

Questionnaire for the

REPORT OF The Netherlands ON THE IMPLEMENTATION OF THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

in the period 2010–2012

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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

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

In the Netherlands the general legal and administrative measures to implement the provisions of the Convention are regulated in chapter 7 of the Dutch Environmental Management Act and the Administrative Decree Environmental Assessment (“Besluit Milieueffectrapportage”).

Direct quotation of the Dutch Environmental Management Act:

§ 7.11. Activities with possible transboundary environmental effects

Section 7.38a

1. If the information gathered in the framework of this Chapter shows that the proposed activity may have serious adverse effects on the environment of another country, the government of that country or an authority designated by that government must be notified as soon as possible.
2. Without prejudice to subsection 1, if an activity proposed in a plan may have serious adverse effects on the environment in another country, the following must be provided to the government of that country or an authority designated by that government in that country:
 - a. the draft plan and, if not contained in the draft plan, the environmental impact statement, at the same time as they are deposited for inspection in the Netherlands;
 - b. the adopted plan and, if not contained in that plan, the environmental impact statement, at the same time as they are made public in the Netherlands.
3. Without prejudice to subsection 1, if an activity proposed in a decision may have serious adverse effects on the environment in another country, the following must be provided to the government of that country or an authority designated by that government in that country:
 - a. the application referred to in section 7.28, or the provisional draft decision or draft decision as well as the environmental impact statement and, if applicable, recommendations as referred to in section 7.26 or 7.27, at the same time as they are deposited for inspection in the Netherlands;
 - b. the decision and the environmental impact statement at the same time as they are made public in the Netherlands.
4. Sections 3:16, subsections 1 and 2 of the General Administrative Law Act and sections 7.9, subsection 2 (c), section 7.25 or section 7.27, subsection 4 apply *mutatis mutandis* to the bodies that the competent authority of the other country has designated for that purpose by virtue of their specific responsibility for environmental matters. The documents referred to in subsections 2 and 3 must also be sent to these bodies.

5. The documents to be supplied pursuant to subsection 2 or 3 serve as the basis for consultations with administrative authorities in the country concerned on any serious adverse effects that the activity may have on the environment in that country, and the measures being considered to prevent or limit those effects.
6. The competent authority is charged with the tasks arising from the application of subsections 1 to 4. The competent authority must supply information and also send the documents provided pursuant to subsections 2 and 3 to Our Minister; these documents also serve as the basis for the consultations, referred to in subsection 5, to be held by the competent authority.
7. Our Minister is charged, in a general sense, with maintaining contacts with the government of the other country and is involved in consultations at government level if the consultations on a proposed activity between the competent authority and the administrative authorities of that country have not led to the desired outcome.
8. Further rules concerning the provisions of subsections 2 to 5 may be laid down by ministerial order.

Section 7.38d

If another country thinks it may suffer serious adverse environmental effects as the result of an activity in the Netherlands proposed in a plan or decision, the competent authority or Our Minister must apply section 7.38a, subsections 1 to 5 at the request of that country, having regard to the division of tasks between the competent authority and Our Minister referred to in section 7.38a, subsections 6 and 7.

Section 7.38e

If another country may suffer serious adverse environmental effects as a result of an activity in the Netherlands proposed in a plan or decision, Our Minister may determine that the competent authority must not adopt that plan or decision until Our Minister has had the opportunity, for thirteen weeks after the deadline for stating views on the draft plan or on the application, provisional draft decision or draft decision, to send the competent authority the outcome of the consultations referred to in section 7.38a, subsection 7.

Section 7.38g

If a proposed activity in another country may have serious adverse effects on the environment in the Netherlands, Our Minister must maintain contacts with that country if no contacts on a proposed activity have been established between the administrative authorities directly involved in the Netherlands and the administrative authorities in the other country or if the contacts have not led to the desired outcome.

Besides these legal and administrative measures we have made arrangements with respectively Flanders (Belgium) and Germany about practical implementation of the Convention in transboundary procedures.

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

No specific measures. We have just revised our law on EIA and SEA (entry into force 1th July 2010) in order to improve the balance between EIA and SEA requirements and to further harmonise our legislation with EU requirements (as is national policy). We have legal provisions in place. In the future we will integrate our Environmental Act (including sections on EIA and SEA) into a broad Environmental Planning Act.

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

The competent authority responsible for the project for which a EIA is drawn up (competent authority for the development consent); this can be either a municipality, province or the national authorities (for example the Ministry of Economic Affairs of the Ministry of Infrastructure and the Environment) .

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

No. The commission on environmental impact assessment does register most of the EIA procedures,, including transboundary, but there is no specific focus on transboundary EIA cases nor are they assigned a specific task to collect information on transboundary procedures (nor information on the entire course of the procedure).

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

No. Each case will be considered on its specific possibilities. As much as possible a common procedure will be created taking into account the legal requirements in both the national EIA procedures.

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.*

All Espoo Convention Appendix I activities fall within the scope of EIA in the Netherlands.

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

Yes, save from activity "Major installations for the harnessing of wind power for energy production (wind farms)"; in line with the EIA guideline this is subject to obligatory screening.

