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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-eighth session

Geneva, 27 February–1 March 2024

Report of the Implementation Committee on its fifty-eighth session

I. Introduction

1. The fifty-eighth 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 (Protocol) was held in Geneva, in virtual format.

A. Attendance

2. The following members of the Implementation Committee for Convention and Protocol matters attended the session: Mr. Christian Baumgartner (Austria), Ms. Yordanka Stoimenova (Canada), Mr. Ralph Bodle (Germany), Mr. Joe Ducombe (Luxembourg), Ms. Brankica Cmiljanovic (Montenegro), Ms. Susan Vernij (Netherlands), Ms. Joanna Przybyś (Poland), Ms. Natalia Zamfir (Republic of Moldova), Ms. Barbora Pavlačič Donevová (Slovakia).

B. Organizational matters

1. Adoption of the agenda

3. The Committee adopted a revised agenda as contained in the information document ECE/MP.EIA/IC/2024/INF.1, prepared by the secretariat in consultation with Mr. Joe Ducombe who served as the Chair of the Committee until the ninth session of the Meeting of the Parties to the Convention and the fourth session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (Meeting of the Parties to

the Protocol (Geneva, 12–15 December 2023)). The revision of the agenda was needed due to significant and unforeseen changes in the secretariat’s human resources and resulted in the meeting being concluded one day earlier than scheduled, i.e. on 29 February 2024.

4. The Committee noted that its upcoming sessions were scheduled as follows:
 - (a) Fifty-ninth session, scheduled to take place on 18–21 June 2024;
 - (b) Sixtieth session, scheduled to take place on 14–17 October 2024;
 - (c) Sixty-first session, provisionally scheduled for 11–14 February 2025.

2. Membership of the Committee

5. In accordance with paragraph 1 (c) of the structure and functions of the Implementation Committee and procedures for review of compliance (ECE/MP.EIA/6, annex II, appendix), as amended (ECE/MP.EIA/32–ECE/MP.EIA/SEA/15, decision IX/4, annex), the Committee elected Mr. Ducombe as its Chair, Ms. Vernij as first Vice-Chair and Mr. Baumgartner as second Vice-Chair.

6. The secretariat announced the list of alternate members that the elected Parties had appointed to substitute any permanent member(s) unable to participate: Ms. Ursula Platzer-Schneider (Austria), Ms. Nana Kwamena (Canada), Mr. Christof Sangenstedt (Germany), Mr. Tom Uri (Luxembourg), Ms. Maja Raicevic (Montenegro), Ms. Pascale van Duijse (Netherlands), Ms. Marta Truszczyńska (Poland).

7. The Committee noted that the Republic of Moldova and Slovakia had not yet nominated alternate members. In this respect, it asked both the secretariat and the Committee members from these countries to [remind] [urge] the two Parties to appoint alternate members for the Committee without delay.

II. Review of decisions of the Meetings of the Parties

8. The Committee noted the information from the secretariat that the ninth session of the Meeting of the Parties to the Convention and the fourth session of the Meeting of the Parties to the Protocol were adjourned owing to time limitations. Consequently, two decisions had not been adopted, notably:

- (i) The draft Decision IX/4i on compliance by Czechia with its obligations under the Convention in respect of the lifetime extension of four reactors at Dukovany nuclear power plant by the Meeting of the Parties to the Convention; and
- (ii) The draft Geneva Declaration.

9. The above-mentioned sessions of the Meetings of the Parties would be resumed with a view to adopting the two remaining decisions. The Bureau would provide guidance to the secretariat with the regard to the resumed sessions of the Meetings of the Parties at its “extraordinary” meeting, scheduled to take place on 1 March 2024.

10. Subsequently, the Committee reviewed the decisions taken by the Meetings of the Parties, in particular those providing the mandate and specifying the Committee’s tasks for the 2024–2026 intersessional period, notably decisions on:

- (a) General issues of compliance with the Convention and the Protocol (decisions IX/4 and V/4, respectively);
- (b) Country-specific compliance (decisions IX/4a–V/4a to IX/4c–V/4c, IX/4d to IX/4l and V/4d);
- (c) The review of implementation of the Convention and the Protocol (decisions IX/5 and V/5, respectively);
- (d) Amendments to the Implementation Committee’s structure and functions and operating rules (as adopted by decisions IX/4 and V/4);
- (e) Adoption of the workplan for 2024–2026 (decision IX/2–V/2);

- (f) Financial arrangements for 2024–2026 (decision IX/1–V/1).

