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**Economic Commission for Europe****Meeting of the Parties to the Convention  
on Environmental Impact Assessment  
in a Transboundary Context****Ninth 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****Fifth session**

Geneva, 12–15 December 2023

Items 3 (b) and 8 (b) of the provisional agenda

**Outstanding issues: draft decisions by the Meeting  
of the Parties to the Convention****Adoption of decisions: decisions to be taken  
by the Meeting of the Parties to the Convention****Draft decisions on compliance with the Convention****Proposals by the Implementation Committee***Summary*

The present document contains a compilation of draft decisions on compliance with the Convention on Environmental Impact Assessment in a Transboundary Context, finalized by the Implementation Committee under the Convention and its Protocol on Strategic Environmental Assessment at its fifty-seventh session (Geneva, 29 August–1 September 2023) considering comments made by delegations at the twelfth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Geneva, 13–15 June 2023).

The Meeting of the Parties to the Convention is expected to review the draft decisions and agree on their adoption.



## 1. Decision IX/4d on compliance by Azerbaijan with its obligations under the Convention in respect of its national legislation

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decisions V/4, paragraphs 31 and 32,<sup>1</sup> VI/2, paragraphs 38–44,<sup>2</sup> IS/1c<sup>3</sup> and VIII/4b<sup>4</sup> on compliance by Azerbaijan with its obligations under the Convention in respect of its national legislation,

*Recalling further* its decision IX/4<sup>5</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular the section concerning the steps taken by Azerbaijan further to decisions IS/1c and VIII/4b,<sup>6</sup>

*Acknowledging* the technical assistance provided by the secretariat to the Government of Azerbaijan to assist the country in bringing its legislation into line with the provisions of the Convention and the Protocol on Strategic Environmental Assessment, further to paragraph 44 of decision VI/2,

1. *Appreciates* the regular, albeit occasionally delayed, progress reports on the steps taken by the Government of Azerbaijan further to decision VIII/4b since the eighth session of the Meeting of the Parties (Vilnius, (online), 8–11 December 2020);

2. *Recognizes* that, further to the technical assistance provided to it by the secretariat, the Government of Azerbaijan has taken steps to align its national legislation also with the Protocol, and encourages Azerbaijan to ratify that treaty;

3. *Welcomes* the information from the Government of Azerbaijan that, since the adoption of the Law on Environmental Impact Assessment on 12 June 2018, it has adopted six pieces of secondary legislation for the implementation of the Convention and the Protocol, with the final two pieces of such legislation being adopted in September 2022;<sup>7</sup>

4. *Also welcomes* the provision of the English translations of two pieces of secondary legislation, further to paragraph 8 of decision VIII/4b, prepared with the support of the European Union for Environment programme, but regrets that not all translations of the pieces of secondary legislation regarding the Convention have been provided;

5. *Notes* with concern, based on the Committee’s analysis of the Law on Environmental Impact Assessment and the above-mentioned final two pieces of secondary legislation, that the legislation adopted by Azerbaijan to implement the Convention is not fully compliant therewith but contains, in particular, the following deficiencies:

(a) The definition of “proposed activity” is still not fully compliant with the Convention, as it does not include “any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure”;

<sup>1</sup> ECE/MP.EIA/15.

<sup>2</sup> ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

<sup>3</sup> ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

<sup>4</sup> ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

<sup>5</sup> ECE/MP.EIA/2023/6.

<sup>6</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13 (forthcoming).

<sup>7</sup> “Regulation on Conducting the Strategic Environmental Assessment”, adopted on 17 September 2022 by decision No. 354 of the Cabinet of Ministers and “Regulation on Conducting the Environmental Impact Assessment, including transboundary impact assessment and its duration” adopted on 21 September 2022 by decision No. 362 of the Cabinet of Ministers.

