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**Economic Commission for Europe****Meeting of the Parties to the Convention  
on Environmental Impact Assessment  
in a Transboundary Context****Ninth session****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****Fifth session**

Geneva, 12–15 December 2023

Items 3 (b) and (c) and 8 (b) and (c) of the provisional agenda

**Outstanding issues:****Draft decisions by the Meeting of the Parties to the Convention****Draft decisions by the Meeting of the Parties to the Protocol****Adoption of decisions:****Decisions to be taken by the Meeting of the Parties to the Convention****Decisions to be taken by the Meeting of the Parties to the Protocol****Templates for the reports of the European Union on the  
implementation of the Convention and the Protocol****Prepared by the Implementation Committee***Summary*

This document contains the templates for the reports of the European Union on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment, prepared by the Implementation Committee, in consultation with the European Commission, for the reporting period 2022–2024 onwards. The Committee prepared the templates as mandated by decisions VIII/5<sup>a</sup> and IV/5<sup>b</sup> of the Meetings of the Parties to the Convention and the Protocol, respectively, with a view to facilitating the reporting of the European Union under article 14 bis of the Convention and articles 13 (4) and 14 (7) of the Protocol.

The Meetings of the Parties to the Convention and to the Protocol are expected to consider and to take note of the reporting templates, and to request the European Union to



complete them as reports on its implementation of the Convention and the Protocol. The initial section of the document contains background information on the templates to inform the Working Group and the Meetings of the Parties.

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<sup>a</sup> ECE/MP.EIA/30/Add.2-ECE/MP.EIA/SEA/13/Add.2.

<sup>b</sup> ECE/MP.EIA/30/Add.3-ECE/MP.EIA/SEA/13/Add.2.

## **Background**

1. These reporting templates are provided to facilitate the European Union fulfilling its reporting obligations under the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment.
2. The European Union is a Party to the Convention and the Protocol, in addition to those member States of the European Union who are individually Parties to these instruments. The obligations under these treaties include regular reporting on implementation (art. 14 bis of the Convention and arts. 13 (4) and 14 (7) of the Protocol), as specified by the respective treaty bodies. The reporting obligations are not fulfilled or superseded by the declarations made by the European Union upon signature or approval of the Convention and the Protocol.
3. In accordance with the obligations to report arising from the Convention and the Protocol, the Meetings of the Parties to these treaties periodically request Parties to complete questionnaires as reports on their implementation of the treaties. Since 2003, the European Union has not filled in the questionnaires, submitting instead informal notes containing information it chose to provide. It is solely with a view to facilitating compliance by the European Union with its reporting obligations that the reporting templates contained in this document are separate from the questionnaires for States parties.
4. Separate reporting templates for the European Union are an exception. The European Union and its member States are parties to many multilateral environmental agreements and other treaties, including under the United Nations Economic Commission for Europe. Under these treaties, the European Union has been reporting for decades using the same templates or reporting formats that apply to other parties.
5. The reporting templates for the European Union are therefore as close as possible to the questionnaires for States parties. The purpose of providing reporting templates is to enhance the comparability and usefulness of the information on how Parties implement the Convention and Protocol. This is best achieved by using broadly standardized questions, while allowing for flexibility in the answers. As the experience from other treaties shows, the particular circumstances of the European Union as a regional economic integration organization can most often be explained in the answers, rather than by setting different questions.
6. As usual, these reporting templates address the Party that is under the obligation to report, which is the European Union. It is not the European Commission, although it might represent the European Union, for instance when fulfilling the reporting obligation.
7. Questions referring to the European Union normally mean solely the European Union, not its individual member States. For instance, questions about legislation of the European Union refer to legislative acts adopted by the European Union. However, in its answers, the European Union may wish to explain the interplay between its own legislation and that of its member States, where this is relevant for understanding how the European Union implements its own obligations under the Convention and Protocol.

