Part Two : Decisions adopted by the Meeting of the Parties

Decision IV/1

Review of implementation

The Meeting of the Parties,

Recalling its decision III/1 on the review of implementation,

Recalling also Article 14 bis of the Convention, as adopted by its decision III/7, that provides a legal obligation on Parties to report on their implementation of the Convention,

Having analyzed the reports provided by the Parties and non-Parties in response to the questionnaire for the reporting system,

Regretting that not all Parties had responded to the questionnaire,

1. *Welcomes* the reports by the Parties and non-Parties on their implementation, which have been made available on the website of the Convention;

2. *Adopts* the Second Review of Implementation, as annexed to this decision;

3. *Notes* the findings of the Second Review of Implementation:

(a) Not all respondents to the questionnaire recognized that Article 3, paragraph 8, and Article 4, paragraph 2, state that the “concerned Parties” (as defined in Article 1, item (iv), to mean both the Party of origin and the affected Party) are responsible for ensuring opportunities for public participation;

(b) Not all respondents recognized that Article 5 provides for transboundary consultations distinct from Article 4, paragraph 2;

(c) Some Parties appeared to apply the Convention routinely. Others, with similar levels of development activity and similar possibilities to affect other Parties, appeared to be more reluctant to embark on transboundary consultations and so limited their experience in the application of the Convention;

(d) Few Parties had had experience of carrying out post-project analysis under Article 7;

(e) There was a continuing need for Parties to establish bilateral and multilateral agreements to identify direct contacts and to address differences in, inter alia, language, the payment of processing fees, the time frames and deadlines, how to proceed when there is no response to a notification, the procedural steps, the timing of public participation (e.g. whether in screening or scoping), the interpretation of various terms

(including “major change to an activity”, “significant” impact, “reasonably obtainable information” and “reasonable alternatives”), the content of the environmental impact assessment (EIA) documentation and the requirement for post-project analysis;

4. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the Second Review of Implementation, and requests the Committee to take these into account in its work;

5. *Also requests* the Implementation Committee to modify the current questionnaire to provide a questionnaire on the implementation of the Convention in the period 2006–2009, for consideration by the Working Group on Environmental Impact Assessment and for circulation, and for conversion into a parallel Internet-based questionnaire by the secretariat thereafter;

6. *Further requests* the Implementation Committee to include in the questionnaire a question on the application by the Parties of Article 3, paragraph 8, and Article 4, paragraph 2, of the Convention;

7. *Also further requests* the secretariat to put the project lists included in the answers to the questionnaire on the Convention’s website unless the responding Party does not agree;

8. *Decides* that Parties shall complete the questionnaire as a report on their implementation of the Convention, taking note of the obligation to report arising from Article 14 bis as adopted by decision III/7, and that a failure to report on implementation might be a compliance matter to be considered by the Implementation Committee;

9. *Also decides* that a draft third review of implementation based on the reports by Parties will be presented at the fifth meeting of the Parties, and that the workplan shall reflect the elements required to prepare the draft third review.

Annex

Second Review of Implementation

I. INTRODUCTION

1. This document presents the "Review of Implementation 2006", examining responses to a questionnaire on countries' implementation of the UNECE Convention on Environmental Impact Assessment (EIA) in a Transboundary Context, for the period mid-2003 to end-2005.

2. The secretariat has made available these responses on the Convention's website[1], as decided by the Convention's Working Group on EIA (MP.EIA/WG.1/2005/2, para. 12).

3. The first part of this document introduces the Convention, provides a description of the mandate and aim of the Review, reports the level of response to the questionnaire, and introduces some of the strengths and weaknesses of the implementation of the Convention that are apparent from the responses. The findings of the review are listed in the decision to which this document is annexed. The second part of this document summarizes the responses to the questionnaire.

4. This document is a follow-up to the first review, the "Review of Implementation 2003", as summarized in the appendix to decision III/1 of the Meeting of the Parties to the Convention (ECE/MP.EIA/6, annex I). The full "Review of Implementation 2003" is also available on the Convention's website.

A. The Convention

5. The Convention on EIA in a Transboundary Context (the "Espoo Convention") was adopted and signed on 25 February 1991, in Espoo, Finland. As of 1 January 2007, there were 41 Parties to the Convention: 40 member States of UNECE plus the European Community (EC), defined as "a regional economic integration organization" in the Convention.

6. Two subsidiary bodies support the activities of the Meeting of the Parties to the Convention in the intersessional period: the Working Group on EIA and the Implementation Committee.

7. On 21 May 2003, the Convention was supplemented by the Protocol on Strategic Environmental Assessment (SEA).

B. Mandate and aim of the review

8. The Meeting of the Parties decided at its third meeting, held from1 to 4 June 2004, to adopt a workplan (decision III/9, in ECE/MP.EIA/6, annex IX) that included an activity on "Compliance with and implementation of the Convention". The objective of the activity was to "Enhance the implementation of and compliance with the Convention". The activity included the

[1] http://www.unece.org/env/eia/

preparation of a revised and simplified questionnaire by the Implementation Committee with the support of the secretariat. The need to revise and simplify the questionnaire had been identified by respondents to the questionnaire used as the basis for the "Review of Implementation 2003".

9. The activity also included: (a) the distribution of the questionnaire to the Parties for them to complete and return; and (b) preparation of a draft review of implementation. These two sub-activities were to be carried out by the secretariat.

10. The workplan indicated that the secretariat should issue the questionnaire early in 2006 for completion by mid 2006. The Working Group agreed that this schedule would be accelerated to allow adequate time for preparation of the draft review of implementation, with the questionnaire being circulated in October 2005 for completion by the end of April 2006 (MP.EIA/WG.1/2005/2, para. 12).

11. The workplan also indicated that the secretariat should prepare the draft review of implementation for presentation to the Working Group on EIA at the end of 2006 and to the fourth meeting of the Parties in 2007. However, at its ninth meeting, in April 2006, the Working Group decided to postpone its tenth meeting until spring 2007 and the fourth meeting of the Parties to 2008 (ECE/MP.EIA/WG.1/2006/2, para. 33).

C. Level of response to the questionnaire

12. The secretariat issued the questionnaire on 19 and 20 October 2005 accordingly, including countries' responses to the previous questionnaire where appropriate, as requested by the Working Group on EIA (MP.EIA/WG.1/2005/2, para. 12). Reminders were issued on 1 June, 2 August and 13 October 2006, with a final deadline being imposed by the secretariat, with the support of the Implementation Committee, of 30 November 2006.

13. By 28 February 2007, completed questionnaires were received from 33 of the 40 States Parties to the Convention: Armenia; Austria; Azerbaijan; Bulgaria; Canada; Croatia; Cyprus; the Czech Republic; Denmark; Estonia; Finland; France; Germany; Hungary; Italy; Kazakhstan; Kyrgyzstan; Latvia; Liechtenstein; Lithuania; Moldova; the Netherlands; Norway; Poland; Romania; Slovakia; Slovenia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Ukraine and the United Kingdom of Great Britain and Northern Ireland.

14. The Convention entered into force in Belarus after the reporting period. The remaining six States that are Parties to the Convention (Albania, Belgium, Greece, Ireland, Luxembourg and Portugal) failed to provide completed questionnaires by the end of February 2007. Albania, Greece, Ireland, Luxembourg and Portugal also failed to provide completed questionnaires used as the basis for the earlier "Review of Implementation 2003". However, in May 2007, Belgium, Luxembourg and Portugal provided completed questionnaires; Greece provided a completed questionnaire in July 2007 and Ireland in February 2008. These late responses have not been included in the summary of reports. No completed questionnaire was received from Albania.

15. The European Community (EC) is a Party to the Convention but, being a regional economic integration organization rather than a State, has a different status and therefore felt it

inappropriate to send in a completed questionnaire. Nonetheless, the EC provided a response explaining its position and why it considered itself unable to complete the questionnaire.

16. Two States not party to the Convention provided responses: Georgia and Turkmenistan.

17. Most completed questionnaires were in English, but 11 were not: France responded in French, as did Luxembourg and Switzerland in part, whereas Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan and Ukraine replied in Russian. Informally translated and edited responses from these latter eight States are included on the Convention's website.

D. Findings of the review

18. An analysis of the information provided in the responses to the questionnaire revealed the increasing application of the Convention and the continuing development of bilateral and multilateral agreements to support its implementation. However, the analysis also revealed a number of possible weaknesses or shortcomings in the Convention's implementation. These weaknesses point to potential and necessary improvements in the implementation of the Convention. To guide and focus the future work under the Convention, they are listed and summarized in the decision to which this document is annexed.

II. SUMMARY OF RESPONSES TO THE QUESTIONNAIRE

19. This review summarizes responses to the revised questionnaire regarding the implementation of the Convention during the period 2003–2005, including its practical application. Responses to questions indicating a lack of experience have not been included in this review. The questions are indicated in italics.

A. Article 2: General Provisions

1. Domestic implementation of the Convention

Question 1. List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).

20. Respondents listed the various legislation, agreements and circulars implementing the provisions of the Convention. Armenia and Azerbaijan did not have any implementing measures, though necessary legislation was being discussed in the former. Switzerland also was proposing implementing legislation, noting that the Convention applied directly.

2. Transboundary environmental impact assessment procedure

Question 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.

21. Respondents' descriptions of their national EIA procedures ranged from a concise outline of the procedural steps with a note of which steps involved the public (Armenia, Austria, Azerbaijan, Denmark, Finland, Georgia, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Lithuania, Moldova, Norway, Poland, Slovenia, Spain, Sweden, Switzerland, Turkmenistan, United Kingdom), to a more extensive explanation of the procedure (Canada, Czech Republic, Latvia, Netherlands, Slovakia, Ukraine). A key element in these descriptions was whether public participation was possible in screening (Canada, Lithuania, Romania, Sweden) or scoping (Canada, Czech Republic, Denmark, Estonia, Finland, Kazakhstan, Latvia, Lithuania, Netherlands, Norway, Slovakia), as well as once an environmental report has been prepared. Spain provided consultation of environmental non-governmental organizations (NGOs) in both screening and scoping. In Hungary, there was public participation in the "preliminary phase" of the EIA procedure, which combined screening and scoping.

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

22. To describe how the different steps of the transboundary EIA procedure in the Convention fit into their national EIA procedures, some respondents quoted or described their legislation (Austria, Canada, Estonia, Norway, Romania, Slovakia, The former Yugoslav Republic of Macedonia). Others summarized the key elements (Armenia, Azerbaijan, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Hungary, Italy, Kyrgyzstan, Latvia, Moldova, Netherlands, Poland, Spain). Bulgaria and United Kingdom simply reported full transposition of the Convention and of the EIA Directive (EC Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC), respectively. Similarly, in Denmark, Slovenia and Sweden the Convention's procedure corresponded to the national one; in Switzerland, it was carried out in parallel. Kazakhstan reported correspondence between the Convention's procedure and the national one, except with regard to paragraph (i) of Appendix II (non-technical summary). In Lithuania, where the Convention provided for EIA procedures differing from those in the national law, the provisions of the Convention were applied.

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.

23. Respondents listed the authorities responsible for different steps of the national and transboundary EIA procedures. Most Parties (i.e. more than 20) indicated a role in transboundary EIA for their ministry of (or state agency, or similar, for) the environment (Armenia, Austria, Azerbaijan, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Norway, Poland, Romania, Slovakia, Slovenia, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkmenistan), but other respondents indicated the ministry of foreign affairs (Austria, Croatia, Czech Republic, France, Kyrgyzstan, Latvia, Norway, Romania, Spain). When Switzerland was the Party of origin, its Federal Office for the Environment might not be involved. In Germany, the federal government was rarely involved, with local, regional or, occasionally, state (Land) authorities being responsible.

24. For national EIA procedures, many indicated a role for their ministry of the environment (Armenia, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Italy, Kazakhstan, Latvia, Lithuania, Moldova, Norway, Slovakia, Slovenia, Spain, The former Yugoslav Republic of Macedonia) or environmental inspectorate, agency, authority, office or regional centre (Cyprus, Finland, Hungary, Lithuania, Romania, Switzerland), and for other national and local authorities (Czech Republic, Kazakhstan, Moldova, Poland).

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?

25. In most Parties, there was one national authority that collected information on all the country's transboundary EIA cases under the Convention (Armenia, Austria, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Hungary, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, Turkmenistan, United Kingdom). In Azerbaijan, France, Germany, Kazakhstan, the Netherlands and Ukraine there was no such body, but there were plans to create one in Azerbaijan. The arrangements in Norway were under review.

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

26. Most Parties had no special provisions for joint cross-border projects, unless in project-specific bilateral agreements (Armenia, Austria, Azerbaijan, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Georgia, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, United Kingdom). Bulgaria indicated that the EIA procedure was organized jointly, including preparation of the EIA documentation by a common team of experts. Canada listed a series of topics to be discussed with the other Party. Finland's bilateral agreement with Estonia provided for joint EIA in such instances.

3. Identification of a proposed activity requiring environmental impact assessment under the Convention

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

27. Some country's lists of activities subject to the transboundary EIA procedure were equivalent to that in Appendix I to the Convention (Armenia, Cyprus, Denmark, Estonia, Hungary, Kyrgyzstan, Romania, Slovakia, Slovenia, Spain, The former Yugoslav Republic of Macedonia, Turkmenistan, United Kingdom), while other country's lists were more extensive (Austria; Bulgaria; Canada; Croatia; Czech Republic; France, expressed as criteria rather than a list; Germany; Italy; Liechtenstein; Moldova; Netherlands; Norway; Poland; Romania; Switzerland). The lists of Finland, Sweden and Ukraine included all the projects listed in Appendix I. Kazakhstan's list included the projects listed in Appendix I, as amended by the second amendment to the Convention. Lithuania's list was generally equivalent, but its bilateral

agreement extended the list to include any activity covered by domestic EIA procedures. Georgia (not a Party) and Latvia indicated that their lists were not equivalent, without specifying whether they were more or less extensive. Azerbaijan did not have such a list. Switzerland's list did not include wind farms.