(b) The description of the content of the environmental impact assessment documentation is not fully compliant with appendix II to the Convention, lacking, in particular, the information required in appendix II (g) and (i);

(c) Regarding the decision-making process, there is no clear provision on how the outcome of the environmental impact assessment is taken into account in the final decision on the proposed activity, or on the communication to the affected Party of the reasons and consideration on which said final decision is based;

6. *Endorses* the finding of the Implementation Committee to the effect that, despite the steps taken, the Government of Azerbaijan has not yet fulfilled the requests addressed to it in decisions IS/1c and VIII/4b;<sup>8</sup>

7. *Regrets* that, despite over a decade of technical assistance provided to Azerbaijan by the secretariat<sup>9</sup> and the Implementation Committee to align Azerbaijani national legislation with the Convention, and multiple decisions by the Meetings of the Parties requesting the country to do so, Azerbaijan has not yet adopted fully compliant legislation;

8. *Reaffirms* its decisions IS/1c and VIII/4b, and requests the Government of Azerbaijan to amend, as soon as possible, the Law on Environmental Impact Assessment and the relevant secondary legislation in accordance with paragraph 5 (a)–(c) above and the previous recommendations of the international consultants to the secretariat,<sup>10</sup> with a view to ensuring full compliance of its legislative framework with the Convention;

9. *Requests* the Government of Azerbaijan to provide the Implementation Committee with the texts of all relevant legislation, once adopted, together with the English translations thereof;

10. *Requests* the Implementation Committee to evaluate the amendments to the legislation and the relevant secondary legislation, once adopted, and to report thereon to the Meeting of the Parties at its tenth session.

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<sup>8</sup> ECE/MP.EIA/IC/2023/4, para. 15 (advance version).

<sup>9</sup> In the period 2013–2018, with European Union funding under the Greening Economies in the European Union’s Eastern Neighbourhood programme and, in the period 2019–2023, under the European Union for Environment programme.

<sup>10</sup> See “[Assessment of the draft Law of the Republic of Armenia ‘On the environmental impact assessment and expertise’](#)” (2014).

## 2. Decision IX/4e on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decisions VI/2, paragraphs 48–64,<sup>1</sup> IS/1d<sup>2</sup> and VIII/4c<sup>3</sup> on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets,

*Recalling further* its decision IX/4<sup>4</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Belarus,<sup>5</sup>

1. *Reaffirms* its decision IS/1d, in particular paragraph 15, in which it is stated that Belarus failed to comply with articles 4 (1), 5 (a) and 6 (1) of the Convention, and paragraph 16, in which Belarus is urged to ensure that, in the context of any future decision-making regarding any planned activity that falls under the Convention, the Convention is applied ensuring that the environmental impact assessment documentation contains a proper evaluation of reasonable alternatives;

2. *Expresses* appreciation for the submission by the Government of Belarus and the Government of Lithuania of their annual reports, further to paragraph 5 of decision VIII/4c;

3. *Recalls* that, by the ninth session of the Meeting of the Parties, both Parties were encouraged to: conclude a bilateral agreement for the implementation of the Convention further to article 8 thereof; carry out a post-project analysis; and, continue bilateral expert consultations on issues of disagreement;<sup>6</sup>

4. *Encourages* both Parties to carry out a post-project analysis, and to define the procedures for such an analysis, in particular for ensuring sufficient public participation in the framework of the draft Bilateral Agreement on Implementation of the Espoo Convention between Lithuania and Belarus, while acknowledging that there is no longer a need to establish a joint bilateral body, as foreseen in decision VIII/4c, paragraph 4 (b);

5. *Acknowledges* that, during the intersessional period, Belarus and Lithuania held one bilateral expert meeting with the aim of discussing remaining differences, and to make progress in accordance with decision VIII/4c; noting, however, that the outcomes of said bilateral expert meeting have still not been fully agreed on at the current time, and considering that, irrespective of the coronavirus disease (COVID-19) pandemic, the Parties have had ample opportunity to hold further online meetings;

6. *Notes* that the Implementation Committee conducted informal online consultations with the two Parties during its fifty-fourth session (Geneva, 4–7 October 2022),<sup>7</sup> and expresses appreciation for the comments submitted by both Parties following said consultations, which indicated some willingness to continue with cooperation;

<sup>1</sup> ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

<sup>2</sup> ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

<sup>3</sup> ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

<sup>4</sup> ECE/MP.EIA/2023/6.

<sup>5</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>6</sup> Decision IS/1d, paras. 17–19.

<sup>7</sup> ECE/MP.EIA/IC/2022/7, paras. 12–17.

7. *Expresses* regret, however, at the lack of progress by the Parties concerned since 2014 in taking the steps set out in paragraph 3 above;

8. *Urges* both Parties to take the steps set out in paragraph 3 above, at the latest by the tenth session of the Meeting of the Parties;

9. *Requests* the Government of Belarus and the Government of Lithuania to continue to report to the Implementation Committee on the progress made by the end of each year.

