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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**

**Tenth meeting**

Geneva, 1–3 December 2021

Item 3 of the provisional agenda
Compliance and implementation

 Template for the report of the European Union under the Convention in 2019–2021

 Proposal by the Implementation Committee

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| *Summary* |
| This document contains a template for the report of the European Union under the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2019–2021 prepared by the Implementation Committee taking into account the outcome of the Committee’s consultation with the European Union in July 2021. The Committee prepared the template as mandated by decision VIII/5 of the Meeting of the Parties to the Convention to fit the context and competencies of the European Union, as a regional economic integration organisation, with a view to facilitating its reporting under article 14 bis of the Convention. The template also reflects the objectives of the 2021–2023 workplan (decision VIII/2–IV/2, annex I, item II.B)) and the long-term strategy under the Convention and its Protocol on Strategic Environmental Assessment (ECE/MP.EIA/2020/3–ECE/MP.EIA/SEA/2020/3, item II.A.9), notably those related to maximizing the usefulness of the reporting by the Parties as a source of information for better monitoring the progress achieved and remaining challenges, collecting and disseminating good practice and to better informing the Committee on potential non-compliance.The Working Group will be informed of the reporting template to be transmitted to the European Union at the end of December 2021 for it to complete by 30 April 2022. |
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 I. Background

 A. Reporting obligations under the Convention and the Protocol and their purpose

1. In accordance with article 14 bis of the Convention, the Parties have a legal obligation to report on their implementation of the Convention. The reporting allows the Parties to keep under continuous review the Convention’s implementation as set out in article 11(2) of the Convention, including, among other things, to review policies for and methodological approaches to environmental impact assessment (EIA) by the Parties with a view to further improving the procedures in a transboundary context.[[1]](#footnote-2)

2. The Meeting of the Parties have also consistently recognized that regular reporting by each Party provides important information that facilitates the review of compliance of the Convention but also provides useful information to other countries within and beyond the UNECE region that facilitates their efforts to implement and accede to the Convention.[[2]](#footnote-3)

3. At their last sessions, the Meeting of the Parties also decided to use the reporting mechanism to, among other things, maximize usefulness of the review of implementation as a source of information to better monitor progress achieved and remaining challenges, to collect and disseminate good practice and to better inform the Committee on potential non-compliance. This would contribute to achieving the key objective of the newly adopted long-term strategy of full and effective treaty implementation (see ECE/MP.EIA/2020/3 ECE/MP.EIA/SEA/2020/3. Item II.A.9) and the 2021-2023 workplan (see decision VIII/2–IV/2, annex, item 2B)).

 B. Reporting format

4. The Meeting of the Parties to the Convention has consistently requested that each Party “complete questionnaires as reports on its implementation”[[3]](#footnote-4) and mandated the Implementation Committee to develop or adjust such questionnaires. During each reporting round, Parties have been requested to repeat the information on their relevant legislative, regulatory and other appropriate measures in force for the implementation of the Convention as well as to indicate any changes that may have occurred during the reporting period; and, in the second part of the questionnaires, describe their experience in the Convention’s practical application.

 C. Approach of the European Union to reporting on its implementation of the Convention until 2018

5. Since 2003, under the regular review of Parties’ implementation of the Convention, the European Union, has repeatedly indicated that “being a regional economic integration organization, it felt it inappropriate to return a completed questionnaire”.[[4]](#footnote-5) The European Union explained that its primary legislation did not confer any competence for the European Union to perform environmental impact assessment for projects. Therefore, it could not provide information as regards the questions asked in the questionnaire on the implementation of the Convention[[5]](#footnote-6). Instead, it sent notes of various formats briefly describing recent changes to the European Union legislation and recently developed studies and guidelines on EIA[[6]](#footnote-7). That approach, however, was not considered to constitute reporting under the Convention, as such.

 D. Mandate to develop reporting template for the European Union

6. Consequently, by decision VIII/5 the Meeting of the Parties to the Convention requested the Committee to prepare the reporting template for regional economic integration organisations, including the European Union, that fits its context and competencies and that will facilitate its reporting under article 14 bis of the Convention. [[7]](#footnote-8)

 E. Process to prepare the template

7. As mandated by the Meeting of the Parties, the Committee, at its fiftieth session (Geneva (online), 4–7 May 2021), prepared a draft template for the European Union, as the only regional economic integration organisation that was a Party to the Convention. Similarly, to the draft template related to the Protocol[[8]](#footnote-9), the Committee, on
11 June 2021, shared the draft reporting template under the Convention with the European Commission for its comments and views. On 8 July 2021, further to the Bureau’s recommendation, the Committee also held an informal online discussion with the European Union.

