

Questionnaire for the report of [NAME OF COUNTRY] 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
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments: Socio-economic aspects are not expressly covered by EIAs in Switzerland.

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
- (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

Your comments:

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

That point is not specified in Swiss legislation.

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
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify): Based on the extent of the expected impact.

Your comments: The competent authority for approving the project is responsible for identifying the public concerned.

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 *Ordonnance relative à l'étude de l'impact sur l'environnement* (OEIE) [Environmental Impact Study Order] contains a specific article related to the Espoo Convention that defines the role of the federal and cantonal Swiss authorities in the context of implementing the Convention when Switzerland is the Party of origin or the affected Party (introduced in 2008).

(b) EIA provisions are transposed into another law(s) (please specify):

(c) Regulation (please indicate number/year/name):

(d) Administrative (please indicate number/year/name):

(e) Other (please specify): Implementation guides (documents that are not legislation) have been developed with Austria and the Principality of Liechtenstein. There is also the [TRANSLATION] *Procedural Guide: Transboundary consultations with the authorities and the public on projects that significantly impact the environment in the Upper Rhine region*, developed by the Franco-German-Swiss Conference of the Upper Rhine, which applies to regional projects in the Franco-German-Swiss geographical region.

We have the [TRANSLATION] *EIA Guide*, which was published in 2009 in French/German/Italian, and in which we inserted a chapter on EIAs in a transboundary context. That chapter concretely describes the procedures for implementing the Convention in Switzerland. It is based on our past experiences and attempts to provide solutions to challenges we have encountered.

We have also organized workshops for cantons and decision-making authorities on how to implement the provisions of the Convention.

Your comments:

In Switzerland, the Espoo Convention is considered self-executing. It thus does not materialize in specific national orders and legislation.

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

(b) It differs slightly (please specify):

Appendix I has not been transposed in its present form to our legislation. The list of projects that could be subject to the Convention can be found in our OEIE and it is, in general, broader in scope than that of Appendix I.

Your comments:

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

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities: The competent authority for approving the project is responsible for the EIA procedures. The authority that specializes in EIAs, however, is the environmental protection service.

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

Your comments:

- National context: Three main players participate in the EIA procedure: the project initiator, the approval authority for the project and the environmental protection service (cantonal and/or federal). In Switzerland, the authority responsible for approving a project is in charge of assessing the project's compatibility with environmental protection, in light of the assessment of the environmental impact report (EIR). The assessment of the EIR is conducted by the federal and/or cantonal environmental protection bodies, based on whether the approval authority is cantonal or federal.
- Transboundary context:

When Switzerland is the Party of origin: For projects under federal jurisdiction, the competent authority that guarantees the rights and obligations of Switzerland for activities that fall under the Convention is the approval authority. For projects under cantonal jurisdiction, the authority that guarantees the rights and obligations of Switzerland pursuant to the Convention can be different from the approval authority. When Switzerland is the affected Party, the obligations arising under the Convention are fulfilled in Switzerland by, on the one hand, the Federal Office for the Environment (FOEN), which acknowledges receipt of the notification from the Party of origin and transmits its position to the Party of origin, if the project was within the jurisdiction of a cantonal authority in Switzerland. On the other hand, they are fulfilled by the competent authority that would decide on the project if it was proposed in Switzerland (for projects under cantonal jurisdiction, that authority may be different from the approval authority.)

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 (please specify):

Your comments:

The FOEN's EIA and Spatial Planning Section, to the extent that it is the focal point for the Convention, compiles a list of all transboundary EIA cases for projects under federal jurisdiction and any transboundary EIA cases for projects under cantonal jurisdiction that it is aware of.

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): Inquiries are organized by the Party of origin and by the affected Party; this is usually achieved through communication with the other party.

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
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments: In principle, if a preliminary inquiry is conducted, Switzerland notifies the affected Party of the project at that time. If there is no preliminary inquiry and the project goes directly to an impact report, Switzerland provides notification as quickly as possible, at the latest at the time of the inquiry into the project on Swiss land.

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

Your comments:

We use a standard letter template (attached), but the authorities are not obligated to use it. It is a guide/example.

