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### Economic Commission for Europe

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

Items 6 and 11 (a) of the provisional agenda

**Review of compliance, review of implementation and work  
done by the Implementation Committee**

**Adoption of decisions: decisions to be taken by the  
Meeting of the Parties to the Convention**

### Report on the activities of the Implementation Committee

#### Note by the Implementation Committee

##### *Summary*

In accordance with the structure and functions of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/6, annex II, appendix, para. 11), the present document contains the report of the Implementation Committee on its activities since the last session of the Meeting of the Parties to the Convention (MOP), as well as such recommendations as it considers appropriate. In addition, the workplan adopted by the MOP at its fifth session and the MOP serving as the Meeting of the Parties to the Protocol (MOP/MOP) at its first session, calls for the Committee to report to both bodies at their sixth and second sessions, respectively (see ECE/MP.EIA/SEA/2, decision V/9–I/9).

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More details on the Committee's deliberations are presented in the Committee's reports on its sessions during the intersessional period 2011–2014. The Committee's recommendations to the MOP and MOP/MOP, presented in this report, were adopted unanimously.

The MOP and the MOP/MOP are expected to consider the information provided.

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## I. Introduction

### A. Membership and sessions of the Implementation Committee

1. In the intersessional period 2011–2014, the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) reviewed compliance under the Convention and the Protocol, in accordance with article 14, paragraph 6, of the Protocol, and decision V/6–I/6 adopted at the fifth session of the Meeting of the Parties Convention (MOP) and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP/MOP) (see ECE/MP.EIA/SEA/2).

2. The members of the Implementation Committee and the Parties they represented at the Committee for Convention matters were: Ms. Elyanora Grigoryan (Armenia); Ms. Tatiana Javanshir, and later Mr. Rasim Sattarzada (from the twenty-third session) and Ms. Aysel Babayeva (from the twenty-fifth session) (Azerbaijan); Ms. Nina Stoyanova, and later Ms. Silviya Dimitrova (from the twenty-fourth session) (Bulgaria); Mr. Michel Prieur (France); Ms. Tatiana Plesco (Republic of Moldova); Mr. Felix Zaharia (Romania); Ms. Vesna Kolar-Planinšič (Slovenia); and Ms. Lourdes Aurora Hernando (Spain). Azerbaijan, Bulgaria, the Republic of Moldova and Slovenia were elected to nominate members at the fourth session of the Meeting of the Parties, so members nominated by them were serving their second term. Armenia, France, Romania and Spain were elected to nominate members at the fifth session of the Meeting of the Parties (MOP-5).<sup>1</sup>

3. Additionally, in accordance with the election processes set out in paragraphs 2 and 3 of decision V/6–I/6, the members of the Committee and the Parties they represented at the Committee for Protocol matters were: Ms. Grigoryan (Armenia); Mr. Jørgen Brun (Norway); Mr. Jerzy Jendroska (Poland); Mr. Zaharia (Romania); Ms. Lubica Papajová Majeská (Slovakia); and Ms. Hernando (Spain). The six members were elected to join the two continuing members of the Committee for Protocol matters, Bulgaria and Slovenia, while Norway was elected to serve as an alternate to Azerbaijan, Slovakia as an alternate to France and Poland as an alternate to the Republic of Moldova.

4. The Committee nominated Ms. Kolar-Planinšič as Chair of the Committee, Ms. Stoyaneva as the first Vice-Chair, Mr. Zaharia as the second Vice-Chair and Ms. Hernando as the third Vice-Chair. At the Committee's twenty-third session, further to the departure of Ms. Stoyanova from the Committee, Mr. Zaharia replaced Ms. Stoyanova as the first Vice-Chair and Ms. Hernando replaced Mr. Zaharia as the second Vice-Chair. The Committee did not re-elect a new third Vice-Chair.

5. On repeated occasions, the Chair recalled rule 4, paragraph 2, of the Committee's operating rules (decision IV/2, annex IV, as amended by decision V/4) to stress the obligation of all members to participate in all of the Committee sessions including for sharing the Committee's heavy workload. She also expressed concerns about the numerous changes in membership that had taken place since the establishment of the Committee by the MOP in June 2011.

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<sup>1</sup> Mr. Ismayil Alakbarov and Mr. Florin Tudorie exceptionally replaced the Committee members nominated by Azerbaijan and Romania at the Committee's twenty-fourth and twenty-fifth sessions, respectively. Mr. José Ignacio Contreras exceptionally replaced the Committee member nominated by Spain at the Committee's twenty-ninth and thirtieth sessions.

6. Until the Committee's twenty-third session, the Committee members for Protocol matters did not attend those agenda items that concerned Convention matters only. Starting at its twenty-fourth session, with a view to making the best use of the substantial expertise of all of its members, the Committee agreed that Committee members elected for Protocol matters only but representing a Party to both the Convention and the Protocol may participate in the consideration of an issue relating to compliance with the Convention, provided there is no objection by a Committee member elected for Convention matters. The rule would apply, *mutatis mutandis*, when the Committee considers an issue relating to compliance with the Protocol.<sup>2</sup> The rule has been incorporated in the Committee's proposal for amendments to the operating rules of the Implementation Committee, to be considered by the MOP at its sixth session (MOP-6) and the MOP/MOP at its second session (MOP/MOP-2).

7. The Committee held nine sessions<sup>3</sup> in the intersessional period since MOP-5 and the first session of the MOP/MOP.<sup>4</sup> Reports of the Committee's sessions were made available to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Working Group on EIA and SEA), and were published on the Convention website.

8. The Committee has underlined that, in line with its operating rules, each member had the duty to ensure the confidentiality of information within its review of compliance by Parties with their obligations under the Convention. The Committee members should clarify this point with any Party that seeks to receive information other than that which is publicly available.

## **B. Activities assigned to the Committee**

9. The MOP took a number of decisions regulating the operation of and assigning activities to the Committee, which were carried out as described in this report. These decisions were:

(a) To establish the Committee for the review of compliance by the Parties with their obligations under the Convention with a view to assisting them fully to meet their commitments (decision II/4, para. 1);

(b) To decide on the structure and functions of the Committee and the procedures for review of compliance (decision III/2, appendix, para. 2);

(c) To extend the application of the compliance procedure of the Convention to the Protocol on SEA (decisions I/6–V/6);

(d) To request the secretariat to bring to the attention of the Committee general and specific compliance issues identified in the Third Review of implementation of the Convention, and to request the Committee to take these into account in its work (decision V/3, para. 4);

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<sup>2</sup> ECE/MP.EIA/IC/2012/2, paragraph 6.

<sup>3</sup> Only eight meetings of the Committee had been budgeted for the intersessional period 2011–2014, but the Bureau authorized the secretariat to identify funds from the Convention budget to cover the cost of the additional meeting.