Question 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)

28. Respondents described their procedures and legislation:

(a) For some respondents, every activity requiring a domestic EIA fell within the scope of Appendix I or was treated as if it did (Austria, Germany, Italy, Liechtenstein, Lithuania, Netherlands, Norway, Poland, The former Yugoslav Republic of Macedonia, United Kingdom), or might have been (Switzerland). Similarly, in Croatia any activity in Appendix I or requiring a domestic EIA fell within the scope of Appendix I or was treated as if it did;

(b) Azerbaijan suggested a possible role for the secretariat or a panel of independent experts in case of uncertainty;

(c) In Bulgaria, the competent authority determined whether an activity fell within the scope of Appendix I, and the concerned Parties might have, at the initiative of any Party, entered into discussions regarding whether an activity not listed in Appendix I should have been treated as if it did;

(d) Cyprus' legislation specified thresholds to indicate which changes to activities fell within the scope of Appendix I or were treated as if they did;

(e) In the Czech Republic, any activity in its first category of project subject to domestic EIA fell within the scope of Appendix I. A potentially affected Party might also request a transboundary EIA for such an activity;

(f) Appendix I activities fell within Denmark's legislation;

(g) In Finland, the competent authority determined whether an activity fell within the scope of Appendix I if it was unclear;

(h) France's criteria identified activities requiring domestic EIA and which fell within the scope of Appendix I or were treated as if they did;

(i) Hungary's legislation included the activities listed in Appendix I with the addition of quantitative criteria. These activities therefore fell directly within the scope of Appendix I;

(j) In Kazakhstan, the project proponent determined whether an activity was listed in Appendix I. If not, reference has to be made to Appendix III;

(k) Kyrgyzstan referred to situations where an activity was planned next to a transboundary river or included the laying of transboundary pipelines;

(l) Slovakia had a list of activities in its legislation. If the concerned Parties so agreed, an unlisted activity that might have a significant adverse transboundary impact would have been treated as if it was listed;

(m) Slovenia's screening procedure provided such a determination;

(n) Sweden noted that activities not listed in Appendix I, but for which a domestic EIA was mandatory, would have been treated as if they were listed based on a case-by-case evaluation using legal criteria;

(o) Turkmenistan (not a Party) suggested the concerned Parties agreement on such a determination;

(p) Denmark, Italy and Romania also indicated that any activity not listed but that might have been likely to have a significant adverse transboundary impact was treated as if fell within the scope of Appendix I. Similarly, in Latvia, if an initial assessment revealed that an activity not listed was nonetheless likely to have a significant adverse transboundary impact, the activity was treated as if fell within the scope of Appendix I. Finland also indicated that such a "screening decision" might be made, giving special consideration to criteria such as those in Appendix III. In the United Kingdom, this might have been achieved by administrative means.

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

29. Many countries had legal criteria for determining whether a change to an activity was considered as a "major" change (Austria; Canada; Czech Republic; Denmark; Finland; France; Germany; Hungary, both quantitative and qualitative; Kyrgyzstan, including a 10% increase in production; Latvia; Lithuania; Netherlands; Norway; Poland, with a 20% increase in emissions or consumption of raw materials or energy; Romania; Slovakia; Switzerland; The former Yugoslav Republic of Macedonia; United Kingdom). Several others required a case-by-case examination (Azerbaijan; Bulgaria; Cyprus; Finland and Germany, in certain cases; Italy; Kazakhstan; Liechtenstein; Slovakia). Estonia reported the need for EIA was considered if the change involved an amendment to the development consent; Sweden similarly required an EIA if a new permit was required. Slovenia considered that changes to an activity were cumulative and an EIA was mandatory whenever a threshold in its list of activities subject to EIA was crossed.

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)

30. Some countries had legal criteria for determining whether a "significant" adverse transboundary impact was likely (Austria, Canada, Germany, Hungary, Italy, Norway, Poland,

Romania, Slovakia, Spain, Switzerland, The former Yugoslav Republic of Macedonia). In Bulgaria, application was mandatory for Appendix I activities, but a case-by-case examination was undertaken for changes. In Croatia, the Parties concerned agreed on the meaning of "significance". Many respondents reported that a case-by-case examination was undertaken (Cyprus, Denmark, Finland, France, Georgia, Germany, Latvia, Liechtenstein, Lithuania, Netherlands, Slovakia, Sweden, United Kingdom), with Switzerland and the United Kingdom also referring to published guidelines on whether projects were likely to have significant environmental effects. Kazakhstan simply listed a number of criteria. Kyrgyzstan indicated locational criteria. In Slovenia and Ukraine, the EIA itself determined impact significance. Finland, Kyrgyzstan, Slovakia and Switzerland referred to possible consultations with potentially affected Parties.

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

31. Regarding whether an activity was "likely" to have such an impact. (Art. 2.3), Austria and Norway interpreted "likely" to mean "a certain possibility". Several countries used legal criteria (Bulgaria, Canada, Estonia, Germany, Romania); Kyrgyzstan and Switzerland referred to Appendix III. A regulation was required for definition of such criteria in The former Yugoslav Republic of Macedonia. Hungary indicated that various legal provisions might help in the procedural determination. Again in Croatia, the Parties concerned agreed on the meaning of "likely". Many countries decided case-by-case (Armenia; Cyprus; Denmark; Finland; Germany; Italy; Latvia; Liechtenstein; Lithuania; Netherlands, while applying the precautionary principle; Slovakia; Sweden; United Kingdom). In France, all impacts considered might be "likely". Finland and Kyrgyzstan referred to possible consultations with potentially affected Parties. In Slovenia and Ukraine, the EIA itself determined impact likelihood.

4. Public participation

Question 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?

32. Some respondents had a definition of "the public" (Armenia, Finland, France, Germany, Italy, Kazakhstan, Lithuania, Moldova, Slovakia, The former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine). Cyprus, Slovenia and the United Kingdom had a definition through transposition of the EIA Directive. In addition, Latvia, Hungary and Romania had a definition through transposition of the Aarhus Convention[2]. Poland's law referred to "everyone" having the right to submit comments; similarly, the Czech Republic refers to "anyone" commenting or attending a public hearing. Kyrgyzstan, Liechtenstein, Sweden and Switzerland did not have a definition, but Spain expected to have one shortly.

[2] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

33. To ensure, together with the affected Party, that the opportunity given to the public of the affected Party is equivalent to the one given to their own public, countries indicated:

(a) Consultation of or agreement with the affected Party (Austria, Finland, Kyrgyzstan, Norway, Bulgaria, Estonia);

(b) Consideration (Cyprus) or equal consideration (Croatia, Hungary, Lithuania) of the comments from the public in the affected Party;

(c) Equal opportunities for nationals and non nationals (Canada);

(d) Public hearings in both Parties (Switzerland).

34. Denmark and the Netherlands provided information at the scoping stage as well as once the full EIA documentation was available. Sweden invited the Party of origin to decide on appropriate means of informing the public. Bulgaria noted that the affected Party was responsible for providing an equivalent opportunity, whereas France, Italy and Spain suggested that it was the sole responsibility of the affected Party. This was also the experience to date in the United Kingdom. Similarly, in the Czech Republic it was for the affected Party to follow its legislation. In contrast, Germany's legislation also applied to public participation in the affected Party and Slovenia's legislation included provisions ensuring public participation in the affected Party. Poland facilitated public participation in the affected Party "as soon as possible".

B. Article 3: Notification

1. Questions to the Party of origin

Question 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)

35. A notification was sent to the affected Party:

(a) As early as possible (Austria, Cyprus, Germany, Poland, Turkmenistan);

(b) No later than when informing their own public (Austria, Cyprus, Finland, Slovenia, Turkmenistan), usually (Czech Republic);

(c) At the same time as informing their own public (Azerbaijan, France, Moldova, Romania, Sweden), in principle (Denmark);

(d) At the time of the first public hearing on the scoping (Norway);

(e) Once the national authorities had determined a need for EIA (Bulgaria, Estonia, Latvia, Slovenia) or transboundary EIA (Germany, Hungary, Poland);

(f) Within five days of determining, or being informed by an affected Party, that a transboundary impact, was likely (Czech Republic);

(g) Once the project proponent had declared the start of the preparation of the project and EIA documentation (Kyrgyzstan);

(h) Before approval of the scope or, if screening determines the need for a transboundary EIA, before scoping (Lithuania);

(i) During scoping (Spain), if possible (Germany, Poland, Switzerland);

(j) After receipt (Finland, Slovak Republic) or approval (Azerbaijan) of the scope;

(k) At the time of the first session of the review body, once a likely impact had been determined (Croatia);

(l) At some stage between the national authority becoming aware of the project and the domestic public being informed (Italy, United Kingdom);

(m) Sometimes during initial planning stages, but sometimes during preparation of the EIA, when the possible impact became known (Canada);

(n) No later than the permitting procedure (Switzerland);

(o) Before the public participation procedure began (Germany);

(p) On completion (Moldova) or before publication (Liechtenstein) of the EIA documentation;

(q) When publishing the "notification of intent" domestically (Netherlands).

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

36. Regarding the content of the notification, Bulgaria, Croatia, Hungary and Lithuania simply indicated that it was according to the Convention. The Czech Republic referred to its legal requirements, which addressed the requirements of Article 3.2. Others indicated compliance: with both the Convention and the EIA Directive (Latvia); with decision I/4 on the format for notification (Romania); or with all domestic and international legal instruments and bilateral agreements (The former Yugoslav Republic of Macedonia). Kazakhstan referred to Article 3.2 and to the Convention's guidance; Kyrgyzstan to domestic legislation and guidelines. Article 3.2 guided Moldova in determining the content. In Germany, the notification contained all available information needed by the affected Party to determine whether it wished to participate. Other countries included in the notification:

(a) A notification letter (France);

(b) A project description (Austria, Cyprus, Estonia, Finland, Italy, Netherlands, Norway, Slovenia, Sweden, Turkmenistan), including its possible emissions and consumption of raw materials, energy, etc. (Poland);

(c) The possible alternatives and environmental protection measures (Poland);

(d) A copy of the application for consent for the project (Liechtenstein);

(e) The reasons why EIA had been initiated (Estonia);

(f) Information on its possible (transboundary) impact (Austria, Cyprus, Denmark, Estonia, Finland, Poland, Slovakia, Slovenia, Turkmenistan);

(g) Relevant parts of the scope (Finland, Slovakia);

(h) The preliminary assessment and terms of reference, if at the scoping stage (Switzerland);

(i) Where applicable, the draft EIA documentation (Austria);

(j) The EIA documentation (Liechtenstein), if available (Moldova);

(k) Information on the EIA procedure (Finland, Spain, Sweden);

(l) Information on the competent authority (Switzerland);

(m) Information on the permitting or decision-making (Cyprus, Finland, Slovakia, Slovenia, Sweden, Switzerland);

(n) An invitation to participate and to propose consultation procedures (Norway);

(o) Information on how to provide comments (Finland, Liechtenstein) and on deadlines for a response or for comments (Finland, Slovakia, Slovenia, Switzerland);

(p) An offer to provide additional information (Italy);

(q) The same information as made available domestically (France), if only at the permitting stage (Switzerland);

(r) The same information as made available domestically for scoping (Spain);

(s) Full information on the basis of which affected Party could make an informed decision (United Kingdom).

Question 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?

37. In describing the criteria used to determine the time frame for the response to the notification from the affected Party, Bulgaria listed a series of characteristics of projects and their potential impacts. Others respondents gave specific time frames:

(a) Four weeks (Romania);

(b) Twenty to thirty days (Czech Republic);

(c) Thirty days (Croatia, Germany, normally, Italy, Kyrgyzstan, Moldova, Slovenia, The former Yugoslav Republic of Macedonia) in a bilateral agreement (Poland);

(d) Six weeks (Liechtenstein);

(e) Thirty to sixty days (Hungary);

(f) One to two weeks after the end of the public hearings (Finland);

(g) Two months if at the notification stage (Switzerland);

(h) Two months in one bilateral agreement (Estonia).

38. Others referred to:

(a) National legislation (Croatia, France, Netherlands, Slovakia);

(b) Bilateral agreements (Slovakia);

(c) Domestic procedures (Denmark, Finland, Norway) with some flexibility (Spain) or with a factor to allow transboundary consultations (United Kingdom);

(d) Agreement between the authorities and the proponent (Latvia), with the affected Party also being consulted (Sweden).

39. In Estonia, Latvia, Poland and Sweden, there was no time frame in the national legislation, but Cyprus' legislation specified that domestic EIA time limits would not apply to transboundary EIA

40. Respondents went on to describe the possibility of sending a reminder (Croatia, France, Sweden, United Kingdom), or even suspending the procedure (Hungary), if no response was received. Many countries would have allowed an extension (Croatia, Estonia, France, Italy, Norway, Sweden, Switzerland), which might only be short (Denmark, Netherlands), limited to two weeks (Romania), needed to be justified (Kyrgyzstan, Lithuania, Moldova) or should not delay the national procedure (Finland, Poland). In Germany, it was the competent authority that decided on allowing an extension. An extension might have been discussed bilaterally in the

Czech Republic, Latvia and Slovenia, with Latvia allowing an extension of up to 30 days. Estonia needed to keep the proponent informed of such an extension. An extension might have delayed the whole procedure in some countries (Denmark, Italy, Netherlands, United Kingdom); a late response, without a prior request to extend the deadline, might not be taken into consideration (Hungary, United Kingdom). Finally, Croatia and France might have taken a lack of response to indicate no objection to the project and Germany indicated that it was then for the competent authority to decide whether to continue with the transboundary EIA procedure.

