

## **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**

#### **Fourth meeting**

Geneva, 26–28 May 2015

Item 3 of the provisional agenda

#### **Compliance and implementation**

### **Convention questionnaire**

#### **Prepared by the Implementation Committee**

The Meeting of the Parties to the Convention at its sixth session (Geneva, 2-5 June 2014) requested the Implementation Committee to revise and simplify the questionnaire; to provide a modified version of the questionnaire on the implementation of the Convention during the period 2013–2015, for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment; and to take into account the suggestions provided by Parties for improving the questionnaire and the report (decision VI/1 on reporting and review of implementation of the Convention, paras. 6 and 7; and decision VI/3–II/3 on the adoption of the workplan, annex).

Following this request, the Implementation Committee has prepared the revised questionnaire, presented in this document. A previous version of the proposed questionnaire has also been discussed by the Bureau at its meeting on 5 and 6 February 2015.

The Working Group is invited to consider the questionnaire. Subject to any revisions made by the Working Group, the questionnaire will be translated during summer into French and Russian. The Committee will then again consider the questionnaire in all three languages, before the secretariat distributes it to Parties to the Convention in October 2015.

**REPORT OF                      ON THE IMPLEMENTATION OF  
THE CONVENTION ON ENVIRONMENTAL IMPACT  
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

in the period 2013–2015

**Information on the focal point for the Convention**

Name and contact information:

**Information on the point of contact for the Convention**

Name and contact information (if different from above):

**Information on the person responsible for preparing the report**

- i.        Country:
- ii.       Surname:
- iii.      Forename:
- iv.       Institution:
- v.        Postal address
- vi.       E-mail address
- vii.      Telephone number
- viii.     Fax number

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...)*

## **Definitions (Article 1)**

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:
- 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:
- 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.*

I.4. *How do you identify the public concerned? Please specify (you can choose more than one option).*

- a) *Based on the geographical location of the proposed project*
- b) *By making the information available to all public and letting them identify themselves as public concerned*
- c) *By other means (please specify):*

*Your comments:*

**General Provisions (Article 2)**

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:
- 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:

Your comments:

I.7. Indicate the competent authority/authorities are 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:

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

Yes  (please specify)

No

Your comments:

I.9. How does your country, as Party of origin and as 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?

**Notification (Article 3)**

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify.

- a) During scoping
- b) When the environmental impact assessment report have 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 of it)
- 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, multiple choice could be chosen.

- 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 getting 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) Yes, it is indicated in the national legislation  (please, indicate how long: )
- b) National legislation does not cover the time frame
- c) It is determined and fixed [agreed?] with each affected Party case by case in the beginning of the transboundary consultations 0 (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.

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. Is the content of the public notice in the affected Party different from that of Party of origin?

- Yes  please specify:  
No

Your comments:

I.16. On what basis the decision is made on whether or not to participate in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please, specify.

- a) Notified Ministry/authority of the affected Party responsible for EIA decides its own based on the documentation provided by 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 public of the affected Party   
d) Other (please specify):

Your comments:

I.17. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the detailed arrangements agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify.

- a) Following those of the Party of origin   
b) Following those of the affected Party   
c) Other (please specify):

Your comments:

#### **Preparation of the environmental impact assessment documentation (Article 4)**

I.18. How do you ensure sufficient quality of the EIA documentation as 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 check lists   
c) There are no specific procedures or mechanisms   
Other (please specify):

Your comments:

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<sup>1</sup> ([http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm))

I.19. How do you determine the relevant information to be included in the environmental impact assessment documentation in accordance with article 4, paragraph 1)? Please specify (you can choose more than one option).

- a) By using appendix II
- b) By using the comments received from the concerned authorities during scoping phase, if applies
- c) By using the comments from the public concerned, during scoping phase, if applies
- d) As determined by the proponent based on its own expertise
- e) By using other means (please specify):

Your comments:

I.20. 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:

**Public participation on the basis of the environmental impact assessment documentation (Article 5)**

I.21. How can the public concerned express its opinion on the environmental impact assessment documentation of the proposed project (art. 5)? Please specify (you can choose more than one option).

As 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 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:

I.22. Please, indicate whether national EIA legislation in your country requires organising public hearing as Party of origin held on the territory of the affected Party.

