

Notes for the interventions of the Chair and co-Chair of the Implementation Committee under the Convention and the Protocol at the 10 meeting of the Working Group on EIA and SEA Geneva/Online (1-3 December 2021)

Agenda item 3. Compliance with and implementation of the Convention and the Protocol

Tentative timing Wednesday, 1 December, 11.00–13.00

The Chair of the Implementation Committee will report on the Committee's 49th, 50th and 51st sessions; and the main objectives for the 52th session.

The Working Group will be invited to comment and take note of the report.

Introduction

Composition of the Committee

The Implementation Committee in its new composition has started its work in February 2021 at its 49th session. New members nominated by Austria, Germany, Luxembourg, and Slovakia joined the continuing members nominated by Azerbaijan (EIA matters only), Finland (SEA matters only), Portugal and Sweden. A member nominated by Hungary will continue servicing at the Committee for another half term, i.e. until December 2023.

Committee's sessions

Since the eight session of the Meeting of the Parties in December 2020 the Committee has already held three sessions: 49th session (online, February 2–5, 2021), 50th session (online, May, 4-7 May 2021), 51st session (hybrid, 4-7 October 2021). The Committee found that it can efficiently perform its functions through on-line meetings.

Organizational matters

Election of officers

At its 49th session, the Committee elected its Chair (Mr. Joe Ducombe) and Vice-Chairs (Ms. Maria do Carmo Figueira and Mr. Christian Baumgartner) and appointed the curators for all files on compliance issues.

Conflict of interests

Some members of the Committee, including its Chair, face a direct or indirect conflict of interest with regard to some compliance issues. Therefore, the Committee continued its previous practice with a view to avoiding a conflict of interest when considering matters on its agenda, including through discussing certain issues in the absence of the IC members which might have direct or indirect conflict of interest and limiting their access to files on those issues at the Committee's data base.

(see also p. 8 for information on conflict of interest for the LTE related cases)

Compliance matters

During 49th, 50th and 51st sessions the Committee considered 29 compliance issues in total, including: 5 MOP decision follow-ups; 3 submissions; 2 Committee initiatives; 3 specific compliance issues; 16 information gathering procedures.

Details on the outcome of the Committee's work during its 49th, 50th and 51st sessions are provided in the Committee's reports on the sessions (ECE/MP/EIA/2021/2, ECE/MP/EIA/2021/4, ECE/MP/EIA/2021/6) (see the Convention's website following the link: <https://unece.org/sessions-3>). The annex to this report lists all compliance matters under the Committee's consideration providing brief information on the status of each matter.

During its three sessions in 2021 the Committee carried out:

- (a) Hearing with Serbia and Bulgaria under submission *EIA/IC/S/6* concerning several mining activities by Serbia (at its 50th session)
- (b) Hearings with Hungary, Romania and Ukraine under Committee initiative *EIA/IC/CI/7* concerning Svydovets tourism resort (at its 51st session);
- (c) Informal consultations with Ukraine and Hungary regarding information gathering INFO13 concerning the Myzyevo gold mine;
- (d) Informal consultation with Ukraine concerning information gathering INFO10 concerning the construction of units 3 and 4 of the Khmelnytsky NPP.

The Committee also resumed its consideration of the matters on lifetime extension of nuclear power plants.

MOP decisions follow-up

At its 49th session the Committee noted that a part of its each session in the 2014-2017 and 2017-2020 intersessional period has been dedicated to follow-up on the Parties' implementation of the MOP decisions (40 percent in the 2014-2017 intersessional period and up-to 50 percent in the 2017-2020 intersessional period). The Committee also noted that four out of five country-specific compliance decision adopted by the MOP in December 2020 require the Parties concerned to report to the Committee on their implementation of the MOP decisions on an annual basis. These include:

- (a) Decision VIII/4 a regarding Armenia;
- (b) Decision VIII/4 b regarding Azerbaijan;
- (c) Decision VIII/4 c regarding Belarus;
- (d) Decision VIII/4 e regarding Ukraine (Rivne).

