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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

Intermediary session

Geneva, 5–7 February 2019

Report of the Meeting of the Parties to the Convention and of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on their intermediary sessions

Addendum

Decisions by the Meetings of the Parties to the Convention

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Decision IS/1

General issues of compliance with the Convention

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context and decisions III/2, IV/2, V/4 and VI/2 of the Meeting of the Parties to the Convention on the review of compliance,

Determined to promote and improve compliance with the Convention,

Seeking to promote the identification, as early as possible, of compliance difficulties encountered by Parties and the adoption of the most appropriate and effective solutions for resolving those difficulties,

Having considered the analysis made by the Implementation Committee on general compliance issues contained in the fourth and fifth reviews of implementation of the Convention contained in documents ECE/MP.EIA/2014/3, adopted by decision VI/1, and ECE/MP.EIA/2017/9, adopted by decision VII/1,

Having also considered the findings and recommendations of the Implementation Committee on a Committee initiative concerning the United Kingdom of Great Britain and Northern Ireland, as set out in the report of the Committee on its thirty-fifth session¹ and in document ECE/MP.EIA/2019/14,

Having further considered the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session² and the reports of the Committee on its ad hoc,³ thirty-ninth,⁴ fortieth,⁵ forty-first⁶ and forty-second sessions,⁷

Recalling its decision at its seventh session (Minsk, 13–16 June 2017) to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,⁸

Having reviewed the structure and functions of the Committee, as described in the appendix to decision III/2⁹ and annex I to decision VI/2,¹⁰

Having also reviewed the operating rules adopted in decision IV/2,¹¹ as amended by decisions V/4,¹² annex, and VI/2,¹³ annex II, and recognizing the importance of improving the efficiency of the working methods of the Committee in view of the growing number and complexity of compliance issues brought before the Committee,

Having further reviewed the opinions of the Committee,

¹ ECE/MP.EIA/IC/2016/2, annex.

² ECE/MP.EIA/2017/4–ECE/MP.EIA/SEA/2017/4.

³ Informal document ECE/MP.EIA/IC/ad-hoc/2017/INF.6, available from <https://www.unece.org/index.php?id=48313>.

⁴ ECE/MP.EIA/IC/2017/4.

⁵ ECE/MP.EIA/IC/2017/6.

⁶ ECE/MP.EIA/IC/2018/2.

⁷ ECE/MP.EIA/2018/4.

⁸ See ECE/MP.EIA/23–ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

⁹ ECE/MP.EIA/6, annex II.

¹⁰ See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

¹¹ ECE/MP.EIA/10, annex IV.

¹² See ECE/MP.EIA/15.

¹³ See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

Recognizing the importance of rigorous reporting by Parties on their compliance with the Convention, and noting the fifth review of implementation of the Convention based on the answers of Parties to the questionnaires on the implementation of the Convention adopted in decision VII/1,

Recalling that the compliance procedure is assistance-oriented, and that Parties may make submissions to the Committee on issues regarding their own compliance with the Convention,

Recalling also its related decisions IS/1a, IS/1b, IS/1c, IS/1d, IS/1e, IS/1f, IS/1g and IS/1h, concerning compliance by Armenia, Azerbaijan, Belarus, Serbia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, adopted at the intermediary session,

1. *Adopts* the report of the Implementation Committee on its activities contained in document ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, welcomes the reports of the Committee on its meetings in the period after the sixth session of the Meeting of the Parties to the Convention, and requests the Committee:

- (a) To keep the implementation and application of the Convention under review;
- (b) To promote and support compliance with the Convention, including by providing assistance in this respect, as necessary.

2. *Welcomes* the examination by the Committee of specific compliance issues identified in the fourth review of implementation of the Convention regarding Cyprus, which resulted in the Committee declaring its satisfaction with the clarifications provided by the Party;

3. *Also welcomes* the examination by the Committee of information received from other sources, including the public, regarding Belarus, Belgium, Bosnia and Herzegovina (on two issues), Czechia, the Netherlands, Serbia, Spain (on two issues) and Ukraine (on three issues), which:

(a) In one instance regarding Ukraine resulted in the Committee declaring its satisfaction with the clarifications provided by the Party at the time,

(b) In the case of Serbia led both to a Committee initiative, regarding which the Committee is now satisfied with the clarifications provided and the actions taken by the Party,¹⁴ and also to information gathering by the Committee regarding compliance with the Protocol that is to be continued at its upcoming sessions;¹⁵

(c) In the cases of Belarus, Belgium, Bosnia and Herzegovina (two issues) Czechia, the Netherlands, Spain and Ukraine (two issues) required further consideration by the Committee at its upcoming sessions.

4. *Considers*, following the opinions of the Committee, that:

(a) Early and appropriately wide notification in accordance with the Convention, regardless of the number of the affected Parties, plays an essential role in the transboundary procedure, in keeping with the precautionary approach and the principle of prevention enshrined in the Convention and with the Convention's objective of enhancing international cooperation in assessing environmental impact, in particular in a transboundary context, as mentioned in its preamble;¹⁶

(b) Although the likelihood of a major accident, accident beyond design basis or disaster occurring for nuclear activities listed in appendix I to the Convention is very low, the likelihood of a significant adverse transboundary environmental impact can be very high, if the accident occurs. Consequently, when assessing, for the purpose of notification, which Parties are likely to be affected by a proposed nuclear activity listed in appendix I,

¹⁴ See ECE/MP.EIA/2019/6.