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?*

We have bilateral agreements/arrangements with both Germany and Flanders; giving similar opportunity to the public of the affected Party in comparison to our own public is one of the topics covered by these arrangements. Besides this, we have the following legal provisions in our environmental Act regarding informing the (public) of the Affected Party:

- Section 7.26 , subsection 6, that notification must be given in a publication in another country if there may be serious adverse effects on the environment in that other country.
- Section 7.30 Wm:
 1. If the procedure for arriving at the decision provides for public notification of the provisional draft decision or draft decision, public notice of the environmental impact statement must be given at the same time, except in cases as referred to in section 7.29. If this procedure provides for public notification of both the provisional draft decision and draft decision, public notice will be given of the environmental impact statement at the same time as the provisional draft decision.
 2. Subsection 1 applies *mutatis mutandis* to public notification in a publication in another country if the activity may have serious adverse effects on the environment in that country.
- Section 7.32 Wm, subsection 1: If an application as referred to in section 7.28 or the provisional draft decision or draft decision as referred to in section 7.30 are deposited for inspection and everyone is given the opportunity to state their views, views on the environmental impact statement may be expressed at the same time as views on the application or the draft or provisional draft which were deposited for inspection with the environmental impact statement.
- Section 7.38.a. e.v.: this section contains the provisions on informing and consulting the affected public (see question 1 on general provisions for the legal text)

On request of the competent authority the developer may take care of translation of the notification (vraag: en organization of the participation?).

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”.*

In principle, the formal notification is sent at the same time as the publication of the “notification of intent” takes place domestically. Often, prior to sending the formal notification, affected parties are informed earlier and if necessary are consulted about whether or not a transboundary procedure is opportune, how to organise public participation etc.

Relevant sections in our Environmental Law:

Section 7.38a Wm subsection 1:

1. If the information gathered in the framework of this Chapter shows that the proposed activity may have serious adverse effects on the environment of another country, the government of that country or an authority designated by that government must be notified as soon as possible.

Section 7.27 Wm, subsection 6:

6. Notification must be given in a publication in another country if there may be serious adverse effects on the environment in that other country.

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);*

In part this will depend on the development consent procedure; sometimes this is in the scoping phase, sometimes this will be when the EIA report and the draft decision is ready and made public in our own country. As said above, often there has been informal contact prior to the formal notification.

- 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)?*

No, we do not use the format as such. However, in general, the proposed guidelines are followed (besides particular arrangements made between points of contact/competent authorities on the regional and local level in a particular case). The competent authority sends the (translated) 'notification of intent', often with an accompanying letter, to the affected Party (local, regional and national authorities). The form may differ (letter, email if so agreed between the authorities involved etc). In our bilateral arrangements with Flanders and Germany this is also a topic. The notification should at least contain the information as stipulated in section .38a, subsection 3 of our Environmental Act (see question 1 for the literal text of the subsection) .

- 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;*

In defining the time frame, reference is made to the time frame of the national decision-making procedure. If the time frame is not complied with, the whole procedure will suffer from delays, as the time given to the Affected party is the same as the time given to the relevant authorities and public in the Country of Origin. In principle, if the Affected Party has not replied in the given time frame, the competent authority is entitled to make the decision. In practice, in most cases a short extension of the deadline is considered, in case an affected Party asks for an extension of a deadline.

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

This subject is also covered by the bilateral arrangements that we have with our neighbouring countries Flanders (Belgium) and Germany.

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

Usually the relevant (bordering) competent authority/-ies and/or point of contact are informed about a EIA procedure and the occurrence of possible transboundary environmental effects. If necessary the point of contact (as mentioned in the agreements with Belgium (Flanders) and Germany) is consulted on which authorities and other relevant parties to involve in the affected party and practicalities in which newspapers to publish.

- 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?*

How the public is notified (what kinds of media etc) may be subject of consultation with the Affected Party. Usually, the public is notified by a public announcement in relevant newspapers or in any other way (f.e. website) the point of contact or relevant competent authority in the affected Party may suggest. In general, the announcement contains the name and address of the developer, the competent authority, a description of the proposed activity (type and size), the location of the proposed activity, and the decision or decisions for which the EIA is carried out. Furthermore, the announcement should include who can express their views, where relevant documentation can be retrieved/found, how (channels/means) and within which time frame the public can express their views and on which documents. In case the competent authority organizes an information meeting, the public announcement should also contain information on this meeting.