Subsequently, the Committee decided to evaluate the Parties progress in implementing MOP decisions once per year following the reporting schedule adopted by it at its 49th session for the decision VIII/4 c. The Committee decided to apply that scheduled to its other follow-up issues requiring annual reporting (ECE/MP.EIA/IC/2021/2, p.4).

Reporting schedule for the Parties concerned

<i>Reporting year</i>	<i>Deadline for submission of annual report by the Parties concerned</i>	<i>Session at which Committee will consider information from Parties concerned</i>	<i>Preparation of draft decisions</i>
2021	1 September (annual report)	Fifty-first session (4–7 October)	-
2022	15 August (annual report)	Fifty-fourth session (20–23 September)	-
2023	15 March (update)	Fifty-sixth session (2–5 May)	First draft decisions to be provided to Working Group on Environmental Impact Assessment and Strategic Environmental Assessment in June 2023
	31 July (annual report)	Fifty-seventh session (5–8 September)	Draft decisions finalized and submitted to Meeting of the Parties Documents deadline: 19 September 2023

Further to the reporting requirement set by the MoP for Ukraine in its decision VIII/4 d regarding the Bystroe Canal project, the Committee will follow-up on the matter at each session.

To increase the efficiency of the Committee's work with regard to follow-up on decisions VIII/4 d and VIII/ 4 e, the Committee developed templates enabling Ukraine to report on its progress in implementing those decisions in a concrete and concise manner, clearly outlining steps taken by it and providing related corroborating information without duplication.

At its 51st session the Committee noted with regret the limited progress made by Armenia, Azerbaijan and Belarus to implement the related decisions of the Meeting of the Parties. The Committee urges the Parties to take steps to fully implement the decisions regarding their countries without delay and to report to the Committee on the progress made by 15 August 2022.

The Committee also noted with regret that Ukraine had not provided its reports on the implementation of decisions VIII/ 4 d and e regarding the Bystroe canal project and the LTE of units 1 and 2 of the Rivne NPP respectively. It reiterated its requests for the reporting to Ukraine and invited Ukraine and the parties concerned (Romania and Austria) to take part in online informal consultations to be organised by the secretariat at the Committee's 52nd session.

Submissions

Currently, there are three submission on the Committee's agenda, including:

- (a) *EIA/IC/S/6: Submission by Bulgaria having concerns about compliance by Serbia with its obligations under the Convention regarding several mining activities, located close to the Bulgarian border*

Short update: At its 50th session the Committee conducted its first hearings in its new composition. At its 52nd session, the Committee will agree on its draft findings and recommendations prepared with the assistance of the secretariat. It will subsequently transmit them to Serbia and Bulgaria for comments and representations with a view to finalize the document in May 2022.

- (b) *EIA/IC/S/7: Submission by Montenegro having concerns about the planned construction of a number of small hydropower plants by Albania on the Cijevna River.*

Short update: At its 50th session the Committee, agreed that there was no need for it to continue its consideration of the matter – based on analysis of all information made available to it, the Committee concluded that the Parties' obligations under article 2 (5) of the Convention had been fulfilled. At its 52nd session, the Committee will agree on its draft findings and recommendations prepared with the assistance of the secretariat. It will subsequently transmit them to Albania and Montenegro for comments and representations with a view to finalize the document in May 2022.

- (c) *EIA/IC/S/8-SEA/IC/S/1: Submission by Montenegro expresses concerns regarding compliance of Bosnia and Herzegovina with its obligations under the Espoo Convention and its Protocol on SEA in respect of the construction of the Buk Bijela hydropower plant on the Drina River.*

Short update: At its 51st session the Committee requested additional clarifications from Montenegro and Bosnia and Herzegovina. In particular, it asked the Parties to provide information on the outcomes of their bilateral discussions on the matter and additional information regarding the activity. The Committee will continue its consideration of the matter at its next session. Based on the answers to be provided by the Parties it will decide on a need to schedule hearing with Bosnia and Herzegovina and Montenegro at its 52nd session in February 2022.