### 3. Decision IX/4f on compliance by Belarus with its obligations under the Convention in respect of its national legislation

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decision IX/4<sup>1</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Belarus,<sup>2</sup>

*Acknowledging* the technical assistance provided by the secretariat to the Government of Belarus for the past 10 years, with European Union funding, to bring its legislation into line with the provisions of the Convention and the Protocol on Strategic Environmental Assessment,

*Noting* that the Implementation Committee conducted informal online consultations with Belarus during its fifty-fourth session (Geneva, 4–7 October 2022) on the steps taken by Belarus to bring its environmental impact assessment legislation into compliance with the Convention,<sup>3</sup>

1. *Welcomes* the improvement by Belarus of its national legislation through the adoption of Law of the Republic of Belarus No. 296-3, of 17 July 2023, on the Amendment of the Law on State Ecological Expertise, Strategic Environmental Assessment and Environmental Impact Assessment, which will enter into force on 23 January 2024, but regrets that not all the deficiencies of the previous legislation were addressed;

2. *Endorses* the findings of the Implementation Committee that Belarus was in non-compliance with its obligations under article 2 (2) of the Convention for not having taken the necessary legal, administrative or other measures to implement the provisions of the Convention;<sup>4</sup>

3. *Encourages* Belarus to align its legislation with appendix I to the Convention, as amended by the second amendment, and to ratify that amendment, in order to facilitate the application of the Convention between Parties;

4. *Requests* Belarus to amend its legislation in accordance with the Committee's findings, and to adopt it to ensure full implementation of the Convention;

5. *Also requests* Belarus to report to the Implementation Committee, by the end of 2024, on the progress made.

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<sup>1</sup> ECE/MP.EIA/2023/6.

<sup>2</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>3</sup> ECE/MP.EIA/IC/2022/7, paras. 41–43.

<sup>4</sup> ECE/MP.EIA/IC/2023/8, annex I, para. 43.

#### 4. Decision IX/4g on compliance by Belgium with its obligations under the Convention in respect of the lifetime extension of unit 1 of Tihange nuclear power plant

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decision IX/4<sup>1</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered* the findings and recommendations of the Implementation Committee regarding compliance by Belgium with its obligations under the Convention in respect of the lifetime extension of unit 1 of Tihange nuclear power plant,<sup>2</sup>

*Having considered also* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Belgium,<sup>3</sup>

1. *Endorses* the findings of the Implementation Committee that, in accordance with the information provided to the Committee, Belgium was in non-compliance with articles 2 (3) and 3 (1) of the Convention by extending the lifetime of unit 1 of Tihange nuclear power plant and preparing the unit for long-term operation without applying the Convention;

2. *Welcomes* the fact that Belgium committed itself to notifying possibly affected Parties in accordance with article 3 (1) of the Convention ahead of any future lifetime extension of other units of Tihange nuclear power plant;

3. *Requests* Belgium to ensure that the Convention is fully applied in the context of any future decision-making regarding Tihange nuclear power plant, including that:

(a) All impacts of operational states and accidents are properly taken into account during the environmental impact assessment procedure;

(b) When considering whether the lifetime extension constitutes a major change, the activities implemented to prepare for long-term operation prior to the last licence modification, are taken into account;

(c) Belgium notifies, in accordance with article 3 (1) of the Convention, any Party that it considers may be affected, including Germany;

4. *Recommends* that Belgium follow the good practice recommendation of the Meeting of the Parties that, given the great public concern and national interests involved when it comes to nuclear energy-related activities, a wide notification, that is to say, beyond neighbouring Parties, could prevent later misunderstandings and potential disputes.<sup>4</sup>

<sup>1</sup> ECE/MP.EIA/2023/6.

<sup>2</sup> ECE/MP.EIA/IC/2023/10.

<sup>3</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>4</sup> Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/2017/10), para. 28, endorsed by the Meeting of the Parties at its seventh session (Minsk, 13–16 June 2017), through decision VII/6 (ECE/MP.EIA/23.Add.2–ECE/MP.EIA/SEA/7.Add.2).

