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|  |  | ECE/MP.EIA/WG.2/2022/INF.725 October 2022English only |

**Economic Commission for Europe**

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context

Meeting of the Parties to the Convention
serving as the Meeting of the Parties
to the Protocol on Strategic
Environmental Assessment

**Working Group** **on Environmental Impact Assessment
and Strategic Environmental Assessment**

**Eleventh meeting**

Geneva, 19-21 December 2022

Item 4 of the provisional agenda
**Compliance and implementation**

 Additional information on Parties’ practical application of the Convention

 Informal note prepared by the secretariat

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| *Summary* |
|  This document presents additional information on Parties’ practical application of the Convention, supplementing the Draft seventh review of the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/WG.2/2022/3, paragraphs 68 to 70). The document is based on Parties’ responses to question II.4 of the questionnaire on the implementation of the Convention in the period 2019–2021 in conjunction with Annex III of the questionnaire, as well as to question II.15, inviting Parties to provide examples of their application of a transboundary environmental impact assessment procedure in accordance with the Convention that, in their view, constitute good practice or lessons learned. These parts of the questionnaire were not considered to be a reporting obligation according to the Convention, but Parties were encouraged to provide examples of good practice, with a view to sharing solutions and innovative approaches to improving the application of the Convention. Further to the goals of the long-term strategy, (VIII/3–IV/3, annex, item A.9), the objectives of workplan for 2019–2021 were to improve the information obtained through the questionnaire regarding progress achieved and remaining challenges; and to contribute to making the reviews of implementation more informative, turning them into tools for collecting and disseminating good practice.The Working Group may wish to welcome the willingness of several Parties to share practical examples, to comment on the examples provided, to identify the most relevant of them, and to propose ways to present and to further substantiate them with a view to maximizing usefulness of the information for Parties and future Parties to the Convention. |
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 I. Answers to question II.4 of the questionnaire on the implementation of the Convention in the period 2019 – 2021

1. Question II.4. reads “Please provide at least one example of the implementation of the Convention for an activity listed in appendix I to the Convention based on the template contained in annex III to the present questionnaire.” Parties could describe their experience either as Parties of origin or as affected Parties.

2. 15 Parties provided examples by using the template in Annex III to the questionnaires. The Parties were also asked to describe “the procedural step(s) considered to represent good practice and then explain why” (questionnaire, annex III, sect. III). However, the information provided in the majority of examples contained insufficient evidence of good practice.

3. Table 1 below compiles the information provided. Some of the text has gone through light English editing. The last column of the table provides a link to the questionnaires as filled in by the Parties.

