

Questionnaire for the

**REPORT OF NORWAY 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).*

Amended Planning and Building Act in force from 1 July 2009, §§ 4-2 and 14-6, and amended Regulations to the law of 1 July 2009 covering the convention and the protocoll. The Regulation covers the contents of the law. Guidance to the Regulation of May 2006 and of June 2009.

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;*

- Preconsultation by competent authority to concerned authorities to clarify possible application of EIA/SEA
- If not EIA/SEA: competent authority shall make this decision available to the public.
- If EIA/SEA: The proposer has to draw up a proposal for a planning or assessment program.
- Competent authority makes the proposal available for public inspection and circulates it on public hearing to concerned authorities and interest organisations.
- Competent authority shall consider the need for a public hearing meeting at this stage and organise such if needed.
- On basis of the proposal and the comments thereon, the competent authority shall prescribe a programme for the planning or assessment work.
- Proposed plans or project applications with an environmental impact assessment document shall be circulated to concerned authorities and interest organisations and made available for public inspection

- The competent authority shall, on basis of the consultation, decide whether there is a need for supplementary assessments. Any such shall be circulated for comments to those who have submitted comments on the proposal.
- Acceptance of the EIA/SEA documentation is done as part of the planning og development decision.
- The need for an environmental follow-up program shall be considered in the decision making process and and if needed requirements for such shall be included in the decision.

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

§ 19 in the EIA/SEA Regulation and Guidance to the Regulation requires:

If a plan or a project may have significant environmental effects in another state, the competent authority shall send the programme for the planning or assessment to the authorities in the concerned state(s) for invitation to participation in the following process and for possible comments on issues to be assessed, no later than when notifying its own public. A copy of the documents shall be sent to the Ministry of the Environment, which shall notify the right authorities in the concerned state.

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

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

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

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

c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

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

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

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

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

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

No.

#### 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).*

Our national lists in Annex I and II covers and Appendix I to the Convention with second amendment and moreover has the following national activities: Annex I point 1) Industry, business or public buildings above NOK 500 mill or 15.000 m<sup>2</sup> available areal 2) zoning plans for holiday houses and housing areas in conflict with master plan.

Large and major are interpreted as follows: item 4: (no lower threshold), item 8: diameter more than 800 mm and more than 40 km long, item 11: total amount water exceeds 10 million m<sup>3</sup>, item 14: from 200 decares area affected or total extraction of more than 2 million m<sup>3</sup> mass, item 16: storage capacity more than 200.000 tonnes, item 17: is covered in our annex II with at threshold of 200 decares, item 22: installed effect more than 10 MW

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 projects listed in Appendix I to the Convention is implemented in Annex I to the Norwegian EIA/SEA regulation, and these projects has to follow the EIA/SEA procedures included § 19 in the regulation regarding likely significant adverse transboundary impacts. § 3 in the regulation lists projects for which specific criteria in § 4 should be applied to see if EIA/SEA is needed (cf article 2.5/Appendix III to the Convention) and if so the same procedures regarding transboundary impacts.

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

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

An EIA/SEA has to be undertaken if a change (expansion or modification) surmounts the thresholds to determine if EIA /SEA should be undertaken, set for each project in Annex I to the regulation. Likewise, for changes to projects listed in §

3, the thresholds to determine EIA/SEA or not set for each project i § 3 should be used.

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

It is "likely" if there is a certain possibility of such an impact and if uncertain then the competent authority shall as a guiding principle use the precautionary principle as a guide to the need for notification.

## 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?*

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

## Article 3

### Notification

#### QUESTIONS TO PARTY OF ORIGIN

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)*

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

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

follows art 3

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?*

uses the format with slight adjustments form case to case

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?*

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

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?*

Both in the notification

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)?*

No legal provisions or practical experience

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;*

For public participation, see question 7. We provide the authorities in the affected party with all documents open for public inspection in Norway

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

from case to case by telephone/e-mail contact between the relevant authorities starting from the likely impacts geographical extension

- 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?;*

local news paper and internet. content follows article 3

- 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?*

Same content. no later than our countries public

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](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.*

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

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)*

No legal provisions. We provide such information as part of response to the notification.

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;*

We organise pp in our country with assistance from affected party such as hearing meetings if needed.

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

From case to case, starting from the likely impacts geographical extension

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?;*

see 14 c

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

unclear question: We notify as soon as we get the notification from party of origin. this is normally at stage of hearing of a proposal for a planning or assesment program.

## **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)?*

§ 9 and Annex III in SEA/SEA regulation gives the following requirements:

Proposed plans or applications with an environmental impact assessment shall be relevant for the type of plan and the decision to be made and, as far as possible, be based on the information available, and necessary updating of this. Where information does not exist regarding important conditions, new information to the degree necessary for the decision shall be gathered.

Proposed plans or applications for projects with an environmental impact assessment shall describe the effects of the project including the the topics relevant in Annex III. In the case of zoning plans, the overall impact of the plan shall be included when assessing the consequences. An account shall be given of what can be done to adapt the project to its surroundings and to mitigate adverse effects or inconveniences, and of the need for and proposal for an environmental follow-up programme with a view to monitoring and clarifying the actual effects of the plan or project.