- 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?*

The public in the Netherlands is notified as soon as possible after the competent authority has received an notification/intention of a developer, and no later than the moment the relevant authorities are consulted in the scope and detail of the EIA report for the activity/project in question. Prior to the opportunity for the public to express their opinion, the competent authority publishes the notification in one or more daily regional or national newspapers and/or local free papers and/or another appropriate channel/means of communication. In it concerns the decision of the national government, the notification also has to be published in the Government Gazette (section 3.12 of our General Administration Act). For the content of the public notification see the following relevant subsections in our Environmental Management Act (also see answer under f.):

Subsection 7.27:

3. As soon as possible after receipt of the notification or after an administrative authority has conceived the intention, and no later than subsection 2 is applied, the competent authority must give notice of the intention referred to in subsection 1, or of its own intention; section 3:12, subsections 1 and 2 of the General Administrative Law Act apply *mutatis mutandis*.
4. The notification must state:
 - a. that documents pertaining to the intention will be made public, specifying when and where;
 - b. that an opportunity will be offered to state views on the intention, to whom the opportunity will be offered, the method of communication and the deadline; and
 - c. whether the Committee or another independent body will be given the opportunity to make recommendations about the intention.
5. If the environmental impact statement pertains to a decision designated pursuant to section 7.2, subsection 3 or 4, and an appropriate assessment must be made for the proposed activity designated pursuant to subsection 1 (a) of that section, in connection with the possible significant effects on a Natura 2000 area, the notification must also state that an appropriate assessment must be made for the activity in connection with the possible significant effects on a Natura 2000 area.
6. Notification must be given in a publication in another country if there may be serious adverse effects on the environment in that other country.

Section 7.30

If the procedure for arriving at the decision provides for public notification of the provisional draft decision or draft decision, public notice of the environmental impact statement must be given at the same time, except in cases as referred to in section 7.29. If this procedure provides for public notification of both the provisional draft decision and draft decision, public notice will be given of the environmental impact statement at the same time as the provisional draft decision.

2. Subsection 1 applies *mutatis mutandis* to public notification in a publication in another country if the activity may

have serious adverse effects on the environment in that country.

notification should contain the factual content of the activity/ project. Also,

- a. *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, it has the same content.

13. *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)?*

In case of projects on the national level/ of national interest for which the national government is the competent authority, the points of contact listed on the Conventions website are made use of or are informed. For projects with local and regional transboundary effects where local and regional governments are the competent authority, we have appointed other point of contact and notification in the bilateral arrangements between the Netherlands and respectively Belgium (Flanders) and Germany.

QUESTIONS TO AFFECTED PARTY

14. *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)?*

This provision is not explicitly reflected in our national legislation other than a more general provision stating that if a proposed activity in another country may have serious adverse effects on the environment in the Netherlands, Our Minister must maintain contacts with that country if no contacts on a proposed activity have been established between the administrative authorities directly involved in the Netherlands and the administrative authorities in the other country or if the contacts have not led to the desired outcome (section 7.38.g. Wm). The relevant authorities which territory is affected by a certain activity or interest decide whether or not to participate in the EIA procedure (being local, regional and/or national). In most cases the notification is followed by a positive response to participate in the EIA procedure, when a transboundary effect is to be expected. Criteria for participation are the expected transboundary impact and the level of public interest involved. The relevant competent authorities participate in the procedure; often these are the local or regional competent authorities but naturally this depends on the expected range and gravitude of the transboundary impacts, the national, respectively regional and/or local interests involved and the type of transboundary effects. For example, when there are water issues involved, then the relevant waterbodies participate as well etc.

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

This provision is not explicitly reflected in our national legislation other than general references about contact and consultation. The topic is part of the bilateral arrangements we have with Flanders (Belgium) and Germany.

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

In the arrangement/agreement with respectively Germany and Belgium (Flanders) on both sides points of contacts have been established which can help with giving information and other forms of support if necessary, and assist in organising public participation by giving information etc (which are the relevant authorities, which newspapers do we have to publish etc).

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

The kinds of media used are identical to a national EIA procedure. Normally the local paper(s) and often a regional paper is used to publish the notification, but it depends on the range of transboundary effects and impact on national interests, so it can be either by (a combination of) a publication in free local papers, regional or national newspapers and / or the Government Gazette. In addition, publication on a website or informing certain groups directly may be done. In general the Dutch public will be informed the same time as the public in the party of origin is informed.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

15. *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 following section 7.23 Wm is related to the content of the EIA documentation:

1. An environmental impact statement must include at least the following information:

- a. a description of the purpose of the proposed activity;
- b. a description of the proposed activity and how it will be carried out, and of the alternatives which should reasonably be taken into consideration, and the reasons for choosing the alternatives to be taken into consideration;
- c. an indication of the decision or decisions in the preparation of which the environmental impact statement is to be drawn up, and an overview of the decisions taken previously by administrative authorities in relation to the proposed activity and the alternatives described;
- d. a description of the current state of the environment in so far as the proposed activity or the described alternatives may affect it, and the expected developments in the environment if neither the activity nor the alternatives are undertaken;
- e. a description of the effects which the proposed activity or the described alternatives may have on the environment, and an explanation of how the effects have been determined and described;
- f. a comparison of the expected developments in the environment, as described in point d, with the described effects the proposed activity may have on the environment and with the described effects each of the alternatives considered may have on the environment;
- g. a description of the measures to prevent, limit or reverse as far as possible the activity's serious adverse environmental effects;
- h. an overview of the omissions in the descriptions referred to in points d and e, due to lack of the necessary information;
- i. a summary providing sufficient information for the general public to be able to assess the environmental impact statement and the effects that the proposed activity and the alternatives described therein may have on the environment;
- j. the information specified in annex IV of the Council Directive on Environmental Impact Assessment, in so far as the environmental impact statement does not already include this information on the basis of points a to i.