III. Follow-up to decisions IX/4b–V/4b, IX/4c–V/4c, IX/4d to IX/4l and V/4d

A. Armenia (EIA/IC/CI/1)

11. The Committee noted decision IX/4b–V/4b on compliance by Armenia with its obligations under the Convention and the Protocol in respect of its national legislation and the related statement made by the delegation of Armenia at the Meetings of the Parties.

12. Pursuant to paragraph 8 of decision IX/4b–V/4b, the Committee asked the Chair to send a letter to Armenia requesting the Party to provide the Implementation Committee with the text of the amendments to the law of 3 May 2023 and the relevant secondary legislation, once adopted, together with the English translations thereof. Should the legislation not be adopted by the end of November 2024, Armenia should be invited to inform the Committee by 15 December 2024 on the steps taken by it and the challenges experienced with the adoption.

13. The Committee decided to continue considering the compliance matter at its sixty first session.

B. Azerbaijan (EIA/IC/CI/2)

14. The Committee noted decision IX/4d on compliance by Azerbaijan with its obligations under the Convention in respect of its national legislation and the related statement made by the delegation of Azerbaijan at the Meetings of the Parties.

15. Pursuant to paragraph 9 of decision IX/4d, the Committee asked the Chair to send a letter to Azerbaijan, requesting the Party to provide the Implementation Committee with the texts of all relevant legislation, once adopted, together with the English translations thereof. Should the legislation not be adopted by the end of November 2024, Azerbaijan should be invited to inform the Committee by 15 December 2024 on the steps taken by it and the challenges experienced with the adoption.

16. The Committee then considered the Party's inquiry from 26 May 2023 regarding the basis for its determination that the regulation "On Conducting the Environmental Impact Assessment, including transboundary impact assessment and its duration" was not fully compliant with the Convention. Following the related discussion, the Committee asked the Chair to convey to the Party its opinions on introducing into the implementing regulation definitions of the "transboundary impact" and "the proposed activity" as well as provisions regarding the decision-making process as follows:

(a) For the practical implementation of the Convention, it is not sufficient for national legislation to merely refer to "international agreements" that regulate "relations arising in this area";

(b) More specific legislative provisions are required to transpose the provisions of the Convention into national legislation;

(c) While an explicit reference to the Espoo Convention may go some way to improving the procedural clarity, it alone also may not be sufficient for the practical application of the Convention;

(d) The practical application of the Convention will require the introduction of clear administrative procedures for both national authorities and interested parties. These procedures should be tailored to national circumstances and should provide clear, practical guidance for conducting environmental impact assessments of activities listed in Appendix I of the Convention.

17. The Committee agreed to continue considering the compliance matter at its sixty first session.

C. Belarus

1. Nuclear power plant in Ostrovets (EIA/IC/S/4)

18. The Committee noted decision IX/4e on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets. It also appointed a new curator for the matter.

19. The Committee asked the Chair to send letters to Belarus and Lithuania, drawing the Parties' attention to decision IX/4e and to paragraph 9 thereof, whereby the Meeting of the Parties to the Convention request[ed] the two Parties to report to the Implementation Committee on the progress made by the end of each year. Referring to that paragraph, the Committee requested the Chair to ask the Parties to submit their progress reports for 2024 by 15 December 2024, for the Committee to consider them at its sixty-first session.

2. National legislation to implement the Convention (EIA/IC/CI/11)

20. The Committee noted decision IX/4f on compliance by Belarus with its obligations under the Convention in respect of its national legislation and the related statement made by the delegation of Belarus at the Meetings of the Parties.

