



# Economic and Social Council

Distr.: General  
21 October 2022

Original: English

---

## 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

### Implementation Committee

**Fifty-fourth session**  
Geneva, 4–7 October 2022

## Report of the Implementation Committee on its fifty-fourth session

### I. Introduction

1. The fifty-fourth session of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment was held in a hybrid format from 4 to 7 October 2022.

#### A. Attendance

2. The following members of the Implementation Committee for Convention and Protocol matters attended the session: Mr. Christian Baumgartner (Austria), Mr. Anders Bengtsson (Sweden), Mr. Ralph Bodle (Germany), Mr. Joe Ducombe (Luxembourg), Ms. Maria do Carmo Figueira (Portugal), Ms. Barbora Pavlačič Doneva (Slovakia), Ms. Zsuzsanna Pocsai (Hungary), and Mr. Lasse Tallskog (Finland). Ms. Aysel Rzayeva (Azerbaijan) was replaced by her alternate Ms. Leyla Aliyeva for the current session.

#### B. Organizational matters

##### 1. Adoption of the agenda

3. The Chair of the Committee opened the session. He welcomed the new Committee member Mr. Bodle (nominated by Germany) – the successor to Ms. Heidi Stockhaus – and Ms. Elisabeth Losasso, who had joined the secretariat in June 2022 to service the Implementation Committee after the departure of Ms. Elena Santer. The Committee took note

of the information provided by the Secretary to the Convention and the Protocol on the outcomes of the recent Bureau meeting (Geneva (online), 9–10 June 2022)<sup>1</sup> and the preparations for the eleventh meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Geneva, 19–21 December 2022)<sup>2</sup> and the next sessions of the Meetings of the Parties to the Convention and the Protocol (Geneva (to be confirmed), 12–15 December 2023), including on the related inputs from the Committee. The Committee echoed the Bureau's regrets concerning the acute staffing constraints of the secretariat, which consisted of only two professional staff members responsible for servicing two legal instruments. The secretariat's staff resources had not been increased in over 20 years, despite the increase in its workload during that time, following the protocol's entry into force, and the multiplication of Parties, meetings, activities and compliance cases. The long-term sick leave of one staff member in 2021 and 2022 had further illustrated the unsustainability of the staffing situation, causing delays in the workplan's implementation, including in the Committee's work. The Committee noted that the Bureau had again invited the Executive Secretary of the United Nations Economic Commission for Europe (ECE) to write to the Parties asking them to fund, as a minimum, one additional professional post,<sup>3</sup> in the absence of which, the services of the secretariat would have to be reduced under the next workplan 2024–2026.

4. The Committee reviewed a list of draft decisions on compliance and other official documents that it would submit for the information of the Working Group at its twelfth meeting (Geneva, 13–15 June 2023), and, subsequently, finalize for consideration of the next sessions of the Meetings of the Parties. It agreed to describe in the report on the Committee's activities its approach regarding the compliance issues concerning Ukraine that it had postponed due to the invasion of Ukraine by the Russian Federation and its views regarding the application of the Convention and the Protocol in situations of armed conflict. It noted that the final deadline for the finalized draft documents for the Meetings of the Parties was 19 September 2023. The secretariat also reminded the Committee that, in December 2023, to replace the outgoing Committee members, the Meetings of the Parties would elect four new Parties that would nominate members and their alternates to serve on the Committee for two terms. It recommended that related informal consultations with Parties be initiated as early as possible and welcomed any suggestions from the Committee.

5. The Committee adopted its agenda as set out in document ECE/MP.EIA/IC/2022/6.

## II. Follow-up to decisions VIII/a-c

6. The discussions under the agenda item were not open to observers, in accordance with rule 17 (1) of the Committee's operating rules.<sup>4</sup>

### Armenia (EIA/IC/CI/1)

7. The Committee continued its follow-up to decision VIII/4a on compliance by Armenia with its obligations under the Convention in respect of its national legislation.

8. The Committee noted the response of Armenia, dated 13 September 2022, to the Committee's letter of 15 October 2021, indicating that the adoption by Armenia of its amended legislation was expected to be imminent. The Committee regretted that no legislation was yet available for its evaluation. The Committee agreed to re-evaluate the

<sup>1</sup> See [https://unece.org/sites/default/files/2022-09/Informal\\_notes\\_on\\_Bureau\\_mtg\\_June%202022\\_final.pdf](https://unece.org/sites/default/files/2022-09/Informal_notes_on_Bureau_mtg_June%202022_final.pdf).

