**Economic Commission for Europe**

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|  |  | ECE/MP.EIA/WG.2/2019/INF.3English only19 September 2019 |

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

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

**Working Group on Environmental Impact Assessment
and Strategic Environmental Assessment**

**Eighth meeting**
Geneva, 26–28 November 2019

Item 3 of the provisional agenda
**Status of ratification**

 Status of ratification of the Convention, its amendments and the Protocol

 Note by the secretariat[[1]](#footnote-2)

| ***State***  | ***Convention*** | ***Amendments*** | ***Protocol*** |
| --- | --- | --- | --- |
| ***Signature***[[2]](#footnote-3) | ***Ratification***[[3]](#footnote-4) | ***1st***  | ***2nd***  | ***Signature***2 | ***Ratification***3 |
| ***Date adopted/in force*** | 25/02/1991 | 10/09/1997 | 27/02/2001 | 04/06/2004 | 21/05/2003 | 11/07/2010 |
| ***No. Parties to Convention at that date*** |  |  | 31 | 40 |  |  |
| Albania  | 26/02/1991 | 04/10/1991 | 12/05/2006 | 12/05/2006 | 21/05/2003 | 02/12/2005 |
| Andorra  |  |  |  |  |  |  |
| Armenia  |  | 21/02/1997 |  |  | 21/05/2003 | 24/01/2011 |
| Austria  | 26/02/1991 | 27/07/1994 | 14/09/2006 | 14/09/2006 | 21/05/2003 | 23/03/2010 |
| **Azerbaijan**  |  | 25/03/1999 | **10/09/2019**4 | **10/09/2019**4 |  |  |
| Belarus  | 26/02/1991 | 10/11/2005 | 23/03/2011 |  |  |  |
| Belgium  | 26/02/1991 | 02/07/1999 | \* | \* | 21/05/2003 |  |
| Bosnia and Herzegovina  |  | 14/12/2009 | \* | \* | 21/05/2003 | 20/07/2017 |
| Bulgaria  | 26/02/1991 | 12/05/1995 | 25/01/2007 | 25/01/2007 | 21/05/2003 | 25/01/2007 |
| Canada  | 26/02/1991 | 13/05/1998 | 26/04/2018 | 26/04/2018 |   |   |
| Croatia  |  | 08/07/1996 | 11/02/2009 | 11/02/2009 | 23/05/2003 | 06/10/2009 |
| Cyprus  |  | 20/07/2000 | 15/02/2017 | 15/02/2017 | 21/05/2003 | 15/02/2017 |
| Czech Republic  | 30/09/1993 | 26/02/2001 | 18/04/2007 | 18/04/2007 | 21/05/2003 | 19/07/2005 |
| Denmark  | 26/02/1991 | 14/03/1997 | 25/07/2017 | 25/07/2017 | 21/05/2003 | 04/06/2012 |
| Estonia  |  | 25/04/2001 | 12/04/2010 | 12/04/2010 | 21/05/2003 | 12/04/2010 |
| Finland  | 26/02/1991 | 10/08/1995 | 19/02/2014 | 19/02/2014 | 21/05/2003 | 18/04/2005 |
| France  | 26/02/1991 | 15/06/2001 | \* | 22/11/2011 | 21/05/2003 | \* |
| Georgia  |  | \* | \* | \* | 21/05/2003 | \* |
| Germany  | 26/02/1991 | 08/08/2002 | 08/08/2002 | 22/02/2007 | 21/05/2003 | 22/02/2007 |
| Greece  | 26/02/1991 | 24/02/1998 | 02/11/2018 | 02/11/2018 | 21/05/2003 |  |
| Hungary  | 26/02/1991 | 11/07/1997 | 29/05/2009 | 29/05/2009 | 21/05/2003 | 26/11/2010 |
| Iceland  | 26/02/1991 |  |  |  |  |  |
| Ireland  | 27/02/1991 | 25/07/2002 | \* | \* | 21/05/2003 | \* |
| Israel  |  |  |  |  |  |  |
| Italy  | 26/02/1991 | 19/01/1995 | 18/07/2016 | 18/07/2016 | 21/05/2003 | 18/07/2016 |
| Kazakhstan  |  | 11/01/2001 |  |  |  |  |
| Kyrgyzstan  |  | 01/05/2001 |  |  |  |  |
| Latvia  |  | 31/08/1998 | 21/03/2016 | 21/03/2016 | 21/05/2003 | 21/03/2016 |
