**Economic Commission for Europe**

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|  |  | ECE/MP.EIA/WG.2/2021/INF.225 October 2021English only 27 May 2021 |

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 2 of the provisional agenda
**Status of ratification**

 Status of ratification of the Convention, its amendments and its Protocol

 Note by the secretariat[[1]](#footnote-2)

| ***State***  | ***Convention*** | ***Amendments*** | ***Protocol*** |
| --- | --- | --- | --- |
| ***Signature***[[2]](#footnote-3) | ***Ratification***[[3]](#footnote-4) | ***1st***  | ***2nd***  | ***Signature***2 | ***Ratification***3 |
| ***Date adopted/in force*** | 25/02/1991 | 10/09/1997 | 27/02/2001 | 04/06/2004 | 21/05/2003 | 11/07/2010 |
| ***No. Parties to Convention at that date*** |  |  | 31 | 40 |  |  |
| Albania  | 26/02/1991 | 04/10/1991 | 12/05/2006 | 12/05/2006 | 21/05/2003 | 02/12/2005 |
| Andorra  |  |  |  |  |  |  |
| Armenia  |  | 21/02/1997 |  |  | 21/05/2003 | 24/01/2011 |
| Austria  | 26/02/1991 | 27/07/1994 | 14/09/2006 | 14/09/2006 | 21/05/2003 | 23/03/2010 |
| Azerbaijan  |  | 25/03/1999 | 10/09/20194 | 10/09/20194 |  |  |
| Belarus  | 26/02/1991 | 10/11/2005 | 23/03/2011 |  |  |  |
| Belgium  | 26/02/1991 | 02/07/1999 | \* | \* | 21/05/2003 |  |
| Bosnia and Herzegovina  |  | 14/12/2009 |  |  | 21/05/2003 | 20/07/2017 |
| Bulgaria  | 26/02/1991 | 12/05/1995 | 25/01/2007 | 25/01/2007 | 21/05/2003 | 25/01/2007 |
| Canada  | 26/02/1991 | 13/05/1998 | 26/04/2018 | 26/04/2018 |   |   |
| Croatia  |  | 08/07/1996 | 11/02/2009 | 11/02/2009 | 23/05/2003 | 06/10/2009 |
| Cyprus  |  | 20/07/2000 | 15/02/2017 | 15/02/2017 | 21/05/2003 | 15/02/2017 |
| Czech Republic  | 30/09/1993 | 26/02/2001 | 18/04/2007 | 18/04/2007 | 21/05/2003 | 19/07/2005 |
| Denmark  | 26/02/1991 | 14/03/1997 | 25/07/2017 | 25/07/2017 | 21/05/2003 | 04/06/2012 |
| Estonia  |  | 25/04/2001 | 12/04/2010 | 12/04/2010 | 21/05/2003 | 12/04/2010 |
| Finland  | 26/02/1991 | 10/08/1995 | 19/02/2014 | 19/02/2014 | 21/05/2003 | 18/04/2005 |
| France  | 26/02/1991 | 15/06/2001 |  | 22/11/2011 | 21/05/2003 |  |
| Georgia  |  |  |  |  | 21/05/2003 |  |
| Germany  | 26/02/1991 | 08/08/2002 | 08/08/2002 | 22/02/2007 | 21/05/2003 | 22/02/2007 |
| Greece  | 26/02/1991 | 24/02/1998 | 02/11/2018 | 02/11/2018 | 21/05/2003 |  |
| Hungary  | 26/02/1991 | 11/07/1997 | 29/05/2009 | 29/05/2009 | 21/05/2003 | 26/11/2010 |
| Iceland  | 26/02/1991 |  |  |  |  |  |
| Ireland  | 27/02/1991 | 25/07/2002 | \* | \* | 21/05/2003 | \* |
| Israel  |  |  |  |  |  |  |
