

**UNECE**

# Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (2016 – 2018)

**Sixth review**



**UNITED NATIONS**

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

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on Environmental Impact Assessment  
in a Transboundary Context  
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## NOTE

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## PREFACE

The Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) was adopted in Espoo, Finland, on 25 February 1991 and entered into force on 10 September 1997. By 2021 there were 45 Parties to the Espoo Convention, including the European Union, as identified on the Convention's website (<https://unece.org/environment-policy/environmental-assessment>). In 2001, the Parties adopted an amendment to the Convention allowing non-UNECE member States to become Parties. That amendment entered into force on 26 August 2014, but five further ratifications are still needed for it to have effect<sup>1</sup>. In 2004, the Parties adopted a second amendment revising, inter alia, the list of activities in Appendix I, allowing affected Parties, as appropriate, to participate in scoping requiring review of compliance procedures and introducing regular reporting on the implementation of the Convention. The second amendment entered into force on 23 October 2017.

The Espoo Convention is intended to help make development sustainable by promoting international cooperation in assessing the likely impact of a proposed activity on the environment. It applies to activities that could damage the environment in other countries. Ultimately, the Espoo Convention is aimed at preventing, mitigating and monitoring such environmental damage.

The Espoo Convention ensures that explicit consideration is given to environmental factors well before the final decision is taken on activities with potential environmental impacts. It also ensures that the people living in areas likely to be affected by an adverse impact are informed of the proposed activity. It provides an opportunity for these people to make comments or raise objections to the proposed activity and to participate in relevant environmental impact assessment procedures. It also ensures that the comments and objections made are transmitted to the competent authority and are taken into account in the final decision.

A Protocol on Strategic Environmental Assessment to the Espoo Convention was adopted on 21 May 2003 and entered into force on 11 July 2010; by 2021 it had 33 Parties, including the European Union. It applies the principles of the Espoo Convention to plans, programmes, policies and legislation, but with a focus on the national impact assessment procedures.

Since the Meeting of the Parties first decided at its second session, in 2001, that a review of the implementation of the Convention should be undertaken (MP.EIA/2001/11, annex) six reviews have been carried out and subsequently adopted by the Meeting of the Parties and published by the secretariat<sup>2</sup>. These reviews were undertaken on the basis of responses to a questionnaire by Parties (and by some non-Parties) to the Convention during the respective reporting rounds<sup>3</sup>.

<sup>1</sup> UN Member States that are not members of the ECE may only be able to accede when the first amendment has entered into force for all the 31 States and organizations that were Parties to the Convention at the time the amendment was adopted on 27 February 2001 (new art. 17, para. 3). The following five Parties still need to ratify the amendment to make it operational: Armenia, Belgium, North Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

<sup>2</sup> Reviews of implementation are available following the link: <https://unece.org/environment-policy/environmental-assessment/review-implementation-national-reporting>

<sup>3</sup> The first review of implementation (2003) was adopted by the Meeting of the Parties to the Convention at its third session in 2004 (ECE/MP.EIA/6); the second review of implementation (2003–2005) was adopted by the Meeting at its fourth session in 2008 (ECE/MP.EIA/11); the third review of implementation (2006–2009) was adopted by the Meeting of the Parties at its fifth session in 2011 (ECE/MP.EIA/16); the fourth review of implementation (2010–2012) was adopted by the Meeting of the Parties at its sixth session (2013) (ECE/MP.EIA/23); the fifth review of implementation (2013–2015) was adopted by the Meeting of the Parties at its seventh session in 2017 (ECE/MP.EIA/25). All the reviews of implementation are available from <https://unece.org/environment-policy/environmental-assessment/review-implementation-national-reporting>

This publication contains the Sixth review of implementation of the Espoo Convention, as adopted by the Meeting of the Parties to the Convention at its eighth session (Vilnius (online), 8–11 December 2020)<sup>4</sup>. It examines responses to a questionnaire on countries' implementation of the Convention in the period 2016–2018. The Meeting of the Parties noted the findings of the present Review and requested the Convention's Implementation Committee to take into account general and specific compliance issues identified in the Review in its review of compliance by Parties with their obligations under the Convention. Besides its importance to the Implementation Committee, this Review provides valuable information for Parties wishing to strengthen their implementation of the Convention, for States considering acceding to the Convention in their legal and administrative preparations, and for others wishing to understand better how the Convention is implemented in national legislation and applied in practice.

The seventh review of the implementation is expected to cover the period 2019- 2021. As mandated by the Meeting of the Parties at its eighth session will be based on the questionnaires modified with a view to making the reviews of implementation more informative for the Implementation Committee regarding potential non-compliance and turn them into tools for collecting and disseminating good practice<sup>5</sup>.



<sup>4</sup> ECE/MPEIA/30/Add.2-ECE/MPEIA/SEA/13/Add.2.

<sup>5</sup> ECE/MPEIA/30/Add.1-ECE/MPEIA/SEA/13/Add.1, item B.1.; ECE/MPEIA/30/Add.2-ECE/MPEIA/SEA/13/Add.2, para. 5.

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# Introduction

1. This report presents the sixth review of the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). It examines responses to a questionnaire on the Parties' implementation of the Convention and their practical experiences with the Convention from 2016 to 2018, with a view to enhancing the implementation of, and compliance with, the legal provisions of the Convention.

2. The report is structured as follows: section I, containing an outline of the methodology underpinning the sixth review; section II, comprising a review of certain aspects of the Parties' domestic legal and administrative frameworks implementing the Convention; section III, containing a review of the Parties' practical application of, and experiences with, the Convention during the survey period; and section IV, containing a summary of the conclusions of the sixth review of implementation.





# I. Methodology

**3.** The sixth review of implementation of the Convention was prepared in line with the workplan adopted by the Meeting of the Parties at its seventh session (ECE/MPEIA/23.Add.1–ECE/MPEIA/SEA/7.Add.1. decision VII/1, para. 11). Parties reported on their implementation and practical experiences by completing a questionnaire produced by the Implementation Committee and approved by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (see the blank questionnaire in the annex). Both blank (in English, French and Russian) and completed versions of the questionnaires are available on the Convention website.<sup>6</sup>

**4.** Based on the completed questionnaires received by 2 July 2019, the secretariat, with the assistance of a consultant, prepared a draft review for consideration by the Implementation Committee at its forty-fifth session (Geneva, 10–13 September 2019) and the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its eighth meeting (Geneva, 26–28 November 2019). The draft review was then finalized, taking into account comments made by the Parties during and after the eighth meeting of the Working Group.

**5.** Only 50 per cent of the Parties reported by the deadline of 31 March 2019. By 2 July 2019, completed questionnaires had been received from 42 of the 45 Parties to the Convention. The completed questionnaire submitted for Belgium contained the responses from four administrative entities: the Flemish, Walloon and Brussels Capital Regions and the Federal Government. The responses submitted by these four administrative entities varied significantly. Therefore, as was the practice in the fifth review of implementation, the data from all of these administrative entities has been included in the results presented in the present report. While the completed questionnaire submitted for Bosnia and Herzegovina contained responses from two administrative entities,

there were few variations in their responses and only a single response has been included in the analyses.