2. Environmental impact assessments must be written in the Dutch language. When making the recommendations referred to in section 7.26 or 7.27, the competent authority may give the person

undertaking the activity permission to write the report in another language to be designated therein. The summary referred to in subsection 1 (i) must always be written in Dutch. If an activity, in the preparation of which an environmental impact statement must be drawn up, may have serious adverse effects on the environment in another country, the person undertaking the activity must send the competent authority, at its request and within a period to be stipulated in that request, a summary of the statement in the national language of that country.

3. Rules may be laid down by order in council regarding the manner in which the information referred to in subsection 1 must be determined and described.

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

In our Environmental Act, elements of the above mentioned section 7.38, subsection 1 applies, together with section 7.24, subsection 2 and 3 Wm and section 7.27 , subsection 7.27 Wm.

The procedure can start when the competent authority publishes the notification. Relevant authorities and designated environmental bodies are consulted on the desired content (scope and level of detail) of the EIA report. Depending on the development consent procedure (elaborated procedure or short procedure), public participation may be organised and the public can express their views on the intent to develop the activity/project at stake and the content of the EIA report. Also, the competent authority may request the Commission of the EIA on the guidelines for the environmental impact assessment In the short development consent procedure, when requested by the developer, the competent authority is responsible for setting the recommendations on the scope and level of detail of the EIA report. The competent authority also has the possibility to decide on their own account to set recommendations regarding the scope and level of detail of the EIA report in a particular case (section 7.24 Wm). If the extended development consent procedure applies, the competent authority must make recommendations within six weeks of receiving the communication, on the scope and level of detail of EIA report. The competent authority may extend the time limit once, by up to six weeks (section 7.27 Wm).The recommendations indicate which alternatives and which environmental impacts have to be dealt with in the environmental impact report.

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

The following section 7.23 Wm, subsection 1.b. applies:

1. An environmental impact statement must include at least the following information:
b. description of the proposed activity and how it will be carried out, and of the alternatives which should reasonably be taken into consideration, and the reasons for choosing the alternatives to be taken into consideration.

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

The procedure is described in the sections 7.24-7.27 Wm of our Environmental Act (literal quotations are already given in the questions above). In short:

- the developer has to inform the competent authority about the intention (notify) to develop a certain activity / project and make an application;
- the competent authority has to consult relevant governmental bodies/authorities and environmental bodies on the scope and level of detail of the EIA report;
- when the extended development consent procedure applies the competent authority has to provide recommendations for the scope and level of detail of the EIA report within six weeks with the possibility to extend the period with six weeks once. When the short

- development procedure applies this is optional (on request of the developer or by choice of the competent authority).
 - when the extended development consent procedure (for complex projects) applies the competent authority notifies the public already about the intention to develop the activity/project. In the notification, the competent authority provides information about the project and indicates who, during what period and through which means can express their views. The notification takes place no later than when the relevant governmental bodies are consulted on the scope and level of detail of the EIA report. When the short development consent procedure, the public is informed when the application and EIA report are available
 - When the application and EIA report are available, the public is informed by a publication about the draft-decision, the application and the EIA report and information how to express their opinion, whether or not there is a public hearing. The timeframe for giving one's opinion on the draft-decision and EIA report is 6 weeks.
- 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;*

This is identical to d; in principle there is no difference between domestic procedure and procedure for the affected party. In case of important transboundary environmental effects, the notification(s) is also published in the affected country. Whether or not the affected party is involved in the scoping phase depends on the development consent procedure that applies nationally. Also, the moment the notification is published depends on the national development consent procedure (extended or short), together with the information transboundary effects available and the decision of the affected party whether or not to participate (the notification is either published in the affected country either in the scoping phase or in the phase of the draft-decision with EIA report).

- 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;*

Everybody can express their opinion within a timeframe of six weeks on the EIA report (section 7.32 Wm). The competent authorities will not take a decision when the application is not accompanied by an EIA report, or the EIA report is not complete or contains inaccuracies (section 7.28 Wm). The competent authority will take the views and opinions that have been put forward into account by the final decision.

- 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;*

Idem as f.

- h. The procedures for public hearings domestically;*

Public hearings are not obligatory. The (relevant) public can either submit their opinion in writing or orally on the draft-permit/draft decision and EIA report.

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

Idem as h.

QUESTIONS TO AFFECTED PARTY

16. *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;*

We have no legal requirements regarding the procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin. As a general rule the procedure and timeframe of the Party of Origin is followed. This is also agreed on in the bilateral arrangements with respectively Flanders (Belgium) and Germany.

- 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;*

As a general rule the procedure and timeframe of the Party of Origin is followed. The relevant authorities that are possibly affected by the project/activity and the points of contact appointed in the bilateral arrangements are responsible to provide the needed information and assist the Party of Origin in organising public participation in our country (in the role of Affected Party). Besides this, we have a general provision (section 7.38a , 7) stating that our Minister is charged, in a general sense, with maintaining contacts with the government of the other country and is involved in consultations at government level if the consultations on a proposed activity between the competent authority and the administrative authorities of that country have not led to the desired outcome. But this mainly applies to when we are in the position of Party of Origin.