| Italy  | 26/02/1991 | 19/01/1995 | 18/07/2016 | 18/07/2016 | 21/05/2003 | 18/07/2016 |
| Kazakhstan  |  | 11/01/2001 |  |  |  |  |
| Kyrgyzstan  |  | 01/05/2001 |  |  |  |  |
| Latvia  |  | 31/08/1998 | 21/03/2016 | 21/03/2016 | 21/05/2003 | 21/03/2016 |
| Liechtenstein  |  | 09/07/1998 | 12/05/2015 | 12/05/2015 |  |  |
| Lithuania  |  | 11/01/2001 | 22/03/2011 | 22/03/2011 | 21/05/2003 | 22/03/2011 |
| Luxembourg  | 26/02/1991 | 29/08/1995 | 05/05/2003 | 04/05/2007 | 21/05/2003 | 02/07/2008 |
| Malta  |  | 20/10/2010   | 28/05/2014 | 28/05/2014 |  | 20/05/2016 |
| Monaco  |  |  |  |  |  |  |
| Montenegro |  | 09/07/2009 | 09/07/2009 | 09/07/2009 | 23/10/2006 | 02/11/2009 |
| Netherlands  | 25/02/1991 | 28/02/1995 | 14/04/2009 | 14/04/2009 | 21/05/2003 | 08/12/2009 |
| North Macedonia |  | 31/08/1999 |  |  | 21/05/2003 | 13/09/2013  |
| Norway  | 25/02/1991 | 23/06/1993 | 24/02/2010 | 24/02/2010 | 21/05/2003 | 11/10/2007 |
| Poland  | 26/02/1991 | 12/06/1997 | 20/07/2004 | 11/01/2012 | 21/05/2003 | 21/06/2011 |
| Portugal  | 26/02/1991 | 06/04/2000 | 22/05/2015 | 09/03/2012 | 21/05/2003 | 04/09/2012 |
| Republic of Moldova |  | 04/01/1994 | 15/03/2016 | 10/12/2018 | 21/05/2003 | 12/02/20195 |
| Romania  | 26/02/1991 | 29/03/2001 | 16/11/2006 |  03/05/2016 | 21/05/2003 | 08/03/2010 |
| Russian Federation  | 06/06/1991 |  |  |  |  |  |
| San Marino  |  |  |  |  |  |  |
| Serbia |  | 18/12/2007 | 21/03/2016 | 21/03/2016 | 21/05/2003 | 08/07/2010 |
| Slovakia | 28/05/1993 | 19/11/1999 | 29/05/2008 | 29/05/2008 | 19/12/2003 | 29/05/2008 |
| Slovenia  |  | 05/08/1998 | 25/03/2014 | 25/03/2014 | 22/05/2003 | 23/04/2010 |
| Spain  | 26/02/1991 | 10/09/1992 | 16/07/2008 | 06/04/2009 | 21/05/2003 | 24/09/2009 |
| Sweden  | 26/02/1991 | 24/01/1992 | 30/03/2006 | 30/03/2006 | 21/05/2003 | 30/03/2006 |
| Switzerland  |  | 16/09/1996 | 16/06/2010 | 15/03/2013 |  |  |
| Tajikistan  |  |  |  |  |  |  |
| Turkey  |  |  |  |  |  |  |
| Turkmenistan  |  |  |  |  |  |  |
| Ukraine  | 26/02/1991 | 20/07/1999 |  |  | 21/05/2003 | 02/12/2015 |
| United Kingdom of Great Britain and Northern Ireland | 26/02/1991 | 10/10/1997 | \* | \* | 21/05/2003 |  |
| United States of America | 26/02/1991 |  |  |  |  |  |
| Uzbekistan  |  |  |  |  |  |  |
| European Union[[4]](#footnote-5) | 26/02/1991 | 24/06/1997 | 18/01/2008 | 18/01/2008 | 21/05/2003 | 12/11/2008 |
| ***Counts:*** | 30 | **45** | **35** | **35** | 38 | **33** |
| *For entry into force, ratifications needed in total:* | *23 + 14* | *30 +14* |  |  |
| ***For the 1st amendment to have effect, nro of ratifications needed:*** | **5** |  |  |  |

