

REPORT

9th Meeting of the Parties to the Espoo Convention

Geneva, Switzerland

12 – 15 December 2023



Provisional agenda:

General segment

1. Opening of the sessions
2. Organizational matters:
 - (a) Election of the Chair of the general segment;
 - (b) Adoption of the agenda;
 - (c) Report on credentials;
 - (d) Status of the Convention and its amendments and the Protocol.
3. Outstanding issues:
 - (a) Draft joint decisions:
 - (i) Draft decision on financial arrangements for 2024–2026;
 - (ii) Draft decision on the workplan for 2024–2026;
 - (iii) Draft decision on cooperation in marine regions;
 - (iv) Draft decisions on compliance with the Convention and the Protocol;
 - (b) Draft decisions by the Meeting of the Parties to the Convention:
 - (i) Draft decisions on compliance with the Convention;
 - (ii) Draft decision on reporting and review of implementation of the Convention;
 - (c) Draft decisions by the Meeting of the Parties to the Protocol:
 - (i) Draft decisions on compliance with the Protocol;
 - (ii) Draft decision on reporting and review of implementation of the Protocol;
 - (iii) Draft decision on assessing health impacts in strategic environmental assessment;
 - (d) Draft Geneva declaration;
 - (e) Nomination of officers for the next intersessional period;
 - (f) Tentative calendar of meetings.
4. Review of the workplan:
 - (a) Compliance with and implementation of the Convention and the Protocol;
 - (b) Subregional cooperation and capacity-building;
 - (c) Exchange of good practices;
 - (d) Promoting practical application of the Protocol and the Convention.

High-level segment

5. Opening ceremony for the high-level segment:
 - (a) Election of officers for the high-level segment;
 - (b) Introductory speeches.
6. High-level event on the contribution of the Convention and the Protocol to energy transition, circular economy and green financing.
7. Statements by ministers and high-level representatives.
8. Adoption of decisions:
 - (a) Decisions to be taken jointly;
 - (b) Decisions to be taken by the Meeting of the Parties to the Convention;
 - (c) Decisions to be taken by the Meeting of the Parties to the Protocol.
9. Adoption of the declaration.
10. Election of officers for the next intersessional period.
11. Date and venue of the next sessions.
12. Other business.
13. Conclusion of the session:
 - (a) Adoption of the outline report of the session;
 - (b) Closing of the session.

The 9th session of the Meeting of the Parties to the Convention (MOP-9) and the 5th session of the Meeting of the Parties to the Protocol (MOP/MOP-5) were opened by the Chair of the Bureau, Mr. George Kremlis (Greece). Delegates were welcomed by the Executive Secretary of UNECE, Ms. Tatiana Molcean. 38 Parties had registered for the meeting.

On Tuesday, 12 December, from 10:15 to 11 a.m., organizational matters were discussed:

(a) The election of the Chairs of the general segment was undertaken. The MOPs elected the Chairs of the general segment, following the recommendation of the Working Group on EIA and SEA and the Bureau. Mr. Kremlis was elected as Chair of the MOP-9, and Ms. Vesna Kolar-Planinšič (Slovenia) was elected as Chair of the MOP/MOP-5 for the general segment.

(b) The adoption of the agenda was addressed. The MOPs adopted the annotated provisional agenda for the ninth session of the Meeting of the Parties to the Convention and the fifth session of the Meeting of the Parties to the Protocol.

(c) The report on credentials was presented. The Chair reported on the credentials received, emphasizing that only Parties with valid credentials could vote and participate in the adoption of decisions or the declaration.

(d) The status of the Convention and its amendments and the Protocol was discussed. Comprehensive updates were provided regarding the status of the Convention and its amendments, as well as the Protocol. Delegations from various countries shared progress reports on the ratification of amendments and the Protocol, highlighting both achievements and areas needing attention.

Considering the 1st amendment, the Parties delivered the following statements:

In Belgium, ratification of the agreement requires approval from both federal and regional parliaments. The first amendment has been approved by three regional parliaments, while the federal parliament is currently in the process of reviewing it. However, the exact timeframe for full ratification remained uncertain.

In Armenia, the ratification process has been delayed due to internal issues within the country. The federal government is now considering restarting the ratification process, with an aim to do so as soon as possible.

Regarding the United Kingdom, no further comments were provided.

In North Macedonia, there is a strong emphasis on the commitment to ratification. The process was initiated back in 2015, and efforts are being made to complete the ratification as quickly as possible.

The following was stated concerning the 2nd amendment:

In Belgium, there was no information available regarding the status of the agreement in the federal parliament.

Armenia expressed the need for full implementation of the agreement and was willing to discuss further when Armenia was capable of fully implementing the Convention in the region. The Chair had offered advice and support in this regard.

