financing of the third and fourth power units of the Khmelnytskyi NPP, putting off implementation of the activity, the Committee decided that at that stage there was no need for it to pursue further its information gathering regarding this issue.

### **2. Regarding Ukraine**

*Committee reference: EIA/IC/INFO/13*

73. A Hungarian political party had provided information concerning the planned reopening of a gold-mine using cyanide technology in Muzhiyev, Ukraine, close to the border with Hungary before MOP-6. The Committee had initiated reviewing the case before MOP-6 and continued consideration of the information it had gathered during the present intersessional period.

74. On the basis of information provided from the Government of Ukraine regarding the validity of the licenses and the mining activities, the Committee decided there was no need to further pursue the information gathering regarding the issue.

### **3. Regarding Serbia**

*Committee reference: EIA/IC/INFO/14*

75. The Committee reviewed information provided by the NGO Bankwatch Romania regarding the planned construction by Serbia of the Kostolac lignite power plant in north-east Serbia, by the River Danube, close to the border with Romania.

76. On the basis of further clarification by the NGO and the information received from the Government of Serbia in relation to the transboundary procedures for the project and from the Government of Romania, the Committee noted that the construction of one block at the Kostolac lignite power plant was an activity listed in appendix I (para. 2) to the Convention and that the likelihood of a significant adverse transboundary impact could not be excluded. However, Serbia had not notified potentially affected Parties.

77. On those grounds, and based on a profound suspicion of non-compliance, the Committee decided to begin a Committee initiative (EIA/IC/CI/6) (see chapter VI). Regarding the issues arising with regard to the Protocol on SEA, the Committee continued consideration of its information gathering on the Protocol matters only (SEA/IC/INFO/1) (see below).

**4. Regarding the Netherlands *pending***

*Committee reference:* EIA/IC/INFO/15

78. The Committee reviewed information provided by the NGO Greenpeace Netherlands concerning the extension by the Netherlands of the lifetime of the Borssele NPP. Based on information from the NGO and the Governments of the Netherlands, Belgium and Germany, and further to extensive deliberations, the Committee... [...].

79. [ IC37, IC38]...

**5. Regarding Bosnia and Herzegovina *pending***

*Committee reference:* EIA/IC/INFO/16

80. The Committee reviewed information provided by the NGO Center for Environment (Bosnia and Herzegovina) concerning the planned construction of a third block for the thermo-power plant in Ugljevik, close to the border with Serbia. In the light of information submitted by the Governments of Bosnia and Herzegovina and Serbia, the Committee... [IC37, IC38]

**6. Regarding Bosnia and Herzegovina *pending***

*Committee reference:* EIA/IC/INFO/17

81. The Committee reviewed information provided by the NGO Center for Environment (Bosnia and Herzegovina) concerning the planned construction of a new thermo-power plant in Stanari, close to the border with Croatia. In the light of information submitted by the Governments of Bosnia and Herzegovina and Croatia, the Committee... [IC37, IC38]

**7. Regarding Belgium *pending***

*Committee reference:* EIA/IC/INFO/18

82. The Committee reviewed information submitted by the German federal states of North Rhine-Westfalia and Rhineland-Palatinate regarding the extension of the lifetime of the Doel and Tihange nuclear power plants in Belgium]. In the light of information submitted by the Governments of Belgium and Germany, the Committee... [IC37, IC38]

**8. Regarding the Czech Republic *pending***

*Committee reference:* EIA/IC/INFO/19

83. [IC36, IC37, IC38]...[The Committee reviewed information submitted jointly by four NGOs (Oekobuero, Global 2000, Jihočeské matky, z. s, and Calla) and later also by the NGO Aarhus Konvention Initiative Germany regarding the extension of the lifetime of the Dukovany nuclear power plant in the Czech Republic]. ...

