
**Questionnaire for the report of Austria on the implementation of the
Convention on Environmental Impact Assessment in a Transboundary
Context in the period 2013–2015**

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Part one

Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes x [but see also under (d) and the following comment]
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation x

Your comments: There is no specific definition of "impact" in the Austrian EIA act, rather § 1 (1) Z 1 a) – d) describes the content of what is meant by "impact". On the whole, it is pretty much the same outcome as the definition in the Convention.

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes x (but see also under (d) and the following comment)
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation x

Your comments: The same answer applies to this question as it has been given above. Although there is no explicit definition, the description of what "transboundary impact" is supposed to be corresponds pretty much with the Convention's definition.

I.3. Please specify how major change is defined in your national legislation:

Major changes or modifications of projects are ruled in § 3a EIA act: According to § 3a (1) leg. cit., an EIA shall be conducted if the modification amounts to a capacity increase of at least 100% of the threshold value indicated in Column 1 or 2 of Annex 1 of the EIA act, if such a threshold value is specified (no. 1); moreover, those projects are subject to an EIA, for which a modification criterion is defined in Annex 1 provided that this criterion is met and the authority determines on a case-by-case basis that significant harmful, disturbing or adverse effects on the environment are to be expected due to the modification (no. 2).

According to § 3a (2) EIA act, an EIA shall be performed for modifications of other projects listed in Column 1 of Annex 1 of the EIA act, no. 1., if the threshold value of Column 1 is already reached by the existing installation or will be reached upon implementation of the modification, and if the modification results in a capacity increase amounting to at least 50% of this threshold value, or, no. 2., if the capacity is increased by at least 50% of the previously approved capacity of the project in case no threshold value is indicated in Column 1 of Annex 1, and if the authority determines for the case in question that significant harmful, disturbing or adverse effects on the environment are to be expected due to the modification. § 3a (3) leg. cit. stipulates similar rules for modifications of other projects listed in Column 2 or 3 of Annex 1 of the EIA act. Finally, § 3a (5) determines that, unless Annex 1 provides otherwise, the applicability of an EIA to modifications according to para 1 no. 2 as well as para 2 and 3 shall be assessed on the basis of the sum total of the capacities approved in the past five years, including the capacity increase applied for, provided that the modification applied for results in a capacity increase amounting to at least 25% of the threshold value or, if no threshold value is specified, of the previously approved capacity.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project x
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned x
- (c) By other means (please specify): § 19 EIA act defines the parties to an EIA procedure enjoying locus standi; besides neighbours and concerned communities / municipalities also parties stipulated by the applicable administrative provisions, the ombudsman for the environment, water management planning body, citizens' groups fulfilling certain criteria and environmental organisations officially recognised and fulfilling certain criteria are included.

Your comments: While neighbours have the right to assert so-called subjective public rights such as the protection of life, health and property, the other parties are also entitled to assert so-called objective public rights stipulated in order to protect the environment (including flora, fauna, bird, air and other issues).

Article 2

General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA: The Austrian EIA Act 2000 (Federal Law Gazette I No. 697/1993 as amended, last amendment by Federal Law Gazette I No. 4/2016), in particular sections 10 and 17. These legal provisions are further explained in a circular to the competent authorities.
- (b) EIA provisions are transposed into another law(s) (please specify): n.a.
- (c) Regulation (please indicate number/year/name): Ordinance of the Federal Minister of Agriculture and Forestry, Environment and Water Management on the those areas (Category D of Annex 2 EIA act) where the exposure limits specified by the Ambient Air Quality Act, Federal Law Gazette I No. 115/1997, as amended, are exceeded repeatedly or for a prolonged period of time, Federal Law Gazette II No. 166/2015.

(d) Administrative (please indicate number/year/name): n.a.

(e) Other (please specify): n.a.

Your comments: -

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is x. Moreover, Annex 1 of the Austrian EIA act not only encompasses all projects of appendix 1 of the Convention, but its list of projects exceeds by far appendix 1 of the Convention and enumerates 89 types of different projects.

(b) It differs slightly (please specify): see above.

Your comments: see above; the list of projects differs in the way as mentioned above.