Belarus remained committed to the spirit of the commitment and was in the process of implementing the principles outlined in the national legislations. Certain passages of the second amendment had already been implemented in the national legislation.

Although Bosnia was not present, the country had initiated the process for ratifying both amendments in 2021. However, the process had not been completed yet. The Ministry of Environment was supposed to send an information request on the progress.

In Ireland, legal advice was sought in March, and a draft advice was received in September. It was concluded that primary legislation would be necessary to fully ratify the second amendment. The final advice was expected to be received soon, and a memorandum was to be submitted to the government early in 2024. However, no time commitments could be made at that stage.

Kazakhstan was in the process of adopting the agreement into national legislation, and a Strategic Environmental Assessment (SEA) had been carried out.

Kyrgyzstan experienced a delay due to the restructuring of the Ministry of Environment.

North Macedonia had initiated the ratification process in 2023.

The United Kingdom had not provided any comment on the matter.

Regarding the Protocol, the Parties stated the following:

In Belgium, approval from the Flemish parliament was lacking.

France ratified the process during the summer, and ratification was expected to be completed by the end of 2024.

There was no new information from Georgia on the matter.

Greece had taken steps towards ratification, and it was anticipated that the Protocol would be ratified during the next year.

Ireland needed primary legislation for ratification.

The United Kingdom did not comment on the issue.

However, several other delegations, particularly those from countries benefiting from technical assistance and capacity-building, were urged to provide updates on their preparations for ratifications or accessions to the Convention and/or the Protocol.

Moreover, it was noted that the European Union had returned blank questionnaires and separate information notes, indicating a need for further engagement and clarification regarding their contributions and commitments.

On Tuesday, 12 December, from 11 a.m. to 1 p.m. and 3 to 6 p.m., as well as on Wednesday, 13 December, from 10 a.m. to 1 p.m. and 3 to 6 p.m., outstanding issues were addressed.

On Tuesday, 12 December, from 11 a.m. to 12:30 p.m., draft joint decisions were discussed:

(i) The MOPs reviewed and finalized the draft decision on financial arrangements for 2024–2026. Additionally, it was highlighted that as of November 24th, 2023, there were no financial contributions from Belarus, Bosnia and Herzegovina, Kazakhstan, Kyrgyzstan, Liechtenstein, Serbia, Ukraine, and the

United Kingdom for the period of 2021-2023. Furthermore, no pledges for 2024-2026 were made by Albania, Belarus, Bosnia and Herzegovina, Kazakhstan, Kyrgyzstan, Liechtenstein, Montenegro, North Macedonia, Portugal, Serbia, Ukraine, and the United Kingdom.

On Tuesday, 12 December, from 12:30 to 1 p.m. and 3 to 4 p.m., the draft decision on the workplan for 2024–2026 was reviewed and finalized.

On Tuesday, 12 December, from 4 to 4:30 p.m., outstanding issues in the draft report on synergies and possible cooperation activities in marine regions were discussed and agreed upon.

On Tuesday, 12 December, from 4:30 to 5 p.m., draft decisions on compliance with the Convention and the Protocol were discussed and agreed upon.

On Tuesday, 12 December, from 5 to 6 p.m., and Wednesday, 13 December, from 10 a.m. to noon, the MOP discussed and agreed upon draft decisions on general issues of compliance with the Convention and country-specific compliance.

IX/4a-V/4a Albania: The decision regarding Albania in agenda item was approved and will be presented during the high-level segment.

IX/4b-V/4b – Armenia: The follow-up to the previous decision IX/4a reaffirmed the decision. Armenia had adopted a new law on Environmental Impact Assessment (EIA) in May; however, there are still areas for improvement. The Implementation Committee (IC) encourages the Meeting of the Parties (MOP) to acknowledge that Armenia remains in non-compliance.

IX/4c – V/4c Bosnia Herzegovina: Montenegro's comments expressed appreciation for the work of the Implementation Committee (IC), noting that Montenegro had taken a constructive approach which should have been better acknowledged. The IC, in turn, thanked Montenegro for its cooperative approach. Additionally, the Secretariat acknowledged Montenegro's input.

IX/4d - Azerbaijan: Despite the steps taken by Azerbaijan, it did not fulfill the recommendations of the Implementation Committee (IC). Therefore, the IC recommended that the Meeting of the Parties (MOP) express regret that Azerbaijan had not fulfilled the requirements. Furthermore, Azerbaijan had not yet fully adopted compliant legislation. During Azerbaijan's intervention, it expressed full commitment to its obligations, highlighting that it had established Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) procedures, among other measures. Azerbaijan made no comments on the decision and hoped that the case would be closed by the following year. The only comment made in footnote 10 was regarding Armenia, not Azerbaijan.

IX/4e - Belarus: Belarus accepts the decision under the condition that its statement be included in the final document.