<sup>2</sup> See <https://unece.org/environmental-policy/events/working-group-cia-and-sea-espoo-convention-11th-meeting>.

<sup>3</sup> Informal notes of the meeting, paras. 5 and 16–17, available at [https://unece.org/sites/default/files/2022-09/Informal\\_notes\\_on\\_Bureau\\_mtg\\_June%202022\\_final.pdf](https://unece.org/sites/default/files/2022-09/Informal_notes_on_Bureau_mtg_June%202022_final.pdf).

<sup>4</sup> Available at <https://unece.org/sites/default/files/2021-02/Implementation%20Committee%20structure%20functions%20procedures%20rules.e%202020.pdf>.

progress by Armenia in meeting the requirements of decision VIII/4a at the Committee's fifty-fifth session (Geneva (online), 31 January–3 February 2023), and to agree on a draft decision on compliance of Armenia with its obligations under the Convention at the latest at its fifty-sixth session (Geneva, 2–5 May 2023). It asked its Chair to write to Armenia with a view to:

- (a) Inviting Armenia to adopt the amended legislation as soon as possible, taking into account the requirements of decision VIII/4a and the recommendations from consultants to the secretariat funded through the EU4Environment programme;
- (b) Inviting also Armenia, upon the adoption of its legislation, to provide the Committee with the following information, through the secretariat:
  - (i) The date of the adoption of the amended legislation;
  - (ii) The text of the amended legislation and the relevant secondary legislation along with the English translation thereof within 30 days after said adoption;
- (c) Informing Armenia about the Committee's schedule for the preparation of the draft decision on compliance of the Meeting of the Parties that would draw conclusions on compliance by Armenia with regard to its national legislation for the implementation of the Convention, and indicating that the adoption by Armenia of compliant legislation would be determinant in that respect.

### **Azerbaijan (EIA/IC/CI/2)**

9. The Committee continued its follow-up to decision VIII/4b on compliance by Azerbaijan with its obligations under the Convention in respect of its national legislation. Discussions on the matter were held in the absence of the alternate member nominated by Azerbaijan.

10. It noted the responses by Azerbaijan dated 12, 19 and 27 September 2022, informing the Committee about the adoption by Azerbaijan of six regulatory acts, including, most recently, the "Regulation on Implementation of Strategic Environmental Assessment", adopted on 17 September 2022 (by decision No. 354 of the Cabinet of Ministers) and the "Regulation on Implementation of Environmental Impact Assessment, including transboundary impact assessment and its duration" adopted on 21 September 2022 (by decision No. 362 of the Cabinet of Ministers).

11. Noting the lateness of the information from Azerbaijan, the Committee asked that, during the next meeting of the Working Group, its Chair again remind all concerned Parties of their responsibility to provide the Committee with the requested information in a timely and complete manner. The Committee agreed to evaluate the newly adopted legislation of Azerbaijan at its next session, with a view to agreeing on a draft decision on compliance by Azerbaijan at the latest at its fifty-sixth session. To that end, it asked its Chair to write to the Government of Azerbaijan to request that, for its fifty-fifth session, it provides the Committee with the text of the recently adopted legislation and the relevant secondary legislation along with the English translation thereof within 30 days after their adoption. It noted that the EU4Environment programme, of which Azerbaijan was a beneficiary, would be made use of to support the Committee in analysing the secondary legislation of Azerbaijan and in covering the translation costs.

### **Belarus (EIA/IC/S/4)**

12. The Committee followed up on decision VIII/4c on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets. The Committee recalled that, at its fifty-first session (Geneva, 4–7 October 2021), it had decided to invite Belarus and Lithuania to provide their annual reports (for the period September 2021–August 2022) on the implementation of the requirements set out in

paragraphs 17–19 of decision IS/1d,<sup>5</sup> by 15 August 2022, and to participate at its present session for informal consultations to discuss progress made by them thus far in implementing decision VIII/4c.<sup>6</sup> The Committee had decided ahead of the current session to exceptionally grant the request by Lithuania for the Committee to conduct separate consultations with each of the two Parties.<sup>7</sup> It deemed it important to maintain the dialogue between the Parties.