**I. The Convention**

1. The Convention on Environmental Impact Assessment in a Transboundary Context was adopted in Espoo (Finland) on 26 February 1991 by 29 member States of the United Nations Economic Commission for Europe (ECE) and the European Union as a regional economic integration organization. The Convention entered into force on 10 September 1997.

2. To date, the Convention counts 45 Parties, including 44 States (out of the 56 ECE Member States) and the European Union. The number of Parties to the Convention has remained unchanged since 2010.

3. Two Signatory States to the Convention, the Russian Federation and the United States of America, have not yet completed their ratification of the instrument.

**II. First amendment to the Convention**

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

4. Wishing to allow States situated outside the ECE region to become Parties to the Convention, the Meeting of the Parties to the Convention adopted a first amendment to the Convention (art. 17), at its second session, on 27 February 2001 (decision II/4).

5. That amendment entered into force 13,5 years later, on 26 August 2014, i.e. on the ninetieth day after the receipt by the Treaty Depositary of notification of Malta’s accession on 28 May 2014 (art. 14, para. 1). Moreover, in 2014, the Meetings of the Parties to the Convention and the Protocol on Strategic Environmental Assessment adopted decision VI/5–II/5 giving blanket approval to any future request for accession by the United Nations Member States that are not members of ECE.

6. However, as stipulated in the text of the first amendment, the United Nations Member States that are not members of ECE may only be able to accede when the first amendment has entered into force for all the States and organizations that were Parties to the Convention at the time the amendment wasadopted on 27February 2001, i.e. 31 Parties (new art. 17, para. 3).

7. At present, **the following five Parties still need to ratify the first amendment to make it operational**:

|  |  |
| --- | --- |
| **1. Armenia** | **4. Ukraine** |
| **2. Belgium** | **5. United Kingdom of Great Britain and Northern Ireland** |
| **3. North Macedonia** |  |

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

**B. Accelerating the operationalization of the first amendment**

9. At its fifth meeting (April 2016), the Working Group on EIA and SEA considered Bureau’s proposals for accelerating the operationalization of the first amendment to the Convention.[[5]](#footnote-6) It acknowledged the Convention’s global benefits and the need to accelerate the opening of the Convention. However, owing to the legal concerns expressed by several Parties, the Working Group did not support the proposal to adopt a separate agreement modifying article 17, paragraph 3 and entering into force through a non-objection procedure once a deadline specified in the agreement had lapsed. The delegation of the European Union felt that it would be wiser instead to focus on accelerating the missing (at the time ten) ratifications of the first amendment by those States that were parties to the Convention on 27 February 2001. In conclusion, the Working Group urged the concerned Parties to ratify the first amendment by June 2017 to honour the political commitments taken when adopting the amendment.

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

(a) At its sessions in 2014, 2017, 2019 and 2020, the Meeting of the Parties to the Convention has consistently urged all the States that were Parties to the Convention on 27 February 2001, that had not yet done so, to ratify the amendment to article 17 as soon as possible;[[6]](#footnote-7)

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

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

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

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

12. At its eighth session (Vilnius, (online), 8–11 December 2020), the Meeting of the Parties to the Convention noted the steps taken by delegations towards ratification, with Ukraine and the United Kingdom of Great Britain and Northern Ireland having advanced the furthest regarding the first amendment. However, they noted with concern that five further ratifications were still needed for that amendment to become operational, allowing non-ECE countries to accede to the Convention. Consequently, they urged Armenia, Belgium, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland to make every effort to ratify the first amendment as soon as possible in the next intersessional period. All concerned Parties were invited to report on progress towards ratification to the Bureau and the Working Group in 2021.

13. The Meetings of the Parties to the Convention and the Protocol also adopted a Long-term strategy and the action plan,[[7]](#footnote-8) that set the wider implementation of the two treaties as one of the main strategic goals. The related priority objectives include the following:

(a) **Increasing accession to the treaties by ECE member States**, for example by building political and public support among non-Parties; supporting legal reforms, awareness-raising and capacity-building in non-Parties, including via bilateral development support and twinning arrangements, or by creating a pool of experts on the Convention and the Protocol;

(b) **Enabling and encouraging non-ECE countries from other regions to accede to the treaties and/or implement the treaty provisions** and best practice by Parties in their region(s). The actions to promote that priority objective included the following:

* Completing the remaining ratifications of the first amendment to the Convention (urging remaining countries to take the necessary steps, possibly providing financial support to the concerned countries subject to their ratification of the first amendment)
* Carrying out awareness-raising, technical assistance and capacity-building activities
* Developing information materials and guidance documents and translating them into other languages
* Using regional and international cooperation frameworks to disseminate information and raise awareness of and interest in the Convention and the Protocol
* Creating a pool of experts on the Convention and the Protocol
* Including activities of global interest in the workplans

**(c) Preparing for accession by non-ECE countries,** through actions such as the following:

* Developing guidance and/or criteria for the global application of the treaties
* Identifying and agreeing on possible changes to the modus operandi of the treaty bodies (the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, the Meetings of the Parties and the Implementation Committee)
* Agreeing on a budget and a funding mechanism, for example, to fund the participation of non-ECE countries in the meetings and outreach, awareness-raising and assistance activities
* Identifying possible tools and their benefits and drawbacks, for example, bilateral partnerships, development assistance and twinning arrangements between current and prospective Parties, outreach arrangements and cooperation with international organizations and financial institutions.

 **II. Second amendment to the Convention**

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

 15. 13 years later, further to the deposit by Denmark of its instrument of ratification on 25 July 2017, the second amendment entered into force on **23 October 2017** for those Parties to the Convention that had ratified that amendment.