**6.** Georgia is not currently a Party to the Convention; nevertheless, it submitted a completed questionnaire. Georgia has made considerable progress in aligning its domestic legislation with the Convention's requirements. Thus, the data from Georgia are included in the analysis.

**7.** At the time of writing, Azerbaijan and Germany have not submitted a completed questionnaire. Furthermore, the European Union is a Party to the Convention, but, being a regional economic integration organization, felt it inappropriate to return a completed questionnaire. Instead, it sent a letter that explained recent changes to the European Union legislation on environmental impact assessment<sup>7</sup> and its implementation in the member States.

**8.** Not all Parties answered every question; consequently, the number of responses (i.e. "n") as reported in the present document for individual questions is often fewer than the maximum. It should be noted that there are questions where the respondents could provide multiple answers. In addition, some Parties provided multiple answers to questions for which the response options are meant to be mutually exclusive. Thus, the total number of data points for a question may exceed the number of respondents, with the maximum number of responses for an individual question being 46. In addition, the responses of Kazakhstan, Kyrgyzstan and Serbia to question I.3. and that of Malta to question I.23 could not be classified.

**9.** Due to limitations placed on the length of this report, supplementary data, such as a list of transboundary environmental impact assessment procedures and schemes for procedural steps provided by some Parties, will be made accessible on the Convention website.

<sup>6</sup> See [www.unece.org/env/eia/implementation/review\\_implementation.html](http://www.unece.org/env/eia/implementation/review_implementation.html).

<sup>7</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, *Official Journal of the European Union*, L 26 (2012), pp. 1–21 (as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, *Official Journal of the European Union*, L 124 (2014), pp. 1–18).

## II. Review of Parties' implementation

**10.** The present section of the report examines the key findings from the first part of the questionnaire, which focuses on the Parties' domestic legal and administrative framework implementing the Convention.

### A. Definitions of key concepts

**11.** The first two questions in the questionnaire (I.1 and I.2) examine how the Parties define the terms "impact" and "transboundary impact" in their domestic legislation. The responses indicate that many Parties have either transcribed the definitions contained in the Convention in their domestic legislation or use definitions similar to those contained in the Convention (see figure I below).

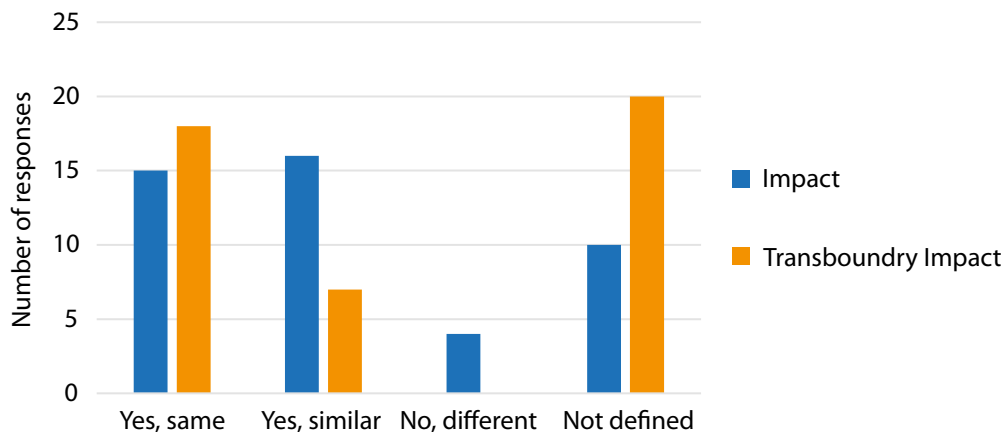
**12.** Many Parties (20) do not define the term "transboundary impact" in their national legislation. Some Parties use alternative terminology (for example, Slovakia refers to "transboundary impact assessment"),

while Sweden defines the term "impact" in such a way as to include transboundary impacts. A smaller number of Parties (10) do not define the term "impact". This generally appears to be because different terminology is used; for example, the term "environmental effect" is employed in Canadian legislation, instead of the term "impact".

**13.** It is not possible, on the basis of the questionnaire data, to assess to what extent the Parties' domestic definitions of the term "impact" are compatible, in a strict legal sense, with the definitions given in the Convention. However, some Parties note that their domestic definitions of "impact" are more extensive than the definition contained in the Convention. Examples of the types of additional issues covered include:

- (a) Second order and cumulative impacts;
- (b) City structures and townscape;
- (c) Aboriginal peoples.

**Figure I**  
Responses to questions about whether the definitions of "impact" and "transboundary impact" for the purposes of the Convention are the same in domestic legislation as in article 1



The response options are: Yes, the definitions are the same; Yes, the definitions are similar; No, the definitions are different; and, these terms are not defined in the domestic legislation.  
Number of responses to the question = 45.

*Notes:* Albania did not use the response categories provided in the questionnaire, preferring to note that the definitions in its domestic legislation mirrored those employed in the European Union legislation on environmental impact assessment. Multiple response options were used by some Parties in answering questions I.1 and I.2. In such instances, a subjective judgement was made as to which of the responses should be used in collating the data.

**14.** Three Parties use a different definition of the term “impact” to the Convention. Spain states that the term “impact” is defined as follows in its domestic legislation: “[a]n impact has the feature of being permanent or [of] long durability”. Kyrgyzstan states that, while the definition contained in its domestic legislation differs from that in the Convention, a draft law has been prepared that will remedy this issue. Czechia states that its definition is different but appears to use alternative terminology (“scope of assessment”) that encompasses the same issues as the Convention definition.

**15.** Question I.3 asks the Parties to describe how they define the term “major changes” in their domestic legislation. A number of Parties (18, n=43)<sup>8</sup> (for example, Canada and the Netherlands) state explicitly that they do not use the term “major change” in their domestic legislation. In all but three cases, this is because alternative approaches are used to assess the need for an environmental impact assessment when changes to an existing activity are proposed.

**16.** Certain Parties (for example, the United Kingdom of Great Britain and Northern Ireland and Liechtenstein) use thresholds to establish what constitutes a “major change” for certain activities. The answer of the Republic of Moldova implies that, presently, that Party has no provisions in its domestic legislation for addressing major changes to existing activities in that the Party states that a definition of the term “major change” will be considered during a review of the domestic legislation in 2019.

## B. General provisions

**17.** Twenty-six Parties reported slight differences between the list of activities in their domestic legislation and the contents of appendix I to the Convention (question I.6). The differences mostly arise from their domestic legislation encompassing more types of activities than are listed in appendix I and/or because they follow the specifications of the European Union legislation on environmental impact assessment. The domestic legislation of North Macedonia omits activities that are not relevant in the national context (for example, trading ports). In the fifth review of implementation, the majority of Parties (18, n=29) stated that there were no differences between their domestic legislation and the contents of appendix I.