13. The Committee appreciated the timely submission by Belarus and Lithuania of their annual reports, noting little progress in the Parties' bilateral cooperation. The Committee observed that, on 16 August 2022, the secretariat had shared for possible comments the annual report of Belarus with Lithuania and the annual report of Lithuania with Belarus. Further to rule 16 (10) of the Committee's operating rules, both reports had been made available on the Convention's website. The Committee had received comments from the Parties concerned regarding each other's reports on 2 September 2022.

14. The Committee first welcomed the delegation of Lithuania and invited it to present information and opinions on the matter. It then posed questions to seek clarifications on the country's position further to its annual report and its comments on the report of Belarus. It noted that, currently, Lithuania was exchanging information with Belarus only in writing and encouraged it to consider also holding bilateral expert meetings, at least online, in accordance with the requirements of the Meeting of the Parties.<sup>8</sup>

15. The Committee then, separately, welcomed the delegation of Belarus and invited it to present information and opinions on the matter. It then posed questions to seek clarifications on the country's position further to its annual report and its comments on the report of Lithuania.

16. The Committee pointed out to both Parties that transboundary cooperation was essential for the implementation of the Convention, and that the role of the Implementation Committee was to support Parties in their efforts to establish and maintain such cooperation, rather than to assign blame to one Party or another.

17. The Committee invited the secretariat to share the recordings of the informal consultations with both Parties. It asked its Chair to write to Belarus and Lithuania to ask them to comment on each other's statements based on the recordings by no later than four weeks after receipt of the letter.

### **III. Submissions<sup>9</sup>**

18. The discussions under the agenda item were not open to observers, in accordance with rule 17 (1) of the Committee's operating rules.

#### **Albania (EIA/IC/S/7)**

19. The Committee considered elements of its draft findings and recommendations under the submission by Montenegro expressing its concerns about compliance by Albania with its obligations under the Convention with respect to the planned construction of several small hydropower plants on the Cijevna River, received by the secretariat on 25 September 2019.

20. Due to resource constraints, the Committee's consideration of the matter since its fiftieth session (Geneva, 4–7 May 2021) had been delayed, and for that same reason the draft findings and recommendations had been based on information made available to the Committee until March 2021.

21. The Committee asked its Chair to write to the two concerned Parties to request an update on their bilateral discussions by 1 December 2022, and, on that basis, to complete the

---

<sup>5</sup> ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

<sup>6</sup> ECE/MP.EIA/IC/2021/6, para. 17 (b).

<sup>7</sup> Letter from Lithuania with annex, dated 2 September 2022, p. 1.

<sup>8</sup> ECE/MP.EIA/30/Add.2/ECE/MP.EIA/SEA/13/Add.2, para. 4c

<sup>9</sup> See <https://unece.org/submissions-overview>.

draft findings and recommendations at its fifty-fifth session. Once completed, the Committee would send the draft to the two Parties for their comments or representations, with a view to finalizing its findings and recommendations at its fifty-sixth session, taking into account the comments made.

22. It asked its Chair to write to the Governments of Albania and Montenegro requesting them to inform the Committee about the dates and outcomes of their bilateral meetings in the framework of:

(a) The Joint Commission under the 2018 Framework Agreement on Mutual Relations in the Field of Management of Transboundary Waters between March 2021 and the current time;

(b) The advisory procedure initiated by the Implementation Committee under the Water Convention (WAT/IC/AP/1) between March 2021 and the current time.

### **Bosnia and Herzegovina (EIA/IC/S/8/SEA/IC/S/1)<sup>10</sup>**

23. The Committee continued its consideration of the submission by Montenegro expressing its concerns about compliance by Bosnia and Herzegovina with its obligations under the Convention and the Protocol in respect of the construction of Buk Bijela hydropower plant on the Drina River, received by the secretariat on 11 December 2020.

24. It reached an agreement on the main points of its draft findings and recommendations regarding the matter. It decided to review and agree on the text of the draft findings and recommendations using its electronic decision-making procedure following the current session. Once completed, it asked the secretariat to transmit the draft findings and recommendations to the Parties concerned for comments or representations by 3 January 2023, and, subsequently, for the Committee to finalize at its fifty-fifth session taking into account the comments made. The findings and recommendations would be referred to in the draft decision on compliance to be submitted to the Meeting of the Parties to the Convention at its next session, in December 2023. Any recommendations would also be included in the draft decision itself.