<sup>4</sup> In addition, a half-a-day session was planned to be held on 2 June 2014, immediately prior to MOP-6 and MOP/MOP-2, to address any outstanding issues, as needed.

- (e) To request the Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible (decision V/4, para. 11);
- (f) To adopt the amendment to the operating rules of the Committee set out in the annex to decision V/4 (decision V/4, para. 14) concerning the availability of documents and information through the Convention website;
- (g) To keep under review and develop, if necessary, the structure and functions of the Committee, as well as the operating rules, including recommendations to the Meeting of the Parties on the imposition of sanctions for non-compliance (decision V/4, para. 15);
- (h) To adopt the workplan for compliance with and implementation of the Convention and the Protocol in the period up to MOP-6 and MOP/MOP-2, including:
  - (i) Consideration by the Committee of compliance submissions received;
  - (ii) If necessary, review of the Committee's structure and functions and operating rules (see also (g) above);
  - (iii) Examination of the outcome of the Third Review of implementation;
  - (iv) Simplification of the questionnaire for the report on implementation of the Convention, and its extension for the Protocol;
  - (v) Supervision of country-specific performance reviews and technical assistance in drafting legislation, in agreement with Parties wishing to strengthen their implementation of and compliance with the Convention and the Protocol, as decided by the Committee and subject to availability of funds, including reviews within a period in-country examining legislation, procedure and practise (case study), and building upon earlier reviews further to decision IV/2;
  - (vi) A number of dispositions regarding Ukraine (decision V/4, paras. 17–26), Armenia (decision V/4, paras. 27–28), Romania (decision V/4, paras. 29–30) and Azerbaijan (decision V/4, paras. 31–32);
  - (vii) A report on the Committee's activities to MOP-6 and MOP/MOP-2.

10. In addition, the development of general guidance on resolving a possible systemic inconsistency between the Convention and environmental assessment within the framework of State ecological expertise was carried out as foreseen in the workplan (see decision V/9–I/9) by two international consultants to the secretariat, including substantial input by the Implementation Committee.

## **II. Follow-up to decision V/4**

### **A. Ukraine**

*Committee reference:* EIA/IC/S/1

11. In its decision V/4, the MOP declared that the caution issued to Ukraine at its fourth session was effective and the Government of Ukraine was required to report by the end of each year to the Committee on steps taken to bring into full compliance the Danube-Black Sea Deep-Water Navigation Canal in the Ukrainian sector of the Danube Delta (the so-called Bystroe Canal Project, hereinafter “the Project”) and on post-project analysis, as well as on the implementation of its strategy for implementing the Convention, in particular concrete legislative measures adopted to that effect (decision V/4, para. 24).

12. During the intersessional period, the Government of Ukraine provided information within the deadlines set by the MOP decision and as requested by the Committee. The Committee followed closely the steps taken by the Government to bring about compliance with its obligations under the Convention, as requested by the MOP at its fifth session. On repeated occasions, the Committee expressed concern at the lack of progress in relation to the implementation of the strategy of the Government to implement the Convention, especially in relation to the adoption of concrete legislative measures to that effect. Although Ukraine had agreed on the adequate steps to bring the Project into full compliance, through the conclusions of an intergovernmental coordinating council, it provided no information to the Committee regarding the progress in the implementation of those steps.

13. In February 2014, the Committee concluded its consideration of the matter. It considered the information provided by the Governments of Ukraine and Romania. The latter had been invited by the Committee to comment on the progress in the implementation by Ukraine of decision V/4.

14. The Committee observed that Ukraine's answers focused on information about the preparation of legislation and the progress achieved with regard to monitoring. It welcomed the information on monitoring as a good basis for meeting the requirements under article 7 of the Convention. However, the Committee regretted that, despite being explicitly requested to do so, Ukraine had still failed to provide complete and specific information on the progress achieved with regard to the implementation of the strategy of the Government to implement the Convention; the adoption of concrete legislative measures to that effect; and the specific actions to bring the Project into full compliance with the Convention.

15. Specifically, the Committee noted the lack of progress regarding the adoption of the new draft law of Ukraine on "Amendments to some Laws of Ukraine on implementation of the Convention", which according to Ukraine was supposed to bring Ukrainian legislation into compliance with the Convention. The law was expected to be adopted by the parliament by the end of 2013, but its adoption was still pending.

16. Moreover, no information was available on how Ukraine had taken into account the specific measures envisaged in the report of the European Union (EU)-funded project to support Ukraine in its implementation of the Convention (as recommended by the MOP in decision V/4, para. 24, in conjunction with para. 19 and footnote 24) to bring the Project into full compliance with the Convention. In that respect, the Committee noted the information provided by Romania that Ukraine had taken the decision to continue implementation of the project, as evidenced, inter alia, by the Action Plan on the Implementation of the State Programme for Enhancing Economic Development during 2013–2014, adopted by the Council of Ministers of Ukraine by decision No. 187 of 27 July 2013; and that the Ukrainian authorities, in addition to maintenance works, had continued dredging the canal at the ports on the Ukrainian side of the river to keep waterways navigable.

17. On the basis of the above, the Committee noted with concern that Ukraine had demonstrated very little progress during the intersessional period in bringing about compliance with its obligations under the Convention, as requested by the MOP at its fifth session, while the recent decisions by the Government to continue dredging activities might indicate a further breach of its obligations under the Convention. Consequently, the Committee agreed that it had no basis to recommend to the MOP to revise its recommendations set out in decision V/4 concerning compliance by Ukraine, including that the caution issued at MOP-4 remain effective. The Committee also agreed that the MOP

decision on review of compliance would set specific deadlines for the implementation of the MOP recommendations by Ukraine.

## **B. Armenia**

*Committee reference: EIA/IC/CI/1*

18. In its decision V/4, the MOP welcomed the preparation by the Government of Armenia, with the assistance of the Committee and the Convention secretariat, of draft revised legislation for the implementation of the Convention in accordance with the Committee's findings (IV/2, annex II); and requested Armenia to adopt the draft legislation.

19. During the intersessional period, the Committee considered reports by the member of the Committee representing Armenia on the progress in adopting the draft legislation on environmental assessment, as requested by the MOP.

20. At the request of the Committee, in February 2014, the international consultant provided his opinion on the concordance of the draft environmental assessment legislation with his recommendations. The Committee noted that most elements of his recommendations had been included in developing the draft law, which had not yet been adopted, but was currently before the Parliament. The Committee further noted some weaknesses identified in the draft, notably with regard to the public participation procedure within the environmental impact assessment (EIA) procedure; and welcomed information by Armenia on how it planned to address any weaknesses, i.e., by way of implementing regulations and revisions of the draft law between its first and second readings in parliament. The Committee then invited Armenia to adopt the draft law as soon as possible. In doing so, Armenia was also encouraged to address the issues raised by the consultant in his written opinion and in discussions with the Committee.