8. When finalizing the reporting template, at its fifty-first session (Geneva (hybrid), 4–7 October 2021), the Committee considered the views and comments that the European Union provided both during the informal discussion and, on 16 July 2021, in writing. In particular, the Committee took into account the substantive textual comments provided by the European Union, noting its suggestion to limit the reporting template to the brief information that it has been providing so far.

 F. Considerations of the Committee when preparing the template

9. As mentioned above, the Committee prepared the reporting template considering the context and competences of the European Union as a regional economic organisation with the aim to assisting it in fulfilling its reporting obligations under article 14 bis of the Convention. In doing so, the Committee considered the related objectives of the 2021-2023 workplan and the long-term strategy as specified in paragraph 3 above. Furthermore, to ensure the consistency and comparability of the data to be collected and analysed when preparing the 2019-2021 review of implementation of the Convention, the Committee, to the extent feasible, harmonized the reporting template with the related questionnaire for the States Parties. In the light of the above considerations, the reporting template:

(a) Addresses the conclusion that the previous approach by the European Union to provide brief information its notes does not qualify as reporting and that more substantive information on the measures taken by it to implement the Convention is needed to keep the Convention’s implementation under continuous review further to article 11(2) of the Convention, in particular with regard to existing policies and approaches to EIA to further improve the procedures under the Convention and with a view to exchanging information (see paragraph 1 above). The Committee considered that, for that purpose, the reporting on the legislative, administrative and other measures taken by the European Union for the issues governed by the Convention, including case law, was particularly relevant.

(b) Does not request the European Union to repeat the information provided by the State Parties to the Convention that are Member States of the European Union. It focuses on identifying how the Convention is implemented through the legislative, regulatory and other appropriate measures adopted by the European Union.

(c) Like the questionnaires for States Parties’ reporting, is designed to provide the basis for regular and continuous reporting on the Convention’s implementation, including by first establishing a current baseline, for example that there are no projects developed at the European Union level requiring a transboundary environmental impact assessment procedure and that there are provisions for a transboundary procedure enshrined in its environmental impact assessment legislation and several related guidance documents.

10. Until to date, the European Union has provided no details concerning the established legislative, administrative and other measures, such as the EIA Directive[[9]](#footnote-10), for the implementation of the Convention. The Committee recognizes that completing the reporting template for the first time will require some time and effort from the European Union. However, based on the experiences of other Parties in fulfilling their reporting obligations, it wishes to assure the European Union that this exercise will require significantly less work in the subsequent reporting rounds.

 II. Template for the report of the European Union on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period
2019–2021

 Information on the focal point for the Convention

1. Name and contact information:

 Information on the point of contact for the Convention

2. Name and contact information (if different from above):

 Information on the person responsible for preparing the report

3. Regional economic organization (European Union):

4. Surname:

5. Forename:

6. Institution:

7. Postal address:

8. Email address:

9. Telephone number:

10. Date on which report was completed:

 Information about the membership and competences of the European Union and its Member States[[10]](#footnote-11)

 11. With reference to article 17(6) of the Convention, please describe the competences and respective responsibilities of the European Union with respect to the matters governed by the Convention as compared to those of its Members States.

 Part one
Current legal and administrative framework for the implementation of the Convention

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| In this part, please provide the information requested, describing the legal, administrative and other measures taken by the European Union, as a regional economic integration organization, to implement the provisions of the Convention at European Union level. This part should describe the framework for the Convention’s implementation, including the relevant case law, and not the experience in the Convention’s application. Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text. Please refer to relevant case law where relevant. |
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 Article 1
Definitions

 I.1.1 Is the definition of the term *“*impact” for the purpose of the Convention the same in the legislation of the European Union as that contained in article 1(vii)?

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, also referring to the case law, if available. Please also provide comments, as needed.