| Liechtenstein  |  | 09/07/1998 | 12/05/2015 | 12/05/2015 |  |  |
| Lithuania  |  | 11/01/2001 | 22/03/2011 | 22/03/2011 | 21/05/2003 | 22/03/2011 |
| Luxembourg  | 26/02/1991 | 29/08/1995 | 05/05/2003 | 04/05/2007 | 21/05/2003 | 02/07/2008 |
| Malta  |  | 20/10/2010   | 28/05/2014 | 28/05/2014 |  | 20/05/2016 |
| Monaco  |  |  |  |  |  |  |
| Montenegro |  | 09/07/2009 | 09/07/2009 | 09/07/2009 | 23/10/2006 | 02/11/2009 |
| Netherlands  | 25/02/1991 | 28/02/1995 | 14/04/2009 | 14/04/2009 | 21/05/2003 | 08/12/2009 |
| North Macedonia |  | 31/08/1999 |  |  | 21/05/2003 | 13/09/2013  |
| Norway  | 25/02/1991 | 23/06/1993 | 24/02/2010 | 24/02/2010 | 21/05/2003 | 11/10/2007 |
| Poland  | 26/02/1991 | 12/06/1997 | 20/07/2004 | 11/01/2012 | 21/05/2003 | 21/06/2011 |
| Portugal  | 26/02/1991 | 06/04/2000 | 22/05/2015 | 09/03/2012 | 21/05/2003 | 04/09/2012 |
| **Republic of Moldova** |  | 04/01/1994 | 15/03/2016 | **10/12/2018** | 21/05/2003 | **12/02/20195** |
| Romania  | 26/02/1991 | 29/03/2001 | 16/11/2006 |  03/05/2016 | 21/05/2003 | 08/03/2010 |
| Russian Federation  | 06/06/1991 |  |  |  |  |  |
| San Marino  |  |  |  |  |  |  |
| Serbia |  | 18/12/2007 | 21/03/2016 | 21/03/2016 | 21/05/2003 | 08/07/2010 |
| Slovakia | 28/05/1993 | 19/11/1999 | 29/05/2008 | 29/05/2008 | 19/12/2003 | 29/05/2008 |
| Slovenia  |  | 05/08/1998 | 25/03/2014 | 25/03/2014 | 22/05/2003 | 23/04/2010 |
| Spain  | 26/02/1991 | 10/09/1992 | 16/07/2008 | 06/04/2009 | 21/05/2003 | 24/09/2009 |
| Sweden  | 26/02/1991 | 24/01/1992 | 30/03/2006 | 30/03/2006 | 21/05/2003 | 30/03/2006 |
| Switzerland  |  | 16/09/1996 | 16/06/2010 | 15/03/2013 |  | \* |
| Tajikistan  |  |  |  |  |  |  |
| Turkey  |  |  |  |  |  |  |
| Turkmenistan  |  |  |  |  |  |  |
| Ukraine  | 26/02/1991 | 20/07/1999 |  |  | 21/05/2003 | 02/12/2015 |
| United Kingdom of Great Britain and Northern Ireland | 26/02/1991 | 10/10/1997 |  |  | 21/05/2003 |  |
| United States of America | 26/02/1991 |  |  |  |  |  |
| Uzbekistan  |  |  |  |  |  |  |
| European Union[[4]](#footnote-5) | 26/02/1991 | 24/06/1997 | 18/01/2008 | 18/01/2008 | 21/05/2003 | 12/11/2008 |
| ***Counts:*** | 30 | **45** | **35** | **35** | 38 | **33** |
| *For entry into force, needed in total:* | *23 + 14* | *30 +14* |  |  |
| ***For the 1st amendment to have effect, need further:*** | **5** |  |  |  |

**I. First amendment to the Convention**

 ***A. Entry into force of the first amendment and accession by non-ECE member States***

1. The first amendment to the Convention entered into force on 26 August 2014, i.e. on the ninetieth day after the receipt by the Treaty Depositary of notification of Malta’s accession on 28 May 2014 (art. 14, para. 1). Moreover, in 2014, the Meetings of the Parties to the Convention and the Protocol adopted decision VI/5–II/5 giving blanket approval to any future request for accession by the United Nations (UN) Member States that are not members of the United Nations Economic Commission for Europe (ECE).

