

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:
4. Surname:
5. Forename:
6. Institution:
7. Postal address:
8. Email address:
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): The wording is different, some aspects are taken into consideration in Switzerland even though they are not explicitly written in the Convention (e.g., forest/noise/vibrations/non-ionizing radiation/light).

(c) No (please provide the definition):

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

Your comments:

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

(a) Yes

(b) Yes, with some differences (please provide details):

(c) No (please provide the definition):

(d) There are no definitions of transboundary impact in the legislation

Your comments:

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

This point is not specified in the Swiss legislation.

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

(a) Based on the geographical location of the proposed project

(b) By making the information available to all members of the public and letting them identify themselves as the public concerned

(c) By other means (please specify):

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

Article 2 General provisions

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

(a) Law on EIA:

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

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

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

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

(e) Other (please specify):

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

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

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

Your comments: In Switzerland, the Espoo Convention is considered self-executing. Thus, it is not reflected in specific national orders and legislation.

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

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

(b) It differs slightly (please specify): Appendix I has not been adapted in its present form to be compatible with our legislation. The list of projects that may be subject to the Convention is the one contained in the annex to our OEIE. It is more extensive than that of Appendix I of the Convention

Your comments:

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

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

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities: the competent authority responsible for approving the project is also responsible for carrying out the procedure, which includes the EIA. However, the competent authority for EIA is the environmental protection service.

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

Your comments:

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

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

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

(a) No

(b) Yes (please specify): EIA and spatial planning section of the Federal Office for the Environment (FOEN)

Your comments:

The FOEN's EIA and Spatial Planning Section, as the focal point of the Convention, identifies all cases of transboundary EIA for projects under federal jurisdiction and, if these cases are brought to its attention, the FOEN's EIA and Spatial Planning Section also makes the identification of projects under cantonal jurisdiction.

I.9 Comment vous assurez-vous, en tant que Partie d'origine ou en tant que Partie touchée, que la possibilité de participer qui est offerte au public de la Partie touchée est équivalente à celle qui est offerte au public de la Partie d'origine, comme l'impose le paragraphe 6 de l'article 2 (veuillez expliquer) :

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

Article 3 Notification

I.10. As 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: In principle, if a preliminary inquiry is conducted, Switzerland notifies the affected Party of the project at that time. If there is no preliminary inquiry and the project goes directly to an impact report, Switzerland provides notification as quickly as possible, at the latest at the time of the inquiry into the project on Swiss land.

I.11. Please define the format of notification:

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

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

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

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Your comments:

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

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations (please indicate the average length in weeks): 1 to 3 months

Your comments:

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

If an affected Party does not respond, the approving authority usually sends a reminder with a new deadline. If the approving authority has not received a response after this second deadline, it considers in principle that the affected Party does not wish to participate. If the affected Party requests an extension of the deadline, Switzerland shall endeavour, as far as possible, to accept an extension of the deadline.

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

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

(b) Other (please specify): If available, a copy of the notification shall be sent to the regional authorities of the affected Party concerned.

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

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as 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 an activity planned abroad is likely to have a significant adverse transboundary impact on the environment in Switzerland, the obligations arising from the Espoo Convention are generally fulfilled in Switzerland by the competent authority that would decide on the project if it had been planned in Switzerland (Article 6(a), OEIE).

The Swiss point of contact receives the notification, then:

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

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

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

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

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

(c) Other (please specify):

Your comments:

¹ List available from 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: Members of the public may express their concerns to the competent authority/focal point during the public inquiry.

Nationally, according to Article 15 of the OEIE, the competent authority for approving the project ensures that the EIR is available to the public, subject to legal provisions concerning the obligation to keep the information secret.

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

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:

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

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

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

I.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:

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

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

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

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

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

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

Your comments:

The content of the environmental impact report (EIR) is described in Article 9 of the OEIE, which refers to Article 10(b)(2) of the [*Canadian Environmental Protection Act, 1999* (CEPA 1999)]. For a project subject to the Espoo Convention, the EIR must also contain relevant information (similar to the requirements of Swiss law) on the impact on the environment of the affected Party.

