

**REPORT OF Norway FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**
for the period mid-2003 to end of 2005

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

Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

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

Planning and Building Act, Section VII-a, §33-3 and § 16 in regulations to the law. The regulation covers the contents of the law. The law was amended in 2004. The amendment included implementation of the SEA Directive and the SEA Protocoll. Regulations to the ameded act entered into force 01.04.2005. Guidance to the regulation is under preparation and will be ready by summer 2006.

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*
 - a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*
 - Preconsultation by competent authority to concerned authorities to clarify possible application of EIA/SEA
 - If EIA/SEA: The proposer has to draw up a proposal for a planning or assessment program.
 - Competent authority makes the proposal available for public inspection and circulates it on public hearing to concerned authorities and interest organisations.
 - On basis of the proposal and the comments thereon, the competent authority shall prescribe a programme for the planning or assessment work.
 - Proposed plans or project applications with an environmental impact assessment document shall be circulated to concerned authorities and interest organisations and made available for public inspection
 - The competent authority shall, on basis of the consultation, decide whether there is a need for supplementary assessments. Any such shall be circulated for comments to those who have submitted comments on the proposal.
 - Acceptance of the EIA/SEA documentation is done as part of the planning og development decision.
 - The need for an environmental follow-up program shall be considered in the decision making process and and if needed requirements for such shall be included in the decision.
 - b. *Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

§ 16 in the EIA regulation reads as follows:

(Guidance to the regulation will when ready summer 2006 describe the procedures to be followed for transboundary EIA/SEA in more detail).

If a plan or a project may have significant environmental effects in another state, the competent authority shall send the programme for the planning or assessment to the authorities in the concerned state for comment. A copy of the documents shall be sent to the Ministry of the Environment, which shall notify the right authorities in the concerned state.

The competent authority shall consider comments from the state concerned in the same way as other comments and subject to the same time limits.

The Ministry of the Environment may order the proposer to prepare a notification document and a proposed plan or an application with an environmental impact assessment in the foreign languages necessary, and to take part in a public meeting in the state concerned.

If Norwegian authorities are notified of, or in another way learn of plans or projects in another state that may have significant effects for Norway, the Ministry of the Environment shall be informed of this.

The Ministry of the Environment shall ensure that information concerning the plan or the project from the country of origin is made known to the Norwegian authorities concerned and other interested parties, and that comments made by Norwegian authorities and other interested parties are sent to the country of origin.

- 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.*

Ministry of Environment and Ministry of Foreign Affairs are responsible for legislative steps.

Ministry of Environment is point of contact, but can delegate the role as point of contact to the competent authority from case to case.

For plans, the planning authorities (municipality and county) are competent authority. For certain Annex I projects The Pollution Control Authorities, Norwegian Water Resources and Energy Directorate, Ministry of Petroleum and Energy Norwegian Radiation protection Authority, Coast Directorate are competent authority and responsible for the procedural steps according to the Convention

- 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?*

Until 2003 the Norwegian Institute of Urban and Regional research (www.nibr.no) registred all cases for the Ministry of Environment. It is at the time being not decided whether to renew the contract or not.

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

No

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

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

Our national list in Annex I goes beyond the Appendix I to the Convention

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);*

The projects listed in Appendix I to the Convention is implemented in Annex I to the Norwegian EIA/SEA regulation, and these projects has to follow the EIA/SEA procedures included § 16 in the regulation regarding likely significant adverse transboundary impacts. § 3 in the regulation lists projects for which specific criteria in § 4 should be applied to see if EIA/SEA is needed (cf article 2.5/AppendixIII to the Convention) and if so the same procedures regarding transboundary impacts.

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

An EIA/SEA has to be undertaken if a change (expansion or modification) surmounts the thresholds to determine EIA /SEA or not set for each project in Annex I to the regulation. Likewise, for changes to projects listed in § 3, the thresholds to determine EIA/SEA or not set for each project i § 3 should be used.

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

The developer shall consider and the competent authority shall determine whether impacts are likely to be "significant", using the criteria in § 4 which lists different types of location in natural and built environment according to legal conservation status, different effects on humans and on the environment and "significant adverse impacts in another state" as a specific criterion.

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

It is likely if there is a certain possibility of such an impact. If uncertain then the competent authority decides.

