

Questionnaire for

SPAIN'S REPORT ON THE IMPLEMENTATION OF THE ESPOO CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT¹

in the period 2006-2009

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PART I – 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 legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).

EIA is regulated in Spain by:

- European Directive 85/337/EEC, and its amendments.
 - Convention on Environmental Impact Assessment in a transboundary context, signed in Espoo, on 25 February 1991.
 - Legislative Royal Decree 1/2008, of 11 January, approving the codifying legislation on the Law on Environmental Impact Assessment of projects.
 - Regional legislation on EIA.
2. Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

None planned.

TRANSBOUNDARY EIA PROCEDURE

3. Describe your country's national and transboundary EIA procedures and authorities (art. 2.2):
 - a. Describe the EIA procedures in your country and indicate which steps of those procedures include public participation.
 - Screening
(including participation of the public concerned)
 - Scoping
(including participation of the public concerned)
 - Environmental Impact Report
 - Public Consultations and Information
(including public participation)
 - Environmental Impact Declaration
 - Project approval or authorization
 - Monitoring

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

Notification is normally made during the scoping stage, giving the affected Party the possibility to give information and suggest the significant environmental aspects to be covered in the environmental impact report.

Submission of the environmental impact documentation and consultations to the affected Party is made during the public consultations and information stage.

When the project is approved, the affected Party is notified of the final decision.

The final decision is published in the Spanish Official Journal

- c. List the different authorities responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if different.

- Initiative
Developer
- Screening
EIA Law thresholds or analysis by the environmental body
- Scoping and Notification
Environmental body
- Environmental Impact Report
Developer
- Public Consultations and Information and Transboundary Consultations
Competent authority for the authorisation or approval and Ministry of Foreign Affairs and Cooperation
- Environmental Impact Declaration
Environmental body
- Project approval or authorization
Competent authority for the authorisation or approval
- Monitoring
Competent authority for the authorisation or approval

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

The Ministry of Foreign Affairs and Cooperation participates in all the transboundary EIA cases.

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

No, but there is a collaboration Protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, for the environmental assessment of plans, programmes and projects having transboundary effects with Portugal.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA 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 to the Convention, 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).

The Spanish EIA legislation includes both the list of projects of appendix I of the Convention in force, as well as the list of projects in the second amendment to the Convention (not yet in force).

It is considered that these projects are included in the Legislative Royal Decree 1/2008, with the exception of the "offshore hydrocarbon production" projects, which, as a result of the entry into force of the second amendment to the Convention, should be subject to environmental impact assessment.

In the appendices of the Legislative Royal Decree 1/2008, the terms "large" and "major" are not used, but the characteristics of these projects are specified further through thresholds, above which EIA is obligatory.

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 on the list should be treated as if it were (art. 2.5);

In accordance with the domestic EIA regulations, during the screening and scoping stages the environmental body can consider that the project is likely to have significant effects on another State and communicates this to the Ministry of Foreign Affairs and Cooperation, so that it can notify the affected State thereof.

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

It depends on the specific needs of each project.

There is a collaboration protocol between Spain and Portugal regarding the practical application of the environmental assessment of plans, programmes and projects likely to have transboundary effects.

One particular case is the bilateral commission established within the framework of the Albufeira Convention between Spain and Portugal, which applies to projects affecting the waters of the Spanish-Portuguese hydrographical catchments.

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

Legislative Royal Decree 1/2008 provides the same treatment for projects and the amendments thereto, with regard to the application of thresholds.

- d. How such an activity, or such a change to an activity, will "likely" have a "significant" adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).

The domestic regulatory criteria for determining whether an activity might have a significant impact, including a transboundary impact, are similar to those described in appendix III of the Espoo Convention.

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?

According to Legislative Royal Decree 1/2008, "public" means "any individual or corporate person, as well as its associations, organizations and groups, in accordance with the regulations applying to them".

In the projects in which Portugal is the affected Party (i.e. the majority) a collaboration protocol exists between both countries, establishing that the affected Party is responsible for consulting the interested public in its country. In all other cases, a decision is made on a case-by-case basis.