Citation Article 9 OEIE: “The impact report must comply with Article 10(b)(2), CEPA 1999. 1. It must, in particular, contain all of the information that the competent authority needs to assess the project pursuant to Article 3. It must take into account all aspects of the impact on the environment attributable to the project and assess them, individually and collectively, and in joint action. It must also present how the results of the environmental studies conducted as part of the land use planning are taken into account.”

Citation Article 10(b)(2) CEPA 1999: “The report must contain the information needed to assess the project based on the environmental protection provisions. It is prepared in compliance with the directives of the specialized services and presents the following points: a. initial state; b. the project, including the measures developed to protect the environment and in the event of a natural disaster; c. the resulting pollution expected.”

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

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):
- (c) Other (please specify):

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

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:

Article 6 Final decision

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

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

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

- (a) Yes
- (b) No

Your comments:

Comments by the public and the administration of the affected Party are sent to the competent authority in Switzerland. The competent authority will take the comments into account, mention or refer to them in the decision and also explain its reasoning in dealing with them and how it took them into account

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

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

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

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

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

Your comments:

Activity 2, Equipment for nuclear energy use, for the production, use, handling and storage of nuclear materials: 1. general approval, 2. approval to build
- Activity 7, for highways: 1. route approval, 2. general project approval, 3. approval of plans
- Activity 7, for railway lines: (possibly 1. granting of concessions), 2. approval of plans
- Activity 7, for airports: approval of plans and approval of operating rules
- Activity 8, oil and gas pipelines: approval of plans

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

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

Your comments:

Article 7 Post-project analysis

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

(a) No

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

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

Article 8 Bilateral and multilateral cooperation

(a) Agreements

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

(a) No

(b) Yes Please specify with which countries:

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

- There is also a procedural guide (2005) for the specific region of the Upper Rhine, prepared by France, Germany and Switzerland: "Procedural Guide. Transboundary consultations with the authorities and the public on projects that significantly impact the environment in the Upper Rhine region", June 1, 2005. http://www.unece.org/fileadmin/DAM/env/eia/documents/database/Upper_Rhine_Guidelines/Procedural_Guide_20050601_French.pdf

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

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

(a) Specific conditions of the subregion concerned

(b) Institutional, administrative and other arrangements

(c) Harmonization of the Parties' policies and measures

(d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis

(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA

(f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities

(g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies

(h) Other, please specify:

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:

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: These arrangements are defined in Module 3 of the "EIA Handbook - Confederation Directive on Environmental Impact Assessment" (see attached document).

Your comments:

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

In the chapter relating to the Espoo Convention in the Swiss "EIA Handbook" (Module 3), we deal with this special case.

We distinguish two types of projects:

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

The second group (type 2) is made up of projects located at the boundary of two states, which, by their nature, cannot be divided in principle. There may be a hydroelectric power plant or flood-control works along boundary waterways.

We propose to deal with the type 1 projects preferably as two separate projects, one Swiss, the other foreign, while the boundary with the other state represents at the same time the project's limits. Such projects are to be handled as classic cases, i.e., each state notifies the

other of the part of the project located on its territory and each state indicates its interest in participating in the other state's operations. Two separate EIRs are established (one for each part of the project); each EIR dealing with the impact on its own territory and also those on the neighbouring state's territory. Experience dictates this implementation of the Espoo Convention.

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

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

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

Your comments:

We do not have bilateral agreement under the Espoo convention at the federal level.

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

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

Part two

Practical application during the period 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: **No, so long as the other Parties concerned agree.**

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	
I. Cantonal assignment plan for the Montagne de Buttes wind farm (NE)	08.09.2015	France, Bourgogne-Franche-Comté region	Population information and participation according to 4 LAT	Public information session of 20.10.2015	DREAL consultation in March 2016 and from 30.05.2016 to 02.03.2017 Meeting between the Prefect of	Public consultation from 12.09.2016 to 15.10.2016	

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	
				Doubs and the Councillor of State, Head of the DDTE on 17.11.2017 Exchange of letters in 2018			
2. Bel Coster (VD)	12.02.2016	France	sending summary report 10.09.2018	Binational Working Group in 2018	Public inquiry under French law (May-June 2017)	Final EIA decision in preparation	
3. "Chroobach" wind turbines, Hemish ofen (SH)	28.9.2018	Germany	Master plan (planning)				
4.							
...							