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, regional, local levels x

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities: For all the projects listed in Annex 1 of the EIA act the responsible and competent authorities to carry out the EIA are the nine regional governments of Austria, according to the location in which the project is situated. For highways and high speed railroads the competent authority to carry out an EIA is the Federal Ministry for Transport, Innovation and Technology.

(d) There is no single authority responsible for the entire EIA procedure:

Your comments: The nine regional governments of the Austrian "Länder" are also responsible to carry out the transboundary EIA procedures, according to the location of the project and its impacts of the party of origin.

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes x (please specify): The Federal Ministry of Agriculture, Forestry, Environment and Water Management, acting as contact point under the Espoo Convention, is the first address for notifications of projects likely to cause significant adverse impacts on Austria's environment by Parties of origin and undertakes the collection of all information concerning transboundary EIA procedures.

Your comments: The Austrian Environment Agency (Umweltbundesamt), assigned by the Federal Ministry of Environment, collects and provides information and data on some of the transboundary EIA procedures, in particular of the ones concerning nuclear related activities of parties of origin.

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain): Being the Party of origin, Austria provides the notification and relevant documentation of a project to the affected Party at a reasonable time before public participation in Austria starts and provides all necessary detailed information on the public participation process in Austria according to the provisions of the EIA Act; if needed and so required by the affected Party, it enters into consultations with it.

Being the affected Party, the Austrian contact point under the Espoo Convention, the Federal Ministry of Environment, – after having received the respective notification – informs the affected “Länder” / regions and their regional governments of the project of a Party of origin, provides their authorities with all the relevant documentation on the project and ensures that all the information on the project and the respective EIA documentation, including the ENV report, are being made available to the public via public announcement, so that the public concerned gets the possibility to participate in the respective transboundary EIA procedure via providing and submitting comments.

Article 3 Notification

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started x
- (c) After finishing the domestic procedure
- (d) At other times (please specify): see comment below.

Your comments: The Austrian EIA Act requires notifications to the affected Parties as early as possible and, if appropriate for the consideration of transboundary effects, already during the preliminary procedure, but no later than when informing the Austrian public.

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format (please attach a copy)
- (c) No official format used x

Your comments: Usually, Austria does not use any official format for notification, but nevertheless it provides all the information required by the Convention in a cover letter, such as a short description of the project, an indication on public participation procedure and public announcement of the project as well as advices on deadlines.

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2 x
- (b) The information required by article 3, paragraph 5 x
- (c) Additional information (please specify): Depending on the specific project.

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame

(b) Yes, it is indicated in the national legislation (please indicate the time frame): Austria, its contact point under Convention, notifies the affected Party of a project as early as possible and – according to § 10 (1) Z 2 EIA act - sets an appropriate and reasonable deadline for communicating whether the affected Party wishes to participate in the EIA procedure or not.

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations (please indicate the average length in weeks): Partly applies, see above.

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: So far, in most of the cases the affected Party did respond within the time frame whether or not it intends its participation in a transboundary EIA procedure. Moreover, if an affected Party would be in delay in doing so, there would be certainly room for extending such a time frame.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website¹

(b) Other (please specify): -

Your comments: According to § 10 EIA act the affected Party gets notified and informed about the respective project as soon as possible including the provision of all relevant information and the description of the project and its possible impacts.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify): -

Your comments: Depending both on the nature and the location of the project in the Party of origin, Austria, the contact point under the Espoo Convention, the Federal Ministry of Environment, and, where appropriate, the possibly affected regions (the competent EIA authority of the region), decide on a participation in a transboundary procedure based on the information submitted and received.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

- (c) Other (please specify): -

Your comments: Although, the rules applicable for the transboundary EIA procedure mainly follow the national (EIA) legislation of the Party of origin in terms of setting the deadline for comments or arranging for bilateral consultations, there is always room for flexible solutions taking into consideration possible time constraints in the affected Party. In particular, it is often not possible to conduct a synchronised public participation procedure in both countries due to language issues and / or other reasons of delay – see also under Question 3. II.11. – so that this sort of circumstances is often taken into account.

Article 4

Preparation of the environmental impact assessment documentation

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments x
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments: While it is the main responsibility of the project operator to provide sufficient and informative documentation on the project and the respective EIA, the regionally competent EIA authority has got the duty to check and verify the completeness of the respective documentation and its compliance with all legal requirements.

