

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

## **Information on the focal point for the Convention**

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## **Information on the point of contact for the Convention**

2. Name and contact information (if different from above):

**Mr. Ron Hallman, President, Canadian Environmental Assessment Agency**

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11. Date on which report was completed: March 15, 2019

# 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: *In Canada, the term impacts is not used to describe potential environmental effects of a proposed activity. Instead, the Canadian Environmental Assessment Act, 2012 (CEAA 2012) examines "environmental effect". For the purpose of CEAA 2012, environment includes land, water and air; organic and inorganic matter and living organisms; and their interacting natural systems. The definition of environmental effects in CEAA 2012 corresponds closely to the definition of impact for the purpose of the Convention and includes changes that may be caused to the components of the environment that are within the legislative authority of Parliament including fish and fish habitat, other aquatic species, migratory birds; changes to the environment that have an effect on Aboriginal peoples, such as their health and socio-economic conditions, cultural and physical heritage and the use of lands and resources for traditional purposes; and changes to the above mentioned components of the environment that would occur outside Canada.*

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: *The CEAA 2012 definition of 'environmental effect' explicitly includes effects that may occur outside of Canada. In addition, if a project has the potential to cause significant adverse environmental effects outside of Canada's territorial jurisdiction, the Minister of the Environment and Climate Change (the Minister) has the*

*power to refer the environmental assessment to a Review Panel. However, CEAA 2012 does not include provisions on the implementation of transboundary environmental assessment requirements. Instead, transboundary notification and environmental assessment for such projects would follow the established federal environmental assessment process.*

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

*Major change is not defined in CEAA 2012.*

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):

Your comments:

## **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: *Canadian Environmental Assessment Act, 2012 (CEAA 2012)*

(b) EIA provisions are transposed into another law(s) (please specify): *Nuclear Safety and Control Act (NSCA), National Energy Board Act*

(c) Regulation (please indicate number/year/name): *Regulations Designating Physical Activities (SOR/2012-147); Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148)*

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

(e) Other (please specify):

Your comments: *The Canadian Environmental Assessment Act, 2012 (CEAA 2012) and its regulations are the legal instruments for the assessment of the environmental effects of projects that are carried out in Canada or on federal lands and are designated by the Regulations Designating Physical Activities (Project List). CEAA 2012 also applies to projects outside Canada.*

*Canada shares borders with the United States, Denmark (Greenland), and France (Saint Pierre and Miquelon). All four countries are signatories of the Convention; however, the United States has not ratified the Convention and is, therefore, not bound by its terms. Consequently, the Espoo Convention does not apply to projects that could have potential transboundary effects between Canada and the United States. Canada has not conducted environmental assessments, nor consequently issued licences for projects that have had the potential for transboundary effects on any of the Parties to the Convention.*

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): *The Project List is generally commensurate with Appendix I of the Convention, however some of the project types in the amended Appendix I to the Convention, such as construction of a new road, installations for intensive rearing of poultry or pigs, or wind farms, would not be considered major projects or do not fall within federal jurisdiction and therefore are not captured under CEAA 2012. However, section 14(2) of CEAA 2012 provides the Minister of the Environment and Climate Change with the authority to require an environmental assessment of a project not identified on the Project List when the Minister is of the opinion that the proposed project may cause environmental effects or public concerns that warrant an environmental assessment.*

Your comments: *CEAA 2012 applies to a range of projects listed in the Project List that have the greatest potential to cause significant adverse environmental effects in areas of federal jurisdiction including for example:*

- *Fish and fish habitat;*
- *Other aquatic species of the Species at Risk Act;*
- *Migratory birds;*
- *Federal lands;*
- *Effects that cross provincial or international borders;*
- *Effects that impact on Aboriginal peoples, such as their current use of lands; and resources for traditional purposes.*

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:

*Under CEAA 2012, the responsibility for conducting a federal environmental assessment rests with:*

- *the Canadian Nuclear Safety Commission (for projects it regulates, such as nuclear projects);*
- *the National Energy Board (for projects it regulates, such as international and interprovincial pipelines and transmission lines and offshore oil and gas); or,*
- *the Canadian Environmental Assessment Agency (the Agency) (for all other designated projects).*

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

Your comments: *Responsibility for the environment and environmental assessment is shared between the federal and provincial governments. Indigenous groups are also taking greater control and management of their environment and resources through constitutionally protected modern treaties (comprehensive claims, self-government agreements), many of which include environmental assessment provisions.*

*Federal departments and agencies with specific expertise are required to provide information and advice that support the conduct of environmental assessments by responsible authorities.*

*The President of the Canadian Environmental Assessment Agency acts as Canada's point of contact for notification under the Convention.*

*In February 2018, as a result of a 14-month review of the federal environmental assessment system, the Minister of the Environment and Climate Change introduced proposed legislation (Bill C-69) that would repeal the CEAA 2012 and replace it with the Impact Assessment Act. The new Act would establish the Impact Assessment Agency of Canada*

