



**Economic and Social
Council**

Distr.
GENERAL

MP.EIA/2001/5
13 December 2000

ORIGINAL : ENGLISH

ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context
Second meeting
(Sofia, 26-27 February 2001)
(Item 4 (v) for the provisional agenda)

DRFAT DECISION TO BE TAKEN AT THE SECOND MEETING OF THE PARTIES
Submitted by the Working Group

**DECISION II/5
RECENT DEVELOPMENT AND LINKS WITH
OTHER ECE CONVENTIONS**

The Meeting,

Acknowledging the since the signing of the Convention environmental impact assessment (EIA) has continued to evolve and that there have been numerous recent developments in this field,

Noting that the ECE environmental conventions have a number of common elements and aware of the links between the Convention and these other conventions,

Having considered the outcome of the workshop on recent EIA developments and links with other conventions,

1. Endorses the main findings of the workshop, which state, inter alia, that recent developments in other ECE conventions, such as annex I to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and European Union Directive 97/11/EC suggest that the field of application of the Convention as set out in its Appendix I should be reconsidered;
2. Decides that the links among the ECE conventions should be further investigated in order to identify other possible synergies and to make proposals for concrete action;
3. Endorses the document on recent EIA developments and links with other conventions as annexed to this decision;
4. Requests its Bureau to transmit this document to the governing bodies of the other ECE environmental conventions;
5. Decides to take into account the outcome of the workshop in its work-plan for the 2001-2003 period;
6. Requests the secretariat to publish this document in the UN/ECE Environmental Series in the official languages of the Convention.

Annex

RECENT EIA DEVELOPMENTS AND LINKS WITH OTHER ECE CONVENTIONS

Introduction

1. In accordance with the work plan adopted by the Meeting of the Parties at its first meeting (ECE/MP.EIA/2, annex VI), an activity on recent environmental impact assessment (EIA) developments and links with other ECE Conventions was undertaken. This report presents the results of the analysis of the links between the EIA Convention and other ECE Conventions by the task force led by Italy. The European Union's EIA Directive 85/337/EEC, as amended by Directive 97/11/EC, has also been considered. These legal instruments have a number of elements in common. They aim at preventing and/or reducing adverse impacts on the environment from specific activities and are concerned with the responsibility of States not to cause damage to the environment of other States, as enshrined in the Declaration of the Stockholm Conference on the Human Environment. All instruments also underline the important issue of public participation in the different phases of environment-related decision-making and to this effect they establish provisions to promote the participation of the public, including access to information.
2. In particular the EIA Convention lays down that Parties shall take "all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities".
3. The Convention on the Transboundary Effects of Industrial Accidents (hereinafter called the Industrial Accidents Convention) provides for Parties to take "appropriate measures [...] to protect human beings and the environment against industrial accidents by preventing such accidents as far as possible, by reducing their frequency and severity and by mitigating their effects".
4. The objective of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (hereinafter called the Water Convention) is to "prevent, control and reduce pollution of waters causing or likely to cause transboundary impact". Its other aims are: the ecological use of transboundary waters; the conservation of water resources; the reasonable and equitable use of water. To this aim the Convention stipulates that the Parties shall develop, adopt, implement and render compatible "relevant legal, administrative, economic, financial and technical measures".
5. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter called the Public Participation Convention) aims at guaranteeing "the rights of access to information, public participation in decision-making, and access to justice in environmental matters". To this end the Convention lays down that each Party shall take "the necessary legislative, regulatory and other measures to [...] to establish and maintain a clear, transparent and consistent framework to implement the provisions of the Convention".

6. The EIA Directive aims at preventing relevant environmental impacts caused by public or private projects “likely to have significant effects on the environment”.

7. All legal instruments considered aim for an integrated approach by underlining the relationship between the different components of the environment. The task force was not aware of an activity which would fall under the scope of two or more Conventions. All Conventions represent a response by ECE member countries to the need to reinforce international cooperation and they are aimed at harmonizing national measures and at formulating a basic framework for international cooperation.

