

Questionnaire for the

**REPORT OF DENMARK ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2006–2009

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

In this part, please provide the information requested, 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 describe the framework for your country's implementation, and not experience in the application of the Convention.

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).*

The Planning Act, Consolidated Act No 937 of 24 September 2009.

Environment Protection Act (Consolidated Act no. 925 of September 2005 on the Protection of the Marine Environment)

The Raw Material Act, Consolidated Act No. 886 of August 2004.

The Law on the use of Danish subsoil, Consolidated Act No 526 of 11 June 2002.

The Law of the Continental Shelf, Consolidated Act No 1101 of November 2005

Ministerial Order on the environmental assessment (EIA) of certain projects in the territorial sea, No 809 of 22 August 2005

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*

- a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

The EIA process in Denmark provides for public participation in two stages. First before the EIA documentation is prepared, in the scoping phase, the public is given the opportunity to make suggestion for the project-specific guidelines for the content of the EIA documentation. Secondly, once the EIA documentation has been prepared, the public has opportunity to comment both in writing and orally at a public hearing.

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

The procedure fits in the national procedure.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public*

participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;

Ministry of the Environment.
Ministry of Climate and Energy
Ministry of Transport

- d. Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

The Agency for Spatial and Environmental Planning is collecting the information

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

The point of contact will have the responsibility of the Espoo-procedure.

For certain cases there are examples of cooperation through joint bodies and common procedure has been created.

For other cases Denmark will conduct the procedure through the point of contact.

Denmark do not have special provisions for joint cross-border projects.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

Yes

6. *Please describe:*

- a. The legislation and, where appropriate, the procedures your country 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 Planning Act provides the EIA procedure. The Planning Act, together with a Ministerial Order, describes the procedure. Activities listed in Appendix I to the Convention fall within the scope of the Danish EIA legislation.

For activities not listed in Appendix I, the procedure will be the same as for those listed. The Convention will be applied if an activity not listed in Appendix I is likely to cause a significant adverse transboundary impact.

- b. How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

The point of contact will have the responsibility of the Espoo-procedure.

For certain cases there are examples of cooperation through joint bodies and common procedure has been created.

For other cases Denmark will conduct the procedure through the point of contact.

Denmark do not have special provisions for joint cross-border projects or bilateral or multilateral agreements.

c. *How a change to an activity is considered as a “major” change;*

The Planning Act and the Ministerial Order describe which changes to activities must be subject to EIA. The competent authority may consider whether an EIA is necessary given the potential environmental impact.

For activities not listed in Appendix I, the procedure will be the same as for those listed. The Convention will be applied if an activity not listed in Appendix I is likely to cause a significant adverse transboundary impact.

d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

The competent authority in Denmark decide whether an activity is likely to have a significant adverse transboundary impact. If a proposed activity in Denmark is likely to have a significant adverse environmental impact on the environment of another Party, the point of contact will send the notification to the point of contact in the Affected Party. The competent authority takes a case-by-case decision, taking into consideration the specific situation, type of activity, type of effects and distance to the border.

The same procedure is applied as for Appendix I.

The competent authority in Denmark will decide whether it is “likely” to have an impact. If an activity have an impact in Denmark and this activity is “close” to another country, the project will naturally fall under the convention. There could also be cases, where the impact would be greater in affected party, than in the party of origin..

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, 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 country’s public as required in article 2, paragraph 6?*

The EIA procedure in Denmark provides for public participation in two stages. First, before the EIA documentation is prepared, in the scoping phase, the public is given the opportunity to make suggestions for the project-specific guidelines for the content of the EIA documentation. Secondly, once the EIA documentation has been prepared, there is the opportunity for the public to comment both in writing and orally at a public hearing. The publication in the affected Party would take place at the same time as the domestic public is informed.

Denmark has the same definition of "the public" as the Convention.