Question 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?

41. Countries provided with the notification: relevant information regarding the EIA procedure (Italy, Moldova) and proposed activity (Croatia, Cyprus, Estonia, Slovenia) and its possible significant adverse transboundary impact (Cyprus, Estonia, Moldova, Slovenia). Several Parties (Austria, Bulgaria, Finland, France, Hungary, Norway, Poland, Romania, Slovakia) sent all the information above with the notification, as did Denmark, Liechtenstein and the Netherlands, generally. Countries also sent the remaining information once a response had been received from the affected Party (Austria, Cyprus, Estonia, Latvia), or at the request of the affected Party (Croatia). The Czech Republic sometimes sent the information with the notification and sometimes once a response had been received. Spain sent the above information in the scoping phase, as did Switzerland as far as information on transboundary impacts was available at that stage. The former Yugoslav Republic of Macedonia sent the information immediately after starting the EIA procedure and the United Kingdom sent the information as early as possible between notification and response. In Germany, the competent authority decided on the timing, taking into account the need for translation. Kyrgyzstan sent preliminary information with the notification, followed later by more comprehensive information. Sweden sent the information available in the relevant language with the notification.

Question 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)?

42. Respondents noted diverse means of determining whether to request information from the affected Party:

(a) Depending on borders and on the complexity and significance of the impact (Bulgaria);

(b) If insufficient information on the environment potentially affected in the affected Party (Bulgaria, Estonia);

(c) If needed to determine transboundary impact (Croatia);

(d) Depending on the activity (Slovakia) or type of activity (Czech Republic);

(e) At the initiative of the competent authority (Finland);

(f) As defined in legislation (Hungary);

(g) As determined by the proponent or its consultant (Romania);

(h) When the affected Party was invited to provide information and to suggest significant issues to be addressed in the EIA documentation (Spain);

(i) If comments from the affected Party required clarification (United Kingdom).

43. In France, there was not a role for the authorities in requesting information; this was the responsibility of the proponent or its consultant. Finland similarly indicated that the proponent would normally gather such information.

44. The timing of such a request was:

(a) In the scoping phase (Hungary, Netherlands, Romania, Spain, Switzerland);

(b) While preparing the EIA documentation (Estonia);

(c) With the notification (Hungary, Lithuania);

(d) At an ‘early stage’ (Denmark);

(e) Before the procedure began (Finland);

(f) Once the affected Party had indicated that it wished to participate (Czech Republic, Kyrgyzstan);

(g) Determined case by case (Slovakia).

45. In the United Kingdom, the timing varied but information on publicity arrangements was requested during notification. The kinds of information normally requested:

(a) Related to the potential impacts (Bulgaria, Switzerland);

(b) Related to the affected population (Bulgaria);

(c) Comprised a catalogue of available date plus environmental indicators (Croatia);

(d) Were determined by the needs of the EIA (Germany, Hungary, Romania, Sweden);

(e) Were on the state of the environment (Netherlands) in the affected area (Slovakia, Slovenia).

46. The time frame for a response was variously:

(a) Defined in the request (Bulgaria, Estonia, United Kingdom);

(b) Agreed between the points of contact (Croatia);

(c) As soon as possible (Germany);

(d) The same as for the response to the notification (Finland), while recognizing that some information might take longer to provide (Hungary);

(e) As defined by the affected Party (Kyrgyzstan);

(f) Determined case by case (Slovakia);

(g) Two months when the competent authority was federal (Switzerland)

(h) One month (Turkmenistan).

Question 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?

47. Several Parties discussed public participation arrangements between the concerned Parties (Bulgaria, Canada, Denmark, Estonia, Finland, Germany, Kyrgyzstan, Latvia, Netherlands, Norway, United Kingdom), or exchanged correspondence to this effect (Romania). In Austria, Germany and Slovakia the determination of the extent of impacts identified "the public" in the affected area, while in Croatia "the public" was the population of a county or smaller or similar administrative area. In Armenia, the public was those exposed to the impact, meaning the population of the affected region or community. For Bulgaria, the Czech Republic, Kyrgyzstan, Romania and Switzerland the affected Party, not the Party of origin, identified the public; Germany considered that this was the responsibility of the concerned Parties. For Switzerland, the relevant authority in the affected Party was responsible for informing that country's public, but Switzerland sought to inform the affected Party's public at the same time as its own, upon submission of the project information by the proponent. Finland noted that the affected Party was in a better position to identify the public in the affected area. Slovenia indicated a case-by-case determination based on the affected Party's legislation and through consultations between the concerned Parties.

48. Respondents gave a variety of means for notifying that public:

(a) Through the media (Bulgaria, Canada, Czech Republic, Germany, Slovenia);

(b) In newspapers (Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Germany, Latvia, Netherlands, Slovenia) or the official journal (Croatia);

(c) By advertisements (Sweden);

(d) On notice boards (Czech Republic);

(e) In public buildings (Sweden);

(f) Via the Internet (Canada, Czech Republic, Germany, Latvia, Romania);

(g) By post (Canada, Latvia);

(h) By direct presentations (Slovenia);

(i) By any other means (Denmark).

49. The public notification contained information:

(a) On the activity (Bulgaria, Denmark, Estonia, Germany, Latvia, Netherlands, Sweden, Switzerland);

(b) The activity's potential impacts (Bulgaria, Estonia, Germany, Latvia, Sweden, Switzerland);

(c) Specified in decision I/4 (Canada);

(d) On the public hearing (Croatia, Latvia, Netherlands);

(e) On the notification, documentation and expert opinion (Czech Republic);

(f) On contact details for the competent authority (Germany) and the proponent (Denmark);

(g) On the decision-making procedure (Denmark, Netherlands);

(h) On arrangements for accessing information (Latvia, Sweden);

(i) On commenting arrangements (Demark, Estonia, Germany, Latvia, Netherlands), including any public hearing (Denmark, Slovakia).

50. Croatia, Kyrgyzstan, Switzerland and the United Kingdom provided the EIA documentation. Austria provided to the affected Party the text of the domestic public announcements; both Austria and Norway provided all documents available to their domestic

public and Slovakia all documents needed for the information of the affected Party's public. Austria normally provided information early on to enable public inspection in both countries at the same time. Bulgaria similarly intended that its notification of the affected Party be forwarded early on to the affected public. Denmark and the Netherlands notified the affected Party's public at the same time as their own, but in Croatia this only took place after the domestic public hearing.

51. In a number of Parties (Canada, Croatia, Czech Republic, Denmark, Netherlands, Slovenia, Switzerland), the notification to the public of the affected Party had the same content as the notification to their own public; Bulgaria reported that it should be so, but this was not the case in the United Kingdom because the affected Party had always taken responsibility for the notification of its public and public participation in the affected Party was according to the affected Party's procedures. France, Kyrgyzstan, Spain and Sweden made it clear that this matter was fully the responsibility of the affected Party, though Sweden enquired what measures were to be taken by the affected Party and Kyrgyzstan expected the proponent to bear the costs. The Czech Republic, Hungary, Lithuania and Moldova simply provided all the information to the affected Party, which was then responsible. Finland noted that it was usually the affected Party that informed its public and defined the content of the notification. Germany provided the same information to the affected Party and considered that the public participation should have taken place at the same time as the domestic public participation. Latvia asked the affected Party to take responsibility for the notification; Italy determined arrangements case by case; Estonia had a bilateral agreement that clarified the affected Party's responsibility for the notification of its public; Germany tried to ensure an adequate procedure in the affected Party. In Poland, neither the national legislation nor bilateral agreements obliged direct notification of the public in the affected Party.

> *Question 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?*

52. Many Parties made use of, or would use, the contact points for the purposes of notification (Armenia, Austria, Bulgaria, Canada, Croatia, Denmark, Finland ("very useful"), Italy, Kazakhstan, Latvia, Lithuania, Netherlands, Norway, Poland, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom). The Czech Republic sometimes did, Kyrgyzstan responded that it did not. France did so, but also advised proponents to make earlier informal contacts in the affected Party. Hungary normally did so, though in certain priority cases the Minister of Environment would initiate the notification, in part or in full. In Romania, to date, more senior officials in the Ministry of Environment had signed notifications, or diplomatic channels were used, with a copy being sent to the contact point. In Estonia, the Minister of Environment had instead sent notifications, whereas in Spain notifications had instead been sent through the Ministry of Foreign Affairs. Germany had used these contact points if there was no alternative authority known or specified in an agreement. Moldova sent notifications to the ministry specified, not to the individual within the ministry.

> *Question 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?

53. Many Parties followed the proposed guidelines for the content of the notification in decision I/4 (Austria; Bulgaria; Croatia; Estonia; France; Germany, possibly; Latvia; Lithuania; Moldova; Netherlands; Norway, Poland; Romania; Slovenia; Sweden). Hungary only followed the guidelines in part because of a two-step notification procedure, whereas the United Kingdom did not follow the guidelines, but provided full information to enable the affected Party to make an informed decision on whether to take part in the EIA procedure. Kyrgyzstan relied on national guidelines, the Czech Republic on national legislation. The Czech Republic, Denmark and Kyrgyzstan did not follow the guidelines appended to decision I/4. The Czech Republic, Denmark (if necessary), Finland, France, Germany (possibly), the Netherlands, Romania, Slovakia and Sweden provided supplementary information in the notification, and Croatia and France provided additional information if so requested.

2. Questions to the affected Party

Question 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?

54. The decision, as affected Party, on whether to participate in a transboundary EIA procedure depended on:

(a) The likely significance of the impact (Austria, Denmark, Germany, Norway, Slovenia, United Kingdom);

(b) Whether a transboundary impact was likely (Estonia, Hungary, Lithuania, Netherlands, United Kingdom);

(c) The type or nature of the activity (Lithuania, Poland);

(d) The activity’s distance from the border (Lithuania, Poland);

(e) The level of public interest (Denmark, Netherlands);

(f) Criteria (Romania) defined in national legislation (Bulgaria, Germany, Poland) or in the Convention (Croatia, Poland).

55. Who participated in the decision-making depended on the territory likely to be affected (Austria, Poland), depended on the proposed activity (Estonia), or was:

(a) Competent, concerned or relevant authorities (Czech Republic, Estonia, Finland, Germany, Hungary, Norway, Poland, Romania, Slovakia, Slovenia);

(b) Local authorities (Denmark, Estonia, Kyrgyzstan, Romania, Slovakia, Sweden, Switzerland);

(c) Central authorities (Denmark, Estonia, Finland, Hungary, Latvia, Liechtenstein, Lithuania, Moldova, Romania, Slovakia, Slovenia, Sweden, Switzerland, Turkmenistan, Ukraine);

(d) The public (Hungary, Sweden);

(e) NGOs (Finland; Kyrgyzstan; Moldova, possibly);

(f) Research institutes (Finland).

Question 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)

56. "Reasonably obtainable" information was:

(a) Already available to the authorities (Cyprus, Hungary, Romania);

(b) Existing (Croatia, Denmark, Moldova, Netherlands, Slovenia) or available (Liechtenstein);

(c) Readily (Croatia, Hungary, Switzerland) or publicly available (Germany, United Kingdom);

(d) Obtainable within the time frame specified (Czech Republic, Denmark, Latvia, Slovakia, and necessary for the EIA documentation);

(e) Available at proportionate cost (United Kingdom);

(f) Necessary to determine the transboundary impact (Poland).

57. Information that was not reasonably obtainable was:

(a) Classified (Bulgaria);

(b) Not available or requiring a lengthy process to find or produce (Hungary);

(c) Requiring research (Netherlands, Switzerland) or analysis (Moldova);

(d) Confidential or commercially sensitive, or legally restricted or prejudicial to legal proceedings (United Kingdom).

58. Canada, Romania, Latvia, Liechtenstein, Poland and Turkmenistan indicated that "promptly", in the context of responding to a request, meant without undue delay once the information was available. Denmark and Germany suggested "'as soon as possible". The Netherlands noted that information had to be collected from various sources, whereas Bulgaria noted the need to take into account the nature of the material requested and whether raw data had to be processed for this express purpose. Bulgaria, the Czech Republic, Moldova, Slovakia and Switzerland also suggested that "promptly" meant within the time frame of the request; Finland suggested the deadline would be agreed between the concerned Parties. In Croatia, general administrative procedures required a response within 30 days. Slovenia indicated one month. Romania made reference to its implementation of the Aarhus Convention, which similarly provided for a one-month time frame. Austria's single practical experience was of responding within a few weeks; in Hungary, no deadlines were defined though, in practice, requested information that was available could be provided within a few weeks.

C. Article 4: Preparation of the Environmental Impact Assessment Documentation

1. Questions to the Party of Origin

Question 17. What is the legal requirement for the content of the EIA (environmental impact assessment) documentation (Art. 4.1)?

59. Many respondents referred to legislation defining the required content of the EIA documentation (Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Romania, Slovenia, Switzerland, Ukraine, United Kingdom). Others provided direct quotation of the legislation (Austria, Finland, Lithuania, Moldova, Norway, Poland, Slovakia, Sweden, Turkmenistan), whereas France, Kazakhstan and Spain summarized the key contents. Estonia and the Netherlands explained how the contents were determined. Armenia had legislation partially and indirectly defining the content, with reference also being made to the Convention's provisions. Azerbaijan had no legislation, but referred to European Union (EU) legislation and to the Convention.

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

60. To determine the content of the EIA documentation, respondents indicated that either the proponent or its experts (Austria, Bulgaria, Finland, Germany Lithuania, Norway, Switzerland, United Kingdom) or the competent authority (Czech Republic, Latvia, Liechtenstein, Netherlands, Poland, Slovakia, Spain, Sweden) undertook the scoping. In Hungary, the competent authority prepared the scope on the basis of the preliminary environmental assessment submitted by the proponent, whereas in Norway it was on the basis of a draft scope prepared by the proponent. When prepared by the proponent, the competent authority then expressed its opinion (Austria, Bulgaria, Finland, Germany) or gave its approval (Estonia, Lithuania) on the scope prepared by the proponent; in Austria, the competent authority had three months to give its opinion; in Bulgaria, only one month. In the United Kingdom, there was a possibility of the competent authority expressing its opinion. In France, the proponent might ask the competent authority for advice on additional elements to be included in the EIA documentation.

