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

Sixth session

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

Second session

Geneva, 2–5 June 2014

Report of the Meeting of the Parties to the Convention on its sixth session and of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on its second session

Addendum

Decisions adopted by the Meeting of the Parties to the Convention

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Decision VI/1

Reporting and review of implementation of the Convention

The Meeting of the Parties to the Convention,

Recalling its decisions III/1, IV/1 and V/3 on the review of implementation, and decision V/7 on reporting and the review of implementation,

Recalling also article 14 bis of the Convention, as adopted by its decision III/7, which places a legal obligation on Parties to report on their implementation of the Convention,

Recognizing once again that regular reporting by each Party provides important information that facilitates the review of compliance under the Convention and thereby contributes to the work of the Implementation Committee,

Having analysed the reports provided by Parties in response to the questionnaire for the reporting system,

Expressing concern that the following States Parties that were Parties to the Convention during the period under review had not responded to the questionnaire on time: Bosnia and Herzegovina, Greece, Ireland, Luxembourg and the United Kingdom of Great Britain and Northern Ireland; and noting that Greece responded to the questionnaire before the sixth session of the Meeting of the Parties,

Strongly emphasizing the importance of the timely submission of reports,

1. *Welcomes* the reports by Parties on their implementation, which have been made available on the website of the Convention;

2. *Adopts* the Fourth Review of Implementation of the Convention (ECE/MP.EIA/2014/3) and requests the secretariat to arrange for its publication in an appropriate form;

3. *Notes* the findings of the Fourth Review of Implementation, including the following possible weaknesses or shortcomings in the Convention's implementation by Parties:

(a) A frequent lack of definition in national legislation of several terms used in the Convention, such as "promptly", "due account" or "reasonably obtainable";

(b) A failure by some Parties to recognize that, in accordance with article 3, paragraph 8, and article 4, paragraph 2, the "concerned Parties" are both responsible for ensuring opportunities for public participation;

(c) A failure to recognize that article 5 provides for transboundary consultations distinct from article 4, paragraph 2;

(d) A frequent lack of definition of the "final decision" (art. 6) and of specification of its required content;

(e) A lack of experience in carrying out post-project analysis (art. 7);

(f) A continuing need for bilateral and multilateral agreements or other arrangements, particularly to address differences between Parties in: the content of the notification; language; time frames; how to proceed when there is no response to a notification or if there is disagreement about the need for notification; the interpretation of

various terms (such as “due account”, “promptly”, “reasonably obtainable”, etc.); and the requirement for post-project analysis;

(g) Confusion among the Parties about the respective functions of the point of contact for notification and the focal point for administrative matters;

(h) A continuing need to further improve awareness of and capacity in the implementation of the Convention’s obligations by the competent authorities at the national and regional levels, environmental impact assessment experts and practitioners, civil society, investors and academics;

4. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the Fourth Review of Implementation of the Convention, and requests the Implementation Committee to take these into account in its work;

5. *Urges* Bosnia and Herzegovina, Ireland, Luxembourg and the United Kingdom to provide the overdue responses to the questionnaire, and requests the secretariat to make them available on the Convention website;

6. *Requests* the Implementation Committee to revise and simplify the current questionnaire and to provide a modified version of the questionnaire on the implementation of the Convention during the period 2013–2015, for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and for circulation by the secretariat thereafter;

7. *Further requests* the Implementation Committee to take into account the suggestions provided by Parties for improving the questionnaire and the report;

8. *Decides* that Parties shall complete the modified questionnaire as a report on their implementation of the Convention during the period 2013–2015, noting the obligation to report arising from article 14 bis of the Convention, as adopted by its decision III/7, and that a failure to report on implementation might be a compliance matter to be considered by the Implementation Committee;

9. *Urges* Parties to report by the deadline to be agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

10. *Requests* the secretariat to put the project lists included in the answers to the questionnaire on the website of the Convention, unless the responding Party does not agree;

11. *Further decides* that a draft review of implementation of the Convention during the period 2013–2015 based on the reports by Parties will be presented at the seventh session of Meeting of the Parties of the Convention, and that the workplan shall reflect the elements required to prepare the draft review;

12. *Also requests* the secretariat to post the review of implementation of the Convention and national reports on the website of the Convention in the languages in which they are available.

Decision VI/2

Review of compliance with the Convention

The Meeting of the Parties to the Convention,

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

Recalling further article 14 bis of the second amendment to the Convention,

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 in the Third Review of Implementation of the Convention, as presented in document ECE/MP.EIA/16,

Having also considered the findings and recommendations of the Committee on three submissions made to the Committee in accordance with paragraph 5 (a) in the appendix to decision III/2¹ and on two Committee initiatives further to paragraph 6 of the appendix to decision III/2, as set out in the reports of the Committee on its twenty-sixth, twenty-seventh, twenty-eighth, and thirtieth sessions,²

Having reviewed the structure and functions of the Committee, as described in the appendix to decision III/2,³ and considering that it is necessary to ensure continuity of the Committee's work during each intersessional period,

Having also reviewed the operating rules adopted in decision IV/2,⁴ as amended by decision V/4,⁵ and recognizing the importance of improving the effectiveness of the compliance mechanism under the Convention,

Having further reviewed the opinions of the Committee,

Recognizing the importance of rigorous reporting by Parties on their compliance with the Convention, and noting the Fourth Review of Implementation of the Convention⁶ based on Parties' answers to the questionnaires on the implementation of the Convention adopted in decision VI/1,

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

¹ ECE/MP.EIA/6, annex II.

² ECE/MP.EIA/IC/2012/6, annexes I and II; ECE/MP.EIA/IC/2013/2, annex; ECE/MP.EIA/IC/2013/4, annex; and ECE/MP.EIA/IC/2014/2, annex (forthcoming).

³ ECE/MP.EIA/6, annex II.

⁴ ECE/MP.EIA/10, annex IV.

⁵ ECE/MP.EIA/15, annex.

⁶ ECE/MP.EIA/2014/3.