IX/4f – Belarus: Belarus suggested that recommendations should not create hindrances to implementation and that measures needed to be taken by both Parties. They questioned the necessity of a new modality, considering the redundancy of Belarus's implemented procedure following a bilateral agreement.

The draft analysis was continued, confirming that there was no need for a bilateral body.

The EU expressed gratitude to the Implementation Committee (IC) for incorporating paragraphs 1 and 4 into the Draft Decision, which reflected the input provided by the EU during the Working Group meeting in June.

Belarus announced its intention to reconsider the decision of the Meeting of the Parties (MOP) and promised to present its position the following day.

Greenpeace raised concerns about cooperation with civil society, noting that activists were imprisoned in Belarus due to collaboration with authorities. They suggested that the statement should be clarified.

Belarus claimed full compliance, stating that they had provided regular information and drafts of normative acts. However, they expressed disagreement with the Draft Decision as a whole and were unwilling to adopt it as presented.

The IC proposed adopting the decision as presented.

Belarus suggested taking time before the high-level segment to find a compromise on the Draft Decision with the IC and potentially vote on the issue.

Justice and Environment criticized countries for bringing forward comments on the Draft Decision.

IX/4g - Belgium: The Party concerned accepts the decision of the IC under the condition that its statement be included in the final document.

IX/4h - Bulgaria: Bulgaria argued that it was in compliance with the Espoo Convention.

The IC expressed concern that Bulgaria was not able to accept the decision, noting that there were fruitful hearings and no new concerns in the comments. The IC reiterated that its mandate is to review compliance, not Bulgaria's, and mentioned the investments made for the continuation of the operation of the Nuclear Power Plant (NPP). Austria, as an affected Party in the case, fully supported the IC decision.

France expressed commitment to the EC and accused Bulgaria of not respecting the functioning of the EC. However, France also questioned the ability of experts to assess the safety of the NPP and suggested that the IC was going beyond its responsibilities by questioning national experts.

The Chair clarified if France wanted to revise the decision, to which France responded that they wanted to state that Bulgaria was not in non-compliance.

Czechia supported France.

Switzerland emphasized the importance of the debate and supported the IC decision, mentioning that if decisions were always postponed, there would never be a resolution.

Romania expressed trust in the IC and mentioned transboundary Environmental Impact Assessments (EIAs) between Bulgaria and Romania.

Slovakia agreed with Switzerland on the importance of the debate and supported the IC but also shared some of France's concerns.

Luxembourg echoed Austria and Romania, stating that the IC decision should remain unchanged.

Portugal fully trusted the IC decision.

Greece hoped that a consensus could be reached including all Parties and commended paragraphs 5 and 6 of the draft decision, but wanted to widen the circle of informed Parties.

Germany as well as Italy supported the position of Austria and disagreed with Bulgaria's amendments.

Greenpeace found it concerning that Member States (MS) did not endorse the IC findings.

The UK, after considering France's and the IC's comments, drew attention to principles of the Long-Term Operation (LTE) Guidance that were not sufficiently assessed by the IC.

Slovenia stated, referring to the Krsko case, that it managed to conduct an EIA for a LTE as well and expressed support for the work of the IC and Austria's position, proposing to endorse the IC decision.

Spain expressed support for the IC decision.

Bulgaria expressed gratitude for the trust in the work of the IC and, regarding accusations, mentioned that it had acted within the mandate given by the MOP. Bulgaria clarified however, that guidelines specifically refer to NPP situated on rivers, and each case must be assessed by a different person. Bulgaria thanked all countries for their comments but emphasized that they do not have to agree with everything said by the IC (sic!).

IX/4i - Czechia: The IC acknowledged Czechia's recent statement. The Secretary noted the receipt of the statement on December 7th but indicated a lack of authorization to distribute it widely. Switzerland asked about the responsibility for disseminating information. The Chair highlighted the presence of deadlines within typical court proceedings and the potential for additional information to cause delays. The Secretary clarified that the decision on information distribution rests with the Party due to the absence of a unified Meeting of the Parties (MOP) decision.

Czechia argued it was following the Espoo Convention. The IC expressed concern that Czechia was not able to accept the decision, noting fruitful hearings and no new concerns in comments. Austria fully supported the IC decision as an affected Party. France supported Czechia's position, while Switzerland, Romania, Portugal, Spain, Luxembourg, Germany, Italy and Slovenia emphasized the importance of debate and supported the IC decision, mentioning continuous postponement leads to no resolution. ÖKOBÜRO criticized the short-notice comments and disrespect of the IC decision.

IX/4j – Serbia: The decision was accepted as presented.

IX/4k-I - Ukraine: Belarus suggested the omission of the condemnation of the Russian aggression against Ukraine, but was faced with opposition by the EU.

On Wednesday, 13 December, from noon to 1 p.m., the MOP reviewed and finalized draft decision IX/5 on reporting and review of implementation of the Convention.