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II x
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify): The content of the requirements as given by Appendix II of the Convention is pretty much reflected in the provisions of the Austrian EIA act, in particular in § 6 EIA act, stipulating the necessary information and data to be provided within the ENV report and the EIA documentation.

Your comments: see above.

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis x
- (b) As defined in the national legislation (please specify): see comment below.

- (c) Other (please specify):

Your comments: The relevant ruling is given by § 1 (1) Z 3 as well as § 6 (1) Z 2 EIA act, but these provisions do not offer strict definitions, rather they require from the operator to present the reasoning for his choice as well as the outcome of a respective examination of alternatives to the proposed project.

Article 5 Consultations on the basis of the environmental impact assessment documentation

(a) Public participation

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As Party of origin

- (a) By sending comments to the competent authority/focal point x
(b) By taking part in a public hearing x
(c) Other (please specify): -

As affected Party

- (d) By sending comments to the competent authority/focal point x
(e) By taking part in a public hearing x
(f) Other (please specify):

Your comments: -

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
(b) No x

Your comments: -

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
(b) No x

Your comments: -

(b) Consultations

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory x
(b) No, it does not have any provision on that

- (c) It is optional (please specify): -

Your comments: § 10 (3) EIA act provides for the organisation of bilateral consultations which have to take place once the affected Party wishes so.

Article 6

Final decision

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation x
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2 x
- (c) Outcome of the consultations as referred to in article 5 x
- (d) Outcomes of the transboundary consultations x
- (e) Comments received from the affected Party x
- (f) Mitigation measures x
- (g) Other (please specify): See under § 17 (4) EIA act (i.e., the outcome of the EIA expertise and respective comments by the public concerned, the public concerned and the authorities of the affected country and arising from public hearings).

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1):

- (a) Yes x
- (b) No

Your comments: -

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No x
- (b) Yes (please specify): -

Your comments: According to the Austrian legal system the legal possibility to revise a valid decision is strictly defined and limited to specific legal and natural persons enjoying locus standi. Nevertheless, there is always the political possibility to reopen consultations on request of the affected Party in order to find solutions

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes x
- (b) No (please specify those that do not): -

Your comments: -

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the

original language: The "final decision" ("Entscheidung", "Genehmigungsbescheid") is the decision in the consolidated permit procedure in which the EIA is a part of. For federal roads and high speed railroads there is no completely consolidated procedure, but rather a procedure including the EIA conducted by the Federal Minister of Transport, Innovation and Technology, and several administrative licensing procedures conducted by the regional government, and, therefore, there are more than just one decision which all have to take into account the outcome of the EIA. All projects listed in Appendix I require such decision(s).

Your comments: -

Article 7

Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes (please specify the main steps to be taken and how the results of it are communicated): The Austrian EIA act provides for a post-project analysis in § 22 which has to be carried out by the responsible administrative authorities jointly and on the initiative of the EIA authority, between three and five years after notification of the completion of the project. The inspection mainly concentrates on the compliance of the project with the provisions of the final decision (development consent) and also verifies the accuracy of the assumptions and forecasts of the EIA in relation to the actual effects of the project on the environment. The results of the analysis are communicated to the EIA authorities as well as to the Federal Ministry of Environment. In case of inconsistencies found out, the competent authority shall call for the remedy of deficiencies and divergences.

Your comments: Although the above mentioned provision on post-project analysis mainly rules – on national level - the obligation of and communication and cooperation between the involved authorities, the information of an affected Party is not excluded and could be done.

Article 8

Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes Please specify with which countries: There is a bilateral agreement between Austria and the Slovak Republic and there are informal trilateral guidelines elaborated with Switzerland and Liechtenstein.