Denmark provides the affected party with the same information, than the Danish public and the Danish competent authority will get. The public and the competent authority in the effected party (ties) are also invited if a public hearing/meeting takes place in Denmark.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines 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 does your country usually notify the affected Party (art. 3.1)*

In principle, the notification is sent at the same time as the publication of the “notification of intent” takes place domestically.

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

It depends on the case, but there have been cases where it has been necessary to provide more information.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE/MP.EIA/2)? If not, in what format does your country normally present the notification?*

The point of contact send the (translated) ‘notification of intent’, together with an accompanying letter, to the affected Party.

11. *Describe the criteria your country uses 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 does your country react?*

In principle the time frame is the same as for the domestic responses.

If the time frame is not complied with, the whole procedure will suffer from delays.

Normally a short extension of the deadline is considered.

12. *Describe when your country provides 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?*

The relevant information will already be submitted with the notification. Updated and new relevant information will also be submitted to the effected party.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

A request would normally be at an early stage.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

Denmark provides the affected party with the same information, than the Danish public and the Danish competent authority will get. The public and the competent authority in the effected party (ties) are also invited if a public hearing/meeting takes place in Denmark.

- b. How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

How the public is identified depends on the type of activity, the likely impact, the location (distance from the border), etc. The competent authority and the point of contact in the affected Party together can best identify the public to be informed. Denmark would first use the same criteria to identify the ‘public’ in the affected area as are used to identify the domestic ‘public’. However, it is important that the public in the affected area feel that they are the right people to be asked about their opinion. This can be done through dialogue between the authorities in both countries.

- c. How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

The public is notified by a public announcement in relevant newspapers or by any other means. The point of contact in the affected Party may advise how best this is done. The announcement contains the name and address of the proponent, the competent authority, a description of the proposed activity (type and size), the location of the proposed activity, and the decision or decisions for which the EIA is being carried out. Furthermore, the announcement should include information on the timing and the way suggestions for the content of the EIA documentation can be delivered to the competent authority. If the competent authority is to organize an public meeting/hearing, the public announcement should also contain information on this meeting.

- d. Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

Yes, the two notifications contain the same information.

In principle, the public in the affected Party is informed at the same time as the Danish public is first informed.

- 15. Does your country 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 as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes

QUESTIONS TO AFFECTED PARTY

- 16. Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

In general the competent authority - central and local authorities -, which also include environmental authorities decide whatever or not to take part in the EIA. In a project is of great interest for the public, Denmark would always participate in the EIA. Denmark would participate if it is to be ‘severely affected’ by an activity.

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is “reasonably obtainable” information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of “promptly” in the context of responding to a request for information (art. 3.6)*

All kind of existing information are considered “reasonable obtainable”. Additional analysis may be carried out if time allows.

“Promptly” is taken to mean “as soon” as possible. It will always take time to collect information.

18. *Please describe:*

a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

If needed we will organise a public hearing/meeting with help from the Party of Origin.

b. *How your country identifies the “public” in the affected area;*

See 7

c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

Newspapers, Ministerial and other relevant homepages.

A number of relevant NGO’s will also receive the information from the notification from the Party of Origin and will have the possibility to comment on it. Local authorities would also be involved

d. *At what stage in the EIA procedure does your country normally notify its public?*

We notify the public in Denmark as soon as possible after having received the notification from the Party of Origin.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

According to the Danish legislation concerning EIA, the legal requirement for the content of an EIA documentation is similar to Appendix II in the convention

20. *Describe your country’s procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

The Danish legislation concerning EIA contains procedure for the content of the EIA documentation. It is also similar.

21. *How does your country identify “reasonable alternatives” in accordance with appendix II, paragraph (b)?*

22. *How does your country identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to appendix II, paragraph (c), and how does it define “impact” in accordance with article 1(vii)?*

See 6 d

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

Yes.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

Usually the comments on the EIA documentation are sent directly to the competent authority and to the point of contact

The comments will be taken into account and it would be indicated what consideration has been given to the comments and recommendations submitted concerning the EIA documentation.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “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 does your country react?*

The time frame for comments depends on the specific legislation involved. The time frame will normally be the same as for domestic comments.