**18.** Eight Parties do not have an authority responsible for collecting data on transboundary environmental impact assessment cases. It is typically a ministry, a government agency or a federal office that collects this information in the remaining Parties (question I.8).

**19.** Question I.9 explores the Parties’ implementation of article 2 (6) of the Convention, which seeks to ensure that the opportunity to participate in transboundary environmental impact assessment procedures provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin. The Parties’ responses to this question were often quite general, consisting of a statement of compliance or a description of the general process by which the Party, when acting as the Party of origin, communicates with the public in affected Parties. A few Parties (for example, the Netherlands) provide detailed listing of their legislative provisions implementing article 2 (6).

## C. Notification

**20.** When functioning as the Party of origin, respondents state that they notify affected Parties primarily during scoping (28, n=45), or after the environmental impact assessment documentation has been prepared and “the domestic procedure” commences (16, question I.10). A number of Parties (for example, the United Kingdom of Great Britain and Northern Ireland) explain that notification timing is often a function of when their administration first becomes aware of the proposed activity. Thus, when the authorities are involved in scoping, notification will occur at this stage, but it may not occur until they receive the final environmental impact assessment documentation if no prior communication has taken place between the developer and the authority. A number of other Parties note that the time at which notification occurs varies, but that it is always initiated before or at the same time as public consultation is initiated domestically. Three Parties comment that notification may occur after the domestic procedure has been completed (Kazakhstan, Ireland and the United Kingdom of Great Britain and Northern Ireland), although it appears that Ireland means that affected Parties will be informed of the final decision.

<sup>8</sup> The number of Parties that do not use the term “major change” may be higher than the data indicate (i.e. 18) because the answers provided by a number of Parties indicate that alternate terminology is probably used, but they did not state this explicitly.

**21.** The Parties' responses to questions I.11 (on the format of the notification) and I.12 (on the information included in the notification) are summarized in tables 1 and 2 below, respectively.

**22.** The length of time Parties of origin allow for receiving a response to a notification (question I.13) varies. One to two months appears to be the typical time allowed, although many Parties state that their deadlines are flexible. In most cases, the deadline for responses is specified in the domestic legislation of the Party of origin (22), but a reasonable number of Parties (17) establish deadlines on a case-by-case basis through discussions with the affected Party. Irish domestic legislation states that no decision can be made until a response has been received from an affected Party, but it does not specify a time limit for such responses. Few Parties report specific procedural provisions or "consequences" (in the terminology of the questionnaire) if an affected Party does not respond by the deadline. Most Parties contact the focal point in the affected Party(ies) once again or extend the deadline.

**23.** Parties of origin generally inform the public and authorities of the affected Party (question I.14) via

the point of contact to the Convention listed on the Convention website (35, n=44). Some use additional approaches instead of, or as well as, contacting the point of contact (9), including contacting the competent authority (where known), city or regional authorities, or a relevant ministry (for example, Georgia, Italy and Switzerland) and publicizing the notification via newspapers and/or the Internet (for example, Kazakhstan and the Netherlands).

**24.** Decisions on whether or not to participate in transboundary procedures as an affected Party are predominantly made by the notified authority on its own (19, n=42), or are based on the opinions of competent authorities and the public (19, question I.15). The results for question 1.16, which examines how the Party of origin determines the detailed provisions for participation where an affected Party indicates that it intends to participate, are presented in figure II below. The other approaches Parties state that they use include: following the specifications of bilateral and/or multilateral agreements (for example, Liechtenstein, the Netherlands and Portugal); and, deciding on a case-by-case basis (for example, Cyprus and Slovenia).

**Table 1**  
**Format for notifications**

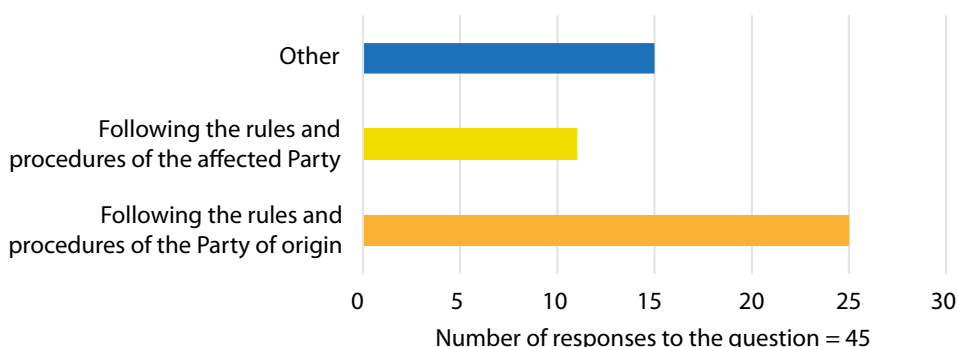
Format	Number of responses (n=44)
Format decided at the first meeting of the Parties in its decision I/4	15
Standardized domestic format	4
No official format	25

**Table 2**  
**Information included in the notification**

Information	Number of responses (n=46)
Information required under article 3 (2)	45
Information required under article 3 (5)	36
Additional information	3

*Notes:* The nature of the additional information provided is either: determined based upon the nature of the activity under consideration (Austria and Kyrgyzstan); or, information on the accredited experts and the coordinator who will prepare the environmental impact assessment documentation (Belgium Flemish Region).

**Figure II**  
Approaches used by the Party of origin to determine provisions for participation



**D. Public participation**

25. Questions I.17 to I.19 examine legal provisions and practices for public participation under articles 3 (8) and 4 (2). Table 3 below summarizes the responses to question I.17 on the ways in which the public can express its opinion on the environmental impact assessment documentation, either in procedures taking place in the Party of origin or in an affected Party. Under the category “other”, Armenia agrees upon the form(s) of participation on a case-by-case basis, while two regions in Belgium state that comments can be sent to the “affected municipality”.

26. Eleven Parties (n=43) indicate that, where they are the Party of origin, their domestic environmental impact assessment legislation requires a public hearing to be organized in the territory of the affected Party (question I.18). Fifteen Parties (n=42) state that their domestic environmental impact assessment legislation requires them to organize a public hearing in cases where they are an affected Party (question I.19).<sup>9</sup> Several Parties (for example, Albania, Cyprus and Slovenia) determine the need for a public meeting on a case-by-case basis, following consultation with the concerned Parties.

**Table 3**  
Forms of participation

Form of participation	As a Party of origin (n=46)	As an affected Party (n=45)
Sending comments to the competent authority/focal point	40	42
By taking part in a public hearing	31	29
Other	6	6

<sup>9</sup> Finland: notes that it was unclear whether questions I.18 and I.19 refer to a public meeting (i.e. a specific event) or to a procedure for public participation; states that it organizes an opportunity for public participation, but that the need for a meeting is determined on a case-by-case basis; and answers yes to questions I.18 and I.19. The response from France suggests that this Party may have misunderstood the question for, although it answers “Yes” to question I.18, it states that it only organizes a public hearing in France, which the public in affected Parties are allowed to attend.