EIA and industrial accidents

8. The two Conventions have similar subject matters, approaches and procedures. Both Conventions adopt a preventive approach, seeking to prevent impacts or minimize them. Both Conventions codify the procedural duties of notification and consultation, which, where the activities within one Party are likely to affect the environment, rights and interests of another, are recognized as obligations under international law.

9. The application of the two Conventions is different. The EIA Convention directly identifies the activities on the basis of clearly identified thresholds. In some cases, these thresholds are identified by using words such as “large” or “major”, while the Industrial Accident Convention refers to activities involving hazardous substances, listed in annex I. On the other hand, their application to new activities largely overlaps, as most of the proposed activities within the scope of the Industrial Accidents Convention are hazardous activities that are capable of causing transboundary effects, and so are likely to require an EIA under the EIA Convention. Appendix I to the EIA Convention contains some activities in which the hazardous substances of annex I to the Industrial Accidents Convention are produced or used.

10. The Industrial Accidents Convention includes a transboundary procedure for assessing the risk of transboundary effects in the event of an industrial accident. This assessment procedure is very similar to the procedure of the EIA Convention. Because of the overlap in scope of the two Conventions, there is a possibility that a Party to both Conventions would have to carry out an EIA and a risk assessment for the same proposed activity. To avoid such duplication, the Industrial Accidents Convention allows a Party that has already performed an EIA for the proposed hazardous activity in conformity with the EIA Convention to waive the requirement to perform the risk assessment procedure pursuant to the Industrial Accidents Convention. In fact, article 4, paragraph 4, of the Industrial Accidents Convention establishes that "the final decision taken for the purposes of the Convention on Environmental Impact Assessment in a Transboundary Context shall fulfil the relevant requirement of this Convention".

11. The requirement that the EIA should comply with the procedures of both Conventions requires further study as there are differences between the content of the information in the procedure of the EIA Convention and the assessment procedure of the Industrial Accidents

Convention. In particular, the EIA documentation should include the information requested under the Industrial Accident Convention. In this respect appendix II to the EIA Convention only prescribes in general terms the minimum content of the environmental documentation and should include a reference to risk analysis as required by the Industrial Accidents Convention (annex V).

12. If a proposed hazardous activity with the scope of the Industrial Accidents Convention is not listed in appendix I to the EIA Convention and a risk assessment has found that it is likely to have a transboundary impact in the event of an accident, it should be subject to an EIA if a consultation has been started in accordance with article 2, paragraph 5, of the EIA Convention.

EIA and water

13. The definition of “transboundary impact” of the EIA Convention (art. 1 (viii)) implies that the environmental documentation should include, where appropriate, a description of the likely impacts on water. Article 1 (vii) of the EIA Convention also refers to impacts on water.

14. Another link between the EIA Convention and the Water Convention is the provision in the Water Convention for the application of EIA. To reach an appropriate protection of transboundary watercourses, the Water Convention commits Parties to undertaking EIA, both at the national and at the international level. The Water Convention contains two Articles dealing with EIA for transboundary waters (art. 3, para. 1 (h), and art. 9, para. 2 (j)).

15. According to article 3, paragraph 1 (h), Parties shall develop, adopt, implement and, as far as possible, render compatible relevant legal, administrative, economic, financial, and technical measures, in order to ensure, *inter alia*, that EIA and other means of assessment are applied. With this provision the Water Convention commits Parties to undertaking EIA at the national level. Consequently, if an activity is likely to have a transboundary impact on waters and it is included in appendix I to the EIA Convention or subject to consultation under its article 2, paragraph 5, the provisions of the EIA Convention shall apply to that activity.

16. Furthermore, article 9, paragraph 1, of the Water Convention stipulates that Riparian Parties shall enter into bilateral or multilateral agreements in order to cooperate and harmonize their conduct. The specific commitment is set in paragraph 2 (j) of article 9, according to which the agreements shall provide for the establishment of joint bodies that shall *inter alia* participate in the implementation of EIAs relating to transboundary waters, in accordance with appropriate international regulations. It is understood that these regulations refer to the EIA Convention with its procedures.

