

INFORMAL TRANSLATION

Questionnaire for the

REPORT OF **KYRGYZSTAN** FOR 2003-2005 ON THE IMPLEMENTATION OF THE ESPOO CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

for the period mid-2003 to end of 2005

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PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

Please provide the information requested below in Part I, 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 not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*
 - Law of the Kyrgyz Republic of 12.01.2001, No. 6 “On Ratification of the EIA Convention” in the Kyrgyz Republic;
 - Laws of the Kyrgyz Republic “On Environmental Protection” (1999) and “On Environmental Expert Review” (1999);
 - “Instruction on Environmental Impact Assessment (EIA) Procedures for Proposed Activities in the Kyrgyz Republic”;
 - “Instruction on Procedures for State Environmental Expert Review of Pre-project, Project and other Materials and Documents in the Kyrgyz Republic”.

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*
 - a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

EIA documentation is usually compiled during the project -planning phase (technical and economic feasibility study). The public can exercise its right to participate in EIAs when EIA documentation is being prepared, when the public is informed of the future project, during the process of public hearings, after receiving the EIA documentation (notification) and during the carrying out of public environmental expert review.

- b. *Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

Preparation of documentation, research programmes, final decision, post-project analysis – all these steps of transboundary EIAs are analogous to national EIA procedure. There is a list of requirements for information to be submitted for EIA.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

The Ministry of Foreign Affairs of the Kyrgyz Republic, the State Agency of the Government of the Kyrgyz Republic for Environmental Protection and Forestry.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

The State Agency of the Government of the Kyrgyz Republic for Environmental Protection and Forestry.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

Yes.

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

"Instruction on Environmental Impact Assessment (EIA) Procedures for Proposed Activities in the Kyrgyz Republic";

Law of the Kyrgyz Republic "On Environmental Expert Review".

After receiving information stating that the planned location of a proposed activity is next to a cross-border river or involves the laying of pipelines that would traverse it. Official consultation of Parties.

- b. *How a change to an activity is considered as a "major" change;*

An increase in production of more than 10% resulting from the proposed project; an increase in consumption of energy, raw materials and chemicals; an increase in toxicity of specified chemicals; change in location, extension of the activity's duration, etc.

- c. *How such an activity, or such a change to an activity, is considered likely to have a "significant" adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

If a major change in activity is foreseen in the immediate vicinity of an international border or next to a cross-border river or a protected reserve or national park.

On the basis of the outcome of official consultations between parties, etc.

- d. *How you would decide whether it is "likely" to have such an impact. (Art. 2.3)*

In keeping with Appendix III and in accordance with the outcome of official consultations between parties.

PUBLIC PARTICIPATION

6. *Do you have your own definition of "the public" in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

No.

We begin consultations with the affected Party at as early a stage as possible in the EIA proceedings and establish the time frame and the manner of informing the public of both Parties about the future activity.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

We adopt a decision on notifying the affected Party as soon as we are officially informed of the commencement of the preparation of project documentation and EIA documentation for the proposed activity by the initiator of the activity or another concerned official body.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

On the basis of the format provided for in the “Instruction on Environmental Impact Assessment (EIA) Procedures for Proposed Activities in the Kyrgyz Republic” and in the “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia”.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia” indicate a deadline for the submission of a reply by the affected Party. The notification stipulates that a response must be provided within 30 calendar days of its reception.

We have no experience of the affected Party requesting an extension of the deadline to consider the notification. Should this happen, we will not object, on the condition that the affected Party provides reasonable grounds for extension.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

Preliminary information is provided with the notification, more comprehensive information is provided later, during the implementation phase.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

After receiving a reply from the affected Party agreeing to participate in the EIA of a specific project. The affected Party itself decides what information to provide and sets the time frame for its submission to the Party of origin.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

Following consultations with the authority of the affected Party responsible for environmental protection, a decision is adopted stipulating that the initiator of the activity of the Party of origin shall submit all documentation on the EIA to the national and territorial environmental authorities of the affected Party and to the local government authority. They bear responsibility for informing their respective populations, for disseminating information and for organising public hearings. The initiator of the activity of the Party of Origin covers all costs incurred in carrying out these measures.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?*

No.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

No. According to the format contained in the “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia”.

QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

No practical experience.