If the competent authority does not receive the comments in time they cannot be taken into consideration in the decision making process.

If the decision-making procedure permits, an extension will be granted. A reasonably extension we normally be granted

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

In principle, it would be the same material as provided for the domestic public. In some cases all the material has been translated. In other cases not all material will be translated. A summary will always be translated as well as information on the procedure, time frame, possibilities for involvement, etc. The point of contact in the affected Party will be contacted to provide guidance on this matter.

27. *Does your country 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?*

The EIA process in Denmark provides for public participation in two stages. First, before the EIA documentation is prepared, in the scoping phase, the public is given the opportunity to make suggestions for the project-specific guidelines for the content of the EIA documentation. Secondly, once the EIA documentation has been prepared, there is the opportunity for the public to comment both in writing and orally at a public hearing. The publication in the affected Party would take place at the same time as the domestic public is informed.

Yes, a hearing in Denmark is open and therefore also open to the public of the affected Party, public, authorities and other organizations.

In practice, yes, a public hearing is initiated as a joint hearing in either Party.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country 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)?*

See 25

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

Normally the Party of Origin will submit all the comments from the competent authority and the public to us.

30. *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, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

Normally, the public participation is organized in accordance with the legislation and common procedure in Denmark.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *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 your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

Consultation is carried out and Denmark will set the duration for consultations beforehand. The time frame can be extended if it is important for an affected party.

According to Danish legislation, and the general procedure in such matters, Denmark would avoid ‘undue delay’.

32. *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?*

The consultations are preferably organized in the Party of origin. However, if the situation occurs it may be organized in the affected Party as well. If problems remain unsolved, the national Government level has to be involved as well as the relevant local authorities. If desired, the consultation could also be held in the affected Party.

At first the competent authority in the Party of origin, the point of contact and other relevant levels of government authorities in the affected Party usually participate. If no agreement is reached or solution found, the consultation continues involving the national Government level.

Until now Denmark has not had such cases.

Communication is usually in a meeting preceded by an exchange of written communications. The consultation could also be a written consultation, which is normally the case.

QUESTIONS TO AFFECTED PARTY

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

Consultations are normally first held at expert level. If problems remain the national Government level has to be involved as well as the relevant local level. Until now Denmark has not had cases involving its national Government.

At first the competent authority in the Party of origin and the point of contact and other relevant levels of Government authorities in the affected Party discuss or exchange information at an expert level. If no agreement can be reached or solution found, the consultation continues involving national Government levels. Denmark has not had cases involving its national Government.

The usual means are a meeting preceded by an exchange of written communications. The consultation could also be a written consultation, which is normally the case.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

A final decision would be a “permit” according to the legislation. It could also be a rejection of a project.

Yes the projects listed in Appendix I require a decision.

35. *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)?*

Yes, the final decision does contain the reasons and considerations on which the decision is based.

36. *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. 6.1)?*

Yes, they are taken into consideration in the same way.

37. *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)*

Yes, the final decision does contain the reasons and considerations on which the decision is based.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

Denmark have not had any experience yet.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

The permitting authority may decide that a monitoring/ environmental programme shall be prepared.

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

no experience yet

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the 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 formal written agreement, but frequently meetings with Sweden and with Germany on EIA in a transboundary context are held.