I. General part

1. *Adopts* the Committee's report on its activities contained in document ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4, welcomes the reports of the meetings of the Committee in the period after the fifth 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 Third Review of Implementation adopted in decision V/1, regarding Albania, Croatia, Portugal and the Republic of Moldova, which in the case of Croatia, Portugal and the Republic of Moldova resulted in the Committee declaring its satisfaction with the clarifications provided by Parties, and in case of Albania led to a Committee initiative;

3. *Welcomes also* the examination by the Committee of information received from other sources, including the public, regarding Azerbaijan, Belarus, Lithuania, Romania, Ukraine and the United Kingdom of Great Britain and Northern Ireland, which in the case of Belarus was superseded by a submission initiated by Lithuania; in the case of Romania was considered within the Committee's mandate to review compliance with the Protocol; in the case of Azerbaijan and Lithuania resulted in the Committee declaring its satisfaction with the clarifications provided by Parties; and in the case of the United Kingdom and Ukraine led to Committee initiatives;

4. *Notes* the information received from other sources for two cases regarding Ukraine that are to be considered by the Committee at its forthcoming sessions;

5. *Considers also*, following the opinions of the Committee, that:

(a) The obligation in article 3 of the Convention to notify potentially affected Parties rests solely with the Party of origin.⁷ The secretariat having exceptionally acted as an intermediary does not release a Party from its obligations under the Convention.⁸ Article 13 of the Convention cannot be interpreted as providing an obligation on the secretariat to act as an intermediary in the procedures set out in the Convention;⁹

(b) If, under exceptional circumstances, the Party of origin seeks the assistance of an intermediary in fulfilling its obligations to notify potentially affected Parties, it retains responsibility for any actions or omissions of the intermediary in the process of notification;¹⁰

(c) When a Party of origin entrusts the notification procedure to an intermediary, the fulfilment of the conditions set out in article 3, paragraph 3, is to be established from the correspondence between the affected Parties and the intermediary, unless otherwise agreed upon between the Parties concerned and the intermediary;¹¹

⁷ ECE/MP.EIA/IC/2012/2, para. 17, and ECE/MP.EIA/IC/2012/6, annex I, para. 38.

⁸ ECE/MP.EIA/IC/2012/6, annex I, para. 37 (a).

⁹ *Ibid.*, para. 38.

¹⁰ *Ibid.*, para. 37 (d) and ECE/MP.EIA/IC/2012/2, para. 17.

¹¹ ECE/MP.EIA/IC/2012/6, annex I, paras. 37 (b) and 38.

(d) Any miscommunications between the Party of origin and the intermediary should have no impact on the application of the provisions of the Convention;¹²

(e) Neither the Convention itself nor the applicable international rules provide for an exception, and therefore absence of diplomatic relations cannot be considered legitimate reason for not applying the Convention;¹³

(f) E-mail is a widely used, commonly acceptable and rapid means of communication and information exchange, including in public international relations, and the legal validity of electronic means of communication for the purposes of notifying is acknowledged;¹⁴

(g) A Party that responds by electronic means to a notification within the time specified for response has fulfilled its obligation under article 3, paragraph 3, as regards the timeliness of the response;¹⁵

(h) The procedure in article 3, paragraph 7, does not substitute for the obligations of a Party of origin deriving from the Convention to notify possibly affected Parties, or to fulfil any other step of the transboundary EIA procedure in compliance with the Convention in case transboundary environmental impacts cannot be excluded;¹⁶

(i) The affected Party must clearly express its will to participate in the transboundary environmental assessment procedure. In addition, the affected Party may or may not express an opinion on the substance or the merits of the proposed activity which was the subject of the Party of origin's notification, without this causing prejudice to the future exchanges and consultation between the two Parties;¹⁷

(j) Although the Convention does not specify mechanisms for public participation, the holding of public hearings is an essential step in the effective public participation provided for in article 2, paragraph 6, and article 3, paragraph 8, of the Convention as set out in the Guidance on public participation;¹⁸

(k) As such, a website could be one of the useful means to allow for the public of the Parties concerned to participate in a transboundary EIA procedure, if they so agree, provided that the information is complete, provided in time and, for the relevant parts of the EIA documentation, in the language of the affected Party, and that the public is given a possibility to comment on the website;¹⁹

(l) The participation of representatives of some non-governmental organizations in the meetings of the board of a nuclear regulatory authority does not amount to public participation in the areas likely to be affected in the meaning of article 2, paragraph 6, of the Convention;²⁰

(m) The EIA documentation must evaluate and justify the different elements to be taken into account for the reasonable locational alternatives required in accordance with appendix II to the Convention;²¹

¹² Ibid., para. 37 (c).

¹³ Ibid.: para. 46.

¹⁴ ECE/MP.EIA/IC/2012/6, annex I, para. 33.

¹⁵ Ibid.

¹⁶ See ECE/MP.EIA/IC/2014/2, annex (forthcoming).

¹⁷ ECE/MP.EIA/IC/2012/6, annex I, para. 34.

¹⁸ ECE/MP.EIA/IC/2013/2, annex, para. 44.

¹⁹ Ibid., para. 48.

²⁰ See ECE/MP.EIA/IC/2014/2, annex (forthcoming).

²¹ ECE/MP.EIA/IC/2013/2, annex, para. 54.

(n) The choice of the location of the proposed activity should result from the EIA procedure and should not be determined before the final EIA report is issued, unless the choice of the location is determined in an appropriate strategic environmental assessment procedure that included a transboundary procedure;²²

(o) In accordance with article 5 of the Convention, consultations should not be only a mere formality but should concern the measures to “reduce or eliminate” (art. 5, para. 1) the potential transboundary impact of the proposed activity and allow thorough examination of its possible alternatives;²³

(p) In order to allow for meaningful consultations under article 5, the information provided by the Party of origin should be as complete and precise as possible and, in particular, should meet any reasonable request as to its scope made by the affected Party;²⁴

6. *Reiterates its recommendation that*, pending the entry into force of the second amendment to the Convention as adopted by decision III/7, Parties in their role of Party of origin:

(a) Notify as early as possible and when determining case by case the content of EIA documentation (“scoping”), where applicable, so that the EIA documentation can meet the needs of the affected Party;

(b) Involve the affected Party in any such case-by-case determination (see decision V/4, para. 7);

7. *Also reiterates its recommendation that* even a low likelihood of a significant adverse transboundary impact should trigger the obligation to notify affected Parties (see decision III/4, annex IV, para. 28), and that notification is necessary unless a significant transboundary impact can be excluded (see decision IV/2, annex I, para. 54);

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

9. *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 VI/3 of the sixth session of the Meeting of the Parties on the adoption of the workplan;*

10. *Urges Parties to take into account in their further 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:*

(a) From the First Review of Implementation, adopted by decision III/1, the Second Review of Implementation adopted by decision IV/1 and the Third Review of Implementation adopted by decision V/3 of the Meeting of the Parties to the Convention;

(b) As presented in chapter III of the Committee’s previous report on its activities;²⁵

(c) As presented in chapter III of the Committee’s latest report on its activities;²⁶

11. *Also urges Parties to take into account in their further work the opinions of the Committee in the period from 2001 to 2014, and requests the secretariat to arrange for*

²² Ibid.