PUBLIC PARTICIPATION

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

Equivalent definition. We consult the affected party by exchanging views of best ways to involve the public.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

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

Affected party shall be notified at the same time as the first hearing for own public i.e. at the stage of the proposal for planning og assessment program, cf question 2a. In some cases the application of the Conventnion has become clear during the hearing periode which has led to a delay in the notification to the affected party with some weeks.

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

The EIA/SEA regulation requires the notification to include a description of the project, possible transboundary effects and an invitation to participate in the EIA/SEA process with a call to propose appropriate consultation procedures

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?*

Same time frame as for own public. We try to accommodate delays if within reasonable timeframes.

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?*

Both in the notification

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)?*

No legal provisions or practiacal experience

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?*

For pp see question 6. We provide the authorities in the affected party with all documents open for public inspection in Norway

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?*

yes

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?

yes

QUESTIONS TO AFFECTED PARTY

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

Depends on the significance of the impacts from case to case. Concerned authorities and interests are involved in the same way as if national EIA/SEA

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

No legal provisions. no experience.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

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

§ 8 in SEA/SEA regulation reads as follows:

Proposed plans or applications with an environmental impact assessment shall be relevant for the type of plan and the decision to be made and, as far as possible, be based on the information available, and necessary updating of this.

Proposed plans or applications for projects with an environmental impact assessment shall describe the effects of the project, cf. Annex II, column B. In the case of zoning plans, the overall impact of the plan shall be included when assessing the consequences. An account shall be given of what can be done to adapt the project to its surroundings and to mitigate adverse effects or inconveniences, and of the need for and proposal for an environmental follow-up programme with a view to monitoring and clarifying the actual effects of the plan or project. Matters that are satisfactorily elucidated in the master plan, including relevant alternative locations, shall not be reassessed.

The environmental impact assessment shall contain necessary illustrations and maps. A summary of the proposed plan or application with an environmental impact assessment shall be prepared.

Annex II, column B reads as follows:

The environmental impact assessment shall satisfy the requirements set out in the prescribed planning or assessment programme and to the extent necessary include the following elements:

- a) A description of the project, including
 - the purpose of the projects,
 - types of activities, including appurtenant activities,

- a description of the reference alternative,
 - the time schedule for the project,
 - architectural and aesthetic design, features and qualities,
 - types and quantities of emissions
 - land-use and
 - labour requirements
- b) A survey of public and private measures necessary for the implementation of the project.
- c) An account of how the project relates to municipal and county plans and of the permits issued by public authorities necessary for its implementation.
- d) A description of the environment, natural resources and societal conditions, including an account of plans, objectives and guidelines for the areas involved.
- e) A description of the effects of the plan or project on the population's health and access to outdoor areas, buildings and services, fauna and flora, soil, water, air, climate, the landscape, Sami natural and cultural heritage, material assets, cultural heritage and cultural environments, aesthetic considerations, emergency preparedness and the risk of accidents and interactions between these elements. The effects shall be described in relation to plans, objectives and guidelines for the environment, natural resources and the community in the areas involved.

When several development projects in an area may collectively have significant effects, the project's cumulative nature in relation to other projects carried out and planned in the project's area of influence shall be assessed. In cases involving reindeer husbandry interests, the overall effects of plans and projects within individual reindeer pasture districts shall be assessed.

A brief account shall be given of the basic data and methods used to describe the effects of the project, and of any lack of know-how or technical deficiencies encountered in compiling and using the data and methods.

- f) A description in accordance with e) above of the effects on any other state that may be affected by the project.
- g) A summary of the project's effects and a comparison and evaluation of the alternatives in relation to their effects and in relation to relevant plans, objectives and guidelines.
- h) An account of measures that can be taken to prevent or mitigate any inconvenience or adverse effects of the project.
- i) The recommendation of the proposer regarding his choice of alternative.
- j) An evaluation of the need for, and possibly,

proposals for further studies before the project is carried out.

k) An evaluation of the need for, and possibly, proposals for studies for the purpose of monitoring and elucidating the actual effects of the project.

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

These procedures are secured through the processes following the Planning and building act. cf question 2.a.