61. Where the competent authority prepared or commented on the scope, respondents indicated input from relevant authorities (Finland, Hungary, Latvia, Liechtenstein, Netherlands, Norway, Romania, Slovakia, Spain), the public (Finland, Netherlands, Norway, Slovakia), public organizations or NGOs (Hungary, Spain), and the affected Party (Finland, Poland, Romania, Slovakia). In Lithuania, the views of the relevant authorities on the scope, prepared by the proponent, also had to be sought and addressed. Many countries referenced legislation, though Croatia noted that it had no scoping procedure at that time. Italy, Kazakhstan and Ukraine each presented an outline scope.

Question 19. How do you identify "reasonable alternatives" in accordance with Appendix II, alinea (b)?

62. "Reasonable alternatives" were identified case-by-case (Austria, Czech Republic, Estonia, France, Norway, Slovakia) or based on guidelines (Romania). Slovakia indicated a role for various authorities, the public and the affected Party in identifying alternatives. In addition, "reasonable alternatives" were:

(a) Feasible, possible, practical, realistic or viable (Armenia, Estonia, Kyrgyzstan, Latvia, Moldova, Norway, Poland);

(b) Normally (with exceptions requiring justification) compliant with land-use plans (Czech Republic)

(c) Economically and environmentally compatible (Ukraine);

(d) Requiring little additional expense and resulting in major environmental benefits (Azerbaijan);

(e) Satisfying the project objectives (Armenia, Estonia, Netherlands, Poland);

(f) Reducing or taking into account the environmental impact (Bulgaria, Netherlands, Poland, Slovenia);

(g) Within the competence of the proponent (Netherlands);

(h) Simply those alternatives examined (Kazakhstan, Liechtenstein, United Kingdom).

63. The Czech Republic, Estonia, Kazakhstan and Lithuania listed many types of alternatives; Finland, Kazakhstan, Kyrgyzstan and Moldova highlighted the "no project" alternative. Croatia highlighted technological alternatives, Germany noted technological and locational or routing alternatives, and Turkmenistan identified both socio-economic and locational ones, but Germany and Norway indicated that the types of alternative depended on the type of project. Austria and Germany noted greater consideration of alternatives for infrastructure projects. Finally, in Hungary, the consideration of alternatives was not mandatory, only desirable, whereas Lithuania indicated that several alternatives had to be investigated and in Slovakia at least two.

Question 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)?

64. To identify the environment that is likely to be affected, some respondents referred to definitions in national legislation (Croatia, Finland, Sweden), the EU Directive on EIA (Cyprus) or the Convention (Armenia, Azerbaijan, Netherlands, United Kingdom); France referred to a definition of environmental components in its legislation; Turkmenistan provided a detailed description, Kazakhstan and Ukraine shorter ones. Several countries reported a case-by-case identification while preparing the EIA documentation (Estonia, France, Germany, Italy, Latvia, United Kingdom) or the scope (Romania, Slovakia, Switzerland), whereas Bulgaria made reference to the characteristics of the proposed activity and location. Respondents also indicated identification of the affected environment by the competent authority in consultation with other authorities (Liechtenstein) or with the affected Party (Austria, possibly; Norway); the Czech Republic indicated that the proponent identified the area of impact, but the competent authority might have altered it; Finland, Lithuania and Switzerland reported that the proponent was responsible; Slovakia noted comments and requirements by the authorities, the public and the affected Party. Finally, Hungary described the method of identification in its legislation.

65. Regarding the definition of the "impact", Croatia and Finland referred to definitions in their legislation and Cyprus to a definition in the EIA Directive. Estonia, France, Italy and Latvia reported case-by-case definition while preparing the EIA documentation, Ukraine again provided a brief definition.

Question 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?

66. Countries reported providing all EIA documentation to the affected Party (Germany, Switzerland, United Kingdom):

(a) Subject to any privacy or access to information restrictions (Austria, Bulgaria, Canada);

(b) Available (Croatia, Cyprus); including views of the public (Czech Republic);

(c) With detailed information being sent upon request (Denmark, Estonia, France, Hungary, Italy);

(d) Including any research results (Kyrgyzstan);

(e) Though some materials were only available in Latvian (Latvia);

(f) Generally in Lithuanian, Russian and English, and at least the non-technical summary and the transboundary impacts chapter (Lithuania);

(g) Except non-relevant detailed expert reports (Netherlands, Norway);

(h) Except confidential material (Romania);

(i) In general (Slovakia, Spain);

(j) When in Swedish, otherwise subject to discussion with the affected Party and the project proponent (Sweden).

67. Poland indicated that it sent only that part of the documentation required by the affected Party to assess the impact on its territory. Finland sometimes translated the whole EIA documentation, but more often only the parts concerning the project and its transboundary impact were translated and sent. Moldova simply noted that the notification in conformity with national legislation. Slovenia reported that it would provide the information specified in Appendix II. Ukraine sent sufficient information (the summary).

Question 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)

68. Comments were transferred:

(a) Directly to the competent authority in the Party of origin (Austria, Denmark, Germany, Netherlands, Norway, Poland, Switzerland, United Kingdom), and to the point of contact (Denmark) or to the ministry of environment (Norway), or via the ministry of environment (Moldova, Poland);

(b) Via an authority in the affected Party (Austria; Estonia, in a bilateral agreement; Romania);

(c) Via the points of contact (Bulgaria; Finland; United Kingdom, where this was the preferred approach);

(d) At the regional (*département*) level (France);

(e) Through the local embassy to the competent authority in the Party of origin (Italy);

(f) Between the ministries of environment (Czech Republic, Hungary);

(g) Through the embassy and the Ministry of Foreign Affairs (Ukraine).

69. Some other countries organized the transfer case by case, by the points of contact, the competent authorities or other relevant authorities in the concerned Parties (Canada, Croatia, Latvia, Slovenia).

70. These comments were taken into account in the decision (Bulgaria; Denmark; Germany; Italy; Poland; Sweden, at the permitting stage; Switzerland; United Kingdom), in the same way

as domestic comments (Austria, France, Hungary, Norway, Slovakia). In other Parties, the comments were forwarded to the proponent and its experts (Estonia, Hungary, Lithuania), who took them into account in revising the EIA documentation (Estonia; Hungary; Kyrgyzstan, for well-founded comments as determined by the expert review committee; Moldova; Spain; Sweden, at the notification or scoping stage), and who responded to the affected Party (Estonia). Croatia explained that only "environmental comments" were taken into account and forwarded to the proponent. In the Czech Republic, it was the Ministry of Environment that revised the EIA documentation. In Finland, such comments were treated in the same way as domestic comments and were taken into account by the competent authority in its review of the EIA documentation. The Netherlands required a statement explaining how comments, whatever their source, had been taken into account. In Hungary, the competent authority had been able to order additional studies on the basis of comments received from the affected Party or its public. Romania, as Party of origin, responded to the comments and sent the comments and responses to the affected Party, the proponent and the relevant domestic authorities. Finland provided similar information to the affected Party.

Question 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?

71. Some respondents referred to the application of the time frame: for domestic consultations (Denmark, normally; France; Norway; Switzerland), applied flexibly (Spain, United Kingdom); as agreed by the points of contact taking into account national legislation (Croatia); or as agreed between the concerned Parties (Armenia; Estonia; Sweden, with the proponent too). Estonia also gave the example of a bilateral agreement specifying a time frame of two months; Poland gave a similar example of 90 days. The 90-day time frame was applied by Austria in all cases and normally by Romania, the Czech Republic noted 60 days, Germany six weeks to two months, Kyrgyzstan three months, Norway not less than six weeks, Latvia 20–40 days, Slovakia eight weeks and Slovenia 30 days (but not set in law). Bulgaria, however, allowed only seven days. Italy's legislation set the time frame; in the Netherlands, the duration depended on which legislation applied, but was at least four weeks. In Hungary, 120 days were allowed for the entire permitting procedure. Canada noted that public participation had to be well in advance of the decision, the Netherlands that comments had to be able to influence the decision, and the United Kingdom indicated that the time frame had to comply with good administrative practice. Finland indicated that comments were requested in good time for the decision: comments from the public usually during one month after the public hearing, and a statement from the competent authority of the affected Party within two months of the public hearing.

72. The consequence of the affected Party not complying with the time frame included:

(a) No consequence (Croatia) if only a few days (Estonia) or if comments still arrived before the decision was taken (Hungary) and they provided important and relevant new information (Germany);

(b) The same as for domestic comments (Norway);

(c) Comments could or might not have been taken into consideration (Denmark, Netherlands, Switzerland);

(d) The final decision might not take into account the interests of the affected Party (Kyrgyzstan);

(e) It might delay decision-making, fail to influence decision-making, inadvertently withhold relevant information, fail to represents the public's views or add to the cost of the procedure, if re-opened (United Kingdom).

73. The Czech Republic would have tried to take late comments into account. In Romania, this might have been taken to indicate that there were no comments, whereas Sweden and the United Kingdom would have reminded the affected Party and the latter would have offered a short extension. If an affected Party asked for an extension of a deadline, countries would have:

(a) Agreed or normally agreed (Croatia, Norway, Slovenia, Sweden, Switzerland);

(b) Agreed in consultation with the proponent (Estonia);

(c) Agreed if the request was justified (France, Lithuania, Poland) and national interests allow (Kyrgyzstan) or subject to good administrative practice (United Kingdom);

(d) Considered (Italy);

(e) Agreed if the legislation or administrative or decision-making procedure permitted (Czech Republic, Denmark, Finland, Netherlands, Poland, Romania).

74. An extension was usually not possible because of the deadlines set in Germany's legislation, but in Hungary it was possible to suspend the procedure if requested. Finally, both the consideration of late comments and the possibility of an extension were determined case by case in Slovakia.

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

75. This question was interpreted in diverse ways. However, examples included:

(a) Prior information on a potential project (United Kingdom);

(b) Public notices (Canada);

(c) The project application or notification (Austria, Czech Republic, Finland, Germany, Hungary, Kyrgyzstan, Netherlands, Norway, Poland, Slovenia);

(d) The project description or documentation (Bulgaria, Croatia, Latvia, Poland, Romania, Slovenia, Switzerland, United Kingdom);

(e) Procedural information, including on how to comment (Netherlands);

(f) The screening report (Canada);

(g) The scoping report (Canada, Estonia, Lithuania);

(h) The preliminary environmental assessment (Hungary);

(i) The EIA documentation prepared by the proponent (Austria; Bulgaria; Canada; Czech Republic; Estonia; Finland, possibly; Germany; Hungary; Kyrgyzstan, when necessary; Latvia; Lithuania; Netherlands; Norway; Slovenia; Switzerland; Ukraine; United Kingdom);

(j) The (translated) description of the potential transboundary impact (Bulgaria, Finland, Germany, Hungary, Poland, United Kingdom);

(k) The (translated) non-technical summary (Germany, Hungary, Kyrgyzstan, Lithuania, Netherlands, Poland);

(l) Additional studies (Germany)

(m) Other materials for public discussion (Latvia);

(n) The conclusion of a fact-finding procedure (Czech Republic),

(o) The review of the EIA documentation, or State environmental review, by the authorities or experts (Austria, Canada, Czech Republic, Finland, Slovenia, Ukraine);

(p) The decision (in part) on the application or permit (Austria, Canada, Germany, Hungary, Poland);

(q) The decision on appeals, etc. (Hungary);

(r) Monitoring reports (Canada);

(s) Other documents (Canada).

76. In addition, France, Moldova and Sweden indicated that this was a matter for the affected Party, whereas Canada, Denmark, Germany, Italy and Slovakia reported that all information available domestically was also available to the affected Party and its public.

Question 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?

77. Respondents provided information on public hearings for the affected public, though Cyprus reported that there was no obligation for such a hearing, Finland that hearings were not always necessary, and Italy that public hearings were not foreseen by legislation, but might have been provided for in bilateral agreements. Germany, Slovakia and Ukraine had a legal requirement for a public hearing. For Austria, public hearings might have been held in the affected Party, in the Party of origin or as a joint hearing.

78. A public hearing might have been held in the affected Party:

(a) Depending on the project type, on the need for translation and on the number of affected people in the affected Party (Austria);

(b) As agreed between the concerned Parties on a case-by-case basis or defined in bilateral agreements (Bulgaria);

(c) As agreed by the concerned Parties and the proponent (Switzerland), in either Party (Finland);

(d) In agreement with the affected Party and in line with national legislation (Croatia);

(e) Organized by the affected Party (Estonia, Lithuania) under a bilateral agreement (Hungary);

(f) Organized by the competent authority (Norway);

(g) As determined case by case (Slovakia).

79. Kyrgyzstan and Latvia indicated that a public hearing would generally have been held in the affected Party, Romania reported that it would have been willing to participate in such a hearing. However, the Czech Republic, Hungary, Lithuania, Moldova, the Netherlands, Poland and Sweden would not, as Parties of origin, have organized a public hearing in the affected Party as this was the affected Party's responsibility. However, Sweden had organized such a hearing in another Party. Germany reported that this might occur if there was very close cooperation between the Parties concerned.

