www.unece.org/env/eia/notification.html

See also publication: Guidance on Notification according to the Espoo Convention (ECE/MP.EIA/12) / Directive concernant la notification selon la Convention d'Espoo/ Руководство по уведомлению согласно Конвенции Эспо

Decision I/4 (of the first Meeting of the Parties)

FORMAT FOR NOTIFICATION

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The Meeting,

Recalling Article 3 of the Convention stipulating that a notification on a proposed project likely to have transboundary impact shall be transmitted to the affected Parties,

Having considered document CEP/WG.3/R.26 on the format for notification prepared by the delegation of Canada,

1. Expresses its appreciation to the delegation of Canada for the work undertaken;

2. Adopts the format for notification as appended to this decision; and

3. Recommends Parties to use the format to the extent possible when transmitting a notification according to Article 3 of the Convention.

Appendix

FORMAT FOR NOTIFICATION UNDER ARTICLE 3 OF THE ECE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

I. BACKGROUND [🏠]

1. The scope of information required in the notification process goes well beyond the minimum information requirements set out in Article 3 of the Convention. The information requirements fall into three main categories:

(i) Information needed for the affected Party to make a decision on its participation in the EIA process;

(ii) Information needed from the affected Party to assist in the assessment of transboundary environmental impacts and information needed to facilitate its participation and input to the EIA process; and

(iii) Information needed by the public and authorities in the potentially affected country to participate in the process.

2. Given these types of information, a three-stage notification procedure may be appropriate to ensure all of the information needed by each Party is conveyed to that Party. The notification procedure can be divided into three stages:

(i) Stage one: Notification of the proposed activity to the affected Party;

(ii) Stage two: Request for and transfer of information from the affected Party;

(iii) Stage three: Public notification of the proposed activity, EIA process and opportunities for public participation and consultation.

3. These stages correspond to the procedural steps of the Convention set out in the report on Bilateral and multilateral cooperation on environmental impact assessment in a transboundary context (CEP/WG.3/R.4, annex, figure 1) with the exception of "confirmation of participation". The format for the response to a request is included below.

4. The Party of origin initiates each of the stages either by providing or requesting information and may combine the stages to expedite the process. The request for information from the affected Party does not have to be delayed until a decision is made on whether or not it will participate. However, some of the information provided by the affected Party is needed prior to notifying the public in stage three, such as the affected Party's decision on whether it intends to participate and an agreed upon method of carrying out the public notification.

5. One option is to proceed with stages one and two concurrently. The request for information may be a part of stage one and assumes that the affected Party wishes to participate in the EIA process. The time period designated for providing information requested in stage two may be extended beyond the time-frame for response to stage one.

6. Given the time-frames for response suggested in the final report of the Task Force on Legal and Administrative Aspects (ENVWA/WG.3/R.12), it may be appropriate for stages one and two to proceed at the same time. The time-frame for stage two may commence after the response for stage one is given. This would allow affected Parties more time to gather the information requested in stage two.

II. SPECIFIC INFORMATION REQUIREMENTS [🏠]

A. Stage one: Notification of the proposed activity to the affected Party

7. The first stage of notification is prepared by the designated authority in the country where the activity is proposed. The notification should contain sufficient specific information to enable the affected Party to make an informed decision on its participation.

1. Information on the proposed activity

8. The information requirements suggested in the Convention pointed to the idea that specific details of the activity, not just a brief description, were needed in the initial notification to enable the affected Party to make an informed decision on whether or not to participate in the EIA process. This has resulted in information requirements for the proposed activity which are quite detailed. The information elements (i.e. notification documentation) are:

(i) Information on the nature of the proposed activity:

Whether the activity is listed in Appendix I to the Convention;
Type of activity;
Scope of activity (e.g. main activity and any/all peripheral activities requiring assessment);
Scale of activity (e.g. size, production capacity, etc.);
Description of the activity (e.g. technology used);
Description of the purpose of the activity;
Rationale for proposed activity (e.g. socio-economic, physical-geographic basis);

(ii) Information on the spatial and temporal boundaries of the proposed activity:

Location and description of the location (e.g. physical-geographic, socio-economic characteristics);
Rationale for location of proposed activity (e.g. socio-economic, physical-geographic basis);
Maps and other pictorial documents connected with the information on the proposed activity;
Time-frame for proposed activity (e.g. start and duration of construction and operation);

(iii) Information on expected environmental impacts and proposed mitigation measures:

Scope of assessment (e.g. consideration of cumulative impacts, alternatives, sustainable development, associated activities, etc.);
Expected environmental impacts of the activity (e.g. types, locations, magnitudes);
Inputs (e.g. land, water, raw materials, power sources);
Outputs (e.g. amounts and types of: emissions into the atmosphere, discharges into the water system, solid waste);
Available information on the activity's possible significant transboundary environmental impacts (e.g. types, locations, magnitudes);
Measures to prevent, eliminate, minimize or compensate for environmental effects;

(iv) Name, address and telephone/fax numbers of proponent (developer);

(v) EIA documentation (e.g. EIA report or environmental impact statement (EIS)), if available.

