



# Economic and Social Council

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## Economic Commission for Europe

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

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

### 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 Donevova (Slovakia).

#### B. Organizational matters

##### 1. Adoption of the agenda

3. The Committee adopted the agenda (ECE/MP.EIA/IC/2024/1), as revised further to a proposal by the secretariat and the Chair of the Committee, Mr. Ducombe, who served in that capacity until the ninth session of the Meeting of the Parties to the Convention and the fifth session of the Meeting of the Parties to the Protocol (Geneva, 12–15 December 2023).



The revision of the agenda was necessary due to significant and unforeseen changes in the secretariat's human resources and resulted in the meeting concluding one day earlier than scheduled, i.e. on 29 February 2024.

4. The Committee noted that its upcoming sessions were scheduled as set out below:
  - (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, decision III/2, appendix), as amended (ECE/MP.EIA/32/Add.2–ECE/MP.EIA/SEA/15/Add.2, 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 that respect, it asked both the secretariat and the Committee members from those countries to remind 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 fifth session of the Meeting of the Parties to the Protocol had been adjourned owing to time limitations. Consequently, two decisions had not been adopted, notably:

- (a) Draft decision IX/4i on compliance by Czechia with its obligations under the Convention in respect of the lifetime extension of four reactors of Dukovany nuclear power plant (ECE/MP.EIA/2023/7);
- (b) The draft Geneva Declaration (ECE/MP.EIA/2023/11–ECE/MP.EIA/SEA/2023/11).

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 regard to said resumed sessions 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 (ECE/MP.EIA/32/Add.2–ECE/MP.EIA/SEA/15/Add.2) and V/4 (ECE/MP.EIA/32/Add.3–ECE/MP.EIA/SEA/15/Add.3), respectively);
- (b) Country-specific compliance (decisions IX/4a–V/4a to IX/4c–V/4c (ECE/MP.EIA/32/Add.1–ECE/MP.EIA/SEA/15/Add.1), IX/4d to IX/4l (ECE/MP.EIA/32/Add.2–ECE/MP.EIA/SEA/15/Add.2) and V/4d (ECE/MP.EIA/32/Add.3–ECE/MP.EIA/SEA/15/Add.3));

(c) Reporting and review of implementation of the Convention and of the Protocol (decisions IX/5 (ECE/MP.EIA/32/Add.2–ECE/MP.EIA/SEA/15/Add.2) and V/5 (ECE/MP.EIA/32/Add.3–ECE/MP.EIA/SEA/15/Add.3), respectively);

(d) Amendments to the Implementation Committee’s structure and functions and operating rules (as adopted by decisions IX/4, annex (ECE/MP.EIA/32/Add.2–ECE/MP.EIA/SEA/15/Add.2) and V/4 (ECE/MP.EIA/32/Add.3–ECE/MP.EIA/SEA/15/Add.3));

(e) Adoption of the workplan for 2024–2026 (decision IX/2–V/2 (ECE/MP.EIA/32/Add.1–ECE/MP.EIA/SEA/15/Add.1));

(f) Financial arrangements for 2024–2026 (decision IX/1–V/1 (ECE/MP.EIA/32/Add.1–ECE/MP.EIA/SEA/15/Add.1)).

### **III. Follow-up to decisions IX/4b–V/4b, IX/4c–V/4c, IX/4d to IX/4f, IX/4k 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 of the steps taken by it and the challenges experienced regarding 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 of the steps taken by it and the challenges experienced regarding 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 the points listed below regarding the decision-making process:

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

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

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

(d) The practical application of the Convention would require the introduction of clear administrative procedures for both national authorities and interested parties. Those procedures should be tailored to national circumstances and should provide clear, practical guidance for conducting environmental impact assessments of activities listed in appendix I to 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 requested 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 consideration by the Committee 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 its:

(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 4–5, 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 of decision IX/4f, the Committee asked the Chair to request the Party to provide its progress report for 2024 by 15 December 2024, for consideration by the Committee 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 recent sessions of the Meetings of the Parties.

24. In accordance with paragraph 10 of the Committee's structure and functions,<sup>1</sup> the Committee member from Montenegro declared a direct conflict of interest regarding the matter and was absent during the Committee's deliberation thereon.

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 4–6 thereof. The Chair should also convey that it was essential for Bosnia and Herzegovina to comply with the requirements and recommendations outlined in the decision and, in the light of the above, the Chair 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 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 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 was 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 said 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 thereof. The Chair should convey that it was essential for Serbia to comply with the recommendations detailed in the decision and to report on the progress made by it in implementation to the Meetings of the Parties at its sixth session. In that context, Serbia should be requested to provide the Committee by 15 December 2024 with:

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

(b) A report on the progress made by the Party in 2024 in implementing the above-mentioned road map and in complying with paragraphs 3–4 and 6–10 of decision V/4d.