## E. Environmental impact assessment documentation

27. Quality control measures that the Parties employ to ensure that environmental impact assessment documentation is of sufficient quality (question I.20) primarily involve an authority in the Party of origin checking the content of the documentation against appendix II of the Convention (40). Quality control checklists are rarely used (6), but eight Parties state that they employ other quality control measures. Some draw upon additional actors, over and above the domestic competent authority, to assess quality. For example, in the Netherlands and Montenegro, expert commissions are used – at least in certain cases – to evaluate the quality of documentation. Another Party (the Republic of Moldova) compares the contents of the documentation to the specifications established during scoping, while Belgium Flemish Region refers to its domestic guidance on environmental impact assessment when performing quality control checks. In contrast, Switzerland states that it is the responsibility of the applicant to ensure that environmental impact assessment documentation meets the required quality standard; thus, the Swiss authority does not review the documentation.

28. Question 1.21 examines the ways in which Parties determine “the relevant information to be included in the [environmental impact assessment] documentation in accordance with article 4, paragraph 1”. Article 4 (1) of the Convention states that “The environmental impact assessment documentation ... shall contain, as a minimum, the information described in appendix II”. The approaches used by Parties are presented in table 4 below. A number of Parties that selected the response category “Other” refer to specifications of what the environmental impact assessment documentation must contain in their domestic legislation. Reference is also made to methodological guidelines and the existence of separate legislation that specifies the requirements for certain activities (for example, nuclear projects, Belgium Federal Government).

29. Regarding question I.22, the meaning of “reasonable alternatives” (appendix II (b)) is typically determined on a case-by-case basis (32, n=45) and/or following the definition in the Parties’ domestic legislation (17). One Party (Ireland) uses other approaches to interpret “reasonable alternatives”. The domestic legislation in Austria does not specify the exact nature of the alternatives to be considered; instead, the proponent must present the reasoning underpinning the alternatives selected. Canada refers to an operational policy it has developed that differentiates between “alternatives to” and “alternative means”.

**Table 4**  
Determining the relevant information to be included in the environmental impact assessment documentation

Approach employed	Number of responses (n=45)
Using appendix II to the Convention	38
Using comments received from the authorities concerned during the scoping phase, if applicable	35
Using the comments from members of the public during the scoping phase, if applicable	27
Determined by the proponent based on its own expertise	16
Other	17

**F. Consultations on the basis of the environmental impact assessment documentation**

30. Question I.23 concerns the Parties’ domestic legal provisions on the organization of transboundary consultations between the authorities of the concerned Parties under article 5 of the Convention. The responses to this question are summarized in figure III below. In the majority of cases (25, n=45), the Parties have established obligatory provisions for transboundary consultations between the authorities of the concerned Parties. Nine Parties, however, indicate that there are no provisions in their domestic legislation (Croatia, Denmark, Italy, Kazakhstan, the Netherlands, Portugal,<sup>10</sup> Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland). In Belgium, there is a compulsory requirement at the federal level and there are optional provisions in the Flemish, Walloon and Brussels Capital Regions. The number of Parties reporting that no legal provisions exist for consultation with the authorities in affected Parties is lower than was reported in the fifth review of implementation (i.e. 14) (ECE/MP.EIA/2017/9, figure 20). The Netherlands states that such provisions are included in a multilateral agreement, presumably rather than in their primary legislation.

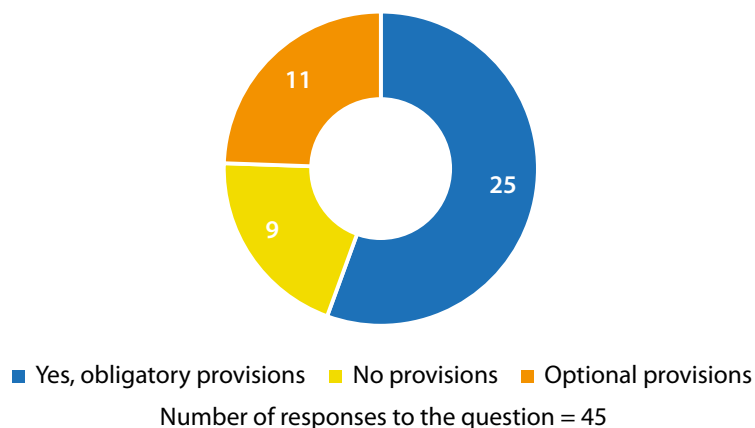
31. Due to the design of the questionnaire, there is no information on the implementation of article 2 (11) of the Convention referring to opportunities for the affected Party to participate in the procedure to determine the content of the environmental impact assessment documentation.

**G. Final decision**

32. Question I.24 asks the Parties to state from a list of options all those points: “that are covered in a final decision related to the implementation of the planned activity”. The majority of Parties state that the following points are covered in the final decision:

- (a) Conclusions of the environmental impact assessment documentation;
- (b) Comments received in accordance with article 3 (8) and article 4 (2);
- (c) Outcomes of the transboundary consultations as referred to in article 5;
- (d) Comments received from the affected Party(ies);
- (e) Mitigation measures.

**Figure III**  
**Parties’ responses to question I.23: “Does your national [environmental impact assessment] legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties ?”**



<sup>10</sup> Although not having express provisions in its domestic legislation for transboundary consultations, Portugal organizes such consultations in practice. Specific details for transboundary consultations depend on the scope and characteristics of the project and are determined on a case-by-case basis, taking into consideration in particular the 2008 Action Protocol between the Government of Spain and the Government of Portugal for the application in environmental assessment of plans, programmes and projects with transboundary effects.

**33.** Some Parties cover additional factors in the final decisions, including, for example, an independent expert report that assesses the environmental impact assessment documentation (Czechia). However, it appears that a number of Parties interpret question I.24 as asking what information should be included in a public statement of the final decision (for example, under article 9 (1) of the European Union Environmental Impact Assessment Directive).<sup>11</sup>

**34.** All Parties, other than Switzerland, indicate that comments received from “the authorities and the public of the affected Party and the outcome of the consultations” are taken into consideration in the same way as the comments from the authorities and the public in the Party of origin (question I.25). Switzerland notes that “The competent authority will take the comments into account, mention or refer to them in the decision and also explain its reasoning in dealing with them and how it took them into account.” All Parties, except one (Canada), indicate that all activities listed in appendix I to the Convention (i.e. items 1–22) require a final authorization decision (question I.27). Canada states that a final federal authorization decision is not required for all of the activities listed in appendix I to the Convention.<sup>12</sup> This reflects the division of responsibilities between the federal and provincial levels of government in the Canadian Constitution; thus, some of the activities listed in appendix I would not require a final federal authorization but would require a provincial authorization decision. Consequently, all activities listed in appendix I are subject to an authorization decision, be it at the federal or the provincial level.