21. The Committee asked the Chair to send a letter to Belarus, drawing the attention of the Party to decision IX/4f and in particular to:

(a) paragraph 3, encouraging Belarus to align its legislation with Appendix I to the Convention, as amended by the second amendment and to ratify that amendment, in order to facilitate the application of the Convention between Parties;

(b) paragraphs 4 and 5, requesting Belarus to amend its legislation in accordance with the Committee's findings and to adopt it to ensure full implementation of the Convention, and to report to the Implementation Committee, by the end of 2024, on the progress made.

22. With reference to paragraph 5, the Committee asked the Chair to request the Party to provide its progress report for 2024 by 15 December 2024, for the Committee to consider it at its sixty-first session.

D. Bosnia and Herzegovina (EIA.IC.S.8/SEA.IC.S.1)

23. The Committee reviewed decision IX/4c-V/4c on 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 and the related statement made by the delegation of Montenegro at the Meetings of the Parties.

24. In accordance with paragraph 10 of the Committee's Structure and Functions, the Committee member from Montenegro declared a direct conflict of interest regarding the matter and was absent during the Committee's deliberation on it.

25. The Committee asked the Chair to send a letter to Bosnia and Herzegovina, drawing the attention of the Party to decision IX/4c-V/4c and to paragraphs 4, 5 and 6 thereof. The Chair should also convey that is essential for Bosnia and Herzegovina to comply with the requirements and recommendations outlined in the decision and, in light of the above, it should request the Party to submit to the Committee by 20 May 2024 a detailed plan with a timetable for implementing the steps foreseen in the paragraph 4 of the decision. Notably, the plan should focus on [completing] a transboundary environmental impact assessment procedure regarding the activity involving Montenegro and, as needed, other affected Parties, including:

(a) Concluding consultations with authorities and the public of the affected Parties based on the environmental impact assessment documentation, as set out in articles 3 (8), 4 (2) and 5 of the Convention;

(b) Revising the final decision on the construction of the Buk Bijela hydropower plant, taking due account of the outcomes of the environmental impact assessment procedure,

including the environmental impact assessment documentation and comments received from the affected Parties, further to article 6 of the Convention;

(c) Providing the affected Parties with the revised final decision.

26. In addition, further to paragraph 6 of decision IX/4c-V/4c, Bosnia and Herzegovina is requested to report, by the end of each year, to the Implementation Committee on the steps taken to complete the transboundary environmental impact assessment procedure. With reference to such paragraph, the Committee asked the Chair to request the Party to provide its report for 2024 by 15 December 2024.

27. Subsequently, the Committee appointed a new curator for the matter and agreed to continue considering the compliance matter at its fifty-ninth session.

E. Serbia (EIA/IC/CI/6)

28. The Committee noted decision V/4d on compliance by Serbia with its obligations under the Protocol in respect of the Energy Sector Development Strategy of the Republic of Serbia for the Period up to 2025 with Projections up to 2030 and the Programme for the Implementation of the Strategy for the Period 2017–2023.

29. The Committee asked the Chair to send a letter to Serbia, drawing the Party's attention to the requests of the Meeting of the Parties as outlined in decision V/4d, in particular in paragraphs 3–4 and 6–10. The Chair should convey that is essential for Serbia to comply with the recommendations detailed in the decision and to report on the implementation progress made by it to the Meetings of the Parties at its sixth session. In this context, Serbia should be requested to provide the Committee by 15 December 2024 with:

(a) A road map with a time schedule, spelling out planned actions to ensure compliance by Serbia with articles 10 and 11 of the Protocol;

(b) report on the progress made by the Party in 2024 in implementing that road map and complying with paragraphs 3–4 and 6–10 of the decision.

30. The Committee appointed a new curator for the matter and agreed to continue considering the compliance issue at its sixty-first session.

F. Ukraine

1. Bystroe Canal Project (EIA/IC/S/1)

31. The Committee noted decision IX/4k on compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta, as amended by the Meetings of the Parties further to the proposals of the delegations of Romania and Ukraine submitted in light of the substantive package of information provided by Ukraine on 22 November 2023.

32. Having assessed [the substantive package of information provided by Ukraine on 22 November 2023][the above-mentioned information from Ukraine] and at the request of the Meeting of the Parties in paragraph 4 of the decision, the Committee confirmed that Ukraine had taken all the necessary measures to fully comply with the Convention.