 I.1.2. Is the definition of the term “transboundary impact” for the purpose of the Convention the same in the legislation of the European Union as that contained in article 1 (viii)?

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention text, also referring to the case law, if available. Please also provide comments, as needed.

 I.1.3. Please specify how the term *“major change”* is defined in the legislation of the European Union:

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention text, also referring to the case law and the related guidance documents, if available. Please also provide comments, as needed.

 I.1.4. How does the legislation of the European Union identify the public “of the affected Party in the areas likely to be affected”*?*

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention text, also referring to the case law and the related guidance documents, if available. Please also provide comments, as needed.

 I.1.5. How does the European Union determine the “significance” of the environmental impact of the activities falling within the scope of the Convention? Please, specify (more than one option may apply), providing relevant explanations.

 (a) By establishing threshold levels [ ]  (please specify      )

 (b) By applying criteria related to the locationof proposed activities [ ] (please specify      )

 (c) By applying criteria related to the nature of proposed activities [ ]  (please specify      )

 (d) By applying criteria related to the size of proposed activities [ ]  (please specify      )

 (e) By applying criteria related to the effects of proposed activities [ ]  (please explain      )

(f) Other (please specify):

 (g) It is not determined [ ]  (please specify):

 Your comments:

 I.1.6. Please specify, whether “cumulative impacts” are taken into account in a transboundary procedure further to the European Union legislation and if so, how?

 Article 2
General provisions

 I.2.1. Provide information on main legal, administrative or other measures (e.g. Law, environmental impact assessment provisions transposed into another law(s), regulation, administrative acts, judgements of the European Court of Justice, etc.) that have been adopted at the level of the European Union to implement the Convention (article 2(2)) (please indicate year/exact tile/reference number/ related articles/access links):

 I.2.2. Is the list of activities referred to in appendix I to the Convention fully incorporated into the EU legislation?

(a) Yes. There is no difference, all activities referred to in appendix I are covered by the European Union legislation [ ]

Please elaborate as needed:

(b) No. Activities covered by the legislation differ slightly from the activities referred to in appendix I [ ]  Please explain:

(c) No, there are gaps remaining in the list of activities in the European Union legislation [ ]

Please provide comments, as needed:

 I.2.3. Which competent authority/authorities should be responsible for carrying out and involved in the environmental impact assessment procedure in accordance with the European Union legislation. Please list the authorities and their geographical and sectoral responsibilities:

 I.2.4. Does the European Union, as regional economic integration organization, collect any information on environmental impact assessment procedures carried out by its Member States that fall under the scope of the Convention?

(a) No [ ]

(b) Yes [ ] :

If, “Yes”, please clarify the type of information collected and provide access link, if available:

 Article 3
Notification

 I.3.1 Article 3(1) states that “The Party of origin shall … notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity”.

Please clarify how this provision is implemented in the legislation of the European Union, summarizing and explicitly referring to the relevant provisions transposing the Convention’s text, including case law and the related guidance documents, if available.

 I.3.2 Please clarify how the European Union promotes the use of the format for notification adopted by decision I/4 of the Meeting of the Parties at its first session (ECE/MP.EIA/2, annex IV, appendix)?

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, also referring to the case law and the related guidance documents, if available. Please also provide comments, as needed

 I.3.3. What information should be included in the notification (art. 3 (2)) in accordance with the legislation of the European Union? Please specify (more than one options may apply):

(a) Information on the proposed activity, including any available information on its possible transboundary impact (art.3 (2) (a)) [ ]

(b) The nature of the possible decision (art. 3 (2) (b)) [ ]

(c) An indication of a reasonable time within which a response is required, taking into account the nature of the proposed activity (art. 3(2) (c)) [ ]

(d) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments (article 3 (5) (a)) [ ]

(e) Relevant information on the proposed activity and its possible significant adverse transboundary impact (article 3 (5) (b)) [ ]

(f) Other (please specify):

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, also referring to the case law and the related guidance documents, if available. Please also provide comments, as needed.

 I.3.4. Article 3 (3) requires that *“*The affected Party shall respond to the Party of origin within the time specified in the notification”.

Please clarify how this provision is implemented in the legislation of the European Union, summarizing and explicitly referring to the relevant provisions transposing the Convention’s text, including case law and the related guidance documents, if available.