²³ Ibid., para. 51.

²⁴ Ibid., para. 52.

²⁵ ECE/MP.EIA/2011/4.

²⁶ ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4.

the revision of the publication of these opinions to include the Committee's opinions from 2011–2014;

12. *Adopts* the amendments to the structure and functions of the Committee, set out in the annex I to this decision, and requests the secretariat to arrange publication of the amended structure and functions in electronic format;

13. *Adopts* the amendments to the operating rules of the Committee set out in the annex II to this decision, which should be applied to any meeting and to the conduct of any other business of the Committee and should be read together with and in furtherance of the structure, functions and procedures described in the appendix to decision III/2 of the Meeting of the Parties to the Convention, as amended by decision V/4 and the present decision (annex I), as well as decision V/6–I/6 of the of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, and requests the secretariat to arrange publication of the amended operating rules in electronic or paper format, as appropriate;

14. *Decides* to keep under review and to develop if necessary the structure and functions of the Committee as well as its operating rules at the seventh session of the Meeting of the Parties 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 the seventh session of the Meeting of the Parties;

II. Follow-up to decision V/4

A. Regarding Ukraine

15. *Welcomes* the efforts demonstrated by the Government of Ukraine to follow the recommendations by the Meeting of the Parties in decision V/4;

16. *Appreciates* the timely reports received from the Government of Ukraine further to paragraph 24 of decision V/4;

17. *Welcomes* the preparation by the Government of Ukraine of a new draft law on the implementation of the Convention, as a concrete legislative measure for the implementation of the strategy of the Government of Ukraine to implement the Convention;

18. *Expresses deep concern*, however, that the strategy has not been fully implemented, and in particular that the respective legislative measures for the implementation of the Convention have not yet been adopted;

19. *Appreciates* that monitoring measures have been put in place with regard to the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (the Project);

20. *Regrets*, however, that no steps have been taken to bring the Project into full compliance with the Convention, implementing the measures in accordance with paragraph 19 of decision V/4;

21. *Endorses* therefore the finding of the Implementation Committee at its thirtieth session that, despite some steps taken, Ukraine has not yet fulfilled all its obligations under paragraph 24 of decision V/4;

22. *Endorses* also the finding of the Committee that the recent decisions by the Government of Ukraine to continue dredging activities, such as the Action Plan adopted by decision No. 187 of 27 July 2013, may indicate a further breach of its obligations under the Convention;

23. *Declares* therefore that the caution to the Government of Ukraine issued at its fourth session is still effective;²⁷

24. *Requests* the Government of Ukraine to adopt the relevant draft legislation and to bring the Project into full compliance with the Convention by the end of 2015;

25. *Also requests* the Government of Ukraine to report by the end of each year to the Committee on how it implemented paragraph 24 above, and specifically:

(a) On the implementation of the strategy by the end of 2015, in particular concrete legislative measures adopted to this effect, and to provide to the Committee relevant draft legislation for its review before it is adopted;

(b) On steps taken to bring the Project into full compliance, implementing the measures in accordance with paragraph 19 of decision V/4, by the end of 2015, while refraining from any measure or programme which could jeopardize the fulfilment of these recommendations;

26. *Further requests* the Government of Ukraine to inform Romania about existing monitoring results and to consult with Romania on the post-project analysis, according to article 7 of the Convention, as well as also to report to the Committee, eight months before the seventh session of the Meeting of the Parties, on the implementation of article 7 of the Convention;

27. *Encourages* the Governments of Romania and Ukraine to further develop the bilateral agreement for improved implementation of the Convention;

28. *Requests* the Committee to report to the Meeting of the Parties to the Convention at its seventh session on its evaluation of the steps taken by the Government of Ukraine to bring about compliance and to implement the strategy, and to develop, if appropriate, further recommendations to assist Ukraine in complying with its obligations under the Convention;

B. Regarding Armenia

29. *Welcomes* the progress made by the Government of Armenia towards adoption of the draft revised legislation, prepared in the previous intersessional period with the assistance of the Implementation Committee and the Convention secretariat, for the implementation of the Convention in accordance with the Committee's findings (decision V/4, paras. 27–28);

30. *Appreciates* the reports received from the Government of Armenia during the intersessional period;

31. *Invites* the Government of Armenia to adopt the revised draft law as soon as possible while ensuring that:

(a) The legislation adopted is in compliance with the Convention and the Protocol on SEA;

(b) Since Armenia is also a Party to the Convention on Access to Information Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), that the public participation procedures at the national level are in line with the minimum requirements set out in article 6 of the Aarhus Convention, so as to provide for proper public participation procedures in a transboundary context under the Espoo Convention;

²⁷ ECE/MP.EIA/IC/2009/4, para. 16.

32. *Requests* the Government of Armenia to ensure that the adopted legislation is in concordance with the recommendations of the international consultant to the secretariat;

33. *Also requests* the Government of Armenia to regularly report to the Committee on the progress made;

34. *Further requests* the Committee to report to the Meeting of the Parties at its seventh session on the Committee's evaluation of the legislation adopted by Armenia for the implementation of the Convention;

35. *Invites* the secretariat to offer technical advice to the Government of Armenia to assist it in bringing its draft legislation fully in line with the provisions of the Convention, as well as with the provisions of the Protocol before its adoption;

C. *Regarding Romania*

36. *Welcomes* the reports received from the Governments of Romania and Ukraine further to paragraph 30 of decision V/4;

37. *Encourages* the Governments of Romania and Ukraine to strengthen their cooperation in preparing a bilateral agreement or other arrangement to support further the provisions of the Convention, as set out in article 8 of the Convention, further to paragraph 14 of decision IV/2 and paragraph 30 of decision V/4;

D. *Regarding Azerbaijan*

38. *Welcomes* the preparation by the Government of Azerbaijan, with the technical assistance provided by a consultant to the Convention secretariat, of draft legislation for the implementation of the Convention, noting that the draft legislation includes also provisions on strategic environmental assessment;

39. *Appreciates* the reports received from the Government of Azerbaijan on progress in implementing the recommendations by the consultant for further strengthening Azerbaijan's capacity to comply fully with its obligations under the Convention;

40. *Takes note* of the fact that the draft legislation presented to the Committee during the intersessional period (September 2013) has in the meantime been amended, specifically with regard to the public participation procedures, the annexes and the regulation of strategic environmental assessment matters;

41. *Requests* Azerbaijan to ensure that the draft framework law on environmental assessment, as well as the subsequent implementing regulations to be adopted, comply with the Convention, including clearly designating in its legislation what decision constitutes a final decision and ensuring that this decision complies with the requirements of the Convention, taking into account the recommendations of the international consultant to the secretariat and also the draft general guidance on enhancing consistency between the Convention and the environmental impact assessment in the framework of the State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia, adopted through decision VI/8;²⁸

42. *Requests* the Government of Azerbaijan to adopt the draft law and the subsequent implementing regulations, as well as to regularly report to the Committee on the progress made;

²⁸ ECE/MP.EIA/2014/2.