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
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify): Preliminary inquiry if conducted; the contact information of the partner authority for future communication.

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):
- (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): 1 to 3 months

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:

If an affected Party does not respond, in general the approval authority sends it a letter with a new deadline. If the approval authority has not received a response by the second deadline, it normally assumes that the affected Party does not wish to participate. If an affected Party asks for a deadline extension, Switzerland would do everything possible to accommodate such a request.

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): If applicable, a copy of the notification is sent to the regional authorities of the affected Party.

Your comments: The relevant authority of the affected Party is responsible for transmitting the information to the public of the affected Party. The content of the documentation provided to the affected Party (and thus to its public) is the same as that which was provided to the Swiss public.

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:

When an activity planned abroad is likely to have a significant adverse transboundary impact on the environment in Switzerland, the obligations arising from the Espoo Convention are generally fulfilled in Switzerland by the competent authority that would decide on the project if it had been planned in Switzerland (Article 6(a), OEIE).

The Swiss point of contact receives the notification, and then:

– for projects that would be subject to a federal procedure in Switzerland, the point of contact transmits the notification to the federal authority that has jurisdiction to render the decision. That authority decides, together with the point of contact, based on the anticipated impact in Switzerland, whether Switzerland wants to participate in the process and sends its response to the Party of origin.

– for projects that, in Switzerland, would likely be addressed in the framework of a cantonal procedure, the point of contact transmits the notification to the specialized environmental protection service of the canton involved and informs the Party of origin about it. The canton decides whether it wants to participate and sends its response to the Party of origin.

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:

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

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify): The content of the EIR is defined by Article 9 of the OEIE. It is up to the applicant to establish an EIR that complies with those requirements. If the specialized environmental protection service deems it necessary, it can ask the applicant to carry out additional inquiries. According to Article 8 of the OEIE, applicants must carry out a preliminary inquiry showing the impact that the project would have on the environment and provide specifications regarding the project's impact on the environment to study in the impact report, the planned investigative methods and the geographical and temporal context of those studies. The preliminary inquiry and the specifications are assessed by the specialized environmental protection service, which sends the applicant its comments for the preparation of the EIR.

Your comments:

The content of the environmental impact report (EIR) is described in Article 9 of the OEIE, which refers to Article 10(b)(2) of the *Loi fédérale sur la protection de l'environnement* (LPE) [Federal Environmental Protection Act]. For a project subject to the Espoo Convention, the EIR must also contain relevant information (which is similar to Swiss law requirements) on the impact on the environment of the affected Party.

Citation Article 9 OEIE: [TRANSLATION] "The impact report must comply with Article 10(b)(2), LPE. It must, in particular, contain all of the information that the competent authority needs to assess the project pursuant to Article 3. It must take into account all aspects of the impact on the environment attributable to the project and assess them, in isolation and collectively, and for joint action. It must also present how the results of the environmental studies conducted as part of the land use planning are taken into account."

Citation Article 10(b)(2) LPE: [TRANSLATION] "The report must contain the information needed to assess the project based on the environmental protection provisions. It is established in compliance with the directives of the specialized services and presents the following points: a. initial state; b. the project, including any anticipated actions to protect the environment and in the event of a natural disaster; c. the resulting pollution expected."

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

(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): Based on Swiss legislation: Article 10(b)(2) of the LPE and Article 9 of the OEIE, which define the content of the environmental impact report.

Your comments:

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

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

(c) Other (please specify):

Your comments: Starting with the phase of the studies for the preliminary inquiry, there are sometimes different possible variants for the project as a whole or for some of its components. When the law requires proof of the necessary link to the location chosen for the project (e.g. for land clearing authorizations), consideration of the variants is obligatory. According to the Article 10(b)(2)(b) of the LPE, the impact report must provide an overview of the main alternatives studied.

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

(b) By taking part in a public hearing

(c) Other (please specify):

As affected Party

(d) By sending comments to the competent authority/focal point

(e) By taking part in a public hearing

(f) Other (please specify):

Your comments:

The public may express their concerns to the competent authority/focal point during the public inquiry.