§ 9 in the EIA/SEA regulation reads as follows:

Proposed plans or applications with an environmental impact assessment shall be circulated to authorities and special interest organizations concerned for comments and made available for public inspection, cf. section 19-4, second paragraph, section 20-5, second paragraph or section 27-1, no. 2, of the Planning and Building Act.

Relevant background documents and expert reports shall be available at the premises of the competent authority and the proposer. As far as possible, proposed plans or applications with an environmental impact assessment and any expert reports shall be made available on the Internet.

Section 10 Supplementary assessments reads as follows:

The competent authority shall, on the basis of the consultation, decide whether there is a need for supplementary assessments or documentation on specific matters. Any supplementary assessments shall be circulated for comments to those who have submitted comments on the proposed plan or application with an environmental impact assessment.

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

Case by case with focus on realism and relevant to decision. For infrastructure projects, especially transport, alternative strategies and locations might be reasonable and for more simple or defined industrial projects alternative technology might be reasonable to assess

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)?*

See question 5c, and in addition through a possible consultation with affected party

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?*

Normally all, but not separate expert reports clearly not relevant for the effects of concern

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)*

Sent to our competent authority with copy to us (Ministry of Env). Dealt with equivalent to other comments, see question 2a. If conflicts, then Ministry of Env is responsible for possible negotiations

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?

We use the same time frame as for hearing/p inspection in Norway - not less than 6 weeks. § 13 in the EIA/SEA regulation reads:

The competent authority shall consider comments from the state concerned in the same way as other comments and subject to the same time limits.

Extension of the deadline is normally not a problem

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

EIA documentation and project application/plan

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?*

A meeting (public hearing) for the affected public in the affected party may be initiated by the competent authority at stage of notification and/or during the minimum 6 weeks of public inspection/hearing of the IAdoc.

QUESTIONS TO AFFECTED PARTY

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

same as for question 23

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?*

Normally organized by us (Ministry of Env in the affected party) in dialogue with party of origin from case to case.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

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

No experience but Article 5 is considered as part of the public participation and comments following Art. 4.2. with the intention to aim for early consultation. We set consultations from case to case beforehand.

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?

No experience

QUESTIONS TO AFFECTED PARTY

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

Normally Ministry of Env in Norway, regional environmental state authority (county governor) and affected municipality/county. Only experience with written communications. We write to the party of origin if consultations are not needed.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

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

Decisions following a procedure in the Planning and building act and/or sector acts. When two, or more, acts are involved we have two, or more, decisions and it varies which is the last and final. All projects in Appendix I require a decision

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)*

Reviews of the EIA regulation states that EIA betters the professional grounds for taking a decision especially to find remedial action and better alternatives within the project frames, but that as a tool help to decide whether or not to start a project is it not very efficient.

§ 11 in EIA/SEA regulation reads as follows:

When dealing with and making a decision in the case, the planning authority or the licensing authority shall take into account the environmental impact assessment and the comments thereon.

The written presentation or the administrative recommendation shall state how the effects of the proposed plan or the application with an environmental impact assessment and the comments received have been assessed, and what significance has been attached to them.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

Yes

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

Final decision with reasons sent affected party

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)*

If the additional information is of relevance to comments made by the affected party they will be consulted.

§ 13 reads as follows:

If plans or projects are changed after the proposed plan or application with an environmental impact assessment have been circulated for comments, cf. section 9, the competent authority shall ensure that the consequences of the changes are explained before an administrative decision is made. The same applies to changes in plans or projects that necessitate renewed processing of the plan pursuant to the Planning and Building Act or a new application pursuant to sector legislation.

§ 14 In the event of the alteration or renewal of a licence, if the project has significant new effects, a public hearing shall be held. At the hearing an account shall be given of the project and its effects on the environment, natural resources and community.

Article 7

Post-Project Analysis

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

The relevant parts of § 11 in the EIA/SEA regulations reads as follows:

An assessment shall be made and insofar as is necessary requirements shall be set for investigations with a view to monitoring and ascertaining the actual effects of zoning plans or projects.

The planning or licensing authority may decide that an environmental follow-up programme shall be prepared with a view to monitoring and mitigating negative effects of significant importance, cf. the third and fourth paragraphs. The environmental follow-up programme shall ensure that the proposer, in cooperation with the supervisory authorities concerned, monitors the effects of the plan or activity, including assessing any unforeseen effects, and takes suitable improvement measures.