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

The competent authority determines if the EIA report is complete and does not contain any inaccuracies (section 7.28 Wm). When available, the advice on the scope and level of detail of the EIA report by the Netherlands Commission on Environmental Assessment is taken into account. When the EIA report is deemed insufficient, the competent authority will not take a draft-decision. In practice the EIA report can be complemented. For complex decisions (when the extended development consent procedure applies) is obligatory that the Netherlands Commission on Environmental Assessment gives an advice on the EIA report (section 7.32 lid 5 Wm). The decision contains a motivation on what is considered regarding the EIA report (section 7.37 Wm).

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

17. *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;*

We have the following legal provisions in our Environmental Act regarding the procedures on consultation with the affected Party:

Section 7.38.a. Wm, subsection 5, 6, 7:

5. The documents to be supplied pursuant to subsection 2 or 3 serve as the basis for consultations with administrative authorities in the country concerned on any serious adverse effects that the

activity may have on the environment in that country, and the measures being considered to prevent or limit those effects.

6. The competent authority is charged with the tasks arising from the application of subsections 1 to 4. The competent authority must supply information and also send the documents provided pursuant to subsections 2 and 3 to Our Minister; these documents also serve as the basis for the consultations, referred to in subsection 5, to be held by the competent authority.

7. Our Minister is charged, in a general sense, with maintaining contacts with the government of the other country and is involved in consultations at government level if the consultations on a proposed activity between the competent authority and the administrative authorities of that country have not led to the desired outcome

Section 7.38e

If another country may suffer serious adverse environmental effects as a result of an activity in the Netherlands proposed in a plan or decision, Our Minister may determine that the competent authority must not adopt that plan or decision until Our Minister has had the opportunity, for thirteen weeks after the deadline for stating views on the draft plan or on the application, provisional draft decision or draft decision, to send the competent authority the outcome of the consultations referred to in section 7.38a, subsection 7.

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

Idem to question 17.a.

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

See question 17a. and 10, b-e.

QUESTIONS TO AFFECTED PARTY

18. *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;

No specific legal requirements other than the general provision about contact with the Party of Origin: if a proposed activity in another country may have serious adverse effects on the environment in the Netherlands, Our Minister must maintain contacts with that country if no contacts on a proposed activity have been established between the administrative authorities directly involved in the Netherlands and the administrative authorities in the other country or if the contacts have not led to the desired outcome (section 7.38.g.) . Also, this is a topic covered by the bilateral arrangements with the neighboring countries.

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

Idem question 18.a

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

19. *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;

Legal requirements related to the definition of the “final decision”, the content of decisions and the procedure of adoption are the following:

Section 7.2. Wm (final decision)

Subsection 1. The following activities must be designated by order in council:

a. activities that can have serious adverse effects on the environment;
subsection

3. With respect to the activities referred to in subsection 1 (a), the order in council must designate the categories of decisions in the preparation of which an environmental impact statement must be drawn up.

⇒ In our Administrative Act Environmental Impact Assessment, for each category of activities the final decision and the Act it is based on, is stipulated.

The competent authority can only make a final decision when the EIA report is deemed complete and accurate and can serve as the basis for the final decision (section 7.28 Wmand 7.36a. Wm). When making a decision, the competent authority must take into account all the effects that the activity to which the decision relates may have on the environment. The competent authority may a) include in the decision any conditions, regulations and restrictions necessary for the protection of the environment, in addition to the conditions, regulations and restrictions which it is entitled under that statutory provision to include; b) decide that the activity must not be undertaken if it could lead to unacceptable adverse effects on the environment (Section 7.35 Wm).

Regarding the content of the decision, the decision must at least state (Section 7.37 Wm):

- how account has been taken of the possible environmental effects of the activity to which the decision pertains, as described in the environmental impact statement;
- what consideration has been given to the alternatives described in the environmental impact statement;
- what consideration has been given to the views on the environmental impact statement
- what consideration has been given to any recommendations made by the Netherlands Committee for Environmental Impact Assessment
- if applicable, what consideration the environmental impact statement has given to possible serious adverse transboundary environmental effects; and
- if applicable, what consideration has been given to the results of the consultations
- When taking the decision the competent authority must stipulate the deadline or deadlines for initiating an investigation and how that investigation will be carried out.

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?

Yes, all projects listed in Appendix I require a decision. For industrial activities a permit or licence to operate is required on grounds of the ‘Act General Provisions Environmental Planning Law’ (Wet algemene bepalingen Omgevingsrecht). Depending on the activity, a permit based on respectively the ‘Nuclear Act’ (Kernenergiewet vergunning), the ‘Water Act’ (Waterwet vergunning), the ‘Mining Act’ (Mijnbouw vergunning), the ‘Extraction Act’ (Ontgrondingenvergunning), or the ‘Aviaton Act’ (Wet Luchtvaart) is required. In case of the construction of roads, railways and such a decision based on the so called Tracé Act (Tracé wet) is required. If there is no relevant permit / license to operate appointed to an activity, the municipal spatial plan is appointed as backstop and a decision based on the the Spatial Planning Act is required (for example in case of a urban development project). See appendix I for the list of decisions.

