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English only

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## **Economic Commission for Europe**

Meeting of the Parties to the Convention  
on Environmental Impact Assessment in  
a Transboundary Context

Meeting of the Parties to the Convention  
serving as the Meeting of the Parties  
to the Protocol on Strategic  
Environmental Assessment

### **Working Group on Environmental Impact Assessment and Strategic Environmental Assessment**

#### **Third meeting**

**Geneva, 11–15 November 2013**

Item 3 of the provisional agenda

**Compliance and implementation**

## **Suggestions for improving the reports/questionnaires for the Implementation of the Convention and the Protocol**

### **Informal note prepared by the secretariat**

This document presents a compilation of suggestions for improving the reports and/or the questionnaires for the Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment for consideration by the Working Group on EIA and SEA at its third meeting.

The document is based on Parties' responses to question 35 of the questionnaire on the implementation of the Convention in the period 2010–2012; and to question 44 of the questionnaire on the implementation of the Protocol in the same period 2010–2012, inviting Parties to provide suggestions on how the reports may be improved.

The Working Group may wish to review the suggestions and make proposals, as it deems necessary, on whether the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol should invite the Implementation Committee to further simplify/revise the questionnaires for the implementation of the Convention and or of the Protocol for the next reporting round (2013–2015) taking into account the issues, or some of the issues, raised by Parties.

## **I. Parties' responses to question 35 of the questionnaire on the implementation of the Convention (2010-2012)**

### **A. No suggestions:**

Albania, Armenia, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Finland, France, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Macedonia, Malta, Montenegro, Romania, Slovakia, Slovenia, Spain

### **B. Suggestions:**

#### **Austria**

"In our view the questions cover quite well the Convention's provisions and related issues and possible challenges. Although, some of the questions seem a bit repetitively, some probably go too much in detail. The splitting of the questionnaire in two parts, one covering general provisions and the related national legislation and implementation, the other one dealing with practical experiences seems to be still a good way to gather sufficient information and, after all, a quite full picture of a country's policy on the implementation of the Convention. A possible improvement could be done by limiting the questions of the first part only to changings of national policies and legislation in terms of implementing the Convention which took place within the relevant period, whereas for unchanged issues only a reference to the previous questionnaire should be noted. Additionally a chart could be provided by every country, showing and describing systematically the national implementation of the Espoo Convention including the very national performance of a transboundary procedure, thus replacing the periodical questions on "standing items". Future questionnaires, consequently, only would cover relevant changings and practical experience of implementing the Convention. A possible benefit of such an approach could be given by an improved and easier comparability of the various national implementation systems."

#### **Azerbaijan**

"For identifying the difficulties on implementation Espoo Convention in their countries and the problems under the Espoo Convention, it is necessary to ask the problematic situations which occur with the implementation of the Convention regarding each country individually."

#### **Denmark:**

"Some questions are quite similar and cover the same content - which requires the same answer as a previous answer. The similar questions could be made as one question instead."

#### **Estonia:**

"Comparing this questionnaire with the previous one the number of repeating questions (particularly in Part 1) has declined which is a positive aspect. The questionnaire is clearer and easier to complete."

**Germany:**

“The questionnaire seems to some extent overburden, complicated and hard to handle (too sophisticated, too many details, too many questions and sub-questions). In some parts of the report optional answers for a simple yes/no could be sufficient.

There are overlaps between various questions. For example questions on public participation are raised in several chapters (e.g. General Provisions, Notification, Preparation of EIA documentation) and could be merged.

The meaning and the scope of some questions are not clear. For example questions 15 a – c seem to cover more or less the same issue and could be merged.

It should be considered if questions covering the view as Party of origin and questions on the same issue covering the view as affected Party could be combined.”

**Italy:**

“Simplification of procedures.”

**Lithuania:**

“The questionnaire should be shorter and more precise. “

**Netherlands:**

“The questionnaire has improved a great deal in length and lack of repetitiveness compared to the previous version. Just a few questions on the legal procedure were a bit repetitive, but this may depend on the procedure and legal provision a country has in place.”