## 5. Decision IX/4h on compliance by Bulgaria with its obligations under the Convention in respect of the lifetime extension of units 5 and 6 of Kozloduy nuclear power plant

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decision IX/4<sup>1</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered* the findings and recommendations of the Implementation Committee on compliance by Bulgaria with its obligations under the Convention with respect to the lifetime extension of units 5 and 6 of Kozloduy nuclear power plant, as set out in document ECE/MP.EIA/IC/2023/6,

*Having considered also* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Bulgaria,<sup>2</sup>

1. *Expresses* regret at the uncooperativeness of Bulgaria with regard to providing the Committee with the information and documentation needed for its deliberations, requiring it to repeatedly request such information and documentation;

2. *Reminds* Bulgaria, that, as a Party, it has been strongly urged to facilitate the Committee's work in good faith,<sup>3</sup> and that it should act accordingly, also in line with article 26 of the Vienna Convention on the Law of Treaties;

3. *Endorses* the findings of the Implementation Committee that, in accordance with the information provided to the Committee, Bulgaria was in non-compliance with articles 2 (3) and 3 (1) of the Convention by extending the lifetime of units 5 and 6 of Kozloduy nuclear power plant and preparing said units for long-term operation without applying the Convention;

4. *Welcomes* the fact that Bulgaria committed itself to notifying Austria, Romania and Serbia ahead of any future lifetime extension for units 5 and 6 of Kozloduy nuclear power plant, in accordance with article 3 (1) of the Convention, after the Parties had requested such notification;

5. *Requests* Bulgaria to ensure that the Convention is fully applied in the context of any future decision-making for activities listed in appendix 1 thereto regarding Kozloduy nuclear power plant, including ensuring that:

(a) All impacts of operational states and accidents are properly taken into account during the environmental impact assessment procedure;

(b) When considering whether the lifetime extension constitutes a major change, the activities implemented to prepare for long-term operation prior to the latest licence renewals are taken into account;

(c) Bulgaria notifies, in accordance with article 3 (1) of the Convention, any Party that it (Bulgaria) considers may be affected, including Austria, Romania and Serbia, which, in the context of the present case, have expressly considered themselves to be potentially affected and requested to be notified;

6. *Recommends* that Bulgaria follow the good practice recommendations of the Meeting of the Parties that, given the great public concern and national interests involved

<sup>1</sup> ECE/EIA.MP/2023/6.

<sup>2</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>3</sup> ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2, decision VIII/4, para. 11.



when it comes to nuclear energy-related activities, a wide notification, that is to say, beyond neighbouring Parties, could prevent later misunderstandings and potential disputes.<sup>4</sup>

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<sup>4</sup> *Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities* (ECE/MP.EIA/2017/10), para. 28, endorsed by the Meeting of the Parties at its seventh session (Minsk, 13–16 June 2017), through decision VII/6 (ECE/MP.EIA/23.Add.2–ECE/MP.EIA/SEA/7.Add.2).

## 6. Decision IX/4i on compliance by Czechia with its obligations under the Convention in respect of the lifetime extension of four reactors of Dukovany nuclear power plant

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decision IX/4<sup>1</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered* the findings and recommendations of the Implementation Committee regarding compliance by Czechia with its obligations under the Convention in respect of the lifetime extension of four reactors of Dukovany nuclear power plant,<sup>2</sup>

*Having considered also* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Czechia,<sup>3</sup>

1. *Endorses* the findings of the Implementation Committee that, in accordance with the information provided to the Committee, Czechia was in non-compliance with articles 2 (3) and 3 (1) of the Convention when extending the lifetime of units 1–4 of Dukovany nuclear power plant and preparing said units for long-term operation without applying the Convention;

2. *Welcomes* the fact that Czechia committed to notifying Austria and Germany ahead of future lifetime extensions of nuclear power plants or significant changes in the licences of the operating units of the nuclear power plants in its territory in accordance with article 3 (1) of the Convention, as requested by both Parties;

3. *Invites* Czechia to continue bilateral consultations and cooperation with Austria and Germany for information exchange on long-term operation-related activities regarding the units of Dukovany and Temelin nuclear power plants in an appropriate way;

4. *Encourages* Czechia to prepare bilateral agreements on the application of the Convention with Austria and Germany;

5. *Requests* Czechia to ensure that the Convention is fully applied in the context of any future decision-making regarding any lifetime extension activities of any Czech nuclear power plant, including that:

(a) All impacts of operational states and accidents are properly taken into account during the environmental impact assessment procedure;

(b) When considering whether the lifetime extension constitutes a major change, the activities implemented to prepare for long-term operation prior to the last licence renewals are taken into account;

(c) Czechia notifies, in accordance with article 3 (1) of the Convention, any Party that it considers may be affected, including Austria and Germany;

6. *Recommends* that Czechia follow the good practice recommendations of the Meeting of the Parties that, given the great public concern and national interests involved when it comes to nuclear energy-related activities, a wide notification, that is to say, beyond neighbouring Parties, could prevent later misunderstandings and potential disputes;<sup>4</sup>

<sup>1</sup> ECE/MP.EIA/2023/6.

<sup>2</sup> ECE/MP.EIA/IC/2023/11.

<sup>3</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>4</sup> *Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities* (ECE/MP.EIA/2017/10), para. 28, endorsed by the Meeting of the Parties at its seventh session (Minsk, 13–16 June 2017), through decision VII/6 (ECE/MP.EIA/23.Add.2–ECE/MP.EIA/SEA/7.Add.2).

7. Welcomes the cooperation of Czechia in the proceedings, which facilitated the considerations of the Committee.

## 7. Decision IX/4j on compliance by Serbia with its obligations under the Convention in respect of several mining-related activities in Karamanica, Popovica and Podvirovi and the Grot mine

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decision IX/4<sup>1</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered*, further to paragraph 6 of the appendix to decision III/2,<sup>2</sup> the findings and recommendations of the Implementation Committee on compliance by Serbia with its obligations under the Convention with respect to several mining-related activities in Karamanica, Popovica and Podvirovi and the Grot mine,<sup>3</sup>

*Having considered also* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Serbia,<sup>4</sup>

1. *Endorses* the findings of the Implementation Committee that, in accordance with the information provided to the Committee:

(a) Serbia complied with:

(i) Articles 2 (4) and 3 (1) of the Convention concerning the Karamanica pilot facility and the expansion of the exploitation of the Podvirovi and Popovica mining sites by notifying Bulgaria about the proposed activity at the Grot mine in 2009;

(ii) Article 3 (2) of the Convention with regard to the Karamanica pilot flotation facility, including with regard to the information on the proposed activity under article 3 (2) (a) and time frames specified in the notification as set out in article 3 (2) (c);

(b) By not notifying Bulgaria regarding the major change to the activity at the Grot mine, Serbia failed to comply with articles 2 (4) and 3 (1) of the Convention in respect of the environmental impact assessment procedure for the activity carried out by it in 2019;

(c) Bulgaria failed to fulfil its obligations under articles 3 (3) and (8) and 4 (2) of the Convention by not responding to the notification of Serbia regarding the Karamanica pilot activity within the time frame specified in the notification;

(d) In the absence of a notification from Serbia regarding the activity at the Grot mine, neither of the Parties concerned took appropriate steps under article 3 (7) to exchange information for the purposes of holding discussions on whether a significant adverse impact from the proposed activity was likely on the territory of Bulgaria;

2. *Requests* Bulgaria and Serbia to fulfil their obligations under articles 3 (8) and 4 (2) by ensuring that the public of Bulgaria is given an opportunity to participate in the ongoing transboundary procedure regarding the Karamanica permanent flotation plant;

3. *Welcomes* the fact that Serbia notified Bulgaria regarding the new activity encompassing the exploitation of the Podvirovi and Popovica sites and the construction of a permanent flotation facility in Karamanica, noting that Bulgaria expressed a wish to participate in the related transboundary procedure;

4. *Requests* Serbia to ensure that the Convention is fully applied in the context of any future decision-making regarding planned mining activities, including those at

<sup>1</sup> ECE/MP.EIA/2023/6.

<sup>2</sup> ECE/MP.EIA/6, annex II.

<sup>3</sup> ECE/MP.EIA/IC/2022/8.