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

<sup>1</sup> Decision III/2 of the Meeting of the Parties to the Convention (ECE/MP.EIA/6), as amended by decisions VI/2 (ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1), IX/4 (ECE/MP.EIA/32/Add.2–ECE/MP.EIA/SEA/15/Add.2/) of the Meeting of the Parties to the Convention and V/4 (ECE/MP.EIA/32/Add.3–ECE/MP.EIA/SEA/15/Add.3) of the Meeting of the Parties to the Protocol.

## 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 the light of the substantive package of information provided by Ukraine on 22 November 2023.

32. Having assessed the above-mentioned information from Ukraine and at the request of the Meeting of the Parties as contained in paragraph 4 of decision IX/4k, 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 had confirmed that the project would not be implemented. Further to paragraph 4 of decision VIII/4d, Ukraine had stopped the works, repealed the final decision and conducted an assessment of the damage to the environment. Ukraine had also developed a plan for compensatory measures, considered by Romania during the transboundary consultations on the new “Bystroe Route” project;

(b) Further to paragraphs 5–6 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 Committee considered that the requests set out in paragraph 12 of decision VIII/4d had been fulfilled, as the new “Bystroe Route” project took into account all of the compliance-related issues that had not been addressed by Ukraine during the planning of the previous project.

(d) The Parties had reached an agreement on the results of expert consultations on monitoring prior and after the project and carried out consultations on post-project monitoring plans in September 2023, and had also signed a bilateral agreement referred to in paragraph 13 of decision VIII/4d;

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)<sup>2</sup> 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 in the report of the Committee on its activities in the intersessional period 2024–2026.

36. Additionally, the Committee requested its Chair to update Romania and Ukraine on its findings. Further to rule 16 (5) of the Committee’s operating rules,<sup>3</sup> it instructed the secretariat to place the correspondence between the Committee and the Parties on the Convention’s website.

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<sup>2</sup> ECE/MP.EIA/10, decision IV/2 on review of compliance, para. 10.

<sup>3</sup> Decision IV/2, annex IV, as amended by decisions V/4, annex, VI/2, annex II, VIII/4, annex, IX/4 and V/4 (available at <https://unece.org/environment-policy/environmental-assessment/decisions-taken-meetings-parties>).

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

37. The Committee noted decision IX/41 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 the attention of the Party to decision IX/41, and in particular its paragraph 5 requesting Ukraine to finalize the transboundary environmental impact assessment procedure with those Parties that still considered themselves to be affected, including, pursuant to article 6 of the Convention:

(a) 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;

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

39. With reference to paragraph 5 of decision IX/41, 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).<sup>4</sup> 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 (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 electronic decision-making procedure and based on the next draft to be prepared by the curator. The Committee acknowledged the proposal by the NGO 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 were 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 had been taken at phase two of the safety review regarding any of the other 31 units that 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

<sup>4</sup> ECE/MP.EIA/IC/2023/8, para. 67.

900 Mwe units.<sup>5</sup> In that 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 received from the Bulgarian non-governmental organization (NGO) “Balkanka Association” concerning planned activities at the “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 had 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 a condition in decision on environmental impact assessment No.18-8,11/20111 issued by Bulgaria, once a year – by 31 March of each year – after the first year of the project, the company (contracting authority) should send a report in English to the Greek Ministry of Environment, Energy and Climate Change, wherein the results of the Water Quality Monitoring Plan should be presented. The report must include a full description of the points from which samples were taken (location), analysed parameters, analytical methods and comparison of those data against the emission limit values. Said report, in both English and Bulgarian, must be submitted to the East Aegean Region Basin Directorate. In compliance with that condition, by 31 March of each year, a company known as Dundee Precious Metals Krumovgrad EAD submitted a report (in Bulgarian and English) to Bulgaria. Following receipt of said report, Bulgaria forwarded an English-language version thereof to Greece.

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

49. With reference to article 7 (2) of the Convention regarding post-project analysis, the Committee asked its Chair to invite Greece to clarify, by 20 May 2024, whether, upon review of the above-mentioned information, the Party had any reasonable grounds to conclude that the activity had an unforeseen significant adverse impact on its territory or whether it had discovered any new factors that might result in such an impact. The Chair should prompt Greece to immediately inform Bulgaria should Greece determine that such factors or such an impact existed, 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 “stage of elaboration of terms of reference for the scope and content of the [environmental impact assessment]”. The Committee asked its Chair to send a letter to Bulgaria conveying to it – with reference to the Committee’s previous opinion<sup>6</sup> – that, when deciding on whether the activity was likely to have a transboundary impact, the consideration of cumulative impacts might be of relevance.