**35.** Thirteen Parties state that their domestic legislation contains provisions transposing article 6 (3) (question I.26). This article makes provision, for instance, for additional information on the significant transboundary impact(s) of a proposed activity that becomes available after the final decision has been taken, but before work on the activity commences. All other respondents indicate that no such provisions exist in their domestic legislation. Austria notes that, under its domestic legislation, the possibility to revise a final decision is strictly defined and limited to

specific legal and natural persons enjoying locus standi. Nevertheless, Austria also comments that “there is always the political possibility to reopen consultations [at the] request of the affected Party in order to find solutions”. Several Parties (for example, Estonia and Kazakhstan) comment that a request to reopen a final decision can be made if significant additional information becomes available, while Denmark notes that it is possible under its domestic legislation to revoke a planning permit where the final decision was reached on the basis of inadequate information.

**36.** Question I.28 instructs the Parties to outline their domestic legal specification concerning what is regarded as the “final decision” for activities listed in appendix I to the Convention. The Parties are asked to specify, in the original language, the term used domestically for the final decision. A compilation of Parties’ responses to this question will be provided on the Convention website.

## H. Post-project analysis

**37.** Question I.29 asks the Parties whether they have “any provision regarding post-project analysis in [their] national [environmental impact assessment] legislation”. The question references article 7 (1) of the Convention, which sets out: (a) certain requirements for processing requests from concerned Parties for post-project analysis; and (b) stipulates the objectives of any post-project analysis that is undertaken.

**38.** Eleven Parties<sup>13</sup> (n=46) indicate that their domestic legislation does not include provisions for post-project analysis. Due to the wording used in the questionnaire, it is unclear whether all of the Parties comply with the specifications of article 7 (1). A number of comments made by the Parties indicate that they thought that the question concerned general provisions for post-project analysis, rather than compliance with the specifications of article 7 (1). For example, Latvia and Lithuania state that provisions for post-project analysis are part of the permitting regime, but it is not clear from their response whether requests from a concerned Party can trigger an assessment of the need for post-project analysis.

<sup>11</sup> Directive 2011/92/EU.

<sup>12</sup> Given the reservation made by Canada upon ratification of the Convention on Environmental Impact Assessment in a Transboundary Context, the report of Canada on the implementation of the Convention applies to activities that are within federal legislative jurisdiction exercised with respect to environmental impact assessment.

<sup>13</sup> Kyrgyzstan indicates, using the pre-determined response options in the questionnaire, that it does not have provisions in its domestic legislation for post-project analysis, but its subsequent comments indicate that such provisions do exist. Kyrgyzstan has, therefore, been excluded from the total of Parties without provisions for post-decision analysis.



**I. Bilateral and multilateral cooperation**

39. Twenty-one Parties report the existence of bilateral agreements pertaining to the provisions of the Convention (question I.30). Of these, six Parties had entered into agreements with one other Party/country; seven had agreements with two other Parties/countries; one had an agreement with three Parties/countries; and, one had an agreement with five Parties/countries. The remaining six responding Parties were signatories to the Multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (the Bucharest Agreement). Lastly, France, Germany and Switzerland have developed informal multilateral guidelines that apply to a specific region of the River

Rhine catchment. Some Parties are initiating bilateral and/or multilateral agreements.

40. Although Hungary reports that it has not entered into any bilateral or multilateral agreements, it subsequently refers to a number of sectoral and issue-specific agreements with Austria, Czechia, Germany and Slovakia. Hungary states that these agreements cover cooperation on environmental and nature protection matters, nuclear power facilities, nuclear safety and radiation protection.

41. Table 5 below lists the broad content of the bilateral or multilateral agreements (question I.31). The bilateral agreement between Poland and Germany also addresses such issues as translation of documentation and dispute resolution.

**Table 5**  
**Content of bilateral and multilateral agreements implementing the Convention**

Content of agreement	Number of responses (n=19)
Institutional, administrative and other arrangements	15
Harmonization of the Parties' policies and measures	7
Specific conditions of the subregion concerned	6
Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies	6
Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis	5
Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA	3
Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities	2
Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies	1
Other	2

Abbreviations: EIA, environmental impact assessment.

42. Question I.32 asks the Parties to describe how “the steps required for a transboundary [environmental impact assessment] procedure under [their] national legislation correlate to domestic [environmental impact assessment] [procedures] in the lead-up to the final decision” and to explain any differences between domestic procedures and transboundary ones. Armenia reports that discrepancies exist, but that these will be addressed through the introduction of revised legislation. Most Parties do not explicitly state whether differences exist; instead, they describe their national procedures. Six Parties state that the procedures are the same as required by the Convention, while a further two Parties (Canada and Sweden) state that their national legislation does not contain detailed provisions on transboundary procedures, but that transboundary practices follow domestic procedures. Three Parties report that there are minor differences. As reported in the fifth review of implementation (ECE/MP.EIA/2017/9, para. 59), Parties’ descriptions of the steps followed when environmental impact assessment in a transboundary context is separate from the domestic procedure appear to meet the requirements of the Convention. However, further information from the Parties would be needed to verify this assertion.

43. Six Parties have special provisions (4) or informal arrangements (2) concerning transboundary environmental impact assessment procedures for joint cross-border activities (question I.33). One Party (Denmark) comments that its domestic legislation includes provisions for joint cross-border projects; a statement that appears to indicate that Denmark believes that additional bilateral or multilateral agreements would be superfluous. Denmark also notes that the European Union legislation on environmental impact assessment provides for the adoption of certain projects through an act of legislation, which creates an opportunity to control particularly large and complex projects, such as cross-border activities. Some Parties with additional formal or informal arrangements (Finland and Estonia) have created a bilateral commission on environmental impact assessment with an advisory role on joint cross-border projects. Estonia notes that the bilateral commission may also appoint ad hoc working groups. Five Parties have informal arrangements in place concerning transboundary environmental impact assessment procedures for nuclear power plants (question I.34).