Committee initiatives

Currently the Committee considers two Committee initiatives:

- (a) *SEA/IC/CI/1 Serbia/ Energy strategy and Strategy's implementation programme*

Short update: At its 51st session the Committee prepared draft findings and recommendations on the matter. The document was transmitted to Serbia and the Parties concerned for comments and representations by 5 January 2021 with a view to finalising the draft at its next session in February 2022.

- (b) *EIA/IC/CI/7: Ukraine, Sydovets tourism complex*

Short update: Hearings with Ukraine, Romania and Hungary took place at the IC 51. The Committee will prepare its draft findings and recommendations on the matter at its 52nd session in February 2021. The document will then be transmitted to the Parties concerned for comments and representations by April 2022 with a view to finalising the draft at its 53rd session in May 2022.

Once finalised, by the Committee taking into account the comments and representations to be received, the findings and recommendations will be transmitted to the MOPs for their consideration in December 2023.

Specific compliance issues

At its 49th, 50th and 51st sessions the Committee considered all three specific compliance issues on its Agenda, including:

(a) General and specific compliance issues Convention North Macedonia from the fifth review of implementation

Short update: The Committee agreed that the Party's response was to its satisfaction and that there was no need for it to continue consideration of the matter.

(b) General and specific compliance issues Protocol (Serbia, regarding the content of SEA report)

Due to time limitations and lateness of the response by Serbia, the Committee differed to its next session its consideration of the specific compliance issue;

(c) See the item on EU reporting templates on p. 10.

(d) Due to time limitations at its 51st session the Committee agreed to differ its consideration of general and specific compliance issues identified in the 6th and 3rd reviews of implementation of the Convention/Protocol to its next session.

Information gathering cases

At its two sessions the Committee considered 16 information gathering cases: 15 on Convention matters and 1 on the Protocol matters.

CONVENTION MATTERS

Closed cases:

Out of 15 cases on Convention matters the Committee agreed that there was no need for it to proceed with the consideration of the matters in six instances:

- Three instances, concerning the application of the Convention by Bosnia and Herzegovina in respect of Banovici, Tuzla and Ugljievik thermal power plants (EIA/IC/INFO/23, EIA/IC/INFO/24 and EIA/IC/INFO/16). Further to the informal consultations carried out by the Committee with Bosnia and Herzegovina, Croatia and Serbia in October 2020, the Parties agreed that the significant adverse transboundary impact was likely and Bosnia and Herzegovina (BiH) confirmed that it would notify to the effected Parties accordingly. In its letter to BiH the Committee provided a number of recommendations to assist the Party to implement the Convention with regard to the activities in a proper manner.

- One instance concerning application by Switzerland of the Convention to Zurich airport (see ECE/MP.EIA/IC/2021/4, paras 45-49). In its conclusions the Committee, among other issues, referred to consideration of cumulative impacts in light of article 1(vii) of the Convention and encouraged Switzerland to consider applying article 2 (7) of the Convention to any future decision-making regarding Zurich Airport, or to similar planned strategic developments, as well as to consider acceding to the Protocol, to widen the instrument's application in the region.
- One instance concerning application of article 3(7) by Denmark and Ukraine with respect of Nord Stream 2 Project. At its 49th session the Committee noted information from Ukraine that it was satisfied with the outcomes of discussions with Denmark under article 3(7) and confirmed that a significant adverse transboundary impact from the activity on the territory of Ukraine was not likely.

Ongoing cases:

UKRIANE: Profound suspicion of non-compliance with the Convention and invitations to the Parties to rectify their non-compliance

In 2 out of 11 ongoing cases the Committee identified elements of a profound suspicion of non-compliance with certain articles of the Convention, including with regards to:

- (a) EIA/IC/INFO/10: Ukraine: the planned construction of nuclear reactors 3 and 4 at the Khmelnytsky nuclear power plant – Profound suspicion of non-compliance of Ukraine with article 3(8), 4(2) and 5 due to not involving three affected Parties in the ongoing procedure with other four Parties;
- (b) EIA/IC/INFO/13: Ukraine: Muzhiyevo goldmine – Profound suspicion of non-compliance with article 2(5) of the Convention as Ukraine did not respond to Hungary's request under that article since 2019;