*(currently the Canadian Environmental Assessment Agency) to lead all federal impact assessment of major projects, working with other regulators and in cooperation with provinces and territories and Indigenous jurisdictions.*

*As Bill C-69 goes through the Parliamentary process, CEAA 2012 will continue to apply to projects under review.*

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): *The Canadian Environmental Assessment Agency would collect information on transboundary EA cases related to the implementation of the Convention.*

Your comments:

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): *Canada has had no requirements to date to apply the Convention in an operational context. However, CEAA 2012 requires that the public is provided with opportunity to participate in environmental assessments and provides several opportunities for public participation in an environmental assessment. These opportunities are not limited only to Canadians, but extend as well to the public and authorities of an affected Party.*

### Article 3 Notification

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

Your comments: *Canada has had no requirements to date to apply the Convention in an operational context. However, notification would be provided during the initial stages of the environmental assessment when the Agency is satisfied that the description of the project includes sufficient information about the likelihood of significant adverse transboundary environmental effects.*

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: *Canada has not been required to date to apply the Convention in an operational context. However, Canada would consider using the format in whole or in part as appropriate.*

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):

Your comments: *Canada has not been required to date to apply the Convention in an operational context. However, Canada would include in the notification the information required by article 3, paragraphs 2 and 5.*

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): *CEAA 2012 establishes timelines for completion of environmental assessments. A potentially affected Party would be required to make its decision and provide a response about its participation in the environmental assessment during the early stage of the environmental assessment in accordance with the established timelines.*

(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:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: *There are no specific consequences identified in CEAA 2012.*

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 website<sup>1</sup>

(b) Other (please specify):

Your comments: *Canada has not been required to date to apply the Convention in an operational context. However, Canada would consider informing the point of contact to the Convention as appropriate.*

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

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

(d) Other (please specify):

Your comments: *Canada has not been an affected Party to date. A decision to participate in a transboundary environmental assessment would be taken on a case-by-case basis and would depend among other things on the degree and significance of the potential adverse environmental effects on Canada including public concern about the adverse environmental effects.*

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):

Your comments: *Canada has not been required to date to apply the Convention in an operational context. However, Canada would consider using the EIA procedures of the Party of origin as appropriate.*

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

## 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
- (b) By taking part in a public hearing
- (c) Other (please specify):

*As an 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: *Canada has no experience applying the Convention.*

*However, members of the public can participate at various stages of the environmental assessment process. Once the Agency receives a complete project description, it must consider whether or not an environmental assessment is required. During this determination, the public is provided with an opportunity to comment on the proposed project and its potential for causing adverse environmental effects.*

*When it has been decided that an environmental assessment is required, the public is given an opportunity to comment on which aspects of the environment may be affected by the project and what should be examined during the environmental assessment.*

*Once the proponent submits its environmental impact statement, the public is invited to comment on the identified potential environmental effects of the project and the measures to prevent or mitigate those effects as proposed by the proponent. At this stage, avenues for comment and additional opportunities to participate may include open houses or public meetings.*

*Finally, the public is provided an opportunity to comment on the draft environmental assessment report. This document includes the Agency's conclusions regarding the potential environmental effects of the project, the mitigation measures that were considered and the significance of the remaining adverse environmental effects.*

*For a joint review panel process, the public is given an opportunity to comment on the draft joint review panel agreement as well.*

*Hearings are held to encourage the participation of interested parties. The review panel is responsible for determining its hearings schedule, locations and procedures, and notifying the public in advance so that interested parties will have the opportunity to participate.*

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

Your comments: *CEAA 2012 does not preclude the establishment of joint procedures for public hearings on the territory of another country.*



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

Your comments:

#### 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

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

Your comments: *The Agency reviews the environmental assessment documentation to verify that it clearly provides the information required by the environmental impact statement guidelines. In addition, the Agency reviews the environmental assessment documentation for sufficiency and accuracy.*

*If necessary, the Agency may require the proponent to provide additional information or clarification and further information to understand the potential environmental effects and the proposed mitigation measures.*

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

(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): *Prescribed Information for the Description of a Designated Project Regulations SOR/2012-148*

Your comments: *CEAA 2012 requires the proponent to provide the Agency with a description of the proposed project that includes the information prescribed in the Prescribed Information for the Description of a Designated Project Regulations.*

*An environmental assessment must include the following factors:*

- *environmental effects of the projects, including the environmental effects of malfunctions or accidents that may occur in connection with the project, and any cumulative environmental effects;*
- *significance of those environmental effects;*

- *comments from the public;*
- *mitigation measures that are technically and economically feasible;*
- *follow up program requirements;*
- *purpose of the project;*
- *alternative means of carrying out the project and the environmental effects of any such alternative means;*
- *any change to the project that may be caused by the environment;*
- *results of any relevant regional study;*
- *any other relevant matter.*