## **I. Template for the report of the European Union on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period [...]**

### **Information on the focal point for the Convention**

1. Name and contact information:

### **Information on the point of contact for the Convention**

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

### **Information on the person responsible for preparing the report**

3. Regional economic organization (European Union):
4. Surname:
5. Forename:
6. Institution:
7. Postal address:
8. Email address:
9. Telephone number:
10. Date on which report was completed:

### **Information about the membership and competences of the European Union and its member States**

11. Please list the European Union member States:
  
12. Please describe the competences and respective responsibilities of the European Union for the performance of the obligations under the Convention:

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

In this part, please describe the legal, administrative and other measures of the European Union, as a regional economic integration organization, to implement the provisions of the Convention at the European Union level. This part should describe the framework for the Convention's implementation, including the relevant case law, and not experience in the Convention's application.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions implementing the text of the Convention. Please refer to case law where relevant.

### **Article 1 Definitions**

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

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

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

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

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

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

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

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

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

- (a) By establishing threshold levels  (please specify): \_\_\_\_\_ ;
- (b) By applying criteria related to the location of proposed activities  (please specify): \_\_\_\_\_ ;
- (c) By applying criteria related to the nature of proposed activities  (please specify): \_\_\_\_\_ ;
- (d) By applying criteria related to the size of proposed activities  (please specify): \_\_\_\_\_ ;
- (e) By applying criteria related to the effects of proposed activities  (please explain): \_\_\_\_\_ ;
- (f) Other (please specify): \_\_\_\_\_
- (g) It is not determined  (please specify): \_\_\_\_\_

Your comments:

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

## Article 2 General provisions

**I.2.1. Please provide information on the main legal, administrative or other measures (e.g., laws, environmental impact assessment provisions implemented through another law(s), regulations, administrative acts, judgments of the Court of Justice of the European Union, etc.) that have been adopted at the level of the European Union to implement the Convention (art. 2 (2)) (please indicate year/exact title/reference number/ related articles/access links):**

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

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

Please elaborate, as needed:

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

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

Please provide comments, as needed:

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

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

(a) No

(b) Yes

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

## Article 3 Notification

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

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

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

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

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

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

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

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

(e) Relevant information on the proposed activity and its possible significant adverse transboundary impact (art. 3 (5) (b))

(f) Other (please specify):

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

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

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

Please specify:

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

(b) The time frame for the response to the notification by the affected Party is specified in the legislation of the European Union

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

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

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

Please provide comments, as needed:

*(Question No. I.3.5. of the States parties questionnaire is omitted as it is not relevant for the European Union.)*

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

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

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

(a) Informing the point of contact for the Convention listed on the Convention website<sup>1</sup>

(b) Other (please specify):

Please provide comments, as relevant:

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

Please summarize and explicitly refer to the relevant legislative provisions implementing the Convention text, including case law and related guidance documents, if available.

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

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

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

**I.3.9. Article 2 (6) of the Convention states that “the Party of origin shall provide ... an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures ... and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin”. How does the legislation of the European Union ensure that equivalent opportunities and rights to participate in the procedure for the public of the affected Party are provided for?**

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

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<sup>1</sup> List available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.



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

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

## **Article 4**

### **Preparation of the environmental impact assessment documentation**

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

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

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

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

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

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

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

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

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

## Article 6 Final decision

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

- (a) Conclusions of the environmental impact assessment documentation
- (b) Comments received in accordance with articles 3 (8) and 4 (2)
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party/ies
- (f) Mitigation measures
- (g) Other (please specify):

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

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

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

- (a) Yes
- (b) No  Please explain the differences

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

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

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

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

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

- (a) Yes
- (b) No

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

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

## **Article 7**

### **Post-project analysis**

**I.7. Are there any provisions regarding implementation of post-project analysis in the legislation of the European Union (art. 7 (1))?**

- (a) No
- (b) Yes

Please specify the main steps to be taken to:

- (i) Implement a post-project analysis:
- (ii) Get information on how the results of it are communicated:

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

## **Article 8**

### **Bilateral and multilateral cooperation**

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

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

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

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

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties’ policies and measures
- (d) Developing, improving and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis

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

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

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

(h) Other, please specify:

Please provide comments, as needed:

### Complementary information related to legal implementation of the Convention

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

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

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

Your comments:

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

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(a) No <input type="checkbox"/>	(a) No <input type="checkbox"/>	(a) No <input type="checkbox"/>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>
(i) Special provisions:	(i) Special provisions:	(i) Special provisions:
(ii) Informal arrangements:	(ii) Informal arrangements:	(ii) Informal arrangements:
Please explain:	Please explain:	Please explain:

Your comments:

## Part two Practical application in the period [...]

Please report on the practical experience in applying the Convention, providing examples that highlight good practices and innovative approaches, as well as difficulties encountered and solutions identified.