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)?

Notification is normally sent during the scoping phase, which is when the Spanish public is informed of the project for the first time.

9. Does your country provide any information to supplement that required by article 3.2?

Since it is implemented at such an early stage, only the information required by article 3 is provided.

10. Does your country use the format for notification adopted at the first Meeting of the Parties to the Espoo Convention (<http://www.unece.org/env/documents/1998/eia/ece.mp.eia.2.e.pdf>, decision I/4? If not, in what format does your country normally present the notification?

In general, this format is not used, but the information provided is similar.

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 the projects in which Portugal is the affected party (i.e. the majority) a collaboration protocol exists between both countries, providing for a response time limit of 30 days. In all other cases, normally the same time limit is also established, but it is not established in any rule.

In general, there is some flexibility if the affected Party does not comply with the time limit or seeks an extension thereto.

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?

This information is normally submitted with the notification to the affected 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)?

When the notification is made, the affected Party is given the opportunity to submit information and suggest the environmental aspects to be covered in the environmental impact report. The developer may also request further information, if so required to draw up the environmental impact report.

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 the affected Party are both responsible.
- b. How your country identifies, in cooperation with the affected Party, the "public" in the affected area.
- c. How the public in the affected Party is notified (what kind of media, etc. are usually used). What is normally the content of the public notification?
- 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?

In the projects in which Portugal is the affected party (i.e. the majority) the collaboration protocol between both countries establishes that the affected Party is responsible for consulting the public concerned in its country. In all other cases, a decision is made on a case-by-case basis.

15. Does your country make use of points of contact for the purposes of notification as decided at the first Meeting of the 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?

We generally don't use the points of contact. The notification is made through the respective Ministries of Foreign Affairs.

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, competent local authorities, environmental authorities, the public? Describe the criteria or reasons your country uses to decide.

The Ministry of the Environment and Rural and Marine Affairs decides whether it wishes to participate, having analysed the documentation submitted on the characteristics of the project and the potential impacts. In some cases, further information may be requested from the Party of origin. It may also be possible to consult any Spanish affected authority.

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 that your country would apply to determine the meaning of "promptly" in the context of responding to a request for information (art. 3.6).

The request is assessed in each case. There is usually no problem in submitting the information to the Party of origin if it is held by the concerned authority.

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 the affected Party are both responsible.
- b. How your country identifies the "public" in the affected area.
- c. How the public is notified (e.g. what kind of information, etc., is usually used).
- d. What is normally the content of the public notification.
- e. At what stage in the EIA procedure does your country normally notify its public.

In the projects in which Portugal is the affected Party the collaboration protocol establishes that the affected party is responsible for consulting the public concerned in its country. In all other cases, normally the same criterion is used.

In general, the Ministry of the Environment and Rural and Marine Affairs consults the affected authorities and the public concerned, in accordance with the applicable domestic regulations. The stage of the procedure at which the public participation takes place is after the environmental impact report has been drafted.

Article 4

Preparation of EIA 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)?

- Description of the project
- Alternatives
- Assessment of likely environmental impacts
- Mitigation measures
- Monitoring programme
- Non technical summary

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

The case-by-case determination of the content of the EIA documentation is implemented by the environmental body after consulting the affected environmental authorities. The consultation may be extended to other institutions and NGOs.

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

In general, the developer presents its alternatives. Other alternatives may be suggested in the process to determine the content of the EIA documentation.

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

Both are identified in the process to determine the content of the EIA documentation.

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?

In general, it provides the full environmental impact report, in which the transboundary effects have also been taken into account.

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 the 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).

In the projects in which Portugal is the affected Party (i.e. the majority) a collaboration protocol exists between both countries, establishing that the affected Party is responsible for the distribution of the EIA documentation and the submission of comments. In all other cases, a decision is made on a case-by-case basis.

The affected Party's comments are sent to the developer so that they can be taken into account in the project and, in a further step, taken into account by the environmental body in the Environmental Impact Declaration.

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?

In the projects in which Portugal is the affected party, a protocol exists between both countries, providing for a response time limit of 3 months. In all other cases, normally a similar time limit is also established, but it is not established in any rule.