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): *Section 19 of CEAA 2012 identifies factors to be considered in the environmental assessment of a designated project, including:*
- *the “purpose of” the designated project, as per paragraph 19(1)(f); and*
  - *“alternative means” of carrying out the designated project, as per paragraph 19(1)(g).*

*With respect to the latter, alternative means considered in a project environmental assessment must be technically and economically feasible. The project environmental assessment must address their environmental effects as defined under section 5 of CEAA 2012 for each of these alternative means.*

- (c) Other (please specify):

*Your comments: The Agency has developed an operational policy statement to provide clarification of “alternatives to” the project and “alternative means” of carrying out the project. Alternative means are the various technically and economically feasible ways under consideration by the proponent that would allow a proposed project to be carried out. The alternative means should be considered by the proponent as early as possible in the planning of a proposed project, even before the beginning of the environmental assessment process. The Agency’s policy statement is consistent with the provisions of appendix II, paragraph (b).*

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

*Your comments: CEAA 2012 has provisions for consultation and coordination with certain jurisdictions, including government or government bodies that have responsibilities in relation to environmental assessments.*

## 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: *Although Canada has had no requirement to date to apply the Convention in an operational context, Canada would give the same strong consideration to the comments received from the public and the authorities of the affected Party as to the comments received domestically.*

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: *The determination to review the decision if additional information on significant transboundary impact of a proposed project becomes available would be made on a case-by-case basis.*

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: *Under CEAA 2012, a decision statement is required at the end of an environmental assessment of a proposed designated project or activity. The decision as to whether the proposed project is likely to cause significant adverse environmental effects lies with the Minister of the Environment and Climate Change for both environmental assessment by the Agency and environmental assessment by review panel. In making this decision the Minister takes into account the environmental assessment report and the implementation of any mitigation measures. If the Minister determines that a proposed project would be likely to have significant adverse environmental effects, then Cabinet must decide whether those effects are justified in the circumstances.*

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: *In Canada the term “decision statement” is used to reflect the decision maker’s determination with regard to a proposed project’s environmental effects.*

Your comments: *At the end of the environmental assessment, a **decision statement** is issued that states whether the proposed project is likely to cause significant adverse environmental effects. It includes conditions, consisting of mitigation measures and a follow-up program that the proponent must fulfil to proceed with the project. The decision statement affects the exercise of a power or performance of duty or function by a federal authority that will permit a project to be carried out.*

*When the Agency is the responsible authority, the Minister of the Environment and Climate Change issues the decision statement to the proponent. When the Canadian Nuclear Safety Commission or the National Energy Board is the responsible authority, they are responsible for issuing the decision statement to the proponent.*

## **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: *Under CEAA 2012, follow-up programs are mandatory for all EAs. In addition, CEAA 2012 contains provisions for compliance and enforcement to verify the implementation of the conditions identified in the EA decision statement. Enforcement officers will verify compliance and the Minister may also seek an injunction to stop activities that violate CEAA 2012 or to prevent such violations. Contraventions of the CEAA 2012 can result in fines up to \$400,000.*

## **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:

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:  
Your comments: *Not applicable*

**(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: *Canada has no separate transboundary EIA procedure. Proposed projects with potential transboundary environmental impacts will follow the environmental assessment procedures under CEAA 2012, including screening, scoping, preparation of the environmental assessment statement, assessment decision, with consultations throughout, and finally follow up and monitoring.*

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: *In Canada, environmental assessment of NPPs follows the procedures under CEEA 2012 and the Nuclear Safety and Control Act (NSCA). The Canadian Nuclear Safety Commission is the responsible authority for carrying out environmental assessments of NPPs.*

## 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

Your comments:

#### 1. Experience in the transboundary 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 transboundary 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: *No projects in Canada have required the application of the Convention with another Party to the Convention.*

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 transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation? *Canada has no practical experience to report*

(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? *Canada has no practical experience to report.*

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

(i) As a Party of origin: *Canada has no practical experience to report.*

(ii) As an affected Party: *Canada has no practical experience to report.*

(iii) Other, please specify:

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

(i) As a Party of origin: *Canada has no practical experience to report.*

(ii) As an affected Party: *Canada has no practical experience to report.*

(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) *Canada has no practical experience to report.*

(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) *Canada has no practical experience to report.*

(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 *Canada has no practical experience to report.*

Experience with consultations under article 5 *Canada has no practical experience to report.*

(ii) As an affected Party:

Experience with public participation *Canada has no practical experience to report.*

Experience with consultations under article 5 *Canada has no practical experience to report.*

- (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 transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: *Canada has no practical experience to report*

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. 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:

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 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 a Party 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):

### **4. Suggested improvements to the report**

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