43. *Also requests* the Committee to report to the Meeting of the Parties to the Convention at its seventh session on its evaluation of the legislation adopted in accordance with the Convention;

44. *Invites* the secretariat to offer technical advice to the Government of Azerbaijan to assist it in bringing its draft legislation fully in line with the provisions of the Convention, as well as with the provisions of the Protocol before its adoption;

III. Submissions by Parties

A. *Regarding Armenia*²⁹

45. *Endorses* the finding of the Committee that Armenia was in non-compliance with its obligation under the article 3, paragraph 1, of the Convention to notify Azerbaijan as early as possible and no later than when informing its own public, with respect to the construction of the nuclear power plant in Metsamor referred to in the submission by Azerbaijan regarding Armenia of 5 May 2011;

46. *Also endorses* the finding of the Committee that Armenia is not in non-compliance with article 3, paragraphs 5 and 8, article 4, paragraph 2, article 5 and article 6 of the Convention, considering that — to the extent that the final decision on the construction of the nuclear power plant had not yet been taken and the works had not yet been initiated — there was still a possibility for Armenia to continue the implementation of the subsequent steps in the transboundary EIA procedure, and requests the Implementation Committee to follow up and, as appropriate, monitor the case;

B. *Regarding Azerbaijan*³⁰

47. *Endorses* the findings of the Committee that, in accordance with the information provided to the Committee, Azerbaijan was not in non-compliance with its obligations under article 2, paragraph 4, article 3 paragraphs 1 and 8, article 5, and article 6, paragraph 1, of the Convention, with respect to the following projects:

(a) The Joint Development and Production Sharing for the Azeri and Chirag Oil and Gas Fields in the Deep Water Portion of the Gunashli Oil and Gas Field in the Azerbaijan Sector of the Caspian Sea, including the Sangachal terminal project;

(b) The Exploration, Development and Production Sharing for the Shah Deniz Prospective Area in the Azerbaijan Sector of the Caspian Sea, including the expansion of the Sangachal terminal project;

(c) The Baku-Novorossiysk pipeline — North Route Export Pipeline;

(d) The Transportation of Petroleum via the Territories of the Azerbaijan Republic, Georgia and the Republic of Turkey through the Baku-Tbilisi-Ceyhan Main Export Pipeline Project;

(e) The Baku-Tbilisi-Erzurum Gas Pipeline — South Caspian Pipeline;

C. *Regarding Belarus*³¹

48. *Endorses* the finding of the Committee that, following the recent legislative changes in Belarus, Belarus has improved its legal framework on EIA and that there were no grounds for finding non-compliance with article 2, paragraph 2, of the Convention;

²⁹ ECE/MP.EIA/IC/2012/6, annex I, paragraph 51.

³⁰ ECE/MP.EIA/IC/2013/4, annex, paragraph 78.

³¹ ECE/MP.EIA/IC/2013/2, annex, paragraph 74; and ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4.

49. *Also endorses* the findings of the Committee that, on 14 March 2013, the date of the adoption by the Committee of its report on its twenty-seventh session, including the findings as an annex to the report, Belarus was in compliance with its obligations under article 3, paragraph 2 (a) and (c), and article 3, paragraph 8, of the Convention in relation to the activities referred to in the submission by Lithuania regarding Belarus on 16 June 2011;

50. *Further endorses* the findings of the Committee that Belarus on 14 March 2013 was in non-compliance with its obligations under article 2, paragraph 6, article 4, paragraph 2, article 5, paragraph (a), and article 6, paragraphs 1 and 2, of the Convention in relation to the activities referred to in the submission;

51. *Requests* the Government of Belarus to take a final decision on the site selection, in full compliance with the requirements of article 6, i.e., ensuring that due account has been taken of the outcome of the EIA documentation, and the comments thereon received pursuant to article 3, paragraph 8, and article 4, paragraph 2, as well as the outcome of the consultations referred to in article 5;

52. *Also requests* Belarus to provide to Lithuania the final decision³² on the proposed activity taken in accordance with the previous recommendation, along with the reasons and considerations on which it was based;

53. *Further requests* Belarus to continue the procedure of transboundary EIA on the basis of the final EIA documentation. To this end, and in accordance with the provisions of the Convention, Belarus should agree with Lithuania on the steps to be followed, answer all Lithuania's questions, and take into consideration the Lithuanian comments;

54. *Urges* Belarus and Lithuania to make further efforts to ensure that the language requirements of public consultations are satisfied;

55. *Requests* Belarus and Lithuania to ensure that the Lithuanian public is informed about the final EIA report and provided with possibilities for making comments or objections to it, in line with article 3, paragraph 8, of the Convention;

56. *Encourages* Belarus and Lithuania to continue consultations, on the basis of article 5, and urges Parties to agree on a reasonable time frame for the consultation period;

57. *Also encourages* Belarus and Lithuania to agree on a post-project analysis in accordance with article 7 of the Convention;

58. *Further encourages* Belarus and Lithuania to conclude the bilateral agreement for the implementation of the Convention in accordance with article 8;

59. *Requests* Belarus and Lithuania to report by the end of each year to the Committee on the implementation of these recommendations;

60. *Welcomes* the steps taken by both Parties since the Committee's twenty-seventh session in following the Committee's recommendations to the Meeting of the Parties, and notes that information about these steps was provided to the Committee which will have to be assessed by the Committee pursuant to paragraph 63 below;

61. *Regrets* that Belarus and Lithuania were not able to agree on the steps undertaken within the transboundary procedures after 14 March 2013;