17. Several other requirements of the Water Convention, such as the elaboration of proper objectives for water quality and waste-water discharges, may be more effectively fulfilled by applying the EIA principles. Water-quality objectives are increasingly used as an important policy instrument to prevent, control and reduce pollution in internal and transboundary waters. Therefore, the Water Convention repeatedly refers to water-quality criteria and objectives. The

use of EIA principles in the overall process would increase the reliability of assumptions made and results achieved. In addition, it would help in the decision-making process.

18. Licensing waste-water discharges into transboundary waters is another basic tool to ensure their protection, conservation and restoration. The Water Convention refers to this in its articles 3, paragraph 1 (b), and 9, paragraph 2 (d). The decision to grant or to refuse a permit for waste-water discharges generally requires adequate information on the characteristics of the installation, which must be provided by the operator. Therefore, there is a need for a sound licensing system to be based on a case-by-case consideration of emission sources and on the outcome of EIAs where applicable. EIA should be an integral part of a permit procedure for proposed activities, if the expected discharges may have a significant impact on the environment. Projects for waste discharges may be added to the activities listed in appendix I to the EIA Convention.

19. The need to continuously monitor environmental conditions, in particular once an activity with a likely impact on the environment has been started up, has generally been accepted. Therefore, the EIA Convention as well as the Water Convention contain provisions to regularly verify the change in the environmental conditions and to take care of the environmental impacts once an activity has been started. The EIA Convention contains provisions for post-project analysis (art. 7 and appendix V), although they are not mandatory, where the Water Convention requires water-related monitoring (arts. 4, 9, para. 2 (b), and 11). As post-project analysis may be considered one of the most cost-effective tools for improving the efficiency of EIA, strengthening these provisions should be considered. The relationship between the requirement for post-project analysis under the EIA Convention and the monitoring requirement under the Water Convention should be further considered.

EIA and public participation

20. The Public Participation Convention is based on three pillars: (i) access to information, (ii) public participation and (iii) access to justice.

21. As public participation is an integral part of EIA, there is a strong link between it and the Public Participation Convention. Article 3, paragraph 8 and article 4, paragraph 2, of the EIA Convention include provisions for public participation in the different phases of the EIA procedure. Provisions for public participation are further elaborated in the Public Participation Convention, in particular in its articles 6, 7 and 8. Article 6 of the Public Participation Convention applies to the activities listed in annex I to the Convention; this annex includes almost all the activities listed in the appendix I to the EIA Convention and other activities that may be relevant in the transboundary context. In this respect an update of appendix I to the EIA Convention may be considered.

22. The Public Participation Convention introduces a definition of the public and of the public concerned (art. 2, paras. 4 and 5). The EIA Convention also has a definition of the public, which may be revised in the light of the definition in the Public Participation Convention to make the application of the related EIA provisions more effective.

23. Access to information is closely linked to public participation, as the public cannot participate without being properly informed. The EIA Convention in its article 3 provides in general terms that the public has the right to receive information regarding the proposed activity and its likely transboundary impacts. It can be expected that the provisions on access to information of the Public Participation Convention could be useful when applying the EIA Convention.

24. In relation to public participation, article 6, paragraph 2 (e), of the Public Participation Convention reinforces the link between the two Conventions, stating that in the notification procedure the public concerned shall be informed of the fact that the activity is subject to a national or transboundary environmental impact assessment. Concerning proposed activities, the provisions of article 6 contain more detailed obligations for effective public participation during the decision-making process. If the two Conventions apply to the same proposed activity, the public participation requirements of the Public Participation Convention apply. Consequently, an updating of the public participation requirements of the EIA Convention should be considered.

25. The EIA Convention does not include provisions on access to justice. However, as already indicated in the Environmental Series No. 6 “Current policies, strategies and aspects of environmental impact assessment in a transboundary context”, it can be expected that members of the public concerned will try to challenge the substantive and procedural legality of a decision on a proposed activity under the EIA Convention. Article 9 of the Public Participation Convention may therefore be used to update and amend the EIA Convention.