¹⁵ ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, para. 76.

¹⁶ ECE/MP.EIA/2019/14, para. [102].

the Party of origin should make the most careful consideration on the basis of the precautionary principle and available scientific evidence;

(c) Where no notification has taken place in accordance with article 3, paragraph 1 of the Convention, but where a Party that considers that it would be affected by a likely significant transboundary environmental impact of a proposed activity listed in appendix I to the Convention enters into discussions on the application of the Convention with the Party of origin, that discussion should be conducted under article 3, paragraph 7, of the Convention. It may also be regarded as good practice to offer Parties that have indicated their wish to be notified under article 3, paragraph 1, an opportunity to receive a notification in line with the provisions of the Convention;

(d) In so far as their consideration is required under the Convention, procedural and substantive aspects¹⁷ of transboundary environmental impact assessments should not necessarily be treated separately by the Implementation Committee when assessing compliance, where such consideration is essential for the assessment. The Committee does not examine compliance with technical provisions and requirements outside the scope of the Convention, such as those related to nuclear safety;

(e) Environmental impact assessment documentation, as defined in appendix II, should contain sufficient information, including any of a substantive nature on the selection of the alternatives and the reasons and considerations to be taken into account in the final decision.

5. *Encourages* Parties to bring issues concerning their own compliance before the Committee;

6. *Requests* the Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible, and in this respect refers to decision VII/3 on the adoption of the workplan, recommending general requirements to be met by Parties wishing to receive technical advice from the Convention;

7. *Urges* Parties to take into account in their future work the recommendations for further improving the implementation of and compliance with the Convention, including by strengthening national legislation, based on but not limited to the analyses on general compliance issues from the reviews of implementation, adopted by decisions III/1, IV/1, V/3 and VI/1, in conjunction with the general guidance on enhancing consistency between the Convention and environmental impact assessment within the framework of State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia adopted by decision VI/8;

8. *Also urges* Parties to ensure the application of the Convention in nuclear energy-related activities, and in that respect recalls the 2014 Geneva Declaration¹⁸ (Part A) on the application of the Convention and the Protocol to nuclear energy issues, and in particular:

(a) Emphasizes that Parties to the Convention that carry out nuclear energy-related activities should do so in accordance with the Convention, in a sustainable manner, taking into consideration the precautionary and polluter pays principles, and respecting international nuclear safety standards and relevant environmental legislation;

(b) Also emphasizes that close cooperation and improved mutual understanding of the practices and needs of other Parties in the field of nuclear energy will facilitate the application of transboundary environmental procedures in full compliance with the Convention and the Protocol;¹⁹

(c) Encourages effective cooperation among Parties and calls upon the Convention secretariat to foster cooperation, maximize synergies and strengthen capacities with all relevant international organizations and international treaties, with a view to

¹⁷ Under appendix II to the Convention

¹⁸ See ECE/MP.EIA/20/Add.3-ECE/MP.EIA/SEA/4/Add.3.

¹⁹ Declaration, para. A9.

ensuring the highest possible quality of environmental assessment and level of safety in the nuclear energy field, especially stressing the importance of the treaties under the auspices of the International Atomic Energy Agency (IAEA).²⁰

9. *Further urges* Parties to take into account in their further work the opinions of the Committee in the period 2001–2018, and requests the secretariat to arrange for the revision of the informal electronic publication of these opinions to include the opinions of the Committee from 2014–2018;

10. *Decides* to keep under review and to develop, if necessary, the structure and functions of the Committee and its operating rules at its eighth session, in the light of experience gained by the Committee in the interim, and requests the Committee to prepare any proposals, as it deems necessary, for submission to the Meeting of the Parties at its eighth session.

²⁰ Declaration, para. A10.

Decision IS/1a

Compliance by Armenia with its obligations under the Convention in respect of its national legislation

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision IV/2, paragraphs 15–19,¹ its decision V/4, paragraphs 27–28,² and its decision VI/2, paragraphs 29–35,³ concerning compliance by Armenia with regard to its national legislation for the implementation of the Convention,

Recalling further its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,⁴

Having considered the relevant sections concerning Armenia in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session⁵ and in the reports of the Committee on its thirty-ninth,⁶ fortieth⁷, forty-first⁸ and forty-second sessions,⁹

Recalling its decision IS/1 on general issues of compliance with the Convention adopted at the intermediary session,

Acknowledging the technical advice provided by the secretariat to the Government of Armenia to assist the country in bringing its legislation into line with the provisions of the Convention and the Protocol on Strategic Environmental Assessment, further to decision VI/2, paragraph 35,

1. *Appreciates* the regular reports received from the Government of Armenia since the sixth session of the Meeting of the Parties (Geneva, 2–5 June 2014);

2. *Welcomes* the adoption by the Government of Armenia of legislation for the implementation of the Convention, including the regulation on public participation in compliance with the Convention and the Protocol, further to paragraph 31 of decision VI/2;

3. *Notes*, however, some deficiencies in the legislation adopted related to its application;

4. *Takes note with appreciation* of efforts undertaken by Armenia to address the deficiencies referred in paragraph 3 above by amending its legislation and drafting secondary legislation;

5. *Requests* Armenia to enhance the distinction between the environmental impact assessment and strategic environmental assessment procedures to facilitate practical application of the legislation based on the recommendations of the international consultants to the secretariat;

¹ See ECE/MP.EIA/10.