21. The Committee also agreed to recommend that Armenia address strategic environmental assessment (SEA) procedures in a separate law. It welcomed information that the secretariat could offer technical assistance in that regard through the EU-funded Greening Economies in the European Union's Eastern Partnership countries (EaP GREEN) programme starting in 2014 with a review of the legislative and institutional framework for the application of SEA.

## **C. Romania**

*Committee reference: EIA/IC/S/2*

22. In its decision V/4 (para. 30), the MOP urged the Governments of Romania and Ukraine to accelerate negotiations to cooperate in the preparation of a bilateral agreement or other arrangement in order to support further the provisions of the Convention, as set out in article 8 of the Convention, and had invited them in that context to consider extending the list of activities subject to the Convention in relation to the protection of the Danube Delta and to introduce provisions on management and monitoring.

23. The Governments of Romania and Ukraine provided information on how they had implemented the MOP decision. The Committee welcomed the steps undertaken by the two Governments, but noted the slow progress in the negotiation of a bilateral agreement or other arrangement. This, according to Romania, depended on the adoption by Ukraine of the draft law on "Amendments to some Laws of Ukraine on implementation of the Convention" (see para. 15 above). The Committee also welcomed the information by Ukraine on monitoring as a good basis for meeting the requirements under article 7 of the



Convention. The Committee agreed to encourage Romania and Ukraine to continue their efforts and to endeavour to strengthen their cooperation in preparing a bilateral agreement or other arrangement to support further the provisions of the Convention.

#### **D. Azerbaijan**

*Committee reference: EIA/IC/CI/2*

24. The Committee initiative on Azerbaijan was prompted by Azerbaijan's responses to the questionnaire on its implementation of the Convention in the period 2009–2011, indicating that it lacked national legislation on the application of the Convention and by the request from Azerbaijan for technical assistance from the Committee in that regard. In its decision V/4, the MOP encouraged Azerbaijan to implement the recommendations of its second Environmental Performance Review (ECE.CEP/158) with respect to EIA and SEA and welcomed the technical advice for the review of Azerbaijan's current and draft legislation on EIA, which was carried out by an international consultant to the secretariat.

25. During the intersessional period, the Committee considered regular reports by the secretariat and the member of the Committee representing Azerbaijan, on the progress in the implementation of the technical advice to Azerbaijan to assist it to comply fully with the Convention. It also considered the report by the international consultant on the concordance of the draft legislation with the Convention and his recommendations.

26. In February 2014, the Committee was informed that the draft legislation was still being processed at the ministerial level. Previously, the Committee had noted the delays in the adoption of the law. The law would constitute a framework law on environmental assessment covering both EIA and SEA, and would be later complemented by more detailed implementing regulations of the Cabinet of Ministers. The Committee noted the recent main revisions to the draft law reported by Azerbaijan. It also expressed concerns about the quality of the new draft, because the regulation of several important elements under the Convention were to be subsequently detailed through implementing regulations after the adoption of the law. The Committee agreed to urge Azerbaijan to ensure that the draft framework law on environmental assessment, as well as the subsequent implementing regulations to be adopted, comply fully with the Convention. To that end, Azerbaijan was advised to take into account the recommendations of the international consultant, and also the general guidance on enhancing consistency between the Convention and EIA in the framework of State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia, expected to be adopted by the MOP at its sixth session (ECE/MP.EIA/2014/2).

### **III. Examination of the outcome of the Third Review of Implementation**

27. The secretariat presented to the Committee general and specific compliance issues identified in the Third Review of Implementation (ECE/MP.EIA/2011/2 and ECE/MP.EIA/2011/3), and in the completed questionnaires on which it was based. The Committee took this information into account in its work, as requested in MOP decision V/3 (para. 4).

## A. General compliance issues

28. The Committee considered general compliance issues in the process of revising the questionnaire on implementation (see chapter VII below).

## B. Specific compliance issues

29. The Committee examined four specific compliance issues, as summarized in table 1. One of them, regarding Albania, led to a Committee initiative. The correspondence between the Committee and concerned Parties on specific compliance issues arising from the review of implementation are posted on the Convention's website,<sup>5</sup> further to the Committee's decision at its eighth meeting (Geneva, 14–15 November 2005) to do so as an illustration of the Committee's approach to a specific compliance issue and of a proper and sufficient response from a Party to address the issue.

30. In addition, Montenegro had requested assistance from the secretariat for the implementation of the Convention. That request was not reflected in the workplan adopted by the MOP at its fifth session, at which Montenegro had not been represented. At the request of the Committee, the secretariat contacted Montenegro to enquire whether it wished to make a "self-referral" as set out in decision III/2, appendix, paragraph 5 (b), which would provide the basis for the Committee to give the requested assistance to Montenegro through conducting a country-specific performance review. However, no self-referral was made.

31. The Committee was satisfied with the clarifications provided by Croatia, Portugal and the Republic of Moldova. The Committee decided to begin a Committee initiative regarding Albania.

Table 1  
**Specific compliance issues**

<i>Committee reference</i>	<i>Party concerned</i>	<i>Issue</i>
EIA/IC/SCI/3/1	Croatia	Seemed to have notified the affected Party's public only after the public hearing had been held in the Party of origin.
EIA/IC/SCI/3/2	Portugal	Had excluded offshore hydrocarbon production from its list of activities.
EIA/IC/SCI/3/3	Republic of Moldova	Seemed to lack detailed provisions in its legislation for proper implementation of the Convention.
EIA/IC/SCI/3/4, which led to EIA/IC/CI/3	Albania	Did not complete and return the questionnaire on its implementation of the Convention in the period from 2006 to 2009. The only Party that failed to report in that review period. The Party had also failed or had difficulties in reporting in the previous reporting cycles. The Committee began a Committee initiative.

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<sup>5</sup> See [http://www.unece.org/env/eia/implementation/implementation\\_committee\\_letters.html](http://www.unece.org/env/eia/implementation/implementation_committee_letters.html).

### **1. Regarding Croatia**

*Committee reference:* EIA/IC/SCI/3/1

32. In December 2011, the Committee considered the clarification provided by Croatia that its reply to the questionnaire had been incorrect and describing the notification procedures. The Committee agreed that the response was to its satisfaction.

### **2. Regarding Portugal**

*Committee reference:* EIA/IC/SCI/3/2

33. Since September 2011, the Committee repeatedly sought clarification from Portugal on whether the national list of activities subject to EIA included “offshore hydrocarbon production” as listed in appendix I to the Convention. Having received the Government’s response to its letter of September 2011 more than one year later, in November 2012, the Committee stressed that the Government had the responsibility to provide the Committee with the requested information fully and in a timely manner. Additional clarification was sought from Portugal.