33. The Committee highlighted in particular the following information:

(a) With respect to the Bystroe Canal Project, which had prompted the initial submission by Romania to the Implementation Committee on 26 May 2004, Ukraine confirmed that the project would not be implemented. Further to paragraph 4 of decision VIII/4d, Ukraine stopped the works, repealed the final decision and conducted an assessment of the damage to the environment. The Party also developed a plan for compensatory measures, considered by Romania during the transboundary consultations on the new "Bystroe Route" project.

(b) Further to paragraphs 5 and 6 of decision VIII/4d, Ukraine had completed the procedure for transboundary environmental impact assessment in accordance with its

obligations under the Convention with regard to the new “Bystroe Route” project, encompassing Phases I and II of the Bystroe Canal project.

(c) The Parties reached an agreement on the results of expert consultations on monitoring, carried out in September 2023, and also signed a bilateral agreement.

(d) The Committee considered that the recommendations set out in paragraph 12 of decision VIII/4d were implemented as the new “Bystroe Route” project took into account all of the compliance-related issues that were not addressed by Ukraine during the planning of the previous project.

34. The Committee therefore confirmed that the caution issued to the Government of Ukraine by the Meeting of the Parties to the Convention at its fourth session (Bucharest, 19-21 May 2008) could be lifted and decided that there was no need for it to take any further action on the matter.

35. Pursuant to paragraph 8 of decision IX/4k, the Committee asked its Chair to inform the Bureau and the Working Group about the outcome of deliberations on the matter and subsequently report to the Meeting of the Parties to the Convention at its tenth session, also by including the pertinent information into the report of the Committee on its activities in the 2024-2026 intersessional period.

36. Additionally, the Committee requested its Chair to update Romania and Ukraine on its findings. Further to paragraph 5 of the Committee’s Operating Rule 16, it instructed the secretariat to place the correspondence between the Committee and the Parties on the Convention’s website.

2. Rivne nuclear power plant (EIA/IC/CI/4)

37. The Committee noted decision IX/4l on compliance by Ukraine with its obligations under the Convention in respect of the extension of the lifetime of Rivne nuclear power plant. It also appointed a new curator for the matter.

38. The Committee asked the Chair to send a letter to Ukraine, drawing attention of the Party to decision IX/4l, and in particular its paragraph 5 requesting Ukraine to finalize the transboundary environmental impact assessment procedure with the Parties that still consider themselves to be affected, including, pursuant to article 6 of the Convention:

(i) Revising the final decision on the lifetime extension of reactors 1 and 2 of Rivne nuclear power plant, taking due account of the outcomes of the environmental impact assessment procedure, including the environmental impact assessment documentation and comments received from the affected Parties;

(ii) Providing to the affected Parties the final decision, including the reasons and considerations on which it was based.

39. With reference to that paragraph and considering the Committee’s schedule for its forthcoming sessions, the Committee asked the Chair to request Ukraine to report by 15 December 2024 on the steps taken to finalize the transboundary environmental impact assessment.

IV. Submissions

40. Pursuant to the revised agenda, the Committee decided to continue considering the submission by Belarus expressing concerns about compliance by Poland with its obligations under the Convention with respect to the construction of a barrier on the territory of the transboundary United Nations Educational, Scientific and Cultural Organization (UNESCO) “Bialowieza Forest” World Heritage Site (EIA/IC/S/9), at its fifty-ninth session.

V. Committee initiatives

France/LTE of nuclear power plants (EIA/IC/CI/12)

41. The Committee continued considering its initiative concerning the planned lifetime extension by France of unit 1 of Tricastin nuclear power plant, opened at the Committee's fifty-seventh session (Geneva, 29 August–1 September 2023). It recalled that a hearing was scheduled with France at the Committee's fifty-ninth session, further to paragraph 9 of the Committee's structure and functions, as amended (ECE/MP.EIA/32–ECE/MP.EIA/SEA/15, decision IX/4, annex). The Committee stated that the hearing would include only Parties to the Convention.