Your comments: these tables are not exhaustive due to the fact that the cantons are responsible for the application of the agreement for a number of installations (federalist system).

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

Project name	Start date (sending notification date)	Stage at which the notification has been sent (selection/delimitation the scope of the assessment or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date on which it has been made, if the information is available)
			Presentation of the environmental report	Transboundary consultations (experts), if any	Public participation, including public hearing, if necessary	
1. Windenergieanlage, Wiechs a.R. (Verenafohren) (Germany)	14.01.2016	Documentation with EIA	About 1 month	No information	No information (cantonal jurisdiction)	30.05.2016
2. Motorway link between Machilly and Thonon-les-Bains (France)	14.11.2017	Informal notification at an advanced stage, then formal submission of the file	About 2 months	No information	No information (cantonal jurisdiction)	No information
3. Jougne quarry project in the area known as Les Perrières (France)	5.10.2018	Documentation with EIA	About 3 months	No information	No information (cantonal jurisdiction)	No information

Your comments: these tables are not exhaustive due to the fact that the cantons are responsible for the application of the agreement for a number of installations (federalist system).

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?

a) As a Party of origine : Since our country has four official languages, which correspond to those of our neighbours, we normally do not have more translation problems than usual. Neighbouring countries receive

the documentation in their own language. In the case of notification to the whole of Europe, it shall be in English.

b) As an affected Party: Since our country has three official languages, which correspond to those of our neighbours, we normally do not have more translation problems than usual. Neighbouring countries send the documentation in their own language.

- (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?

No particular problems

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

(i) As a Party of origin: Switzerland as a Party of Origin

(ii) As an affected Party: in principle it would be to the affected Party. This situation has not occurred in the past, given that Switzerland is a multilingual country that speaks the languages of its immediate neighbours.

(iii) Other, please specify:

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

(i) As a Party of origin: no need, languages are shared

(ii) As an affected Party: no need, languages are shared

- (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
No experience
Experience with consultations under article 5
Problems were noted when Switzerland, as a Party of origin, sent a notification to the point of contact of a neighbouring country, but this country did not send the information “in time” to the affected regions.

(ii) As an affected Party:

Experience with public participation
No experience

Experience with consultations under article 5
A problem may arise when notification is made at an advanced stage of the procedure. Notifications are not always sent to the point of contact (in cases where Switzerland is the affected Party). Sometimes the notifications were sent to a cantonal service or the ambassador. This makes the procedure longer and makes direct contact between the individuals concerned more difficult.

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

- (i) By the Party of origin:
- (ii) By the affected Party:
- (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: **No particular difficulties.**

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:

Each case is particular. The Convention is not generally implemented completely as contemplated in the theory; however, in the end we achieve good results.

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

(a) No

(b) Yes (please indicate which cases):

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

(a) No

(b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned):

2. Experience in using the guidance in 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):

The Convention leaves a lot of room for interpretation; the Swiss position, which proceeds on the assumption that it is self-executing, requires the authorities responsible for its implementation to create a procedure and a process.

We have noticed for many years a lack of clarity regarding the following question: are the environmental impacts on the affected party to be considered under the law of the Party of origin or the affected Party? (more or less strict laws, depending on the country, and the conclusions of the assessment made in the impact report may be different)

4. Suggested improvements to the report

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

- The formatting (layout and formatting) of the questionnaire to be completed should be improved. The questionnaire is difficult to complete. Maybe create a pdf (with more stable content) with checkboxes and fields to fill in. The best (if possible) would be to have an online questionnaire on the convention website to complete, much easier to handle. Once completed, it should be possible to save the completed questionnaire in word format so that some content can be reused for future questionnaires.
- It is not clear whether this questionnaire is only relevant to the Convention or also to the Protocol. The title of the email received on 30.10.2018 is entitled "Request to report by 31 March 2019 on your country's implementation of the Espoo Convention and the Protocol on SEA" but contains only one questionnaire (in English and French). However, the questionnaire does not address the issue of SEA at all.
- In chap. 1 of Part II it would be better to create two tables, one for projects as a Party of origin, the other as an affected Party (as added in this document)