Nationally, according to Article 15 of the OEIE, the competent authority for approving the project ensures that the impact report is available to the public, subject to the law regarding the duty of secrecy.

Together with the Party of origin, the Swiss partner service organizes the inquiry in Switzerland, determines deadlines and collects feedback from the public and from the government concerning the project.

Comments by the public and the administration of the affected Party are sent to the competent authority in Switzerland. The public of the affected Party shall be able to voice comments at the same time and within the same time frame as the Swiss public of the Party of origin.

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

Your comments:

Our national EIA legislation does not explicitly require the organization of a public hearing on the territory of the affected Party, but Article 6(a)(2) of the OEIE states that the competent authority for approving a project assumes the rights and obligations of Switzerland as the Party of origin under the Espoo Convention.

A public hearing would have to be organized in collaboration with authorities of the affected Party and the proponent. In general, the public inquiry for the public of the affected Party takes place in the affected country and not in Switzerland.

If there is a public hearing in Switzerland, the public, authorities, organizations and other individuals of the affected Party would of course be allowed to participate

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

Your comments:

Our national EIA legislation does not explicitly require the organization of a public hearing if we are the affected Party, but Article 6(a)(1) of the OEIE states that the competent authority for approving the project in Switzerland assumes the rights and obligations of Switzerland under the Espoo Convention.

Together with the Party of origin, the partner service organizes the inquiry in Switzerland, determines deadlines and collects feedback from the public and from the administration concerning the project.

– If the project is under the Confederation’s jurisdiction, the FOEN takes the canton’s feedback into account when it takes a position. Its position is sent by the partner service (federal authority) to the Party of origin, together with the results of the inquiry.

– If the project is under the canton’s jurisdiction, the FOEN is in charge of sending the Party of origin all of the submissions (feedback from specialized authorities and results of the inquiry) – Article 6(a)(1)(b) of the OEIE.

Public participation is organized by relevant (cantonal) body in Switzerland—in consultation with the competent authority in Party of origin—in accordance with Swiss provisions but respecting time limits set by procedural provisions of Party of origin (public participation at the same time and within the same time frame as the public participation in the Party of origin)

(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
- (b) No, it does not have any provision on that
- (c) It is optional (please specify):

Your comments: We do have just a little experience with consultation, but we envisage different means (meetings, formal statements, Internet, etc.).

**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
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

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
- (b) No

Your comments: Comments by the public and the administration of the affected Party are sent to the competent authority in Switzerland. The competent authority will take the comments into account, mention or refer to them in the decision and also explain its reasoning in dealing with them and how it took them into account. The Swiss public can oppose the project, under certain conditions, then bring an action against the decision. The Espoo Convention does not give this right to the public of the affected Party.

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
- (b) Yes (please specify):

Your comments: Where applicable, this would be addressed in the form of a project modification procedure.

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

Your comments:

- Activity 2, Equipment for nuclear energy use, for the production, use, handling and storage of nuclear materials: 1. general approval, 2. approval to build

- Activity 7, for motorways: 1. route approval, 2. general project approval, 3. approval of plans

- Activity 7, for lines for railway traffic: (possibly 1. granting of concessions), 2. approval of plans

- Activity 7, for airports: approval of plans and approval of operating rules

- Activity 8, oil and gas pipelines: approval of plans

The approval procedure for other activities, if they are exercised in Switzerland, is to be determined by cantonal law. It also usually involves the approval of plans, approval to build or granting of concessions

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:

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):

Your comments: It is possible, under Swiss legislation, to introduce, in the decision, conditions designed to verify, once the project has been completed, whether there has been real compliance with the environmental protection legislation.

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:

- A draft trilateral agreement involving Switzerland, Austria and Liechtenstein [TRANSLATION] “Implementation of the Espoo Convention (Implementation Guide)”. The agreement seeks to clarify, define and harmonise the procedural steps to be taken in each country. However, those documents are not very current and we do not anticipate updating them, so they are no longer used.