Please specify:

(a) Time frame for the response to the notification by the affected Party is not specified in the legislation of the European Union [ ]

(b) Time frame for the response to the notification by the affected Party is specified in the legislation of the European Union [ ]

Please indicate the time frame or its range in week/days:

(c) The time frame should be determined and agreed between Parties on a case–by–case basis [ ]

Please indicate the average time frame set on a case–by–case basis in weeks/days:

Please provide comments, as needed:

 (Question No. I.3.5. of the State Parties questionnaire is omitted as not relevant for the EU.)

 I.3.6. Article 3 (8) states that “The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of … the proposed activity”.

Please clarify how this provision is implemented in the legislation of the European Union, summarizing and explicitly referring to the relevant legislative provisions transposing the Convention’s text, including case law and the related guidance documents, if available.

Which of the following approaches are promoted at the European Union level? Please specify:

(a) Informing the point of contact for the Convention listed on the Convention website[[11]](#footnote-12) [ ]

(b) Other (please specify):

Please provide comments, as relevant:

 I.3.7. Does the European Union legislation specify on what basis a decision to participate (or not) in the transboundary environmental impact assessment procedure should be made by an affected Party?

 Please summarize and explicitly refer to the relevant provisions of the legislation of the European Union, including case law and the related guidance documents, if available.

 I.3.8. Article 3(5) (a) states that the Party of origin must provide affected Parties with “relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments”. How is the time schedule for comments determined in the legislation of the European Union?

 Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and the related guidance documents, if available. Please provide comments, as needed.

 Articles 2 (6), 3 (8) and 4 (2)
Public participation

 I.3.9. Article 2 (6) of the Convention states that “the Party of origin shall provide, … an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures … and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin”

How does the legislation of the European Union ensure that equivalent opportunities and rights to participate in the procedure for the public of the affected Party are provided for? Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and the related guidance documents, if available. Please provide comments, as needed.

 I.3.10. How does the legislation of the European Union enable the public of the affected Parties to express its opinion on the environmental impact assessment documentation of the proposed project (articles 2 (6), 3 (8) and 4 (2)?

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and related guidance documents, if available. Please provide comments, as needed:

 Article 4
Preparation of the environmental impact assessment documentation

 I.4.1. How does the legislation of the European Union determine the relevant information to be included in the environmental impact assessment documentation in accordance with article 4 (1)?

 Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and relevant guidance documents, if available. Please provide comments, as needed.

 I.4.2. Article 4 states that: “The environmental impact assessment documentation … shall contain, as a minimum, the information described in appendix II”. What quality control measures are required by the legislation of the European Union to ensure that Parties of origin prepare environmental impact assessment documentation in sufficient quality?

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and relevant guidance documents, if available. Please provide comments, as needed.

 I. 4.3. How does the legislation of the European Union determine “reasonable alternatives” referred to in appendix II (b)?

 Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and/or relevant guidance documents, if available. Please provide comments, as needed.

 Article 5
Consultations on the basis of the environmental impact assessment documentation

 I.5. Does the legislation of the European Union provide for organizing transboundary consultations between the authorities of the Parties concerned?

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and/or relevant guidance documents, if available. Please provide comments, as needed.

 Article 6
Final decision

 I.6.1. Please select from the list below information that in accordance with the legislation of the European Union should be taken due account of by a Party of origin in the final decision on the proposed (art. 6 (1)):

(a) Conclusions of the environmental impact assessment documentation [ ]

(b) Comments received in accordance with articles 3 (8), and article 4 (2) [ ]

(c) Outcome of the consultations as referred to in article 5 [ ]

(d) Outcomes of the transboundary consultations [ ]

(e) Comments received from the affected Party/ies [ ]

(f) Mitigation measures [ ]

(g) Other (please specify):

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and/or relevant guidance documents, if available. Please provide comments, as needed.

Please explain how the legislation of the European Union enables the Parties to take into account the outcomes of the environmental impact assessment further to article 6 (1)?

 I.6.2. Does the legislation of the European Union require a Party of origin to ensure that the comments of the authorities and the public of the affected Party and the outcome of the consultations are taken into consideration in the same way as the comments from the authorities and the public in in its own country (art. 6(1)?