### **Serbia (EIA/IC/S/6)**

25. On 12 July 2022, further to its decision at its fifty-second session (Geneva (online), 29–31 March 2022), the Committee had finalized its findings and recommendations on compliance by Serbia with its obligations under the Convention with respect to several mining-related activities in Karamanica, Popovica and Podvirovi and the Grot mine, using its electronic decision-making procedure.<sup>11</sup> It had noted the comments or representations from the concerned Parties (Bulgaria, which made the submission, and Serbia) to the draft findings and recommendations previously transmitted to them.

26. On 14 August 2022, the secretariat had received information from the Bulgarian non-governmental organization (NGO) the Balkanka Association regarding the Podvirovi mine, asserting that, three-and-a-half years after the NGO had submitted its concerns to the Implementation Committee regarding compliance by Serbia with the Convention with respect to several mining activities by Serbia, the mine was still operating and no domestic or transboundary environment impact assessment procedure had been conducted. The secretariat had also received a letter of support for the statements made by the NGO from Bosilegrad Municipality (Serbia) on 17 August 2022 and supplementary information from the NGO on 22 August 2022. Having consulted with the Committee, the secretariat had shared that information with the Governments of Serbia and Bulgaria for comments. The Committee noted that, despite reminders, neither of the concerned Parties had responded.

<sup>10</sup> See <https://unece.org/environment-policy/environmental-assessment/eiaics8seaic1>.

<sup>11</sup> ECE/MP.EIA/IC/2022/8, available at [https://unece.org/sites/default/files/2022-08/ece\\_mp.eia\\_ic\\_2022\\_8\\_e.pdf](https://unece.org/sites/default/files/2022-08/ece_mp.eia_ic_2022_8_e.pdf).

27. The Committee observed that, additionally, in its correspondence to the Committee, the NGO had referred to the planned construction of a number of small hydropower plants on the Dragovishtitsa River, which fell outside the scope of the submission. Therefore, it pointed out that, should the NGO wish the Committee to consider any further issues, it should provide the Committee with more substantiated information on each of them by duly completing the information form available for that purpose and submitting corroborating information. The Committee also recalled that, in its forty-fifth session (Geneva, 10–13 September 2019), it had decided to split the case, to continue considering the mining activities covered by the submission by Bulgaria but to close the procedure regarding other activities.<sup>12</sup>

28. Having considered the above additional information, the Committee concluded that it did not change the Committee's findings and recommendations as finalized (see para. 25 above). However, in the draft decision on compliance to be submitted to the Meeting of the Parties to the Convention at its ninth session (Geneva, 12–15 December 2023), the Committee agreed to request that, within the environmental impact assessment procedure of its mining activities, Serbia also properly consider the cumulative impact of other activities affecting the conditions in the water system.

29. The Committee asked its Chair to write to the NGO, with information on its deliberations and advise it to submit to the Committee a duly completed information form and related corroborating information for each activity that it wished the Committee to consider.

#### IV. Committee initiative<sup>13</sup>

30. The discussions under the agenda item were not open to observers, in accordance with rule 17 (1) of the Committee's operating rules.

##### 1. Bulgaria (EIA/IC/CI/8)

31. The Committee continued its consideration of its initiative on compliance by Bulgaria with its obligations under the Convention with respect to the lifetime extension of units 5 and 6 of Kozloduy nuclear power plant. It agreed on the main points in its draft findings and recommendations on the matter. It decided to agree on the text of the findings and recommendations using its electronic decision-making procedure following the current session. Once agreed, it asked the secretariat to transmit the completed draft findings and recommendations to the Parties concerned for comments or representations by 3 January 2023. Subsequently, the Committee would finalize them at its fifty-fifth session, taking into account the comments and representations provided. The findings and recommendations would be referred to in the draft decision on compliance to be submitted to the Meeting of the Parties to the Convention at its ninth session. Any recommendations would also be included in the draft decision itself.

##### 2. Belgium (EIA/IC/CI/9)

32. Further to its deliberations at its fifty-second session, the Committee, in the absence of its member nominated by Luxembourg, continued to consider its initiative regarding the lifetime extension of unit 1 of Tihange nuclear power plant by Belgium. It recalled that it had agreed to invite Belgium and Germany<sup>14</sup> to take part in its fifty-third session (Geneva, 10–13 May 2022) further to paragraph 9 of the Committee's structure and functions.<sup>15</sup> At the request of Belgium and Germany, however, the hearings had been rescheduled to its current session. Following the rescheduling, the Committee had invited both Parties to provide written answers to its list of non-exhaustive questions by 15 August 2022.<sup>16</sup>

<sup>12</sup> See ECE/MP.EIA/IC/2019/4, para. 21.