9. The type of information included in the notification will vary from one proposed activity to the next and from country to country depending on the information available at the time of notification and the EIA process in each country. In some cases, EIA documentation (e.g. an EIA report or EIS)

is required at the time when a proponent seeks government approval for an activity. If this information is available at the time of notification, it should be included with the initial notification.

2. Points of contact for the Party of origin

10. The name, address and telephone/fax numbers of the authority responsible for coordinating activities relating to the EIA should be provided (see decision I/3) together with a name, address and telephone/fax numbers for further information.

11. The name, address and telephone/fax numbers of the decision-making authority for the proposed activity (i.e. competent authority) should also be provided, if different from the above authority.

3. Points of contact for the possible affected Party or Parties

12. The name, address, and telephone/fax numbers of the authority responsible for coordinating activities relating to the EIA should be provided (see decision I/3, appendix, for points of contact).

13. The list of affected Parties to which notification is being sent should also be provided.

4. Information on the EIA process in the country where the proposed activity is located

14. The following should be provided:

- Information on the EIA process that will be applied to the proposed activity, including an indication of the time schedule, and opportunities for the affected Party or Parties to be involved in the EIA process and to review and comment on the notification and the EIA documentation;

The nature and timing of the decision that may be applied to the proposed activity;
Process for approval of the proposed activity.

5. Information on the public participation process

15. Information on the Party of origin's public participation process and the anticipated schedule for public consultation should be included.

6. Request for a response

16. A deadline should be included for providing a response as to whether or not the affected Party will participate.

17. The time-frame for a response on whether an affected Party would participate must be long enough to allow the affected Party to inform decision makers, consult with experts on the type of proposed activity, discuss the potential effects of the proposed activity and take a decision on its participation.

18. Short response times have led to problems and a minimum of six weeks for a response has been suggested. A time-frame of one to four months was suggested in the final report of the Task Force on Legal and Administrative Aspects (ENVWA/WG.3/R.12, para. 15). Given previous findings, the minimum time-frame for response could be one month and a half with a maximum of four months from the date of notification.

B. Stage two: Request for and transfer of information from the affected Party

19. The second stage of notification is the request for information from the affected Party assuming that the response by the affected Party is such that it intends to participate in the EIA.

1. Information on the potentially affected environment

20. The Party of origin may request:

Reasonably obtainable information from the affected country relating to the potentially affected environment;
Reasonably obtainable information on the activities within the potentially affected environment which may influence the potential transboundary environmental effects caused by the proposed activity;
Points of contact for this information.

The Party of origin will indicate the deadline for the submission of this information.

21. The quality of information provided by the affected Party is dependent on the information on the proposed activity that was provided by the Party of origin in stage one. If the Party of origin has provided sufficient information in stage one, the affected Party will be in a better position to know which information that it should provide.

22. The time-frame for the provision of this information has been addressed in the final report of the Task Force on Legal and Administrative Aspects (ENVWA/WG.3/R.12, para. 18), which suggests that up to four months might be sufficient for the provision of this information. If the request for information is included in stage one, the time-frame for response may be adjusted to reflect this early request or to reflect the date on which the affected Party responded to the notification. For example, the time-frame for providing stage two information may not start until a positive response from the affected Party is received.

2. Request for a proposal to solicit public participation in the EIA

23. The Convention requires that the public of the affected Party should be informed of the proposed activity and the EIA process that will be applied to it, and be given an opportunity to participate in the EIA process and make comments on or raise objections to the proposed activity. It was suggested in the report on Bilateral and multilateral cooperation on environmental impact assessment in a transboundary context (CEP/WG.3/R.4, annex, para. 40) that the notification of the public should be given as a public advertisement or a special information brochure. This document also suggested that the detailed arrangements to inform the public of the affected Party may be made through bilateral or multilateral agreements.

24. In the absence of such an agreement, the Party of origin may request a proposal from the affected Party to arrange for the publication of the notice and make copies of the EIA documentation available to the public. The Party of origin may request information on the procedure for making documents available to the public of the affected country, the language in which the affected Party prefers the notification and documents, and the location where they should be made available. In this request, the Party of origin could again state the public participation process in the country of origin. Such information could assist the affected Party to tailor its proposal so that its own public participation process, when appropriate, can be harmonized with that of the Party of origin's. Such coordination could help enhance and facilitate the overall public participation process for a proposed activity.

