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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Espoo Convention:
Intermediary Session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and the 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 (Geneva, Switzerland, 5–7 February 2019)
- Information from the Presidency and the Commission

Delegations will find in the Annex an information note from the Presidency and the Commission on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 5 March 2019.

**Espoo Convention:
Intermediary Session of the Meeting of the Parties to the Convention on Environmental
Impact Assessment in a Transboundary Context and
the 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
(Geneva, Switzerland, 5–7 February 2019)**

- Information from the Presidency and the Commission -

The Intermediary Session of the Meeting of the Parties to the Espoo Convention and the Parties to the SEA Protocol (IS-MOP) took place in Geneva, Switzerland, from 5 to 7 February 2019. It was attended by the European Union and nearly all Member States, as well as most of the Parties to the Espoo Convention and the SEA Protocol, NGOs and other stakeholders.

The Intermediary Session was organized as decided by the seventh session of the Meeting of the Parties to the Espoo Convention and the third session of the Meeting of the Parties to the SEA Protocol (13-16 June 2017, Minsk, Belarus) to further discuss the main issues and adopt respective decisions.

The Intermediary Session adopted a decision on general issues of compliance with the Convention, eight case-specific decisions on compliance with the Convention, one decision on the applicability of the Convention to the lifetime extension of nuclear power plants and one decision endorsing the Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries.

Most decisions were adopted by consensus. The following two decisions were adopted by vote, with a majority of $\frac{3}{4}$ of the Parties (including the EU and its Member States), present and voting:

- Decision IS/1d on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets;
- Decision IS/1h on compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention in respect of the Hinkley Point C nuclear power plant.

The adopted decisions incorporated the amendments proposed by the EU and its Member States. This outcome was achieved thanks to the hard work and the spirit of cooperation and flexibility among EU Member States.

In substance, the EU amendments aimed mainly to ensure that the decisions adopted reflect the letter and the spirit of the Convention. Since the Convention was implemented in the EU legal order by the Environmental Impact Assessment Directive ¹, the way in which the Convention is interpreted and applied by the Convention bodies can be relevant for the interpretation of the Directive within the EU. The Intermediary Session recalled that the adopted decisions are binding for all Parties.

With regard to the applicability of the Espoo Convention to the lifetime extension of nuclear power plants, the Meeting of the Parties took note of the upcoming *ad hoc* group's meetings aiming to develop guidance on this topic, as well as of a potential broadening of the membership of the *ad hoc* group. This confirms the continuous raise in importance of the nuclear energy issues on the agenda of the Espoo Convention.

¹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012, p. 1–21, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 124, 25.4.2014, p. 1–18.

The Parties reported on their progress in the adoption of legislation implementing the Convention and its Protocol. The Intermediary Session also took note of the state of play of the implementation of the workplan of the Convention and its Protocol for the period 2017-2020.
