

# **Questionnaire for the report of Slovakia 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:

Ing. Roman Skorka, Ministry of Environment of the Slovak republic, Nám. Ľ. Štúra 1, 812 35 Bratislava, tel +421 2 5956 2442

## **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: Slovakia
4. Surname: Donevová
5. Forename: Barbora
6. Institution: Ministry of Environment of the Slovak republic
7. Postal address: Nám. Ľ. Štúra 1, 812 35 Bratislava
8. Email address: [barbora.donevova@enviro.gov.sk](mailto:barbora.donevova@enviro.gov.sk)
9. Telephone number: +421 2 5956 2204
10. Fax number:
11. Date on which report was completed: 28. 03. 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:

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 subject of the transboundary impact assessment includes*

- a) strategic documents, which are planned to be implemented on the territory of the Slovak Republic that may have a significant transboundary environmental impact,*
- b) activities proposed on the territory of the Slovak Republic set forth in the Annex No. 13, and proposed activities set forth in the Annex No. 8 that may have a significant transboundary environmental impact,*
- c) strategic documents and proposed activities set forth in letters a) and b), if requested by the affected party,*
- d) strategic documents and proposed activities performed on the territory of another country that may have a significant impact on the environment of the Slovak Republic.*

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

## 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: *Act No. 24/2006 Coll. on environmental impact assesment*
- (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:

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): *All are mentioned, though it is divided within more than one item within our appendix (Nr. 8 of Act No. 24/2006 Coll) and some of the limits are set differently*

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

Your comments:

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): *Ministry of Environment of the Slovak republic*

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):

*As defined in the national legislation, transboundary EIA is with very few exceptions same as any other EIA procedure. In the transboundary EIA it may happen that the number of days can change for commenting due to agreement/ bilateral agreement between the party of origin or 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:

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: The information required in article 3 par 5 are given as s

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:

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

*It is possible to prolong the time frame and extend a deadline if asked, this is based on good practice.*

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:

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:

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: *it can be altered under the bilateral agreement*

## 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:

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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).

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: *it is a possibility*

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:

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): also in our national legislation it is set in *Act No. 24/2006 Coll* in appendix Nr. 11

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): *it is case by case although, it is set that there should be in most cases three alternatives set by the proponent for the competent authority to choose from*

(c) Other (please specify):

Your comments:

## 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:

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): *it falls under the scope of the national legislation as a change of planned activity and is subject to process under the act 24/2006 Coll*

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:

*It is not under the scope of competent authority under national legislation to know all the permits and final decisions that the proposed activity needs. The proponent mentions it in the environmental report so the competent authority may identify affected authorities.*

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):

*Monitoring and evaluation of the environmental impact of the strategic document consist of:*

*a) systematic monitoring and evaluation of its effects,*

*b) evaluation of its efficiency,*

*c) provision of an expert comparison of assumed effects given in the environmental impact statement with the real state.*

*If the authority responsible for elaboration of the plan or programme finds out that the real environmental effects of the strategic document assessed according to this Act are worse than it is given in the environmental report of the strategic document, he/she is obliged to provide for measures to mitigate the effects and at the same time to provide for a change, supplement and eventually a rework of the strategic document. The authority responsible for elaboration of the plan or programme and departmental body are obliged to advise the competent authority of information regarding results of environmental impact monitoring and assessment of strategic document without any undue delay, as well as information regarding measures to mitigate the effects and at the same time to provide for a change, supplement and eventually a rework of the strategic document.*

Your comments:

## **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: Austria

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.