26. The Public Participation Convention introduces provisions to: (i) amend the Convention (art. 14); (ii) allow NGOs qualified in the field of the Convention to take part in the meetings of the Parties (art. 10, para. 5); (iii) review compliance (art. 15); (iv) open up the Convention to all States Members of the United Nations (art. 19, para. 3). These provisions may help to update, facilitate and make more effective the application of the EIA Convention. To this extent the task force noted that rules 6 and 7 of the rules of procedure of the Meeting of the Parties to the EIA Convention have provisions concerning the participation of NGOs. Work is also underway to provide proposals for the opening-up of the Convention to Member States of the United Nations that are not members of ECE, following the 1998 Oslo Ministerial Declaration (see document MP.EIA/WG.1/2000/14). A task force led by the United Kingdom is working on compliance mechanisms (see document MP.EIA/WG.1/2000/9).

EIA and new EC Directive on environmental assessment

27. Directive 97/11/EC substantially amended Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, which largely inspired many provisions of the EIA Convention. The main changes concern the field of application, the introduction of a scoping phase and of criteria to determine the significance of impacts. The introduction of a scoping phase also in the EIA Convention may facilitate the notification and consultation phases between Parties and the public participation procedure and make them more

effective. An updating of the criteria to determine the significance of the impacts may be considered.

28. Recently the European Union reached a common position on a Directive on the environmental assessment of plans and programmes that contains provisions on transboundary public participation on plans and programmes. Article 2, paragraph 7, of the EIA Convention already states that Parties shall endeavour to apply the principles of EIA to policies, plans and programmes. The EIA Convention may be revised in the light of these recent EIA developments.

Main findings

29. Recent developments in other ECE Conventions and EC Directives on EIA, such as the recent EC Directive 97/11/EC or annex I to the Public Participation Convention, suggest that the field of application of the EIA Convention as set out included in its appendix I should be reconsidered.

30. "Scoping" may improve the quality of the EIA documentation. A "scoping" phase has been included in EC Directive 97/11/EC. It is therefore important to consider the issue of scoping (involvement of both the Party of origin and the affected Party) also under the EIA Convention.

31. In the Water Convention, post-project analysis is an important tool for the monitoring and assessment of environmental changes. Therefore, it is proposed that further work should be undertaken to strengthen the EIA Convention's provisions on post-project analysis.

32. All Conventions considered have provisions on public participation, in particular the EIA Convention. It is suggested that the definition of the public in the EIA Convention should be revised to provide for more openness, as set out in the Public Participation Convention.

33. The ongoing work in the European Union on a proposed directive on the environmental assessment of plans and programmes implies that it may be necessary to update the EIA Convention in this regard.

34. The procedure for the adoption of amendments as set out in the Public Participation Convention provides for a new approach. This should also be considered in relation to the EIA Convention.

35. The task force noted that rules 6 and 7 of the rules of procedure under EIA Convention (ECE/MP.EIA/3) have provisions concerning the participation of NGOs. Work is also under way to open up the Convention to Member States of the United Nations not Members of ECE, following the 1998 Oslo Ministerial Declaration. A task force led by the United Kingdom is also working on compliance mechanisms.

36. Appendix III on environmental impact assessment documentation should be revised in the light of Directive 97/11/EC and the Industrial Accidents Convention.

37. The analysis of the links between the EIA and Public Participation Conventions suggests that article 9 of the Public Participation Convention may be considered as a source of inspiration for updating and amending the EIA Convention.

38. The task force also suggests that more work should be undertaken to further investigate the links between different ECE Conventions in order to find possible synergies and make proposals for concrete actions. In this respect the round table organized by the Committee on Environmental policy at its seventh session in 2000 on support of ECE multilateral environmental agreements could also provide input. It is suggested that joint groups on issues of a specific or general nature may be set up.

39. The task force also suggests that the focal points for each of the ECE Conventions at the national level meet regularly to exchange views on the application of these Conventions and work together on activities that fall within the scope of two or more Conventions.

