

Questionnaire for the report of Azerbaijan on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

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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): X**
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

According to the Law on Environmental Protection of Azerbaijan Republic (1999), Article 1, the definition of "impact" is explained under the definition "harmful impact to the environment". In this item used terminology - such as "environment", "ecology", "ecological system", "use of natural resources" and other related definitions pertinent to the Convention's provision are also prescribed in the same Law article in whole package.

Law on Environmental Impact Assessment (2018) and Law on Environmental safety (1999), also using the relevant terminology of that Law, additionally describes "ecological risks" and "ecological hazards", "EIA" which explains definition of "impact" indirectly.

In whole packet of legislation, those definitions are consistent which are compatible with the respective purpose of Convention in general.

I.2. Is the definition of trans-boundary 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): X**
- (c) No (please provide the definition):

(d) There are no definitions of trans-boundary impact in the legislation

Your comments:

According to the newly adopted Law on Environmental Impact Assessment (2018), the same terminology was given under item 1.1.2 “trans-boundary impact”. This item defines “trans-boundary impact” as adverse effects on the environment and human health in two or more countries as a result of the proposed activity. Here the numbering “two or more” is legal term, and includes country itself.

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

Although no direct definition prescribes the “major changes”, the Law on EIA (2018) explains it in general way under Article 4.21. It is explained in indirect way as a screening procedure, mainly for existing activities that were commissioned and no EIA was conducted before this Law entered into force.

Article says, “if project conditions for use of natural resources are not relevant with ecological requirements for impacts to environmental indicators or new technology and technological methods are projected to be applied different than that of project elements launched under previous project, EIA should apply accordingly”. It is a baseline for concluding whether EIA is required or not for existing projects.

The law on Environmental Protection Law, Chapter VII describes ecological requirements for industrial and other economic activities during the construction, reconstruction, commissioning, termination or restoring period, which establishes baseline for legal understanding of such “changes” in proposed activities. At the same time, under this Law, state environmental expertise of the Ministry of Ecology and Natural Resources (MENR) is indicated as a competent authority stakeholders should consult with to conclude over it.

Description of the role and functions of relevant authority on State Environmental Expertise is depicted in the Chapter VIII (Art.54-58) of EP Law.

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): public is any individual citizen or civic community institutions, public groups that claim to be affected. See the legal base below:**

Your comments:

The Law on EP (1999, Article 6-7), Law on EIA (12 June 2018), Law on Right to Obtain Information (18 December 2005), Law on Access to Information on Environment (12 March 2002), Law on Public Participation (1 June 2014) ensures rights for each citizen,

legal and physical person. That legislation maintains public to obtain the information on environment and to participate in any cases concerning their constitutional right of living in clean and health environment. At the same time, to raise their opinion, propose and require the necessary steps towards (or cancellation) the harmful economic and industrial activities.

The Law on EIA, Article 4.10 explains the obligations of project initiator on public hearing, that provision includes in the public concerned in that condition as “the physical persons living in the project area, legal entities and owners of the properties in the project area”.

Law on Public Participation (2014) describes civic community institutions subjects as non-governmental organizations (public unions and funds), groups initiated by citizens, municipal local committees, mass information sources and identifies forms of public participation, including the form of public hearing and public consultations. They are major participatory elements required for EIA procedure too, referred in the Law on Environmental Impact Assessment (2018) maintaining the main principles of environmental impact assessment (public awareness and consideration of public opinion).

Azerbaijan ratified I Amendment to the Espoo Convention in 2019. The identification of public concerned will be also followed as stipulated under the relevant Article 1 (X) of the Convention.

In general, the meaning of “public concerned” is compatible with national legislation and practice.

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: X**
- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) **Regulation (please indicate number/year/name): X**
- (d) **Administrative (please indicate number/year/name): X**
- (e) Other (please specify):

Your comments:

The Law of the Republic of Azerbaijan on Environmental Impact Assessment was adopted on 12 June 2018 with number 1175 VQ and the Presidential Decree on the application of the Law was signed on 13 July 2018.

According to the Decree of The President of the Republic of Azerbaijan 13 July, 2018, for implementation of mechanisms of EIA/SEA procedure thoroughly and bringing the

law into full compliance with national and international legal requirements 6 sub-regulatory acts were ordered to be drafted and submitted to the Cabinet of Ministers for inter-ministerial review:

- Draft “Regulations on EIA, including trans-boundary EIA”
- Draft “Regulations on Strategic Environmental Assessment (SEA)”
- Draft “Regulations on Certification of Environmental consultants and environmental organizations”
- Draft “Regulation on Control on EIA and SEA”
- Draft “Regulations on State Environmental expertise”
- Draft “Guideline on Expert Commission within expertise process”

Those drafts are prepared considering the UNECE consultant’s comments to the law on EIA. The Law on EIA was drafted as a major framework legal base for EIA ad SEA application in the country due to national legal practice. Drafting of regulations to basic law are common national practice, which have same legal force as the laws. Interministerial review process is going to be finalized until the end of 2019.