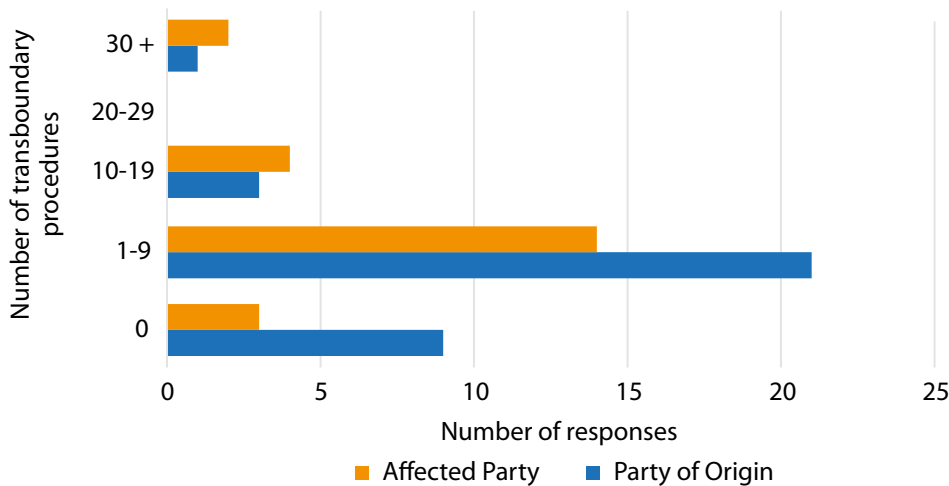
### III. Practical application and experiences

44. This section of the report examines the key findings from the second section of the questionnaire, which focuses on Parties’ practical experiences in applying the Convention.

45. Figure IV below illustrates the number of cases of transboundary procedures that the respondents have been involved in, either as the Party of origin or as an affected

Party. Some countries (for example, Malta and Montenegro) were not involved in any transboundary procedures during the review period. At the other end of the scale, two Parties participated in more than 30 transboundary procedures as an affected Party (Denmark and Poland). Not all Parties, however, maintain comprehensive records of their involvement in transboundary procedures or records at the central/federal level.

**Figure IV**  
**Number of transboundary procedures the Parties have been involved in as the affected Party or as the Party of origin**



*Note:* The wording used in the questionnaire has probably led to an overestimation of the number of cases of transboundary procedures occurring during the survey period 2016–2018. The relevant question (question II.2) asks respondents to list cases “that were under way during the reporting period”. A number of Parties listed cases for which consultation of some sort had occurred prior to the survey period. In the absence of further information, some Parties appear to consider such activities potentially to be active or “under way”.

#### A. Translation of environmental impact assessment documentation

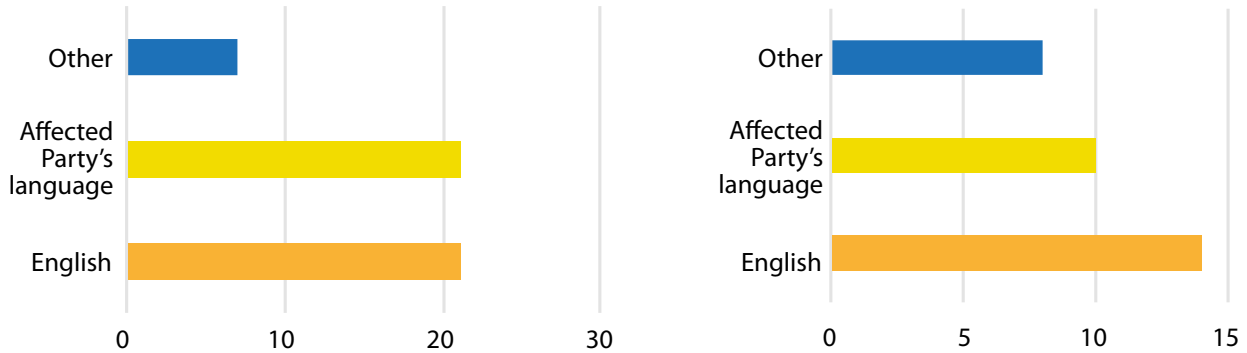
46. The approach to translating environmental impact assessment documentation (question II.3 (a)) varies considerably between Parties. A sizeable proportion of Parties of origin translate the documentation into the affected Party’s language (see figure V, left-hand graphic, below). The Parties of origin also frequently use English as a default translation language. Norway, Sweden and Denmark generally do not translate the documentation when they communicate with one another, whereas, when another country is involved as an affected Party, they will use either English or the affected Party’s national language. Some Parties translate the documentation primarily into English,

but also provide a summary in the national language of the affected Party. Finland agrees upon the translation language on a case-by-case basis.

47. Figure V (right-hand graphic) shows the languages from which affected Parties said that they normally translate, (question II.3 (f) and (g)), presumably where this has not been undertaken by the Party of origin or where translation into one or more additional languages than provided by the Party of origin is necessary. For example, the Netherlands reports translating documentation sent to it in English by the United Kingdom of Great Britain and Northern Ireland. Figure V (right-hand graphic) shows that affected Parties may need to translate received material from a number of different languages.

**Figure V**

**Translation languages. Parties' responses to: question II.3 (f) (left-hand graphic) "As a Party of origin, in which language do you usually provide [environmental impact assessment documentation] to the affected Party?" (n=35); and to question II.3 (g) (right-hand graphic) "As an affected Party, from which language do you usually translate?" (n=25)**



48. The parts and amount of environmental impact assessment documentation that are translated (question II.3 (d)) appear to vary considerably. A number of Parties translate all of the documentation (for example, Albania and Georgia) but, more frequently, certain parts are selected for translation: for example, only the non-technical summary (the Netherlands) or a summary of the characteristics of the activity and its main transboundary impacts (Belgium Flemish Region). Other Parties report that they translate the most important parts of the documentation. Sweden decides what to translate on a case-by-case basis based on discussions held with the developer.

49. The Party of origin typically expects the proponent of the activity (the developer) to bear the costs of translation (question II.3 (c)) and, where appropriate, of any interpreters employed during hearings (question II.3 (i)). There appear to be instances in Austria where, as a Party of origin, a government ministry may pay for translation rather than the developer, although the circumstances in which this takes place are unclear. Affected Parties invariably expect the Party of origin to organize and pay for the translation of relevant materials, but the data provided by the Parties indicate that, in some instances, sectoral ministries or environmental and health authorities in the affected Party fund this work (for example, France, if no bilateral agreement on that matter exists).

## B. Difficulties experienced during public participation procedures and consultations on environmental impact assessment documentation

50. Questions II.3 (h) and II.4 ask about any difficulties the Parties have encountered during public participation procedures (under arts. 3 (8) and 4 (2)) and consultations under article 5. The questions emphasize difficulties

pertaining to timing, language and the need for additional information. Question II.3 (b) asks about difficulties experienced in relation to translation and interpretation. Due to the overlap between these questions, they are discussed collectively in this subsection.

51. Most Parties have not experienced serious difficulties with either public participation procedures or consultations under article 5, but some note that differences between the procedural and methodological practices in the Party of origin and the affected Party can create problems. Poland states, among other things, that the legal status of consultation responses can differ under the domestic legislation of the concerned Parties, which may lead to divergent expectations about how responses should be handled. Pronounced differences in how landscape is analysed in different national contexts have been observed by Denmark and Denmark states that, at times, this has made it difficult for the Danish public to comprehend and accept as legitimate other countries' practices. Differences in calculation methods and the absence of equivalent, or even comparable, limit values (for example, for noise) in the Party of origin have also created public consternation in Denmark. Portugal reports that it has increased cooperation with Spain, under a bilateral agreement, to address different interpretations of procedures and appropriate approaches. Biannual bilateral meetings are now held.