In general, there is some flexibility if the affected Party does not comply with the time limit or seeks an extension thereto.

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

It provides the environmental impact report, in which the transboundary effects have also been taken into account.

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 the Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?

The environmental impact assessment procedure includes a public participation stage, after the environmental impact report has been drawn up and before the environmental impact declaration is issued.

In the projects in which Portugal is the affected Party, a collaboration protocol exists between both countries, establishing that the affected Party's authorities are responsible for consulting the affected authorities and public concerned. In all other cases, a decision is made on a case-by-case basis.

When the public participation is organised in the same country, there is no record of any restriction to the participation of public authorities, organizations or other individuals from another country.

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).

In the projects in which Portugal is the affected party, a collaboration protocol exists between both countries, providing for a response time limit of 3 months.

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 the affected Party are both responsible?

In the projects in which Portugal is the affected Party, a protocol exists between both countries, establishing that the affected Party is responsible for the distribution of the EIA documentation and the submission of comments. In all other cases, in general the affected Party's authorities also distribute the documentation and submit comments.

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?

In the projects in which Portugal is the affected Party, the collaboration protocol between both countries establishes that the affected Party's authorities are responsible for consulting the affected authorities and public concerned. In all other cases, the affected Party's authorities generally also organize the public participation in accordance with the affected Party's legislation.

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?

The consultation to the affected Party takes place during the public participation stage (public information and consultation).

In the projects in which Portugal is the affected party, the protocol between both countries provides for a response time limit of 3 months. In all other cases, normally a similar time limit is also established, but it is not established in any rule.

The need for a consultation is determined at the scoping and notification stages (see the reply to questions 8-15).

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 or by exchange of written communications?

The consultations are made through the Ministry of Foreign Affairs and Cooperation in written communications. *Ad hoc* meetings are also held, when necessary.

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?

The consultations are made through the Ministry of Foreign Affairs and Cooperation in written communications. *Ad hoc* meetings are also held, when necessary.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. For each type of activity listed in appendix I of the Convention, 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 projects listed in appendix I require such a decision?

The final decision in each project depends on the sectorial regulations applying thereto, and may fall under the jurisdiction of the State Government, the Regional Government or the Local Government. In the domestic regulations on environmental impact assessment (Legislative Royal Decree 1/2008) the term used is “decision sobre la autorización o aprobación del proyecto”.

All of the projects listed in appendix I require such 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)?

The domestic regulations require that the EIA should be taken into account in the final decision on the project.

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)?

The comments of all the authorities and the public 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?

The domestic regulations require the submission of the final decision to the affected Party, including the reasons and considerations on which it 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)

It is possible to review the decision taken.

Article 7

Post-Project Analysis

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

In the projects subject to EIA in Spain, there is always an obligation to monitor the project. The affected Party's participation can be decided at any stage of the EIA procedure.

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?

In the projects subject to EIA in Spain, there is always an obligation to monitor the project. The affected Party's participation can be decided at any stage of the EIA procedure.

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.

The 1998 Albufeira Convention between Spain and Portugal for the Protection and Sustainable Use of the Waters of the Spanish-Portuguese Hydrographical Catchments (http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2000-2882). The main purpose is not the implementation of the Espoo Convention, but it has some provisions related thereto, e.g. criteria defining whether certain projects are likely to have significant transboundary effects.

On 19 February 2008 a collaboration protocol was signed between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, applying environmental assessment plans, programmes and projects likely to have significant transboundary effects.

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

A bilateral commission exists for the implementation of the Albufeira Convention.

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.

No research is known.

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?

Spain has ratified the first amendment to the Convention.

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?

Spain has ratified the second amendment to the Convention.

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

Spain has ratified the Protocol on Strategic Environmental Assessment.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2006-2009

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in Part I), 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 in applying the Convention, why not?

