

Questionnaire for the

**REPORT OF ITALY FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**
for the period mid-2003 to end of 2005

Information on the Focal Point for the Convention

Name and contact information:

Giuliana Gasparrini - Ministry for the Environment and Territory -
gasparrini.giuliana@minambiente.it

Information on the Point of Contact for the Convention

Name and contact information (if different from above):

Carmela Bilanzone - Ministry for the Environment and Territory -
bilanzone.carmela@minambiente.it

Information on the person preparing the report

- | | | |
|-------|------------------|------------------------------------|
| i. | Country | - ITALY |
| ii. | Surname | PIERANTONELLI |
| iii. | Forename | LUISA |
| iv. | Institution | MINISTRY FOR THE ENVIRONMENT |
| v. | Postal address | VIA C.COLOMBO n°44 ROME - ITALY |
| vi. | E-mail address | pierantonelli.luisa@minambiente.it |
| vii. | Telephone number | +390657228146 |
| viii. | Fax number | +390657228172 |

Date on which report was completed: 4 /08/06

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

Please provide the information requested below in Part I, 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 not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

The national legislative framework for the EIA is based on the following laws namely:

DPCM (Prime Minister Decree) 337/88 lists projects to be subjected to the national EIA. The list reproduces the Annex I of the EIA directive that is more extensive of the appendix I of the Espoo Convention.

DPCM on December 1988 set up technical requirements to draw up the environmental study

DPR (Presidential Decree) on February 1998 adds projects to the list of the DPCM 337/88.

DPR (Presidential Decree) on September 1999 number 348 regulates technical requirements of the environmental impact studies for some activities.

For the transboundary EIA procedure the Italian legislative framework is based on the following laws namely:

DPR (Presidential Decree) on April 1996 lists projects to be subjected to the regional EIA procedure. Regions involved promptly inform the Ministry for the Environment on the possible transboundary effects and on the necessity to apply the Convention.

DPCM 3/9/99 (Prime Minister Decree) that modifies some aspects of the DPR on April 1996 in adding activities to submit to the regional EIA procedure. Furthermore the decree states that regions are in charge of identifying the changes of existing projects (i.e. merely authorized, or in course of execution, or already in place) with a significant environmental impact, which are subjected to regional EIA.

The law number 640 on November the 3rd ,1994 ratifies the Convention on EIA for the transboundary procedure.

The DPR on June 2003 number 261, regulating the organization of the Ministry for the Environment, gives the responsibility to carry out the administrative procedure of the Transboundary EIA to the Directorate for Environmental Protection.

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*
 - a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

The national procedure for the EIA procedure foresees:

the proponent, which is responsible for the proposed activity, transmits to the competent authority (national or local) a demand in which is described the proposed activity or the project;

the demand includes the Environmental impact study (EIS);

the project and the EIS are available to the public that is informed on the proposed activity by a newspaper at national or local level;

the cost to inform the public is up to the proponent;

the public can provide comments on the proposed activity/project in a written form;

the competent Authority, in issuing the final decision, takes in a due consideration comments from the public;

a public inquire can also take place if the competent authority decides for it;

in case of transboundary procedure the public is informed according to the national provision in force in each concerned parties, therefore authorities of concerned Parties are in charge of informing and consulting their own public.

- b. *Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

Article 2.2 of the Convention is fully applied, if a proposed activity (appendix I of the Conv.) is initiating, a notification, informing also the public, is issued as early as possible when concerned authorities become aware of a project. The Ministry for the Environment (Directorate for Environmental Protection) is responsible to issue the notification. Concerned Parties are responsible to provide the EIA documentation to the own public. The administrative procedure is fully consistent with the steps foreseen in the Convention.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

The competent Authority for the transboundary EIA procedure is the Ministry for the Environment - Directorate for Environmental Protection, while for national EIA procedure can be central or local according to the projects size and/or type. If Regions, are responsible for the EIA procedures, they promptly inform the Ministry for the Environment that has the responsibility to carry out the transboundary procedure.

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

The Authority responsible for collecting information on all transboundary EIA cases is the Ministry for the Environment.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No, we don't have any special provision for cross-border projects.

In case of joint cross-border projects provisions are included in bilateral or multilateral agreements.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

Our national list goes beyond the appendix I to the Convention.

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you would apply to determine that an “activity”, or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

All projects listed in the appendix I are included in the domestic list that is more extensive of the appendix I as such. The list of the National EIA includes a wide range of activities and sizes. The transboundary EIA procedure is applied even in the case when an activity, not listed in the appendix, is likely to cause a significant adverse impact.