² See ECE/MP.EIA/15.

³ See ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1.

⁴ See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

⁵ ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 22–26.

⁶ ECE/MP.EIA/IC/2017/4, paras. 26–30.

⁷ ECE/MP.EIA/IC/2017/6, paras. 9–12.

⁸ ECE/MP.EIA/IC/2018/2, para. 9.

⁹ ECE/MP.EIA/IC/2018/4, para. 10.

6. *Invites* the Government of Armenia to adopt the proposed amendments to the legislation and the secondary legislation as soon as possible and to inform the Implementation Committee of the progress made;

7. *Requests* the Implementation Committee to evaluate the amendments to the legislation and the secondary regulation adopted by Armenia for the implementation of the Convention and to report to the Meeting of the Parties at its eighth session thereon.

Decision IS/1b

Compliance by Armenia with its obligations under the Convention in respect of a nuclear power plant in Metsamor

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision VI/2, paragraphs 45–46,¹ concerning compliance by Armenia with regard to the construction of a nuclear power plant in Metsamor,

Recalling further its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,²

Having considered the relevant sections concerning Armenia in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session³ and in the reports of the Committee on its thirty-ninth,⁴ forty-first⁵ and forty-second⁶ sessions,

Recalling its decision IS/1 on general issues of compliance with the Convention adopted at the intermediary session,

1. *Takes note* of the information from the Government of Armenia that the final decision on the construction of the Metsamor nuclear power plant is no longer valid and activities based on that decision were suspended;⁷

2. *Endorses* the finding of the Committee that there is no longer a project requiring a transboundary environmental impact assessment procedure relating to the Metsamor nuclear power plant;⁸

3. *Urges* Armenia to ensure that any projects carried out in the future in accordance with energy-related programmes, including nuclear activities, are in compliance with the Convention.

¹ See ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1.

² See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

³ ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 27–29.

⁴ ECE/MP.EIA/IC/2017/4, para. 31.

⁵ ECE/MP.EIA/IC/2018/2, para. 14.

⁶ ECE/MP.EIA/IC/2018/4, paras. 12–13

⁷ ECE/MP.EIA/IC/2016/4, para. 26.

⁸ *Ibid.*

Decision IS/1c

Compliance by Azerbaijan with its obligations under the Convention in respect of its national legislation

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decisions V/4, paragraphs 31–32,¹ and VI/2, paragraphs 38–44,² concerning compliance by Azerbaijan with regard to its national legislation for the implementation of the Convention,

Recalling further its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,³

Having considered the sections concerning Azerbaijan in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session⁴ and in the reports of the Committee on its thirty-ninth,⁵ fortieth⁶, forty-first⁷ and forty-second sessions,⁸

Acknowledging the technical advice provided by the secretariat to the Government of Azerbaijan to assist the country in bringing its legislation into line with the provisions of the Convention and the Protocol on Strategic Environmental Assessment, further to paragraph 44 of decision VI/2,

Recalling its decision IS/1 on general issues of compliance with the Convention adopted at the intermediary session,

1. *Notes* the information received from and the steps taken by the Government of Azerbaijan since the sixth session of the Meeting of the Parties (Geneva, 2–5 June 2014);
2. *Welcomes* the entry into force on 17 July 2018 of the Law on Environmental Impact Assessment, which provides a general legislative framework for environmental impact assessment in Azerbaijan;
3. *Notes* some deficiencies and discrepancies in the Law with respect to the Convention;
4. *Also notes* that the secondary legislation, including the detailed procedure for implementing the Convention, has not yet been adopted;
5. *Regrets* that, despite steps taken since the sixth session of the Meeting of the Parties, the Government of Azerbaijan has still not fully implemented the requests addressed to it in paragraphs 41 and 42 of decision VI/2, and that the State Party therefore remains in non-compliance with article 2, paragraph 2, of the Convention;
6. *Urges* the Government of Azerbaijan to ensure, as soon as possible, that its environmental impact assessment legislation fully complies with the Convention;

¹ See ECE/MP.EIA/15.

² See ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1, paras. 38–44.

³ See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

⁴ ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 30–35.

⁵ ECE/MP.EIA/IC/2017/4, paras. 32–35.

⁶ ECE/MP.EIA/IC/2017/6, paras. 13–18.

⁷ ECE/MP.EIA/IC/2018/2, paras. 15–19.

⁸ ECE/MP.EIA/IC/2018/4, paras. 14–18.