Annex I**SYNOPTIC TABLE OF COMPARISON OF THE RELEVANT ARTICLES**

Items	EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive
1. Aims and objectives	Art.2, para.1	Art.3	Art.2 Art.3	Art.1 Art.3	Art.1
2. Field of application	Art.2, para.3 Art.2, para.4 (see also appendix I)	Art.1 Art.2	Art.1, para.1 Art.1, para.2	Art.6, para.1 (see also annex I)	Art.2, para.1 Art.4, para.1 Art.4, para.2 (see also annexes I and II)
3. Relevant environmental information	Art.3, para.5 Art.3, para.6 Art.4, para.1 Art.4, para.2	Art.9, para.1 (see also annex V, para.2(1)-(9) and annex VIII)	Art.13 Art.16	Art.6, para.6.	Art.5 (see also annex IV)
4. Public participation	Art.3, para.8	Art.9, para.1 Art.9, para.2 Art.9, para.3	Art.16, para.1 Art.16, para.2	Art.6, para.2	Art.6, para.2 Art.7
5. Amendments	Art.14	Art.26	Art.21	Art.14	
6. Inquiry commission (non-compliance)	Art.3, para.7	Art.4 Art.5 (see also annex II)		Art.15	

Annex II

COMPARISON OF LEGAL TEXTS

1. AIMS AND OBJECTIVES				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p align="center">Article 2 General provisions</p> <p>1. The Parties shall, either individually or jointly, take all appropriate and effective measures to prevent, reduce and control significant transboundary environmental impact from proposed activities.</p>	<p align="center">Article 3 General provisions</p> <p>1. The Parties shall, taking into account efforts already made at national and international levels, take appropriate measures and cooperate within the framework of this Convention, to protect human beings and the environment against industrial accidents by preventing such accidents as far as possible, by reducing their frequency and severity and by mitigating their effects. To this end, preventive, preparedness and response measures, including restoration measures, shall be applied.</p> <p>2. The Parties shall, by means of exchange of information, consultation and other cooperative measures and without undue delay, develop and implement policies and strategies for reducing the risks of industrial accidents and improving preventive, preparedness and response measures, including restoration measures, taking into account, in order to avoid unnecessary duplication, efforts already made at national and international levels.</p>	<p align="center">Article 2 General provisions</p> <p>1. The Parties shall take all appropriate measures to prevent, control and reduce any transboundary impact.</p> <p>2. The Parties shall, in particular, take all appropriate measures:</p> <p>(a) To prevent, control and reduce pollution of waters causing or likely to cause transboundary impact;</p> <p>(b) To ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection;</p> <p>(c) To ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact;</p>	<p align="center">Article 1 Objective</p> <p>In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.</p> <p align="center">Article 3 General provisions</p> <p>1. Each Party shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the information, public participation and access-to-justice provisions in this Convention, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention.</p>	<p align="center">Article 1</p> <p>This Directive shall apply to the assessment of the environmental effects of those public and private projects which are likely to have significant effects on the environment.</p>

1. AIMS AND OBJECTIVES				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
	<p>3. The Parties shall ensure that the operator is obliged to take all measures necessary for the safe performance of the hazardous activity and for the prevention of industrial accidents.</p> <p>4. To implement the provisions of this Convention, the Parties shall take appropriate legislative, regulatory, administrative and financial measures for the prevention of, preparedness for and response to industrial accidents.</p> <p>5. The provisions of this Convention shall not prejudice any obligations of the Parties under international law with regard to industrial accidents and hazardous activities.</p>	<p>(d) To ensure conservation and, where necessary, restoration of ecosystems.</p> <p>Article 3 Prevention, control and reduction</p> <p>1. To prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant administrative, economic, financial and technical measures, in order to ensure, <u>inter alia</u>, that:</p> <p>(a) The emission of pollutants is prevented, controlled and reduced at source through the application of, <u>inter alia</u>, low- and non-waste technology;</p> <p>(b) Transboundary waters are protected against pollution from point sources through the prior licensing of waste-water discharges by the competent national authorities, and that the authorized discharges are monitored and controlled;</p> <p>(c) Limits for waste-water discharges stated in permits are based on the best available technology for discharges of hazardous substances;</p>	<p>2. Each Party shall endeavour to ensure that officials and authorities assist and provide guidance to the public in seeking access to information, in facilitating participation in decision-making and in seeking access to justice in environmental matters.</p> <p>3. Each Party shall promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters.</p> <p>4. Each Party shall provide for appropriate recognition of and support to associations, organizations or groups promoting environmental protection and ensure that its national legal system is consistent with this obligation.</p> <p>5. The provisions of this Convention shall not affect the right of a Party to maintain or introduce measures providing for broader access to information, more extensive public participation in decision-making and wider access to justice in environmental matters than required by this Convention.</p>	