(a) Yes [ ]

(b) No [ ]  Please explain the differences

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention text, including case law and/or relevant guidance documents, if available. Please provide comments, as needed.

 I.6.3.  According to article 6 (3):

“**If additional information on the significant transboundary impact of a proposed activity, which was not available at the time a decision was made with respect to that activity and which could have materially affected the decision, becomes available to a concerned Party before work on that activity commences, that Party shall immediately inform the other concerned Party or Parties. If one of the concerned Parties so requests, consultations shall be held as to whether the decision needs to be revised.”**

Please clarify how this provision is implemented in the legislation of the European Union, summarizing and explicitly referring to the relevant provisions transposing the Convention’s text, including case law, and relevant guidance documents, if available. Please provide comments, as needed.

 I.6.4. Do all activities listed in appendix I (items 1–22), and major changes thereto, require, in accordance with the legislative framework of the European Union, a final decision to authorize or undertake such an activity?

(a) Yes [ ]

(b) No [ ]

If “No”, please list those activities listed in appendix I, or a major change thereto, for which there is no requirement for a final decision. Please also explain why those activities/major changes do not require a final decision in the legislation of the European Union:

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and/or relevant guidance documents, if available. Please provide comments, as needed

 Article 7
Post-project analysis

 I.7. Is there any provision regarding implementation of post-project analysis in the legislation of the European Union (article 7 (1))?

(a) No [ ]

(b) Yes [ ]

Please specify the main steps to be taken:

(i) to implement a post-project analysis:

(ii) to get information on how the results of it are communicated:

Please summarize and explicitly refer to the relevant legislative provisions transposing the Convention’s text, including case law and/or relevant guidance documents, if available. Please provide comments, as needed

 Article 8
Bilateral and multilateral cooperation

 I.8.1. According to article 8 “The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention and under any of its protocols to which they are a Party. Such agreements or other arrangements may be based on the elements listed in appendix VI.”

Please indicate whether the European Union promote establishment of bilateral or multilateral agreements between the Parties to implement the Convention and if so, how?

If available, please attach the texts of such bilateral and multilateral agreements between the Parties, Member States of the European Union, preferably in English, French or Russian.

 I.8.2. If the legislation and guidance of the European Union promote establishment of biliteral or multilateral agreements referred to in article 8 of the Convention, please specify what issues are be covered (More than one option may apply):

(a) Specific conditions of the subregion concerned [ ]

(b) Institutional, administrative and other arrangements [ ]

(c) Harmonization of the Parties’ policies and measures [ ]

(d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis [ ]

(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the environmental impact assessment [ ]

(f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities [ ]

(g) Undertaking joint environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies [ ]

(h) Other, please specify:

Please provide comments, as needed:

 Complementary information related to legal implementation of the Convention

 I.9.1. Please explain whether the legislation and guidance of the European Union refer to interlinkages between the steps of the transboundary environmental impact assessment procedures and those of the domestic procedures of the Parties and, if so, how?

In doing so, please also describe differences between the steps (i.e. screening/scoping, preparation of the environmental impact assessment, consultation, public participation, making a final decision)of a domestic procedure and a transboundary procedure referred in the legislative framework of the European Union, if any:

Alternatively, this question can be answered or supported by a schematic flow chart showing these steps.

Your comments:

 I.9.2. Do the legislation and guidance of the European Union have special provisions concerning transboundary environmental impact assessment procedures for joint cross-border projects, nuclear power plants and their lifetime extension?

| *Joint cross-border projects* | *Construction of nuclear power plants* | *Lifetime extension of nuclear power plants* |
| --- | --- | --- |
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| (a) No [ ]  (b) Yes [ ] (i) Special provisions:      (ii) Informal arrangements:      Please explain:       | (a) No [ ]  (b) Yes [ ] (i) Special provisions:      (ii) Informal arrangements:      Please explain:       | (a) No [ ]  (b) Yes [ ] (i) Special provisions:      (ii) Informal arrangements:      Please explain:       |

Your comments:

 Part two
Practical application during the period 2019–2021

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| Please report on the practical experience in applying the Convention. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improving its application. Part two also focuses on general issues arising from the sixth review of implementation of the Convention (2016–2018)[[12]](#footnote-13) and issues that have been identified as priorities by Parties in the 2021–2023 workplan.[[13]](#footnote-14) It also addresses the goals of the Long-term strategy and the action plan for the Convention and the Protocol that requires that the reviews of implementation be adapted “to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice, and inform the Implementation Committee of potential non-compliance”. [[14]](#footnote-15) |
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 1. Experience in the transboundary environmental impact assessment procedure during the period 2019–2021

 II. 1. Does the legislation of the European Union require reporting on the application of the transboundary environmental impact assessment procedures? If “Yes”, access to such reporting or its outcomes for other Parties may facilitate sharing experience in the application of the Convention.