7. *Requests* the Government of Azerbaijan to report regularly to the Implementation Committee on the progress made in bringing its legislation into conformity with the Convention;

8. *Also requests* the Government of Azerbaijan to provide the Implementation Committee with the official English translation of the relevant laws and the adopted secondary legislation upon their entry into force;

9. *Requests* the Implementation Committee to evaluate the compliance of the environmental impact assessment legislation of Azerbaijan with the Convention and the progress made by the Government of Azerbaijan in that regard and to report thereon to the Meeting of the Parties at its eighth session.

Decision IS/1d

Compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets

The Meeting of the Parties,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision VI/2, paragraphs 48–64,¹ concerning compliance by Belarus with regard to the construction of the nuclear power plant in Ostrovets,

Recalling further its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,²

Having considered the sections concerning Belarus in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session³ and in the reports of the Committee on its ad hoc,⁴ thirty-ninth,⁵ fortieth,⁶ forty-first⁷ and forty-second sessions,⁸

1. *Adopts* the present decision in accordance with decision IS/1 on general issues of compliance with the Convention, adopted at the intermediary session.

2. *Notes* the annual reports and information provided by Belarus and Lithuania to the Implementation Committee further to decision VI/2 (para. 59) since the sixth session of the Meeting of the Parties;

3. *Welcomes* the steps taken by both Parties since the sixth session of the Meeting of the Parties to address the recommendations in decision VI/2 (paras. 51–58, 62 and 64);

4. *Commends* the Implementation Committee for its thorough analysis of the steps taken by Belarus after the twenty-seventh session of the Committee, as outlined in the report of the Committee on its activities to the Meeting of the Parties at its seventh session and the reports of the Committee's ad hoc, thirty-ninth, fortieth, forty-first and forty-second sessions;

5. *Endorses* the finding of the Implementation Committee that Belarus had taken all the required procedural steps to reach the final decision on the planned activity at Ostrovets, as provided for in the Convention;⁹

6. *Also endorses* the finding of the Implementation Committee that the essence of the compliance matter concerned unresolved substantive aspects¹⁰ of the environmental impact assessment documentation, which it addressed in the questions referred to in

¹ See ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1.

² See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

³ ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 36–44.

⁴ See Informal document ECE/MP.EIA/IC/ad-hoc/2017/INF.6, available from <https://www.unece.org/index.php?id=48313>, paras 7–11.

⁵ ECE/MP.EIA/IC/2017/4, para. 36.

⁶ ECE/MP.EIA/IC/2017/6, paras. 27–36.

⁷ ECE/MP.EIA/IC/2018/2, paras. 40–48.

⁸ ECE/MP.EIA/2018/4, paras. 32–40, and annex.

⁹ ECE/MP.EIA/IC/2017/2, para. 8.

¹⁰ Considered under appendix II of the Convention on Environmental Impact Assessment in a Transboundary Context.

paragraph 8 below, including reasonable locational alternatives and the methodology and data used in determining the siting;

7. *Further endorses* the finding of the Implementation Committee that to reach a final conclusion on whether Belarus complied with its obligations under the Convention both procedural and substantive aspects¹¹ of the environmental impact assessment procedure had to be examined, since these two aspects could not necessarily be treated separately;¹²

8. *Notes* that to enable it to reach its final conclusion the Implementation Committee identified the need for additional resources and specific expertise that were not made available to it;

9. *Acknowledges* the efforts of the Implementation Committee to seek external expert advice, notably on technical and scientific questions related to the environmental impact assessment documentation that it had identified in order to conclude its deliberations on the matter;¹³

10. *Notes* that having exhausted all the avenues for receiving external expert advice, including from the two concerned Parties and the International Atomic Energy Agency, and considering the unprecedented circumstances related to the compliance matter, the Committee decided exceptionally to examine the documentation prepared by Belarus under the environmental impact assessment procedure and, as appropriate, seek the services of scientific experts and other technical advice or consult other relevant sources in accordance with the Committee's structure and functions;¹⁴

11. *Acknowledges* the extensive work of the Committee to examine the environmental impact assessment documentation and the decisions taken by Belarus based on the environmental impact assessment procedure, and also the Committee's efforts to seek clarifications from Belarus, in particular to fill in the gaps in the information regarding the selection of the Ostrovets site over the alternative locations;

12. *Regrets* that, despite several opportunities it was given to do so by the Implementation Committee, Belarus failed to provide the Committee with the information referred to in paragraph 10 above;

13. *Endorses* the findings of the Implementation Committee that, on the basis of its assessment, the environmental impact assessment documentation of Belarus on the Ostrovets nuclear power plant includes information required by the Convention that sufficiently addresses issues referred to in technical and scientific questions related specifically to the Ostrovets site;¹⁵

14. *Also endorses* the findings of the Implementation Committee¹⁶ that the environmental impact assessment documentation, which was made available to the affected parties and the public, makes reference to locational alternatives for a nuclear power plant and to criteria for the site selection, but does not provide sufficient information under appendix II of the Convention about the reasons and considerations, explaining the selection of the Ostrovets site over the alternative locations to be taken into account in the final decision on the activity in accordance with the Convention;

15. *Further endorses* the findings of the Implementation Committee,¹⁷ that by not providing such information under appendix II of the Convention in the environmental impact assessment documentation and the final decision on the activity, Belarus failed to

¹¹ *Idem.*

¹² ECE/MP.EIA/IC/2017/2, para. 9.