To ensure drafts’ compliance with international requirements and Espoo Convention, Ministry of Environment and Natural Resources of the Republic of Azerbaijan (MENR) negotiated with the German Development Agency (GIZ acting on behalf of the German Federal Ministry of Economic Cooperation and Development (BMZ)) to form review process of draft sub-regulatory acts by international and national consultants. This collaboration also included in organization of round tables to arrange public opinion on drafts. Legal support was provided in 2018-2019.

During 2014-2017 inter-sessional period legal reforms and capacity building activities on EIA/SEA (support by UNECE and EU EaP GREEN program) helped in bringing about a conformity national legislation with Espoo Convention and its SEA Protocol and increase national capacity.

After the adoption of the Law on EIA, institutional changes under MENR have been launched - new EIA subdivision were established and State Expertise Department was replaced by State Examination Agency and restructured.

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: X (please specify):

Your comments:

According to the Constitution of Azerbaijan Article 148 (1995) and the Decree of the President of Azerbaijan Number 616, on 1 February 1999, the respective provisions of Espoo Convention and its Annexes are required to be applied the same as an integral part of national legislation. Therefore, if any differences are revealed Espoo Convention list has prior force to be applied. At present, this is practical approach within EIA screening examination of proposed projects by State Ecological Expertise Department of MENR.

Law on EIA, Annex 1 includes in all activities based on Espoo Convention Annex 1 with some modifications or additions due to national legal normative base. For example, Espoo Convention Annex 1 does not define precise parameters for “large-diameter oil and gas pipelines”, however, based on relevant parameters in EU EIA Directive and national normative documents, in the Law on EIA it was reflected. Some activities were additionally included in, for example renewable energy resources considering their specific capacity scale determined in existing respective domestic legislation. Other example, constructions on national water fund resources like artificial islands also considered to be in the list, taking into account expected environmental consequences to Caspian Sea as a closed lake basin and etc.

The national list in general is compatible with Espoo Convention’s list of activities. Azerbaijan ratified II Amendment of Espoo Convention in 2019, September, which new amended list is also an integral part of national legislation now.

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:**

Ministry of Ecology and Natural Resources (MENR) have responsibility control over the EIA/SEA as a competent state authority, Ministry of Foreign Affairs (MFA) is points of contact for trans-boundary EIA procedure under Espoo Convention determined by the Government.

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

Your comments:

Ministry of Ecology and Natural Resources of Azerbaijan is responsible competent authority which issue environmental conclusions (decisions) to the economic activities, thus it implements state environmental expertise process on EIA documents (Law EP, Article 54, EIA law, Article 4.3) and is the main authority on environment which developers consult during the EIA process and gets SEE conclusions for proposed activity.

Project proponent is responsible to carry out EIA after preliminary consultations with MENR and determination scope of assessment (EIA law, Article 4.4). MENR issues environmental permit to proposed activity via EIA documents prepared by project initiators and follows up the implementation of conditions set out in its environmental issuance document.

Responsibility of MENR by EIA law, as a competent authority, is to require of carrying out the EIA process on the activities that have significant environmental impacts and control over it.

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): MFA, MENR**

Your comments:

A point of Contact under the Convention – Ministry of Foreign Affairs is a major competent authority identified to collect information on the trans-boundary EIA cases and coordinate it.

MENR and its relevant bodies (State Environmental Expertise Department, Environmental Protection Department) have responsibilities and rights under the Law on EP Chapter 2, Art. 4.1.10, Art. 4.2.5 and 4.2.6 to disseminate control and establish international cooperation over the environmental protection issues. If any information related trans-boundary EIA cases is received, MENR has responsibility to coordinate all information with MFA as points of contact to Espoo Convention.

I.9. How does your country, as a Party of origin and as an 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):

In case of both situations, public should be informed due to identified requirements under the Provisions of Espoo Convention and Aarhus Convention which Azerbaijan is a Party and those international requirements is an integral part of the national legislation.

Article Notification

3

I.10. As a 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):

Your comments:

According to the Law on EIA, trans-boundary impacts should be defined while scoping and assessment process and should be included in EIA report (Article 5.3.6) which in next step will be submitted to the MENR for issuance of environmental permit and will be base for starting public consultations. This is compatible with Espoo Convention

requirement on provision 3.1., which says: “Party of Origin shall...notify any Party.... as early as possible and no later than when informing its own public about that proposed activity”. Drafted secondary legislation to the Law on EIA explains process in detail.