Taking into account the willingness of Ukraine to apply the Convention in a proper matter, the Committee, before opening the related Committee initiatives, exceptionally decided to provide Ukraine with another opportunity to rectify its non-compliance. On the occasions of hearings with Ukraine at its 51st session, the Committee held informal consultations with Ukraine and the Parties concerned to clarify the Parties positions (under cases EIA/IC/INFO/10 and EIA/IC/INFO/13) and to assist Ukraine to implement the Convention accordingly. The Committee was satisfied with the outcome of informal consultations with Ukraine regarding the constructions of units 3 and 4 of the Khmelnytsky NPP as Ukraine completed the transboundary consultations with all Parties concerned. Ukraine also provided Hungary with the information regarding the Muzhyevo NPP.

BELARUS: EIA/IC/INFO/21: Compliance with the Convention of the Law and regulations of Belarus on EIA, SEA and State ecological expertise

At its 49th session the Committee requested Belarus to provide information on its ongoing revision of its EIA legislation. At its 51st session it noted the review of legislation prepared by the EU4Environment programme. It agreed to examine that review and resume its consideration of the matter at its 53rd session.

Compliance issues related to the lifetime extension of nuclear power plants

7 out of 15 information gathering procedures on the Committee's agenda are related to the compliance issues related to the LTE of NPPs, including:

- (a) EIA/IC/INFO/15: The Netherlands: Life-time extension of the Borssele nuclear power plant
- (b) EIA/IC/INFO/18: Belgium: Life-time extension of the Doel and Tihange nuclear power plants
- (c) EIA/IC/INFO/19: Czechia, Life-time extension of the Dukovany nuclear power plant
- (d) EIA/IC/INFO/20: Ukraine, Life-time extension of 11 units at the Rivne, South Ukrainian, Zaporizhia and Khmelnytsky nuclear power plants
- (e) EIA/IC/INFO/28: Bulgaria: Life-time extension of the Kozloduyi nuclear power plant
- (f) EIA/IC/INFO/32 France/LTE of 32 units of 8 NPPs
- (g) EIA/IC/INFO/34: SPAIN Life-time extension of the Almaraz nuclear power station

Regarding the conflict of interest (ECE/MP.EIA/IC/2021/6, paras 56-58)

The Committee observed that, the nuclear related cases, including lifetime extension of nuclear power plants, involve a multitude of concerned Parties. Due to that fact, a majority of the Committee members would find that they had a direct or indirect conflict of interest with respect to several of the issues in question.

The Committee considered that, in order to fulfil its mandate, it should proceed with its consideration of the cases in an objective and unbiased manner, involving the maximum number of its members. It emphasized that some of the cases had been before it since 2014, and that, during the intersessional period 2017–2020, its conclusions on those cases had been further delayed pending the preparation of guidance on the applicability of the Convention to the lifetime extension of nuclear power plants, endorsed by the Meetings of the Parties to the Convention in December 2020.

Consequently, with respect to situations of conflict of interest, the Committee decided to exceptionally and provisionally abstain from applying rule 5 of its operating rules, unless the Committee members in question chose, nevertheless, not to take part in the Committee's related deliberations. The Committee believed that such an approach provided for its most unbiased deliberations on the cases given the representation in its current composition of Parties that used nuclear power and Parties that did not. The Committee also decided to prepare proposals to the Meetings of the Parties for amending its modus operandi based on the experience it had gained.

Progress in consideration of LTE cases:

At its 49th-51st sessions, the Committee:

- (a) Resumed its consideration of compliance issues regarding the Netherlands, Belgium, and Czechia.
- (b) Continued its consideration of the compliance issues regarding Bulgaria, France, Spain and Ukraine.

The Committee examined the Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/2020/9) (the Guidance) adopted by the MOP in December 2021. It used the criteria proposed by the Guidance to prepare a draft checklist with a view to gathering, structuring and evaluating information on the LTE-related matters under its consideration.