¹³ ECE/MP.EIA/IC/2018/4, annex, paras 15–19.

¹⁴ Decision III/2, appendix (ECE/MP.EIA/6) as amended by decision VI/2 (ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1), para 7 (d).

¹⁵ ECE/MP.EIA/IC/2018/4, annex, paras. 21–24.

¹⁶ *Ibid.*, para. 28 (a).

¹⁷ *Ibid.* paras. 25, 26 and 28 (b).

comply with article 4, paragraph 1, article 5, paragraph (a), and article 6, paragraph 1, of the Convention;

16. *Urges* Belarus to ensure that, in the context of any future decision-making regarding any planned activity that falls under the Convention, the Convention is applied ensuring that the environmental impact assessment documentation contains a proper evaluation of reasonable alternatives, including the no-action alternative, and sufficient explanation for the selection of the option decided upon;

17. *Expresses regret* that the bilateral agreement for the implementation of the Convention has not yet been concluded, encourages Belarus and Lithuania to accelerate the preparation of such an agreement further to article 8 of the Convention and requests Belarus and Lithuania to report to the Meeting of the Parties at its eighth session on progress in that regard;

18. *Encourages* Belarus and Lithuania to continue bilateral expert consultations on issues of disagreement, including on matters that are beyond the scope of the Convention;

19. *Also encourages* both Parties to continue working on the post-project analysis and to reach an agreement on establishing a joint bilateral body and the procedures for such analysis, in particular to ensure sufficient public participation in the framework of the post-project analysis regarding the activity at Ostrovets;

20. *Requests* Belarus and Lithuania to report annually to the Implementation Committee on the progress made in implementing the recommendations in paragraphs 16 to 18 above.

Decision IS/1e

Compliance by Serbia with its obligations under the Convention in respect of a third block of the Kostolac lignite power plant

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and the progress achieved before and during the seventh session,¹

Having considered the sections concerning Serbia in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session² and in the reports of the Committee on its forty-first³ and forty-second sessions,⁴

Recalling its decision IS/1 on general issues of compliance with the Convention adopted at the intermediary session,

1. *Welcomes* the efforts made by Serbia during the 2014–2017 intersessional period to implement the recommendations of the Committee regarding the planned construction of block 3 of the Kostolac lignite power plant;⁵

2. *Endorses* the findings of the Implementation Committee that Serbia brought the planned construction into compliance with article 3, paragraph 1, of the Convention by initiating a transboundary procedure with Romania;⁶

3. *Requests* Serbia and Romania to complete the transboundary procedure in accordance with the Convention.

¹ See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

² ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 86–87.

³ ECE/MP.EIA/IC/2018/2, para. 50.

⁴ ECE/MP.EIA/IC/2018/4, paras. 46–50.

⁵ ECE/MP.EIA/IC/2016/4, para. 43.

⁶ *Ibid.*

Decision IS/1f

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

The Meeting of the Parties,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decisions IV/2, paragraphs 7–14,¹ V/4, paragraphs 17–26,² and VI/2, paragraphs 15–28,³ concerning compliance by Ukraine with regard to the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (Bystroe Canal Project),

Recalling further its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,⁴

Having considered the relevant sections concerning Ukraine in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session⁵ and in the reports of the Committee on its thirty-ninth,⁶ fortieth⁷, forty-first⁸ and forty-second sessions,⁹

Recalling its decision IS/1 on general issues of compliance with the Convention adopted at the intermediary session,

1. *Appreciates* the reports received from the Government of Ukraine, further to paragraph 25 of decision VI/2, concerning the follow-up to decision V/4 in relation to the Bystroe Canal Project;

2. *Welcomes* the efforts of the Government of Ukraine to follow the recommendations of the Meeting of the Parties addressed to it in decision VI/2;

3. *Also welcomes* the fact that Ukraine consulted the Implementation Committee during the preparation of its Law on Environmental Impact Assessment to ensure that it provides an adequate basis for the implementation of the Convention;

4. *Further welcomes* the adoption by Ukraine of the Law on Environmental Impact Assessment in May 2017, followed by a number of pieces of secondary legislation, as concrete legislative steps towards the implementation of the strategy of the Government of Ukraine to implement the Convention referred to in paragraph 25 (a) of decision VI/2;

5. *Requests* the Government of Ukraine to report without delay on the status of adoption of the secondary legislation that has been developed to fully align its national legislation with the Convention;

6. *Regrets* that only limited steps have been taken to bring the Bystroe Canal Project into full compliance with the Convention further to paragraph 24 of decision VI/2;

¹ See ECE/MP.EIA/10.

² See ECE/MP.EIA/15.

³ See ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1.

⁴ See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

⁵ ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 10–16.

⁶ ECE/MP.EIA/IC/2017/4, paras. 15–20.

⁷ ECE/MP.EIA/IC/2017/6, paras. 19–26.

⁸ ECE/MP.EIA/IC/2018/2, paras. 30–39.

⁹ ECE/MP.EIA/IC/2018/4, paras. 19–26.