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

Annex III includes the following:

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

- a) A description of the project, including
  - the purpose of the projects,
  - types of activities, including appurtenant activities,
  - a description of the reference alternative,
  - the time schedule for the project,
  - architectural and aesthetic design, features and qualities,
  - types and quantities of emissions
  - land-use and
  - labour requirements
- b) A survey of public and private measures necessary for the implementation of the project.
- c) An account of how the project relates to municipal and county plans and of the permits issued by public authorities necessary for its implementation.
- d) A description of the environment, natural resources and societal conditions, including an account of plans, objectives and guidelines for the areas involved.
- e) A description of the effects of the plan or project on the population's health and access to outdoor areas, crime prevention, universal design, buildings and services, fauna and flora, soil, water, air, climate gas emissions, the landscape, Sami natural and cultural heritage, material assets, cultural heritage and cultural environments, aesthetic considerations, effects from climate change, emergency preparedness and the risk of accidents and interactions between these elements. The effects shall be described in relation to plans, objectives and guidelines for the environment, natural resources and the community in the areas involved. When several development projects in an area may collectively have significant effects, the project's cumulative nature in relation to other projects carried out and planned in the project's area of influence shall be assessed. In cases involving reindeer husbandry interests, the overall effects of plans and projects within individual reindeer pasture districts shall be assessed. A brief account shall be given of the basic data and methods used to describe the effects of the project, and of any lack of know-how or technical deficiencies encountered in compiling and using the data and methods.
- f) A description in accordance with e) above of the effects on any other state that may be affected by the project.
- g) A summary of the project's effects and a comparison and evaluation of the alternatives in relation to their effects and in relation to relevant plans, objectives and guidelines.
- h) An account of measures that can be taken to prevent or mitigate any inconvenience or adverse effects of the project.
- i) The recommendation of the proposer regarding his choice of alternative.
- j) An evaluation of the need for, and possibly, proposals for further studies before the project is carried out.
- k) An evaluation of the need for, and possibly, proposals for studies for the purpose of monitoring and elucidating the actual effects of the project.

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).*

These procedures are secured through the processes following the Planning and building act. cf question 3 a.



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

Case by case and limited to alternatives that are "realistic" and "relevant". For infrastructure projects, especially transport, alternative strategies and locations might be reasonable and for more simple or defined industrial projects alternative technology might be reasonable to assess.

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 question 6(d), and in addition through a possible consultation with affected party.

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?*

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

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)?*

Competent authority sends to the relevant authorities in affected party, with copy to us (Ministry of Env). Dealt with equivalent to other comments, see question 3(a).

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?*

We use the same time frame as for inspection/hearing in Norway - not less than 6 weeks. Requests for extension of the deadline is normally accepted.

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

EIA documentation and project application/plan

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?*

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

#### 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)?*

same as for question 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?*

We (MoE) publish the documents on our internet site and send summaries with the hearing letter in our country. We coordinate and submit comments from our country to party of origin.

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

## **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?*

Generally at the stage of working with the EIA documentation, i.e. as part of the hearing process of the EIA and before completing the EIA doc. But if the topic is not resolved consultation again after the completion of the EIA documentation, i.e. and before decision. We set the duration beforehand and adjust if necessary. If there seems to be no need we check this with affected party.

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?*

Normally all three levels if relevant to the case. written communications if not a specific conflict - then meetings. Responsibilities of the national government is coordinating the process and arbitrate, the others give their views/comments

#### **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?*

as above

## **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?*

Decisions following a procedure in the Planning and building act and/or sector acts.  
"planning and buliding act: "planvedtak" sector act: "konesjon". When two, or more, acts are involved we have two, or more, decisions and it varies which is the last and final. All projcets in Appendix I require such 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)?*

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

Norway will from 2010 use question 35/ this topic as an indicator to measure our national goal regarding EIA/SEA saying that all plans and project decisions shall be made on the basis of good knowledge and description of its likely imapacts.

§ 12 in EIA/SEA regulation reads as follows:

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

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

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.

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)*

Final decision with reasons sent affected party

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)*

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

## **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 relevant parts of § 12 in the EIA/SEA regulations reads as follows:

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

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

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

## **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.

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.*

a) pre and post analysis and monitoring programme of effects on birdslife from windfarms.  
Started in 2003 -  
Methode for evaluation of landscape values and impacts on landscapes in EIA and SEA  
Methode for assessment of cumulative effects of wind farm development

## **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?*

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?*

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

## 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?*

Norway Affected Party:

- wind farm in Åre municipality in Sweden (full EIA)
- border shopping center in Torsby municipality, Sweden (so far notification)
- Fennovoima: three separate projects for nuclear power stations in Finland (full EIA)
- Olkiluoto nuclear power station in Finland (full EIA)
- airport in Sälén municipality, Sweden (so far notification)
- new nuclear research reactor, Petten, Netherlands (only notification)
- final disposal of irradiated nuclear fuel in Olkiluoto, Finland (full EIA)