On Wednesday, 13 December, from 4 to 5 p.m., the MOP reviewed and finalized draft decision V/5 on reporting and review of implementation of the Protocol.

On Wednesday, 13 December, from 5 to 6 p.m., the MOP discussed and agreed upon the draft document for information purposes on assessing health impacts in strategic environmental assessment, along with the related draft decision on assessing health impacts in strategic environmental assessment.

On Thursday, 14 December, from 10 to 11 a.m., the MOPs reviewed and finalized the draft Geneva declaration, taking into account earlier deliberations. Belarus objected to include the condemnation of the Russian aggression towards Ukraine but was faced with opposition from the EU.

On Thursday, 14 December, from 11:30 a.m. to noon, the MOPs agreed on a tentative calendar of meetings of their subsidiary bodies in the intersessional period 2024–2026.

On Thursday, 14 December, from noon to 1 p.m., the MOPs reviewed progress in the implementation of the current workplan 2021–2023, focusing on activities not yet addressed.

On Friday, 15 December, from 10 to 11 a.m., the Chair introduced the decisions submitted for adoption by the States Parties to the Convention and/or the Protocol, as reviewed and finalized by delegations during the general segment.

During the Meeting of the Parties (MOP) high-level voting session, it was noted that there was a quorum for decision-making. The proceedings commenced with decisions where consensus had been reached. The decisions regarding financial arrangements and pledges, the workplan, cooperation in marine regions, compliance by Albania, compliance by Armenia (with a statement by Armenia to be included in the meeting report), compliance by Bosnia and Herzegovina, general issues of compliance, compliance by Azerbaijan, and compliance by Belarus (specifically concerning Ostrovets) were all adopted.

Compliance by Belarus regarding legislation was discussed, with Belarus asserting that it had fulfilled two obligations and deeming the draft decision stating Belarus's non-compliance with the Convention unacceptable. However, in the spirit of the Convention, Belarus agreed not to break consensus, and its statement will be reflected in the meeting report. The decision was adopted. Similarly, compliance by Belgium was addressed, and its statement will also be reflected in the meeting report, with the decision being adopted. Compliance by Serbia was adopted without significant discussion. Regarding compliance by Ukraine, Belarus objected to endorsing the phrase "strongly condemns Russia's war of aggression" but opted not to break consensus, leading to adoption. General compliance with the Protocol and compliance by Serbia with the Protocol were both adopted. The decision on assessing health impacts on the Strategic Environmental Assessment (SEA) was adopted, as well as the decision on reporting and review of the implementation of the Protocol. The list of nominees for the elections of Officers was adopted. However, objections from the EU and Switzerland were raised regarding the election of a Belarussian official as the third Vice Chair to the Working Group. Belarus responded by suggesting a vote by secret ballots due to the lack of consensus on their removal from the Working Group. The Secretariat will prepare the voting ballots, with 36 votes in total and 34 in favor of removing Belarus, leading to their removal from the Working Group. The acceptance of Bureau members was adopted without significant contention.

The vote was continued with the decisions where no consensus was reached, starting with the Bulgarian case.

Austria proposed voting on the original Implementation Committee (IC) decision first via a secret ballot, citing efficiency and fairness. Bulgaria expressed belief in multilateral consensus but had objections to point 3 and proposed postponing the final decision to an exceptional Meeting of the Parties (MOP) in 2024. France voiced full commitment to the Convention and the IC's key role, suggesting further debate and exchange due to diverging views among Parties. The IC Chair and Luxembourg delegation supported Austria's proposal, seeing no new facts but efforts to delegitimize the IC. Czechia supported

Bulgaria's proposal. Portugal and Slovakia also supported Austria's position, emphasizing the complexity of the case and the need for continued discussions. Germany echoed support for Austria, highlighting the potential damage to the importance and role of the IC if a decision was not made promptly.

According to the Rules of Procedure, a vote on postponing the decision had to be taken first, which resulted in 22 votes against postponement and 9 in favor. Bulgaria respected the vote outcome and proposed voting on the decision paragraph by paragraph, a suggestion that was not adopted by the MOP. In the end, 24 voted in favor of adopting the decision as presented by the IC, 5 abstained and 5 voted against adoption, leading to the decision's adoption with a 3/4 majority.

Czechia, concerning its compliance, proposed postponement and requested a secret ballot, supported by France. However, Austria proposed voting on the draft decision of the IC first. Luxembourg and the IC Chair supported Austria's proposal due to the lack of new information. Bulgaria supported Czechia. The vote on postponement resulted in 9 in favor and 21 against. Czechia then proposed voting paragraph by paragraph, but Austria objected. However, since on Friday at noon the interpreters started leaving, Belarus objected to continuing the vote. The Chair decided to begin the next intermediate meeting with the remaining agenda points, considering the request by Belarus and the language barrier among delegates.