7. *Endorses* the findings of the Implementation Committee at its forty-first and forty-second sessions that, despite some steps taken, Ukraine has not yet fulfilled its obligations under paragraphs 24 and 25 of decision VI/2, namely regarding bringing the project itself into full compliance with the Convention;¹⁰

8. *Also endorses* the findings of the Committee that the continuation of dredging activities by the Government of Ukraine constitutes a further breach of its obligations under the Convention;¹¹

9. *Recognizes* the positive steps taken by Ukraine and encourages Ukraine to continue with such approach to bring the project into full compliance with the Convention with a view to the caution issued at its fourth session being lifted at its eighth session, subject to its deliberations;

10. *Welcomes* the declaration of Ukraine of its genuine wish to bring the Bystroe Canal Project into full compliance with the Convention;¹²

11. *Also welcomes* the intended steps to be taken by Ukraine, as stipulated in the road map developed by Ukraine and discussed at the forty-first session of the Implementation Committee with regard to the phases I and II of the Bystroe Canal Project, including the readiness to stop works, to repeal the final decision, to conduct an assessment of the damage to the environment and to develop a plan for compensatory and mitigation measures;¹³

12. *Acknowledges* that although the list of steps presented in the road map is not exhaustive, it represents a good basis for bringing the Project into full compliance with the Convention;¹⁴

13. *Takes note* of the intention of Ukraine to develop a new project for a “Bystroe Route” and to carry out a transboundary environmental impact assessment procedure on the new project in accordance with the Convention;¹⁵

14. *Requests* Ukraine to consult with Romania on the road map and its implementation;

15. *Reiterates* its request to the Government of Ukraine to bring the project into full compliance with the Convention without delay;

16. *Welcomes* the efforts made by the Governments of Ukraine and Romania to further develop the bilateral agreement for improved implementation of the Convention, while regretting that no progress was achieved;

17. *Encourages* the Governments of Ukraine and Romania to continue their cooperation in preparing a bilateral agreement or other arrangement to support further their implementation of the provisions of the Convention, as set out in article 8 of the Convention;

18. *Requests* the Government of Ukraine to inform Romania about existing monitoring results;

19. *Requests* the Implementation Committee to report to the Meeting of the Parties at its eighth session on its evaluation of the steps taken by the Government of Ukraine, and to develop, if appropriate, further recommendations to assist Ukraine in complying with its obligations under the Convention.

¹⁰ ECE/MP.EIA/IC/2018/2, para. 30, and ECE/MP.EIA/IC/2018/4, para. 21.

¹¹ ECE/MP.EIA/IC/2016/4, para. 13.

¹² ECE/MP.EIA/IC/2018/2, para. 34.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

Decision IS/1g

Compliance by Ukraine with its obligations under the Convention in respect of the extension of the lifetime of the Rivne nuclear power plant

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision VI/2, paragraphs 68–71, concerning compliance by Ukraine with regard to the lifetime extension of reactors 1 and 2 of the Rivne nuclear power plant,

Recalling further its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,¹

Having considered the relevant sections concerning Ukraine in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session² and in the reports of the Committee on its thirty-ninth,³ forty-first⁴ and forty-second sessions,⁵

Recalling its decision IS/1 on general issues of compliance with the Convention adopted at the intermediary session,

1. *Notes with appreciation* the regular information provided by Ukraine further to paragraph 71 of decision VI/2, concerning the Committee initiative regarding the extension of the lifetime of reactors 1 and 2 of the Rivne nuclear power plant;

2. *Notes* the steps taken by Ukraine to comply with the provisions of the Convention referred to in paragraphs 69 and 70 of decision VI/2 with respect to the extension of the lifetime of reactors 1 and 2 of the Rivne nuclear power plant;⁶

3. *Welcomes* the adoption by Ukraine of the Law on Environmental Impact Assessment in May 2017 followed by a number of pieces of secondary legislation;⁷

4. *Requests* the Government of Ukraine to adopt without delay the remaining secondary legislation, with a view to fully aligning its national legislation with the Convention;

5. *Notes* that Ukraine has notified potentially affected Parties, namely, Austria, Belarus, Hungary, Poland, the Republic of Moldova, Romania and Slovakia, regarding the extension of the lifetime of reactors 1 and 2 of the Rivne nuclear power plant,⁸ and that some of the potentially affected Parties have requested Ukraine to provide additional information, including all the information listed in article 3, paragraph 2, of the Convention;

¹ See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

² ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 17–20.

³ ECE/MP.EIA/IC/2017/4, paras. 21–25.

⁴ ECE/MP.EIA/IC/2018/2, paras. 20–29.

⁵ ECE/MP.EIA/IC/2018/4, paras. 27–31.

⁶ ECE/MP.EIA/IC/2018/2, para. 21.

⁷ ECE/MP.EIA/IC/2018/4, para. 20.

⁸ ECE/MP.EIA/IC/2018/2, para. 21.