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

After taking into account the views put forward by the public and other stakeholders and the advice of the Netherlands Committee for Environmental Impact Assessment the competent authorities are responsible for taking a final decision (see also answer question 19 a for the content of the decision etc). This final decision then has to be made public as stipulated also in section 7.38. Wm of our Environmental Act: If the procedure for arriving at a decision does not provide for a publication of a decision, that decision must be made public in the manner provided for by Part 3:6 of the General Administrative Law Act.

Depending on the competent authority and which procedure of development consent applied, publication will take place in the Government Gazette (national authorities) and/or national, regional or local newspapers or local free papers. Also, persons or organizations who stated their views during its preparation and, in so far as applicable, its communication to the Committee, the advisers and the administrative authorities involved in its preparation, will also be informed by the decision and how it has been made public. If appeal is possible, this is also indicated.

In case an activity proposed in a decision may have serious adverse effects on the environment in another country, the decision and the environmental impact statement must be provided to the government of that country or an authority designated by that government in that country at the same time as they are made public in the Netherlands.

- 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)?*

Yes.

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

By virtue of one's office the competent authority should inform and consult the affected Party. If necessary the competent authority should take corrective measures and examine if the decision needs to be revised. In section 7.36a, subsection b. Wm, is stated that the competent authority does not make the final decision in case the information included in the environmental impact statement can no longer reasonably serve as the basis for the decision.

Article 7

Post-Project Analysis

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

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

In the Environmental Act there is an obligation to make an evaluation of Environmental Impact Statement. Section 7.39 stipulates: The competent authority that has taken a decision, in the preparation of which an environmental impact statement was drawn up, shall investigate the effects of the activity concerned on the environment, either during or after its completion. In the decision the competent authority has to indicate the timeframe and method of investigation (section 7.37, subsection 3 Wm).

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

The competent authority shall compile a report on the investigation and shall forward a copy of it as soon as possible to the developer, to the Commission for EIA (independent experts) and to the advisers. The competent authority shall at the same time publish the report. Mutatis mutandis this publication will also take place in the affected country. (section 7.41 Wm).

Article 8

Bilateral and multilateral agreements

21. *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 Netherlands has bilateral arrangements with Germany and Flanders (Belgium). The agreement between the Government of the Netherlands and the Federal Republic of Germany on EIA in a transboundary context has been recently updated and extended with arrangements on SEA in a transboundary context. The bilateral arrangement is on the verge of being formally signed. The bilateral arrangements can be seen as a guideline for a good and effective cooperation in organising transboundary issues and consists of working arrangements on issues as: scope, definitions, contact points, notification, public participation, language, costs and consultation. These issues are in accordance with Appendix VI of the Convention.

The Netherlands also has a bilateral agreement with Belgium/Flanders on EIA in a Transboundary Context. It is intended to update this agreement in the future. In 2012 a bilateral agreement on transboundary cooperation on plans with transboundary effects (including plans that require a SEA) has been finalised between the Netherlands and Belgium . The content is similar to the agreement with Germany and provides working arrangements on informing and giving the opportunity to participate in transboundary (SEA) procedures.

For the original texts of the bilateral agreements see the following link:

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

Yes, supplementary points of contact have been established, ie. the provinces; they can assist the Affected Party in organising the transboundary procedure.

Article 9

Research programmes

23. *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.

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?*

n.a.

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?*

n.a.

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

N.A.

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.*

We do not have a list of transboundary EIA procedures as we have no formal national administration on transboundary EIA procedures.

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.)*

n.a.

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 Netherlands do not have a national administration system that registers the duration of EIA-procedures as a whole nor the individual steps. Nor do the relevant competent authorities at the regional or local level. The EIA procedure is complementary to the 'mother' procedure, the development consent or spatial planning procedure that is followed for the particular activity or project for which an EIA is required. Our procedure does not include a separate EIA decision.

The average duration and the individual steps partly depends on the development consent procedure or spatial planning procedure that is carried out. On average we can say that the duration of the entire transboundary EIA-procedure ranges from half a year to two-and-a-half years, this including the final decision (in the Netherlands the final decision is part of the so- called 'mother procedure", for example the development consent procedure to obtain a permit for an industrial plant or a spatial planning procedure).

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.*

The existence of transboundary EIA-procedure can contribute to the prevention, reduction or control of possible significant transboundary environmental impacts in a particular case, this following from implementing international regulation (the relevant EU guidelines and the Espoo Convention).

Two practical examples to illustrate this:

- In 2010 the Netherlands were informed through the transboundary EIA procedure about a Belgian plan to build a wind mills energy park at sea, at approximately 20 km of the Dutch and Belgian Coast. The initial plans did not consider the impact on a Dutch natura 2000 site, the influence on an important shipping lane and the impact on the visibility from the Dutch coast. All three aspects were corrected through the EIA procedure. The EIA started with the building application. The Belgian spatial planning procedure had already been completed. For the latter there is no obligation for transboundary information exchange. Hence, if it would not have been for the EIA procedure, linked to the request for a building permit, the transboundary impact would not have been discovered in time.
- EIA for cables and Pipelines in the Eemshaven (the Netherlands being the Party of origin) (2011/2012): as a result of the input from the German side the geographical research area investigated in the EIA (scope of the EIA) was adjusted in accordance with their remarks; NGO's and developers however did not applaud this change in the geographical scope of the EIA.
- EIA procedure for the expansion of a German windfarm bordering the North of the Netherlands (2011): participation by the Netherlands resulted in the requirement of nature compensation on Dutch territory eis (public as well as private land), financed by the German competent authorities.
- EIA procedure for the excavation of grounds in favour of a nature development project bordering Germany: the German authorities requested to pay extra attention to hydrological issues near a forest area on German territory during the public participation on the scoping document for the EIA. This was already a point of attention in the scoping document, but was confirmed in this way.