The Committee has been developing an approach by which it would address similar aspects of all the issues in question. It asked a number of Parties of origin to provide additional information and clarifications further to the check list that it adapted for each case taking into account the information provided by the Parties this far.

Obstacles:

Despite the urgency some Parties face to extend lifetime of their NPPs, many of them fail to provide the answers to the IC questions in a timely manner. The answers received also often lack clarity or are incomplete. In this manner, the Parties concerned create obstacles in the Committee's work delaying its deliberations.

Closed LTE cases:

The Committee was, however, pleased to note at its 51st session that based on the decision of the Constitutional Court of Belgium, of 5 March 2020, Belgium, on 31 August 2020, had contacted all potentially affected Parties inviting them to confirm, by 30 September 2020, their interest in taking part in transboundary consultations. Further to positive responses from Austria, Ireland, Germany, Luxembourg, the Netherlands, Poland and Sweden, Belgium had initiated a transboundary procedure with those Parties and, on 2 April 2021, had provided them with the environmental impact assessment documentation. Subsequently, it had decided that there was no need for it to proceed with further consideration of the matter.

PROTOCOL MATTERS

The only information gathering procedure concerning the Protocol matters on the Committee's agenda is related to *the application of article 10 of the Protocol by Poland regarding the draft Energy Policy of Poland until 2040* (SEA/IC/INFO/4).

Short summary: In the absence of a request for a notification from Germany under article 10 of the Protocol further to the Committee's letter of 28 October 2021, Poland had adopted the Policy on 2 February 2021. On 17 March 2021 Germany expressed its wish to participate in the transboundary SEA with a view to providing its public and authorities with the opportunity to submit their statements to the competent authority of Poland. Before drawing its conclusions on the matter at its next session, the Committee decided to consider views of the Parties on each other positions.

Modification of the questionnaires for the Parties

When revising the questionnaires, the Committee considered proposals for modifications to the questionnaires for the Parties for the seventh review of implementation of the Convention and the fourth review of implementation of the Protocol taking into account:

- (a) The suggestions for improving the questionnaires collected during the previous reporting period (see decisions VIII/5, para. 5, and IV/5, para. 5¹ and ECE/MP.EIA/WG.2/2019/INF.5).
- (b) The 2021–2023 workplan (decision VIII/2–IV/2, annex I, item II.B)) and the long-term strategy (ECE/MP.EIA/2020/3– ECE/MP.EIA/SEA/2020/3, item II.A.9).

¹ See ECE/MP.EIA/30/Add.3-ECE/MP.EIA/SEA/13/Add.3.

The Committee proposed amending the questionnaire used in the previous reporting round (2016–2018), with a view to:

- (a) Enhancing the clarity and conciseness of the questionnaire, through quoting the articles of the Convention; removing redundancies and reformulating and restructuring the questions.
- (b) Collecting data for monitoring the frequency and the quality of Parties' implementation of the Convention over time;
- (c) Maximizing usefulness of reporting by the Parties as a source of information for:
 - a. Better monitoring progress achieved and remaining challenges.
 - b. Collecting and disseminating good practice and
 - c. Informing the Committee on potential non-compliance.

The secretariat will present the modified questionnaires as finalized based on the comments by the Bureau (see documents ECE/MP.EIA/WG.2/2021/3 and ECE/MP.EIA/WG.2/2021/4). Further to the comments by the WG, the secretariat will finalize and subsequently distribute the questionnaires to the Parties further to the schedule presented in informal document ECE/MP.EIA/WG.2/2021/INF.4.

SEA/IC/SCI/1/4: EU reporting templates

Short update: Further to decision IV/5, para 6. the Committee developed reporting template for the EU (see also separate item on preparation of reporting templates and questionnaires on the implementation of the Convention and the Protocol in 2019-2021 reporting period). In addition, the Committee agreed to return to the issues related to the discrepancies between the SEA directive and the Protocol upon the receipt of the report from the EU in April 2022.

With reference to paragraph 6 of decision VIII/5 on reporting and review of implementation of the Convention, the Committee also prepared draft reporting templates for the European Union regarding the Convention.