6. *Endorses* the findings of the Implementation Committee at its forty-first and forty-second sessions that, despite the positive steps taken, Ukraine remains in non-compliance with its obligations under the Convention, as referred to in paragraph 70 of decision VI/2;

7. *Requests* Ukraine to continue the transboundary environmental impact assessment procedure with the Parties wishing to participate in the procedure in order to bring the project into compliance with the Convention without delay, including:

(a) Preparing the environmental impact assessment documentation, including transboundary aspects, pursuant to article 4 of the Convention and also taking into consideration the comments received from the potentially affected parties;

(b) Consulting with authorities and the public of the affected Parties based on the environmental impact assessment documentation, as set out in article 5, article 3, paragraph 8, and article 4, paragraph 2, of the Convention;

(c) Revising the final decision on the lifetime extension of reactors 1 and 2 of the 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, further to article 6 of the Convention.

8. *Underlines* the need for Ukraine to complete the transboundary environmental impact assessment procedure in order to reach compliance with the Convention;

9. *Requests* Ukraine to report by the end of each year to the Implementation Committee on the steps taken to carry out and finalize the transboundary environmental impact assessment and to notify the relevant stakeholders once the revised final decision is taken;

10. *Requests* the Committee to report to the Meeting of the Parties to the Convention at its eighth session on compliance by Ukraine in respect of the lifetime extension of the Rivne nuclear power plant.

Decision IS/1h

Compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention in respect of the Hinkley Point C nuclear power plant

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision at its seventh session to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,¹

Having considered, further to paragraph 6 of the appendix to decision III/2,² the findings and recommendations of the Implementation Committee on the Committee initiative with regard to the Hinkley Point C nuclear plant project, as set out in the report of the Committee on its thirty-fifth³ session and in document ECE/MP.EIA/2019/14,

Having also considered the sections concerning the United Kingdom in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session⁴ and in the reports of the Committee on its thirty-ninth,⁵ fortieth⁶, forty-first⁷ and forty-second sessions,⁸

1. *Adopts* the present decision in accordance with decision IS/1 on general issues of compliance with the Convention, adopted at the intermediary session;

2. *Endorses* the Implementation Committee's finding that the United Kingdom failed to comply with the Convention by not notifying the potentially affected parties in accordance with article 2, paragraph 4, and article 3, paragraph 1, of the Convention in the case of the Hinkley Point C nuclear power plant project;

3. *Acknowledges* the steps that the United Kingdom has taken, pursuant to the Committee's recommendations, by consulting with the potentially affected Parties in order to establish whether notification was still useful and, at the request of those Parties, sharing additional information with them after the construction of the Hinkley Point C nuclear power plant had commenced;

4. *Endorses* the Implementation Committee's finding that these steps do not remedy the breach of the Convention;

5. *Also endorses* the Implementation Committee's finding that no further action from the United Kingdom is required on the grounds that the potentially affected Parties have accepted the consultation process offered by the United Kingdom at the current stage of the activity and on the understanding that, in future, it will provide notification of planned nuclear power plants in accordance with the Convention;

6. *Invites* the United Kingdom to continue discussions with any Party that requests additional information on the activity at Hinkley Point C;

¹ See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

² ECE/MP.EIA/6, annex II.

³ ECE/MP.EIA/IC/2016/2, annex.

⁴ ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 81–85.

⁵ ECE/MP.EIA/IC/2017/4, paras. 38–42.

⁶ ECE/MP.EIA/IC/2017/6, paras. 39–41.

⁷ ECE/MP.EIA/IC/2018/2, paras. 51–56.

⁸ ECE/MP.EIA/2018/IC/4, paras. 42–45.

7. *Urges* the United Kingdom to ensure that the Convention is applied in the context of any future decision-making regarding planned nuclear power plants, including by sending timely notifications.

Decision IS/2

The applicability of the Convention to the lifetime extension of nuclear power plants

The Meeting of the Parties to the Convention,

Recalling its decision VII/3–III/3 on adoption of the workplan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment for the period 2017–2020, and its decisions VI/7 and VII/6 on the application of the Convention to nuclear energy-related activities,

Recalling also paragraphs 68–71 of its decision VI/2, regarding compliance by Ukraine with its obligations under the Convention with respect to the extension of the lifetime for units 1 and 2 of the Rivne nuclear power plant,

Having considered the terms of reference for guidance on the applicability of the Convention with regard to decisions on the lifetime extension of nuclear power plants developed by an ad hoc working group¹ under the co-chairmanship of Germany and the United Kingdom of Great Britain and Northern Ireland, with support from the secretariat and the European Commission, as adopted by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its seventh meeting (Geneva, 28–30 May 2018),

Having also considered the outcome of the workshop on the lifetime extension of nuclear power plants organized by the ad hoc working group (Geneva, 28 May 2018), as foreseen in the 2017–2020 workplan,² with the participation of the Implementation Committee, non-governmental organizations, the International Atomic Energy Agency and the Nuclear Energy Agency of the Organization for Economic Cooperation and Development,

Having further considered the progress in the work of the ad hoc working group with a view to developing draft guidance under the continued co-chairmanship of Germany and the United Kingdom, based on the terms of reference, as requested by the Working Group,³

Reiterating that the Convention is a key instrument establishing rules for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environmental impacts from proposed activities that include nuclear energy-related activities,

Aware that over the coming years many nuclear power plants in the United Nations Economic Commission for Europe (ECE) region are reaching the end of their operational lifetime,

Aware also of the continuously growing number of information-gathering cases on the lifetime extension of nuclear power plants before the Implementation Committee and the Committee's call for guidance or criteria on the applicability of the Convention in this respect to assist it in assessing compliance by Parties with the Convention,

Wishing to assist Parties in complying with their obligations under the Convention, and to promote its legal certainty and effective application,

¹ Composed of representatives from Armenia, Austria, Belarus, Belgium, Bulgaria, Canada, Czechia, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, the United Kingdom of Great Britain and Northern Ireland and Ukraine.