Table 1
**Parties providing good practice examples under question II.4 (n=15)**

| *Respondent* | *Project type* | *Project duration* | *Stages covered in good practice example* | *Lessons learned* | *Link to the questionnaire response* |
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| Albania | Natural gas transmission system | 2021 | Impacts and Issues: biodiversity and climate change | - | https://unece.org/sites/default/files/2022-05/Albania\_EIA.pdf |
| Belarus | Electricity transmission lines and transformer substations | 06/2019-06/2020 | NotificationPreparation of EIA documentationConsultation under article 5 | - | https://unece.org/sites/default/files/2022-07/Belarus\_EIA\_EN.pdf |
| Belgium (Flemish region) | Waiting dock for inland vessels | 04/20220-10/2021 | NotificationPreparation of EIA documentationConsultation under article 5Final decision | - | https://unece.org/sites/default/files/2022-05/Belgium\_EIA\_WR%2BFR%2BBCR\_FIN.pdf |
| Czechia | New NPP unit | 2016-2019 | Preparation of EIA documentationConsultation under article 5 | “The constructive and devoted approach of the developer proved of paramount importance for a successful conclusion of the EIA process, as well as good working relationships and long-term contacts between all ministries and their focal points.” | https://unece.org/sites/default/files/2022-05/Czechia\_EIA.pdf |
| Estonia | Offshore windfarm | 2020-2021 | Notification | “Proposed project is related to climate objectives” | https://unece.org/sites/default/files/2022-05/Estonia\_EIA.pdf |
| Hungary | Road widening | 08/2019-01/2020 | - | - | https://unece.org/sites/default/files/2022-04/Hungary\_EIA.pdf |
| Lithuania | Dismantling of nuclear power plant equipment | 02/2020-04/2021 | Consultation under article 5 | “A solution [to travel restrictions during pandemic] was found by organizing a remote online meeting via Microsoft Teams, which was acceptable for all stakeholders and can be considered a good practice example……We think that this example illustrates that online meetings (bilateral and maybe multilateral) can be a very useful tool in transboundary EIA also during times when we are not threatened by global pandemics” | https://unece.org/sites/default/files/2022-04/Lithuania\_EIA.pdf |
| Malta | Gas pipeline interconnection | 2018-2021 | NotificationPreparation of EIA documentationConsultation under article 5 | - | https://unece.org/sites/default/files/2022-05/Malta\_EIA.pdf |
| Montenegro(affected Party) | Hydropower plant | 2019 | - | “We find the entire procedure was not conducted in line with Espoo convention -the new environmental permit means a new transboundary procedure. Based on documentation from 2012, seven years later it was asked to give approval for the mentioned EIA documentation. On final decision Montenegro has had no received information. The new environmental procedure has started in 2019 in neighboring country, with a request of issuing a new environmental permit. The new environmental permit was issued without Montenegro’s participation, without new EIA documentation and without notification on final decision”“There is a constant need for further capacity development for all parties involved.” | https://unece.org/sites/default/files/2022-05/Montenegro\_EIA.pdf |
| Poland | Lignite mining | 4/2015-1/2020 | NotificationPreparation of EIA documentationConsultation under article 5Final decisionPost-project monitoring | “[I]n opinion of the Polish Party it is important that during transboundary consultations pursuant to article 5 of the Espoo Convention governmental authorities are present together with specialists from different environmental fields”“Experience of the Polish Party shows that when EIA decision is being issued, it should be announced to the Affected Party at the earliest convenience, even though the translation of the decision is not yet available. Such approach builds trust between Parties”“It is important to involve in the procedure interpreters with experience of translations for a similar type of project or to provide additional time for them to prepare in advance. It would be ideal to include the same interpreters along whole EIA procedure until the issuance of the decision and its translation” | https://unece.org/sites/default/files/2022-05/Poland\_EIA.pdf |
| Moldova(affected party) | Heavy water detritiation plant | 10/2019-11/2019  | - | - | https://unece.org/sites/default/files/2022-04/Moldova\_EIA\_eng.pdf |
| Romania | Waste oil recycling Plant | 2018-2019 | Preparation of EIA documentation | “The transboundary consultations held with the Bulgarian party has improved the quality of the EIA study (by elaborating the Noise Level Assessment study and Noise Propagation maps).” | https://unece.org/sites/default/files/2022-04/Romania\_EIA.pdf |
| Slovenia | Radioactive waste storage | - | NotificationPreparation of EIA documentationConsultation under article 5 | “Very early notification and appropriate timefor consultation as the minimum three months” | https://unece.org/sites/default/files/2022-06/Slovenia\_EIA.pdf |
| Spain(affected Party) | Amplification Barroso mine |  | NotificationPreparation of EIA documentation | “Having bilateral agreements helps to carrying out the procedure of Environmental Impact Assessment, as well as providing thedocumentation translated into the language of the Affected Party” | https://unece.org/sites/default/files/2022-05/Spain\_EIA.pdf |
| Switzerland(affected Party) | Railway line | - | - | “Due to the completeness of the file, thepresentation of the project at a joint meeting organized by France, and the fact that thenotification was sent early enough, Switzerland became aware of the project and came to the conclusion that a notification was not necessary. Such a transparent and proactive approach facilitates the implementation of the Convention.” | https://unece.org/sites/default/files/2022-07/Switzerland\_EIA\_EN.pdf |

 II. Answers to question II.15 of the questionnaire on the implementation of the Convention in the period 2019 – 2021

4. Question II.15 reads “Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) for the information of Parties that, in your view, constitute good practice or lessons learned on various topics”.

