

Questionnaire for the

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

in the period 2010–2012

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Date on which report was completed: May 2013

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

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

The Law of the Kyrgyz Republic “On the Accession of the Kyrgyz Republic to the UNECE Convention on EIA in a Transboundary Context” (2001).

The Law of the Kyrgyz Republic “On Environmental Protection” (1999).

The Law of the Kyrgyz Republic “On Environmental Expertise” (1999).

The Law of the Kyrgyz Republic “On Production and Consumption Wastes” (2001).

The Law of the Kyrgyz Republic “General technical regulations on environmental safety in the Kyrgyz Republic” (2009).

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

The adoption and registration of developed draft Instruction on the Procedure for the Proposed Activity Environmental Impact Assessment (EIA) in the Kyrgyz Republic is planned in return of the expired one pursuant to the order established by the Kyrgyz Republic legislation.

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

Ministry of Foreign Affairs of the Kyrgyz Republic (hereinafter – MFA KR), State Agency of Environmental Protection and Forestry under the Government of the Kyrgyz Republic.

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

State Agency of Environmental Protection and Forestry under the Government of the Kyrgyz Republic.

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

No.

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

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

The Appendix I to the Convention is not fully transposed into the national legislation. The national list is determined taking into account the development level, natural conditions and resources of the country.

The list does not include paragraphs 9, 15, and 17 of the Appendix I to the Convention:

- there are no waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes;
- there is not access to the sea;
- forests are protective by the value. All types of main felling are restricted there.

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

The national list is completed with the activities covered by the second amendment to the Convention.

PUBLIC PARTICIPATION

8. *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 equivalent opportunity given to the public of both Parties to participate in the EIA procedures is ensured through providing the access to the EIA documentation in equal amount and possibility for providing the comments on the proposed activity.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

The decision on when to send the notification to the affected Party is made as soon as the official information on the beginning of the preparation of the project documentation and EIA documentation is received from the activity initiator (project proponent).

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

The Competent Authority of the affected Party shall be notified when the decision on the necessity in EIA (screening) is made.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

The format for notification provided in the Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries is in use (hereinafter – Guidelines for CA countries). The copy is attached.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

The Guidelines for CA countries indicates one time frame for the response to the notification from the affected Party. The notification content indicates that the response should be provided within 30 calendar days after this notification is received. In case the affected Party indicates that it is not intended to participate in the EIA procedure, or it does not respond within the indicated time frame, then the Party of origin shall implement further activities pursuant to the Article 3 paragraph 4 of the Convention. If necessary, the reasoned extending of a deadline is possible upon the agreement of the Parties.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

The request for information from the affected Party shall be furnished after the response from the affected Party indicating its desire to participate in the EIA procedure is received.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

The cooperation with the state bodies of the affected Party on public participation shall be made through the consultations.

- f. *When and 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 affected Party shall notify its public itself.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

Before the designing and the EIA the proponent shall prepare and provide to the local authorities the ‘Notification of Intent’ in areas where the proposed activity is planned for implementation. The ‘Notification of Intent’ shall contain information on a proposed activity, project proponent etc.

Для информирования используются местные СМИ, веб-ресурсы, проводятся коммуникативные мероприятия (собрания, круглые столы, встречи и др.).

- h. *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.*

Yes.

11. 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, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?

The notification shall be furnished through the MFA RK to the Competent Authority of the affected Party.

QUESTIONS TO AFFECTED PARTY

12. Indicate whether and how the following provisions are reflected in your national legislation:

a. How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?

In accordance with the Guidelines for CA countries the decision on whether to participate in the transboundary EIA procedure or not shall be made by the Competent Authority of the affected Party after the consultations with the local authorities.

b. The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;

In accordance with the Guidelines for CA countries the affected Party shall determine itself what information is necessary to be provided to the Party of origin.

c. How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);

The cooperation with the authorities of the Party of origin on public participation shall be made through the consultations.

d. When and how the public is notified (e.g., what kinds of media, etc., are usually used).

The notification shall be published on the website of the Competent Authority and other informational portals.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. Indicate the legal requirements in your country, if any, related to:

a. The content of the EIA documentation (art. 4, para. 1; appendix II);

The requirements for the content of the EIA documentation are regulated in the Guidelines for CA countries. In general, the content of the EIA documentation corresponds to the Appendix II.

b. The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);

In line with the Kyrgyz Republic Laws “On Environmental Protection” and “On Environmental Expertise” the state environmental expertise of all pre-project and project documentation on activity likely to cause adverse environmental impact is mandatory.