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?*

In general the EIA report has a separate section/chapter/paragraph on transboundary effects. This is also recommended in the bilateral agreements with Belgium (Flanders) and Germany and in our national guidelines on EIA. The level of detail and amount of information depends on the type of activity. The relevant authorities are consulted on the scope and level of detail of the EIA report. In addition, the Netherlands Committee on Environmental Assessments may be asked to bring out an advice on the scope and level of detail of the EIA report. For complex projects an advice of the Committee on the EIA report is obligatory. Besides this, regularly the public (including NGO's and other stakeholders) are given the opportunity to comment on the scope and level of detail of the EIA report.

- 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?*

The developer is obliged to translate the non-technical summary of the EIA report on request of the competent authority; also the competent authority can request the developer to translate the notification.

In addition, translation is a topic addressed in the bilateral agreement with Germany. Ultimately, the information translated is a customized decision that lies with the competent authority in the Party of origin, which will depend on the project and the actual (expected) transboundary effects and thus has to be determined on a case-by-case basis. In the bilateral agreement with Germany it is recommended that respectively the notification of intent, when available the scoping guidelines for the EIA report, the non-technical summary of the EIA report and – when available - the separate chapter on transboundary effects, and the relevant sections on transboundary issues for the affected party of the (concept)decision is reasonable information to translate.

For obvious reasons translation is not an issue between Belgium (Flanders) and the Netherlands. Between Belgium (Walloon region) there is the language issue as the official language differs (French and Dutch). We have no bilateral arrangements with the Walloon region; in general the Dutch competent authorities themselves translate the non-technical summary and in case of a separate chapter/section on transboundary issues and effects, this is translated as well. The latter is determined on a case-by-case basis.

The Netherlands have experienced some (minor) difficulties in the review period relating to translation in case of EIA's from abroad. Sometimes the translation is of poor quality, non-existent or in English (which is not always suitable/sufficient for public participation). In the review period there have been complaints of Dutch citizens about the quality of the translation in Dutch in a small number of German EIA procedures, as well as the limited information on procedural matters in the public notification itself. The relevant competent authorities have applied different solutions in the past. In the case of a poor translation, one solution is that the Dutch competent authorities hire a translator themselves to translate the relevant documents in correct Dutch (f.e. the notification for the public). In the case of a translation being

absent, the Dutch authorities may formally request for a translation of at least the non-technical summary. However it is not uncommon for the Dutch authority involved to translate the (relevant parts of the) documentation themselves, which in the case of Germany is not in line with the bilateral agreement.

- 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)?*

The public of the affected party is given equivalent opportunity to participate in the procedure as the Dutch public. This means that when the affected Party has indicated to wish to formally participate in the EIA procedure, in consultation with the relevant authorities/point of contact of the affected Party, the public is informed through publications in newspapers (local, regional or by other means that are common practice in the affected party) and they can express their opinion on the EIA report and draft-decision. Depending on the development consent procedure or spatial planning procedure which is followed, the public may also express their views on the content of the EIA report (scoping phase).

It depends on the project and judgment of the competent authorities whether a public hearing is organized. If this is the case, the public in the affected party is informed about the hearing through a publication. In general public hearings take place in the Netherlands. In some cases (e.g. large projects in the Eemshaven) public hearings have been organized in the affected country as well. Public hearings are usually quite well attended by the public of the affected party. When the competent authority expects a large attendance of the public from the affected party at the public hearing (e.g. Germany), an interpreter is hired for the occasion.

The Dutch competent authorities are not aware of any complaints concerning the possibilities for public participation for the Dutch public and the public from the affected party (being the Party of Origin).

- 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?*

To our knowledge there have not been any particular difficulties during consultations as referred to in article 5 of the Convention (consultations on e.g. alternatives, possible preventive and mitigating measures etc). The recommendation is to be aware of the different administrative procedures and cultural aspects. Sometimes there is a need to translate more EIA documents and/or to get a better understanding of each other's procedure and interests or to get an agreement about the EIA documents which are relevant for translation.

- 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;*

The final decision is the decision within the 'mother' procedure(/ permitting procedure) by the relevant competent authorities for a project. The comments from the public consultation and the reaction of the competent authorities (how were the comments taken into account) are part of the final decision. It is common to collect all the comments in a Note of Reply. The final decision, by means of a Note of Reply, includes information on how the competent authorities dealt with

transboundary effects and comments in this respect. The Dutch law prescribes that the final decision has to be in Dutch. It is common practice for the competent authorities bordering Germany to translate the final decision. Everyone that has issued a comment (including public and authorities abroad) receives a copy of the final decision.