(a) Yes [ ]

(b) No [ ]

Please explain:

 II.2. Based on the experience of the European Union and its Member States in the application of the Convention, please provide examples of good practice gained during the reporting period, if available. Please focus on the case law of the European Union related to transboundary environmental impact assessment procedures describing either the complete procedures or their elements such as notification, consultation and public participation and indicate what, in your view, constitutes good practice. Please explain what factors contributed to successful implementation of the transboundary procedure. The answer may refer to updates of guidance documents, other deliverables of relevance to transboundary environmental impact assessment procedures, if relevant

 II.3. According to paragraph 10 of decision VIII/5 of the Meeting of the Parties the information referred to in question II.2 above are to be posted on the ECE website. Should you object to this, however, please indicate “Yes” and explain, as relevant:

(a) Yes (European Union has an objection the compilation and posting of this information) [ ]

Please explain:

(b) No (no objection) [ ]

Your comments:

 II.4. The Convention does not refer to the translation of environmental impact assessment documentation and to other language-related issues as important prerequisites for providing effective public participation of potentially affected Parties in a transboundary environmental impact assessment procedure. However, according to the reviews of implementation many Parties experience difficulties in finding the most appropriate solutions for the translation of the environmental impact assessment documentation and organizing interpretation for the consultations.

 Please explain, whether and, if so, how did the European Union, in the current reporting period, support the Parties in addressing such difficulties, possibly, though its legislative framework, guidance and other arrangements/means. If available, please include examples and lessons learned to help other Parties tackle the translation issues during the transboundary procedure. The answer may refer to updates of guidance documents and/or other deliverables concerning transboundary procedures, if relevant:

 II.5. Other difficulties reported by the Parties are related to timing, reasonable timeframes, and the need for additional information during public consultations.

 Please explain, whether and, if so, how did the European Union, in the current reporting period, support the Parties in addressing such difficulties, possibly, though its legislative framework, guidance and other arrangements/means. If available, please include examples and lessons learned in order to help other Parties in tackling these difficulties. The answer may refer to updates of guidance documents and/or other deliverables concerning transboundary procedures, if relevant:

 II.6. According to another finding of previous reviews of implementation of the Convention the Parties do not have much experience in implementation of article 7 on post-project analysis.

 Please explain, whether and, if so, how did the European Union, in the current reporting period, support the Parties in the application of post-project analysis. If available, please include examples and lessons learned in order to help other Parties wishing to apply post-project analysis more often. The answer may refer to updates of guidance documents and/or other deliverables concerning transboundary procedures, if relevant:

 II.7. Please explain whether the European Union has a role, including mediation, in facilitating the application of transboundary environmental impact assessment procedures for joint cross-border projects, nuclear power plants or their lifetime extensions.

 Please also provide examples of successful mediation experiences highlighting success factors allowing to efficiency complete the negotiations/transboundary procedure among the Parties. The answer may refer to updates of guidance documents and/or other deliverables concerning the transboundary procedures, if relevant:

 2. Experience in using the available guidance documents in 2019–2021

 II.8. Please clarify whether and, if so, how did the European Union in the current reporting period promote the use of the guidance documents developed under the Convention with a view to facilitating its efficient application, including:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

 Please, provide your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

 Please, provide your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

 Please provide your suggestions for improving or supplementing the guidance:

(d) Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/2020/9)

 Please provide your suggestions for improving or supplementing the guidance:

(e) Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities

 Please provide your suggestions for improving or supplementing the guidance:

(f) Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries

 Please provide your suggestions for improving or supplementing the guidance:

(g) Guidance on Notification according to the Espoo Convention

 Please provide your suggestions for improving or supplementing the guidance:

 II.9. Please indicate whether, in the view of the European Union, environmental impact assessments can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

(a) No, there is no evidence that environmental impact assessments contribute to the attainment of Sustainable Development Goals

(b) Yes, (certain) environmental impact assessments significantly contributed to the attainment of Sustainable Development Goals [ ]

(c) Yes, (certain) environmental impact assessments contributed somewhat to the attainment of Sustainable Development Goals [ ]

If “Yes”, please list the most relevant Sustainable Development Goals[[15]](#footnote-16) (and their targets) and provide at least one example of how environmental impact assessment has contributed to their attainment.