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): X

(b) The country has its own format (please attach a copy)

(c) No official format used

Your comments:

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:

(c) Additional information (please specify):

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: X

(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):

Your comments:

National EIA law does not cover timeframes for receiving the response to the notification. Draft secondary legislation considered this procedure in detail. Draft Regulation requests 30 days for the response (regulation not in force, possible changes are expected in this item at present).

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

Identified timeframe in the notification or any conditions considered there should be followed. Indication of timeframe in the notification pertinent to Espoo Convention Provision 3.4 will apply accordingly.

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: X**

(b) Other (please specify):

Your comments:

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an 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 the Party of origin:

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

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

(d) Other (please specify):

Your comments:

Competent authorities are MENR and MFA as described above.

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

(c) **Other (please specify):**

It should be agreed via consultations.

Your comments:

Articles 3.8 and 4.2

Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As a 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):

According to the Law on Environmental Impact Assessment (2018), individuals and civil society institutions have the right to access information from the authorities and

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

municipalities established by the relevant executive authority for the implementation of the planned activities and to request a public hearing from the customer and the planning authority.

In case of trans-boundary procedure, timeframe, the tools for consultation and receiving public opinions should be formed by Party of Origin and agreed with Affected Party in advance. Therefore, both options can be used based on Guideline of Practical Application of Espoo Convention, if no bilateral agreement exists.

As an 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:

In case of trans-boundary procedure, timeframe, the tools for consultation and receiving public opinions should be formed by Party of Origin and agreed with Affected Party in advance. Therefore, both options can be used based on Guideline of Practical Application of Espoo Convention, if no bilateral agreement exists.

I.18. 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:

There is not such specific item in the Law on EIA that identifies this procedure. The procedure explained in details in draft secondary legislation. In case of such circumstances, if no bilateral agreement exists, Espoo Convention and its Practical Guideline is major baseline for application.

I.19. 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:

There is not such specific article in the Law on EIA that identifies this procedure. The procedure explained in details in draft secondary legislation. In case of such circumstances, if no bilateral agreement exists, Espoo Convention and its Practical Guideline is major baseline for application.

Article 4

Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a 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:

According to the Law on EIA - Article 5, Law on EP - Article 54 and Guideline on EIA Process - Article 3.2.2, "Regulation on implementation of control over EIA and SEA" (new adopted Decision of Cabinet of Ministers number 425, on 02 October 2019), the quality control mechanisms on EIA sector are maintained under supervision of MENR.

In case of such circumstances, Espoo Convention and its Practical Guideline is major baseline for application.

I.21. 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):

Your comments:

The Law on EIA (2018), Article 5 includes the relevant information to be included in the EIA documentation that complies with Espoo Convention.

I.22. 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): X**

Your comments:

This definition is not directly addressed in current national legislation, including EIA law. The Law identifies assessment of alternatives in general, at least two options, especially indicating options to technological methods and BATs used.

Drafted secondary legislation on EIA explains scope of the EIA, indicating a requirement for scoping information on alternatives related to “locational, technological and energy uses”.

Article 5

Consultations on the basis of the environmental impact assessment documentation

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:

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

Your comments:

There is not such specific article in the Law on EIA that identifies this procedure.

The procedure explained in details in draft secondary legislation. In case of such circumstances, if no bilateral agreement exists, Espoo Convention and its Practical Guideline is major baseline for application.

Law on Environmental Protection includes in provisions on engaging the international experts and professionals of affected parties during the expertise process of proposed activities if trans-boundary impacts are identified.

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
- (e) Comments received from the affected Party
- (f) Mitigation measures

(g) Other (please specify): X

Referring to EIA law, Article 5.3.6, transboundary impacts should be identified within initial consultations stage (scoping) with MENR and environmental conclusion for that project should be issued for concerning EIA by MENR considering of all related outcomes.

Conclusion is given after the EIA procedures, which contain environmental protection measures and mitigation of impacts, reflects the opinion of public, and ensures compliance with the Article 6 of the Convention.

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:

Law on EIA has direct reference to international agreements to be applied if any inconsistency occurs with domestic Law concerning transboundary procedure.

There is not such a specific item in domestic laws that reflect this procedure as described in above question.

The procedure explained in details in draft secondary legislation. In case of such circumstances, if no bilateral agreement exists, Espoo Convention and its Practical Guideline is major baseline for application

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph3 ?:

(a) No: **X**

(b) Yes (please specify):

Your comments:

There is not such a specific item in domestic laws that reflect this procedure.

In case of such circumstances, if no bilateral agreement exists, Espoo Convention and its Practical Guideline is major baseline for application

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:

Your comments:

There is not such a specific item in domestic EIA law that identify “final decision”.