34. In December 2013, further to reminders to address the Committee’s request for clarification, including by letter of the Chair addressed to Portugal’s Minister responsible for environmental matters, the Committee was satisfied with the Government’s reply that the legal provision at issue had a wider scope of application, including inland and offshore gas production activities, and that it was further complemented by other legislation to ensure implementation of the Convention and the relevant EU legislation.

35. At the same time, the Committee observed that under Portugal’s legislation the list of activities already included the numeric thresholds for hydrocarbon production as set out in the revised appendix I to the Convention contained in the second amendment to the Convention (see ECE/MP.EIA/6, decision III/7) — which was not yet in force — whereas the appendix I presently in force only referred to “offshore hydrocarbon production”. The Committee noted that a number of Parties to the Convention applied thresholds to offshore hydrocarbon production as set out in the revised appendix I even though the amendments had not yet entered into force. The Committee decided that it would not consider this to constitute non-compliance with the Convention.

36. Further to this specific compliance issue, the Committee recommends that the MOP urge Parties to ratify the second amendment to the Convention so as to streamline its application throughout the region, as soon as possible.

### **3. Regarding the Republic of Moldova**

*Committee reference:* EIA/IC/SCI/3/3

37. The Committee was satisfied with the clarification provided by the Republic of Moldova with regard to the relevant national legislation that would address concerns for proper implementation of the Convention. The Committee noted, however, that that was without prejudice to any further consideration by the Committee on the practical and legal implementation of that legislation.

#### 4. Regarding Albania

*Committee reference:* EIA/IC/SCI/3/4, EIA/IC/CI/3

38. In June 2011, the MOP had regretted the lack of response to the questionnaire for the Third Review of the Implementation of the Convention from one Party, i.e., Albania (decision V/3). Albania had also failed to respond to the questionnaire for the First Review of Implementation and provided its response to the questionnaire for the Second Review with a delay of over two years.

39. In September 2011, the Committee, not having received any response from Albania to its letters, and considering also that, at its fourth session, the MOP had already decided that a failure to report on implementation might be a compliance matter to be considered by the Committee (decision IV/1, para. 8), decided to begin a Committee initiative. This is further discussed in chapter VI below.

### IV. Submissions by Parties

40. There were no submissions by Parties regarding their own compliance, but there were three submissions by a Party having concerns about another Party's compliance, as summarized in table 2 below. The related documents and information, as specified in operating rule 16, are posted on the Convention's website.<sup>6</sup> The members nominated by Armenia and Azerbaijan were not present when the Committee considered the respective submissions in closed sessions.

Table 2  
**Submissions by Parties**

<i>Committee reference</i>	<i>Party concerned</i>	<i>Submitted by</i>	<i>Issue</i>
EIA/IC/S/3	Armenia	Azerbaijan	Planned building of a nuclear power plant (NPP) in Metsamor, Armenia.
EIA/IC/S/4	Belarus	Lithuania	Planned building of an NPP in Ostrovets, Belarus, close to the border with Lithuania.
EIA/IC/S/5	Azerbaijan	Armenia	Six named gas and oil projects.

41. In March 2012, when considering the submission by Azerbaijan regarding Armenia, the Committee made the following general observation: it agreed that Parties to the Convention and the Protocol should be reminded that the obligations in article 3 of the Convention and article 10 of the Protocol to notify potentially affected Parties rested solely with the Party of origin. If, under exceptional circumstances, the Party of origin sought the assistance of an intermediary in fulfilling its obligations in that respect, it would retain responsibility for any actions or omissions of the intermediary in that regard. The Committee noted, however, that article 13 of the Convention and article 17 of the Protocol could not be interpreted as providing an obligation on the secretariat to act as an intermediary in the procedures set out in the Convention and the Protocol, respectively.

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<sup>6</sup> See [http://www.unece.org/env/eia/implementation/implementation\\_committee\\_matters.html](http://www.unece.org/env/eia/implementation/implementation_committee_matters.html).

## A. By Azerbaijan regarding Armenia

*Committee reference: EIA/IC/S/3*

42. Azerbaijan made a submission to the Committee expressing concerns about Armenia's compliance with its obligations under the Convention with respect to the planned building of an NPP unit in Metsamor, Armenia. The secretariat received the submission on 5 May 2011 and, on the same day, forwarded it to the focal point of Armenia. The response by the Government of Armenia to the submission was received on 2 August 2011.

43. The Committee invited the two Parties to the Committee's session in December 2011, where the Committee would begin its consideration of the submission. At that meeting, the secretariat provided clarifications on its role as intermediary in the indirect notification process between Armenia and Azerbaijan, which had formed part of a procedure under the Convention that had later led to the submission by Azerbaijan. The Committee noted the information by the secretariat, the presentation by Azerbaijan of its submission and the statement by Armenia, which was not the presentation that it had been invited to make in response to the submission. The Committee then decided to postpone the questioning of the Parties and the drafting of its findings and recommendations to its session in March 2012, and invited the two Parties to that session.

44. In March 2012, the Committee considered the submission, the response by Armenia, additional information provided in the meantime and the Parties' related presentations. The Committee then questioned the two delegations. Next, the Committee drafted its findings and recommendations, in closed session, and agreed to send them to the Parties for comments or representations. It also invited the Parties to submit information on how they intended to continue the transboundary EIA procedure with respect to the construction of the Metsamor NPP unit.

45. The Committee considered the comments received by Armenia and Azerbaijan in September 2012, and finalized its findings accordingly. As regards the recommendations, the Committee considered that it was necessary to seek the advice of the Bureau regarding the proposal to assist the two Parties with the implementation of the Convention.

46. At its next session, in March 2013, the Committee took into account the advice provided by the Bureau and finalized its findings and recommendations. Having completed its findings and recommendations (ECE/MP.EIA/IC/2012/6, annex I), the Committee requested the secretariat to bring them to the attention of the concerned Parties once issued as an official document, and to subsequently transmit them for consideration by the MOP at its sixth session.

47. As a result of its deliberations, the Committee decided to invite the Working Group on EIA and SEA, in consultation with the Bureau, to consider establishing an ad hoc group to prepare proposals for the consideration of the MOP at its sixth session regarding the implementation of the Convention by Armenia and Azerbaijan, including notably the designation of an intermediary and the use of new communication technologies to assist both Parties in implementing the Convention regarding the construction of the Metsamor NPP.