- There is also a procedural guide for the specific region of the Upper Rhine, prepared by France, Germany and Switzerland: [TRANSLATION] “Procedural Guide. Transboundary consultations with the authorities and the public on projects that significantly impact the environment in the Upper Rhine region”, June 1, 2005.

http://www.unece.org/fileadmin/DAM/env/eia/documents/database/Upper_Rhine_Guidelines/Procedural_Guide_20050601_French.pdf

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

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: Specifics regarding the organization of the information and consultation procedure, information on the relevant national provisions

Your comments:

(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:

(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): The EIA in a transboundary context is integrated into the project approval procedure.

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: Addressed in the *EIA Guide* ([TRANSLATION] Confederation's Directive on the Environmental Impact Assessment)

Your comments:

Switzerland and its cantons are participating in a number of joint EIAs with neighbouring countries (hydro-electric stations on rivers forming the boundary, transboundary roads or railways, etc.). In these cases, the approval process takes place on each side of the boundary.

In the section relating to the Swiss “EIA Guide” Convention, we address this special case.

We distinguish 2 types of projects:

The first group (type 1) includes projects that cross the boundary of a state and that straddle two territories, e.g. a new railway line for international traffic or Transgas pipelines. By their nature, these projects may simply be divided into two partial projects.

The second group (type 2) is constituted by projects located on the boundary of two states, which, by their nature, cannot be divided in principle. These may be a hydro-electric station or flood-control works along boundary waterways.

We propose to deal with the type 1 projects preferably as 2 separate projects, one Swiss, the other foreign; the boundary with the other state constituting at the same time the limit of the project. Such projects are to be addressed as classic cases, i.e. each state notifies the other of the part of the project located on its territory and each state indicates its interest in participating in the other state’s procedure. Two separate environmental reports are established (1 for each of the parts of the project); each EIR dealing with the impact on its own territory and also those on the neighbouring state’s territory. Experience dictates this implementation of the Espoo Convention.

Conversely, it is preferable to deal with type 2 projects as unique projects, because, unlike to type 1 projects, it is difficult to imagine dividing these projects in 2 separate parts. Although a formal notification by one of the two states is not required here, it is recommended, however, that states contact each other soon enough so that the requirements under the Espoo Convention may be discussed. In practical terms, the public inquiry in the two states must actually happen simultaneously and the positions taken by the government and the public from each party must be exchanged and considered in the respective decisions. Finally, the respective decisions on the project must be exchanged between states. For this type of project, it is preferable to establish a common EIR presenting environmental effects of the project on both sides of the boundary.

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: The Convention is implemented for this type of project as it would be with all other types.

We don’t have bilateral agreement under the Espoo convention at the federal level.

However, there are a number of bilateral agreements concerning the exchange of information regarding nuclear matters, especially with the neighbouring countries (Austria, France, Germany and Italy). The German-Swiss Commission for the Safety of Nuclear Installations (DSK), including its working groups, and the French-Swiss Commission on Nuclear Safety and Radioprotection (CFS) meet annually for consultation, exchange of information and operating experience. Austria and Italy are also informed about Swiss nuclear safety and emergency planning issues in annual bilateral meetings.

In order to strengthen the exchange of experience ENSI and the French Nuclear Safety Authority (ASN) have conducted several mutual inspections in Swiss and French NPPs.

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: No, so long as the other Parties concerned agree.

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. Projet de parc éolien EolJoux (1 ^{ère} étape, plan d'affectation)	7.11.2014	7.11.2014			Not made yet
2.					
3.					
4.					
...					

Your comments: The EIA and Spatial Planning Section of the Federal Office for the Environment, insofar as it is the focal point of the Convention, identifies all transboundary EIA cases for projects under federal jurisdiction and, if it is also aware of them, transboundary EIA cases for projects under cantonal jurisdiction.

