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Economic Commission for Europe

Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Twelfth meeting

Geneva, 13–15 June 2023

Item 2 of the provisional agenda

Status of ratification

Status of ratification of the Convention, its amendments and its Protocol (as at 10 May 2023)

Note by the secretariat¹

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
<i>Date adopted/in force</i>	25/02/1991	10/09/1997	27/02/2001	04/06/2004	21/05/2003	11/07/2010
<i>No. Parties to Convention at that date</i>			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	10/09/2019 ⁴	10/09/2019 ⁴		
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
Czechia	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

¹ Primary source: <http://treaties.un.org>

² Signature or succession to signature

³ Ratification, accession, approval, acceptance

* The country has indicated that it plans to ratify in the near future.

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
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	20/01/2023	*	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	12/02/2019 ⁵
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	15/12/2022	15/12/2022	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	26/02/1991	24/06/1997	18/01/2008	18/01/2008	21/05/2003	12/11/2008

⁴ Ratification by the European Union did not count towards the entry into force of the Convention, its amendments, or its Protocol.

** On 20 January 2023, Ireland deposited with the Secretary-General of the United Nations its instrument of ratification of the first amendment to the Convention. The amendment entered into force for Ireland 90 days later, i.e. on 20 April 2023, in accordance with article 14(4) of the Convention.

** On 15 December 2022, Ukraine deposited its instruments of ratification of both the Convention amendments. The two amendments entered into force for Ukraine on 15 March 2023.

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
Counts:	30	45	36	36	38	33
<i>For entry into force, ratifications needed in total:</i>			23 + 1 ⁴	30 + 1 ⁴		
<i>For the 1st amendment to have effect, nro of ratifications needed:</i>			4			

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 Depository 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 was adopted on 27 February 2001, i.e. 31 Parties (new art. 17, para. 3).
7. At present, **the following 4 Parties still need to ratify the first amendment to make it operational:**
 1. Armenia
 2. Belgium
 3. North Macedonia
 4. United Kingdom of Great Britain and Northern Ireland
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 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 that time 10) 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

(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 the Meetings of the Parties;

(c) In advance of the intermediary sessions of the Meetings of the Parties (February 2019), the concerned Parties had also been requested 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 sessions of the Meetings of the Parties, as a minimum, the UNECE 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, over the years, the Executive Secretary has consistently brought the matter up during the bilateral meetings that she/he has held with high-level representatives of the concerned countries.

11. 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, it noted with concern that 5 further ratifications were still needed for that amendment to become operational, allowing non-ECE countries to accede to the Convention. Consequently, it urged that Armenia, Belgium, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland make every effort to ratify the first amendment as soon as possible in the next intersessional period.

⁵ See document ECE/MP.EIA/WG.2/2016/L.3.

⁶ See decision 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

All concerned Parties were invited to report on progress towards ratification to the Bureau and the Working Group in 2021.

12. In 2020, the Meetings of the Parties to the Convention and the Protocol also adopted a Long-term strategy and the action plan,⁷ that set the wider implementation of the two treaties as one of the main strategic goals. The related priority objectives and related actions 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)
- [etc....]

(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.

13. **At the request of the Bureau, the Executive Secretary of ECE wrote to the ministers for environment and ministers for foreign affairs of all concerned countries to flag the missing ratifications (letters dated on 7 December 2022) and encouraged the focal points to make use of the letters to prompt progress within their Governments.**

14. **On 15 December 2022, Ukraine deposited its instruments of ratification of both the Convention amendments with the UN Secretary General, bringing the missing ratifications of the first amendment down to 4. The two amendments will enter into force for Ukraine 90 days later, on 15 March 2023, in accordance with article 14(4) of the Convention.**

15. **On 19-21 December 2022, at its eleventh meeting, echoing the Bureau, the Working Group considered it important that the pending ratifications, of at least the first amendment, be completed by the next sessions of the Meetings of the Parties, in**

⁷ Decision VIII/3-IV/3, annex, ECE/MP.EIA/30.Add.1-ECE/MP.EIA/SEA/13/Add.1

December 2023. Failing that, the concerned Parties should be invited to announce their firm commitments, including clear timelines, for doing so in the next intersessional period. Aside from the ratifications by Ukraine, the Working Group noted the considerable progress reported by two other concerned Parties, Belgium and North Macedonia regarding completing their domestic steps for the ratification of the first amendment. Given the progress made, the Working Group considered it likely that the Convention would become a global instrument by the next intersessional period. No information has been received from the United Kingdom: it was not represented during the meeting of the Working Group and has not responded to the inquiry of the secretariat following that meeting.