The project documentation shall include the EIA documentation in accordance with the national environmental protection legislation. The completeness, sufficiency and validity of the EIA documentation are determined in the course of the state environmental expertise. The expertise is conducted by the expert commission to be specifically established according to the order of the head of the competent environmental body. The expert commission shall issue the expert conclusion on the EIA documentation. If the documentation fully meets the requirements of the environmental legislation, it shall be agreed; otherwise it shall be forwarded for finalization. If necessary, the additional studies necessary for the decision making shall be suggested.

c. The identification of “reasonable alternatives” in accordance with appendix II, paragraph (b);

“Reasonable alternatives” – is the description of alternative options for decision making, including the no-action alternative. The options should be assessed from all perspectives - environmental, economic, social, etc.

d. The procedures and format for providing the EIA documentation domestically;

According to the Law of the Kyrgyz Republic “On Environmental Expertise” the activity initiator (project proponent) shall provide the EIA documentation for the state environmental expertise and public environmental expertise (in case of its initiating according to the established order).

e. The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;

MFA KR shall furnish the EIA documentation to the Competent Authority of the affected Party. All EIA documentation, including the findings of studies (examination), shall be provided to the affected Party.

f. The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;

The activity initiator (project proponent) shall:

- Ensure public access to the EIA documentation and possibility to express views on the documentation;
- Prepare the responses to comments and proposals of the authorized state environmental protection body (or its territorial bodies) and public on the EIA documentation;
- Make revisions to the EIA documentation following the substantiated comments and proposals received and ensure the provision of the documentation for the recurrent state environmental expertise.

Pursuant to the Law of the Kyrgyz Republic “On Environmental Expertise” the maximum timing for examination of the documentation provided for the state environmental expertise shall not exceed 3 months.

g. The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;

According to the Guidelines for the CA countries the Competent Authority of the affected Party shall summarize the received comments and submit them to the Competent Authority of the Party of origin. The timing for submitting of the comments shall not exceed 3 months.

All comments shall be examined by the expert commission. In case they are substantiated, they shall be accepted and provided to the activity initiator (project proponent) for making revision to the documentation or additional researches.

h. The procedures for public hearings domestically;

Public hearings shall be conducted by the activity initiator (project proponent) with an assistance of the local authorities.

The information on where and when the public hearings will take place shall be published within two months in mass media, web-resources, and local authorities. Venue, date and time of public hearings shall be determined by the activity initiator (project proponent) upon the agreement with the Competent Authority and local authorities. The outcomes of the public hearings shall be recorded in the minutes.

i. The procedures for public hearings held on the territory of the affected Party.

The public hearings in the affected Party shall be held pursuant to the national legislation of the affected Party.

QUESTIONS TO AFFECTED PARTY

14. Indicate the legal requirements in your country, if any, related to:

a. The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;

According to the Guidelines for the CA countries the Competent Authority of the affected Party shall summarize the received comments and submit them to the Competent Authority of the Party of origin.

The maximum timing for submitting the comments on the EIA documentation shall not exceed 3 months. In cases of necessity, the substantiated extension of timing upon the agreement of the Parties is possible.

b. The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;

Pursuant to the Law of the Kyrgyz Republic "On Environmental Expertise" the EIA documentation shall be provided for the public environmental expertise if it is initiated according to the established procedure.

c. The procedures for the examination of the EIA documentation domestically.

In accordance with the Law of the Kyrgyz Republic "On Environmental Expertise" the EIA documentation shall be provided for the state environmental expertise and the public environmental expertise (if it is initiated according to the established procedure).

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. Indicate the legal requirements in your country, if any, related to the following provisions:

a. The procedures for cooperation with the affected Party related to consultations;

Pursuant to the Law of the Kyrgyz Republic “On Environmental Expertise” the authorized state environmental protection body shall cooperate according to the established procedure with the expert bodies of other states aimed at the consultations and joint environmental expertise (reviews).

b. The stages, procedures and deadlines for consultations with the affected Party;

The Competent Authority of the Party of origin shall initiate the consultations with the Competent Authority of the affected Party after the EIA documentation is developed and provided to the affected Party.

c. The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.

The consultations shall be conducted before to the decision on the project implementation is made. All stakeholders shall participate in the consultations – state authorities, activity initiator (project proponent), EIA implementer, public.