80. Bulgaria indicated that a joint hearing might have been held for a joint EIA, Denmark that public hearings were initiated jointly in either Party, and Switzerland that joint hearings would normally be held in the Party of origin, whereas the United Kingdom reported that joint hearings were not anticipated. A public hearing might have been held in Austria as Party of origin if necessary and in cooperation with the affected Party. Several respondents indicated that the public of the affected Party, public authorities, organizations or other individuals might have come to their country, as Party of origin, if a public hearing was held there (Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Kyrgyzstan, Moldova, Netherlands, Poland,

Romania, Slovakia, Sweden, Switzerland, United Kingdom), subject to normal entry requirements (Canada), or without cost to the proponent or the authorities in the Party of origin (Hungary).

2. Questions to the affected Party

Question 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)?

81. In their role of affected Party, respondents indicated how they determined the meaning of "within a reasonable time before the final decision". Some required respect of the deadline set by the Party of origin (Poland, Romania, Switzerland, United Kingdom), with Austria, Germany and Sweden referring to the legislation of the Party of origin. Romania and the United Kingdom requested an extension if there was insufficient time. In Austria, after submission of the comments, there still had to be enough time for consultations and the time frame depended on the project type, the complexity of its impacts and its political importance. Bulgaria indicated that the time frame was determined case by case or through bilateral agreement. In Armenia, Estonia and Slovenia the concerned Parties agreed together on the time frame, whereas in Croatia it was any period agreed to by the Party of origin. Azerbaijan referred to subregional (Caspian Sea) guidance. The Czech Republic, while referring to the deadline set by the Party of origin, noted a 15-day period for commenting on published information and a 30-day period after publication for responding to the Party of origin. Denmark referred to its legislation and noted that the time frame was usually the same as for domestic comments. Finland assumed that the Party of origin would provide a reasonable time frame. The Netherlands and Norway simply indicated that it was the same as when they were Party of origin (see Question 23). Kazakhstan referred to the period for the State environmental expert review, as defined in its legislation. Slovakia's legislation provided eight weeks, but the period for commenting might be reduced in line with justified requirements of the Party of origin. Finally, in Cyprus it could have been up to thirty days, in Moldova it was thirty days, in Hungary it needed to be at least 30 days and in Kyrgyzstan not more than three months.

Question 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?

82. Respondents organized public participation in their country, as the affected Party, in accordance with: their legislation (Armenia; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; France; Hungary; Kazakhstan; Lithuania; Poland and Switzerland, but within the time frame set by the Party of origin; Romania; Slovenia; The former Yugoslav Republic of Macedonia; United Kingdom); the legislation of the Party of origin (Austria; Czech Republic, as well; Estonia; Germany, usually; Netherlands); bilateral or multilateral agreements (Bulgaria, Estonia, Finland, Latvia, Lithuania, Netherlands, The former Yugoslav Republic of Macedonia); or case-by-case arrangements (Finland, Italy, Latvia, Norway, Romania, Sweden). In Kazakhstan, the local authorities organized the public participation, whereas in the Czech Republic and Slovenia it was the Ministry of Environment, in Germany the competent authority

for that type of project, in Kyrgyzstan the relevant environmental authorities, and in Moldova and Slovakia the local authorities together with the Ministry. Denmark noted the involvement of the Party of origin.

D. Article 5: Consultations

1. Questions to the Party of Origin

Question 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?

83. Many respondents misunderstood this question. However, others indicated the step or steps of the EIA procedure at which the consultation occurred:

(a) Without delay after sending the notification (Italy);

(b) During scoping (Romania; Switzerland, preferably);

(c) During preparation of the EIA documentation (Bulgaria, Croatia, Latvia);

(d) Once the EIA documentation had been prepared (Hungary, Kyrgyzstan, Netherlands, Poland, Romania, Spain, Sweden, United Kingdom);

(e) Within twenty days of receiving the EIA documentation (Czech Republic);

(f) Once the EIA documentation had been evaluated (Austria, Bulgaria);

(g) Once the environmental impact statement has been sent (Kyrgyzstan);

(h) When requested by the affected Party (Estonia).

84. Germany and Poland noted that consultations were more efficient if held after the affected Party had commented on the EIA documentation. However, consultations might occur at any stage in Germany and Slovakia. Austria, the Czech Republic, Estonia, Lithuania, Romania and Slovenia set the duration for consultations beforehand, whereas Croatia did not. Finland set the time frame when sending the EIA documentation, referring to its legislation. Kyrgyzstan noted a maximum period of three months. Such consultations should always have been initiated in Hungary, whereas Croatia indicated that consultations need not have been initiated if no impact appeared likely.

Question 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?

85. Consultations were held at different levels in the countries when they were the Party of origin:

(a) At the national or federal level (Bulgaria; Canada; Croatia; Cyprus; Czech Republic; Estonia; Germany; Hungary; Kyrgyzstan; Liechtenstein; Lithuania; Romania; Slovakia; Spain; Switzerland, possibly);

(b) At the regional, State or local levels as well, if appropriate (Bulgaria, Canada, Germany, Kyrgyzstan, Switzerland);

(c) At the expert level, with relevant authorities if problems remained unresolved (Denmark, Netherlands);

(d) At the level appropriate for the project type (France, Italy, Latvia, Poland, United Kingdom).

86. Various participants were identified:

(a) National or federal authorities (Bulgaria; Canada; Croatia; Estonia; Germany; Hungary; Kyrgyzstan; Liechtenstein; Moldova; Romania; Slovakia; Slovenia; Spain; Switzerland, possibly; United Kingdom);

(b) Regional, State or local authorities (Bulgaria, Canada, Germany, Kyrgyzstan, Moldova, Slovenia, Switzerland, United Kingdom);

(c) Competent authorities (Denmark, Germany, Slovakia, Slovenia);

(d) Aboriginal representatives (Canada);

(e) Experts (Canada, Denmark, Switzerland, United Kingdom);

(f) The project proponent (Canada, Romania, Slovakia, Switzerland);

(g) The (concerned) public, or its representatives (Bulgaria, Croatia, Italy, Moldova, United Kingdom);

(h) Other stakeholders (Croatia);

(i) Anyone concerned (Cyprus).

87. In such consultations, the environmental authorities provided information or clarified requirements (Bulgaria), or provided coordination and organized the consultation (Romania). The consultations were made by:

(a) Exchanging written communications (Bulgaria, Czech Republic, Denmark, Finland, Germany, Lithuania, Netherlands, Romania, Slovenia, Spain, Switzerland, United Kingdom);

(b) Telephone (Denmark, Kyrgyzstan, United Kingdom);

(c) Meetings between the concerned Parties (Bulgaria, Czech Republic, Denmark, Germany, Lithuania, Netherlands, Slovenia, Switzerland);

(d) Internet (Kyrgyzstan, Slovenia, Switzerland).

2. Questions to the affected Party

Question 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?

88. When countries were the affected Party, the consultations were also held at various levels:

(a) Depending on the nature and the potential impact of the proposed activity (Bulgaria, France, Latvia), though often at the local level (France);

(b) As determined case by case (Kazakhstan, Moldova);

(c) At all levels (Croatia);

(d) At the expert level at first (Denmark, Netherlands);

(e) At the national level (Cyprus, Czech Republic, Estonia, Hungary, Poland, Romania, Slovakia, The former Yugoslav Republic of Macedonia), if problems were unresolved (Denmark, with consultations at the local level too; Netherlands);

(f) At federal and State levels (Germany);

(g) At the regional level (Hungary, Poland).

89. The participants included the proponent (Austria) and the competent authority of the Party of origin (Austria, Netherlands) and from the affected Party:

(a) The point of contact or ministry of environment (Austria; Denmark; Estonia; Netherlands; Norway; Poland; Slovakia; Switzerland, possibly; United Kingdom);

(b) Competent authorities (Bulgaria, Germany, Hungary, Latvia, Liechtenstein, Slovenia, Switzerland);

(c) Relevant local and national authorities (Bulgaria, Croatia, Denmark, Estonia, Germany, Hungary, Netherlands, Norway, Poland, Romania, Slovenia, Switzerland, United Kingdom);

(d) Experts (Denmark, Poland, Switzerland);

(e) The public (Bulgaria);

(f) NGOs (Bulgaria, United Kingdom);

(g) Other stakeholders (Croatia);

(h) Anyone concerned (Cyprus).

90. Communications were:

(a) In writing (Bulgaria; Croatia; Czech Republic; Denmark; Germany; Hungary; Italy; Latvia; Netherlands; Norway; Romania; Spain; Sweden; Switzerland; United Kingdom, usually);

(b) In meetings (Austria, Bulgaria, Croatia, Denmark, Germany, Hungary, Latvia, Netherlands, Poland, Romania, Switzerland);

(c) By other means, e.g. telephone, fax or e-mail (Denmark, Latvia, Switzerland);

(d) As agreed by the concerned Parties (Slovenia).

91. Finland, Germany, Norway, Poland and Romania would have written to indicate whether there was a need for consultations.

E. Article 6: Final Decision

1. Questions to the Party of Origin

Question 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?

92. Respondents described the "final decision" as:

(a) The decision in the consolidated permit procedure, except for federal roads and high-speed railways, which required two decisions (Austria);

(b) The decision of the whole State expert review (Azerbaijan, Ukraine), dependent of a positive State environmental expert review decision (Moldova);

(c) Generally the “visa for design” issued by the chief architect of the municipality (Bulgaria);

(d) The decision on the acceptability of the proposed activity in view of its environmental impact (Croatia) and of the opinions obtained (The former Yugoslav Republic of Macedonia);

(e) The final decision taken by the responsible planning authorities, after assessment of the EIA documentation and preparation of the opinion on the environmental assessment (Cyprus);

(f) The decision on the proposal, dependent on the environmental impact statement (Slovakia), generally with conditions as defined in the statement (Czech Republic);

(g) The decision granting (or refusing) a permit (Denmark, Finland, Germany, Sweden), development consent (Estonia, France, Germany, Latvia), or authorization (Switzerland). The decision on the EIA could have been taken separately in Sweden;

(h) The decision by the environmental authority on the basis of the EIA documentation and the comments by the affected Party (Kyrgyzstan);

(i) The decision on whether the proposed activity, given its nature and environmental impact, may be carried out at the chosen site (Lithuania);

(j) The decision on the environmental conditions for consent (Poland);

(k) The decision on the environmental permit or agreement, a precondition for the building permit (Hungary, Romania, Slovenia);

(l) The decision permitting other legal decisions, legally binding plans (spatial, land-use, regional), route adoption, etc. (Netherlands).

93. In Norway, the final decision was a decision following a procedure in the planning and building act or other sectoral acts; when two or more acts were involved, each had a decision and it varied which was the “final decision”. Kazakhstan noted that a positive conclusion of the State environmental expert review was a pre-condition for the decision. All projects listed in Appendix I required such a decision in most Parties (Austria; Azerbaijan; Croatia, except for deforestation of large areas; Denmark; Estonia; Finland; France; Germany; Hungary; Kazakhstan; Kyrgyzstan; Liechtenstein; Lithuania; Moldova; Netherlands; Norway; Poland; Romania; Slovenia, Spain; Switzerland; Ukraine). Most of the projects listed required such a decision in Sweden.

Question 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)

94. Bulgaria, Hungary and Romania indicated that the EIA decision or agreement was required for development consent, as was, in Armenia, Azerbaijan and Kazakhstan, a positive

conclusion of the expert review of the EIA documentation. The decision took into account, took into consideration or was informed by the EIA procedure or documentation in most Parties (Austria, Canada, Croatia, Cyprus, Czech Republic, Finland, Estonia, Germany, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom). The State environmental review was a component of the whole State expert review in Ukraine. Countries identified in particular the relevance of:

(a) The results of consultations, including public comments (Austria, Estonia, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, The former Yugoslav Republic of Macedonia, United Kingdom);

(b) The results of transboundary consultations (Czech Republic, France, Germany, Lithuania, Netherlands, Poland);

(c) The examination of alternatives (Netherlands).

95. In the United Kingdom, a decision to refuse development consent could be taken without reference to the EIA documentation. Norway noted that EIA helped in the identification of better alternatives and mitigation measures, but that it was not as an efficient aid to deciding on whether a project should proceed. Germany also noted the importance of mitigation measures. There was no influence in Liechtenstein.

Question 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)?

96. In most Parties, comments by the authorities and the public of the affected Party, and the outcome of the consultations, were taken into consideration in the same way as the comments from the authorities and public in their country as the Party of origin (Austria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Hungary, Italy, Kyrgyzstan, Lithuania, Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom). Canada indicated that it would likely give equal consideration. Bulgaria, Kazakhstan, Latvia and Moldova did not explicitly indicate whether equal consideration was given. A summary of domestic and transboundary comments was included in the permit application in Finland, to be taken into account by the permit authority in its decision.

Question 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)

97. Most Parties (Austria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Moldova, Norway, Poland, Romania, Slovakia, Slovenia, Sweden, Ukraine, United Kingdom) submitted the final decision to the affected Party, with Germany noting translation where possible and Sweden where necessary. Hungary, Latvia and Ukraine indicated the bodies involved. Most Parties (Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Kyrgyzstan,

Latvia, Lithuania, Netherlands, Norway, Poland, Romania, Slovenia, Sweden, Switzerland, Ukraine, United Kingdom) also indicated that the final decision contained the reasons and considerations on which the decision was based.

Question 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)

98. If additional information became available before the activity began, a number of Parties would have informed or consulted the affected Party (Cyprus; Czech Republic; Estonia; Germany; Kyrgyzstan; Netherlands; Norway, if of relevance to comments made by the affected Party; Romania), or the decision or the environmental permit could have been revised (Croatia, Estonia, Finland, Germany, Hungary, Kyrgyzstan, Moldova, Netherlands, Romania, Slovenia, United Kingdom).