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

"major change" are subject to the National EIA procedure according to the advice of the National EIA Commission on a case by case procedure taking into account requirements of article 4 of the directive 97/11/EC. Also in this case Transboundary EIA is applied, if a transboundary impact is demonstrated. The transboundary impact is considered at EIS stage because such EIS take into account of wide area where effects could be produced.

- c. *How such an activity, or such a change to an activity, is considered likely to have a “significant” adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

The characteristics of all activities subject to the EIA procedure including thresholds are described in the relevant national legislation. Furthermore the annex III of the Directive 97/11 is applied taking into account dimension, localization and effects of the project under evaluation.

- d. *How you would decide whether it is “likely” to have such an impact. (Art. 2.3)*

For activities not subject to mandatory EIA procedure, possible transboundary impacts are determined during the screening procedure. If regional authorities are responsible for this procedure promptly inform the Ministry for the environment on the possible transboundary effects and on the necessity to apply the Convention.

PUBLIC PARTICIPATION

6. *Do you have your own definition of “the public” in your national legislation, compared to Article 1(x)? How do you, 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 own public as required in Article 2, paragraph 6?*

The definition of the public is: whoever is affected, or have an interest including associations representing citizens. In case of transboundary EIA procedure the duty to inform the public of the affected Party is up to such Party.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

In general, the affected Party is informed as soon as the national Authority has become acquainted with the project under evaluation and not later when than the public at national level is informed.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The information reported into the notification is a non technical synthesis of the project with a reference to provide more information upon request of the affected Party. Furthermore the affected Party can participate to the procedure if it demonstrates its interest upon request.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The time frame for the response from the affected Party is within 30 days from the communication. This time frame is linked to the procedure at national level that has to be concluded within 90 days. If the time frame of 30 days is expired and, an additional time frame is required, also the time frame of 90 days shall be changed.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

All the available information regarding the EIA procedure is provided to the affected Party through the notification for projects included in the national list. Activities that are supposed to have a possible significant adverse impact are considered too.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

Similar cases have never occurred.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

The public is consulted on the basis of specific agreements between Parties defining, on a case by case base, the modalities and time frame of the consultation.

13. Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?

Yes

14. Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE/MP/2, decision I/4)? If not, in what format do you normally present the notification?

See answer to the questions 9 and 10.

QUESTIONS TO AFFECTED PARTY

15. Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?

Similar cases have never occurred

16. When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)

Similar cases have never occurred.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. What is the legal requirement for the content of the EIA documentation (Art. 4.1)?

The national technical legislation (DPCM 27-12-1988) envisaging contents of the EIA documentation are consistent with the appendix II of the Convention. Besides, the national legislation goes beyond the Appendix II of the Convention in requesting more detailed and extensive information.

18. Describe your country’s procedures for determining the content of the EIA documentation (Art. 4.1).

The content and the procedures of the EIA documentation are envisaged by the legislation in force that foresees:

- the environmental impact study;
- requirements of sectorial legislation;
- the evaluation of the whole environmental and anthropogenic factors;
- the specific documentation that has to be presented by the responsible for the project.

In case of scoping procedure the detailed contents of environmental impact study are along the same lines.

19. How do you identify “reasonable alternatives” in accordance with Appendix II, alinea (b)?

The environmental impact study, elaborated by the proponent, considers the alternatives in order to evaluate the more reasonable one; afterwards only the candidate reasonable alternatives are subjected to the EIA.

20. *How do you identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to Appendix II, alinea (c), and the definition of “impact” in Article 1(vii)?*

The EIA documentation describes the overall actual environmental impacts that affect the area, for each of the proposed alternatives.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

Yes, all the documentation is available to the affected Party, detailed information is sent upon request.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The transfer and the reception are mainly in charge to the competent authority or through the concerned Embassy. Bilateral agreements can provide detailed procedures for an information exchange. In dealing with the final decision all comments produced are taken into consideration.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The procedure and the time frame are established by the national legislation. In case of a time extension of a deadline a new expiration shall be considered.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

All the documentation related to the Environmental Impact Study is available to the public at national and international level without any restriction.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

The national legislation doesn't foresee any public hearing. In case of a transboundary procedure the possibility of a public hearing can be envisaged through a bilateral agreement.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

Italy has never been involved as an affected Party.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the*

affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?

The Focal Point is responsible for the organization of the public participation procedure. The procedure is defined on a case by case basis.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

In general the public consultation takes place after the notification to the Affected Party without delay.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

The consultation is planned at national or at local level, it depends on the kind of projects. The “public concerned” participates, to the consultation.