25. Details which need to be decided on include:

Who will notify the public and/or distribute the EIA documentation?
Who will conduct the public participation process and receive comments from the public?
The names, addresses and telephone/fax numbers of the newspapers and/or other news media in which the public notices should appear;
Details to be included in the advertisement including where, and in what language(s), the EIA documentation may be inspected;
The names, addresses and telephone/fax numbers of the authorities to which the EIA documentation should be sent and the number of copies required for each;
Public locations where EIA documentation should be sent and the number of copies required at each location.

26. It may be beneficial to request a proposal at the time of stage one, assuming that a positive response is expected from the affected Party on its participation in the EIA.

27. The final report of the Task Force on Legal and Administrative Aspects (ENVWA/WG.3/R.12, para. 36) concluded that "... translation is required in any case where language differences exist and where the language in a document ... may not be understood by those who read it". This report also concluded that "... the Party of origin should be responsible for translations and bear the related costs, unless the concerned Parties have agreed otherwise" (ENVWA/WG.3/R.12, para. 41). This leaves the option of bilateral agreements on the issue of translation open to the Parties.

C. Stage three: Public notification of the proposed activity, EIA process and opportunities for public participation and consultation

28. Once the Party of origin has received the proposal from the affected Party to solicit participation from the public and authorities, the notification is published in the affected country.

1. Information on the proposed activity

29. The public notification should include a brief description of the proposed activity, including its location, the time-frame for the proposed activity, potential transboundary impacts, and brief information on the EIA process that will be applied to the proposal.

2. Point of contact for public participation/consultation

30. The Party of origin should ensure that this notification contains the name, address and telephone/fax numbers of the authority to which members of the public are invited to submit comments.

3. Information on the participation process

31. The notification should also:

Give a timetable for participation, consultation, comments;
Specify where, and in which language(s), the EIA documentation may be inspected.

III. FORM OF NOTIFICATION [🏠]

32. Notification samples can exist in two forms, letter and tabular/list. The predominant form is the tabular or list form. This form has an advantage since it may be scanned quickly to ensure all information requirements have been included. Specific information is easily retrieved since the information in each box is clearly identified by a heading.

33. The tabular or list format also lends itself to being made available electronically. For example, a registry system for the Convention may be established as part of the ECE database on EIA, in which all notifications are filed electronically and made available through the Internet.

34. The letter form of notification is less clear and requires closer scrutiny to retrieve specific information, but is more suitable when a request for information is being made.

35. A combination of these two forms may be appropriate in stage one. A brief cover note may be written indicating that an activity with significant transboundary effects is being proposed in a specific country and this is the notification specified under Article 3 of the Convention. The note would then refer to the attached table or list that contains the specific information for the notification. The response to the stage one notification from the affected Party could be in the form of a letter. An example of a table that may be used in stage one is given in table 1 below.

36. The request for information for stage two may be made in letter form. The Party of origin may choose to provide a table for the affected Party to complete. The response from the affected Party could take a tabular form to ensure that all of the components of the request have been considered. A sample response table is provided in table 2 below.

37. The notification of the public (stage three) could also be in tabular form. A sample tabular form for stage three is given in table 3 below.

Table 1 [🏠]

NOTIFICATION TO AN AFFECTED PARTY OF A PROPOSED ACTIVITY UNDER ARTICLE 3 OF THE CONVENTION

1. INFORMATION ON THE PROPOSED ACTIVITY	
(i) Information on the nature of the proposed activity	
Type of activity proposed	
Is the proposed activity listed in Appendix I to the Convention?	Yes No
Scope of proposed activity (e.g. main activity and any/all peripheral activities requiring assessment)	
Scale of proposed activity (e.g. size, production capacity, etc.)	
Description of proposed activity (e.g. technology used)	
Description of purpose of proposed activity	
Rationale for proposed activity (e.g. socio-economic, physical geographic basis)	
Additional information/comments	