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

As we do not have a national registration system in place registering post-project analyses, and it is the responsibility of the competent authority involved, it is not able to give an indication for the amount and types of project a post-project analysis is carried out. In principle, post-project analysis are carried out for all types of projects.

- 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.);*

Joint cross-border project occur on a regular basis. For example: railway projects, motorway projects and waterway projects (Westerschelde), cross-border pipelines for oil or gas transport, electricity transport, cross border industrial sites and nature development projects.

An example of joint cross-border projects in the review period are:

- High voltage connection (380 Kv) between Doetinchem and Wesel: this concerns a cross-border project. On both sides separate EIA's were made but all procedural steps as public participation were organized together for both EIA's.

- 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"?*

In general transboundary procedures are performed quite well (both ways, Netherlands as Party of Origin and Affected Party).

Good examples are:

- Previous examples mentioned above
- Netherlands in role of Party of Origin: several EIA procedures in the northern part of the Netherlands (Delfzijl, Eemshaven) on for example power plants, oil storage facilities etc in which the relevant bordering German authorities have been informed very extensively during relevant steps in the procedure and often more was translated than recommended in the bilateral agreements.
- Netherlands in role of Affected Party: current German project on the deepening of the 'Buiteneems' (waterway to the harbor of Emden). There has been frequent consultation meetings on the execution of the transboundary procedure and information provision. A good alignment between both parties is essential for the execution of transboundary procedures.

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

Practical arrangements made in the bilateral agreements.

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.*

As there is an agreement with the neighbouring countries to - as a general rule - follow the legislation and procedure of the country of origin. To our knowledge, we did not encounter particular difficulties in this field. See for examples on dealing with different legal systems the cross-border project between the Netherlands and Germany and the example between Belgium and the Netherlands (29.g).

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);*

- this was used as a reference document to draw up the bilateral agreements between respectively Belgium (Flanders) and Germany besides the legal requirements we have in the Netherlands regarding public participation. Also, with the revision of our EIA (and SEA) law (which came into effect 1 July 2010) national guidance was developed. Transboundary procedures are part of the national guidance; the essence of the guidance adopted by the Meeting of the Parties is reflected in our national guidance as well.

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

The Netherlands is not part of a sub-region under the Espoo Convention.

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

This was used originally as a reference document to draw up the bilateral agreements between respectively Belgium (Flanders) and Germany.

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?*

In general The Netherlands has not experienced difficulties implementing the procedure defined in the Convention, either as a Party of Origin or as affected party. As for provisions in the Convention that are unclear, or more precise, may cause difficulties while organising and carrying out the Convention in practice:

- the difference between consultation (article 5) and article 4.2 (furnishing EIA documentation and give the opportunity for the submission of comments); in practice it is not uncommon that matters to be discussed in consultation are addressed by the affected party through submission of written comments (and as such it becomes part of the public consultation) with consent of both parties. As such, it is sometimes perceived as the same thing by local competent authorities, as it is more an organic process. When necessary, they have additional consultations in the form most appropriate/favoured by both parties (meetings, written communication, a combination etc).
- translation of documents: what should be translated sometimes causes discussion with or complaints from the public.
- the shared responsibility for organising the public participation. The authorities of the Party of Origin and the Affected Party may have different views on how to divide responsibility and tasks, which may cause misunderstandings and delay between the two parties in a particular case.

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.*

Yes, in the sense that the Netherlands has guidance in place (renewed by the 1st of July due to our revised national EIA and SEA legislation). The guidance informs about legal requirements as well as 'good practice'/ tips and tricks to carry out EIA (and SEA) procedures in practice. In both cases, the obligation to inform/consult the authorities and public of the neighbouring countries as your own in case of significant transboundary effects, is addressed. The guidance is meant for competent authorities and private actors (consultants and experts, proponents/investors and other stakeholders like NGO's). At the moment we are actively promoting the guidance due to the revised national EIA and SEA legislation (transboundary being part of the guidance).

Also the website of the Ministry which is also directed to the public, pays attention to the Espoo Convention and transboundary issues. Besides this, we have a helpdesk in place to answer questions of competent authorities dealing with EIA and SEA. The Ministry has a six-weekly meeting with the EIA- coordinators of the provinces to discuss EIA matters; every once in a while an issue regarding the transboundary is raised.

The provinces bordering with Germany intend to actively promote/inform municipalities about the updated bilateral agreement with Germany once it is formalised. This is foreseen in the near future (this year).

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?*

We do not see the need to improve the application of the Convention, in particular as in general the cooperation with our neighbouring countries in transboundary procedures is satisfactory. This said, we do see the benefits in communicating about transboundary procedures, the legal obligations and practical implications on a regular basis in order to keep the relevant competent authorities informed and aware of their duties with respect to transboundary EIA.

SUGGESTED IMPROVEMENTS TO THE REPORT

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

The questionnaire has improved a great deal in length and lack of repetitiveness compared to the previous version. Just a few questions on the legal procedure were a bit repetitive, but this may depend on the procedure and legal provision a country has in place.

* * * * *