**Economic Commission for Europe**

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|  |  | ECE/MP.EIA/2019/INF.2English only12 December 2018 |

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 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 |  |  |  |  |
| 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 |
| 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]](#footnote-5) | 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** |
| *For entry into force, needed in total:* | 23 + 14 | 30 +14 |  |  |
| ***For the 1st amendment to have effect, need further:*** | **6** |  |  |  |

**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 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]](#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. 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 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 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.

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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 |
| 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 |

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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 report ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 9) [↑](#footnote-ref-6)
6. Source: Ministry of Foreign Affairs of Romania, with Romania being the Depositary for the Agreement. [↑](#footnote-ref-7)