42. The Committee considered draft questions for the hearing and agreed to finalize them in March 2024, using its decision-making procedure by electronic means and based on the next draft to be prepared by the curator. The Committee acknowledged the proposal by Greenpeace to provide possible additional questions and invited the organization to do so in advance of the Committee's next session but no later than 10 May 2024.

43. The Committee decided to include questions concerning the planned lifetime extension of the other 31 units of eight nuclear power plants in France that are also subject to the Committee's consideration further to the information from Greenpeace of 9 March 2020 (EIA/IC/INFO/32). Notably, it agreed to seek clarifications from France on developments concerning those reactors, inter alia whether decisions were taken at phase two of the safety review regarding any of the other 31 units, which explicitly or implicitly authorized their continued operation.

44. Additionally, the Committee recalled the request made by Italy to France dated 14 January 2021 to be consulted under the Convention concerning the lifetime extension of 900 Mwe units.¹ In this context, the Committee asked the Chair to invite Italy to the upcoming hearing with France at its fifty-ninth session.

VI. Information gathering

Convention matters

A. Bulgaria (EIA/IC/INFO/37)

45. The Committee continued its consideration of the information it had gathered further to the information of 14 August 2023 from the Bulgarian NGO "Balkanka Association" concerning planned "Ada Tepe" and "Tintyava" gold mines in Bulgaria, close to the transboundary Byala Reka River and Arda River basins and the border with Greece.

46. The Committee reviewed the response of Bulgaria dated 15 January 2024 to its letter of 20 September 2023 requesting information on the planned activity and the related transboundary environmental impact assessment procedure under the Convention.

47. Regarding the "Ada Tepe" mine, the Committee noted that the activities at the mine commenced in 2019 after the completion of the licensing procedure that included a transboundary environmental impact assessment procedure involving Greece as an affected Party. It was the understanding of the Committee that, as per condition in decision on EIA No.18-8,11/20111 issued by Bulgaria, once a year – by 31st of March each year, after the first year of project, the Company (contracting authority) shall send a report in English to the Greek Ministry of Environment, Energy and Climate Change, wherein the results of the Water Quality Monitoring Plan shall be presented. The report must include a full description of the points from which samples are taken (location, etc.), analyzed parameters, analytical methods and comparison of these data against the limit values of these emissions. This report in both English and Bulgarian must be submitted to the East Aegean Region Basin

¹ ECE/MP.EIA/IC/2021/4, para 78.

Directorate. In compliance with this condition, the Company Dundee Precious Metals Krumovgrad EAD, one per annum submits a Report (in Bulgarian and English) to Bulgaria, every year by March 31. Following receipt, Bulgaria forwards an English version of the Report to Greece.

48. The Committee asked its Chair to forward to Greece the information provided by the Balkanka Association regarding the activity along with the links to the water quality monitoring reports.

49. With reference to article 7.2 of the Convention regarding post-project analysis, the Committed asked its Chair to invite Greece to clarify by 20 May 2024 whether, upon review of the aforementioned information, the Party has any reasonable grounds to conclude that the activity has an unforeseen significant adverse impact on its territory or whether it has discovered any new factors which may result in such impact. The Chair should prompt Greece to immediately inform Bulgaria, in case Greece determines such impacts or factors, inviting it to enter into consultations on necessary measures to reduce or eliminate the impact.

50. Regarding the Investment Proposals “Mining and Processing of Polymetallic Ores from the Rozino Deposit, Tintyava PLA”, the Committee noted that the related environmental impact assessment procedure was at the “scoping stage of elaboration of terms of reference for scope and content of the EIA”. The Committee asked its Chair to send a letter to Bulgaria conveying to it – with the reference to its previous opinion (ECE/MP.EIA/IC/2021/4, paras. 47-48) – that when deciding on whether the activity is likely to have a transboundary impact the consideration of cumulative impacts may be of relevance.

51. In the letter to Bulgaria the Chair – referring to paragraph 28 of the “Guidance on the Practical Application of the Espoo Convention”, advising Parties to notify neighbouring Parties of the activities that appear to have a low likelihood of significant transboundary impact and to let them decide on their participation – should also:

(a) Invite Bulgaria to inform Greece about the planned activity and the current stage of the environmental impact assessment procedure and ask Greece whether it wishes to participate in the related transboundary procedure.