16. On 20 January 2023, Ireland deposited its instrument of ratification of the first amendment. The amendment entered into force for it on 20 April 2023.

II. Second amendment to the Convention

17. 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).

18. 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.

19. In a nutshell, the second amendment modified the Convention by:

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

(b) Incorporating 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) Introducing 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) Formalizing the mandatory regular reporting by Parties;

(e) Clarifying 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.

20. To date, **the second amendment to the Convention is in force for all but the following 9 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. Kazakhstan

2. Belarus

7. Kyrgyzstan

3. Belgium

8. North Macedonia

4. Bosnia and Herzegovina

9. United Kingdom of Great Britain

5. Ireland

21. In December 2020, 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 the concerned Parties were invited to report on progress towards ratification to the Bureau and the Working Group.

22. On 1–3 December 2021, at the tenth meeting of the Working Group, Ukraine indicated that it expected to ratify both amendments in early 2022/the first quarter of 2022. In mid-December, the focal point of North Macedonia informed the secretariat of a similar time frame for the ratification of the two amendments.

23. On 15 December 2022, Ukraine deposited its instruments of ratification of the second and the first Convention amendments with the UN Secretary General. Both amendments entered into force for Ukraine 90 days later, on 15 March 2023, in accordance with article 14(4) of the Convention.

24. Of the remaining 9 concerned Parties, only North Macedonia reported on progress in ratifying the second amendment during the Working Group's eleventh meeting (Geneva, 19–21 December 2022). The draft review of implementation of the Convention agreed by the Working Group at that meeting pointed out that six of the reporting Parties (Armenia, Belarus, Belgium, Bosnia and Herzegovina, Ireland and Kazakhstan) had not ratified the second amendment to the Convention. Consequently, when responding to questions concerning their transposition of appendix I, those Parties were using, and basing their responses to the questionnaire upon, different iterations of appendix I. Such a lack of unified legal requirements under the Convention complicates the application of its transboundary procedures.

III. The Protocol on Strategic Environmental Assessment

25. 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.

26. 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.

27. 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.

28. **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 |

29. 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, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan).

30. 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.

31. At its eleventh meeting, in December 2022, the Working Group noted steps taken by France and Greece to ratify the Protocol. It also noted the plans by Kazakhstan to accede to the Protocol in 2024.

IV. Status of the Bucharest Agreement⁸

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

32. 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.

Bucharest Agreement: Status of ratifications/accessions

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Acceptance(A), Approval(AA), Accession(a), or one of the previous actions but unspecified (u)</i>	<i>Entry into force</i>
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

⁸ Source: Ministry of Foreign Affairs of Romania, as the Depositary for the Agreement.

Serbia	20 May 2008	2 November 2018	2 December 2018
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33. 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.

34. 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.

35. 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).

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

37. In December 2020, the Meeting of the Parties encouraged Croatia and Greece to also ratify the Agreement and Bosnia and Hercegovina to accede to it. The "waitlisted" activities requiring additional resources in annex III to the workplan 2021–2023 contain the first meeting of the Parties to the Bucharest agreement together with capacity building activities for the implementation of the agreement is included in annex III that lists activities (decision VIII/2–IV/2, annex III).

38. At its 10th meeting, the Working Group welcomed the OSCE initiative to organize a meeting on 15 December 2021 among the national focal points of South-Eastern European countries to discuss the implementation of transboundary environmental impact assessment and strategic environmental assessment in the subregion. It invited OSCE to link those discussions to the implementation of the Bucharest Agreement and its further development, including to cover transboundary consultations under the Protocol on Strategic Environmental Assessment.

39. In December 2022, the Working Group welcomed the plans by Greece to ratify the Bucharest Agreement in the near future.