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<sup>5</sup> ECE/MP.EIA/IC/2021/4, para 78.

<sup>6</sup> ECE/MP.EIA/IC/2021/4, paras. 47–48.



51. In the letter to Bulgaria, the Chair – referring to the *Guidance on the Practical Application of the Espoo Convention*,<sup>7</sup> advising Parties to notify neighbouring Parties of the activities that appeared to have a low likelihood of significant transboundary impact and to let them decide on their participation – should also invite Bulgaria to:

(a) Inform Greece about the planned activity and the current stage of the environmental impact assessment procedure and ask Greece whether it wished 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 provide the Committee with details regarding its National Mining Strategy 2030, specifically the date on which it was officially adopted, and a clarification as to whether:

(a) The activities listed in the communication from the NGO “Balkanka Association”

were covered by the Strategy;

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

(c) An evaluation of cumulative impacts had been 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 information from three NGOs<sup>8</sup> concerning the planned construction by Germany of a liquefied natural gas 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 29 September 2023 for information about the planned activity and the 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 liquefied natural gas terminal in Mukran on Rügen Island; and (b) the Mukran-Lubmin pipeline.

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

(a) The permit for the liquefied natural gas terminal in Mukran was pending, while the permit for the inner harbour channel of the port of Mukran had been issued on 10 October 2023 further to the finalization of 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 had either been completed or were 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 liquefied natural gas 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;

<sup>7</sup> United Nations publication, ECE/MP.EIA/8, para. 28.

<sup>8</sup> Information from Deutsche Umwelthilfe, Coalition Clean Baltic and Greenpeace Poland of 29 June, 5 July and 21 July 2023, respectively.

(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 and, if not, whether a procedure under article 3 (7) of the Convention was in place. In addition, the Committee asked the Parties whether they would deem themselves to be affected Parties. 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 or to participate in transboundary consultations. Poland and Denmark reported that they had not been notified but that 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 procedure under article 3 (7) of the Convention was underway, and if so, whether a conclusion had been drawn under that provision.

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

61. In its response to the Committee of 12 February 2024, Denmark reported 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 that 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 NGOs<sup>9</sup> 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 those Parties to provide answers to the Committee's questions of 24 January 2024 by 30 April 2024. With reference to its approach taken in a similar situation (the compliance matter concerning the planned changes by Switzerland at Zurich Airport, close to the border with Germany),<sup>10</sup> the Committee agreed not to continue its consideration of the matter should the above-mentioned Parties not consider themselves to be potentially affected by the planned activity, or should no answer be received from them within the corresponding 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:

<sup>9</sup> Association Workshop for All Beings, BUND (Friends of the Earth Germany) Mecklenburg-Vorpommern, Coalition Clean Baltic and Deutsche Umwelthilfe.

<sup>10</sup> ECE/MP.EIA/IC/2021/4, paras 45–49.

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

(b) In 2019, the Government of North Macedonia had enacted legislative amendments that, inter alia, prohibited the use of cyanide. The Government was of the view that the amendments would require a new environmental impact assessment procedure for the Ilovica mining operations to start, and that said forthcoming environmental impact assessment procedure would be carried out in line with the Convention's requirements;

(c) There were ongoing legal proceedings between the mining company and the Government of North Macedonia 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, by 7 May 2024, clarify:

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

(b) Whether the Government had, at any stage until the current time, 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 was 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 carry out said notification 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 would apply the Convention and fulfil the obligations outlined above should the courts of North Macedonia determine that, regardless of the 2019 legislative amendments, the mining company was not required to carry out a new environmental impact assessment procedure.

68. The Committee additionally asked its Chair to inform the NGO "Balkanka Association" about the pertinent details included in the Committee's summary related to the current authorization status, requesting the NGO to substantiate its claim that the mine was "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 Khmel'nitsky 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 Khmel'nitsky 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).<sup>11</sup> 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 reporting and review of implementation of the Protocol. 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 in consultation with the European Commission, 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 contained in decision V/5 and to inform the Party that, in the light of the decision, there was no need for the Committee to continue consideration of the compliance matter. 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's website.

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

75. The Committee noted with regret the absence of a 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

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<sup>11</sup> 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>).

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:

Information about the status of the legislative process to adopt the new Law on Strategic Environmental Assessment;

If adopted, the amended Law and the English-language translation thereof.

77. The Committee asked its Chair to urge the Party to respond to its inquiries without delay and by no later than 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**

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

79. 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 by no later than 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**

80. 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 in Geneva.

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

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