Your comments:

 3. Clarity of the Convention

 II.10. Has the European Union encountered any difficulties transposing the procedures defined in the Convention because of a lack of clarity of the provisions?

No [ ]

Yes [ ]  (please indicate which provisions and how they are unclear):

 4. Suggested improvements to the report

 II.11. This is the first questionnaire developed to assist the European Union, as a regional economic integration organization, in fulfilling its reporting obligations under article 14 bis of the Convention. Please provide further suggestions (preferably specific drafting proposals including wording suggestions) for how this reporting template could be improved.

1. Article 11(2(a)) of the Convention. [↑](#footnote-ref-2)
2. Decisions VIII/5, preamble paras. 3 – 4; Decision VII/1, preamble para. 3; Decision VI/1, preamble para. 3. [↑](#footnote-ref-3)
3. Decisions VIII/5, para. 7; Decision VII/1, para. 7; Decision VI/1, para. 8; decision IV/1, para. 8; decision III/1, para. 7. [↑](#footnote-ref-4)
4. ECE/MP.EIA/32, para. 7. [↑](#footnote-ref-5)
5. https://unece.org/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003%20-%20EC.pdf [↑](#footnote-ref-6)
6. Notes of the European Union regarding the reporting on its implementation of the Convention are available at the Treaties’ website as follows:
up to mid 2003: <https://unece.org/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003%20-%20EC.pdf> ;
for 2003-2005: <https://unece.org/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003-2005%20-%20EU%20-%20annex.pdf> and <https://unece.org/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003-2005%20-%20EU.pdf>;
for 2006-2009 <https://unece.org/DAM/env/eia/documents/Review_2006_2009/Questionnaire2006_09_EU_en.pdf>

<https://unece.org/DAM/env/eia/documents/Review_2006_2009/Questionnaire2006_09_EU_reply_en.pdf>

 here EU did not report for 2013-2015: <https://unece.org/DAM/env/eia/documents/Review_2013-2015/Completed_EIA/EU_EIA_2012-2015_07.12.2015.pdf>;

for 2016-2018: <https://unece.org/DAM/env/eia/documents/Review_2016-2018/6th_review_of_Convention/Questionnaire_2016-2018Espoo_Convention_EU_reply2019.pdf> [↑](#footnote-ref-7)
7. ECE/MP.EIA/30/Add.2ECE/MP.EIA/SEA/13/Add.2, decisión VIII/5, para. 6; [↑](#footnote-ref-8)
8. ECE/MP.EIA/WG.2/2021/INF.6. [↑](#footnote-ref-9)
9. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, Official Journal of the European Union, L 26 (2012), pp. 1–21. [↑](#footnote-ref-10)
10. 10 As at September 2021, all Member States of the European Union, notably Austria, Belgium, Bulgaria, Croatia, Czechia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, are Parties to the Convention. The United Kingdom, also a Party to the Convention, withdrew from the European Union during the reporting period, notably on 31 January 2020. [↑](#footnote-ref-11)
11. List available from <https://unece.org/environment-policyenvironmental-assessment/points-contact-regarding-notification> [↑](#footnote-ref-12)
12. United Nations publication, ECE/MP.EIA/32. [↑](#footnote-ref-13)
13. ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2. [↑](#footnote-ref-14)
14. ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, item II.A.9. [↑](#footnote-ref-15)
15. In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):
 (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);

 (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);

 (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);

 (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);

 (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);

 (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);

 (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);

 (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);

 (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);

 (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);

 (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);

 (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5\_April2016/Informal\_document\_16\_ece.mp.eia.wg.2.2016.INF.16\_\_Sustainable Development Goal\_Mapping.pdf. [↑](#footnote-ref-16)