52. A number of Parties comment upon the challenging nature of consultation deadlines when dealing with complex and lengthy documentation. Short consultation deadlines can make it difficult for individuals in the affected Party to submit considered responses within the mandated time limit. Several Parties note that translating consultation responses received in a foreign language and responding to individual submissions when they are the Party of origin is both costly and time-consuming, particularly given that the number of consultation responses can be very substantial in some instances.

53. The Parties report a number of difficulties with translation (question II.3 (b)). These problems include having to request translation of additional documentation because inadequate information on the activity and its transboundary impacts has been provided. Furthermore, documentation is sometimes supplied in the Party of origin’s language and needs to be translated. Such occurrences were felt to be problematic in so far as the need to organize the translation of documentation limits the time available for preparing consultation responses.

54. The quality of the translations, particularly of technical terms, is also felt by a number of Parties to be problematic in some instances. Some Parties assert that poor quality translation is a serious problem because it limits public understanding of the proposed activity’s impacts and thereby restricts public input to participatory processes and consultation exercises. It is also inherently difficult for the Party of origin to perform quality control checks on the translated documents that they send to affected Parties.

**C. Case studies and good practice examples**

55. Question II.6 asks the Parties to provide successful examples of organizing transboundary environmental impact assessment procedures for joint cross-border projects or for nuclear power plants. Eleven Parties report having had successful cases, but three of these Parties do not provide further information on the cases. Some of the examples given by the remaining eight Parties are presented in table 6 below.

56. Ten Parties report experiences during the survey period that they believe constitute good practice (question II.7). Their examples will be listed on the

Convention website. Some examples are generic: for example, Canada comments on the value of establishing ad-hoc working groups for each activity, while Estonia reports on its practices concerning translation. Other examples relate to individual projects (for example, Belarus, Czechia and Romania). Three Parties (Belarus, Bulgaria and Poland) are willing to prepare a case study based on their good practice examples (question II.8). Austria is currently unable to complete a case study but envisages doing so in the future.

**D. Post-project analyses**

57. A small number of Parties report that post-project analyses have been undertaken during the review period. Two Parties state that post-project monitoring took place either for all activities (Slovakia) or in relation to particular specifications contained in authorization permits (Belgium Federal Government). Two cases are reported by Ukraine: one for a sand quarry (in Belarus) and one for the Shatski Lakes (no additional details provided). In relation to the sand quarry, Belarus reports that it provides Ukraine annually with the results of surface water and groundwater monitoring. Most of the other post-project analysis activities that the Parties report pertain to activities related to the operation of nuclear power plants (for example, spent fuel storage).

**E. Experience in using guidance**

58. The use of official ECE guidance documents during the review period is illustrated in figure VI below. The data indicate that a substantial proportion of the Parties have not used ECE guidance documents during this period. In the fifth review of implementation (ECE/MP.EIA/2017/9, para. 79), just over 50 per cent of Parties reported having

**Table 6**  
Selected reported case examples of successful transboundary procedures for nuclear-related activities or cross-border projects

Party	Case example	Short description (where provided)
Austria	Various projects for nuclear-related activities	Successful experience in organizing public hearings
Bulgaria	Various projects for nuclear-related activities	Communication between focal points
Netherlands	Various projects	Successful cooperation under a bilateral agreement with Belgium Flemish Region
Poland	Planned nuclear power station	Case emphasizes the importance of early involvement of affected parties
Sweden	Nord Stream 2	Successful cooperation regarding common provisions, timing, translations, other practical arrangements.
United Kingdom	Offshore wind projects	Benefits of transboundary process

used the *Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context*<sup>14</sup> and just under 50 per cent had used the *Guidance on the Practical Application of the Espoo Convention*.<sup>15</sup> The apparent reduction in use of these documents could reflect a growing familiarity with their contents and with the Convention’s practical operation. One Party (Finland) notes that the guidance documents are dated (the two above-mentioned guidance publications were published in 2006 and *Guidance on subregional cooperation* (ECE/MP.EIA/6, annex V, decision III/5, appendix) was published in 2004) and hence are no longer used unless Finland encounters new implementation challenges. Finland suggests that a review be conducted to ascertain whether there is a need for the guidance documents to be updated.

59. Few Parties provide information on, or differentiate between, the reasons why they use guidance, their experiences with the guidance, or the ways in which it could be improved. Several Parties mention that one or more of the guidance documents has been valuable and provides appropriate support on implementation matters, and that they refer to it when issues about which they are uncertain arise. The Netherlands has used the *Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context* in developing bilateral agreements.

**F. Difficulties in implementing the Convention**

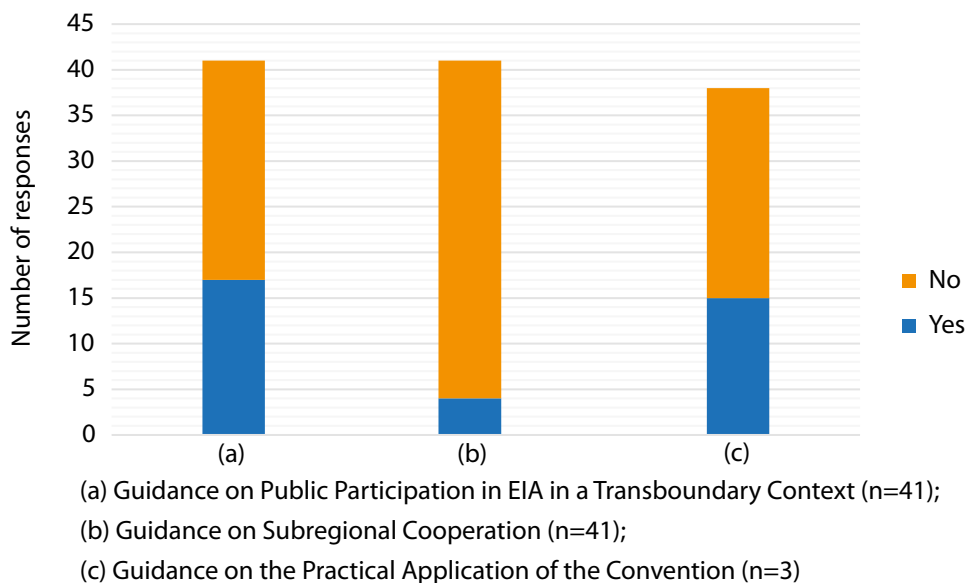
60. Six Parties report specific difficulties in implementing the Convention (Austria, Czechia, Montenegro, Poland,

Switzerland and Ukraine) that result from a lack of clarity in the legal provisions (question II.11). Most of the issues they address have been extensively covered in the preceding paragraphs of the present report and are also addressed in section IV below. Consequently, only a short summary of the reported difficulties is presented below:

- (a) Difficulties in identifying which decision constitutes the “final decision”, because multiple decisions may be involved in permitting and licensing systems;
- (b) Difficulties in determining whether or not an activity, and in particular a modification to an existing activity, fell under the provisions of the Convention;
- (c) A lack of clarity over time frames for carrying out public participation and consultation;
- (d) A lack of information on opportunities for the affected Party to participate in the procedure to determine the content of the environmental impact assessment documentation;
- (e) A lack of clarity over whether transboundary impacts should be identified based on the Party of origin’s or the affected Party’s legislation;
- (f) Uncertainty over, and a lack of specification of, provisions for translation.