F. Article 7: Post-Project Analysis

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

99. Some respondents reported that post-project analysis should always have been carried out: Austria, Bulgaria, Croatia, Slovakia and (though optional in practice) the Netherlands. In other countries, post-project analysis was carried out:

(a) Usually and according to bilateral agreements, in consultation with the affected Party (Estonia);

(b) Depending on whether a significant environmental impact was expected (Estonia, Romania);

(c) Depending on the type of activity (France, United Kingdom) and the technology used (Romania);

(d) As determined case by case (Kazakhstan, Moldova);

(e) Depending on the distance from the border (Romania);

(f) Depending on the decision of the competent authority (Germany, Norway, Switzerland), possibly in consultation with the affected Party (Hungary); or

(g) As defined by the (domestic) EIA procedure (Azerbaijan, Czech Republic, Latvia, Lithuania, Spain).

100. Italy decided on whether to carry out such an analysis if requested by the affected Party. In Slovenia, such an analysis was carried out before operations began and was a condition on the operating permit.

Question 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?

101. Some respondents confirmed that there would have been an exchange of information between the concerned Parties in this situation (Cyprus, Czech Republic, Estonia, France, Latvia, Netherlands, Poland, Romania), through the focal points (Croatia, United Kingdom). Respondents also reported that additional consultations (Croatia, Italy, Latvia, Netherlands, Poland, Romania, Slovenia), according to a bilateral agreement (Estonia), would have been held on necessary measures to reduce or eliminate the impact. Others indicated that arrangements would have been determined case by case (Canada, Hungary, Latvia, Lithuania).

G. Article 8: Bilateral and Multilateral Agreements

Question 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.

102. Respondents reported the following general agreements based on, or related to, the Convention, besides numerous project-specific agreements:

(a) Convention for the Protection and Sustainable Use of the Waters of the Spanish-Portuguese Hydrological Catchments (Albufeira Convention, 1998);

(b) Agreement between Austria and Slovakia (2004);

(c) Agreement between Estonia and Finland (2002);

(d) Agreement between Estonia and Latvia (1997);

(e) Guidelines of the French-German-Swiss Governmental Commission for the Upper Rhine (2005, replacing 1996 “Tripartite Recommendations”);

(f) Recommendations of the French-German-Luxembourg Governmental Commission (1986 “Saar-Lor-Lux Recommendation”);

(g) Common Declaration between Germany and the Netherlands (entered into force in 2005);

(h) Agreement between Germany and Poland (2006, but yet to enter into force; see also earlier agreement on cooperation in environmental protection);

(i) Agreement between Lithuania and Poland (2004);

(j) (Possibly draft) informal trilateral guideline between Austria, Liechtenstein and Switzerland, possibly to be extended to other countries.

103. Agreements had also been drafted:

(a) Between Austria and the Czech Republic;

(b) Between the Czech Republic and Germany (see also earlier agreement on cooperation in environmental protection);

(c) Between the Czech Republic and Poland;

(d) Between the Czech Republic and Slovakia;

(e) Between Flanders (Belgium) and the Netherlands;

(f) Between Hungary and Slovakia;

(g) Between Poland and Slovakia;

(h) Among the countries of South-Eastern Europe.

104. In addition, a possible informal agreement between Austria, Germany, Liechtenstein and Switzerland, and a possible common declaration between Denmark and Germany were reportedly planned.

105. Furthermore, Denmark held annual meetings with Germany and with Sweden to discuss transboundary EIA of certain types of projects.

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

106. No such supplementary points of contact had been established in most Parties (Austria, Azerbaijan, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Norway, Romania, Slovakia, Slovenia, Sweden, Switzerland, Ukraine). However, such points of contact had been established in Armenia, the Netherlands and Poland. Germany planned to do so further to its agreement with Poland. Spain reported that a commission had been established to implement the above-mentioned Albufeira Convention. No supplementary points of contact had been established in the United Kingdom, but informal working agreements and contacts had developed between staff in Northern Ireland (United Kingdom) and their counterparts in Ireland.

H. Article 9: Research Programmes

Question 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.

107. Relevant research was reported as follows, with full titles provided in the completed questionnaires:

(a) Practical results of EIA procedures (Austria);

(b) The effects of hydrocarbon development and production (Azerbaijan);

(c) Climate change and environmental assessment; follow-up; regional environmental effects frameworks; significance (Canada);

(d) Improving EIA (Croatia);

(e) The effects of offshore wind farms (Denmark);

(f) Review of EIA Practice (Estonia);

(g) Cooperation with Poland in transboundary EIA; evaluation of federal EIA legislation (Germany);

(h) Comparative review of national and transboundary EIA procedures (Hungary);

(i) The effects of wind farms on birdlife; guidance on health in EIA; alternatives to road building (Norway);

(j) Information system on EIA procedure (Slovakia);

(k) Contribution of scoping to the effectiveness of EIA (United Kingdom);

(l) Study and guidance on the assessment of indirect and cumulative impacts and impact interactions; strategy for EIA and strategic environmental assessment (SEA) research in the European Union; the relationship between the EIA and SEA (2001/42/EC) Directives; guidance on screening; guidance on scoping; review check list; interrelation between the Integrated Pollution Prevention and Control (96/61/EC), EIA and Seveso (96/82/EC and 2003/105/EC) Directives and the Eco-Management and Audit Scheme Regulation (1836/93); evaluations of the performance of the EIA process; costs and benefits in EIA and SEA (European Commission).

I. Ratification of the amendments and the Protocol

Question 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?

108. Many countries planned to ratify the first amendment (Armenia, Azerbaijan, Austria[3], Bulgaria[4], Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, the Netherlands, Norway, Romania, Slovenia, Slovakia, Switzerland, and the United Kingdom). Cyprus was awaiting a decision on ratification by the European Union (EU). Italy, Liechtenstein, The former Yugoslav Republic of Macedonia and the EC[5] had no plans for ratification at that time. Germany, Poland and Sweden had already ratified the amendment.

Question 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?

109. Many countries planned to ratify the second amendment (Austria[6], Azerbaijan, Bulgaria[7], Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, the Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Switzerland and the United Kingdom). Again, Cyprus was awaiting a decision on ratification by the EU. Italy, Liechtenstein and the EC[8] had no plans for ratification at that time. Germany's ratification act had entered into force and its instrument of ratification was to be deposited soon. Sweden had already ratified the amendment

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

110. Many countries planned to ratify the Protocol (Armenia, Austria, Azerbaijan, Bulgaria[9], Croatia, Denmark, Estonia, France, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, the Netherlands, Norway[10], Poland, Romania, Slovakia, Slovenia, Switzerland and the United Kingdom). Again, Cyprus was awaiting a decision on ratification by the EU. Hungary, Italy, Liechtenstein and the EC had no plans for ratification at that time and Ukraine was not yet ready. Germany's ratification act had entered into force and that its instrument of ratification was to be deposited soon. The Czech Republic, Finland and Sweden had already ratified the Protocol.

J. Cases during the period

Question 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?

111. Most Parties had had practical experience of applying the Convention in this period (Austria; Bulgaria; Croatia; Czech Republic; Denmark; Finland; France; Germany; Hungary;

[3] Ratified 14 September 2006.
[4] Ratified 25 January 2007.
[5] But approved 18 January 2008.
[6] Ratified 14 September 2006.
[7] Ratified 25 January 2007.
[8] But approved 18 January 2008.
[9] Ratified 25 January 2007.
[10] Approved 11 October 2007.

Italy; Kazakhstan; Kyrgyzstan; Lithuania; Moldova; Netherlands, at provincial, regional and local levels; Norway; Poland; Romania; Slovakia; Slovenia, in notification only; Spain; Sweden; Switzerland; Ukraine; United Kingdom). Others had had no such experience in the period (Georgia and Turkmenistan, which are not Parties; Armenia, Azerbaijan, Canada, Cyprus, The former Yugoslav Republic of Macedonia). Estonia and Latvia had received notifications but had not then indicated intent to participate.

Question 45. Does your national administration have information on the transboundary EIA procedures that were under way 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.

112. Most Parties listed transboundary EIA procedures in the period (Austria, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Hungary, Italy, Kyrgyzstan, Latvia, Lithuania, Moldova, Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, Ukraine, United Kingdom). Due to the number of possible competent authorities, to its federal structure and to the absence of an obligation to collect such data, Germany was unable to provide such information. The respondents provided numerous examples of activities that had been subject to such procedures, most frequently:

(a) Thermal and nuclear power stations (item 2 in Appendix I to the Convention);

(b) Motorways, express roads and railways (item 7).

113. Wind farms were the commonest among the types of activity not listed in Appendix I (though listed in the Appendix in the second amendment), but which had been subject to several transboundary EIA procedures.

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

114. Most Parties were not aware of any projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not (Armenia, Austria, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Kyrgyzstan, Latvia, Liechtenstein, Moldova, Netherlands, Norway, Poland, Slovakia, Slovenia, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom). Switzerland indicated that this might have occurred. Lithuania referred to a project affecting Belarus, regarding which Belarus had not initially been notified, as it was not a Party to the Convention until late in 2005. Romania noted that the Bystroe Canal Project in Ukraine[11] had not been subject to transboundary EIA. Spain had notified other Parties regarding two projects, with the Parties either not responding or indicating that they did not wish to be consulted. Azerbaijan

[11] Information on this project is available on the Convention's website at: http://www.unece.org/env/eia.

observed that there had been such projects, but concerning neighbouring States with which it did not have agreements; most neighbouring States were not Party to the Convention. Kazakhstan similarly noted a project involving China, which was not a Party.

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

115. Transboundary EIA procedures took:

(a) One to three years, depending on whether there were extended consultations and changes submitted by the proponent (Austria);

(b) Fifteen months for a nuclear power plant (Bulgaria);

(c) Two years for a flood protection project (Croatia);

(d) A procedure begun in 2001 was still ongoing in May 2006 for a hydropower plant project (Croatia);

(e) Highly variable (Denmark);

(f) Less than one year (eight months) for a power plant renovation project (Estonia);

(g) One to two years (Finland, Norway);

(h) Two and a half years, for one abandoned project (Kyrgyzstan);

(i) One to two years for industrial projects (Netherlands);

(j) Two to three years for spatial planning, land-use and other plans (Netherlands);

(k) At least one year (Poland);

(l) One to one and a half years (Romania);

(m) Several years (Slovakia);

(n) Three years for marine dredging projects (United Kingdom).

116. Broad public interest and political attention extended the timescale in Hungary. Germany and Sweden noted that it depended on the individual project. However, it should have been, or generally was the same as for domestic EIA procedures in Italy, the Netherlands and Switzerland.

117. Regarding the average durations of the individual steps in the procedure:

(a) Individual steps lasted 30–60 days (Croatia);

(b) The preparation of the terms of reference for scoping and for holding consultations took approximately one month (Bulgaria);

(c) The publication and approval of the scope and the EIA documentation lasted one month (Estonia);

(d) Ten weeks was sufficient for the first, notification phase (France);

(e) The notification and response took two months (Kyrgyzstan), one month (Lithuania), or four to six weeks (Romania);

(f) The comments on the scope took one month, but could have been accelerated by sending the draft scope with the notification (Lithuania);

(g) The scoping took six weeks (Romania) or two months (Switzerland);

(h) The comments on the EIA documentation took two months (Lithuania);

(i) The review stage generally took six to eight weeks, but six months for a nuclear power plant (Romania);

(j) The consultation on the EIA documentation took five months (Switzerland)

(k) The quality review of the EIA documentation took 14 days (Bulgaria);

(l) The delay between the final public hearing and the issue of the final decision was two months (Bulgaria).

118. Romania explained that deadlines for the different stages were agreed with the affected Parties. Bulgaria, as a Party of origin, indicated that the notification of the competent authority, the public and the affected Party regarding a nuclear power plant took approximately two months, whereas Romania as the affected Party indicated only four weeks. Later in the same procedure, Bulgaria indicated that public hearings in the concerned Parties (including one month's public access the EIA documentation) took six months, whereas Romania reported only four months.

K. Experience of the transboundary Environmental Impact Assessment procedure during the period

Question 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.

119. Some respondents gave practical examples of how implementation of the Convention had supported the mitigation of possible transboundary impacts, including:

(a) Environmental protection measures added to, and made stricter for, interim storage facilities for spent nuclear fuel (Austria) and a flood protection project (Croatia);

(b) Substantial environmental improvements were introduced into the design of a goldmine project (Kyrgyzstan);

(c) A dredging project halted in part through application of the Convention (Norway);

(d) A dredging area reduced in extent (United Kingdom).

120. Estonia, Poland and Romania also indicated that an affected Party's position had affected how a project was implemented and monitored. Germany noted that EIA in most cases led to conditions on development but not a project's refusal, whereas Denmark noted that a Party of origin had refused projects subject to the Convention. Finland indicated that the consideration of adverse transboundary impacts inevitably led to the reduction of such impacts. In contrast, Sweden reported that was not aware of such benefits. Finally, Switzerland indicated that the procedure led to greater awareness of environmental consequences of projects and to better public participation.

Question 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?

121. Respondents explained how in practice they interpreted the various terms used in the Convention, with some usually working with other Parties to interpret particular terms (Austria, Denmark, Finland, Germany, Kyrgyzstan, Romania, Sweden, Switzerland) or indeed the concerned Parties needed to agree on the interpretation (Estonia, Latvia, Lithuania). Croatia suggested that Parties might have had to refer back to the Meeting of the Parties if the concerned Parties were unable to agree. Bilateral agreements addressed the interpretation of these terms, or might do so in some countries (Latvia, Netherlands, Poland, Romania, Slovakia). Legislation in the Netherlands included comparable terms. Kyrgyzstan indicated that Parties needed to refer to their own legislation; and Switzerland similarly referred to the legislation of the Party of origin. France, Moldova, the Netherlands, Switzerland and the United Kingdom had not experienced difficulties with these terms.

122. Practical definitions for "promptly" included:

(a) Within the deadline specified in the request to the affected Party (Bulgaria, Croatia, United Kingdom);

(b) As soon as possible and no later than 30 days after receiving documents, etc. (Estonia);

(c) As soon as possible (Germany);

(d) Immediately after the necessary procedural steps were taken (Hungary);

(e) As soon as practicably possible, i.e. once the project description was sufficient to provide such information (Norway).