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian. The agreement is already available under the website <http://www.unece.org/env/eia/resources/agreements.html>

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

-
- (a) Specific conditions of the subregion concerned
 - (b) Institutional, administrative and other arrangements
 - (c) Harmonization of the Parties' policies and measures
 - (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
 - (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
 - (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
 - (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
 - (h) Other, please specify:

Your comments: The above mentioned agreement and the guidelines contain provisions according to paragraphs 2 (a), (b) and (c) of Appendix VI; they do not refer to the other paragraphs

(b) Procedural steps required by the national legislation

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

(a) When EIA in a transboundary context is part of a domestic EIA procedure: This issue is ruled in § 10 EIA act. According to its provisions, if a (domestic) project might have significant effects on the environment in a foreign state (or if a possible affected state has submitted a request to that effect), this foreign state has to be notified of the project as early as possible, no later than the (domestic) public gets informed. The description of the project, information on its possible transboundary impact and, where applicable, the draft of the environmental impact statement shall be attached to the notification. Furthermore, the foreign state gets informed about the course of the Austrian EIA procedure and of the nature of the decision which may be taken. An appropriate deadline for communicating its possible participation shall be set. In the case of its participation, the foreign state shall be provided with the application for development consent, the environmental impact statement and any other documents relevant to decision-making that are available to the authority at the time of the public announcement pursuant to § 9 leg. cit. The foreign state and its public- after the EIA documentation has been publicly announced and made available over there - shall be given the opportunity for submitting comments within a reasonable time period. Moreover, the foreign state shall be provided with the environmental impact expertise or the summary evaluation. If the affected Party wishes so, consultations shall be held. An appropriate time frame shall be agreed on for the duration of the consultation phase. Finally, the decision on the development consent application and the main reasons for it, information on the public participation process, and a description of the main measures to avoid or reduce or offset major harmful, disturbing or adverse effects on the environment shall be communicated to the state concerned. To the extent required for implementing the transboundary EIA procedure, the project applicant shall submit, upon request, translations of the documents he/she filed in the language of the state concerned.

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different): -
Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments: -

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

- (a) No
- (b) Yes (please specify):
 - (i) Special provisions:
 - (ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

- (a) No
- (b) Yes (please specify):
 - (i) Special provisions:
 - (ii) Informal arrangements:

Your comments:

Part two

Practical application during the period 2013–2015

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

- (a) Yes
- (b) No

Your comments: Certainly no problem with this proposal, but before being published and put online, a proof reading of the compiled version should take place, including the AUT Espoo Contact point.

1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. Neue Salachbrücke (New Bridge for Railway)	03/2012 Notification sent to Germany	03/2012	-	-	03/2013
2. Stadttunnel Feldkirch (Tunnel in Feldkirch)	12/2010 Notification to CH and FL	12/2013	03/2015	12/2014	07/2015
3. S-Bahn FL.A.CH (Enlargement of a	06/2014 Notification to FL	06/2014		10/2014	06/2015

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
railway road)					
4. Stadlau- Marchegg (Enlargement of a railway road)	05/2013 Notification to Slovak Republic	05-07/2013	-	-	08/2014
5. A5 Nordautobahn Abschnitt B (Highway A5 North)	06/2006 Notification to Czech Republic	07/2014	Various informal discussions	06/2015	11/2015

Your comments:

Table II.2 (a)
Transboundary EIA procedures: As affected Party

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. BG NPP Kozloduy 7	06/2013 after request	2013	-	-	06/2015
2. GER "Jochenstein", Upstream Fish Migration support	04/2012	04/2012 et ff. until 2015	Various informal inter- regional meetings	-	
3. GER Pumped storage hydro power station / Energy Store "Riedl"	2012	04/2012 et ff. until 2015	Various informal inter- regional meetings	-	
4. GER Electrification of the railway section Munich- Memmingen- Lindau	12/2012	12/2012	-	-	
5. GER Dismantling NPP Isar 1	03/2014 after AUT request	03/2014	11/2014	07/2014	
6. GER Danube/ Flood Prevention Measures	12/2014 after AUT request	12/2014		04/2016	