<sup>4</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

Karamanica, the Grot mine and/or located in the municipalities of Vranje and Bosilegrad, and that the cumulative impact of the new and already existing mining activities, as well as the cumulative impact of other activities affecting the conditions in the water system, is properly taken into account during the environmental impact assessment procedure;

5. *Welcomes* steps taken by both Parties concerned under article 8 of the Convention to develop and conclude a bilateral agreement for the implementation of the Convention, and encourages Parties to incorporate in that agreement:

(a) Elements referred to in appendix VI to the Convention, including undertaking joint environmental impact assessment and development of joint monitoring programmes, as referred to in paragraph 2 (g) of appendix VI to the Convention;

(b) Special arrangements for the implementation of article 3 (7) of the Convention and for situations when one of the Parties may face impediments to responding to the notification within the time frames specified therein;

6. *Encourages* Serbia to establish a network for monitoring the pollution of the Ljubatska River basin and the Dragovitsa River basin, and to regularly communicate the results to Bulgaria, with a view to taking all appropriate measures to control any significant adverse transboundary impact from the activities referred in the submission, including those listed in paragraph 4 above.

## 8. Decision IX/4k on compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta

*The Meeting of the Parties,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decisions IV/2, paragraphs 7–14,<sup>1</sup> V/4, paragraphs 17–26,<sup>2</sup> VI/2, paragraphs 15–28,<sup>3</sup> IS/1f<sup>4</sup> and VIII/4d, paragraphs 10–16<sup>5</sup> concerning compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (Bystroe Canal Project),

*Having considered* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session (Geneva, 12–15 December 2023),<sup>6</sup> in particular, the section concerning the steps taken by Ukraine further to decision VIII/4d,

*Considering* with concern the war in Ukraine, being conscious of the ensuing difficulties for Ukraine to implement the Convention,

*Recalling* the road map developed by Ukraine in 2018 to bring the Bystroe Canal Project into compliance with the Convention, which contained a non-exhaustive list of measures with regard to Phases I and II of the Project, including: stopping works, repealing the final decision, conducting an assessment of the damage to the environment, and developing a plan for compensatory or mitigation measures,

*Recalling also* the steps taken by Ukraine to develop a new project for a “Bystroe Route” and to carry out a transboundary environmental impact assessment procedure on the new project in accordance with the Convention, starting with its notification of Romania in June 2020,<sup>7</sup>

1. *Appreciates* the information received from the Government of Ukraine, further to paragraph 15 of decision VIII/4d, but regrets that, in 2020 and 2021, Ukraine failed to report to the Implementation Committee on its progress;

2. *Welcomes* the conclusion of a bilateral agreement between Ukraine and Romania on the implementation of the Convention on 18 November 2022, further to paragraph 13 (a) of decision VIII/4d, as an important step forward in improving cooperation and coordination between the two countries in assessing transboundary environmental impacts;

3. *Notes* with regret, however, the lack of progress of Ukraine in bringing the Bystroe Canal Project into compliance with the Convention, further to requests contained in decision VIII/4 d (paras. 4–6 and 12) and in preceding decisions;

4. *Encourages strongly* the Governments of Ukraine and Romania to consult on the post-project analysis, according to article 7 of the Convention;

5. *Endorses* the finding of the Implementation Committee that the caution issued to the Government of Ukraine at its fourth session (Bucharest, 19–21 May 2008) still cannot be lifted;

<sup>1</sup> ECE/MP.EIA/10.

<sup>2</sup> ECE/MP.EIA/15.

<sup>3</sup> ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

<sup>4</sup> ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

<sup>5</sup> ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

<sup>6</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>7</sup> Ibid.

6. *Reiterates* its repeated requests to the Government of Ukraine to bring the Bystroe Canal Project into full compliance with the Convention without delay in consultation with Romania;

7. *Also reiterates* its request to Ukraine to continuously inform Romania about the monitoring results;

8. *Encourages strongly* the Government of Ukraine:

(a) To continue the implementation of the road map, including with a view to:

(i) Completing the assessment of the damage to the environment – in particular in a transboundary context – that resulted from works carried out under Phases I and II of the Bystroe Canal Project;

(ii) Finalizing and approving the plan of compensatory or mitigation measures;

(b) In that context, cooperating closely and consulting with the Government of Romania in an open and transparent manner;

9. *Also encourages* the Government of Ukraine to ensure that the planned activity, the new “Bystroe Route” Project, encompasses Phases I and II of the Bystroe Canal Project;

10. *Welcomes* the ongoing implementation by Ukraine of the transboundary environmental impact assessment procedure with regard to the new project, involving, as a next step, consultations with Romania under article 5 of the Convention;