1. AIMS AND OBJECTIVES				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
		<p>(d) Stricter requirements, even leading to prohibition in individual cases, are imposed when the quality of the receiving water or the ecosystem so requires;</p> <p>(e) At least biological treatment or equivalent processes are applied to municipal waste water, where necessary in a step-by-step approach;</p> <p>(f) Appropriate measures are taken, such as the application of the best available technology, in order to reduce nutrient inputs from industrial and municipal sources;</p> <p>(g) Appropriate measures and best environmental practices are developed and implemented for the reduction of inputs of nutrients and hazardous substances from diffuse sources, especially where the main sources are from agriculture (guidelines for developing best environmental practices are given in annex II to this Convention);</p> <p>(h) Environmental impact assessment and other means of assessment are applied;</p> <p>(i) Sustainable water-resources management, including the application of the ecosystems approach, is promoted;</p> <p>(j) Contingency planning is developed;</p> <p>(k) Additional specific measures are taken to prevent the pollution of groundwaters;</p> <p>(l) The risk of accidental pollution is minimized.</p>	<p>6. This Convention shall not require any derogation from existing rights of access to information, public participation in decision-making and access to justice in environmental matters.</p> <p>7. Each Party shall promote the application of the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.</p> <p>8. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.</p> <p>9. Within the scope of the relevant provisions of this Convention, the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.</p>	

2. FIELD OF APPLICATION				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p>Article 2</p> <p>3. The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.</p> <p>4. The Party of origin shall, consistent with the provisions of this Convention, ensure that affected Parties are notified of a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact. (See also Appendix I.)</p>	<p>Article 1 Definitions</p> <p>For the purposes of this Convention,</p> <p>(a) "Industrial accident" means an event resulting from an uncontrolled development in the course of any activity involving hazardous substances either:</p> <p>(i) In an installation, for example during manufacture, use, storage, handling, or disposal; or</p> <p>(ii) During transportation in so far as it is covered by para. 2(d) of Article 2;</p> <p>(b) "Hazardous activity" means any activity in which one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in Annex I hereto, and which is capable of causing transboundary effects;</p> <p>(c) "Effects" means any direct or indirect, immediate or delayed adverse consequences caused by an industrial accident on, <i>inter alia</i>:</p> <p>(i) Human beings, flora and fauna;</p> <p>(ii) Soil, water, air and landscape;</p> <p>(iii) The interaction between the factors in (i) and (ii);</p>	<p>Article 1 Definitions</p> <p>For the purposes of this Convention,</p> <p>1. "Transboundary waters" means any surface or ground waters which mark, cross or are located on boundaries between two or more States; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks;</p> <p>2. "Transboundary impact" means any significant adverse effect on the environment resulting from a change in the conditions of transboundary waters caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Party, within an area under the jurisdiction of another Party. Such effects on the environment include effects on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; they also include effects on the cultural heritage or socio-economic conditions resulting from alterations to those factors.</p>	<p>Article 6</p> <p>Public participation in decisions on specific activities</p> <p>1. Each Party:</p> <p>(a) Shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I;</p> <p>(b) Shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions; and</p>	<p>Article 2</p> <p>1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, <i>inter alia</i>, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. These projects are defined in Art. 4.</p> <p>Article 4</p> <p>1. Subject to Article 2(3), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.</p> <p>2. Subject to Article 2(3), for projects listed in Annex II, the Member States shall determine through:</p> <p>(a) a case-by-case examination, or</p>