Part two puts emphasis on general issues with Parties' practical experience arising from the past reviews of implementation.<sup>2</sup> It also addresses the goals of the Long-term strategy and the action plan for the Convention and the Protocol, which require that the reviews of implementation be adapted "to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice, and inform the Implementation Committee of potential non-compliance".<sup>3</sup>

### A. Experience in the transboundary environmental impact assessment procedure in the period [...]

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

(a) Yes

(b) No

Please explain:

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

**II.3. According to paragraph 10 of decision VIII/5<sup>4</sup> of the Meeting of the Parties, the information referred to in question II.2 above is to be posted on the ECE website. Should the European Union object to this, however, please indicate "Yes" and explain why, as relevant:**

(a) Yes (European Union objects to the compilation and posting of this information)

Please explain:

<sup>2</sup> See, for example, the sixth review of implementation of the Convention (2016–2018) (United Nations publication, ECE/MP.EIA/32).

<sup>3</sup> ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, item II.A.9.

<sup>4</sup> ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

(b) No (no objection)

Your comments:

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

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

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

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

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

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

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

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

**II.8. Please indicate whether, in the view of the European Union, environmental impact assessments can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:**

(a) No, there is no evidence that environmental impact assessments have contributed to the attainment of Sustainable Development Goals and their specific targets

(b) Yes, (certain) environmental impact assessments have significantly contributed to the attainment of Sustainable Development Goals and their specific targets

(c) Yes, (certain) environmental impact assessments have contributed somewhat to the attainment of Sustainable Development Goals and their specific targets

If “Yes”, please list the most relevant Sustainable Development Goals<sup>5</sup> (and their targets) and provide at least one example of how environmental impact assessments have contributed to their attainment.

Your comments:

## B. Experience in using the available guidance documents in the period [...]

**II.9. Please clarify whether and, if so, how the European Union, in the current reporting period, has promoted the use of the guidance documents developed under the Convention with a view to facilitating its efficient application, including:**

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

Please provide suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, decision III/5, appendix):

Please provide suggestions for improving or supplementing the guidance:

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<sup>5</sup> In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at [http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5\\_April2016/Informal\\_document\\_16\\_ece.mp.eia.wg.2.2016.INF.16\\_\\_Sustainable\\_Development\\_Goal\\_Mapping.pdf](http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf).

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

Please provide suggestions for improving or supplementing the guidance:

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

Please provide suggestions for improving or supplementing the guidance:

(e) *Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities* (ECE/MP.EIA/24)

Please provide suggestions for improving or supplementing the guidance:

(f) *Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries* (ECE/MP.EIA/28)

Please provide suggestions for improving or supplementing the guidance:

(g) *Guidance on Notification according to the Espoo Convention* (ECE/MP.EIA/12)

Please provide suggestions for improving or supplementing the guidance:

### **C. Clarity of the Convention**

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

No

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

### **D. Suggested improvements to this reporting template**

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



## **II. Template for the report of the European Union on the implementation of the Protocol on Strategic Environmental Assessment in the period [...]**

### **Information on the focal point for the Protocol**

1. Name and contact information:

### **Information on the point of contact for the Protocol**

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

### **Information on the person responsible for preparing the report**

3. Regional economic organization (European Union):
4. Surname:
5. Forename:
6. Institution:
7. Postal address:
8. Email address:
9. Telephone number:
10. Date on which report was completed:

### **Information about the membership and competences of the European Union and its member States**

11. Please list the European Union member States.
12. Please describe the competences and respective responsibilities of the European Union for the performance of the obligations under the Protocol.