11. *Requests* the Government of Ukraine to carry out all the steps of the transboundary environmental impact assessment procedure with regard to the new “Bystroe Route” Project, in accordance with the Convention and the newly adopted bilateral agreement between Ukraine and Romania;

12. *Welcomes* the participation of Romania in the procedure under the Convention with regard to the new project and its readiness to closely cooperate with Ukraine concerning the assessment of the damage to the environment resulting from already implemented works related to Phases I and II of the Bystroe Canal Project and the development of compensatory or mitigation measures;

13. *Requests* the Government of Ukraine to regularly report to the Implementation Committee on the progress made;

14. *Requests* the Implementation Committee to report to the Meeting of the Parties at its tenth session on its evaluation of the steps taken by the Government of Ukraine to comply with its obligations under the Convention.

## 9. Decision IX/4I on compliance by Ukraine with its obligations under the Convention in respect of the extension of the lifetime of Rivne nuclear power plant

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decision VI/2, paragraphs 68–71<sup>1</sup> and decisions IS/1g<sup>2</sup> and VIII/4e<sup>3</sup> concerning compliance by Ukraine in respect of the lifetime extension of reactors 1 and 2 of Rivne nuclear power plant,

*Recalling further* its decision IX/4 on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),<sup>4</sup>

*Having considered* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning the steps taken by Ukraine further to decision VIII/4e,<sup>5</sup>

*Considering* with concern the war in Ukraine, being conscious of the ensuing difficulties for Ukraine to implement the Convention,

1. *Notes* the information provided by Ukraine further to paragraph 6 (c) of decision VIII/4e concerning the extension of the lifetime of reactors 1 and 2 of Rivne nuclear power plant, while regretting the incompleteness of that information and the overall unresponsiveness of Ukraine, which hindered the Committee's deliberations;

2. *Welcomes* the steps taken by Ukraine further to paragraph 69 of decision VI/2, in particular, the adoption of the Law on Environmental Impact Assessment in 2017 and, in 2020, the adoption of the related secondary legislation establishing legal provisions for the transboundary environmental impact assessment under the Convention for the extension of the lifetime of nuclear power units;

3. *Also welcomes* the steps taken by Ukraine to date to complete the transboundary environmental impact assessment procedure to reach full compliance with the Convention with respect to the activity, as requested in paragraph 6 (a) and (b) of decision VIII/4e, noting with concern, however, that it has thus far not fully completed the procedure under the Convention;

4. *Endorses* the findings of the Implementation Committee at its fifty-seventh session (Geneva, 29 August–1 September 2023) that, despite the positive steps taken, Ukraine has not yet fully fulfilled its obligations as referred to in decision VIII/4e;<sup>6</sup>

5. *Requests*, therefore, Ukraine to:

(a) Finalize the transboundary environmental impact assessment procedure with the Parties that still consider themselves to be affected, including, pursuant to article 6 of the Convention:

(i) Revising the final decision on the lifetime extension of reactors 1 and 2 of Rivne nuclear power plant, taking due account of the outcomes of the environmental impact assessment procedure, including the environmental impact assessment documentation and comments received from the affected Parties;

<sup>1</sup> ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

<sup>2</sup> ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

<sup>3</sup> ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

<sup>4</sup> ECE/MP.EIA/2023/6.

<sup>5</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>6</sup> ECE/MP.EIA/IC/2023/8, para. 17.



(ii) Providing to the affected Parties the final decision, including the reasons and considerations on which it was based;

(b) Report, by the end of January 2024, to the Implementation Committee on the steps taken to finalize the transboundary environmental impact assessment;

6. *Requests* the Committee to report to the Meeting of the Parties to the Convention at its tenth session on compliance by Ukraine with its obligations under the Convention in respect of the lifetime extension of Rivne nuclear power plant;

7. *Requests* Ukraine to ensure that the Convention is fully applied in the context of any future decision-making regarding lifetime extension activities of any of its nuclear power plants, including that:

(a) All impacts of operational states and accidents are properly taken into account during the environmental impact assessment procedure;

(b) When considering whether the lifetime extension constitutes a major change, the activities implemented to prepare for long-term operation prior to the last licence renewals are taken into account;

(c) Ukraine notifies, in accordance with article 3 (1) of the Convention, any Party that it considers may be affected

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