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

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

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

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

(d) Formalized the mandatory regular reporting by Parties;

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

17. To date, **the second amendment to the Convention is in force for all but the following nine Parties to the Convention that are yet to ratify that amendment**, and until then remain bound by the non-amended treaty obligations.

|  |  |
| --- | --- |
| **1. Armenia** | **6. Kyrgyzstan** |
| **2. Belarus**  | **7. North Macedonia** |
| **3. Bosnia and Herzegovina** | **8. Ukraine** |
| **4. Ireland** | **9. United Kingdom of Great Britain and Northern Ireland** |
| **5. Kazakhstan** |  |

18. At its eighth session, the Meeting of the Parties to the Convention, urged all the above Parties that had not yet done to ratify the second amendment to ensure unified application of the Convention by all the Parties thereto. All concerned Parties were invited to report on progress towards ratification to the Bureau and the Working Group in 2021.

**III. The Protocol on Strategic Environmental Assessment**

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

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

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

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

|  |  |
| --- | --- |
| **1. Belgium** | **4. Greece**  |
| **2. France** | **5. Ireland** |
| **3. Georgia** |  **6. United Kingdom of Great Britain and Northern Ireland** |

23. At each of their meetings, the Bureau, the Working Group and the Meetings of the Parties have invited the Signatory States to proceed promptly with the ratification of the Protocol and to report on progress towards this end at the forthcoming meetings. In addition, all the beneficiary countries of the secretariat’s technical pre-accession assistance on strategic environmental assessment, that had not yet done so, have been encouraged to ratify the Protocol (Azerbaijan, Belarus, Georgia, Kazakhstan and Kyrgyzstan).

24. At its fourth session (Vilnius, (online), 8–11 December 2020), the Meeting of the Parties to the Protocol again urged the signatories to the Protocol that had not already done so (i.e. Belgium, France, Georgia, Greece, Ireland and the United Kingdom of Great Britain and Northern Ireland) to ratify that instrument and encouraged the beneficiary countries of technical pre-accession assistance on strategic environmental assessment to accede thereto. All concerned Parties were invited to report on progress towards ratification to the Bureau and the Working Group in 2021

 III. Status of the Bucharest Agreement[[8]](#footnote-9)

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

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

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

27. The first meeting of the Parties to the Bucharest Agreement has been planned since 2011. The workplan for the period 2014–2017 also foresaw a preparatory workshop for the meeting of the Parties under the leadership of Romania. At the request of Romania, the organization of the two events was again included in the waiting list of the workplan for 2017–2020, pending the identification of funding. However, in absence of funding until to date, the events have not been held. In the draft workplan for 2021–2022 submitted for consideration of the Meetings of the Parties at their present sessions, the first meeting of the Parties to the Bucharest agreement is included in annex III that lists activities requiring additional resources (see ECE/MP.EIA/2020/1–ECE/MP.EIA/SEA/2020/1, decision VIII/2–IV/2, annex III)

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

29. At its intermediary session, the Meeting of the Parties to the Convention welcomed Serbia’s ratification of the Bucharest Agreement on 2 November 2018.

30. At its eighth session, the Meeting of the Parties encouraged Croatia and Greece to also ratify the Agreement and Bosnia and Hercegovina to accede to it.

**Bucharest Agreement: Status of ratifications/accessions**

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

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1. Primary source: http://treaties.un.org [↑](#footnote-ref-2)
2. Signature or succession to signature [↑](#footnote-ref-3)
3. Ratification, accession, approval, acceptance

 \* The country has indicated that it plans to ratify in the near future. [↑](#footnote-ref-4)
4. Ratification by the European Union did not count towards the entry into force of the Convention, its amendments, or its Protocol.

 [↑](#footnote-ref-5)
5. See document ECE/MP.EIA/WG.2/2016/L.3. [↑](#footnote-ref-6)
6. Seedecision VI/5–II/5, para. 2; Geneva Declaration 2014, para. B1; and the 2017 and 2019 reports ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 9 and ECE/MP.EIA/27-ECE/MP.EIA/SEA/11, para. 9 [↑](#footnote-ref-7)
7. Decision VIII/3–IV/3, annex, ECE/MP.EIA/30.Add.1-ECE/MP.EIA/SEA/13/Add.1 [↑](#footnote-ref-8)
8. Source: Ministry of Foreign Affairs of Romania, as the Depositary for the Agreement. [↑](#footnote-ref-9)