² ECE/MP.EIA/23/Add.1-ECE/MP.EIA/SEA/7/Add.1, decision VII/3–III/3, annex I.

³ ECE/MP.EIA/2019/10.

1. *Welcomes* and acknowledges the adoption of the terms of reference for guidance on the applicability of the Convention with regard to decisions on the lifetime extension of nuclear power plants by the Working Group;
2. *Recalls* the outcomes of the workshop on the lifetime extension of nuclear power plants, as contained in the Report of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on its seventh meeting (ECE/MP.EIA/WG.2/2018/2);
3. *Also welcomes* the efforts of the ad hoc working group to develop the terms of reference, as well as the active participation and practical experience presented at the workshop by countries and international and non-governmental organizations, including the written input provided before and after the workshop;
4. *Recognizes* the urgent need for guidance, as expressed by the Implementation Committee, to assist Parties in the practical application of the Convention with respect to the decisions related to the lifetime extension of nuclear power plants and to guide the Implementation Committee in its assessment of the related compliance cases;
5. *Welcomes* the work carried out so far by the ad hoc working group with a view to developing the draft guidance and takes note of the progress report prepared by the group contained in document ECE/MP.EIA/2019/10;
6. *Decides* to include in the workplan for 2017–2020 the preparation of draft guidance on the applicability of the Convention to the lifetime extension of nuclear power plants;
7. *Agrees* that the draft guidance should be developed in line with the adopted terms of reference and the work of the ad hoc working group since May 2018, as reported in its progress report, also taking into account the outcomes of the workshop on the lifetime extension of nuclear power plants;
8. *Confirms* that the work will continue to be carried out by the ad hoc working group established at its seventh session, co-chaired by Germany and the United Kingdom, as extended by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its seventh meeting to include further volunteering representatives of States Parties, with support from the secretariat, while also ensuring that the views of civil society and other stakeholders are taken into account in the process;
9. *Decides* that the draft guidance should be finalized for consideration by the Working Group in mid-2020, before its submission to the Meeting of the Parties to the Convention for adoption at its eighth session in late 2020;
10. *Invites* the Implementation Committee to continue gathering information on pending cases regarding the lifetime extension of nuclear power plants and to continue providing its inputs to the work of the ad hoc working group, as appropriate.

Decision IS/3

The Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries

The Meeting of the Parties,

Recalling its decisions VI/3-II/3 and VII/3-III/3 on adoption of the workplans for the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment for the periods 2014–2017 and 2017–2020, respectively, its decision IV/5 on capacity-building in Eastern Europe, the Caucasus and Central Asia and its decision VI/8 on general guidance on enhancing consistency between the Convention on Environmental Impact Assessment in a Transboundary Context and environmental impact assessment within the framework of State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia,

Having considered the outcomes of the subregional workshops for the further development and update of the draft guidelines for transboundary environmental impact assessment in Central Asia,¹ and the needs expressed by the Central Asian countries for assistance to further develop their national legislation and capacity for its implementation,

Aware that the national legislation and systems in countries of the subregion share many commonalities, but also present distinctive features and represent various degrees of development and alignment with the Convention,

Welcoming the efforts of countries in Central Asia to develop their legislation and capacities as well as intergovernmental cooperation to implement transboundary environmental impact assessment procedures in accordance with the Convention within their specific subregional context,

Convinced that the Convention and its Protocol are effective instruments for fostering environmentally sound and sustainable development, and for supporting closer international cooperation,

Encouraging the Central Asian countries that are not yet Parties to the Convention to take steps towards joining it,

Acknowledging the further need to raise awareness of the benefits of the Convention and to assist countries in Central Asia in their efforts to align their legislation and to build capacities to effectively implement its provisions,

Wishing to assist Parties to the Convention in Central Asia in complying fully with their obligations under the Convention, and to promote the effective application of the procedures based on the Convention by the other countries in the subregion,

1. *Endorses* the Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries,² as finalized by the Bureau, with support from the secretariat, based on the comments made during and after the seventh meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

2. *Recommends* that the countries in Central Asia take into account the contents of the Revised Guidelines when implementing transboundary environmental impact assessment procedures;

3. *Calls on* these countries to distribute the Revised Guidelines to authorities and relevant stakeholders and to promote its application in practice;

¹ ECE/MP.EIA/WG.1/2007/6.

² ECE/MP.EIA/2019/12.

4. *Encourages* the Central Asian countries to further develop their national legislation with regard to transboundary environmental impact assessment procedures based on the Convention;

5. *Invites* the donor Governments and organizations to explore opportunities for funding further technical assistance and capacity-building;

6. *Welcomes* the plans to further complement the guidance with additional good practice, taking into account the outcomes of legislative reviews and capacity-building activities being carried out.