48. The Working Group did not, however, reach consensus regarding the establishment of the ad hoc group. Further to a proposal by the Committee Chair, the International Association for Impact Assessment and the European Commission, a half-a-day seminar was organized during the Working Group's third meeting in November 2013, for sharing good practice and tools for communication, cooperation and conflict resolution, in

particular in the context of countries with no diplomatic relations (ECE/MP.EIA/WG.2/2013/2, paras. 14–15; and ECE/MP.EIA/WG.2/2013/7, paras. 21–23, and annex I).

## **B. By Lithuania regarding Belarus**

*Committee reference:* EIA/IC/S/4

### **1. The submission and the adoption of the findings and recommendations**

49. Lithuania made a submission to the Committee expressing concerns about the planned building of a nuclear power station in Belarus. The secretariat received the submission on 16 June 2011 and, on the same day, forwarded it to the focal point of Belarus. Following the official submission by Lithuania, the Committee decided to close the information-gathering case on Belarus (EIA/IC/INFO/5, see also chapter V) that had been initiated further to information provided by the Ukrainian NGO Ecoclub. The response by the Government of Belarus to the submission was received on 22 September 2011 (English translation on 3 October 2011).

50. The Committee invited the two Parties to the Committee's session in March 2012. At that session, the Committee considered the submission and further information by Lithuania, the response by Belarus and the Parties' related presentations. The Committee then questioned the two delegations.

51. In September 2012, the Committee considered additional information received by the Parties, prepared its draft findings and recommendations in closed session and agreed to send them to the Parties for comments or representations.

52. The Committee then reviewed the comments received from Lithuania and Belarus in November 2012 and revised its draft findings and recommendations. It completed the findings at its next session in March 2013 (ECE/MP.EIA/IC/2013/2, annex). The Committee requested the secretariat to bring the findings and recommendations to the attention of the concerned Parties once issued as an official document, and to subsequently transmit them for consideration by the MOP at its sixth session.

### **2. Information submitted after the adoption of the findings and recommendations**

53. In the period since the findings and recommendations were sent to Belarus and Lithuania, both Parties have expressed their willingness to follow the Committee's recommendations and sent to the Committee a substantial amount of additional information, including correspondence between the Parties<sup>7</sup> on the activities undertaken in

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<sup>7</sup> List of letters received by the Committee (often accompanied by annexes including extensive supporting documentation amounting to more than 100 pages):  
Letter from Belarus to Lithuania of 30 April 2013;  
Letter from Belarus to the Committee of 25 July 2013;  
Letter from Belarus to the Committee of 9 August 2013;  
Letter from Belarus to Lithuania of 16 August 2013;  
Letter from Belarus to the Committee of 30 August 2013;  
Letter from Belarus to the Committee of 5 September 2013;  
Letter from Belarus to Lithuania of 10 September 2013;  
Letter from Lithuania to Belarus of 10 September 2013;  
Letter from Lithuania to Belarus of 29 October 2013;  
Letter from Belarus to Lithuania of 21 November 2013;  
Letter from Belarus to the Committee of 25 November 2013;

that regard. In February 2014, the Committee noted the steps taken by Belarus and Lithuania to reach compliance subsequent to the Committee's findings and recommendations at its twenty-seventh session (Geneva, 12–14 March 2013). As already noted at its session in September and December 2013, the Committee recalled that its recommendations to the concerned Parties had been submitted to the MOP for consideration at its sixth session and had not yet been endorsed.

54. The Committee considered the following facts presented by the Parties:

(a) Belarus sent the final EIA report on 11 June 2013 and asked Lithuania to organize public participation procedures in Lithuania;

(b) With a view to giving the Lithuanian public the opportunity to participate, Belarus posted the EIA documentation on the Internet for public comments, and organized a public hearing for the Lithuanian public in Ostrovets on 17 August 2013 (buses, free visas and translation were provided by Belarus), inviting also Committee members (by letter of 9 August 2013);<sup>8</sup>

(c) On 27 September 2013, Lithuania also made the EIA documentation available to the Lithuanian public;

(d) Belarus extended the time frame for the Lithuanian public to provide comments in writing (from 1 October to 18 October 2013);

(e) By letter of 1 October 2013, Belarus answered Lithuania's questions;

(f) On 2 November 2013, Belarus took a final decision on the Ostrovets NPP;

(g) On 21 November 2013, Belarus notified Lithuania of its final decision;

(h) On 25 November 2013, Belarus sent a report to the Committee on implementation of the Committee's recommendations of March 2013;

(i) On 9 December 2013, Lithuania sent a letter (report of 7 pages and annexes of 138 pages) to the Committee expressing concerns about the process and the final decision;

(j) Belarus and Lithuania expressed their willingness to set up a post-project analysis (Belarus by its letters to the Committee of 5 September and 25 November 2013 and to Lithuania of 13 February 2014; and Lithuania by its letter to the Committee of 9 December 2013).

55. The Committee noted that:

(a) Belarus had continued the transboundary EIA procedure from March to November 2013 and had sent the final EIA documentation to Lithuania for public participation and consultations;

(b) Belarus had informed the Lithuanian public about the proposed activity and had organized a public hearing;

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Letter from Lithuania to Belarus of 3 December 13;  
Letter from Lithuania to the Committee of 9 December 2013;  
Letter from Belarus to the Committee of 11 February 2014;  
Letter from Belarus to Lithuania of 13 February 2014;  
Letter from Lithuania to Belarus of 13 February 2014;  
Letter from Belarus to Lithuania of 24 February 2014.

<sup>8</sup> By its letter of 15 August 2014, the Committee declined the invitation.

(c) Belarus had adopted a final decision on the proposed activity and it had informed Lithuania about this new decision;

(d) Belarus had expressed its availability to conduct consultations and post-project analysis and had invited Lithuania to negotiate the bilateral agreement for the implementation of the Convention in accordance with article 8;

(e) Lithuania had expressed concerns about the locational alternatives, which were assessed in EIA report;

(f) Lithuania had questioned whether the time frames within the transboundary EIA procedure were reasonable;

(g) Lithuania had also expressed its willingness to cooperate with Belarus on post-project analysis.

56. The Committee then decided against revising its recommendations of March 2013 to the MOP, as it considered that their re-evaluation would imply a detailed examination of all unsolicited information provided by both Parties. The Committee considered that it was not able to undertake such a re-evaluation due to the considerably increased workload in the intersessional period. The Committee then agreed by consensus that there was a need to closely follow-up on the matter during the next intersessional period. The Committee also decided to insert in its recommendations to the MOP a specific reference to the fact that the recommendations reflected the situation on 14 March 2013, the date of their completion by the Committee, and also to recommend to the MOP to:

(a) Welcome the steps taken by both Parties, especially by Belarus, since the Committee's twenty-seventh session, in following the Committee's recommendations to the MOP, and note that those steps, as detailed in the Committee's report on its thirtieth session, had the potential to address the findings of non-compliance;

(b) Regret that Belarus and Lithuania were not able to agree on the steps undertaken within the transboundary procedures after 14 March 2013;

(c) Invite Lithuania and Belarus to improve their communication and cooperation for the implementation of the Convention, inter alia, by establishing a permanent joint body on post-project analysis according to article 7 and any other relevant issue concerning the Ostrovets NPP;

(d) Request the Committee to thoroughly analyse the steps undertaken after the adoption of the Committee's report at its twenty-seventh session and to reflect the conclusions of its analysis in the report of the Committee's thirty-second session at the latest, and report to the MOP at its seventh session thereon.