According to the Law on EP, the conclusion of State ecological expertise (SEE) which is issued by MENR for proposed activities has obligatory character to proceed on project implementation. This is one of the major consent documents that is necessary for giving the permit for project implementation by relevant executive bodies according to domestic legislation (Construction permit cannot be given by relevant executive authority without those documents, especially environmental conclusion).

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: X**

(b) Yes (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

Monitoring and control of results EIA and SEA are the responsibility of MENR according the “Regulation on implementation of control over EIA and SEA” (new adopted Decision of Cabinet of Ministers number 425, on 02 October 2019).

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**

The Protocol on Environmental Impact Assessment in a trans-boundary Context to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea - Tehran Convention was signed by five Caspian Sea littoral countries on 20th July 2018, the document is expected to be ratified soon

(b) Yes: X Please specify with which countries:

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 trans-boundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, inter calibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments: **There is no such agreement.**

(b) Procedural steps required by national legislation

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

The EIA law (2018) explains “trans-boundary impact” and sets out obligations for the project proponents to carry out trans-boundary EIA, requires from the project initiator to start consultation with MENR at an initial stage of EIA in order to determine its scope, which should include in trans-boundary impacts (Article 4.4 and 5.3.6). List of activities in Annex 1 of EIA law complies with Espoo Convention Annex 1 and EIA Directive 85/337/EC and its latest amended directives.

EIA Law refers to international agreements Azerbaijan is a party and subsequent legal acts to the Law in transboundary case which will be determined by relevant authority. Thus, procedural mechanisms of trans-boundary EIA is drafted in secondary “Regulation on EIA, including transboundary EIA” on a step-by-step basis. The document is expected to be adopted soon.

At present, steps should be followed based on Constitution of Azerbaijan Article 148 (1995) and the Decree of the President of Azerbaijan Number 616, on 1st of February, in

1999, which establishes prerequisite obligation to implement the respective provisions of Espoo Convention and its Annexes, as an integral part of national legislation.

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 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a 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: X

Your comments: **There was no relevant practice during this period. Therefore, no any comment provided below.**

1. Experience in the trans-boundary environmental impact assessment procedure during the period 2016–2018

Cases during the period 2016–2018

II.2. If your country's national administration has a record of trans-boundary EIA procedures that were under way during the reporting period, in which your country was a 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 a Party of origin

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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.							
2.							
3.							
4.							
...							

Your comments: **There was no relevant practice.**

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. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a trans-boundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation?

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found?

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin:

(ii) As an affected Party:

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin:

(ii) As an affected Party:

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) English

(ii) The affected Party's language

(iii) Other (please, specify)

(g) As an affected Party, from which language do you usually translate?

(i) English

(ii) Language of the Party of origin

(iii) Other (please, specify)

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

(i) As a Party of origin:

Experience with public participation

Experience with consultations under article 5

(ii) As an affected Party:

Experience with public participation

Experience with consultations under article 5

- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin:
- (iii) By the affected Party:
- (iv) Shared by both Parties concerned:
- (v) Developer:
- (vi) Other, please specify

II.4. Describe any difficulties that your country has encountered during trans-boundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

II.5. Does your country have successful examples of organizing trans-boundary 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. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

There was no relevant practice during reporting period.

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 2016–2018

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 trans-boundary Context (ECE/MP.EIA/7):

No:

Yes (please provide details): X

While drafting the secondary legislation - "Regulation on EIA, including trans-boundary EIA", the procedural mechanisms in guidance were useful to understand the public involvement.

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

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

No: X

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): X

While drafting the secondary legislation - “Regulation on EIA, including trans-boundary EIA”, the procedural mechanisms in guidance were useful to understand the public involvement.

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, As a Party either of origin or as an affected Party, because of a lack of clarity of the provisions?

No:

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

Some of the activities in the list of Annex 1 should be identified precisely. Annex 1 item (4), item (6), item (8), item (11), item (14), item (16), item (17), item (18) and item (22) activities’ parameters and capacities are not determined. Some of them have clear parameters in relevant EU Directive. For example in the wording of the content of some of those activities like “large”, “major” have no clear picture on their size, amount or scale, which are important to screen them for EIA application.

4. Suggested improvements to the report

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.

Item I.11 – about notification form is not necessary to be asked from the parties. Question on Provision 3.1 and 3.2 is enough to learn notification process as required by Convention itself.

Item 1.32 – this item is about procedural steps in the countries. Considering the questions on procedural steps are individually asked in this report, it might be not necessary to include in this item the overall summary of it. It will be relevant to ask only one schematic correlation chart of domestic EIA and transboundary EIA of each country.

Experience of the countries under item II.3 to II.6 can be asked in one consolidated table chart under one item.