## 9. Regarding Ukraine

*Committee reference:* EIA/IC/INFO/20

84. The Committee reviewed information provided by the NGO Central and Eastern Europe (CEE) Bankwatch Network concerning the planned lifetime extension of the South Ukrainian, Khmelnytskyi and Zoprizhia NPPs. In the light of information submitted by the Government[s] of Ukraine, [and...], the Committee... [IC37, IC38]

## B. Protocol matters

### 1. Regarding Serbia *pending*

*Committee reference:* SEA/IC/INFO/1

1. Following its consideration of the information gathering EIA/IC/INFO/14, which led to a Committee initiative regarding the application of the Convention by Serbia with regard to the planned construction of a new block at the Kostolac lignite power plant, the Committee agreed to gather further information regarding the application of the Protocol by Serbia in relation to the carrying out of the SEA procedures for the Spatial Energy Development Strategy of the Republic of Serbia and the Spatial Plan of the Republic of Serbia. According to information provided by the Government of Serbia, the planned project for the construction of a new block at Kostolac lignite power plant was envisaged in the Spatial Plan and the Energy Development Strategy of the Republic of Serbia with projections by 2015 on the environment. The Government had added that the Spatial Plan and the Energy Development Strategy had been submitted to neighbouring countries for comments.

2. In the light of the information provided from the Government of Serbia, the Committee [IC37, IC38]...

## VI. Committee initiatives

85. The Committee considered two Committee initiatives — on the United Kingdom on Great Britain and Northern Ireland and Serbia — further to its operating rule 15, paragraph 2, as summarized in table 3 below.

Table 3

### Committee initiatives

<i>Committee reference</i>	<i>Party concerned</i>	<i>Issue</i>
EIA/IC/CI/5	United Kingdom	Did not notify Parties with respect to the planned construction of the NPP at Hinkley Point C.
EIA/IC/CI/6, further to EIA/IC/INFO/14	Serbia	Did not apply the Convention with respect to the planned construction of a new block at the Kostolac lignite power plant.

## **A. Regarding the United Kingdom of Great Britain and Northern Ireland**

*Committee reference: EIA/IC/CI/5*

86. Further to information provided by a German Member of the Parliament and by the NGO Friends of the Irish Environment regarding the planned construction of NPP Hinkley Point C by the United Kingdom, and additional information gathered from the Governments of Austria, Belgium, France, Germany, Ireland, the Netherlands, Norway, Spain and United Kingdom, in February 2014, the Committee had decided to begin a Committee initiative.

87. At the invitation of the Committee, the United Kingdom participated in the discussion on the matter in the Committee's meeting in March 2015, and presented the Committee with information and opinions on the matter under consideration. Committee members posed further questions to seek clarification on the country's position, further to its written replies. The Committee prepared its findings and recommendations in closed session in December 2015 and agreed to send them to the United Kingdom for comments or representations.

88. In March 2016, the Committee reviewed the comments by the United Kingdom. It finalized minor points in its findings and recommendations, on the basis of a proposal by the curator, using its electronic decision-making procedure (see ECE/MP.EIA/IC/2016/2). It requested the secretariat to bring the findings and recommendations to the attention of the concerned Party once issued as an official document, and to subsequently transmit them for consideration by the Meeting of the Parties to the Convention at its seventh session.

## **B. Regarding Serbia**

*Committee reference: EIA/IC/CI/6*

89. Further to information provided by the NGO Bankwatch Romania regarding the planned construction by Serbia of the Kostolac lignite power plant in north-east Serbia, by the River Danube, close to the border with Romania and additional information received from the Government of Serbia, in March 2015, the Committee decided to begin a Committee initiative (see Chapter V above) and urged Serbia to comply with its obligations under the Convention. In November 2015, Serbia informed the Committee that no further information on the activity in question was available because of pending domestic administrative remedies questioning the validity of the final decision vis-à-vis the compliance of Serbia with the Espoo Convention.

90. In March 2016, Serbia was invited to address additional questions regarding the planned construction of the new unit at the Kostolac lignite power plant. At that meeting, the Committee agreed that the planned extension of the open pit mine was also an activity listed in appendix I to the Convention and that the likelihood of a significant adverse transboundary impact could not be excluded. Serbia was invited to address questions regarding the associated to the new unit open pit mine.

91. In September 2016, the Committee reviewed the information from Serbia. Regarding the lignite open-pit mine, it noted that Serbia had concluded on the basis of a domestic EIA that that activity was not likely to cause adverse transboundary impacts and that consequently the application of the Convention had not been considered necessary. The Committee also noted that Serbia had notified Romania regarding the planned extension of the power plant. Consequently, considering that Serbia had in the meantime initiated a transboundary procedure in accordance with the Convention with respect to the extension of the power plant the Committee agreed that there was no need for it to pursue the Committee initiative.