*As defined in the national legislation, transboundary EIA is with very few exceptions same as any other EIA procedure. In the transboundary EIA it may happen that the number of days can change for commenting due to agreement/ bilateral agreement between the party of origin or affected party. The notification is set to come in point when the proposed activity steps from screening into scoping stage because the transboundary effect wasn't determined before, or as soon as the project has known transboundary impact.*

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:

Your comments:

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

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

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

## Part two

### Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

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 notified)	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	
Center for waste recycling by innovative methods	Q. 2017	Hungary	scoping	x			cancelled

Project name	Starting date (date notified)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	Final decision (date of issuing, if information is available)
2. GREEN PARK ŠTÚROVO	2017	Hungary	scoping	5.2.2018			
3. Optimization of processing capacities of technologies for the treatment and conditioning of radioactive waste JAVYS, a. s	2018	Czechia, Austria, Hungary, Poland, Ukraine	scoping	x			
4. Extension of broad-gauge railway line in Slovakia with connection to austrian territory	2018	Austria	scoping	x			
Cable innovation V404 Varín Slovak/Czech state border	2018	Czechia	scoping	x			

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			
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	Final decision (date of issuing, if information is available)
Modernization of the railway track Bratislava hl. st. - Kúty Lanžhot CZ section Devínska Nová Ve. (outside) Kúty Lanžhot CZ	2016	Czechia	scoping	10.4.2018	till 12.12. 2018	when Czechia sent a letter that they don't want to participate	

Your comments:

Table II.2 (b)  
Transboundary EIA procedures: As a Affected party

Project name	Starting date (date notification sent)	Party of origin	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	Final decision (date of issuing, if information is available)
1. Shipping chamber Hodonin (Recreational port Hodonin)	3/2018	Czechia	scoping				

Project name	Starting date (date notification sent)	Party of origin	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	

... Extension of irrigation equipment Ipel 2000 Fruct s.r.o (district of Szob Hungary)	01/2018	Hungary	preliminary assessment				
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Bridge over the river Ipe between villages Ipolydamásd Chľaba (Helemba)	11/2017	Hungary	preliminary assessment				
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Project 39. Public road, bridge over the river Ipe' between villages Őrhalom (HU) - Vrbovka (SK) (Ipolyvarbó)	03/2017	Hungary	preliminary assessment				
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Project name	Starting date (date notification sent)	Party of origin	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	Final decision (date of issuing, if information is available)
Bridge over the river Ipe and connecting road between the village Drégelypalánk (HU) and Ipeľské Predmostie (Ipolyhidvég) (SK)	3/2017	Hungary	preliminary assessment				
Project no 37. public road and bridge over the river Ipe between the villages of Balassagyarmat Újkövár (HU) - Kolár (SK) (Kövár)	3/2017	Hungary	preliminary assessment				
The first Polish nuclear power plant	12/2015	Poland	scoping		4.2.2016		



Project name	Starting date (date notification sent)	Party of origin	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	Final decision (date of issuing, if information is available)
Replacement of the existing wiring "WEINVIERTELLEITUNG" of the Austria Power Grid AG, Wagramer Straße 19 (IZD-Tower), 1220 Wien	12/2016	Austria					
Extension of the Nordbahn railway line, section Vienna - Süßenbrunn - state border next to Bernhardsthal, km 11,900 to km 78,000	10/2016	Austria	scoping	10/2016			

Project name	Starting date (date notification sent)	Party of origin	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	Final decision (date of issuing, if information is available)
Blocks of the Rivne Nuclear Power Plant in Ukraine - extension of their lifetime after the project-specified period	1/2018	Ukraine	scoping				
Proceeding of NPP Zaporizhzhia (NPP) and South-Ukrainian NPP (JUJE) in the phase after design life of nuclear installation "Operation"	3/2017	Ukraine	scoping	9/2017			

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? *Still struggle*

(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? *funds*

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

(i) As a Party of origin:

(ii) As an affected Party:

(iii) Other, please specify:

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

(i) As a Party of origin:

(ii) As an affected Party:

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

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

(i) English

(ii) The affected Party's language

(iii) Other (please, specify)

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

(i) English

(ii) Language of the Party of origin

(iii) Other (please, specify)

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

*In most cases it is important that the public participates and play an live role in the process. Competent authority is not all the time aware of all the particularities of locality and all aspects of the case unless the public intervenes.*

(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
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Experience with consultations under article 5
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- (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:

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): *Monitoring is required for all the proposed activities*

## 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.