The central environmental protection authority decides on whether to participate in a transboundary EIA procedure after consultation with local authorities. Specific NGOs may also participate in the decision-making process.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)*

No practical experience.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

The requirements for the content of EIA documentation are regulated by the “Instruction on Environmental Impact Assessment (EIA) Procedures for Proposed Activities in the Kyrgyz Republic” and in the “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia”. The content of EIA documentation corresponds fully with Appendix II.

18. *Describe your country’s procedures for determining the content of the EIA documentation (Art. 4.1).*

In accordance with the Law “On Environmental Protection” and the Law “On Environmental Expert Review” of the Kyrgyz Republic all pre-project and project documentation relating to an activity having a potential negative impact on the environment is subject to compulsory state environmental expert review.

In accordance with national legislation on environmental protection, all project documentation must include EIA documentation.

In keeping with the “Instruction on Procedures for State Environmental Expert Review of Pre-project, Project and other Materials and Documents in the Kyrgyz Republic”. the “Instruction on Environmental Impact Assessment (EIA) Procedures for Proposed Activities in the Kyrgyz Republic” and the “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia”, the completeness, sufficiency and well founded nature of EIA documentation is evaluated during the course of the state environmental expert review. The expert committee drafts conclusions on the EIA documentation. If the documentation is in full compliance with environmental legislation it is approved, otherwise it is returned for revision.

19. *How do you identify “reasonable alternatives” in accordance with Appendix II, alinea (b)?*

The term “reasonable alternatives” encompasses possible alternatives to the proposal submitted for approval, including the no-action alternative. For example, one technological alternative may be the use of less polluting technology in the manufacture of a product of certain specifications. Another may be the alternative of using naturally sloping land to construct a wastewater settling tank with gravitational sedimentation rather than carrying out major excavations and constructing pumping stations.

Alternatives need to be considered from all perspectives: ecological, economic, social, etc.

20. *How do you identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to Appendix II, alinea (c), and the definition of “impact” in Article 1(vii)?*

The “environment” in alinea (c) of Appendix II is identified as encompassing all elements and factors of the environment listed in Article 1 (vii), including human health and safety, historical monuments or other physical structures or interaction amongst these factors, etc.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

All EIA documentation, including the results of any research completed, is submitted to the affected Party.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The sending and reception of comments from the affected Party is organised by post, fax and courier.

All comments, proposals and observations are taken under consideration by the expert committee. If they are well founded, they are accepted and communicated to the initiator of the activity in order that changes be made to the documentation or further research be conducted.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not*

comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?

Following consultations with the affected Party, a maximum period of 3 months is set for the submission of comments, proposals and observations.

Failure to observe the time frame has the consequence of the final decision being adopted without the interests of the affected Party being taken into account.

There have not yet been any such cases. An extension to the deadline may be granted if reasonable grounds are provided and national interests allow.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

Brief information regarding EIA and the EIA notification. When necessary, all EIA documentation is provided.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

Open hearings for the affected public are called in the territory of the affected Party after the preparation of EIA documentation. If a public hearing takes place in the Party of origin, representatives of government authorities, organisations or other persons from the affected Party may participate.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

No longer than 3 months.

The Law of the Kyrgyz Republic “On Environmental Expert Review” provides for a 3-month maximum period for the consideration of all documentation, including EIA documentation.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

No practical experience.

Public participation is organised by the relevant environmental authorities of both parties on the basis of prior consultation.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

Consultations are organised after the preparation of EIA documentation. The documentation is sent to the affected Party. The maximum period for consultations between Parties and the submission of comments on documentation by the affected Party is 3 months.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

Consultations are organised at the national and local level. National and local environmental authorities and local government bodies participate in the consultations. Official observations on the documentation are compiled and sent to the relevant authority of the Party of origin.

In general, parties communicate by telephone or e-mail.

QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

No practical experience.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

The final decision is that taken by the relevant environmental authority on the basis of the completed transboundary EIA and received comments, proposals and observations from the affected Party.

This decision is a mandatory requirement for all projects listed in Appendix I.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

The EIA procedure is of significant importance for the adoption of a decision relating to a proposed activity.

33. *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 public in your country (Art. 6.1)?*

Yes.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

Yes.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

We consult via e-mail and send additional information. The decision can be revised.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

No practical experience.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

No practical experience.

Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

No.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

No.

Ratification of the amendments to the Convention and of the Protocol on SEA

41. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Yes. Within 3 years.

42. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Yes. Within 3 years.

43. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Yes. Within 5 years.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Yes.