<sup>13</sup> See <https://unece.org/environment-policy/environmental-assessment/committee-initiative-overview>.

<sup>14</sup> ECE/MP.EIA/IC/2022/2, para. 42.

<sup>15</sup> See [https://unece.org/sites/default/files/2021-](https://unece.org/sites/default/files/2021-02/Implementation%20Committee%20structure%20functions%20procedures%20rules.e%202020.pdf)

[02/Implementation%20Committee%20structure%20functions%20procedures%20rules.e%202020.pdf](https://unece.org/sites/default/files/2021-02/Implementation%20Committee%20structure%20functions%20procedures%20rules.e%202020.pdf)

<sup>16</sup> ECE/MP.EIA/IC/2022/4, paras. 10–13.

33. The Committee expressed appreciation for the timely responses by the two Parties. The Committee observed that the secretariat had shared the answers by Belgium with Germany and vice versa. The Committee had received comments from the Parties concerned regarding each other's responses on 20 September 2022.

34. The Committee welcomed the delegations of Belgium and Germany and invited them to present information and opinions on the matter. It then questioned the two delegations. It welcomed the information provided by the Parties during the session, which mainly confirmed the contents of their written replies. The Committee concluded that it had no further questions for the Parties concerned.

35. The Committee agreed to consider at its fifty-fifth session draft findings and recommendations to be prepared by the curator with the assistance of the secretariat in advance of that session. Once agreed, the draft would be transmitted to the Parties concerned by the second half of February 2023 for comments or representations by 4 April 2023. Subsequently, at its fifty-sixth session, the Committee would finalize the findings and recommendations taking into account the comments made. The findings and recommendations would be referred to in the draft decision on compliance to be submitted to the Meeting of the Parties to the Convention at its ninth session. Any recommendations would also be included in the draft decision itself.

### 3. Czechia (EIA/IC/CI/10)

36. The Committee continued its considerations of its initiative regarding the lifetime extension of four units at Dukovany nuclear power plant in Czechia. In May 2022, further to paragraph 9 of the Committee's structure and functions, it had invited Czechia, Austria and Germany to take part at its current session and to provide written answers to a list of non-exhaustive questions in advance of the session, by 5 September 2022.<sup>17</sup>

37. The Committee appreciated the timely responses by Czechia and Germany and noted the reply of Austria dated 20 September 2022. The Committee observed that, at its request, the secretariat had shared the replies by the Parties concerned with each other for possible comments. The Committee noted the comments from Germany dated 26 September 2022 regarding the reply by Czechia dated 5 September 2022.

38. The Committee welcomed the delegations of Czechia, Austria and Germany and invited them to present information and opinions on the matter. It then questioned the three delegations. It welcomed, among other things, clarifications from Czechia regarding the time frame of operations of units 1–4 of Dukovany nuclear power plant. After deliberations in a closed session, the Committee concluded that it had no further questions for the Parties concerned.

39. The Committee agreed to consider at its fifty-fifth session the draft findings and recommendations to be prepared by the curator with the assistance of the secretariat in advance of that session. Once agreed, it would transmit the draft to the Parties concerned by the second half of February 2023 for comments or representations by 4 April 2023, and, subsequently, finalize the document at its fifty-sixth session taking into account the comments made. The findings and recommendations would be referred to in the draft decision on compliance to be submitted to the Meeting of the Parties to the Convention at its ninth session. Any recommendations would also be included in the draft decision itself.

## V. Information gathering<sup>18</sup>

### A. Convention matters

40. Discussions under the agenda item were not open to observers, in line with rule 17 (1) of the Committee's operating rules.

<sup>17</sup> Ibid., paras. 25–26.

<sup>18</sup> <https://unece.org/information-other-sources-0>

### 1. Belarus (EIA/IC/INFO/21)

41. The Committee recalled its decision from its fifty-second session to invite Belarus, at the Committee's current session, to describe the steps taken to bring its environmental impact assessment legislation into compliance with the Convention and its Protocol, and to provide the Committee with a written update in advance of the session, by 15 August 2022.<sup>19</sup> The Committee noted with regret that it had not received any written response from Belarus.

42. The Committee welcomed the delegation of Belarus, which participated in the informal meeting remotely, and noted the information it provided. The Committee expressed regret that Belarus had not yet adopted the amended legislation and that it planned to do so only by December 2023. The Committee pointed out that the secretariat had assisted Belarus in aligning its legislation for the past 10 years, with funding from the European Union, and had recommended areas where improvements could be made.