(b) Inform the Committee by 20 May 2024 about the steps taken and any response received from Greece.

52. Additionally, the Committee agreed to request that Bulgaria provides the Committee with details regarding its National Mining Strategy 2030, specifically the date on which it was officially adopted, and a clarification on whether:

(a) The activities listed in the communication from the Balkanka Association were covered by the Strategy;

(b) A strategic environmental assessment was conducted in the course of its preparation;

(c) An evaluation of cumulative impacts was undertaken.

53. The Committee agreed to continue its consideration of the matter at its fifty-ninth session.

B. Germany (EIA/IC/INFO/35)

54. The Committee continued its consideration of the information it had gathered further to the information from the three NGOs² concerning the planned construction by Germany of a liquefied natural gas (LNG) terminal in the Bay of Pomerania in the Baltic Sea, near the coastal waters of Denmark, Poland and Sweden.

55. The Committee reviewed the response from Germany of 26 October 2023 to the Committee’s request of 28 September for information about the planned activity and the

² Information from “Deutsche Umwelthilfe”, Coalition Clean Baltic, Greenpeace Poland of 29 June, 5 July and July 2023, respectively.

application by Germany of the transboundary environmental impact assessment procedure under the Convention regarding the planned activity. It noted that, according to Germany, the planned activity consisted of (a) the LNG terminal in Mukran on the island of Rügen and (b) the Mukran-Lubmin pipeline.

56. Regarding the granted permits and the status of the construction works, Germany informed that:

(a) The permit for the LNG terminal in Mukran was pending, while the permit for the inner harbour channel of the Mukran port was issued on 10 October 2023 further to finalizing the national environmental impact assessment procedure.

(b) Approval for each of the four sections of the Mukran-Lubmin pipeline had been granted and construction works were either completed or ongoing.

57. Concerning the requirement to carry out a transboundary environmental impact assessment procedure under the Convention, Germany had stated that:

(a) According to the provisional assessment of the competent authorities, there was no indication of a significant adverse transboundary impact of the LNG terminal in Mukran. Within the permitting procedure, the applicant was expected to provide all relevant documents for the competent authority to fully assess the project's environmental impact.

(b) The competent authority had concluded that the Mukran-Lubmin pipeline was not likely to have significant adverse transboundary environmental impacts.

58. The Committee further recalled that, through its letters dated 3 November 2023 it had approached possibly affected Parties, Denmark, Sweden and Poland, inviting them to clarify whether they had been notified about the activity or a procedure according to article 3.7 was in place. In addition, the Committee asked the Parties whether they would deem themselves as an affected Party. In its letter dated 5 December 2023, Sweden stated that it had been in contact with Germany and that, based on the answers received, it did not see the need to be notified nor to participate in transboundary consultations. Poland and Denmark had informed that they had not been notified but they were communicating with Germany with a view to gathering further information about the planned activity and potential transboundary effects.

59. On 24 January 2024, the Committee reached out to Poland and Denmark again to inquire whether they viewed themselves as potentially affected Parties regarding the planned activity, whether the process under article 3.7 of the Convention was underway, and if so, whether a conclusion had been made under this provision.

60. In its latest update to the Committee on 9 February 2024, Poland informed that the German authorities needed additional time to provide them with the required documents. Consequently, the Party was not yet in the position to determine whether it could consider itself as potentially affected.

61. In its response to the Committee of 12 February 2024, Denmark informed that it had received from the German authorities further information on the project's potential transboundary effects. However, it needed more time to assess that information, including its completeness, before it could confirm or deny whether Denmark considered itself an affected party.

62. The Committee noted the information received from civil society, namely:

(a) A letter dated 21 November 2023 sent by several NGOs³ and addressed to Denmark, Poland and Sweden;

(b) A letter dated 19 January 2024 sent by the NGO Deutsche Umwelthilfe and addressed to the Secretary of the Implementation Committee.

