

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 2016–2018

Information on the focal point for the Convention

1. Name and contact information:

Information on the point of contact for the Convention

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

Information on the person responsible for preparing the report

3. Country: France
4. Surname:
5. Forename:
6. Institution: Ministère de la transition écologique et solidaire
7. Postal address: Tour Sequoia, 1 place Carpeaux, 92055 La Défense
8. Email address: point-focal.espoo@developpementdurable.gouv.fr
9. Telephone number:
10. Fax number:
11. Date on which report was completed:

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: There is no definition, strictly speaking, of "impact" in the legislation regarding the environmental assessment of projects, but Article R.122-5 (II) states that an impact assessment presents: [TRANSLATION]

3° A description of the relevant aspects of the current state of the environment, referred to as the 'baseline scenario,' and their evolution in the event of the implementation of the project, as well as an overview of the likely evolution of the environment in the absence of the implementation of the project, insofar as natural changes in relation to the baseline scenario can be assessed with reasonable effort on the basis of available environmental information and scientific knowledge;

4° A description of the factors mentioned in III of Article L. 122-1 likely to be significantly affected by the project: population, human health, biodiversity, land, soil, water, air, climate, physical assets, cultural heritage, including architectural and archaeological aspects, and landscape;

5° A description of the significant environmental effects that the project is likely to have as a result of, among other things:

- (a) The construction and existence of the project, including, where relevant, demolition work;
- (b) The use of natural resources, in particular land, soil, water and biodiversity, taking into account, to the extent possible, the sustainable availability of such resources;
- (c) The emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances and the elimination and recovery of waste;
- (d) The risks to human health, to cultural heritage or to the environment;
- (e) The cumulative impacts with other existing or approved projects, taking into account, as appropriate, environmental issues related to the use of natural resources and areas of particular environmental significance that may be affected;
- (f) The impacts of the project on the climate and the project's vulnerability to climate change;
- (g) The technologies and substances used.

The description of any significant impacts on the factors mentioned in III of Article L. 122-1 shall cover the direct effects and, where relevant, the indirect secondary, cumulative, transboundary, short-, medium- and long-term, permanent and temporary, positive and negative effects of the project;

6° A description of the significant adverse environmental impacts expected from the project resulting from the project's vulnerability to major accidents or disasters related to the project concerned. This description shall include, where appropriate, the proposed measures to avoid or reduce the significant adverse environmental impacts of such events and the details of the preparedness and planned response to such emergency situations;[...]"

There is therefore an identity of nature between the notion of "impact" as understood in the Convention and as understood in French legislation.

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: There is no definition of "transboundary impact;" French legislation applies the same notion of "impact" to internal and transboundary contexts.

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

The definition of "project" is set out in Article L 122-1. A "project" is: "the execution of construction works or of other installations or schemes, or other interventions in the natural surroundings and landscape, including those involving the extraction of mineral resources." This definition originates from Directive 2011/92/EU.

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: There are no criteria for identifying the public "concerned" because French legislation uses the word "public" without the qualifier "concerned" in legislative and regulatory texts pertaining to environmental assessment. There are therefore no limiting *a priori criteria regarding information and public participation*. In practice, the limits of public enquiries or electronic public participation is determined by geographic location of the project. As such, anyone can participate, even if the person does not live in the affected territory. All methods of public participation include—at a minimum—the publication of the documents on the Internet and the possibility of submitting contributions electronically.

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: Environmental Code, articles L. 122-1 et seq.
Loi n° 2010-788 du 12 juillet 2010 portant Engagement national pour l'environnement

Loi n° 2018-148 du 2 mars 2018 ratifiant les ordonnances n° 2016-1058 du 3 août 2016 relative à la modification des règles applicables à l'évaluation environnementale des projets, plans et programmes et n° 2016-1060 du 3 août 2016 portant réforme des procédures destinées à assurer l'information et la participation du public à l'élaboration de certaines décisions susceptibles d'avoir une incidence sur l'environnement

(b) EIA provisions are transposed into another law(s) (please specify): *Ordonnance n° 2016-1058 du 3 août 2016 relative à la modification des règles applicables à l'évaluation environnementale des projets, plans et programmes; Ordonnance n° 2016-1060 du 3 août 2016 portant réforme des procédures destinées à assurer l'information et la participation du public à l'élaboration de certaines décisions susceptibles d'avoir une incidence sur l'environnement, ratified by the Act of March 2, 2018.*

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

Environmental Code, articles R. 122-1 et seq.