2. However, the UN Member States that are not members of the ECE may only be able to accede when the first amendment has entered into force for all the States and organizations that were Parties to the Convention at the time the amendment wasadopted on 27February 2001, i.e. 31 Parties (new art. 17, para. 3). At present, from those 31 Parties, **the following five Parties still need to ratify the amendment to make it operational**:

|  |  |
| --- | --- |
| **1. Armenia** | **4. Ukraine** |
| **2. Belgium** | **5. United Kingdom of Great Britain and Northern Ireland** |
| **3. North Macedonia** |  |

3. At its sessions in 2014, 2017 and 2019, the Meeting of the Parties to the Convention has urged all the States that were Parties to the Convention on 27 February 2001 that had not yet done so to ratify the amendment to article 17 as soon as possible.[[5]](#footnote-6)

4. It should be noted that from the entry into force of the first amendment, “any State or organization that ratifies, accepts or approves [the] Convention shall be deemed simultaneously to ratify, accept or approve the amendment to the Convention set out in decision II/14 taken at the second meeting of the Parties” (new art. 17, para.7).

***B. Accelerating the entry into effect of the first amendment***

5. At its fifth meeting (April 2016), the Working Group on EIA and SEA commented document ECE/MP.EIA/WG.2/2016/L.3 containing Bureau’s proposals for accelerating the entry into effect of the first amendment to the Convention. It supported the Bureau in acknowledging the Convention’s global benefits and the need to accelerate the opening of the Convention. Owing to the legal concerns expressed by several Parties, however, the Working Group decided not to support the proposal to adopt a separate agreement modifying article 17, paragraph 3 and entering into force through a non-objection procedure once a deadline specified in the agreement had lapsed. The European Union and its Member States also felt that it would be wiser instead to focus on accelerating the missing (at the time ten) ratifications of the first amendment by those States that were parties to the Convention on 27 February 2001. In conclusion, the Working Group urged the concerned Parties to ratify the first amendment by June 2017 to honour the political commitments taken when adopting the amendment.

6. Following the Bureau’s recommendations and as requested by the Working Group, in her letters of invitation to the intermediary sessions of the Meetings of the Parties (Geneva, 5–7 February 2019), the ECE Executive Secretary again invited the Parties to the Convention that had adopted the amendments, or signed the Protocol to proceed promptly with their ratification to report on their progress to the Meetings of the Parties. Parties that have yet to ratify the first amendment were also invited to provide a progress report on the steps they have taken in that regard. At the intermediary session, Azerbaijan, Belgium, North Macedonia, and the United Kingdom reported on steps taken towards ratification of both amendments, with Azerbaijan and Belgium having advanced the furthest in that regard. The Meeting of the Parties regretted that Armenia, Azerbaijan, North Macedonia and Ukraine had failed to submit the requested written progress report and requested them to do so by the end of May for the Bureau to consider at its meeting on 17 and 18 June 2019.

7. In June 2019, the Bureau member from Azerbaijan informed the Bureau that its draft law on the ratification of both amendments was about to be adopted. The Ukrainian Bureau member stated that Ukraine focused on finalizing its regulations to implement the Convention and the Protocol, and that the ratification of amendments would follow their completion. The Armenian member reported that the country’s new government was presently undertaking consultations on the ratification of the first amendment. North Macedonia submitted no information on its ratification of the first amendment.

8. On 10 September, Azerbaijan deposited its instruments of ratification of the two amendments to the Convention with the Secretary-General of the United Nations. The amendments will enter into force for it on 9 December 2019.

 **II. Second amendment to the Convention**

9. Further to the deposit by Denmark of its instrument of ratification on 25 July 2017, the second amendment entered into force on **23 October 2017** for those Parties to the Convention that had ratified that amendment.

