

UNECE

Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (2016 – 2018)

Sixth review



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on Environmental Impact Assessment
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PREFACE

The Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) was adopted in Espoo, Finland, on 25 February 1991 and entered into force on 10 September 1997. By 2021 there were 45 Parties to the Espoo Convention, including the European Union, as identified on the Convention's website (<https://unece.org/environment-policy/environmental-assessment>). In 2001, the Parties adopted an amendment to the Convention allowing non-UNECE member States to become Parties. That amendment entered into force on 26 August 2014, but five further ratifications are still needed for it to have effect¹. In 2004, the Parties adopted a second amendment revising, inter alia, the list of activities in Appendix I, allowing affected Parties, as appropriate, to participate in scoping requiring review of compliance procedures and introducing regular reporting on the implementation of the Convention. The second amendment entered into force on 23 October 2017.

The Espoo Convention is intended to help make development sustainable by promoting international cooperation in assessing the likely impact of a proposed activity on the environment. It applies to activities that could damage the environment in other countries. Ultimately, the Espoo Convention is aimed at preventing, mitigating and monitoring such environmental damage.

The Espoo Convention ensures that explicit consideration is given to environmental factors well before the final decision is taken on activities with potential environmental impacts. It also ensures that the people living in areas likely to be affected by an adverse impact are informed of the proposed activity. It provides an opportunity for these people to make comments or raise objections to the proposed activity and to participate in relevant environmental impact assessment procedures. It also ensures that the comments and objections made are transmitted to the competent authority and are taken into account in the final decision.

A Protocol on Strategic Environmental Assessment to the Espoo Convention was adopted on 21 May 2003 and entered into force on 11 July 2010; by 2021 it had 33 Parties, including the European Union. It applies the principles of the Espoo Convention to plans, programmes, policies and legislation, but with a focus on the national impact assessment procedures.

Since the Meeting of the Parties first decided at its second session, in 2001, that a review of the implementation of the Convention should be undertaken (MP.EIA/2001/11, annex) six reviews have been carried out and subsequently adopted by the Meeting of the Parties and published by the secretariat². These reviews were undertaken on the basis of responses to a questionnaire by Parties (and by some non-Parties) to the Convention during the respective reporting rounds³.

¹ UN Member States that are not members of the ECE may only be able to accede when the first amendment has entered into force for all the 31 States and organizations that were Parties to the Convention at the time the amendment was adopted on 27 February 2001 (new art. 17, para. 3). The following five Parties still need to ratify the amendment to make it operational: Armenia, Belgium, North Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

² Reviews of implementation are available following the link: <https://unece.org/environment-policy/environmental-assessment/review-implementation-national-reporting>

³ The first review of implementation (2003) was adopted by the Meeting of the Parties to the Convention at its third session in 2004 (ECE/MP.EIA/6); the second review of implementation (2003–2005) was adopted by the Meeting at its fourth session in 2008 (ECE/MP.EIA/11); the third review of implementation (2006–2009) was adopted by the Meeting of the Parties at its fifth session in 2011 (ECE/MP.EIA/16); the fourth review of implementation (2010–2012) was adopted by the Meeting of the Parties at its sixth session (2013) (ECE/MP.EIA/23); the fifth review of implementation (2013–2015) was adopted by the Meeting of the Parties at its seventh session in 2017 (ECE/MP.EIA/25). All the reviews of implementation are available from <https://unece.org/environment-policy/environmental-assessment/review-implementation-national-reporting>

This publication contains the Sixth review of implementation of the Espoo Convention, as adopted by the Meeting of the Parties to the Convention at its eighth session (Vilnius (online), 8–11 December 2020)⁴. It examines responses to a questionnaire on countries' implementation of the Convention in the period 2016–2018. The Meeting of the Parties noted the findings of the present Review and requested the Convention's Implementation Committee to take into account general and specific compliance issues identified in the Review in its review of compliance by Parties with their obligations under the Convention. Besides its importance to the Implementation Committee, this Review provides valuable information for Parties wishing to strengthen their implementation of the Convention, for States considering acceding to the Convention in their legal and administrative preparations, and for others wishing to understand better how the Convention is implemented in national legislation and applied in practice.

The seventh review of the implementation is expected to cover the period 2019- 2021. As mandated by the Meeting of the Parties at its eighth session will be based on the questionnaires modified with a view to making the reviews of implementation more informative for the Implementation Committee regarding potential non-compliance and turn them into tools for collecting and disseminating good practice⁵.



⁴ ECE/MPEIA/30/Add.2-ECE/MPEIA/SEA/13/Add.2.

⁵ ECE/MPEIA/30/Add.1-ECE/MPEIA/SEA/13/Add.1, item B.1.; ECE/MPEIA/30/Add.2-ECE/MPEIA/SEA/13/Add.2, para. 5.

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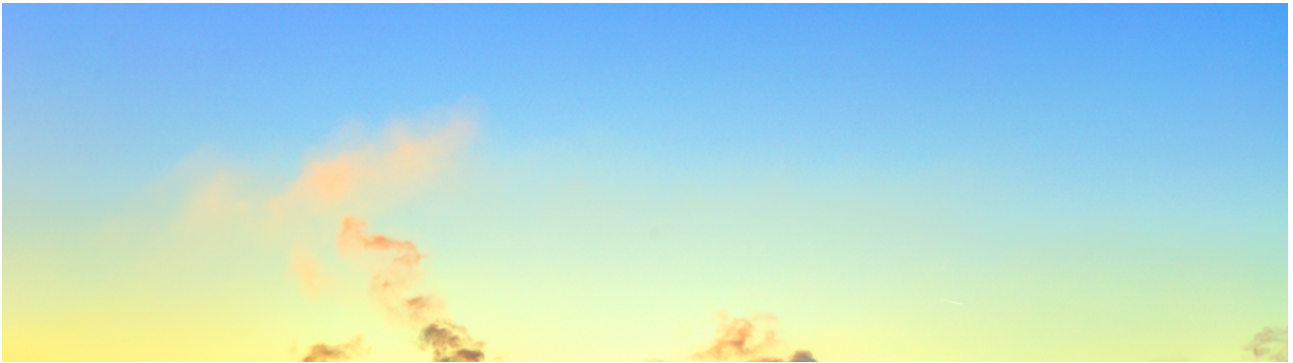
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Introduction

1. This report presents the sixth review of the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). It examines responses to a questionnaire on the Parties' implementation of the Convention and their practical experiences with the Convention from 2016 to 2018, with a view to enhancing the implementation of, and compliance with, the legal provisions of the Convention.

2. The report is structured as follows: section I, containing an outline of the methodology underpinning the sixth review; section II, comprising a review of certain aspects of the Parties' domestic legal and administrative frameworks implementing the Convention; section III, containing a review of the Parties' practical application of, and experiences with, the Convention during the survey period; and section IV, containing a summary of the conclusions of the sixth review of implementation.



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