(ii) Information on the spatial and temporal boundaries of the proposed activity	
Location+	
Description of the location (e.g. physical-geographic, socio-economic characteristics)	
Rationale for location of proposed activity (e.g. socio-economic, physical-geographic basis)	
Time-frame for proposed activity (e.g. start and duration of construction and operation)	
Maps and other pictorial documents connected with the information on the proposed activity	
Additional information/comments	
(iii) Information on expected environmental impacts and proposed mitigation measures	
Scope of assessment (e.g. consideration of: cumulative impacts, evaluation of alternatives, sustainable development issues, impact of peripheral activities, etc.)	
Expected environmental impacts of proposed activity (e.g. types, locations, magnitudes)	
Inputs (e.g. raw material, power sources, etc.)	
Outputs (e.g. amounts and types of: emissions into the atmosphere, discharges into the water system, solid waste)	
Transboundary impacts (e.g. types, locations, magnitudes)	
Proposed mitigation measures (e.g. if known, mitigation measures to prevent, eliminate, minimize, compensate for environmental effects)	
Additional information/comments	
(iv) Proponent/developer	
Name, address, telephone and fax numbers	
(v) EIA documentation	
Is the EIA documentation (e.g. EIA report or EIS) included in the notification?	Yes No Partial
If no/partial, description of additional documentation to be forwarded and (approximate) date(s) when documentation will be available	
Additional information/comments	
2. POINTS OF CONTACT	
(i) Points of contact for the possible affected Party or Parties	
Authority responsible for coordinating activities relating to the EIA (refer to decision I/3, appendix) - Name, address, telephone and fax numbers	
List of affected Parties to which notification is being sent	
(ii) Points of contact for the Party of origin	
Authority responsible for coordinating activities relating to the EIA (refer to decision I/3, appendix) - Name, address, telephone and fax numbers	
Decision-making authority if different than authority responsible for coordinating activities relating to the EIA - Name, address, telephone and fax numbers	
3. INFORMATION ON THE EIA PROCESS IN THE COUNTRY WHERE THE PROPOSED ACTIVITY IS LOCATED	
(i) Information on the EIA process that will be applied to the proposed activity	
Time schedule	
Opportunities for the affected Party or Parties to be involved in the EIA process	
Opportunities for the affected Party or Parties to review and comment on the notification and the EIA documentation	
Nature and timing of the possible decision	
Process for approval of the proposed activity	
Additional information/comments	

4. INFORMATION ON THE PUBLIC PARTICIPATION PROCESS IN THE COUNTRY OF ORIGIN	
Public participation procedures	
Expected start and duration of public consultation	
Additional information/comments	
5. DEADLINE FOR RESPONSE	
Date	

Table 2 [↑]

REPLY TO A NOTIFICATION OF A PROPOSED ACTIVITY UNDER ARTICLE 3 OF THE CONVENTION

1. INFORMATION ON THE POTENTIALLY AFFECTED ENVIRONMENT	
(i) Information relating to the potentially affected environment	
Protected areas	
Geographic features	
Archaeologically sensitive areas	
Ecology of the region	
Additional information/comments	
(ii) Information on activities within the potentially affected region	
Activities which may influence the transboundary environmental effects caused by the proposed activity	
Additional information/comments	
(iii) Points of contact	
Points of contact where above information may be obtained - Names, addresses, telephone and fax numbers	
2. RESPONSE TO REQUEST FOR A PROPOSAL FOR PUBLIC PARTICIPATION	
(i) Language(s)	
Language(s) of the EIA documentation	
Language(s) of the publications	
(ii) Responsible Parties	
Party responsible for public notification and/or distribution of EIA documentation	
If different than above, Party responsible for conducting the public participation process and for receiving comments from the public	
(iii) Advertisements	
Names, addresses, telephone and fax numbers of the newspapers or other media in which the public notices should appear	
2. RESPONSE TO REQUEST FOR A PROPOSAL FOR PUBLIC PARTICIPATION	
Details to be included in the advertisements (e.g. brief description of proposed activity, where comments can be forwarded, time-table for public participation, where EIA documentation can be inspected, language of EIA documentation, etc.)	
(iv) Distribution of EIA documentation	
Public locations where EIA documentation should be sent (e.g. libraries) including the number of copies required at each location	
Authorities (i.e. governmental, scientific, etc.) to which the EIA documentation should be sent, including the number of copies for each authority	
(v) Additional information regarding proposal for public participation	
Additional information/comments/suggestions	

Table 3 [↑]

PUBLIC NOTIFICATION OF THE PROPOSED ACTIVITY, EIA PROCESS, AND PARTICIPATION AND CONSULTATION PROCESS

1. INFORMATION ON THE PROPOSED ACTIVITY	
(i) Brief description of the proposed activity	
Location	
Potential transboundary impacts	
Time-frame for proposed activity	
Information on the EIA process that will be applied to the proposal	
Additional information/comments	
2. POINT OF CONTACT FOR PUBLIC PARTICIPATION/CONSULTATION	
Authority to which members of the public are invited to submit comments - Name, address, telephone and fax numbers	
3. INFORMATION ON THE PARTICIPATION PROCESS	
Time-table for participation, consultation, comments	
Where, and in which language(s), the EIA documentation may be inspected	