62. *Invites* Lithuania and Belarus to improve their communication and cooperation for the implementation of the Convention, inter alia, by establishing a

³² The final decision was issued on 2 November 2013.

permanent joint body on post-project analysis according to article 7 and any other relevant issue concerning the Ostrovets nuclear power plant;

63. *Requests* the Implementation Committee to thoroughly analyse the steps undertaken after the adoption of the Committee's report on its twenty-seventh session and to reflect the conclusions of its analysis in the report of the Committee's thirty-third session at the latest, and to report to the Meeting of the Parties at its seventh session on the matter;

64. *Encourages* Belarus to further develop confidence-building measures, including to invite the International Atomic Energy Agency (IAEA) for a Site and External Events Design (SEED) mission with a view to evaluating the site selection criteria and studies for the nuclear power plant, as well as its development and operation, to fully ensure its safety;

IV. Committee initiative

A. *Regarding Albania*³³

65. *Endorses* the finding of the Committee that Albania is in compliance with the Convention in relation to its obligation to report on its implementation of the Convention;

66. *Encourages* Albania to create the necessary institutional framework to ensure the proper implementation of the requirement to report on its implementation and to report to the Committee;

67. *Welcomes* the efforts undertaken by Albania during the intersessional period to implement the Committee's recommendations and notes with appreciation the timely reporting by Albania on its implementation of the Convention in the period 2010–2012;

B. *Regarding Ukraine*³⁴

68. *Endorses* the findings of the Implementation Committee that the extension of the lifetime of the nuclear power plant, subject of the proceedings, after the initial licence had expired, should be considered as a proposed activity under article 1, paragraph (v), of the Convention, and is consequently subject to the provisions of the Convention (see also para. 71 below);

69. *Also endorses* the findings of the Implementation Committee that Ukraine is in non-compliance with its obligations under article 2, paragraph 2, with respect to the general legal and administrative framework applicable in the decision-making for the extension of the lifetime for nuclear reactors;

70. *Further endorses* the findings of the Implementation Committee that Ukraine is in non-compliance with its obligations under article 2, paragraphs 2 and 3, article 4, paragraph 1, and articles 3 and 6 of the Convention with respect to the extension of the lifetimes of reactors 1 and 2 of the Rivne nuclear power plant;

71. *Invites* the Implementation Committee, in the follow-up of the assessment of the case, to take into consideration when evaluating Ukraine's compliance with the Convention the specific circumstances of the case, and the fact that Ukraine has acted in good faith in respect of this project, on the basis of the information that will be provided by Ukraine, which will be assessed by the Implementation Committee.

³³ ECE/MP.EIA/IC/2012/6, annex II, paragraph 31.

³⁴ ECE/MP.EIA/IC/2014/2, annex.

Annex I

Amendments to the structure and functions of the Implementation Committee and procedures for review of compliance

1. Replace paragraph 1 (a) of the structure and functions of the Implementation Committee and procedures for review of compliance (decision III/2, appendix) with the following text:

1. (a) The Committee shall consist of eight Parties.³⁵ Each of the eight Parties shall appoint a permanent member and should appoint an alternate member of the Committee. To ensure continuity of the Committee's discussions, Parties shall ensure that the members participate in all the Committee's sessions and alternate members only as an exception, when the permanent members cannot participate (see also the Committee's operating rule 4, para. 2). Should the permanent member not be able to participate, he/she shall be responsible for briefing the alternate member and facilitating his/her participation in a Committee's session;

2. Before paragraph 1 (b) insert new subparagraphs (b) and (c) as follows (and renumber the final subparagraph accordingly):

(b) At their second meeting, the Parties elected four Parties to the Committee for two terms and four Parties for one term. At each session thereafter, the Meeting of the Parties shall elect four new Parties for two terms. Outgoing Parties may be re-elected once, unless in a given case the Meeting of the Parties decides otherwise. Further to the application of the implementation of the compliance procedure of the Convention to the Protocol (decisions V/6-I/6), Parties to the Convention and to the Protocol shall also cooperate with a view to ensuring that the total of the number of Parties elected under the Convention and under the Protocol shall preferably not exceed 12;

(c) The Committee shall elect its own chair and two vice-chairs. The chair and the first vice-chair of the Committee shall also serve as vice-chairs of the Bureau;

3. Replace paragraph 3 with the following paragraph:

3. Committee meetings shall be open to other Parties and the public, unless the Committee decides otherwise. Parts of meetings dealing with any matter concerning specific submissions relating to compliance shall not be open to other Parties or to the public, unless the Committee and the Party whose compliance is in question agree otherwise.

4. Replace paragraphs 9 and 10 with the following paragraphs:

9. At the invitation of the Committee, a Party in respect of which a submission is made or which makes a submission shall be entitled to attend the Committee's session and present to the Committee information and opinions on that submission,

³⁵ In accordance with decision V/6-I/6 on the application of the compliance procedure of the Convention to the Protocol on Strategic Environmental Assessment, references in the Committee's structure and functions to the Convention and to the Meeting of the Parties to the Convention shall be understood also as referring to the Protocol and to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. In line with paragraph 2 of that decision, where review of compliance of the Protocol is concerned, the Committee should consist of eight Parties to the Protocol. If the elected members represent Parties to Convention that are not yet Parties to the Protocol, the Parties to the Protocol shall elect the necessary number of additional Parties for Protocol matters, to serve for the same term.

but shall not take part in the consideration of the matter, including the preparation and adoption of any report, or of findings and recommendations, of the Committee. The Committee shall decide on the content of any report or findings and recommendations by consensus, send a copy of the draft to the Parties concerned, and shall take into account any representations from such Parties in the finalization of the report (see also operating rule 11, para. 2).

10. A member of the Committee that represents a Party in respect of which a submission is made or which makes a submission shall not participate in, or be present during, the consideration by the Committee of that submission or the follow-up to the related decision by the Meeting of the Parties, including the preparation and adoption of any part of the report or findings and recommendations of the Committee relating to that submission (see also operating rule 17 para. 2).