## **C. By Armenia regarding Azerbaijan**

*Committee reference: EIA/IC/S/5*

57. Armenia made a submission to the Committee expressing concerns regarding six named oil and gas projects developed in Azerbaijan. The secretariat received the submission on 31 August 2011 and, on 1 September 2011, it forwarded it to the focal point of Azerbaijan. The response by the Government of Azerbaijan to the submission was received on 29 November 2011.

58. The Committee invited the two Parties to the Committee's session in September 2012, where the Committee considered the submission, the response by Armenia,



information received from the two Parties at the Committee's request and the Parties' related presentations. The Committee then questioned the two delegations.

59. The Committee then started drafting its findings and recommendations and finalized its draft in March 2013. It agreed to send the draft to the Parties for comments or representations. In parallel, the Committee decided to seek further information concerning any likely significant adverse transboundary impact of, and the transboundary EIA process for, two of the activities by Azerbaijan vis-à-vis the other Caspian Sea coastal State that was a Party to the Convention, namely Kazakhstan (see chapter V concerning EIA/IC/INFO/11).

60. At its next session, in September 2013, the Committee reviewed the comments received from Armenia and Azerbaijan and finalized its findings and recommendations (ECE/MP.EIA/IC/2013/4, annex). It requested the secretariat to bring the findings and recommendations to the attention of the concerned Parties once issued as an official document and to subsequently transmit them for consideration by the MOP at its sixth session.

## V. Information from other sources

61. The Committee received information from sources other than Parties, further to operating rule 15, paragraph 1, as summarized in table 3 below.

Table 3  
**Information from other sources<sup>9</sup>**

<i>Committee reference</i>	<i>Party concerned</i>	<i>Issue</i>
EIA/IC/INFO/5, closed further to EIA/IC/S/4	Belarus	Planned building of an NPP in Belarus (possibly in Ostrovets, close to the border with Lithuania).
EIA/IC/INFO/7, which led to EIA/IC/CI/4	Ukraine	Planned extension of the Rivne NPP, close to the border with Belarus and Poland.
EIA/IC/INFO/8	Romania	Planned construction of a radioactive waste repository, close to the border with Bulgaria.
EIA/IC/INFO/9	Lithuania	Planned construction of the Visaginas NPP, close to the border with Belarus.
EIA/IC/INFO/10	Ukraine	Planned construction of nuclear reactors 3 and 4 at Khmelnytskyi NPP, close to the border with Belarus.

<sup>9</sup> EIA/IC/INFO/6 was concluded before MOP-5.

<i>Committee reference</i>	<i>Party concerned</i>	<i>Issue</i>
EIA/IC/INFO/11	Azerbaijan	Planned oil and gas projects in Caspian Sea (arose from consideration of EIA/IC/S/5) and potential impact on the other Caspian littoral State Party to the Convention, namely Kazakhstan.
EIA/IC/INFO/12, which led to EIA/IC/CI/5	United Kingdom	Planned construction of the NPP at Hinkley Point C.
EIA/IC/INFO/13	Ukraine	Planned construction and operation of a gold-mine using cyanide technology in Muzhiyevo.

### **A. Regarding Belarus**

*Committee reference:* EIA/IC/INFO/5

62. In June 2011, having received an official submission from Lithuania expressing concerns about compliance by Belarus with its obligations under the Convention in relation to the planned building of an NPP in Belarus close to the border with Lithuania (EIA/IC/S/4) (see chapter IV), the Committee decided to close the information-gathering case further to the information received by the Ukrainian non-governmental organization (NGO) Ecoclub with respect to the same activity. The Committee decided, however, to focus further on discussing the systemic issues related to the implementation of the Convention by Belarus.

63. In December 2011, the Committee reviewed information provided by Belarus, noting that Belarus had no explicit legal provision regulating the final decision for an EIA and specifying its contents in line with article 6, paragraph 2, of the Convention. However, after its analysis of the application of the EIA procedures in Belarus, and based on clarifications provided by Committee members representing Armenia and the Republic of Moldova, the Committee considered that it had no grounds to conclude that there was a systemic inconsistency between the EIA within the framework of the State ecological expertise system of Belarus and the Convention. The Committee noted that its conclusion on Belarus did not preclude a further analysis of the consistency between the Convention and the State ecological expertise system in the countries of Eastern Europe, the Caucasus and Central Asia and the provision of related technical assistance as needed, in line with the workplan for 2011–2014.

### **B. Regarding Ukraine**

*Committee reference:* EIA/IC/INFO/7

64. The Committee reviewed information provided by the NGO Ecoclub concerning the EIA for the planned extension of the Rivne NPP in Ukraine, close to the border with Belarus and Poland. Based on the information by Ukraine about the project, the applicable legislation and the procedures followed, the Committee concluded that Ukraine had not applied the Convention in relation to the planned extension of the plant. Additionally, the Committee deliberated on whether the activity in question was a proposed activity subject to the Convention and concluded by consensus that the extension of the lifetime of an NPP,

even in absence of any works, was to be considered as a major change to an activity and consequently subject to the provisions of the Convention.

65. On the above grounds and based on a profound suspicion of non-compliance, the Committee decided to close the information-gathering case and begin a Committee initiative (EIA/IC/CI/4) (see chapter VI).

### **C. Regarding Romania**

*Committee reference:* EIA/IC/INFO/8

66. The Committee reviewed information provided by the Romanian NGOs Centre for Legal Resources and Greenpeace Romania regarding the planned construction of a radioactive waste repository, close to the border with Bulgaria. Based on information provided by the Government of Romania, indicating that the procedure for EIA regarding the activity had not yet been initiated, the Committee concluded that it had no grounds to continue its consideration and would therefore cease gathering information with respect to the Convention.

67. However, the Committee decided to seek further clarification on the local urban plan mentioned by the Government, and specifically on the application of SEA to the proposed plan and whether the Government had taken the necessary legal, administrative and other measures to implement the provisions of the Protocol on SEA, the locational alternatives and the extent to which they would be subject to the EIA and SEA procedures in line with the Convention and the Protocol. In the light of the information that Romania had no pending environmental assessment procedures regarding the proposed nuclear waste repository and that the partial location authorization of the repository had been cancelled by a court decision, the Committee decided that at that stage there was no need for it to pursue further its information gathering regarding this issue.