Both reporting templates were developed in the light of the status and competences of the European Union as a regional economic integration organization and with a view to facilitating its reporting under article 14 bis of the Convention and article 14 (7) of the Protocol.

Considering the related objectives of the 2021–2023 workplan and the long-term strategy and the need to ensure consistency and comparability of the data to be collected and analysed when preparing the 2019–2021 reviews of implementation, the Committee harmonized the draft reporting templates with the questionnaires for the Parties (see informal documents ECE/MP.EIA/WG.2/2021/INF.5 and ECE/MP.EIA/WG.2/2021/INF.6).

Consultations with the EU

The Committee, on 11 June 2021, shared both draft reporting templates 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.

Some observations:

The European Union is not required to impose any additional reporting obligations to its Member States in order to answer any of the questions in the reporting templates, including questions II.5 and II.6 of the template under the Convention. However, the European Union, represented by the EU Commission, is required to provide information on legislative, administrative and other measures taken by the European Union for the issues governed by the Treaties. The template also allows the EU to provide some information on best practice or lessons learned or difficulties in applying the Treaties based on the information that is available to it through its regular work.

As any other Party the European Union, represented by the Commission, duly reports following the reporting formats established under other UNECE Conventions, including under the Convention on Transboundary effects of industrial accidents (since 2014) and under Aarhus Convention. The EU, in addition to its Member States, also reports under the Convention on Long-range Transboundary Air Pollution. The European Environmental Agency is mandated to assist the Commission to prepare such a report on behalf of the EU.

Work methods and rules of procedure

The Committee continued its work on improving its working methods.

At its 49th session, the Committee noted its standing mandate to keep under review and further develop its structure and functions and its operating rules in the light of the experience gained by the Committee, including with a view to enhancing coherence and reducing duplication between ECE/MP.EIA/IC/2021/2 19 the two sets of rules and to increasing use of videoconferencing and other online and electronic communication tools as effective means for managing the Committee's workload.

At its 50th session the Committee made a few related suggestions, as follows:

*(a) With reference to paragraph 5 of its operating rule 11, the Committee agreed **to develop a submission form** to assist the Parties in formulating their concerns in a concise and concrete manner and in providing the most relevant corroborating information.*

*(b) Noting the growing number of requests from NGOs for the correspondence related to compliance matters under its consideration, the Committee agreed that, in the absence of any objections based on reasonable grounds from the Party concerned, **copies of correspondence from the Party to the Committee might be made available to NGOs involved in the related Committee proceedings upon their request, or as needed.** The secretariat will inform Parties accordingly when acknowledging receipt of their information to the Committee.*

Finally, the Committee considers that it needs to review its structure and functions and its operating rules with a view to presenting its suggestions for the MOPs sessions in December 2023. It will start preparing the proposals for such review at its 52nd session.

Timeliness and completeness of responses by the Parties concerned

It is crucial for all the Parties concerned to submit their information to the Committee in a timely manner to enable the Committee's proper preparations to its sessions, including with regard to careful advance examination of the extensive information from the Parties concerned. Late responses and insufficient quality of the responses by the Parties concerned significantly hinder the Committee's work.

The Committee would appreciate the views of the Working Group on how to ensure Parties timely and complete responses to its requests for information.

52nd session of the Committee (1-4 February 2022)

As mentioned above, at the next session the Committee will continue to consider outstanding issues on its agenda, including:

- Holding hearings with Albania and Montenegro concerning the submission of Montenegro regarding the Buk Bijala HPP. Two informal consultations with Ukraine, regarding implementation of decisions of the MOP on (a) Bystroe Canal Project (in presence of Romania);
 - LTE of units 1 and 2 of the Rivne NPP (in presence of Austria).
 - Preparing findings and recommendations on two submissions and one Committee initiative;
 - Deliberating on the compliance issues related to LTE of NPPs;
 - Preparing for reviewing and revising its structure and functions and its operating rules.
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List of compliance cases considered by the Committee since the December Sessions of the Meetings of the Parties