Annex II

Amendments of the operating rules of the Implementation Committee

1. In the operating rules of the Implementation Committee (decision IV/2, annex IV, as amended by decision V/4), add the following paragraphs to the end of the preamble:

Upon the entry of the force of the Protocol on Strategic Environmental Assessment the Meeting of the Parties to the Convention, at its fifth session, and the Meeting of the Parties of the Convention serving as the Meeting of the Parties to the Protocol, at its first session, decided to extend the application of the compliance procedure of the Convention to the Protocol. Therefore, in accordance with decisions V/6–I/6:

(a) The structure and functions of the Committee and its operating rules, as amended in the light of experience gained by the Committee, shall apply, *mutatis mutandis*, to the Protocol, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;

(b) References to the Convention and to the Meeting of the Parties to the Convention in the Committee's structure and functions and in the Committee's operating rules shall be understood as referring also to the Protocol and to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

2. Replace rule 2 with the following text so as to include an explicit reference to rule 37 of decision I/1 on the rules of procedure:

The following rules of procedure of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context should apply, *mutatis mutandis*, to any meeting of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context, except as otherwise provided in the rules set out herein and in the appendix to decision III/2: rule 3 (Place of meetings); rules 12 and 13 (Agenda); rules 20 to 22 (Officers); rules 24 and 25 (c) (Secretariat); rules 28 and 30 to 35 (Conduct of business), except rule 32, paragraph 2; and rules 37 to 46 (Voting).

3. Amend rule 3 to add a new paragraph (b), as follows (and renumber the subsequent subparagraphs):

(b) "Protocol" means the Protocol on Strategic Environmental Assessment to the Convention, adopted in Kyiv, Ukraine, on 21 May 2003;

4. Replace paragraphs 1 and 2 of rule 4 with the following:

1. The Meeting of the Parties shall elect Parties to serve for two terms in the Committee. Each Party elected by the Meeting of the Parties shall appoint a

permanent member of the Committee for two terms. Each Party elected by the Meeting of the Parties should also appoint an alternate member for two terms. The term of office of a member shall commence with the appointment by a Party. This paragraph should apply without prejudice to the right of a Party elected by the Meeting of the Parties to appoint in exceptional cases a permanent replacement for the permanent or the alternate member.

2. Members are expected to participate in every meeting of the Committee. If in exceptional cases the permanent member is unable to participate in a meeting of the Committee, the alternate member shall participate and the Party shall inform the Chair and the secretariat accordingly well in advance of the meeting. To ensure continuity in the Committee's deliberations, Parties should avoid rotation of permanent members and alternate members in a Party's participation in the Committee meetings. The responsibility for the proper briefing of the alternate member and the facilitation of his/her participation in a meeting rests with the permanent member who cannot participate. If the alternate member is also unable to participate, the respective Party should make every effort to find a suitable replacement of its nominated members for that meeting of the Committee, informing the Chair and the secretariat accordingly well in advance of the meeting.
5. Add new paragraph 4 at the end of rule 4, as follows:
 4. Committee members elected for Protocol matters only may participate in the consideration of an issue relating to compliance with the Convention, provided that there is no objection by a Committee member elected for Convention matters. However, a Committee member elected for Protocol matters should not take part in decision-making concerning Convention matters and should not act as curator for an issue relating to compliance with the Convention, but might provide information, opinions and advice. This rule should be applied, *mutatis mutandis*, in the case of a Committee member elected for Convention matters only, but representing a Party to both the Convention and the Protocol. Further, this rule should be applied without prejudice to paragraphs 10 (entitlement to participate) and 12 (competence) of the structure and functions of the Committee and procedures for review of compliance, and without prejudice to the Committee's operating rules 5 (members), and 18 and 19 (decision-making).
6. In rule 5, replace paragraph 2 with the following:
 2. A member that represents a Party in respect of which a submission is made or which makes a submission should not participate in the consideration by the Committee of that submission or the follow-up to a related decision by the Meeting of the Parties, and should not participate in, or be present during, the preparation and adoption of any part of a report, finding or recommendation of the Committee that relates to that submission. This paragraph should be applied, *mutatis mutandis*, in the case of a Committee initiative.
7. In rule 6, replace paragraph 1 with the following:
 1. The Committee should elect a chair and two (first and second) vice-chairs for one term. They should serve in those capacities until their successors are elected. The chair and vice-chairs may be re-elected. If an officer resigns during, or is unable to complete, his or her term of office, the Committee should elect a successor until the end of the term. The Chair and the first Vice-Chair of the Committee shall also serve as Vice-Chairs of the Bureau, unless the Meetings of the Parties decide otherwise.

8. In rule 11, replace paragraph 2 with the following and add a new paragraph 3 (renumbering subsequent paragraphs):
 2. When it is known that the Committee will discuss the matter of any submission at a particular meeting, the secretariat should notify the Parties involved that the matter will be discussed as well as of their right to present to the Committee information and opinions on the matter under consideration.
 3. The Committee should not begin to prepare or adopt any finding or recommendation that relates to a submission before the Party in respect of which a submission is made or which makes a submission, at the invitation of the Committee, presents their views on the submission before the Committee.
9. At the end of rule 11, add new paragraphs 5, 6 and 7, as follows:
 5. Information presented to the Committee should be as concise and concrete as possible. Parties should avoid including information that is not strictly necessary to establish the existence and nature of the alleged non-compliance or to respond to the allegations or to the Committee's requests for additional information. If the information is inevitably lengthy due to the complexity of the matter and the volume of the related information, it is recommended that Parties include a three-page (maximum) summary with the main facts and/or arguments of their position.
 6. Parties are requested to submit any information to the Committee through the secretariat. The information should be submitted in electronic form, and as relevant, by sending original copies subsequently by post.
 7. The information should consist of original documents and their English translation. The Committee may choose not to consider documentation referred to by the Parties via web links.
10. In rule 12, replace paragraph 2 (e) with the following:
 - (e) In circumstances of persistent non-compliance since the previous Meeting of the Parties, a recommendation to the Meeting of the Parties to suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, the special rights and privileges accorded to the Party concerned under the Convention and the Protocol, including the possibility to appoint a member to the Implementation Committee.
11. In rule 17, replace paragraph 2 with the following:
 2. A Party in respect of which a submission is made or which makes a submission shall not participate in, or be present during, the consideration by the Committee of that submission, including the preparation and adoption of any part of the findings or recommendations of the Committee relating to that submission (see also para. 10 of the Committee's structure and functions).
12. Replace rule 19 with the following:

In between meetings, electronic means of communication might be used by the members for the purpose of decision-making and of conducting informal consultations on issues under consideration. Decisions can only be taken by electronic means of communication if all members participate in decision-making by submitting to the Chair and the secretariat their vote or abstention within the deadline set by the secretariat in consultation with the Chair, or by not replying at all within 10 days to the Chair's request for decision-making by electronic means of communication. Any decisions taken by electronic means of communication should be reflected in the report of the meeting of the Committee that follows the taking of the decision.