92. The Committee informed Serbia of the outcomes of its deliberations. In its letter, Serbia was made aware that, had it not taken the initiative to notify Romania, that would have led Serbia to be in non-compliance with its obligations under the Convention. The Committee also drew Serbia's attention to decision I/3, which required such notifications to be transmitted to the relevant point of contact, unless otherwise provided for in bilateral or multilateral agreements or other arrangements.

## **VII. Revised questionnaires and reviews of implementation**

### **A. Modification of the questionnaires**

93. The Committee was requested to revise and simplify the questionnaires for the report on the implementation of the Convention and the Protocol and to provide a modified versions of the questionnaires (decision VI/1, para. 6; decision II/1, para. 6; and decision VI/3–II/3).

94. The Committee prepared proposals for the modification of the two questionnaires accordingly and submitted them to the Working Group for consideration. In May 2015, the Working Group approved the two questionnaires with a number of amendments (ECE/MP.EIA/WG.2/2015/2, annexes I and II). Finally, the Working Group agreed on a detailed timetable for the distribution and return of the questionnaires (ECE/MP.EIA/WG.2/2015/INF.5).

### **B. Reviews of implementation**

95. In accordance with the detailed timetable agreed by the Working Group, the secretariat sent the Convention and Protocol questionnaires to the Parties at the end of October 2015 for completion by 31 March 2016.

96. The secretariat has regularly provided information on the process to the Committee. On the basis of the completed questionnaires, the secretariat prepared the draft fifth review of implementation of the Convention (ECE/MP.EIA/WG.2/2016/8) and the draft second review of implementation of the Protocol (ECE/MP.EIA/WG.2/2016/9) for consideration by the Working Group at its sixth meeting and for further submission to the Meeting of the Parties to the Convention and the Meeting of the Parties to the Protocol at their seventh and third sessions, respectively.

## **VIII. Structure and functions and operating rules**

97. The Committee **considered that it would not propose any** proposed the following revisions to its structure and functions and procedures for the review of compliance. [...]

## **IX. Workload**

98. The Committee's workload remained high in the intersessional period 2014–2017, the documentation received by Parties was at times extensive, technical and of increased complexity. The lack of submissions was offset by the increased number of cases of follow-up with the decision on compliance of the Meeting of the Parties to the Convention. As foreseen in the budget, the Committee held eight sessions during the intersessional period, but in order to fulfil its mandate, it had to carry out in-between its sessions consultations by email or hold online meetings. For this reason, it agreed to propose the inclusion of nine,

instead of eight, Committee meetings in the workplan and the budget for the next intersessional period (2017–2020). The Committee also discussed how to improve the efficiency of its working methods in view of its growing workload, notably owing to an increasing number of information-gathering cases. It considered the possible need to further increase the number of its annual sessions and holding online meetings in English in between its sessions. [It agreed to propose....][IC37, IC38]...

99. Table 4 provides an approximate overview of the time spent by the Committee on its various tasks as described in this document.

Table 4

**[Provisional] Overview of the time spent by the Committee on its key tasks**

<i>Task</i>	<i>Approximate proportion of Committee session time</i>
Follow-up to decision VI/2	40%
Examination of the outcome of the reviews of implementation	10%
Consideration of submissions by Parties	n/a
Consideration of information from other sources	15%
Committee initiative	<15%
Modification of the questionnaires	<10%
[Review of the structure, functions and operating rules	n/a]
Preparation for MOP-7 and MOP/MOP-3	<10%
<b>Total</b>	<b>100%</b>

## X. Outreach

100. The Committee undertook various efforts to raise awareness of its work and to assist Parties in their implementation of the Convention. It continued to request publication on the Convention website of the Committee's correspondence and information related to compliance issues. Members of the Committee also spoke on the implementation of the Convention at various events, for example:

(a) The Chair of the Committee participated (via a videoconference) in a meeting of the informal network of the compliance and implementation bodies to the ECE multilateral environmental agreements, in June 2015;

(b) ...

(c) ...

[Committee members are invited to provide information]