### **D. Regarding Lithuania**

*Committee reference:* EIA/IC/INFO/9

68. The Committee reviewed information provided by the Belarusian NGO Ecological Initiative concerning the planned construction of the Visaginas NPP in Lithuania, close to the border with Belarus. Based on information provided by Belarus, Lithuania and the NGO about the steps undertaken by Lithuania in the context of the transboundary procedures, the Committee decided there was no need to further pursue the information gathering regarding the issue. However, the Committee noted that Parties should be advised to ensure that the public notice should be effective and that it was appropriate to keep a record of the procedures (such as copies of the public notices, records of the hearings, etc.).

### **E. Regarding Ukraine**

*Committee reference:* EIA/IC/INFO/10

69. The Committee reviewed information provided by the Belarusian NGO Ecohome concerning the planned construction of nuclear reactors 3 and 4 at Khmelnytskyi NPP, in Ukraine, approximately 150 kilometres from the borders with the Republic of Moldova and Romania, and approximately 350 kilometres from the border with Belarus. Based on information provided by the Governments of Austria, Belarus, Hungary, Lithuania, Poland, the Republic of Moldova, Romania and Slovakia, as well as by the NGO, the Committee

concluded that there were strong indications that Ukraine had not properly applied the Convention in relation to the planned construction of reactors 3 and 4 at the Khmelnytskyi NPP, since a post-factum change in the legal system in October 2013 could not retroactively alter the legal nature of a decision of the parliament (Law No. 5217-VI of 6 September 2012) authorizing the planned activity on the basis of legislation in force at the time. The Committee noted that the information could be the basis of a profound suspicion of non-compliance.

70. Taking into account, however, that steps had been taken in the implementation of the transboundary EIA procedure and the fact that transboundary consultation and public participation procedures with some affected Parties had not yet been finalized, the Committee agreed that it would continue its consideration of the matter. In the meantime, the Government of Ukraine was requested to provide further information and clarification. The Committee encouraged Ukraine to finalize the ongoing transboundary public participation and consultation procedures with all concerned Parties, in accordance with article 3, paragraph 8, and article 5, of the Convention, respectively; and to adopt the final decision in compliance with article 6 of the Convention.

## **F. Regarding Azerbaijan**

*Committee reference:* EIA/IC/INFO/11

71. Following its consideration of submission EIA/IC/S/5 by Armenia raising concerns about Azerbaijan's compliance with its obligations under the Convention in relation to six named oil and gas projects, the Committee agreed to gather further information regarding the likely significant adverse transboundary impacts of, and the transboundary EIA process for, two of the activities by Azerbaijan vis-à-vis the other Caspian Sea coastal State that was a Party to the Convention, namely Kazakhstan. The information gathering would not be related to the concerns raised by Armenia in its submission.

72. In the light of the information from the Government of Kazakhstan, which did not bring forward any concerns about the likely significant adverse transboundary impacts of the two projects undertaken by Azerbaijan in the south Caspian Sea, and the information provided by the secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea that it did not dispose of any information on such impacts, the Committee decided that there was no need to further pursue its information gathering regarding the issue.

## **G. Regarding the United Kingdom of Great Britain and Northern Ireland**

*Committee reference:* EIA/IC/INFO/12

73. The Committee reviewed information provided by a German Member of the Parliament representing the Green Party and by the Irish NGO Friends of the Irish Environment regarding the planned construction of NPP Hinkley Point C by the United Kingdom of Great Britain and Northern Ireland, stipulating that the German Government had not been notified and the German public had not been consulted on the planned activity. On the basis of information provided by the Governments of Austria, Belgium, Germany, Ireland, the Netherlands, Norway, Spain and the United Kingdom, the Committee considered that, with the exception of the informal exchanges with Ireland and the transboundary procedures undertaken with Austria at the latter's request, the United Kingdom had failed to notify any potentially affected Party about the planned activity. The Committee recalled its previous opinion that notification is necessary unless a significant

adverse transboundary impact can be excluded (decision IV/2, annex I, para. 54). The Committee also noted the information that national legislation in the United Kingdom did not provide for the possibility of extending the transboundary consultations.

74. On the above grounds, and based on a profound suspicion of non-compliance, the Committee decided to close the information-gathering case and begin a Committee initiative (EIA/IC/CI/5) (see chapter VI).

## H. Regarding Ukraine

*Committee reference:* EIA/IC/INFO/13

75. The Committee reviewed information provided by a Hungarian political party concerning the planned reopening of a gold-mine using cyanide technology in Muzhiyevo, Ukraine, close to the border with Hungary. The Committee considered that a decision to continue an activity included in appendix I to the Convention that had been formally terminated would constitute a proposed activity under the Convention. Moreover, in the light of information available to it, the Committee considered that gold mining as the activity in question constituted major mining within the meaning of item 14 of appendix I to the Convention. The Committee agreed that that it would continue its consideration of the matter. In the meantime, the Governments of Hungary and Ukraine were requested to provide further information and clarifications.

## VI. Committee initiatives

76. The Committee considered two Committee initiatives — on Albania and Ukraine — further to its operating rule 15, paragraph 2, as summarized in table 4 below. In addition, at its last session before the sixth session of the MOP, the Committee decided to begin a Committee initiative on the United Kingdom, which will be considered by the Committee during the next intersessional period.

Table 4

### Committee initiatives

<i>Committee reference</i>	<i>Party concerned</i>	<i>Issue</i>
EIA/IC/CI/3	Albania	Did not report for the Third Review of Implementation 2006–2009 (only Party that failed to report).
EIA/IC/CI/4, further to EIA/IC/INFO/7	Ukraine	Did not apply the Convention with respect to the planned extension of the lifetime of two reactors at the Rivne NPP.
EIA/IC/CI/5, further to EIA/IC/INFO/12	United Kingdom	Did not notify Parties with respect to the planned construction of the NPP at Hinkley Point C.

## **A. Regarding Albania**

*Committee reference: EIA/IC/CI/3*

77. Following the continuing failure of Albania to complete and return its responses to the questionnaire on its implementation of the Convention in the period from 2006 to 2009, and considering also that the MOP at its fourth session had decided that a failure to report on implementation might be a compliance matter to be considered by the Committee, the Committee in September 2011 decided to begin a Committee initiative (see chapter III). In addition, the Committee was aware that Albania had also failed to report on its implementation in the first reporting round and had provided its responses to the Second Review of Implementation of the Convention with a delay of over two years.

78. At the invitation of the Committee, Albania participated in the discussion on the matter at the Committee's meeting in March 2012, and presented the Committee with information and opinions on the matter under consideration. The Committee questioned the delegation of Albania. The Committee then prepared its draft findings and recommendations, in closed session, and agreed to send them to Albania for comments or representations.