**Norway:**

“As pointed out above, still some unclear questions, still too long and too many overlapping questions.”

**Poland:**

“Some questions are too general and make unnecessary confusions due to the fact that they had been formulated in unclear form (both in part I and II). The questions are definitely too extended, thus splitting them into few separate questions might help in better understanding. Moreover, the form of the entire questionnaire is not practical and seems to be unclear. Therefore it is highly recommendable to consider the preparation of a completely new form of questionnaire for the next reporting period (multiple choice or multiple choice combined with open-ended questions).

If we talk about particular articles of the Espoo Convention it means that as a rule the entire question should be devoted to the transboundary EIA, but in some questions asking for relations at the domestic level caused some confusions (for example article 5, question 14c – are we still talking about consultations in the transboundary EIA or just only about consultations domestically?).”

### **Republic of Moldova:**

“Exclude paragraph 20, as the further paragraphs contain the concrete questions on providing the possibility for public participation in the EIA procedures.”

### **Serbia:**

“The questions need to be shorter, more concise and not so repetitive. Some questions are rather self-explanatory.”

### **Sweden:**

“This questionnaire is mainly concerned with the legal requirements. Many Parties, like Sweden, may not have felt the need to specify all the procedural steps in the Convention in their legislation and thus many questions are not relevant. In some questions that you initially state only concerns legislation, there still are questions on application, as in 10 f and g. It is not clear what is meant by question 10 g.

The last questionnaire (2006-2009) also had questions on legislation but in several cases those answers could not be used because the questions this time are phrased differently. There should be some consistency in what the questionnaire is concerned with and there should not be a need to repeat the same answers for every questionnaire. It should be sufficient to report only about any changes in legislation or application.

Please indicate more clearly which cases are meant for the list in question 25.”

### **Switzerland**

“It would be useful to reduce the number of sub-questions to better understand the system in each country.

Should one reply to the questions if the situation has not evolved since the last questionnaire?”

### **Ukraine**

“It is necessary to reduce the number of questions, while detail the remaining ones. To this end, it is important to select the most relevant questions.

The report would be more substantial if such questions as “is there a procedure...” would be substituted with the questions “how does your country implement...” certain procedural requirements. Very often the actions related to the implementation of the provisions of the Espoo Convention, are not particular procedures, but are part of other, more common procedures. Therefore, the representative of a Party may respond negatively to the question “whether there is a particular procedure...”, and the valuable experience of the Party in the implementation of the provisions of the Espoo Convention may remain undiscovered.”

## **II. Parties' responses to question 44 of the questionnaire on the implementation of the Protocol (2010-2012)**

### **A. No suggestions:**

Albania, Armenia, Austria, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Hungary, Lithuania, Poland, Romania, Slovakia, Spain and Sweden

### **B. Suggestions:**

#### **Germany:**

"It should be considered to review and shorten Part two (Practical Application) of the questionnaire. SEA applies for a wide range of different plans and programmes carried out at different levels (national, regional, local) under the responsibility of a large number of different authorities. Against this background and bearing in mind the federal structure of Germany it would take weeks or months to assemble detailed and specified information on the procedures carried out during the reporting period and to find out appropriate examples to be presented in the report. We have doubts if the benefit the answers to the questions of Part two of the questionnaire may offer is worth the effort".

#### **Netherlands:**

"Still some overlap of questions can be avoided, in part 1 concerning the legal issues as the practical part (by asking practical examples you have the feeling there is some overlap. Maybe a suggestion is to ask for a few practical examples and to highlight certain aspects of the procedure"

#### **Norway:**

"Regarding Part II: Some overlap in questions and little information to share regarding practical experience, suggests that this part can be shorter.

Regarding technicalities/for easier analysis of results: we should agree on what symbol to put in the multiple choice boxes, and what type of text/font to be used for the other answers – example bold."

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