Decision VI/6

Aligning the authentic language versions of the Convention

The Meeting of the Parties to the Convention,

Recalling decision II/10 of the Meeting of the Parties to the Convention on the review of the Convention,

Aware that discrepancies between the three authentic language versions of the Convention have been identified in the course of the implementation of the Convention,

Concerned that such discrepancies might lead to different interpretations and inconsistencies in the application of the Convention by its Parties,

Determined to ensure the full alignment of the three authentic texts of the Convention,

Having considered the outcome of the review of the text of the three authentic language versions of the Convention conducted by a team of editors of the United Nations, listing discrepancies between these three versions,

Having also considered the additional guidance provided by the Treaty Section of the United Nations Office for Legal Affairs,

Additionally having considered the possible further discrepancies observed by Belarus and the non-governmental organization European ECO Forum between the English and the Russian versions of the Convention, and by Switzerland between the English and French versions of the Convention,

Further having considered the work by the ad hoc task force established by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment to review the discrepancies identified and to distinguish between technical errors to be addressed through a correction procedure and possible substantive discrepancies to be addressed through the amendment procedure, set out in article 14 of the Convention;

1. *Agrees* that discrepancies identified between the three authentic language versions of the Convention are of a technical nature;

2. *Proposes* that these technical discrepancies should be addressed through a correction procedure;

3. *Requests* the secretariat to submit the list of proposed corrections to the Convention, as annexed to this decision, to the Secretary-General of the United Nations as the depositary of the Convention with a view to their being addressed accordingly.

Annex

List of proposed corrections to the Convention³⁶

1. Preamble, fourth paragraph, Russian text

For значительных вредных видов воздействий *read* значительного вредного воздействия

³⁶ For the authentic language versions of the Convention, see the Certified True Copy, available from https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf.

2. **Preamble, last paragraph, French text**
For Bergen, (Norvège) read Bergen (Norvège)
3. **Article 1, paragraph (iv), Russian text**
For в применении методов оценки read в оценке
4. **Article 1, paragraph (iv), French text**
For en application à read en application de
5. **Article 2, paragraph 1, French text**
For combattre l'impact read maîtriser l'impact
6. **Article 2, paragraph 1, Russian text**
For воздействия в результате read воздействия на окружающую среду в результате
7. **Article 2, paragraph 2, Russian text**
For общественности, и подготовку документации read общественности и подготовки документации
8. **Article 2, paragraph 6, Russian text**
For затронуты read подвергнуты воздействию
9. **Article 2, paragraph 8, Russian text**
For интересам национальной безопасности read национальной безопасности
10. **Article 3, paragraph 1, French text**
For suffisantes read adéquates
11. **Article 3, paragraph 2 (b), English text**
For The nature read Information on the nature
12. **Article 3, paragraph 4, first sentence, English text**
For paragraphs 5, 6, 7 and 8 read paragraphs 5 to 8
13. **Article 3, paragraph 4, first sentence, French text**
For paragraphes 5, 6, 7 et 8 read paragraphes 5 à 8
14. **Article 3, paragraph 4, first sentence, Russian text**
For пунктов 5, 6, 7 и 8 read пунктов 5–8
15. **Article 3, paragraph 6, first sentence, English text**
For An affected Party read The affected Party
16. **Article 3, paragraph 7, third sentence, French text**
For elles peuvent, l'une ou l'autre, soumettre read l'une quelconque d'entre elles peut soumettre

17. **Article 3, paragraph 6, Russian text**
For при необходимости *read* при целесообразности
18. **Article 3, paragraph 8, Russian text**
For затронуты *read* подвергнуты воздействию
19. **Article 4, paragraph 2, first sentence, French text**
For à la Partie touchée, par l'intermédiaire, selon qu'il convient, d'un organe commun *read* à la Partie touchée et, selon qu'il convient, par l'intermédiaire d'un organe commun
20. **Article 4, paragraph 2, first sentence, Russian text**
For затрагиваемой Стороне соответствующим образом через совместный орган *read* затрагиваемой Стороне, при целесообразности, через совместный орган
21. **Article 5 (a), Russian text**
For альтернативу неприятия никаких действий *read* вариант отказа от деятельности
22. **Article 5, last paragraph, second sentence, Russian text**
For орган там, где таковой *read* орган, если таковой
23. **Article 6, paragraph 1, Russian text**
For консультаций, указанных в Статье 5 *read* указанных в Статье 5 консультаций
24. **Article 7, paragraph 1, first sentence, Russian text**
For осуществляется *read* осуществлялась
25. **Article 8, second sentence, French text**
For dispositions fondamentales énumérées *read* éléments énumérés
26. **Article 11, paragraph 1, first sentence, English text**
For Senior Advisers to ECE Governments on Environmental and Water Problems *read* Senior Advisers to Governments of the Economic Commission for Europe on Environmental and Water Problems
27. **Article 11, paragraph 1, first sentence, French text**
For des Conseillers des gouvernements des pays de la CEE pour les problèmes de l'environnement et de l'eau *read* des Conseillers des gouvernements des pays de la Commission économique pour l'Europe pour les problèmes de l'environnement et de l'eau
28. **Article 11, paragraph 1, first sentence, Russian text**
For советников правительств стран ЕЭК по проблемам окружающей среды и водных *read* советников правительств стран Европейской экономической комиссий по проблемам окружающей среды и водных ресурсов
29. **Article 11, paragraph 2 (c), French text**
For de comités scientifiques et d'organismes internationaux *read* d'organismes internationaux et de comités scientifiques