123. Definitions for “a reasonable time” included:

(a) Thirty days, with a possible extension for the affected Party of an additional 30 days (Czech Republic);

(b) A reasonable time for a response to a notification was specified, and was at least one month, whereas that for distribution of the EIA documentation was determined through consultations between the concerned Parties and by forwarding documentation no later than when displaying the information to its own public (Estonia);

(c) A reasonable time for a response to a notification was normally 30 days, with a possible extension, whereas that for distribution of the EIA documentation was between six and eight weeks (Germany);

(d) As determined through consideration of the length of the national procedural steps and the time needed for translation and dissemination (Hungary);

(e) No less than six weeks (Norway);

(f) As required to meet the needs of individual cases and circumstances, with possible extension, subject to the need to comply with good administrative practice (United Kingdom).

124. Definitions of “a reasonable time frame” were:

(a) As determined individually, case by case (Norway);

(b) As determined through consultation and adequate to allow domestic consultations, with possible extension (United Kingdom).

125. And definitions for a “major change” included:

(a) As determined through a case-by-case screening, applying criteria and holding discussions between the proponent and the competent authority (Bulgaria);

(b) A 30 per cent change (Croatia);

(c) A change requiring amendment of the development consent (Estonia);

(d) According to legal thresholds or by case-by-case screening (Germany);

(e) Exceeding the criteria in Appendix I (Norway);

(f) As determined through application of legal criteria (Romania);

(g) As determined through screening whenever legal thresholds are exceeded (United Kingdom).

Question 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?

126. Two respondents provided information, from the viewpoint of the (potentially) affected Party, on how in practice they identified transboundary EIA activities for notification under the Convention and determined the significance and likelihood of adverse transboundary impact:

(a) For projects with the potential to affect a large area, Austria assigned experts to identify potential impacts as a basis for requesting notification. For projects likely to affect smaller areas, local authorities were asked whether they wished to participate in transboundary EIA;

(b) In Hungary, notification was expected or requested for projects close to the border, with a direct hydrological impact on a cross-border river or that were similar to a project that had led to a transboundary pollution incident.

127. Other respondents described experiences as the Party of origin in determining whether to notify:

(a) In the Czech Republic, it was on the basis of a transboundary impact section in the project notice and whether the project was to be located close to the border;

(b) Both Denmark and Sweden referred to projects having impacts on their own territory and being close to a border;

(c) In Estonia, the authorities assessed whether the planned activity was likely to have significant adverse transboundary impact, taking into consideration the characteristics of the activity, its location, the risk of emergencies and the potential impact area;

(d) In Croatia and Italy, it was on the basis of the conclusions of the EIA documentation; in France, it depended on whether the planned activity was close to the border;

(e) In Croatia and the Czech Republic, it might also have been in response to a request from another Party that considered that it might have been affected;

(f) In Finland, the competent authority for the EIA would normally identify projects to which the Convention might apply, with discussions with focal points of affected Parties also having contributed to determining transboundary impact;

(g) Germany reported that the competent authority made a determination case by case, with a recommendation to notify if no clear decision was possible;

(h) Kyrgyzstan gave examples of where a project was close to a border or a cross-border river, or where it required transport of toxic chemicals through the affected Party;

(i) In Lithuania, the proponent identified whether the planned activity was likely to have significant adverse transboundary impact while preparing the EIA documentation. The authorities also examined the possibility of such an impact;

(j) Expert judgment was used in the Netherlands to determine whether a planned activity was likely to have significant adverse transboundary impact, applying the precautionary principle. If it was to be located within five km of the border then the competent authorities gave specific attention to a possible transboundary impact. If there was uncertainty about a project further from the border, the Netherlands initiated dialogue with the affected Party and that might lead to a transboundary EIA procedure;

(k) In Norway, the competent authority generally identified transboundary EIA activities and the local environmental authorities identified the transboundary impact, which was further determined through consultation.

(l) Romania referred to its legislation to determine the significance and likelihood of adverse transboundary impact, and considered the outline of potential environmental effects that was included in the project description;

(m) In Slovakia, the EIA documentation addresses transboundary impacts, and criteria are used to determine significance;

(n) In Spain, it was simply those projects listed in Appendix I of the Convention or in the European Union EIA Directive, whereas Poland referred to Annexes I and II of the EIA Directive and to project thresholds;

(o) Switzerland referred to the location near the border of projects subject to domestic EIA, and to the findings of the EIA;

(p) Finally, the United Kingdom indicated that it did not notify Member States of the European Economic Area, including the European Union, under the Convention, but rather under the EIA Directive, and that it considered it unlikely that it would notify under the Convention given its location. Activities notified, except in Northern Ireland, had been marine dredging projects, with possible effects on the fisheries or coastline of

the notified States. Significance was determined on the basis of the EIA and of information supplied by affected States and other stakeholders.

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?

128. Several respondents indicated that there was no distinct chapter on transboundary issues (Armenia, Italy, Romania), or no legal requirement to structure the EIA documentation in this way (United Kingdom). France reported that the information was spread across the documentation. However, other countries indicated that a separate chapter (or section or even document) on transboundary issues in the EIA documentation was (or would have been) recommended (Germany, Norway) or provided (Czech Republic, with its content reflecting the significance of such issues; Kyrgyzstan; Lithuania; Netherlands; Poland; Slovakia; Switzerland), according to the legislation (Austria, Estonia), and taking into account information and comments by the affected Party (Hungary). In Croatia, the structure of the EIA documentation was outlined in law and the content was defined in agreement between the points of contact. Finland considered having a separate chapter as advantageous.

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

129. Respondents did not generally distinguish transboundary EIA methodologies from general EIA ones, though in Hungary transmission calculations might have played a greater role in transboundary EIAs. In many Parties, the proponent or its experts selected the appropriate prediction and comparison methods (Bulgaria, Estonia, France, Germany, Lithuania, Switzerland, Ukraine, United Kingdom). However, Italy's legislation indicated many methods, and Croatia's legislation required the use of certain methodologies. Some respondents identified specific methodologies:

(a) France, the Netherlands and Poland noted frequent use of multicriteria analysis to compare alternatives;

(b) Armenia and Kazakhstan noted prediction methods and methods for the comparison of alternatives;

(c) Bulgaria referred to matrices;

(d) The Czech Republic referred to scenario building and the comparison of alternatives.

(e) Finland referred to models analysis and disaggregative comparison methods;

(f) Kyrgyzstan referred to quantitative and qualitative analyses and the comparison of alternatives;

(g) Norway noted the use sometimes of interactive conferences with the public to supplement more technical methods, especially for infrastructure projects;

(h) Romania noted the use of emission dispersion and other simulation models.

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?

130. Respondents provided diverse information regarding translation and interpretation during transboundary EIA procedures:

(a) Austria, when notifying, had provided the project description and an analysis of possible transboundary impact in the language of the affected Party. It had then provided in the language of the affected Party all parts that relate to transboundary issues of the EIA documentation, the evaluation of the documentation, and the decision. Austria had received documentation in Czech only, which it had had to translate, resulting in costs and delays;

(b) Bulgaria had held consultations between concerned Parties in English, unless otherwise specified in bilateral agreements. According to the legislation, the proponent had to translate the non-technical summary and, unless agreed otherwise, the full EIA documentation;

(c) Croatia had once provided all the EIA documentation in its language and had once translated into English the documentation relating to transboundary issues. Interpretation was used in meetings;

(d) The Czech Republic did not normally translate documents, considering this a matter for each Party to arrange individually, whether EIA documentation or comments from the affected Party's public. When the country as Party of origin translated documents, this was organized by the Ministry of Environment but paid for by the proponent;

(e) Estonia gave the example of a scoping report translated into English and the summary of the subsequent EIA documentation being translated into English and Russian;

(f) Finland indicated that this was arranged between points of contact on a case-by-case basis, but with materials needed for public information always being translated;

(g) France reported that it generally notified in French and received EIA documentation in the language of the Party of origin, the exception being for marine dredging projects. However, the legislation did allow for the translation of documentation into French so as to promote effective public participation, though this did not appear to have been applied;

(h) Germany reported delays and expense for its authorities receiving materials in Czech. As a Party of origin, Germany always translated at least the non-technical summary and other parts of the documentation relevant for public participation, as well as parts of the final decision, subject to reciprocity. Its bilateral agreement with Poland addresses translation;

(i) Hungary's legislation required that it translate into the language of the affected Party the non-technical summary and the "international" chapter. When Hungary received documentation not in Hungarian, it first translated the table of contents so as to identify which sections were relevant and required translations, together with the summary. Hungary noted that translation of documentation received was costly and time-consuming, making it difficult to respect deadlines. It also noted that it was difficult to identify competent translators;

(j) Italy indicated that most documents were provided in the official language of the affected Party, though sometimes in English instead;

(k) Kazakhstan and Kyrgyzstan noted the common use of Russian in Eastern Europe, Caucasus and Central Asia, but Kyrgyzstan highlighted the need occasionally to translate materials into, and to hold discussions in, Kyrgyz in more rural areas;

(l) Latvia and Lithuania considered that translation might have been addressed in bilateral agreements. Where there was no bilateral agreement, Lithuania reported that for one project it had translated the full EIA documentation into English and Russian, but for other projects only the summary was translated;

(m) The Netherlands reported that, under bilateral agreements, it generally translated the notification of intent, the EIA procedure (including time frames and conditions on participation), the summary of the EIA documentation, a summary of the permit request, and draft and final decisions. No translation was required when dealing with Flanders (Belgium);

(n) Norway indicated that it translated into English (which is acceptable for Denmark, Finland and Sweden) the project description, notification and possible transboundary impacts, when notifying, and then the EIA and other relevant documentation. Translation and interpretation into Russian was reportedly a challenge;

(o) Poland referred to a bilateral agreement according to which the notification, the part of the EIA documentation relating to the affected Party's territory, part of the final decision and other letters had to be translated, and interpretation provided during consultations;

(p) Romania reported translation into English of the project description and the EIA documentation, according to its legislation;

(q) Slovakia noted the proponent's responsibility for translation of the summary and, determined case by case, the full documentation. Slovakia also noted difficulties arising from the time taken for translations and the adequacy of the translation, particularly of technical terms;

(r) Spain simply reported that the language usually used was Spanish;

(s) Sweden referred to discussions between the Parties and the developer to arrange for necessary translations;

(t) Switzerland noted that its national languages corresponded to the languages of its neighbours, therefore assuring adequate translation;

(u) Ukraine noted translation into English, if necessary;

(v) The United Kingdom had encouraged the project proponent to provide translations into the language of the affected Party. If the proponent failed to do so, then the United Kingdom might have provided translation of the non-technical summary and of information relating to transboundary impact.

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?)

131. Several respondents indicated that as Party of origin they had not organized (Croatia, Czech Republic, Estonia, Poland, Romania, United Kingdom) public participation in an affected Party, or did not do so as this was the responsibility of the affected Party (France, Hungary). Similarly, Switzerland relied on the authorities in the affected Party. Italy indicated that consultations in the affected Party were generally in line with that country's legislation and Hungary, as an affected Party, had organized its own public participation. Denmark as an affected Party had also organized its own public participation, but in cooperation with the Party of origin.

132. The Netherlands had organized public participation in affected Parties; had organized public hearings, with interpretation, in the Netherlands as a Party of origin; had translated announcements in local newspapers in affected Parties; and had points of contact in regional (local) authorities. Norway, as a Party of origin, had also organized public hearings in an affected Party. Finland was developing its public participation procedures but, as a Party of origin, was holding public hearings for two projects, for one in Sweden and the other in Finland, with the Swedish public being invited.

133. Austria, as an affected Party, and Croatia, as a Party of origin (in different cases), received large numbers of comments from the public of the affected Party. However, several respondents had difficulties with, and had received complaints about, the public participation:

(a) Austria reported that, as an affected Party, its public had complained about public hearings in the Party of origin (no opportunity for discussion, no interpretation) and the quality of the EIA documentation;

(b) The Czech Republic noted that it had provided a public hearing in its country and invited the public of the affected Party, but the latter had been dissatisfied with the quality of the consecutive interpretation;

(c) Hungary noted that NGOs participated more actively than the general public;

(d) The Netherlands reported that there were sometimes complaints about the procedure or about EIA documentation that had not been translated;

(e) Norway reported that members of the public in the affected Party sometimes complained that they had not been notified;

(f) Romania also reported problems because the EIA documentation had been made available in English rather than the language of the affected Party. National NGOs in Romania had also noted: poor interpretation during public hearings; only one in 20 participants was female and most participants were retired; too much information was provided in too short a period; there were few public comments; and there had been an emphasis on economic and mobility aspects.

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

134. Several respondents described difficulties they had encountered during consultations:

(a) Austria reported that as affected Party it had insisted on holding more than one meeting for consultations, despite the Party of origin insisting that the Convention provided for only one such meeting. Austria was of the opinion that it was the time frame rather than the number of meetings that determined the consultations;

(b) Croatia reported difficulties arising when the EIA documentation had to be amended in response to comments from the affected Party, rather than involving the affected Party in scoping the EIA. Croatia also noted slow information and documentation flows;

(c) The Czech Republic referred to the interpretation problems described above;

(d) Estonia noted that there had not, on one occasion, been sufficient time for public hearings in an affected Party;

(e) Kyrgyzstan referred to timing problems;

(f) The Netherlands observed that additional translations were necessary to promote understanding of one’s neighbours’ procedures and administrative culture;

(g) Norway noted incompatibilities between procedural timetables in the concerned Parties;

(h) Romania indicated that relying on translations into English led to difficulties;

(i) Sweden noted that time limits were sometimes a problem, especially if consultations were during the summer vacation period;

(j) Switzerland referred to problems arising if the notification arrived later in the procedure;

(k) The United Kingdom noted difficulties getting affected Parties to respond to requests to indicate whether they wished to participate.