I. Follow-up to decisions of the Meeting of the Parties		Comment
1	EIA/IC/CI/1: Follow-up to decision VIII/4 a regarding Armenia, Law	Reports on the implementation of the MOP decisions by the Parties concerned are expected by 1 September 2021. Templates are developed to assist Ukraine to report on the steps taken by it implement decisions VIII/4 d – e in a concise and clear manner.
2	EIA/IC/CI/2: Follow-up to decision VIII/4 b regarding Azerbaijan, Law	
3	EIA/IC/S/4: Follow-up to decision VIII/4 c regarding Belarus, Ostrovets	
4	EIA/IC/S/1: Follow-up to decision VIII/4 d regarding Ukraine, Bystroe	
5	EIA/IC/CI/4: Follow-up to decision VIII/4 e regarding Ukraine, Rivne	
II. Submissions		
6	EIA/IC/S/6: Submission by Bulgaria having concerns about compliance by Serbia with its obligations under the Convention regarding the following activities, located close to the Bulgarian border: <ul style="list-style-type: none"> - Construction of an Experimental “Pilot Facility for Technology Testing of Flotation Processing of Copper, Lead and Zink Ore on the Territory of Karamanica, Municipality of Bosilegrad”; - Ore Exploitation and Mining from Mines “Podvirovi” and “Popovica”; - Extending the production of zinc, lead and other metals from the Grot Mine 	Hearings held in May 2021, at the Committee’s 50th session. Draft findings and recommendations are prepared and will be transmitted to Serbia and Bulgaria in February 2022 with a view to finalizing them at IC 53 in May 2022
7	EIA/IC/S/7: Submission by Montenegro having concerns about the planned construction of a number of small hydropower plants by Albania on the Cijevna River.	Closed, Draft findings and recommendations under the preparation to be first considered at the IC 52 in February 2022
8	EIA/IC/S/8-SEA/IC/S/1: Submission by Montenegro expresses concerns regarding compliance of Bosnia and Herzegovina with its obligations under the Espoo Convention and its Protocol on SEA in respect of the construction of the Buk Bijela hydropower plant on the Drina River	Ongoing, hearing scheduled for IC52 in February 2022.
III. Committee initiative		
9	SEA/IC/CI/1 Serbia/ Energy strategy and Strategy's implementation programme	Draft findings and recommendations under preparation and to be finalized at the IC 51 in October 2021
10	EIA/IC/INFO/29: Ukraine, Sydovets tourism complex	Hearings with Ukraine and Hungary are scheduled to take place at the IC 51. Draft findings and recommendations to be drafted for the IC to consider at IC 52 in February 2021
IV a. Information gathering/ Convention Matters		
11	EIA/IC/INFO/10: Ukraine: the planned construction of nuclear reactors 3 and 4 at the Khmelniysky nuclear power plant	Ongoing. Taking into account the willingness of Ukraine to cooperate and to rectify its likely non-compliance, the IC provided detailed recommendations to Ukraine and invited some Parties concerned (Ukraine, Hungary, the Republic of Moldova, Romania, and Slovakia) for informal consultations with a view to obtaining information about the positions of