## **Part one Current legal and administrative framework for the implementation of the Protocol**

In this part, please describe the legal, administrative and other measures of the European Union, as a regional economic integration organization, to implement the provisions of the Protocol at the European Union level. This part should describe the framework for the Protocol's implementation, including the relevant case law, and not experience in the application of the Protocol.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions implementing the text of the Protocol. Please refer to case law where relevant.

### **Article 3**

#### **General provisions**

**I.3.** According to article 3 (1) of the Protocol: “Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol with a clear, transparent framework”. Please provide information on the main legislative, regulatory and other measures (e.g., laws, environmental impact assessment provisions implemented through another law(s), regulations, administrative acts, judgments of the Court of Justice of the European Union, etc.) that have been adopted at the level of the European Union to implement the Protocol (please indicate year/exact title/reference number/ related articles/access links):

### **Article 4**

#### **Field of application concerning plans and programmes**

**I.4.1.** Which plans and programmes referred to in article 4 (2)–(4) of the Protocol (if any) are set out in European Union legislation for development consent at the European Union level or at the level of its member States?

Please list plans and programmes and provide references to the relevant provisions of European Union legislation:

Agriculture

Forestry

Fisheries

Energy

Industry, including mining

Transport

Regional development

Waste management

Water management

Telecommunications

Tourism

Town and country planning

Land use

Other (in particular falling under article 4 (3)–(4))

**I.4.2.** Explain how the European Union defines whether a plan or programme sets “the framework for future development consent” (art. 4 (2)):

**I.4.3.** Explain how the European Union defines the term “plans and programmes ... which determine the use of small areas at local level” (art. 4 (4)):

**I.4.4. Explain how the European Union defines a “minor modification” to a plan or programme (art. 4 (4)):**

## **Article 5 Screening**

**I.5.1. According to article 5 (1): “Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches.” How does the European Union implement this article?**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the member States of the European Union:

**I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening. How does the European Union implement this article?**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the member States of the European Union:

**I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.” How does the European Union implement this article?**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the member States of the European Union:

## **Article 6 Scoping**

**I.6.1. According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.” How does the European Union implement this article?**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the member States of the European Union:

**I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping. How does the European Union implement this article?**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the member States of the European Union:

**I.6.3. According to article 6 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.” How does the European Union implement this article? Does the European Union provide for opportunities for the public concerned to participate in scoping of plans and programmes?**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the member States of the European Union:

## **Article 7 Environmental report**

**I.7.1. According to article 7 (2): “The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives.”**

Please specify how the European Union defines “reasonable alternatives”:

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the member States of the European Union:

**I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.” Does the European Union have any legal provisions, or other measures, for ensuring sufficient quality of the environmental reports prepared at the European Union level, if any, and at the level of its member States?**

## **Article 8 Public participation**

**I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”**

(a) For the plans and programmes developed and adopted at the member State level, does the European Union legislation provide for notifying the public and making the

draft plans and programmes and the environmental report available to it? Please specify and provide references to the relevant provision of the legislation.

(b) For the plans and programmes developed and adopted at the European Union level, if any, how does the European Union notify the public and make the draft plans and programmes and the environmental report available?

**I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”**

(a) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of its member States, does the European Union legislation provide for identifying the public concerned? Please specify and provide references to the relevant provision of the legislation.

(b) For the plans and programmes developed and adopted at the European Union level, if any, how does the European Union identify the public concerned?

**I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”**

(a) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of its member States, does the European Union legislation provide opportunities for the public concerned to express its opinion on the draft plan and programme and the environmental report? Please specify and provide references to the relevant provision of the legislation.

(b) For the plans and programmes developed and adopted at the European Union level, if any, how can the public concerned express its opinion on the draft plan and programme and the environmental report?

