

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

Intermediary session

Geneva, 5–7 February 2019

Item 2 (d) of the provisional agenda

**Organizational matters: Status of the Convention, its amendments
and the Protocol**

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

Note by the secretariat¹

<i>State</i>	<i>Convention</i>		<i>Amendments</i>		<i>Protocol</i>	
	<i>Signature</i> ²	<i>Ratification</i> ³	<i>1st</i>	<i>2nd</i>	<i>Signature</i> ²	<i>Ratification</i> ³
<i>Date adopted/in force</i>	25/02/1991	10/09/1997	27/02/2001	04/06/2004	21/05/2003	11/07/2010
<i>No. Parties to Convention at that date</i>			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				
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

¹ Primary source: <http://treaties.un.org>

² Signature or succession to signature

³ Ratification, accession, approval, acceptance

* The country has indicated that it plans to ratify in the near future.

State	Convention		Amendments		Protocol	
	Signature ²	Ratification ³	1 st	2 nd	Signature ²	Ratification ³
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
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	*	21/05/2003	*
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						
The former Yugoslav Republic of Macedonia		31/08/1999			21/05/2003	13/09/2013
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	26/02/1991	24/06/1997	18/01/2008	18/01/2008	21/05/2003	12/11/2008
Counts:	30	45	34	33	38	32
	<i>For entry into force, needed in total:</i>		23 + 1 ⁴	30 + 1 ⁴		
	For the 1st amendment to have effect, need further:		6			

⁴ Ratification by the European Union did not count towards the entry into force of the Convention, its amendments, or its Protocol.

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 Depository 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 was adopted on 27 February 2001, i.e. 31 Parties (new art. 17, para. 3). At present, from those 31 Parties, **the following six Parties still need to ratify the amendment to make it operational:**

1. Armenia

**4. The former Yugoslav
Republic of Macedonia**

2. Azerbaijan

5. Ukraine

3. Belgium

**6. United Kingdom of Great Britain and
Northern Ireland**

3. In 2014 and 2017, the Meeting of the Parties to the Convention 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

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.

⁵ See decision VI/5–II/5, para. 2; Geneva Declaration 2014, para. B1; and the 2017 report ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 9)

6. At its seventh session (Minsk, 13–16 June 2017), the Meeting of the Parties to the Convention noted with concern that eight further ratifications were still needed for the first amendment to have effect. It again urged the concerned countries to take the necessary steps to ratify it. During the session, Armenia, Azerbaijan, Belgium and Greece reported on progress with their preparations for the ratification.

7. At its meeting in May 2018, following the recommendations of the Bureau, the Working Group on EIA and SEA requested the secretariat to ensure that in the letters of invitation to the intermediary sessions of the Meetings of the Parties (Geneva, 5–7 February 2019), the ECE Executive Secretary urged 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. It also requested the secretariat to invite the Parties that have yet to ratify the first amendment to provide a progress report on the steps they have taken in that regard.

8. Most recently, on 2 November, Greece deposited its instrument of ratification for the two amendments to the Convention. The amendments will enter into force for Greece 90 days later, i.e. on 31 January 2019.

II. Second amendment to the Convention

9. Further to the deposit by Denmark of its instrument of ratification with the Secretary-General of the United Nations on 25 July 2017, the second amendment entered into force on **23 October 2017** for those Parties to the Convention that have 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 seventh meeting, in May 2018, the Working Group on EIA and SEA 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. The Parties were invited to report on their progress at the intermediary sessions of the Meetings of the Parties.

III. Status of the Bucharest Agreement⁶

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 the former Yugoslav Republic of 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. In May 2018, the Working Group on EIA and SEA welcomed the news that Serbia would soon ratify the Bucharest Agreement but regretted the absence of information from Croatia and Greece on their plans to ratify it and from Bosnia and Hercegovina on its plans to accede to it.

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Acceptance(A), Approval(AA), Accession(a), or one of the previous actions but unspecified (u)</i>	<i>Entry into force</i>
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
Romania	20 May 2008	29 December 2011	28 January 2012
Serbia	20 May 2008		
The former Yugoslav Republic of Macedonia	20 May 2008	26 January 2011 (u)	25 February 2011

⁶ Source: Ministry of Foreign Affairs of Romania, with Romania being the Depositary for the Agreement.