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
7. <i>FIN Fennovoima</i>	09/2013	02/2014	-	-	
8. <i>FL FL.A.CH Development of the railway line Feldkirch-Buchs</i>	12/2010	2010-2013			
9. <i>RU NPP Cernovoda</i>	02/2006 and 10/2006, after AUT request	09/2007	-	-	02/2014
10. <i>CH Airport "Altenrhein" – Enlargement No official Espoo- procedure, but de facto participation</i>	[04/2014: AUT request for Notification; CH: No Espoo- project]	03/2015	06/2015	-	
11. <i>SK Development of the Highway D4</i>	06/2007	03/2011	08/2011	05/2013	01/2015
12. <i>SK Enlargement of a deposit for little radioactive waste, Mochovce</i>	06/2011	03/2012	06/2012	06/2012	2013
13. <i>SK Integral deposit for little radioactive waste, Bohunice</i>	06/2011	02/2012	06/2012	06/2012	07/2013
14. <i>SK Interim Storage for Spent Fuel, Mochovce</i>	01/2014				
15. <i>SK NPP Bohunice III</i>	03/2014	09/2015	11/2015	11/2015	
16. <i>SK Enlargement of Storage Capacity for Spent Fuel, Bohunice</i>	10/2014	03/2015	08/2015	-	
17. <i>SLO Tunnel for Highway, Karawanke</i>	10/2014	11/2014; 12/2014; 05/2015	12/2015	-	
18. <i>CZ NPP Temelin 3+4</i>	08/2008	07/2010	01/2011 + 05/2011	05+06/2012	01/2013
19. <i>CZ Regulation</i>	04/2012	04/2012	-	-	06/2014

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
<i>Plan Klápa-Hranicnik (for Ski region)</i>					
20. CZ Development in Bird Protection Area Sumava	05/2015	06/2015	-	-	
21. UK NPP Hinkly Point	09/2012 AUT request for notification; 10/2012	12/2012	-	-	2013
22. UA NPP 3+4 Chmelnitzky	03/2011 AUT request for notification; 10/2011 Notification of project	05/2012; 09/2012 after several requests	08/2013		
23. UA NPP Zaporischie	04/2015 AUT request for notification	09/2015 UA answer to AUT request			
24. HU NPP Paks II	02/2013	03/2015	09/2015	09/2015	
25. HU Golf Course Harka- Deutschkreutz	05/2014	05/2015, 01/2015	-	-	09/2015 (negative Screening decision)

Your comments: In some transboundary EIA procedures there is big time gap between the submission of the notification and the submission of the ENV report on the project, since the project might have been postponed or has been modified in the meantime. For some projects, there were also – besides or instead of official bilateral consultations – inter-regional consultations and information meetings between the authorities involved. Where there is no indication of the issuing date for the final decision, the procedure seems to be ongoing.

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin: According to § 10 (6) EIA act, the project applicant shall submit, to the extent required for implementing the transboundary EIA procedure, and upon request, translations of the documents he/she filed in the language of the state concerned. This mainly happens for the ENV report as well as for a non-technical summary. Moreover, the final decision – at least those parts which concern transboundary issues – will be translated into the language of the affected Party.

Moreover, with the Slovak Republic, Austria has agreed on a bilateral agreement on the implementation of the Convention which also provides for a bilateral-mutual language regime, so that most important documents of the EIA procedure are getting always translated.

(b) As affected Party: Where there is no bilateral agreement on the implementation of the Espoo Convention, the missing ruling of a language regime indeed causes several and sometimes serious troubles and challenges: In some cases it can take a long time before receiving a translation (at least in English) of the basic documentation on a project. In some cases, Austria itself has to undertake translation work. One of the main problems connected with the unsolved translation issue is given by the delay and late availability of the relevant documents in German translation what leads to a non-synchronic undertaking of the transboundary EIA procedure, in particular what concerns the public participation: Having the relevant documentation on the project, such as the ENV report, much later available in the domestic language, the public announcement and the making publicly available of these documents only can happen much later than in the Party of origin. Therefore, comments on the project by the public of the affected Party to be submitted to the Party of origin might reach the competent authorities of the Party of origin in a quite late state of the procedure. Mutual and fair arrangements of reasonable deadlines for submitting comments are therefore most urgent.