**I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] ... has the opportunity to express its opinion ... within a reasonable time frame.” Does the European Union have a definition (e.g., a number of days) of the term “within a reasonable time frame”? Please specify, for example, by reference to the relevant legislation.**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of its member States:

## **Article 9**

### **Consultation with environmental and health authorities**

**I.9. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.” Does the European Union provide for consultation with environmental and health authorities? Please provide specific references to relevant provisions concerning each of these authorities, separately:**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of the European Union member States:

## **Article 10**

### **Transboundary consultations**

**I.10. Article 10 specifies the requirements regarding transboundary consultations. Does the European Union provide for transboundary consultations? Please specify and provide references to the relevant provisions regarding the timing for the notification and the information to be provided to the affected Parties, including the time frames for the response to the notification and provision of comments. Are there any provisions regarding the “detailed arrangements” referred to in article 10 (4) of the Protocol?**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of its member States:

## **Article 11**

### **Decision**

**I.11.1. According to article 11 (1): “Each Party shall ensure that, when a plan or programme is adopted, due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.” How does the European Union provide for implementation of article 11 (1)? Please specify and provide references to the relevant provisions:**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of its member States:

**I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ...and the Parties consulted ...are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.” How does the European Union provide for implementation of article 11 (2)? Please specify and provide references to the relevant provisions:**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of its member States:

## **Article 12 Monitoring**

**I.12. According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes. ... 2. “The results of the monitoring undertaken shall be made available ... to the authorities ... and to the public.” Describe the requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes:**

(a) For the plans and programmes developed and adopted at the European Union level, if any:

(b) For the plans and programmes provided for by European Union legislation and developed and adopted at the level of its member States:

## **Article 13 Policies and legislation**

**I.13. According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”**

Please specify how the consideration and integration of environmental, including health, concerns and consideration of appropriate principles and elements of the Protocol (e.g., public participation) are ensured at the European Union level during the preparation of policies and legislation.

## Part two

### Practical application during the period [...]

#### A. Experience with the strategic environment assessment procedure in the period [...]

**II.1. Has the European Union experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol? Please specify.**

**II.2. Does the European Union provide any guidance on how to conduct a strategic environment assessment procedure?**

**II.3. Please indicate whether, in the view of the European Union, strategic environmental assessments can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:**

Yes, (certain) strategic environmental assessments have significantly contributed to the attainment of Sustainable Development Goals and their specific targets

Yes, (certain) strategic environmental assessments have somewhat contributed to the attainment of Sustainable Development Goals and their specific targets

No, there is no evidence that strategic environmental assessment have contributed to the attainment of Sustainable Development Goals in practice and their specific targets

If “Yes”, please list the most relevant Sustainable Development Goals<sup>6</sup> (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement

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<sup>6</sup> In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).



**B. Experience regarding guidance in the period [...]**

**II.4. Are you aware of any use of the online *Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment*<sup>7</sup> (ECE/MP.EIA/17)? If so, please provide information regarding that experience:**

**II.5. Are you aware of any use of the *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment*<sup>8</sup> (ECE/MP.PP/10–ECE/MP.EIA/SEA/5) adopted by the Meeting of the Parties? Please provide information regarding that experience:**

**C. Suggested improvements to this reporting template**

**II.6. Please provide suggestions for how this reporting template may be improved:**

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For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at [https://unece.org/fileadmin/DAM/env/eia/documents/WG2.5\\_April2016/Informal\\_document\\_16\\_ece.mp.eia.wg.2.2016.INF.16\\_\\_SDG\\_Mapping.pdf](https://unece.org/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf).

<sup>7</sup> Available at <https://unece.org/environment-policy/publications/resource-manual-support-application-sea-protocol>.

<sup>8</sup> Available at [https://unece.org/fileadmin/DAM/env/eia/Publications/2016/Good\\_Practice\\_Recommendations\\_on\\_Public\\_Participation\\_in\\_Strategic\\_Environmental\\_Assessment/1514364\\_E\\_Espoo\\_web.pdf](https://unece.org/fileadmin/DAM/env/eia/Publications/2016/Good_Practice_Recommendations_on_Public_Participation_in_Strategic_Environmental_Assessment/1514364_E_Espoo_web.pdf).