QUESTIONS TO AFFECTED PARTY

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

No case occurred up to now in which Italy acted as affected Party. For the Brennero tunnel Italy acted as part of origin as well as affected Party. In case Italy acted as affected Party a national consultation would start by a written procedure.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

In the final decision is reflected the assessment of impacts and comments from the public of the affected Party and of the Party of origin.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

The outcomes of the EIA procedure are taken into account in all steps of the decision making process. The final decision therefore considers the overall comments and opinions.

33. *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 public in your country (Art. 6.1)?*

YES.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

The final decision usually is transmitted to the affected Party by a written communication. Reasons and considerations on which the decision is based are always widely included in such final decision.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

In this case, promptly, the affected Party is informed on additional comments before the starting of the proposed activity. In case of relevant information which could influence the impact evaluation, the final decision can be modified along this line considering some mitigation impact measures.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

According to article 7 of the Convention if a post project analysis is specifically requested a decision to proceed for a post project analysis is taken.

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

In this case a new consultation is planned by a written procedure between Parties with the aim to define requirements to minimize the possible impact.

Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA 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, any agreement, based on appendix VI has been carried out till now, however agreements on a case by case basis have been carried out.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No

Article 9

Research programmes

40. *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 SEA

41. *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 new Parliament (April 2006) has not yet planned to ratify the first amendment to the Convention.

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

See the answer 41

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

See the answer 41

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Yes, during the period 2003 - 2005 we have had some practical experience in applying the Convention

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

The Ministry for the Environment acting as National focal Point for the Convention collects all procedures on transboundary EIA procedures. The update list is provided below:

1) Activities / 2) Procedures under the Convention / 3) National procedures

1) ELECTRODUCT San Fiorano–Robbia (ITALY - SWISS)

2) National procedures have been concluded

3) Concluded (18.2.2004)

1) LARGE COMBUSTION PLANT Monfalcone (major change of the existing plant)

(ITALIA - SLOVENIA)

2) National procedures have been concluded

3) On going

1) NEW RAILWAY CONNECTION Torino Lione

(ITALIA - FRANCIA)

2) National procedures have been concluded

3) Concluded (4.9.2003)

1) RAILWAY TUNNEL Aosta Martigny

(ITALIA - SVIZZERA)

2) On going

3) The EIA procedure has been interrupted

1) SAFETY TUNNEL FOR FREJUS HIGHWAY

(ITALIA - FRANCIA)

- 2) Concluded
- 3) Concluded (11.5.2004)

1) BRENNERO RAILWAY TUNNEL
(ITALIA - AUSTRIA)

- 2) National procedures have been concluded
- 3) Concluded (1.6.2004)

1) SEALINE MARICA BARBARA T2
(ITALIA - CROAZIA)

- 2) National procedures have been concluded
- 3) Concluded (23.12.2003)

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

No there aren't

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

In general, the duration is the same as that foreseen for the national procedure to comply with the national deadline.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

No mainly due to the nature of the projects involved.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

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

Italy has based the need to apply a transboundary procedure on the content of the EIS.

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

A separate chapter is not provided. Nevertheless if further information on the transboundary procedure are requested these are promptly provided.

- c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

All methods are indicated on the national legislative framework besides those which are originated from experience.

- d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

Mainly, documents provided were in the official language of the affected country, sometime were in English.

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

Consultations are mostly organized in the affected Party in line with legislation in force in such country.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

Documents used for consultation are prepared in the official languages of the concerned countries. No major problems have occurred till now.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

In a specific case has been established that the affected Party can take part in approving the final project after the finalization of the EIA procedure.

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

No

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

As a successful example, in the case of the EIA procedure for the “Brennero Tunnel”, involving Austria and Italy, a bilateral agreement has been set up.

The agreement provide:

time for the transboundary procedure, according with the time frame for the national procedures;

common modalities for public participation;

modalities for information exchange included remarks and comments.

Information has been provided in the two languages (Italian and German).
Results of the information exchange have been taken into account in the decision making process with a special attention to aspects on transboundary impacts on hydrological sector.

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

See above.

Not for the moment

CO-OPERATION BETWEEN PARTIES IN 2003-2005

- 51. Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

Through a preliminary agreement significant issues have been successfully dealt.

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

- 52. Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

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

We find the guidelines valid, nevertheless we are bounded to apply the rules provided in the national legislative framework.

- b. Guidance on subregional cooperation; and*

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

CLARITY OF THE CONVENTION

- 53. Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

In general we don't have any problem.

AWARENESS OF THE CONVENTION

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

No, EIA legislations have been in place for many years.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

The EIA national legislation is regularly updated according to the development of the EU legislation.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*

We suggest having more precise questions avoiding to request to describe in general the procedures and the experiences. This would facilitate also the evaluation of the compliance Committee.