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

No experience

Article 8

Bilateral and multilateral agreements

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

no

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

no

Article 9

Research programmes

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

- a) pre and post analysis and monitoring programme of effects on birdslife from windfarms. Started in 2003 - Guidance on Health in EIA under preparation
- d) several projects related integrated transportation and land use planning with public transportation and compact city as alternatives to road building

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

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

Norway has started the ratification process, before end 2006

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?*

Norway has started the ratification process, before end 2006

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

Norway has started the ratification process, before end 2006

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

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

CASES DURING THE PERIOD 2003-2005

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

yes

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

Sweden - extension of Ringhals nuclear power station (norway affected party)

Sweden - fishfarming in river with risk of spreading parasites to Norway (norway affected party)

Sweden and Norway - Expansion of the navigational depth on both sides of the border with possible effect to coastal nature life project (both)

Netherlands - establishment of national airport on an artificial island in the north sea (norway affected party) project stopped'

Finland, Norway, Russia - inter border road between Norway and Finland in north of Norway passing through and close to nature conservation areas (both)

Norway - mining with landscape effects, north of Norway (norway party of origin)

Sweden and Norway - Power lines on both sides of the border with possible effect on nature (both)

Finland - land use plan with possible effect on landscape and the same culture (norway affects party)

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

not of our knowledge

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

For the whole process: one to two years normally.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

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

Yes. Project for fishfarming in Sweden was stopped party because of Espoo

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?*

promptly: as soon as practically possible, i.e. when the information of the project from the party of origin is concrete enough to provide such info

a reasonable time: no less than 6 weeks for both

a reasonable time-frame: individually from case to case

major change: exceeding the criteria in Appendix I

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?*

Transboundary EIA activities are most often identified by competent authority and the adverse effects are most often identified by local or regional environmental authorities. They are further determined/qualified through the process of consultation

- 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?*

A separate chapter is recommended when Norway is party of origin. How much transboundary information to include is determined case by case with focus on the same principle as rest of the EIA - relevance for decision. Sometimes reference is made to other parts of documentation instead of repetition.

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

To compare alternatives, interactive conferences with the public is sometimes used as supplement to more technical assessments, especially for infrastructure projects.

- 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?*

The project description and notification with possible transboundary impacts and then the EIS and other relevant documents are translated to English and this is ok for Finland and Sweden and Denmark (no experience). Regarding Russia translation interpretation/translation to Russian can be a challenge.

- 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?)

When Norway is party of origin the competent authority organises this. Normally by mail but sometimes included public hearing meetings in affected party. Some complaints from private persons likely to be affected but not included in the notification phase.

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

Different EIA or planning timetables in affected and party of origin might lead to problems of timing.

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

For decisions connected to plans for projects under the planning and building act, the form is brief and reflects the political treatment and voting in the municipality. For decisions connected to projects under sector laws, the form varies and often longer and more technical. All translated as above. Sent to focal point in affected party who distributes it to the parties that has given comments in the process

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

no, see answer to q 40

- 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.).*

We have started a process with Finland on a joint cross-border road project. And will have a meeting between the focal points where competent authority participates to settle coordinated EIA process included the questions, above as far as possible.

- 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?*

A high voltage transmission line Norway -Sweden has had a quite well coordinated process between the countries. It also included several meetings cross border. Do not have enough information to say it could be fact sheet.

CO-OPERATION BETWEEN PARTIES IN 2003-2005

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

no

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

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

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

no

b. *Guidance on subregional cooperation; and*

no

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

used, usefull.

CLARITY OF THE CONVENTION

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

Norway has delegated most of the the responsibility for transboundary EIA procedures to the competent authority. this is a strength because they have first hand information, but it is also a weakness in that it sometimes leads to cases beeing identified late in the EIA process as likely to be transboundary

AWARENESS OF THE CONVENTION

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

Regularly discussed from case to case, our homepage has information about the convention and guidance, but no other specific activities.

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

We will clarify the procedures for transboundary EIA in a guidance to the norwegian EIA/SEA regulation before summer 2006

SUGGESTED IMPROVEMENTS TO THE REPORT

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