Yes

No

Your comments:

I.23. Please, indicate whether national EIA legislation in your country requires organising public hearing as affected Party.

Yes

No

Your comments:

#### **Consultations (Article 5)**

I.24. Does national EIA legislation in your country have any provision on organising any transboundary consultation (expert, joint bodies etc.) between authorities of the concerned Parties?

Yes, it is obligatory

It is optional

(please, specify)

No, it does not have any provision on that

Your comments:

#### **Final decision (Article 6)**

I.25. Please, indicate all points in the list that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1).

a) Conclusions of the environmental impact assessment documentation

b) Comments received in accordance with art. 3, para 8, and art. 4, para 2.

c) Outcome of the consultations as referred to in art. 5.

d) Outcomes of the transboundary consultations

e) Comments received from the affected Party

f) Mitigation measures

g) Other, please specify

I.26. 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)

Yes

No

Your comments:

I.27. Is there any regulation in the national legislation of your country, which ensures provisions of art. 6, para. 3. ?

Yes  Please, specify:

No

Your comments:

I.28. Indicate the legal requirements in your country, if any, related to the following provisions for each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision.

Your comments:

### **Post-Project Analysis (Article 7)**

I.29. Is there any provision to carry out post-project analysis in the national EIA legislation in your country (art. 7, para. 1)?

Yes  Please, specify the main steps to be taken and how the results of it are communicated:

No

Your comments:

### **Bilateral and multilateral agreements (Article 8)**

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

Yes  Please, specify with which countries:

No

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

I.31. What issues these bilateral agreements cover (appendix VI)? (You can choose more than one option, if applicable)

- 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 environmental impact assessment
- 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 environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- h) Other, please specify:

Your comments:

**Procedural steps required by the national legislation**

I.32. Please describe the steps required in national legislation of your country for transboundary environmental impact assessment procedure in relation to domestic EIA. If it is different in screening/scoping and in environmental impact assessment procedure, please specify.

- a) Required steps in screening:
- b) Required steps in scoping:
- c) Required steps in the EIA (including transboundary) procedure:

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps unequivocally.

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)?

- Yes  (please, specify)  
Special provisions  
Informal arrangements  
No

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for NPPs?

- Yes  (please, specify)  
Special provisions  
Informal arrangements  
No

Your comments:

## **PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2013–2015**

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as 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; and 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 provided in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object).

- Yes   
No

Your comments:

**EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2013–2015**

**Cases during the period 2013–2015**

II.2. If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.

a) As Party of origin:

	Name of the transboundary EIA case	Date of starting the procedure	Length of the main steps in months				Date of issuing the final decision
			1.Notification	2.Preparation of the docs	3.Transboundary consultations (expert and public)	4. Final decision	
1.			...months	...months	...months	...months	
2.							
3.							
4.							
...							

Your comments:

b) As affected Party:

	Name of the transboundary EIA case	Date of starting the procedure	Length of the main steps in months				Date of issuing the final decision
			1.Notification	2.Preparation of the docs	3.Transboundary consultations (expert and public)	4. Final decision	
1.			...months	...months	...months	...months	
2.							
3.							
4.							
...							

Your comments:

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. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Parts and type of the documentation, language, costs, etc.)

a) As Party of origin:

b) As affected Party:

- II.4. *Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing etc.), including issues on 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?  
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) *Joint cross-border projects*
  - b) *NPP*
- II.6. *Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*
- II.7. *Has your country carried out post-project analyses in the period 2013-2015 and, if so, please name the projects? What were the lessons learned and the challenges?*

***Experience in using the guidance in 2013–2015***

- II.8. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*
- a) *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*  
 Yes   
 No   
*Experience with using this guidance:*  
*Your suggestions for improving or supplementing:*
  - b) *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*  
 Yes   
 No   
*Experience with using this guidance:*  
*Your suggestions for improving or supplementing:*
  - c) *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*  
 Yes   
 No   
*Experience with using this guidance:*  
*Your suggestions for improving or supplementing:*

***Clarity of the Convention***

*II.9. Has your country 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?*

***Suggested improvements to the report***

*II.10. Please provide suggestions for how this report may be improved.*

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