10. The second amendment extended the list of activities subject to the Convention in appendix I, aligning it with the European Union Directive on environmental impact assessment. Secondly, recognizing the benefits of international cooperation as early as possible in the assessment of environmental impact, the amendment incorporated the Meeting of the Parties' recommendation that a Party likely to be affected by a planned activity should to the extent appropriate be given the opportunity to participate already in the determination of the issues and impacts to be addressed (scoping procedure). Thirdly, the amendment introduced measures for the “non-adversarial and assistance-oriented” review of compliance with the provisions of the Convention (led by the Implementation Committee, established in 2001). (In 2011, the review of compliance was extended to also cover the Protocol). The amendment also formalized the mandatory regular reporting by Parties. Finally, the second amendment clarified the Convention’s amendment procedure, specifying that the established proportion of Parties (three-fourths) for the entry into force of amendments is to be calculated based on the number of the Parties at the time of its adoption.

11. At its intermediary session, the Meeting of the Parties to the Convention again urged all Parties that have not ratified the second amendment to do so in order to ensure unified application of the Convention by its Parties. (See para. 6 above on the reports of the Parties).

 III. Status of the Bucharest Agreement[[6]](#footnote-7)

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

12. The first meeting of the Parties to the Bucharest Agreement is foreseen since 2011. In addition, the workplan for the period 2014–2017 foresaw a preparatory workshop under the leadership of Romania. In absence of funding, neither event has however been held. At the request of Romania, their organization was included in the waiting list of the workplan for 2017–2020, pending the identification of funding.

13. With assistance from the secretariat, Romania organized and facilitated a round-table discussion on the Bucharest Agreement with participants from Albania, Croatia, Montenegro and North Macedonia, and with invited speakers from Hungary and Slovenia. The round-table was preceded by a questionnaire survey on the Bucharest Agreement, that was completed by the participating countries, as well as by Bosnia and Herzegovina and Bulgaria. The round table was held during a special session on the Espoo Convention, the Bucharest Agreement and the Protocol on SEA. As foreseen in the workplan, the session took place during the Third Regional Conference on Environmental Impact Assessment (Vodice, Croatia, 14-15 September 2017).

14. At its intermediary session, the Meeting of the Parties to the Convention welcomed Serbia’s ratification of the Bucharest Agreement. That Agreement had entered into force for Serbia on 2 December 2018. The Meeting of the Parties encouraged Croatia and Greece to also ratify the Agreement and Bosnia and Hercegovina to accede to the Agreement.

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| --- | --- | --- | --- |
| *Participant* | *Signature, Succession to signature(d)* | *Ratification, Acceptance(A), Approval(AA), Accession(a), or one of the previous actions but unspecified (u)* | *Entry into force* |
| Albania | - | 26 March 2015 (a) |  25 April 2015 |
| Bosnia and Herzegovina | - |  |  |
| Bulgaria | 20 May 2008 | 23 January 2009 (AA) |  25 February 2011 |
| Croatia | 20 May 2008 |  |  |
| Greece | 20 May 2008 |  |  |
| Montenegro | 20 May 2008 | 28 December 2009 (u) |  25 February 2011 |
| North Macedonia | 20 May 2008 | 26 January 2011 (u) | 25 February 2011 |
| Romania | 20 May 2008 | 29 December 2011 |  28 January 2012 |
| **Serbia** | 20 May 2008 | **2 November 2018** | **2 December 2018** |

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1. Primary source: http://treaties.un.org [↑](#footnote-ref-2)
2. Signature or succession to signature [↑](#footnote-ref-3)
3. Ratification, accession, approval, acceptance

 \* The country has indicated that it plans to ratify in the near future. [↑](#footnote-ref-4)
4. Ratification by the European Union did not count towards the entry into force of the Convention, its amendments, or its Protocol.

 [↑](#footnote-ref-5)
5. Seedecision VI/5–II/5, para. 2; Geneva Declaration 2014, para. B1; and the 2017 and 2019 reports ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 9 and ECE/MP.EIA/27-ECE/MP.EIA/SEA/11, para. 9 [↑](#footnote-ref-6)
6. Source: Ministry of Foreign Affairs of Romania, with Romania being the Depositary for the Agreement. [↑](#footnote-ref-7)