		each Party and to assist them to apply the Convention.
12	EIA/IC/INFO/13: Ukraine: Muzhiyevo goldmine	Ongoing. Taking into account the willingness of Ukraine to cooperate and to rectify its likely non-compliance, the IC provided detailed recommendations to Ukraine and invited Ukraine and Hungary for informal consultations with a view to obtaining information about the positions of each Party and to assist them to apply the Convention.
13	EIA/IC/INFO/16: Bosnia and Herzegovina, Construction of the Ugljevik thermal power plant	Closed at IC 50, further to the outcome of the informal consultations with BiH and Serbia on 27 October 2020, BiH confirmed that it will notify the Party concerned about the activity
14	EIA/IC/INFO/21: Belarus: Compliance with the Convention of the Law and regulations of Belarus on EIA, SEA and State ecological expertise	At its 49 th session the Committee requested Belarus to provide information on its ongoing revision of its EIA legislation. At its 51 st session it noted the review of legislation prepared by the EU4Environment programme. It agreed to examine that review and resume its consideration of the matter at its 53 rd session.
15	EIA/IC/INFO/23: Bosnia and Herzegovina: Construction of the Banovići thermal power plant	Closed at IC 50, further to the outcome of the informal consultations with BiH, Croatia and Serbia on 27 October 2020, BiH confirmed that it will notify the parties concerned about the activity
16	EIA/IC/INFO/24: Bosnia and Herzegovina, Construction of the Tuzla thermal power plant	Closed at IC 51, further to the outcome of the informal consultations with BiH, Croatia and Serbia on 27 October 2020, BiH notified the parties concerned about the activity
17	EIA/IC/INFO/25: Switzerland: Construction of runways at and change in operating rules of Zurich Airport	Closed at IC 50, Germany as an affected Party did not express its willingness to use mechanisms under article 3(7) of the Convention.
18	EIA/IC/INFO/30: Nord Stream 2: preconditions for inquiry commission	Closed at IC 49 further to the information by Ukraine that it was satisfied with the outcomes of discussions with Denmark under article 3(7). Ukraine confirmed that a significant adverse transboundary impact from the activity is not likely.
IV a. Information gathering Convention Matters		lifetime extension of nuclear power plants
19	EIA/IC/INFO/15: The Netherlands: Life-time extension of the Borssele nuclear power plant	Consideration is resumed further to the adoption of the Guidance
20	EIA/IC/INFO/18: Belgium: Life-time extension of the Doel and Tihange nuclear power plants	EIA/IC/INFO/18 – Closed for Doel NPP
21	EIA/IC/INFO/19: Czechia, Life-time extension of the Dukovany nuclear power plant	The Committee resumed its consideration of a number of compliance issues related to LTE of NPPs.
22	EIA/IC/INFO/20: Ukraine, Life-time extension of 11 units at the Rivne, South Ukrainian, Zaporizhia and Khmelnytsky nuclear power plants	At its 50 th session, the Committee developed a checklist in light of the criteria proposed by the Guidance on the applicability of the Convention of LTE of NPP with a view to assisting it to collect, structure and evaluate the information from the Parties concerned.
23	EIA/IC/INFO/28: Bulgaria: Life-time extension of the Kozloduyi nuclear power plant	
24	EIA/IC/INFO/32 France/LTE of 32 units of 8 NPPs	
25	EIA/IC/INFO/34: SPAIN Life-time extension of the Almaraz nuclear power station	It adapted the check list to each individual case asking the Parties to reflect on their situations in light of the Guidance and to provide the

		<p>Committee with additional information, as needed. The Netherlands and Ukraine failed to respond to the checklist.</p> <p>At its 51st session the IC also decided to address NGOs inviting them to provide information on several cases (BL, FR, ES, CZ) further to several selected questions from the checklist.</p>
IV b. Information gathering/ Protocol matters		
26	SEA/IC/INFO/4: Poland: Energy Policy until 2040	Ongoing. The Committee agreed to share information from Poland with Germany for its comments and views and to continue consideration of the matter at its next session.
V. Specific Compliance issues		
27	SEA/IC/SCI/1/4: EU, non-reporting regarding the Protocol	The Committee developed reporting template for the EU further to decision VIII/5 and agreed to return to the issues related to the discrepancies between the SEA directive and the Protocol upon the receipt of the report from the EU in April 2022.
28	General and specific compliance issues Convention North Macedonia from the fifth review of implementation / Sixth review of implementation of the Convention	<p>Case of North Macedonia (closed)</p> <p>Issues arising from the sixth review of implementation are to be considered at the Committee's subsequent sessions.</p>
29	General and specific compliance issues Protocol (Serbia regarding the content of SEA report) / Third review of the implementation of the Protocol	<p>Serbia - ongoing with Serbia making efforts to revise its SEA legislation to bring it in line with the Protocol and the SEA Directive.</p> <p>Issues arising from the third review of implementation are to be considered at the Committee's subsequent sessions.</p>