- 30. Article 14, paragraph 4, first sentence, Russian text**
For доводит до сведения всех Сторон *read* направляет всем Сторонам
- 31. Article 15, paragraph 1, Russian text**
For способом по своему усмотрению *read* способом, приемлемым для сторон спора
- 32. Article 16, Russian text**
For передали *read* включая
- 33. Article 17, paragraph 1, Russian text**
For его государствами *read* ее государствами
- 34. Appendix I, subparagraph (a) of the footnote to paragraph 7, Russian text**
For участков на временной *read* участков или на временной
- 35. Appendix I, paragraph 9, Russian text**
For допускающих *read* допускающие
- 36. Appendix I, item 10, Russian text**
For Установки *read* Сооружения
- 37. Appendix II, subparagraph (b), French text**
For des solutions de remplacement (par exemple en ce qui concerne le lieu d'implantation ou la technologie) *read* des solutions de remplacement (par exemple en ce qui concerne le lieu d'implantation ou la technologie) de l'activité proposée
- 38. Appendix II, subparagraph (d), Russian text**
For описание возможных видов воздействия на окружающую среду планируемой деятельности и ее альтернативных вариантов и оценка их масштабов *read* описание возможного воздействия на окружающую среду планируемой деятельности и ее альтернативных вариантов и оценка его значительности
- 39. Appendix II, subparagraph (e), Russian text**
For описание предохранительных мер *read* описание мер по уменьшению воздействия
- 40. Appendix III, title, Russian text**
For экологического значения *read* значительности воздействия на окружающую среду
- 41. Appendix III, paragraph 1, Russian text**
For изучить *read* рассмотреть
- 42. Appendix III, paragraph 1 (b), English text**
For under the Ramsar Convention *read* under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

- 43. Appendix III, paragraph 1 (b), French text**
For la Convention de Ramsar *read* la Convention relative aux zones humides d'importance internationale particulièrement comme habitats des oiseaux d'eau (Convention de Ramsar)
- 44. Appendix III, paragraph 1 (b), Russian text**
For Рамсарской конвенции *read* Конвенции о водно-болотных угодьях, имеющих международное значение главным образом в качестве местобитаний водоплавающих птиц (Рамсарская конвенция)
- 45. Appendix III, paragraph 1 (c), Russian text**
For виды деятельности, оказывающие особенно сложное и потенциально вредное воздействие, включая такие виды воздействия, которые влекут за собой серьезные последствия для людей *read* виды деятельности, имеющие особенно сложные и потенциально вредные последствия, включая такие, которые влекут за собой серьезные последствия для людей
- 46. Appendix IV, paragraph 4, third sentence, Russian text**
For председатель соответственно информирует *read* председатель информирует
- 47. Appendix IV, paragraph 12, second sentence, French text**
For est assorti, éventuellement, de l'exposé des opinions dissidentes *read* est assorti de l'exposé d'éventuelles opinions dissidentes
- 48. Appendix V, first sentence, French text**
For a notamment pour objet *read* a pour objet
- 49. Appendix VI, paragraph 1, French text**
For le champ *read* le champ d'application
- 50. Appendix VI, paragraph 2 (f), Russian text**
For значение *read* значительность
- 51. Appendix VII, paragraph 1, first sentence, Russian text**
For Статьи 5 *read* Статьи 15

Decision VI/7

Application of the Convention to nuclear energy-related activities

The Meeting of the Parties to the Convention,

Recalling its decision V/9–I/9 on adoption of the workplan up to the fifth meeting of the Parties,

Having considered the outcome of the workshop on the long-range impacts of nuclear energy-related activities foreseen in the workplan (ECE/MP.EIA/WG.2/2013/7, annex II),

Having also considered the outcome of the panel discussions on nuclear energy-related projects likely to have a significant adverse transboundary impact held at the fifth meeting of the Parties to the Convention (ECE/MP.EIA/15, paras. 44–47) and the background document prepared by the secretariat on the topic (ECE/MP.EIA/2011/5),

Additionally having considered the outcome of the discussions held on nuclear-energy related activities under the auspices of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/WG.1/2013/6, paras. 22–73),³⁷

Aware that nuclear energy-related activities are being carried out or planned in the region,

Also aware of the opinions, findings and recommendations of the Implementation Committee under the Convention and the Protocol on Strategic Environmental Assessment regarding the application of the Convention to planned nuclear energy-related activities,

Recognizing that it is essential for Parties to meet fully their obligations deriving from the Convention and therefore urging them all to do so,

1. *Notes* the main findings of the workshop, which state, inter alia, that:

(a) Nuclear energy-related activities imply special challenges due to, e.g., the potentially wide scope of severe impacts, great public concern and national interests;

(b) There was a major benefit in having an open discussion and sharing experiences, which showed the diversity of different practices in applying the Convention to such activities and facilitated learning from each other;

(c) Mutual understanding of other Parties' needs gives good ground for their better cooperation with a view to fully applying the Convention;

(d) Further discussion is needed on identifying good practice in applying the Convention to nuclear energy-related activities;

2. *Welcomes* the practical experience presented at the workshop by countries and organizations within the region and beyond;

3. *Recognizes* the need for good practice recommendations to assist countries in the practical application of the Convention to nuclear energy-related activities;

³⁷ Available from <http://www.unece.org/env/pp/aarhus/wgp16.html>.

4. *Proposes* to include in the Convention workplan the elaboration, with the assistance of a consultant, of good practice recommendations to support the application of the Convention to nuclear energy-related activities;

5. *Decides* that the recommendations should build on document ECE/MP.EIA/2011/5 on the application of the Convention to nuclear energy-related activities;

6. *Establishes* an editorial group with a mandate to oversee the development of the draft recommendations;

7. *Decides* that the ad hoc editorial group should work electronically and finalize the draft recommendations for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment before their submission for adoption to the Meeting of the Parties to the Convention at its seventh session;

8. *Invites* Parties and non-Parties and other stakeholders to lead and contribute to work under this activity, including through providing further examples of practical experience for inclusion in the recommendations which the secretariat shall make available on the Convention website.

Decision VI/8

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

The Meeting of the Parties to the Convention,

Recalling decision V/9–I/9 of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment on the adoption of the workplan,

Recognizing that in the past decades Parties and non-Parties to the Convention in Eastern Europe, the Caucasus and Central Asia have significantly developed their legislation on environmental impact assessment, in line with their obligations under the Convention,

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,

Wishing to assist Parties to the Convention in Eastern Europe, the Caucasus and Central Asia in complying fully with their obligations under the Convention, and to promote the effective application of the Convention in the subregion,

Recognizing that compliance concerns both legal implementation and practical application,

1. *Endorses* the general guidance on enhancing consistency between the Convention and environmental impact assessment within State ecological expertise in Countries of Eastern Europe, the Caucasus and Central Asia (Guidance), as contained in document ECE/MP.EIA/2014/2;

2. *Recommends* that the Parties in Eastern Europe, the Caucasus and Central Asia take into account the contents of the Guidance when implementing and applying the Convention;
 3. *Calls on* these Parties to distribute the Guidance to authorities and relevant stakeholders;
 4. *Proposes* that the Guidance is used in the capacity-building activities included in the workplan.
-