63. The Committee requested the Chair to write to Denmark and Poland, urging the Parties to provide answers to the Committee's questions from 24 January 2024 by 30 April 2024. With reference to its approach taken in a similar situation (compliance matter concerning the planned

³ Association Workshop for All Beings, BUND (Friends of the Earth Germany) Mecklenburg-Vorpommern, Coalition Clean Baltic, Deutsche Umwelthilfe

changes by Switzerland at Zurich Airport, close to the border with Germany),⁴ the Committee agreed not to continue its consideration of the matter if the Parties did not consider themselves as potentially affected by the planned activity or in case no answer was received by them by the given timeframe.

C. North Macedonia (EIA/IC/INFO/36)

64. The Committee continued its consideration of the information it had gathered further to the information of 19 July 2023 from the Bulgarian NGO “Balkanka Association” concerning the development by North Macedonia of a new gold-copper mine, close to the border with Bulgaria and Greece.

65. The Committee reviewed the response of North Macedonia dated 1 November 2023 to its letter of 20 September 2023 requesting information on the planned activity and the related transboundary environmental impact assessment procedure under the Convention.

66. Based on that response from North Macedonia and publicly available additional information, the Committee noted the following information:

(a) In March 2016 North Macedonia adopted a scoping decision for the environmental impact assessment and in April 2016 the mining company submitted an environmental impact assessment. To date, the Ministry of Environment and Physical Planning has not issued a decision allowing or denying the commencement of the activity;

(b) In 2019 North Macedonia enacted legislative amendments that inter alia prohibit the use of cyanide. The North Macedonian government is of the view that the amendments would require a new environmental impact assessment procedure for the Ilovica mining operations to start, and that this forthcoming environmental impact assessment procedure would be carried out in line with the Convention’s requirements.

(c) There are on-going legal proceedings between the mining company and the North Macedonian government concerning the mining concessions and exploitation permits.

67. The Committee agreed to continue its consideration of the matter at its fifty-ninth session. It asked the Chair to convey to the Government of North Macedonia the summary of the information the Committee had collected and to invite the Government to clarify by 7 May 2024:

(a) Whether the environmental impact assessment report submitted by the developer in 2016 assesses any likely significant adverse transboundary impact from the activity, in particular on the territories of Bulgaria or Greece;

(b) Whether the Government has, at any stage until now, assessed the likelihood of a significant adverse transboundary impact from the planned Ilovica mining operation, in particular on the territories of Bulgaria and Greece. The Government is reminded of its obligation to undertake such an assessment prior to authorizing or commencing the mining activity;

(c) Whether the Government has thus far notified potentially affected parties, notably Bulgaria or Greece, about the proposed mining activity. The Chair should remind North Macedonia of its obligation to do so and to conduct the transboundary impact procedure under the Convention should the activity likely result in a significant adverse transboundary impact;

(d) How the Government will apply the Convention and fulfil the obligations outlined above in case the courts of North Macedonia determine that, regardless of the 2019 legislative amendments, the mining company is not required to carry out a new environmental impact assessment procedure.

68. The Committee additionally asked its Chair to inform the Balkanka Association about the pertinent details included in the Committee’s summary related to the current authorisation

⁴ See ECE/MP.EIA/IC/2021/4, paras 45-49

status, requesting the NGO to substantiate its claim that the mine is "soon to be set into operation". The information should be provided by 7 May 2024.

D. Ukraine

69. Pursuant to the revised agenda, the Committee decided to continue at its upcoming sessions considering the information gathered regarding the following compliance issues concerning Ukraine:

(a) Planned construction of units 3 and 4 of Khmelniysky nuclear power plant (EIA/IC/INFO/10);

(b) Planned activity related to mining at the Muzhiyevo goldmine (EIA/IC/INFO/13)

(c) Lifetime extension of 12 power units located at Rivne, South-Ukrainian, Zaporizhzhya and Khmelniysky nuclear power plants (EIA/IC/INFO/20).

VII. Review of implementation

A. Examination of general and specific compliance issues from the seventh review of implementation of the Convention and the fourth review of implementation of the Protocol

70. Pursuant to the revised agenda, the Committee decided to examine general and specific compliance issues identified in the seventh review of implementation of the Convention (ECE/MP.EIA/2023/9) and the fourth review of implementation of the Protocol (ECE/MP.EIA/SEA/2023/9) at its upcoming sessions. It requested the newly nominated curators to prepare an overview of those issues in advance.