Décret n° 2016-1110 du 11 août 2016 relatif à la modification des règles applicables à l'évaluation environnementale des projets, plans et programmes.

Décret n° 2017-626 du 25 avril 2017 relatif aux procédures destinées à assurer l'information et la participation du public à l'élaboration de certaines décisions susceptibles d'avoir une incidence sur l'environnement et modifiant diverses dispositions relatives à l'évaluation environnementale de certains projets, plans et programmes.

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

(e) Other (please specify): Public participation measures intended to enable the public to consult and react to the information contained in the environmental assessment in a transboundary context are contained in the Environmental Code: Articles L. 123-7 and L. 123-8 of the Environmental Code, R. 122-4, R. 122-10, R. 123-9 (7°), and R. 123-27-1 to R. 123-27-3 of the Environmental Code.

Your comments:

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

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly (please specify):

Your comments: *In accordance with the declaration by French authorities on the ratification of the Convention, French authorities apply the Convention through the applicable European Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment. Ordinances No. 2016-1058 and No. 2016-1060 as well as Decrees No. 2016-1110 and No. 2017-626 amended the rules on environmental assessment and public participation in France for the transposition of Directive 2014/52/EU and specified the scope of impact assessments in France.*

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:

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

Your comments: *The competent authorities for the EIA procedure are:*

- The authorities competent to authorize projects (State, prefects, territorial communities), which are in charge of notifying the project to the affected Party. These authorities differ depending on the type of procedure required to submit authorization requests.

- Environmental authorities (locally: regional missions of environmental authorities, and nationally: Minister of the Environment in rare cases or the environmental authority of the *Conseil Général de l'Environnement et du développement durable (Ae CGEDD)* and the authorities consulted (health, etc.).

With regard to transboundary consultation procedures, the departmental prefect has a specific responsibility. Thus, when the competent authority of a project with transboundary impacts is a territorial community, the departmental prefect submits the file to the Minister of Foreign Affairs (article R. 122-10 of the Environmental Code). If France is the affected Party, the French authority responsible for the project will transmit the file to the prefect of the department involved, who will decide whether to hold a public inquiry, if deemed necessary (Article R. 122-10).

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 environmental integration office of the commissioner of sustainable development at the Ministry of Ecology, Sustainable Development and Energy is the focal point for the Espoo Convention and must be kept informed of transboundary procedures.

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 its ratification of the Convention, France included the following interpretative statement:

[TRANSLATION] "the Convention implies that it is the responsibility of each Party to ensure the public distribution within its territory of the environmental impact assessment documentation, inform the public and collect its comments, except where different bilateral arrangements apply."

Regarding the consultations for which France is the affected Party, Article R. 122-10 of the Environmental Code provides that: [TRANSLATION] "II. When another member State of the European community or party to the February 25, 1991, Convention on Environmental Impact Assessment in a Transboundary Context serves notice to a French authority about a project likely to have a significant impact on the environment in France, the authority served shall transmit the file to the prefect of the department in question. If the prefect so served decides to hold a public enquiry, a timeline will be set with the authorities of the State that originated the notice. The prefect shall communicate the results of the consultation to the State that originated the notice and inform the Minister of Foreign Affairs. The public enquiry is organized under the conditions set out in section 3 of Chapter III of this Title."

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: The prefect must serve this notice once a decision has been made to hold a public consultation, namely at the last moment provided under the Convention. This seems appropriate as it guarantees that the file transmitted is complete (the report describing the impact on the environment and the final version of the application are available at this stage). This is when notices in France are served (public, environmental authority, commissions and other State services). This leaves sufficient time for the affected country to serve its notice.

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:

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:

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):

Your comments: Regarding the notification, there is no time frame provided in national legislation for receiving a response from the affected Party.

Regarding the participation procedure, once the State has responded, the deadline for the participation of the public of the State involved is the same as that set out in domestic law (Article L. 123-9: 30 days minimum). However, it is understood that it could be extended (Article R. 122-10, reproduced below). Moreover, the order to commence the public inquiry must be published at least 15 days before it begins (Article L. 123-10).