QUESTIONS TO AFFECTED PARTY

16. Indicate the legal requirements in your country, if any, related to the following provisions:

a. The procedures for interaction with the Party of origin related to consultations;

The Competent Authority of the affected Party shall consult with the Competent Authority of the Party of origin in the course of the EIA documentation examination, if necessary.

b. The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.

The consultations shall be conducted before to the decision on the project implementation is made.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. Indicate the legal requirements in your country, if any, related to the following provisions:

a. The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;

“Final decision” – is the decision made by the competent environmental protection body based on the transboundary EIA and comments, proposals and remarks received from the affected Party.

- b. *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, para. 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?*

Pursuant to the Law of the Kyrgyz Republic “On Environmental Expertise” the EIA is an obligatory and integral part of all types and stages of the project documentation development.

For each activity listed in the Appendix I the prior decision of the state environmental expertise is obligatory. Positive decision of the state environmental expertise is one of the mandatory prerequisites for the project implementation.

- c. *The procedures for informing of the “final decision” domestically and for the affected Party;*

According to the legislation in force, the findings of the state environmental expertise shall be communicated to the public.

In line with the Guidelines for the CA countries the Competent Authority of the Party of origin shall inform the Competent Authority of the affected Party on the final decision and which comments were taken into consideration.

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

The comments shall be taken into consideration.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

The decision might be reconsidered.

Article 7

Post-Project Analysis

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

The post-project analysis shall be carried out after the enterprise achieved the designed capacity, but no longer than one year after the operation was commenced.

- b. *Procedures for informing of the results of post-project analysis.*

There are no legal requirements.

Article 8

Bilateral and multilateral agreements

19. *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.

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

No.

Article 9

Research programmes

21. *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 are no specific researches.

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

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

The date is not yet identified.

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

The date is not yet identified.

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

The date is not yet identified.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in 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; and 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 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

Development of the Jerooy gold deposit – the Party of origin.

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

No.

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

The consultations with the affected Party regarding the project were aborted in 2007. The proponent license was revoked. The project development was seized. The procedure included stages of notification of the affected Party, its confirmation to participate in the EIA procedure, EIA documentation preparation, provision of the EIA documentation for participation of the authorities and public, consultations of the Parties.

In 2009 new investor was granted with the license for the deposit development and the project works were resumed. Amendments were made to the project documentation. The amendments mainly relate to the location of major facilities of the enterprise, and data on ore processing technology.

The Competent Authority of the affected Party was notified on resume of the works on the proposed activity in May 2009.

The response of consent to participate in the EIA procedure was received in June 2009. The information on likely impacted environment, which is necessary to be taken into consideration under the preparation of the EIA documentation, was provided in the response.

The MFA RK furnished the EIA documentation to the Competent Authority of the affected party in October 2009.

The public hearings were held in **October 2010** in Taraz in the republic of Kazakhstan.

The comments on the EIA documentation were received from the Competent Authority of the affected Party in November 2010.

The final decision is not yet made. The project development is suspended.

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2010–2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

There are no practical examples.

29. *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. *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, it is included. The amount of information to be included into the EIA documentation shall be determined pursuant to the Appendix II to the Convention and considering the information provided by the affected Party, which is necessary to be taken into consideration when identifying the transboundary impact.

- b. *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?*

According to the Guidelines for the CA countries the EIA documentation is made in Russian, which is the language of the inter-national communication for the Central Asian countries and is one of the official languages of the Convention.

- c. *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? 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)?*

After the joint consultations of the Competent Authorities of both Parties, territorial environmental body of the affected Party, public association “Ak-Bulak” of the Republic of Kazakhstan (hereinafter – PA “Ak-Bulak”) and the activity initiator (project proponent) the following decision was made:

- The Kazakh Party will take the responsibility for the notification of its public, dissemination of information, organization of the public hearings and submitting of the comments from the public to the Competent Authority of the Kyrgyz Republic;
- To hold the public hearings in the city of Taraz in the Republic of Kazakhstan;
- All costs for these activities will be covered by the activity initiator (project proponent).

To address the organizational issues of the public hearings the representatives of the activity initiator (project proponent) had a meeting with the heads of the territorial environmental body of the affected Party, and PA “Ak-Bulak”. The following was agreed upon: hearings organizations plan, including the venue and timing, hearings agenda with identification of presentations, preparation of information for hearings (development and copying of materials to be disseminated at the hearings), procedure of hearings, stakeholders’ tasks at the hearings were “sorted out” etc..