43. The Committee asked its Chair to write to Belarus with a view to informing it:

(a) That, due to the lack of progress by Belarus in adopting compliant legislation to implement the Convention, the Committee, at its next session, would consider opening a Committee initiative in accordance with paragraph 6 of its structure and functions, based on the profound suspicion of non-compliance by Belarus with its obligations under the Convention;

(b) About the Committee's schedule for the preparation of the draft decision of the Meeting of the Parties that would draw conclusions about compliance by Belarus with regard to its national legislation for the implementation of the Convention, indicating also that the adoption by Belarus of compliant legislation would be determinant in that respect.

### 2. Netherlands (EIA/IC/INFO/15)

44. The Committee continued its consideration of the information it had gathered further to the information, dated 7 May 2014, from the NGO Greenpeace Netherlands concerning the lifetime extension of Borssele nuclear power plant in the Netherlands.

45. The Committee reviewed, in the light of the criteria of the *Guidance on the Applicability of the Convention to the Lifetime Extension of Nuclear Power Plants* (the Guidance),<sup>20</sup> all information made available to it on the matter by the Netherlands, as the Party of origin, Germany, as a potentially affected Party, and the NGO.

46. Owing to time constraints and in the light of other lifetime extension cases under consideration by the Committee, the Committee asked the curator to further elaborate on the case and agreed to defer its further consideration on the case until its next session.

### 3. Spain (EIA/IC/INFO/34)

47. The Committee continued to consider information it had gathered further to information received on 30 July 2020 from the Portuguese political party Pessoas–Animais–Naturaleza expressing concerns about the non-application of the Convention by Spain to the planned lifetime extensions of two units of Almaraz nuclear power plant. Discussions on the matter were held in the absence of the member nominated by Portugal.

48. The Committee reviewed, in the light of the criteria of the Guidance, all information made available to it on the matter by Spain, as the Party of origin, Pessoas–Animais–Naturaleza and other sources. Following a request by the Committee for clarifications from Spain and a subsequent exchange, the Committee reiterated the role of the focal point in coordinating a Party's communication with the Committee.

49. When drawing its preliminary conclusions, the Committee considered that the activity was related to a specific situation described in the Guidance. Notably, the Committee considered that the renewal of the operating authorization was a lifetime extension within the scope of the Guidance.

---

<sup>19</sup> ECE/MP.EIA/IC/2022/2, para. 17.

<sup>20</sup> United Nations publication, ECE/MP.EIA/31.



50. The Committee next examined whether the lifetime extension constituted a major change to an activity listed in appendix I to the Convention, i.e. to item 2 (b) on nuclear power stations and other nuclear reactors. The Committee – based on the information made available to it, and in the light of the Guidance – considered that the physical works and modifications to operating conditions were mainly updates and not substantial enough or comparable to a new activity. In particular, while the planned extension of the on-site temporary storage facility was sizeable, the information provided and publicly available indicated that the main purpose of the extension was not to enable the continued operation of the nuclear power plant, but to facilitate its decommissioning after the end of its lifetime. The Committee also considered the duration of the lifetime extension of 7–8 years as a factor, in particular taken together with the decision of Spain to phase out nuclear energy. Because of the latter point, the Committee saw no indication of a further lifetime extension of the nuclear power plant in question. Lastly, the information provided regarding the River Tagus did not seem to indicate a substantially “changed environment”. The Committee therefore considered that the above-mentioned factors did not amount to a major change.

51. Taking into account the above, the Committee agreed:

(a) That the information made available to it did not give rise to a profound suspicion of non-compliance by Spain with its obligations under articles 2 (3) and 3 (1) of the Convention in respect of the lifetime extension of Almaraz nuclear power plant;

(b) To close the case;

(c) To invite its Chair to write to Spain and Pessoas–Animais–Naturaleza with a view to:

(i) Informing them about the Committee’s conclusions;

(ii) Reminding Spain about the role of national focal points to the Convention in disseminating, collecting and coordinating the relevant information within their Governments, as appropriate.

## **B. Protocol matters**

### **1. Germany (SEA/IC/INFO/5)**

52. The Committee, in the absence of its member nominated by Germany, continued its consideration of the information it had gathered further to the information, dated 13 April 2022, from Nationales Begleitgremium – a committee implemented by German federal law assisting in site selection – concerning a site selection process for a high-level radioactive waste disposal facility initiated by Germany with a view to its completion by 2031, expressing concerns about the timeliness of the related strategic environmental assessment procedure to be conducted, including public participation, and possibly also, transboundary consultations in accordance with, respectively, articles 8 and 10 of the Protocol.