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

Mining of gold ore deposits in Dzheru in Talas oblasti – Party of origin.

Mining of gold ore deposits in Taldi-Bulak Levoberezhniy in Chuy oblasti – Party of origin.

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No.

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The transboundary EIA procedures for the Dzheru project lasted 2.5 years. The notification was sent to the affected Party (Republic of Kazakhstan) in November 2004. The response expressing agreement to participate in the EIA was received in January 2005. Because the Kazakh side gave notice that they would be using outside experts to conduct the expert review of the documentation and it would be necessary to pay for this, the documentation was not immediately sent to the environmental authority of the Republic of Kazakhstan. The initiator of the activity requested a cost estimate from the Kazakh side and received no reply. After some time the Kazakh side stated (orally) that the expert review would not be charged for, after which the documentation was sent electronically to the Kazakh authorities. Following alterations to the project documentation and EIA documentation the subsequent (final) version of the documentation was sent to the Kazakh authorities towards the end of February 2006. As of yet, no comments have been received in response. In the meantime, the investor's license has been withdrawn and the project's development has been halted. As things stand, a license has been granted to a new investor to operate the mine, but there are still legal matters outstanding. Whatever happens, the documentation will be redrafted and the whole procedure, beginning with the consultations, will start anew.

As regards the transboundary EIA for the Taldi-Bulak Levoberezhniy project, the Kazakh authorities have not provided a response to the notification. They have let it be known verbally that they do not intend to participate in the EIA procedure.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

In the course of the EIA for the Dzheru project the environmentally hazardous decision to transport cyanide-containing pulp through dredging pipes was reconsidered. Additional research was carried out and an alternative was found which situated the industrial works and the tailing dump close together. As a result, it was not necessary to lay a dredging pipe of approximately 15 kilometres as initially planned, which would have run alongside and intersected a cross-border river.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

Each party refers to its own national legislation. Consultations are conducted to plan a consistent approach.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

The organisation of activities close to a cross-border river or an international border. The transport of toxic chemicals on the territory of the affected Party for use in industrial works.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

One is provided. The Kazakh authorities provided none of the information required to evaluate transboundary impact.

c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

Methods for forecasting final impact, assessing the geographical and time scale of the impact, the category of impact level, quantitative and qualitative analyses, comparison of alternatives.

d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

EIA documentation is drafted in the Russian language in conformity with the “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia”. This language has official status in all the Central Asian countries, which are former republics of the Soviet Union. However, people in small towns and villages have a poor understanding of Russian and discussion of the documentation on the territory of the Party of origin has been conducted in two languages: Russian and Kyrgyz. Some of the documentation was also translated into Kyrgyz.

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

No practical experience. The Kazakh authorities stated that a public discussion of documentation in the affected Party could only take place after consideration of the documentation by the environmental authority of the affected Party. Representatives from the Kazakh side were invited to EIA discussions in the Party of origin.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

None, apart from timing.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

No practical experience.

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

No.

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

No.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

No.

CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

The drafting of the “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia”.

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

a. *Guidance on public participation in EIA in a transboundary context;*

Yes.

b. *Guidance on subregional cooperation; and*

Yes.

c. *Guidelines on good practice and on bilateral and multilateral agreements.*

No.

CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

The general assessment criteria for activities having a transboundary impact are not sufficiently clear (Appendix I, III). Under points 4, 11, 14 and 16, the terms “major installations”, “large dams and reservoirs”, “major storage facilities” and “major mining, on-site extraction and processing” lack a quantitative definition of “major” or “large”.

Furthermore, there is no clear definition of the distance meant by “located close to an international frontier”.

AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Three seminars have been held, two of them with the participation of representatives from other Central Asian countries. Members of the Parliament of the Kyrgyz Republic, representatives from government and business, experts, activity initiators, project developers and NGOs have all been invited to and have taken part in these seminars.

The text of the Convention is available on the web site of the State Agency of the Government of the Kyrgyz Republic for Environmental Protection and Forestry. The text of the “Guidelines for conducting EIAs in the Kyrgyz Republic for Countries of Central Asia” is on the site of the Central Asian Regional Ecological Centre.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

Yes. There is a review underway of the “Instruction on Environmental Impact Assessment (EIA) Procedures for Proposed Activities in the Kyrgyz Republic” in relation to transboundary impact.

The environmental code of Kyrgyzstan is under development.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. Please provide suggestions for how the report may be improved.

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