The EIA documentation (textual part and research materials) was provided by the activity initiator (project proponent) to the PA “Ak-Bulak”.

The following methods were used for the effective public notification on the proposed activity, to ensure access to the EIA documentation and possibility for public to provide comments and proposals:

- EIA documentation was in the regional department for natural resources management subsoil use;
- Notification of public and stakeholders via post on where the EIA documentation is available for acquaintance with;
- Meetings with public of near-frontier settlements;
- Organization and conducting of the public environmental expertise of the EIA documentation;
- Field visit of expert group to the proposed activity location site;
- Submitting of the comments received from the public to the activity initiator (project proponent).

The activity initiator (project proponent) had considered and analyzed all presented comments and proposals and prepared the responses to them.

The stakeholders were provided with the actual possibility and time to provide any comments, opinions, information or analysis, which from their point of view are relevant to the proposed activity.

The regional papers published notifications on the venue, date and time of the public hearings.

Additionally, the invitations to participate in the public hearings were sent.

The public hearings took place on **October 7, 2010** in the city of Taraz.

Before the hearings the participants were provided with the handout (booklet, list of participants, agenda/programme of hearings, responses to questions).

There were 64 persons participated in the hearings:

- from the Kyrgyz Republic – representatives of the Competent Authority, project documentation developer, and activity initiator (project proponent);

- from the Republic of Kazakhstan – representatives of the Competent Authority and its territorial body, regional state authorities, deputies of two district maslikhats, citizens of four near-frontier districts, NGOs, scientists, students, press.

The following presentations and reports were made:

- on the Convention (by the Competent Authority of the affected Party);
- on the procedures of the Convention application with regards to the activity proposed in the Kyrgyz Republic (by the Competent Authority of the Party of origin);
- on feasibility report on the expediency of the Jerooy gold deposit development (activity initiator (project proponent));
- on notification and participation of public in the transboundary EIA procedure (PA “Ak-Bulak”).

The possibility for all to make a presentation and receive the responses to questions was provided in the course of the hearings.

All presentations, proposals, comments were recorded into the minutes.

The hearings had a form of a dialogue, and were of a constructive nature.

The attitude of the Kazakhstan Party (authorities, public) to this project was friendly.

Taking into consideration the experience of work with the public in this situation the following resume could be made:

- identification of disputable issues in the beginning of the process could have an effect on the decision in the way when interests of all parties should be accounted, while the conflictness of the situation will be reduced or eliminated;
- full-fledged interaction of the state authorities and public is the baseline for the implementation of the Conventional provisions.

There were complaints with respect to the procedure used.

- d. *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 practice.

- e. *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;*

There is no practice.

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

There is no practice.

- g. *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.);*

There is no practice.

- h. *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"?

Response 29 c) might be an example for the good practice.

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

The Competent Authorities.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

No.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *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 (ECE/MP.EIA/7);*

Yes.

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

Yes.

- c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

No.

The aforementioned Guidelines were used under the development of the Instruction on the Procedure for the Proposed Activity Environmental Impact Assessment (EIA) in the Kyrgyz Republic.

There are no suggestions for improvement.

CLARITY OF THE CONVENTION

32. *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?*

There were no difficulties faced under the implementation of the procedures.

With regards to the unclear provisions, the following might be referred to: not enough clear general criteria of activities classification within the activity with the transboundary impact (Appendices I, III). Paragraphs 4, 11, 14, 16 there are providing such definitions as "major installations", "large dams and reservoirs", "major mining, on-site extraction and processing", and "major storage facilities". The quantitative definitions of the above terms for "major/large" are necessary.

Moreover, the definition of distance "close to an international frontier" is unclear as well.

AWARENESS OF THE CONVENTION

33. *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.*

To promote awareness among and strengthen capacity of the experts, inspectors, project documentation developers, public representatives, local authorities etc. the issues on the Convention implementation are included into the advanced training course programme that are current within the system of the State Agency of Environmental Protection and Forestry under the Government of the Kyrgyz Republic.

34. *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?*

Yes.

The draft Instruction on the Procedure for the Proposed Activity Environmental Impact Assessment (EIA) in the Kyrgyz Republic is prepared in return of the expired Instruction.

SUGGESTED IMPROVEMENTS TO THE REPORT

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

There are no suggestions.

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