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. SEA Bodensee rapid route (Austria)	12.05.2013	11.02.2016 (délai 11.04.2016)			Not yet made
2. SEA Federal specialist planning for corridors for electricity lines (Germany)	27.02.2015	27.02.2015			No information
3. SEA regional plan 2000, use of wind energy (Germany)	Pas de notification	18.9.2014 (délai 19.12.2014)			No information
4. SEA communications channel plan / Bundesverkehrs wegeplan (Germany)	5.10.2015	A venir en 2016			
5. SEA national plan for the disposal of radioactive waste (Germany)	2.3.2015	23.4.2015 (délai 24.06.2015)			No information
6. SEA regional ecological coherence plan, Alsace (France)	26.11.2013	26.11.2013 (délai 31.3.2014)			No information
7. SEA urban travel plan, Annemasse (France)	31.5.2013	31.5.2013 (délai 3 mois)			No information

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	
8. SEA waste management plan 2012-2070 (Lichtenstein)	10.9.2013	10.9.2013 (délai 11.10.2013)			No information
9. SEA waste management program, Lombardy (Italy)					No information
10. SEA quarries plan, Varese (Italy)					No information
11. SEA fauna plan, Lombardy (Italy)					No information
12. SEA watershed management plan, Eastern Alps (Italy)					No information
13. SEA flood risk from the Po watershed (Italy)					No information

Your comments: These are SEA (Strategic Environmental Assessments) cases. However, since we are not answering the questionnaire on the implementation of the SEA protocol (Switzerland has not ratified it), we note these cases here because they are numerous.

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: Since our country has three official languages, which correspond to our neighbours' languages, we normally do not have any more translation problems than usual. The neighbouring countries receive

documentation in their language. Notification throughout Europe is done in English.

(b) As affected Party: Since our country has three official languages, which correspond to our neighbours' languages, we normally do not have any more translation problems than usual. The neighbouring countries receive documentation in their language.

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 cases, the implementation of the Convention has not presented particular difficulties.

Nevertheless, one problem may occur when notification is made at an advanced stage of the procedure.

It is important to clearly define the procedure and the documents required for the assessment in the affected Party at the beginning of the process. We have noted that if it was not done early enough, there was confusion during the procedure.

Notifications are not always sent to the point of contact (in cases where Switzerland is the affected Party). Sometimes the notifications were sent to a cantonal service or the ambassador. This makes the procedure longer and makes direct contact between the individuals concerned more difficult.

Problems were noted when Switzerland, as a Party of origin, sent a notification to the point of contact of a neighbouring country, but this country did not send the information [TRANSLATION] "back down" to the affected regions.

The list of points of contact on the Convention site is not always kept up to date. It would be important for the countries to inform the secretariat when there are changes

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:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases: no example available for the period in review. Each case is particular. The Convention is not generally implemented completely as contemplated in the theory; however, in the end we achieve good results

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): We have sought information regarding the following question: what legislation is to be used to assess the impact of a project abroad (legislation of the affected Party or legislation of the Party of origin?)

Your experience with using this guidance: We have not found the answer.

Your suggestions for improving or supplementing the guidance: The guidance is useful, but it would be useful to have an update based on the needs of the parties. The update could also be based on the recommendations of the implementation committee “Opinions of the Implementation Committee, 2011” (also very useful).

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):

The Convention leaves a lot of room for interpretation; the Swiss position, which proceeds on the assumption that it can be directly implemented, requires the authorities responsible for its implementation to create a procedure and a process. Nevertheless, we are not encountering particular problems in the implementation of the Convention.

However, we have noted some undefined points in the Convention:

- to what extent must the documents be translated?
- should the environmental impact abroad be studied in respect of the law of the Party of origin or the affected Party? (more or less strict laws, depending on the country, and the conclusions of the assessment made in the impact report may be different)
- the convention addresses public participation / consultations in several sections (s. 2, para. 6; s. 3, para. 8; s. 4, para. 2; s. 5). This is not always very clear: are there differences or is it referring to the same thing?

4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved. The new questionnaire is clearer and simpler to answer, arranged by section, and is concentrated on the main problems of implementation. For future questionnaires it would be good to review it just to note the adaptations (if there are any).

Proposals for improvements:

- Is the question on public participation really to be addressed under point I.20 (consultations under s. 5)?
- I.20: What is understood by the “intended audience”? Is it that of the Party of origin or the affected Party? Indeed there may be differences in the answers.
- I.32b: question is not clear. What is the difference between this and question I.32a?
- II.7: example of best practices of some project or a common/nuclear project?
- II.11: correct "protocol" with “convention”
- It is not always clear whether the question should be answered by the Party of origin or as the affected Party (e.g. question I.7)