53. The Committee reviewed the information received from Germany on 15 August 2022, which clarified the steps in the ongoing planning procedure with respect to site selection and asserted that strategic environmental assessment in accordance with the Protocol was an integral part of the first phase of the procedure and would be conducted prior to the decision (the federal legislative act) determining the siting regions to be explored. According to Germany, until that decision was taken, all options were open.

54. Taking into account the above, the Committee agreed that:

(a) The information provided by Germany gave a clear picture of the main stages of the planning and decision-making process regarding the site selection and the related strategic environmental assessment;

(b) Germany intended to ensure public participation in accordance with article 8 of the Protocol at a stage when all options were still open;

(c) The information provided by Germany was sufficient to conclude that there was no profound suspicion of non-compliance with regard to articles 8 and 10 of the Protocol at the current time;

(d) It would ask its Chair to write to the German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection and Nationales Begleitgremium to inform them about its conclusions. In his letter, the Chair should also request Germany and the correspondent to agree that their correspondence with the Committee be placed on the Convention's website as an illustration of the Committee's approach to the consideration of the matter and sufficient response from a Party to address the issue.

## VI. Review of implementation

### 1. Examination of general and specific compliance issues from the sixth review of implementation of the Convention

55. The Committee recalled that, following its deliberations at its fifty-second session, the Committee had invited Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, Denmark, Finland, Kazakhstan, Kyrgyzstan, Latvia, the Republic of Moldova, Spain, Switzerland and the United Kingdom of Great Britain and Northern Ireland to provide clarifications by 15 June 2022 on potential compliance issues identified in the sixth review of implementation of the Convention (ECE/MP.EIA/2020/8).<sup>21</sup> The Committee noted that all Parties, except Kyrgyzstan, had responded, although many of them had done so late and after several reminders from the secretariat. The Committee examined the responses in detail and considered all clarifications as satisfactory.

56. The Committee asked its Chair to write to:

(a) Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, Denmark, Finland, Kazakhstan, Latvia, Republic of Moldova, Spain, Switzerland and United Kingdom of Great Britain and Northern Ireland with a view to thanking them for the clarifications considered as satisfactory by the Committee;

(b) Kyrgyzstan with a view to reiterating the Committee's request for it to provide further clarifications on the matter, at the latest by 3 January 2023.

### 2. Examination of general and specific compliance issues from the second review of implementation of the Protocol

57. The Committee continued its consideration of the specific compliance issue regarding Serbia identified in the second review of implementation of the Protocol (ECE/MP.EIA/SEA/2017/9). It examined the response from Serbia, dated 28 July 2022, to its letter of 20 April 2022, informing the Committee about the ongoing revision by Serbia of its Law on Strategic Environmental Assessment, foreseen to be completed by the end of 2022, and indicating that, once adopted, the new law would be submitted to the Committee for its analysis.

58. The Committee agreed to wait to receive from Serbia its new Strategic Environmental Assessment Law to ensure that the new law met the requirements of the Protocol concerning the content of the environmental report.

### 3. Examination of general and specific compliance issues from the third review of implementation of the Protocol

59. The Committee continued its considerations of general and specific compliance issues identified in the third review of implementation of the Protocol (ECE/MP.EIA/SEA/2020/8), noting the responses by Armenia and Bosnia and Herzegovina to its letters of 20 April 2022, and the lack of response thereto from North Macedonia.

<sup>21</sup> ECE/MP.EIA/IC/2022/2, paras. 52–54.

60. The Committee reviewed the response by Armenia from 12 August 2022, noting the statement by Armenia that the “draft law ... on amendment and addition to the Law ... on Environmental Impact Assessment and Expertise provides regulation for the amendments to the foundational documents which are subject to the [strategic environmental assessment]” and the letter from Armenia dated 13 September 2022, received in the follow-up to decision VIII/4a (EIA/IC/CI/1), according to which the draft law on “Environmental Impact Assessment and Expertise” would be adopted soon.

61. The Committee agreed that, in his letter to Armenia on Committee initiative EIA/IC/CI/1 (see para. 8 above) requesting the text of the amended legislation and the relevant secondary legislation within 30 days after its adoption, the Chair should also request clarifications on how “minor modifications” to a plan or a programme referred to in article 4 (4) of the Protocol were regulated in that legislation.