71. The Committee designated two of its members to work with the secretariat in identifying minor technical adjustments to the questionnaires for reporting on implementation of the Convention and the Protocol during the period 2022–2024, taking into account the suggested improvements to the questionnaires during the previous reporting round (see ECE/MP.EIA/WG.2/2022/INF.9).⁵ Such minor technical adjustments would be introduced at the fifty-ninth session of the Committee.

B. Examination of general and specific compliance issues

Convention matters

Kyrgyzstan – sixth review of the implementation of the Convention

72. The Committee appointed a new curator and decided to continue considering the specific compliance issue at its upcoming sessions.

Protocol matters

1. European Union (SEA/IC/SCI/1/4) – first review of implementation of the Protocol

73. The Committee noted paragraph 9 of decision V/5 of the Meeting of the Parties to the Protocol on its fifth session, on reporting and review of implementation of the Protocol.⁶ In that paragraph, the Meeting of the Parties to the Protocol requested the European Union to complete the reporting template, prepared in 2021–2023 by the Implementation Committee

⁵ This informal document was submitted to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its eleventh meeting (Geneva, 19–21 December 2022) and is available on the web page for that meeting (<https://unece.org/info/Environmental-Policy/Environmental-Impact-Assessment/events/364357>).

⁶ ECE/MP.EIA/32/Add.3 – ECE/MP.EIA/SEA/15/Add.3

in consultation with it, as its report on the implementation of the Protocol during the period 2022–2024, taking note of the obligations to report arising from articles 14 (7) and 13 (4) of the Protocol.

74. The Committee asked the Chair to [bring to the attention of the European Union the request of the Meeting of the Parties in decision V/5] and to inform the Party that, in light of the decision, there was no need for the Committee to continue consideration of the compliance matter further. In the letter to the European Union, the Chair should also invite the European Union to provide its agreement that all correspondence between the Committee and the European Union regarding the matter be placed on the Protocol' website.

2. Serbia – second review of the implementation of the Protocol

75. The Committee noted with regret the absence of the response by Serbia to its letter of 20 September 2023, concerning the specific compliance issue identified in the second review of implementation of the Protocol (ECE/MP.EIA/SEA/2017/9). It noted that in paragraph 3 of decision V/4d the Meeting of the Parties requested Serbia to “ensure that its legislation, regulations and other measures fully implement the Protocol’s provisions [...] and requested the Implementation Committee to review the legislative and institutional frameworks for the Protocol’s implementation once amended.”

76. The Committee asked the Chair to reiterate its requests to Serbia as expressed in the letter of 20 September 2023 to provide:

(a) Information about the status of the legislative process to adopt the new Law on Strategic Environmental Assessment and,

(b) If adopted, to provide the Committee with the amended Law and the English-language translation thereof.

The Committee asked its Chair to urge the Party to respond to its inquiries without delay and no later than by 15 May 2024. The Committee appointed a new curator for the matter and agreed to continue its consideration of the matter at its fifty-ninth session.

3. North Macedonia – third review of implementation of the Protocol

77. The Committee recalled its letters to North Macedonia of 20 April 2022, 21 October 2022, 17 February and 19 May 2023, 20 September 2023 requesting clarifications on how North Macedonia fulfils its obligations under article 11(1c) of the Protocol. It noted with regret that again no response was received from the Party.

78. The Committee, therefore, asked the Chair to send a letter to North Macedonia through the Ministry of Foreign Affairs urging the Party to respond to its requests without delay and no later than by 30 April 2024. The Committee appointed a new curator for the matter and agreed to continue its consideration of the matter at its fifty-ninth session.

VIII. Presentation of main decisions taken and closing of the session

79. The Committee recalled that its fifty-ninth session was scheduled to take place on 18–21 June 2024 in Geneva, and its sixtieth session was scheduled to take place on 14–17 October 2024.

80. The Committee reviewed the main decisions taken. The Committee requested the secretariat to prepare the draft report for the present session within two weeks thereafter. The Chair then formally closed the fifty-eight session.

81. The Committee adopted the draft report by electronic decision-making procedure, on 24th March 2024.