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.

135. Respondents gave examples of the final decision:

(a) Austria as an affected Party had received final decisions in Czech; all decisions were publicly available;

(b) Bulgaria noted that the final decision contained the grounds for the decision and conditions on the design and construction stages;

(c) Croatia reported that the form, content and language of the final decision were determined by national legislation and that the affected Party was responsible for communicating the final decision to its public;

(d) The Czech Republic reported that the final decision contained, as determined by the legislation, the decision itself, its justification and the possibility for appeal. A copy was sent to the affected Party in Czech;

(e) Denmark indicated that the decision was communicated to the affected Party in the same way as to the domestic authorities;

(f) Estonia indicated that the content of the final decision was determined by the appropriate national legislation, and that it included conditions on the activity (such as mitigation measures and monitoring). For transboundary cases, the decision was to be translated into English;

(g) In Finland, the content of the decision varied according to the permitting legislation, but it generally contained information on the project, its impacts, the decision itself, its justification and how the EIA was taken into account. The decision was in Finnish and, in some cases, Swedish. It was sent to the affected Party;

(h) France reported also that the content of the final decision was determined by the appropriate national legislation, was in French and was sent in letter form to the affected Party;

(i) Germany noted sending the whole decision, translated if possible, in paper and possibly electronic forms;

(j) Italy referred to one case where the affected Party took part in approving the final project on completion of the EIA procedure;

(k) The Netherlands reported that the final decision was published in local newspapers in the affected Party, with more detailed information available from the authorities in the affected Party;

(l) In Norway, the final decision was brief for projects under the planning and building act (and subject to municipal voting), but was often longer and more technical for projects under sectoral laws. The final decision was translated into English (or Russian) and sent to the affected Party, which was then responsible for distribution to those who commented on the EIA documentation;

(m) Poland reported usually receiving the final decision in Polish, with the Ministry of Environment then asking the regional authorities to make it available to the public;

(n) In Romania, the form and content of the final decision (environmental agreement) were determined by national legislation, including conditions and justification. The final decision was translated into English and then sent by post and e-mail to the affected Party through diplomatic channels;

(o) Sweden noted sending the decision to the affected Party in Swedish and, if necessary, translated in part or in whole;

(p) Switzerland indicated that a decision under the Convention had the same form as any other decision, but it also dealt with submissions from the affected Party;

(q) Ukraine noted the issue of the final decision by the Ministry of Foreign Affairs, generally in English;

(r) The United Kingdom indicated that the final decision, issued in English, included conditions on the commencement and operation of the activity.

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

136. Though many respondents had no experience of carrying out post-project analyses, some were able to give examples:

(a) Croatia reported monitoring programmes providing the basis for post-project analysis for two projects: offshore gas production and pipelines, and flood protection;

(b) Estonia noted that a power plant renovation project was subject to monitoring, but pre-dated the 2005 domestic requirement to carry out an ex-post evaluation of EIA on the basis of monitoring results;

(c) France expected several infrastructure projects to be subject to evaluation five years after construction had begun;

(d) Romania had agreed to carry out a post-project analysis for a nuclear power plant project;

(e) The United Kingdom reported that for marine dredging projects operators had to provide annual reports on post-project monitoring, with a substantial survey and report every five years.

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.).

137. Again, though many respondents had no experience of organizing transboundary EIA procedures for joint cross-border projects in the period, some were able to give examples:

(a) Austria referred to the Brenner (or Brennero) Tunnel between it and Italy, with EIA occurring much earlier in Italy and on the basis of less-developed project documentation. Experts from the two Parties and the developer collaborated in drawing up the documentation and in the assessment, while the national procedural steps were taken separately by the two Parties. Italy added that a bilateral agreement had been prepared to address various practical arrangements of the project;

(b) Denmark, Germany and Sweden noted the Baltic Sea gas pipeline ("NordStream") which was the subject of a notification in November 2006;

(c) The Netherlands referred to numerous joint cross-border projects (railways, motorways, waterways, oil and gas pipelines, power lines, industrial sites and nature development sites) for which the application of its bilateral agreements had proved very useful;

(d) Norway reported plans for a meeting between its focal point and Finland's to discuss coordination regarding a cross-border road;

(e) Romania provided information on a bridge across the Danube River to Bulgaria. Bulgaria indicated that the EIA procedure had been completed in 2002, but for Romania it had began with a bilateral agreement in 2001 (which led to a joint committee and numerous joint working groups) and was still on going in December 2004 when a public hearing was held in Romania. This reflected a two-stage approach comprising a

preliminary EIA according to Bulgarian legislation and a final EIA according to Romanian legislation;

(f) Switzerland referred to numerous such projects (hydropower, railways, roads, pipelines and power lines), noting the importance of good cooperation and of seeking to harmonize EIA and approval procedures.

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?

138. Several respondents provided examples of good practices:

(a) Austria reported on the transboundary EIA of six interim storage facilities for spent nuclear fuel in Germany, noting that a common language had facilitated consultations and public participation;

(b) Bulgaria and Romania referred to the second bridge over the Danube River between the two countries (already the subject of a Convention fact sheet available on the Convention's website);

(c) Estonia noted that, though time frames were too tight, a case in 2002 with Finland as the affected Party had included good practice elements: early notification, informal contacts by e-mail and EIA documentation amended to take into account comments by Finland;

(d) Hungary reported that Romania had notified it in a timely fashion regarding the Rosia Montana goldmine project and that Romania had accepted suggestions on the scope of the EIA;

(e) Hungary also reported that Croatia had accepted a request for additional information on a hydropower plant and had accepted terms of reference for the EIA documentation addressing transboundary impacts. The technical and hydrological chapters of the documentation had been very well prepared;

(f) Italy referred again to the Brenner (Brennero) Tunnel;

(g) Switzerland reported that the procedure for Basel-Mulhouse Airport had gone well.

L. Cooperation between Parties during the period

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

139. Many Parties had not experienced difficulties arising from different legal systems in neighbouring countries. France noted that one of the main implications of implementing the

Convention had been the need to understand applicable procedures in neighbouring countries. Lithuania noted the importance of bilateral agreements to overcome differences, whereas the Netherlands referred to the fact that the translation of legislation, dialogue and the exchange of expertise had increased knowledge and understanding between neighbouring States. Finland noted the importance of good relationships between points of contact. Denmark reported about the harmonization of procedures for the public hearing for a nuclear power plant in a neighbouring country, as well as harmonization of procedures for the above-mentioned NordStream project. Germany noted that difficulties had to be solved case by case, referring also to the negotiation of a bilateral agreement. Switzerland indicated that trilateral discussion of guidelines, and joint EIA procedures, both promoted understanding and resolution of problems.

M. Experience in using the guidance during the period

Question 52. Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available online? 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

140. Some countries had used the guidance on public participation in transboundary EIA (Armenia and France, for regulations only; Croatia; Finland; Kyrgyzstan; Latvia, for notification only; Lithuania; Moldova). Germany had distributed the guidance widely. Others had not used the guidance (Austria; Azerbaijan; Bulgaria; Czech Republic; Denmark; Netherlands; Norway; Slovakia; Slovenia; Sweden; The former Yugoslav Republic of Macedonia; Ukraine; United Kingdom). Italy noted the primacy of national legislation.

b. Guidance on subregional cooperation

141. Several countries had used the guidance on subregional cooperation (Bulgaria, partially; Croatia; France, for regulations only; Kyrgyzstan; Moldova). Armenia indicated its use in defining the topic of a subregional seminar. Germany again had distributed the guidance widely. Switzerland noted that it had supported the elaboration of this guidance. Others had not used the guidance (Austria, Azerbaijan, Czech Republic, Denmark, Finland, Latvia, Lithuania, Netherlands, Norway, Slovakia, Slovenia, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom).

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

142. More countries reported use in practice of the guidance on good practice and on bilateral and multilateral agreements (Armenia, for regulations only; Austria (“very useful”); Bulgaria; Croatia; Estonia; Finland; France; Germany (“positive”); Hungary, extensively; Latvia, for notification only; Lithuania; Moldova; Norway (“useful”); Poland (“very useful”); Romania; Sweden; Switzerland). Germany reported translation and wide distribution. Others had not used the guidance (Azerbaijan, Czech Republic, Denmark, Kyrgyzstan, Netherlands, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom).

N. Clarity of the Convention

Question 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.

143. Difficulties encountered when implementing the procedure defined in the Convention included:

(a) The time schedule was tight (Estonia) or the overall procedure was long (Croatia, Romania);

(b) The use of diplomatic channels caused substantial delays, so the use of contact points was vital (Hungary);

(c) It was difficult to determine a likely significant adverse transboundary impact, noting the Bystroe Canal Project in Ukraine (Romania);

(d) There were difficulties with translation (Ukraine) and time frames, which needed to be addressed in bilateral agreements (Austria, Lithuania).

144. Regarding the clarity of the Convention's provisions, France noted that the Convention's requirements were not always clear as they mixed obligations with recommendations; Switzerland similarly noted a large margin for interpretation. The meaning of the word "likely" was not clear to Hungary, whereas for Kyrgyzstan the terms "major" (Appendix I), "large" (Appendices I and III) and "close to an international frontier" (Appendix III) were unclear. Similarly, others sought guidance on post-project analysis (Czech Republic) and Article 6.3 (Finland). Respondents went on to describe what approaches strengthened their implementation of the Convention:

(a) Obligations and procedures in national legislation (Bulgaria, Netherlands, Poland, Slovakia);

(b) Independent expert opinion on data in the notification and EIA documentation (Czech Republic);

(c) Bilateral agreements to govern practical application (Austria, Croatia, Lithuania, Netherlands, Poland, Slovakia);

(d) Experience in transboundary EIA (Austria, Croatia);

(e) The delegation of responsibility to local authorities with first hand information, though this was also recognized as a weakness when it had led to the late identification of transboundary cases (Norway);

(f) The training of local authorities (Croatia).

O. Awareness of the Convention

Question 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.

145. Respondents reported on such activities:

(a) Events (information days, seminars, workshops) addressing the Convention or transboundary EIA (Cyprus, Estonia, Finland, Kazakhstan, Kyrgyzstan, Lithuania, Moldova, Poland, Slovakia, The former Yugoslav Republic of Macedonia, United Kingdom);

(b) Regular or frequent discussions with and informing of authorities on implementation of the Convention (Austria, Germany, Switzerland);

(c) Publication of the Convention in the national collection of international treaties (Czech Republic);

(d) Distribution of guidance addressing transboundary EIA (Armenia, Croatia, Germany, Kyrgyzstan, Poland), including with respect to public participation (Romania, in collaboration with NGOs), as well as the Convention's guidance on its practical application translated into the national language (Austria, Estonia, Hungary);

(e) Support of activities by a national EIA society (Germany);

(f) Raising awareness of a bilateral agreement (Netherlands);

(g) Leaflets on EIA, including transboundary EIA (Cyprus);

(h) Information about transboundary EIA cases on a website (Austria, Bulgaria, Croatia);

(i) Information about the Convention and its application (Austria, Bulgaria, Estonia, Germany, Hungary, Kyrgyzstan, Lithuania, Norway, Slovakia) or about transboundary EIA (Germany, United Kingdom) on a website;

(j) An NGO project on increasing awareness and participation in the Convention in industrial zones close to borders (Armenia) and, similarly, a meeting with NGOs to facilitate their participation (Azerbaijan);

(k) A project to promote application with a neighbouring State (Austria).

Question 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 ongoing?

146. Respondents indicated a variety of legal and administrative developments that were proposed or ongoing:

(a) Continued development of (transboundary) EIA legislation (Armenia, Azerbaijan, Croatia, Czech Republic) or public participation and access to justice (Germany);

(b) Possible ratification of the amendments to the Convention (Ukraine);

(c) More training of (local) authorities to identify potential transboundary impacts and to improve awareness of the Convention (Croatia, Estonia);

(d) Broader distribution of tasks and more resources as the number of transboundary EIA cases increases (Hungary);

(e) Preparation of bilateral agreements (Azerbaijan, Lithuania, Moldova);

(f) Preparation of guidance on EIA of transboundary projects (Finland);

(g) Preparation of guidance on transboundary EIA procedures (Kazakhstan, Norway);

(h) Raising awareness of public participation in EIA (Romania);

(i) Systematic recording of transboundary EIA cases (Switzerland);

(j) Greater cooperation with other neighbouring States (The former Yugoslav Republic of Macedonia).

147. Other respondents (Bulgaria, Cyprus, Liechtenstein, Netherlands, Poland, Slovakia, Slovenia, United Kingdom) reported that no such improvements were required, whereas France and Latvia indicated that more experience was needed before necessary developments could have been identified.

P. Suggested improvements to the report

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

148. Some respondents provided suggestions on how to improve the questionnaire:

(a) A shorter questionnaire with fewer questions (Bulgaria, Cyprus, France, Germany, Kazakhstan and Switzerland), and no subdivision of questions (Latvia);

(b) A simplified questionnaire (Bulgaria and France), with duplication, repetition or overlap removed (Bulgaria, Cyprus, Finland, Kazakhstan, Latvia, Lithuania and Moldova);

(c) Simpler questions, with yes/no or multiple-choice answers (Germany and the United Kingdom);

(d) Less theoretical, with more examples (Switzerland);

(e) Removal of questions of definitions of terms (Moldova);

(f) More relevant and focused questions (France and Italy);

(g) A longer reporting period, as transboundary EIA procedures are long and legislation changes infrequently (Hungary);

(h) Access to software tools (spelling- and grammar-checking) (Germany and the United Kingdom) and not using the forms feature (grey boxes where text may be entered) of Microsoft Word (Germany).