5. Eleven Parties provided examples under this question.

6. Table 2 below compiles the information provided by these Parties. Some of the text has gone through light English editing.

Table 2
**Parties providing good practice examples under question II.15 (n=11)**

| *Country* | *Example* |
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| Belarus | Cross-reference to Annex III of their completed questionnaire, which describes consultation practices for the project: “Construction of an electric transmission line with transformer substations to the border posts "Mutwitz" and "Khinichev" on the territory of Pinsky border”. |
| Estonia | It is good practice when the Party of origin provides time frames which enable the affected Party to organize the public consultation in an effective manner (i.e., enough time is provided for the public and authorities to submit comments). In practice, this might not always be the case and therefore this should still be emphasized. Although this is not new practice, it is also constructive when the Party of origin provides already in the notification stage the (summary) translations of the relevant documentation. The approach that the Party of origin sends the documentation in electronic format (instead or in addition to hard copies) is widely used in practice. Also, the approach is used that the link of the dedicated webpage is sent. In this context, a practical observation: the Party of origin must also ensure that the electronic documentation is correct and can be downloaded from the webpage (so that there are no technical problems). Concerning the content of EIA documentation, where relevant, it is recommended that the documentation also includes an overview of the feedback received from the affected Party (in the previous stage) and the responses thereto. For instance, if the EIA programme is also sent to the affected Party, the programme could include an overview of the feedback that might have been submitted at the notification stage – this is also reasonable in terms of the public consultation that is going to be organized for the programme. Such practical example is also described in Annex III of the questionnaire. |
| Latvia | Regarding pandemic solutions for public meeting organization, good practice that could be taken into account in future transboundary consultations is live online meeting organization (cost effective, more participants may take part). We can highlight example when the Republic of Lithuania organized online meeting and provided interpretation in Latvian. |
| Lithuania | Successful online consultations with Latvia regarding dismantling / decommissioning of Ignalina nuclear power plant can be considered a case of good practice. |
| Malta | Planning ahead to ensure that the necessary steps of the process are duly undertaken, maintaining continuous communication and liaison both at national level and between parties. |
| Montenegro | Experience showed that there is still space for capacity building of all relevant stakeholders in a transboundary procedure. |
| The Netherlands | Good practice cases are the Bilateral agreement/arrangement with Germany and the Flanders Region. However, we cannot provide elaborate examples since we do not systematically gather them. |
| Poland | Cross reference to Annex III of their completed questionnaire, in which they describe procedures concerning “the continuation of exploitation of the Turów lignite deposit”. |
| Romania | We would like to mention the bilateral consultation meeting held in Ruse on the territory of Bulgaria. A bilateral expert meeting was conducted on the issue of “Long term operation of the nuclear power plant”, on 31st of January 2020. The meeting was agreed by the Ministries of Environment of Romania and Bulgaria as a result of the steps undertaken concerning lifetime extension of units 5 and 6 of Kozloduy nuclear power plant and the steps envisaged by Romania in the near future, for the national units of Cernavoda nuclear power plant. The meeting was well organized and facilitated the progress of the future procedures and good collaboration between two Parties. |
| Slovenia | Extension of lifetime for nuclear power plant Krško. Early notification, technical consultation prior the public hearing made the procedure efficient with Austria, Italy, Croatia and Hungary. |
| Switzerland | Rather than formal, administrative exchanges, a technical exchange (online or in person) between specialist staff can often improve mutual understanding, e.g., when environmental protection legislation differs between two countries. |