79. In September 2012, the Committee reviewed the comments received from Albania and finalized its findings and recommendations (ECE/MP.EIA/IC/2012/6, annex II). It requested the secretariat to bring the findings and recommendations to the attention of the concerned Party once issued as an official document and to subsequently transmit them for consideration by the MOP at its sixth session.

## **B. Regarding Ukraine**

*Committee reference: EIA/IC/CI/4*

80. Further to information received by the NGO Ecoclub concerning the planned extension of the Rivne NPP in Ukraine, close to the border with Belarus and Poland, and the information gathered from Ukraine, the Committee in March 2013 decided to begin a Committee initiative (see chapter V).

81. At the invitation of the Committee, Ukraine participated in the discussion on the matter in the Committee's meeting in September 2013, and presented the Committee with information and opinions on the matter under consideration. The Committee questioned the delegation of Ukraine and also requested it to provide further clarifications relating to the facts and the legislative framework in place. The Committee prepared its findings and recommendations in closed session in December 2013 and agreed to send them to Ukraine for comments or representations.

82. In February 2014, the Committee reviewed the comments by Ukraine and finalized its findings and recommendations (see ECE/MP.EIA/IC/2014/2, forthcoming). It requested the secretariat to bring the findings and recommendations to the attention of the concerned Party once issued as an official document, and to subsequently transmit them for consideration by the MOP at its sixth session.

## **C. Regarding the United Kingdom of Great Britain and Northern Ireland**

*Committee reference: EIA/IC/CI/5*

83. Further to information provided by a German Member of the Parliament and by the NGO Friends of the Irish Environment regarding the planned construction of NPP Hinkley Point C by the United Kingdom, and additional information gathered from the Governments of Austria, Belgium, Germany, Ireland, the Netherlands, Norway and Spain and United Kingdom, in February 2014, the Committee decided to begin a Committee initiative (see chapter V). The United Kingdom was invited to the Committee's session in December 2014 to participate in the discussion and to present the Committee with information and opinions on the matter under consideration.

## **VII. Revised questionnaires and reviews of implementation**

### **A. Revision of the questionnaires**

84. The Committee was requested to simplify the questionnaire for the report on implementation of the Convention and provide a questionnaire for the report on implementation of the Protocol, for consideration by the Working Group on EIA and SEA (decision V/7-I/7, para. 1; and decision V/9-I/9). The Committee agreed that the findings of the Third Review of Implementation of the Convention should also be taken into account in its work and reflected in the revised questionnaire.

85. The Committee prepared the draft questionnaires accordingly and submitted them to the Working Group for consideration. In April 2012, the Working Group approved the questionnaire on the implementation of the Convention with a number of amendments (ECE/MP.EIA/WG.2/2012/2, annex). It also considered the draft questionnaire on the implementation of the Protocol, and invited the Committee to further revise the draft reflecting the comments made during and after the meeting and to resubmit it by e-mail for consideration by national focal points. Finally, the Working Group agreed on a detailed timetable for the distribution and return of the questionnaires.

86. In September 2012, the Committee took into account the feedback by the Working Group and the comments from the national focal points. It then finalized the questionnaire on the implementation of the Protocol (ECE/MP.EIA/IC/2012/4, annex).

### **B. Reviews of implementation**

87. In accordance with the detailed timetable agreed by the Working Group, the secretariat sent the Convention questionnaire to the Parties at the end of October 2012 for completion by 31 March 2013, and the Protocol questionnaire at the end of December 2012 for completion by 27 May 2013.

88. On the basis of the completed questionnaires and the advice provided by the Bureau and the Committee, the secretariat prepared the draft Fourth Review of implementation of the Convention (ECE/MP.EIA/WG.2/2013/8) and the draft First Review of implementation of the Protocol (ECE/MP.EIA/WG.2/2013/9) for consideration by the Working Group at its third meeting and for further submission to the MOP and the MOP/MOP at their sixth and second sessions, respectively.

89. The secretariat has regularly provided information on the process to the Committee. As a result of its consideration on this matter, the Committee observed that it would be useful in the future if the Committee could also consider the draft reviews before their adoption. It proposed that this be reflected in the workplan for the next intersessional period setting the time table for the next reporting round and for the subsequent preparation of the reviews.

## **VIII. Structure and functions and operating rules**

90. The Committee proposed several revisions to its structure and functions and procedures for the review of compliance. Details on the proposed revisions are presented in the annexes to decision VI/2 on review of compliance with the Convention (ECE/MP.EIA/2004/L.3).

91. The Committee took note of the final opinion of the European Commission, confirming its previous opinion that, under EU law, an EU member State having concerns about another EU member State's compliance with its obligations under the Convention should not make a submission to the Committee.

## **IX. Workload**

92. The Committee's workload increased considerably in the intersessional period 2011–2014, including due to the three submissions brought before the Committee, and requiring the organization of an additional, ninth, session, not foreseen in the budget. Table 5 provides an approximate overview of the time spent by the Committee on its various tasks as described in this document.

## **X. Outreach**

93. The Committee undertook various efforts to raise awareness of its work and to assist Parties in their implementation of the Convention. It continued to request publication on the Convention website of the Committee's correspondence and information related to compliance issues. Members of the Committee also spoke on the implementation of the Convention at various events, for example:

(a) The Chair of the Committee participated in the second meeting of the informal network of the compliance and implementation bodies to the ECE multilateral environmental agreements, in March 2014, and in the "Dialogue with other compliance bodies" in the context of the work of the Committee Administering the Mechanism for Promoting Implementation and Compliance under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, in December 2013; she also spoke at various events promoting the Convention and the Protocol, including a seminar in Lithuania on the application of the Convention to nuclear activities (November 2013) and a regional conference in Croatia on EIA in South–Eastern Europe (September 2013);

(b) Ms. Babayeva spoke at a subregional conference on EIA in Central Asia and Azerbaijan (July 2013);

(c) Ms. Grigoryan participated in a seminar on SEA in Armenia (November 2013);



(d) Ms. Grigoryan and Mr. Jendroska spoke at a subregional seminar in Belarus on post-project analysis and on capacity-building on SEA (April 2014).

Table 5  
**Overview of the time spent by the Committee on its key tasks**

<i>Task</i>	<i>Approximate proportion of Committee session time</i>
Follow-up to decision V/4	15%
Examination of the outcome of the Third Review of Implementation	5%
Consideration of submissions by Parties	25%
Consideration of information from other sources	20%
Committee initiative	<10%
Preparation of the revised questionnaire	<10%
Review of the structure, functions and operating rules	<10%
Preparation for the sixth session of the Meeting of the Parties	<5%
<b>Total</b>	<b>100%</b>