61. Belarus did not report any implementation difficulties, but it proposes measures to improve implementation in the future. Belarus argues for guidance on public participation during post-project analysis and on interpreting the requirement to consider reasonable alternatives when selecting alternative sites/locations.

**Figure VI**  
**Use of official guidance documents**



<sup>14</sup> United Nations publication, ECE/MP.EIA/7.

<sup>15</sup> United Nations publication, ECE/MP.EIA/8.

## IV. Conclusions

**62.** An analysis of the national reports on the Parties' implementation of the Convention in the period 2016 to 2018 confirms all of the conclusions reached in the fifth review of implementation (see ECE/MP.EIA/2017/9, para. 9) and many of the conclusions of the fourth review of implementation (see ECE/MP.EIA/2014/3, para. 7 (a) and (c)–(f)). This sixth review also provides further and/or updated data on some weaknesses or shortcomings in the Convention's implementation reported in previous reviews, as follows:

- (a) Parties' definitions of and approaches to key terms in the Convention, such as "impact", "transboundary impact" and "major change", continue to differ, with a few Parties not defining some of these terms in their national legislation. This may lead to potential problems, particularly if the consequence is a lack of clarity about which proposed activities fall within the scope of the Convention (arts. 1 and 6);
- (b) Slightly more than 50 per cent of the Parties have made obligatory provisions for transboundary consultation with the authorities of affected Parties according to article 5, with nine Parties having no provisions in this regard in their domestic legislation;
- (c) Only a minority of Parties have an express provision in their legislation on how to ensure application of article 6 (3), which requires that concerned Parties be updated on additional information that may trigger consultations and a new decision before work on an activity commences;
- (d) There is only rudimentary experience in carrying out post-project analysis under article 7, with eleven Parties having no express provisions implementing this article in their legislation;

- (e) Differing practices continue to exist in relation to the translation of documentation for affected Parties. A number of difficulties and concerns are raised by the Parties about such practices, in particular concerning the quality of translations and proper integration of translation into time schedules for consultations and public participation;
- (f) Guidance documents developed to help implement the Convention are being used less frequently; one Party recommends that they be updated;
- (g) There is a need for bilateral and multilateral agreements or other arrangements under article 8, in particular to address differences between Parties' implementation practices;
- (h) A lack of timely reporting by Parties (an obligation under article 14 bis) continues to complicate the review work.

**63.** The main additional conclusions drawn from the Sixth implementation review are as follows:

- (a) Different quality control measures are used by the Parties to ensure the quality of environmental impact assessment documentation, with a majority of Parties referring only to basic measures. One Party places responsibility for ensuring the documentation meets the required quality standard on the applicant. Consideration of more elaborate tools for quality control might be recommended;
- (b) A wealth of implementation practices and experiences are reported, but few Parties volunteer to share their good practices by preparing factsheets. Consideration might be given to the ways in which the ECE can facilitate the collection of such practices to help develop material to enhance the Convention's implementation and practical application.

# Annex

## Questionnaire for the report of Parties on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

as simplified for the purposes of the publication

### Part one

#### Current legal and administrative framework for the implementation of the Convention

##### Article 1

###### Definitions

- I.1.** Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?
- I.2.** Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1?
- I.3.** Please specify how major change is defined in your national legislation
- I.4.** How do you identify the public concerned?

##### Article 2

###### General provisions

- I.5.** Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2)
- I.6.** Please describe any differences between the list of activities in your national legislation and Appendix I to the Convention, if any
- I.7.** Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country
- I.8.** Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it

- I.9.** How does your country, as a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6

##### Article 3

###### Notification

- I.10.** As a Party of origin, when do you notify the affected Party (art. 3, para. 1)?
- I.11.** Please define the format of notification
- I.12.** As a Party of origin, what information do you include in the notification (art. 3, para. 2)?
- I.13.** As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, "within the time specified in the notification")?
- I.14.** How do you inform the public and authorities of the affected Party (art. 3, para. 8)?
- I.15.** On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)?
- I.16.** If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)?



## Articles 3.8 and 4.2

### Public participation

**I.17.** How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply): as a Party of origin and as an affected Party

**I.18.** Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin

**I.19.** Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party

## Article 4

### Preparation of the environmental impact assessment documentation

**I.20.** How do you ensure sufficient quality of the EIA documentation as a Party of origin?

**I.21.** How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1?

**I.22.** How do you determine “reasonable alternatives” in accordance with Appendix II, paragraph (b)?

## Article 5

### Consultations on the basis of the environmental impact assessment documentation

**I.23.** Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties?

## Article 6

### Final decision

**I.24.** Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1)

**I.25.** Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?

**I.26.** Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?

**I.27.** Do all activities listed in Appendix I (items 1-22) require a final decision to authorize or undertake such an activity?

**I.28.** For each type of activity listed in Appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language

## Article 7

### Post-project analysis

**I.29.** Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?

## Article 8

### Bilateral and multilateral cooperation

#### (a) Agreements

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

**I.31.** What issues do these bilateral agreements cover (Appendix VI)?

#### (b) Procedural steps required by national legislation

**I.32.** Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify. Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps

**I.33.** Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

**I.34.** Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?

## Part two

### Practical application during the period 2016–2018

**II.1.** Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention?

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

##### Cases during the period 2016–2018

**II.2.** Please list transboundary EIA procedures carried out during the reporting period, in which your country was a Party of origin or affected Party

**II.3.** The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

- (a) How has your country addressed the issue of the translation of EIA documentation?
- (b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found?
- (c) Which Party covers the cost of translation of EIA documentation?
- (d) What parts of the EIA documentation does your country usually translate?
- (e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties
- (f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?
- (g) As an affected Party, from which language do you usually translate?
- (h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information
- (i) Please describe how the costs of interpretation during the hearings are covered

**II.4.** Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information

**II.5.** Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?

**II.6.** If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects
- (b) For NPPs

**II.7.** Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice

**II.8.** Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

**II.9.** Has your country carried out post-project analyses in the period 2013–2015

#### 2. Experience in using the guidance in 2016–2018

**II.10.** Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?

- (a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7)
- (b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix)
- (c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8)

#### 3. Clarity of the Convention

**II.11.** Has your country had difficulties implementing the procedures defined in the Convention, either as a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

#### 4. Suggested improvements to the report

**II.12.** Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.

# Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (2016 – 2018) Sixth review

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