The whole situation can become most serious, where not only public participation rights of the concerned public of the affected Party via the Espoo Convention are concerned, but rather legal rights in the sense of enjoying locus standi within the EIA and licensing procedure in the Party of origin. A foreign ENV NGO which might enjoy such locus standi rights in a domestic administrative EIA and licensing procedure might face difficulties in filing comments or claims in time, in particular, when the final decision is concerned. Due to the language and the translation problem, the diverging of legal deadlines according to domestic administrative law from deadlines agreed between the Espoo contact points based on the Convention can create unpleasant situations for foreign parties to a procedure.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: In most of the cases Austria has had so far quite positive experiences with public hearings and expert consultations both as Party of origin and affected Party. Although language issues can cause certain challenges and troubles for the process of such events, it was always possible to somehow find a solution (either via consecutive or simultaneous translation systems). Our positive experience regarding public hearings and expert consultations in particular refers to a couple of events which took place concerning cases with Slovenia, the Slovak Republic, the Czech Republic and Germany. When it turned out that flexibility is needed for the arrangement of a public hearing or a consultation meeting, our Espoo partners always showed great spirit of cooperation and flexibility.

The language issue is not really a problem in relation to public hearings or expert consultations, rather is a big challenge for the “written” procedure within a

transboundary EIA procedure, in particular concerning documents on the project, other written information, the EIA expertise or the final decision.

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

(a) For joint cross-border projects: -

(b) For NPPs: Although Austria has got no NPP, it continuously participates in transboundary EIA procedures dealing with such NPPs or nuclear related issues. At these occasions, sometimes, public hearings or expert consultation meetings are also held in Austria in order to inform the Austrian public and let it participate actively. Therefore, Austria has got some valuable experience in organizing such public hearings including taking care of all technical equipments, language issues, such as translation, interpretation, security issues, ...). Such organization work is mostly conducted in cooperation of the Austrian Espoo Contact point at the Federal Ministry of Environment with some of the Regional Governments of Austria and, certainly, with the Espoo Contact point of the Party of origin. In these cases it turned out to be very important to have a good and sound preparatory work done regarding translation and interpretation, to provide enough time and room at the venue of such hearings. If no translation is, for what ever reason, possible to be provided, English is used as the *lingua franca*.

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases: See for example cases no. 12, 13, 15 and 16 on table II.2 (a).

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?:

- (a) No
- (b) Yes (please indicate which cases): -

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned): -

2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes (please provide details): -

Your experience with using this guidance: -

Your suggestions for improving or supplementing the guidance: -

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes (please provide details): -

Your experience with using this guidance: -

Your suggestions for improving or supplementing the guidance: -

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes (please provide details): -

Your experience with using this guidance: -

Your suggestions for improving or supplementing the guidance: -

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes (please indicate which provisions and how they are unclear):

Sometimes, it happened that it was not clear whether or not a project, in particular if a modification or a (major) change were concerned, would fall under the provisions of the Convention; this is mainly due to the fact that “major changes” and “modifications” are not clearly defined in the Convention. Another issue which contributes to some sort of difficulties when applying the Convention is given by the fact that the Convention does not rule a (mutual applicable) language regime. Necessary translations of partly voluminous documentation on a foreign project often leads to serious delays when making this documentation publicly available and thus to a lack of a synchrony of the public participation in the Party of origin and the affected Party.

4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved. In our view the present questionnaire covers quite well the Convention’s provisions and related issues regarding the implementation in Member states. Some of the questions seem go too quite in detail, for some questions more than one answer is possible or an explicit and clear answer, like “yes” or “no”, is not possible, since both answers would apply to a certain extent (see, e.g., Q. II.5).

The two parts of the questionnaire, one covering general provisions and related national legislation and implementation, the other one dealing with practical experiences, still seem to be a good way to gather sufficient information and, after all, a full picture of a country’s policy on the implementation of the Convention.

A possible improvement could be done by limiting the questions of the first part only to recent changes of national policies and legislation in terms of implementing the Convention which took place within the relevant period, whereas for unchanged issues only a reference to the previous questionnaire should be noted. Additionally a chart could be provided by every country, showing and describing systematically the national implementation of the Espoo Convention including the very national performance of a transboundary procedure, thus replacing the periodical questions on "standing items". Future questionnaires, consequently, only would cover relevant changings and practical experience of implementing the Convention. A possible benefit of such an approach could be given by an improved and easier comparability of the various national implementation systems.

The list of cases of the various transboundary procedures (seen from the point of view of the affected Party and the Party of origin) is well meant and seems a useful tool, although the information gathered within this chart / list does not really reflect the "character" of a procedure, since too little parameter are requested.