Norway Party of Origin:

- trading port and quarry in Halden municipality, Norway. (Sweden affected Party) (full EIA but project planning stopped for uncertain time because of environmental concerns)
- wind farm in Sør-Varanger municipality. (Russia affected Party) (notification only)
- dredging of the Ringdalsfjord for bigger vessels, Halden municipality (Sweden affected Party) (full EIA but project stopped for uncertain time because of environmental concerns)

Norway Party of Origin and Affected Party:

- Scanled gas pipeline from Norway to Sweden and Denmark (full EIA but project stopped for uncertain time because of political/economic reasons)

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.*

no

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

as a whole: average duration 1-2 years, but very dependent on type of case and complexity

steps: pre assessment of possible requirement for transboundary EIA: 1 month,  
notification: 2-4 months, preparation of EIA documentation 4-12 months, consultation: 2-6  
months, final decision: 2-6 months

#### 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, prevention and reduction. including of accident preventive measures regarding reindeer husbandry in connection with nuclear power plants in Finland

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?*

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

A reasonable time: 6 weeks but possibly more if the case is complex

Promptly: no experience

A reasonable time frame: 6 weeks but possibly more if the case is complex

Solved from case to case on the basis of the different national regulations involved and good neighbourship.

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?;*

Identificaton of activites when Norway is Party of origin is the responsibility of the competent authority in question. In practice however MoE from time to time gets information through other channels such as thorough regular communication with our regional state offices that a project might be relevant for notification under the convention. If in doubt, determination of significance and likelihood of adverse transboundary impacts is done from case to case with reference to relevant national environmental goals and any information about the activity and in dialogue with possibly affected party.

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, separate chapter so it is possible to find it. How much information to include: we recommend that the EIA report includes all important conditions but is short and possible to read for "everyone" and that supplementary documentation is Annexed to the report making it possible to go deeper for interested.

- 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)?;*

methods to compare alternatives such as scenario work, and models for predicting impacts different from topic to topic, e.g. risk and vulnerability analysis with a specific method for this.

- 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 Norway, Sweden and Denmark because we understand each others languages. With Finland we usually translate the EIA report and a summary. normally sufficient.

- 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 organise public participation in as affected party and vice versa. but in some cases there has been meetings organised by Norway as party of origin in affected party by the competent authority. this has given a positive effect on public participation. no complaints known.

- 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?;*

no difficulties. Consultations has to some degree in cases supported prevention and reduction of possible impacts, but more normal is a abandoning of projects, if significant transboundary environmental impacts are identified. most cases in this report have not come to final decision or construction so this is a little to early to judge.

- 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;*

Letter of 2 -4 pages giving the permission and general terms if yes, and requirements for environmental follow up programme. Translated if needed and sent point of contact in affected party. we could how ever have routines for this so as to send this with no delay to affected party.

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

no experience yet

- 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)

- 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"?*

no

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

focal points

#### 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?*

scanded: problem: Different timeframes in different countries for parts of decisionmaking processes. we put up a systematic and easy readable comparative table of the different legal systems with timeframes/important legal steps for the activity for 3 countries involved. this helped us making compromises.

#### 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;*

yes

- b. *Guidance on subregional cooperation;*

no

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

yes, the results from this questionnaire should be used to amend the guidelines

#### 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 major difficulties implementing - but activities with more than one party of origin/affected party is challenging regarding procedures.

unclear provision/variation in procedure from the convention: we interpret the relationship between article 4 and 5 regarding public participation like this: public participation should take place during preparation of EIA documentation and before this process has been finalised, to be able to influence the contents of the EIA documentation, and see if the comments given at stage of notification has been taken on board or not. In this respect; article 4 could maybe have been more clear on the linkages between public participation at the stage of notification and EIA-documentation.

strenghts: inclusion of all relevant parties and interests in the procedure to find the best weaknesses: if norway is party of origin, competent authority has the responsibility of notifying relevant aauthorities in affected party, with copy to MoE that in turn shall notify point of contact in affected party. Internally in norway, we could be better on having and overview (get information from competent authority) of cases early to be sure the procedures are followed. We have no formal evaluation of norwegian espoo-procedures in pratice the last years. this might give some signals for improvement.

#### 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.*

letter to NGOs informing of the Convention and the possibility of taking part in meetings

*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 spesific need or activities planned

#### SUGGESTED IMPROVEMENTS TO THE REPORT

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

The questionnaire is still very long. To many topics mixed together, too many of the questions are "quasi"repeated, many of the questions are actually five questions in one, making it a risk for unclarity of what the qestion really refers to. Some places difficult to know what a term refers to: exemple: Does the term "consultation" which is used both with and without reference to article 5 in question 53 f) only refer to article 5 conslutation? and some times difficult to know if the question relates to party of origin or affected party or is general.

Proposition: confine the qestionnaire to what we really are going to use of information. Maybe a "core" questionnaire with focus on possible problems with implementation. Other issues could be covered in separate questionnaire. the rest of questions such as good practise etc could possibly be better handled and brought to the parties attention via other fora,cf the work plan.

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