Article R. 122-10: [TRANSLATION] “I.- When it notes that a project is likely to have significant environmental impacts in another State member of the European Union or party to the February 25, 1991, Convention on the Environmental Impact Assessment in a Transboundary Context signed at Espoo, or when petitioned by the State likely to be affected by the project, the competent authority for making a decision to authorize, approve or execute the project shall notify it without delay of the order to commence a public enquiry and transmits a copy of the investigation file. The non-technical summary of the impact study noted at IV of article R. 122-5 and the manner in which the public enquiry fits into the administrative procedure are translated, if necessary, into a language of the affected State, with translation fees covered by the petitioner or project authority. The notice of the order to commence an enquiry also sets the deadline for the authorities of that State to indicate their intention to participate in the public enquiry. The public enquiry cannot commence before the expiration of that deadline. The deadlines for regulatory procedures that apply to the projects in question are extended, when necessary, to reflect the deadline for the foreign authorities’ consultations. [...]”

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

Many initiatives can be taken, but they are not defined in the regulations:

- a reminder by the country of origin indicating to the affected country that it has not received a response and indicating that it will provide additional time;
- concluding the project order with no response from the affected country (if it is a minor issue and all indications are that there will be no specific requests from the affected country).

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

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

(b) Other (please specify):

Your comments:

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: When the French focal point is identified, a decision is made based on the opinions of entities it consults, which vary depending on the project (branches of the Ministry of the Environment or other ministries, local State and territorial community services, environmental authorities). Since it involves organizing a local public consultation, the prefect involved will make the decision (Article R. 122-10 of the Environmental Code). He makes the decision based on the importance of the potential impacts of the project on the environment in his territory.

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:

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

- (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: See previous answers (in particular questions I.9 and I.13).

Participation of the public on the territory of the party affected by a project on French territory is under the jurisdiction of that party. To participate in consultations on French territory, the consultation deadlines may be extended (Article R. 122-10).

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): By participating in public consultation procedures conducted by the competent authority (articles L 123-1 et seq. of the Environmental Code).

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): By participating in public consultation procedures conducted by the competent authority (articles L 123-27-2 et seq. of the Environmental Code).

Your comments:

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:

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 R. 122-10 provides that the affected public of the Party of origin may participate in the public enquiry held in France, but it does not prescribe a public enquiry in the affected State. The affected Party shall participate in any way it wishes in the public enquiry conducted in France (e.g. by conducting a public hearing in its country and forwarding the conclusion to France).

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:

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):

Your comments:

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): X

(c) Other (please specify):

Your comments: In accordance with the statement by French authorities during the ratification of the Convention, French authorities apply the Convention through the applicable European directive, Directive 2011/92/EU of the European Parliament and of the Council of December 13, 2011, on the assessment of the effects of certain public and private projects on the environment. Under French law, reasonable substitutions are mentioned under 7° of Article R 122-5 of the Environmental Code.

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: This requirement is stated in Article R 122-10 of the Environmental Code.

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): French law does not have an exhaustive list of what is to be covered in the decisions authorizing projects subject to EIA. The final decision contains “visas” that include these elements. The avoidance, reduction and compensation measures can be found in the decision itself. Moreover, Article L. 122-1-1 of the Environmental Code provides that: [TRANSLATION] “I - The decision of the competent authority shall be justified in the light of the significant environmental impacts of the project. It specifies the requirements to be met by the project authority and the measures and characteristics of the project to avoid significant negative impacts, reduce those that cannot be avoided and compensate those that cannot be avoided or reduced. It also specifies how the project’s impact on the environment or human health will be monitored.

[...]

IV - When a decision to grant or refuse a licence for a project subject to environmental assessment has been made, the competent authority shall inform the public and the authorities mentioned in V of Article L. 122-1.

Notwithstanding specific legislative or regulatory provisions and national defence secrecy, the competent authority shall make public the decision and the following information, if not already included in the decision:

1° Information on the public participation process;

2° The summary of public comments and other consultations, in particular those of the authorities mentioned in V of Article L. 122-1, as well as their consideration;

3° The locations where the impact study can be consulted. ”, the public consultation including transboundary consultations.”