The subregional meetings under the Espoo-konvention (work programme) are very usefull.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

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

There has been research and monitoring of the effect of offshore wind farms on benthic communities, fish, mammals and birds, comparing the situations before and after the establishment of two large demonstration offshore wind farms. There are also a great number of data end experience from a bridge connecting Denmark and Sweden.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

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

Very soon

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

Very soon

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

Very soon

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Yes

Denmark as Party of Origin:

- Nord Stream gas pipeline in the Baltic Sea
- Skanled gas pipeline in Kattegat
- Windfarm at Anholt in Kattegat
- Windfarm in the North Sea
- Windfarm on the South Coast of Lolland
- Fixed Link in Fehmarn Belt between Denmark and Germany
- Oil/gas-concession so called "open door " procedure

Denmark as Affected Party

- Nord Stream gas pipeline (Russia, Finland, Sweden and Germany)
- Skanled gas pipeline (Norway and Sweden)
- New Nuclear power plant in Finland
- European Spallation Source (ESS) at Lund in Sweden
- Windfarm Gaia in the North Sea (Germany)
- A second nuclear powerstation at Borssele (Holland)
- New Pallas research reactor (Holland)
- The close down of the Swedish nuclear powerstation Barsebæk

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

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

Not to our knowledge

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

There is not such a thing as an average duration!!!

Either is a short duration or a long. It depends on the complexity of the case. We all want the shortest duration as possible!!!!

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has 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

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

A reasonable time (art. 3,2 and art. 5): 8 weeks.

Normally we will discuss the matter with the country concerned and find a solution to the “promptly” and others questions.

53. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

The Ministry of the Environment/point of contact is often contacted by developers, NGO’s, the public, competent authorities etc. in order to identify transboundary projects. We also discuss various projects and upcoming cases with the neighbour countries in order to identify transboundary projects.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

Yes, there should always be a separate chapter or part of the EIA where it would be possible to find the transboundary issues.

It depends on the case.

- c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*
- d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

No translation between Denmark, Norway and Sweden as we understand each others languages.

For the notification letters for other countries we use English. Some of the bigger EIA will also be in English. There will also be a summary in the language of the specific countries. Before notifying we asked what kind of translation the Affected Party need.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

Normally we do not organize public participation in an Affected Party, but provide the Affected Party with all the information about the case/project. Sometimes we do advertise in the local newspapers in the Affected country.

We do not know of any complaints.

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

We have not had any serious difficulties.

- 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;*

The final decision either it is a permit or it is a abandoning of a project should be communicated to the affected Party.

- h. *Has your country carried out post-project analyses and, if so, on what kinds of project?;*

Yes for windfarms, a bridge and for a gas pipeline

- i. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how*

practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);

Skanded gas pipeline: effective meetings at critical steps with e-mail communication between focal points and other bodies/authorities involved between the meetings and documents distributed for comments in good time before each meeting.

(case stopped by developer for other financial reasons)

We have already all told about our experience from The Nord Stream gas pipeline case. But the "story" of a big project involving 9 countries has been a very good experience and without the provision of the Convention it would have been almost impossible for the countries to handle such a case.

- j. Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

We have already all told about our experience from The Nord Stream gas pipeline case.

- k. Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

Point of Contact

CO-OPERATION BETWEEN PARTIES IN 2006–2009

- 54. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

The so called Nord Stream Gaspipe case, which involved the nine countries around the Baltic Sea.

The Skanded gas pipeline in Kattegat involving 3 countries (Norway, Sweden and Denmark)

One should be aware of that it takes a lot of time and patience to understand and overcome the difficulties arising from different legal, administrative and "cultural" systems.

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

- 55. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

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

In general all the guidances are fine, but you have to learn by experience and cooperation with other countries and so we do.

- b. Guidance on subregional cooperation;*

See 55 a

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

See 55 a

CLARITY OF THE CONVENTION

56. *Has your country 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 one above 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 your country encounters when applying the Convention.*

No we have not had any difficulties implementing the procedure defined in the Convention.

The Convention is a very useful, one just has to use it and start a fruitful dialog with the involved stakeholders.

AWARENESS OF THE CONVENTION

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

It is always important to inform new authorities, stakeholders, developers, NGO etc about the provisions in the Convention and so we do.

58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

No, but from time to time "old" legislation will be updated.

SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

It is still very long and there are too many topics mixed together. One has the feeling of answering the same questions again and again

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