62. Next, the Committee reviewed the response by Bosnia and Herzegovina, dated 10 June 2022, noting that the clarification provided by Bosnia and Herzegovina on its answer to question I.5 of the questionnaire remained partially unclear. Regarding the clarification with regard to question I.6 of the questionnaire,<sup>22</sup> the Committee noted that a screening system was in place allowing case-by-case screening. It concluded that there were no concerns of implementation in relation to article 5 (1) of the Protocol.

63. The Committee agreed to ask its Chair to write to Bosnia and Herzegovina inviting it to provide further clarifications, by 3 January 2023, through the secretariat on:

(a) How the definition of “plans and programmes”, and especially the reference concerning “any modifications to them”, in article 2 (5) of the Protocol had been identified in its current national legislation;

(b) The legal basis for the application of “the Rulebook on the criteria for deciding on the requirement for carrying out [a] strategic environmental assessment pursuant to article 48, paragraph 3, of the Law on Environmental Protection” to situations where there were minor modifications to plans or programmes without a reference to minor modifications in article 48 (2).

64. The Committee noted with regret the lack of reply from North Macedonia to its letter of 20 April 2022, despite several reminders, and asked its Chair to write to North Macedonia with a view to reiterating its request for clarifications on the matter, to be sent through the secretariat, in English, by, at the latest, 3 January 2023.

#### **4. Templates for the European Union to report under the Convention and the Protocol<sup>23</sup> and SEA/IC/SCI/1/4**

65. Following its deliberations at its fifty-third session,<sup>24</sup> the Committee reviewed the input by the European Commission to the reporting formats provided on 21 July 2022, following the Committee’s letter of 22 June 2022. The Committee noted the reply by Czechia – the holder of the presidency of the Council of the European Union in the second half of 2022 – dated 28 July 2022, offering to attend the consultations with the European Commission as an organizer, mediator or non-involved third party. The Chair informed the Committee about an informal meeting held between the European Commission and himself on 15 July 2022 that had been constructive.

66. The Committee asked its Chair to write to the European Commission, thanking it for the constructive input. The Committee assumed that the European Commission, in its response of 21 July 2022, had refrained from commenting on a number of questions contained in the reporting formats because it found them to be acceptable and would not

<sup>22</sup> ECE/MP.EIA/IC/2022/2, para. 59 (b).

<sup>23</sup> Template for the report of the European Union under the Convention in 2019–2021 (ECE/MP.EIA/WG.2/2021/INF.5) and Template for the report of the European Union under the Protocol in 2019–2021 (ECE/MP.EIA/WG.2/2021/INF.6). Available at <https://unece.org/environmental-policy/events/working-group-eia-and-sea-espoo-convention-10th-meeting>.

<sup>24</sup> ECE/MP.EIA/IC/2022/4, paras. 45–47.

come back to them at a later stage. The Committee agreed that the Chair should invite the European Commission to a brief consultation, to be held online during the week of 12 December 2022, between members of the Committee, and representatives of the European Commission and Czechia. The Committee would share the draft templates with its comments ahead of that meeting. It asked the secretariat to identify suitable dates for all participants.

67. The Committee asked its Chair to brief the Working Group at its next meeting on the reporting and on the status of the consultations with the European Union.

68. Concerning SEA/IC/SCI/1/4 – specific issues of compliance by the European Union with the Protocol identified in the first review of implementation of the Protocol – the Committee agreed to defer the case to its fifty-fifth session.

## **VII. Work methods and rules of procedure**

69. The Committee took note of the work of the drafting group and discussed initial suggestions for amending its structure and functions and its operating rules. The Committee welcomed the timetable for the holding of a drafting group meeting with a view to preparing a new draft at ahead of its next session, with support from the secretariat.

## **VIII. Other business**

70. The Committee confirmed the dates and formats of its fifty-fifth session (Geneva (online), 31 January–3 February 2023), its fifty-sixth session (Geneva (in-person), 2–5 May 2023) and its fifty-seventh session (Geneva (format to be determined), 5–8 September 2023).

## **IX. Presentation of main decisions taken and closing of the session**

71. The Committee reviewed the main decisions taken. The Chair then formally closed the fifty-fourth session. The Committee adopted the draft report of its session, prepared with the support of the secretariat, using its electronic decision-making procedure, on 18 October 2022.

---