Projects in which Spain is the country of origin and Portugal the affected country:

- Rail connection between Madrid – Lisbon/Oporto. Corridor between Elvas and Badajoz (Badajoz).
- Regeneration of the beaches in A Braña and A Carteleira. Municipal District of Vilagarcía de Arousa (Pontevedra).
- 400kV power line Puebla de Guzmán (Huelva)-Portuguese border.
- Construction of an oil refinery in Extremadura, Municipal Districts of Fuente del Maestre, Los Santos de Maimona and Villafranca de los Barros (Badajoz).
- Wind farm close to the Spanish-Portuguese border, in the Municipal District of Valverde del Fresno (Cáceres).

Projects in which Spain is the affected country and Portugal the country of origin:

- Hydroelectric use of Douro Internacional – Bemposta – Reinforcement of Power. (Portugal)
- High speed train connection between Madrid-Lisbon/Oporto, Corridor 1 – Elvas/Badajoz, lot LFT- section Elvas/Caia. (Portugal)
- Tavira Substation Project and associated RNT Lines, including new link with the Spanish Electricity Supply System. (Portugal)

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 information available.

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

No information available.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2006-2009

51. If your country has had practical experience, has the application of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.

We consider that the EIA, including Transboundary EIA, supported the prevention, reduction and control of significant impacts. For instance, in the case of the Portuguese project for the Reinforcement of Power in Bemposta, the collaboration between both countries in applying the Espoo and Albufeira Conventions allowed for considering changes to the project and environmental monitoring measures during the works.

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)), "promptly" (art. 3.6) and "a reasonable time" (art. 3.2(c), art. 4.2, art. 5). (Do not provide references to answers to earlier questions 6 (c), 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?

There is no record of cases in which there have been problems in interpreting these terms.

53. Please share with other Parties your country's experience in applying the Convention. 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 significant and likelihood of adverse transboundary impact?

In the majority of cases, the need for notifying the other Party has been identified during the scoping phase, particularly, in the analysis of the initial documentation of the project. In other cases, this has occurred at the request of the affected Party (e.g. in the *Construction of an oil refinery in Extremadura*).

- 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?

In the projects in which Portugal is the affected Party, the protocol between both countries establishes that a separate chapter has to be submitted containing the information with transboundary effects, translated into the language of the affected country. In all other cases, the same rule is normally applied, but this is not established in any rule.

- 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)?

There is no record of the use of specific methodologies for transboundary impact assessment.

- 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?

In the projects in which Portugal is the affected Party, the collaboration protocol between both countries establishes that a separate chapter has to be submitted containing the information with transboundary effects, translated into the language of the affected country. In all other cases, the developer is normally asked to translate at least one separate chapter containing the information with transboundary effects.

- 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?).

In general, the affected Party's authorities organize the public participation in its country. There is no knowledge of any complaints or difficulties.

- 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?

There is no knowledge of any 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 is communicated to the affected Party through the respective Ministries of Foreign Affairs.

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

Yes, one example is quoted in question 51, regarding the Portuguese project for the Reinforcement of Power in Bemposta.

- 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, bilateral agreements, institutional

arrangements, and how practical matters are dealt with (e.g. points of contact, translation, interpretation, transmission of documents, etc.).

There is no information available on any transboundary EIA procedure for joint projects.

- 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"?

COOPERATION 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 signature of the Protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, for the environmental assessment of plans, programmes and projects having transboundary effects.

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 (http://www.unece.org/env/eia/pubs/publicpart_guidance.htm);
 - b. Guidance on subregional cooperation (http://www.unece.org/env/eia/pubs/subregional_coop.htm); y
 - c. Guidelines on good practice and on bilateral and multilateral agreements (<http://www.unece.org/env/eia/guidance/welcome.html>).

CLARITY OF THE CONVENTION

56. Has your country had difficulties applying the procedure defined in the Convention, either as the Party of origin or as the affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I above or in the Convention. Also describe in general the strengths and weaknesses of your country's application of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.

No record of difficulties.

AWARENESS OF THE CONVENTION

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

There is no knowledge of any such activities having been undertaken.

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 legal or administrative action is foreseen in that respect.

SUGGESTED IMPROVEMENTS TO THE REPORT

59. Please provide suggestions on how this report may be improved.