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: Article L 123-7 of the Environmental Code provides that [TRANSLATION] “Where a project of work, structures or facilities is likely to have significant effects on the environment of another State, Member of the European Community or party to the Convention of 25 February 1991 on

Environmental Impact Assessment in a Transboundary Context signed at Espoo, information permitting the public's participation and information is transmitted to the relevant authorities of that State, at the request of the latter or on the initiative of the French authorities. The authorities of the State concerned shall be invited to participate in the public enquiry provided under Article L. 123-1 or in the procedure for public participation by electronic means provided under Article L. 123-19." Also, to the extent that the authorities of the affected Party have the opportunity to participate in the public enquiry organized by the authority competent to authorize the project, the comments made by the affected Party will be considered to the same extent as all comments made during the public enquiry.

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:

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:

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: French regulations provide for monitoring the effects of projects having an impact on the environment and the implementation of project requirements, measures and characteristics designed to avoid, reduce and compensate for the significant negative effects of projects on the environment and human health in Article R 122-13 of the Environmental Code.

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:

(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: See previous answers (in particular questions I.9 and I.13). An EIA is always included in a national EIA procedure as described in the articles of the Environmental Code.

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: Presence in local information panels (CLI) of foreign members (Swiss and Germans in Fessenheim for example), meetings between ASN (nuclear safety authorities).

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 the 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. Parc éolien Dieppe Le Tréport | 08/22/2018 | United Kingdom | | | | | |
| 2. | | | | | | | |
| 3. | | | | | | | |
| 4. | | | | | | | |

| 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. Application by East Anglia THREE Offshore Windfarms | 03/10/2016 | France | Preparation of the EIA documentation | | | Public enquiry conducted in France | |
| 2. <i>Projet Mozaik - Belgium</i> | 11/09/2016 | France | | | | No participation of France | |
| 3. <i>Classification of Swiss general authorization procedures</i> | 12/02/2016 | France | | | | No participation of France | |
| 4. <i>Wylfa Newydd Generating Station</i> | 02/01/2017 | France | Preparation of the EIA documentation | | | No participation of France | |
| 5. <i>Norfolk Vanguard Offshore Wind Farm</i> | 02/16/2017 | France | Preparation of the EIA documentation | | | Participation of France in the public participation procedure conducted by the United Kingdom | |
| 6. <i>Hornsea Project Three Offshore Windfarm</i> | 06/27/2017 | France | Preparation of the EIA documentation | | | Participation of France in the consultation | |
| 7. <i>Thanet Extension Offshore Wind Farm</i> | 07/17/2017 | France | Preparation of the EIA documentation | | | Participation of France in the consultation | |
| 8. <i>Norfolk Boreas Offshore Wind Farm</i> | 07/21/2017 | France | Preparation of the EIA documentation | | | Participation of France in the consultation | |
| 9. Corallian Colter (98/11-E) Appraisal Well ES (BEIS Ref: W/4207/2017) | 30/01/18 | France | | | | | |

Your comments: As each competent authority makes the notifications that concern it, we have very little data on transboundary procedures as a Party of origin.

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? The non-technical summary and the manner in which the public enquiry fits into the administrative procedure are translated, if necessary. Translation fees are covered by the project authority, whether public or private (Article R. 122-10).
- (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: The petitioner or project authority
 - (ii) As an affected Party: Article L. 123-28 of the Environmental Code provides that: [TRANSLATION] "In the absence of bilateral agreements to the contrary, the costs of the enquiry, in particular the compensation of the investigating commissioners and members of the commission of enquiry, any translation fees and the costs incurred by providing the investigating commissioner or the commission of enquiry with the material resources necessary for the organization and conduct of the investigation procedure shall be borne by the State."
 - (iii) Other, please specify:
- (d) What parts of the EIA documentation does your country usually translate?
- (i) As a Party of origin: The non-technical summary and the manner in which the public enquiry fits into the administrative procedure.
 - (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

Difficulties with respect to the language used, for example in notification messages sent exclusively in Dutch.

Experience with consultations under article 5 Same as above

Please describe how the costs of interpretation during the hearings are covered:

- (i) By the Party of origin: Yes
- (ii) By the affected Party: Yes, in France, in the absence of a bilateral agreement.
- (iii) Shared by both Parties concerned:
- (iv) Developer:
- (v) 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:

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 sub-regional 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.