2. FIELD OF APPLICATION

EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
	<p>(iv) Material assets and cultural heritage, including historical monuments;</p> <p>(d) "Transboundary effects" means serious effects within the jurisdiction of a Party as a result of an industrial accident occurring within the jurisdiction of another Party;</p> <p>(e) "Operator" means any natural or legal person, including public authorities, in charge of an activity, e.g. supervising, planning to carry out or carrying out an activity;</p> <p>(f) "Party" means, unless the text otherwise indicates, a Contracting Party to this Convention;</p> <p>(g) "Party of origin" means any Party or Parties under whose jurisdiction an industrial accident occurs or is capable of occurring;</p> <p>(h) "Affected Party" means any Party or Parties affected or capable of being affected by transboundary effects of an industrial accident;</p> <p>(i) "Parties concerned" means any Party of origin and any affected Party;</p> <p>(j) "The public" means one or more natural or legal persons.</p>		<p>(c) May decide, on a case-by-case basis if so provided under national law, not to apply the provisions of this article to proposed activities serving national defence purposes, if that Party deems that such application would have an adverse effect on these purposes. (See also annex I.)</p>	<p>(b) thresholds or criteria set by the Member State whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States may decide to apply both procedures referred to in (a) and (b). (See also Annexes I and II.)</p>

2. FIELD OF APPLICATION				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
	<p>Article 2 Scope</p> <p>1. This Convention shall apply to the prevention of, preparedness for and response to industrial accidents capable of causing transboundary effects, including the effects of such accidents caused by natural disasters, and to international cooperation concerning mutual assistance, research and development, exchange of information and exchange of technology in the area of prevention of, preparedness for and response to industrial accidents.</p> <p>2. This Convention shall not apply to:</p> <ul style="list-style-type: none"> (a) Nuclear accidents or radiological emergencies; (b) Accidents at military installations; (c) Dam failures, with the exception of the effects of industrial accidents caused by such failures; (d) Land-based transport accidents with the exception of: <ul style="list-style-type: none"> (i) Emergency response to such accidents; (ii) Transportation on the site of the hazardous activity; (e) Accidental release of genetically modified organisms; (f) Accidents caused by activities in the marine environment, including seabed exploration or exploitation; (g) Spills of oil or other harmful substances at sea. 			

3. RELEVANT ENVIRONMENTAL INFORMATION

EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p style="text-align: center;">Article 3</p> <p>5. Upon receipt of a response from the affected Party indicating its desire to participate in the environmental impact assessment procedure, the Party of origin shall, if it has not already done so, provide to the affected Party:</p> <p>(a) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments; and</p> <p>(b) Relevant information on the proposed activity and its possible significant adverse transboundary impact.</p> <p>6. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the potentially affected environment under the jurisdiction of the affected Party, where such information is necessary for the preparation of the environmental impact assessment documentation. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.</p>	<p style="text-align: center;">Article 9</p> <p>Information to, and participation of the public</p> <p>1. The Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity. This information shall be transmitted through such channels as the Parties deem appropriate, shall include the elements contained in Annex VIII hereto and should take into account matters set out in Annex V, para.2, subparas. (1) to (4) and (9).</p>	<p style="text-align: center;">Article 13</p> <p>Exchange of information between Riparian Parties</p> <p>1. The Riparian Parties shall, within the framework of relevant agreements or other arrangements according to article 9 of this Convention, exchange reasonably available data, <u>inter alia</u>, on:</p> <p>(a) Environmental conditions of transboundary waters;</p> <p>(b) Experience gained in the application and operation of best available technology and results of research and development;</p> <p>(c) Emission and monitoring data;</p> <p>(d) Measures taken and planned to be taken to prevent, control and reduce transboundary impact;</p> <p>(e) Permits or regulations for waste-water discharges issued by the competent authority or appropriate body.</p> <p>2. In order to harmonize emission limits, the Riparian Parties shall undertake the exchange of information on their national regulations.</p>	<p style="text-align: center;">Article 6</p> <p>6. Each Party shall require the competent public authorities to give the public concerned access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making referred to in this article that is available at the time of the public participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paras. 3 and 4. The relevant information shall include at least, and without prejudice to the provisions of article 4:</p> <p>(a) A description of the site and the physical and technical characteristic of the proposed activity, including an estimate of the expected residues and emissions;</p>	<p style="text-align: center;">Article 5</p> <p>1. In the case of projects which, pursuant to Article 4, must be subjected to an environmental impact assessment in accordance with Articles 5 to 10, Member States shall adopt the necessary measures to ensure that the developer applies in an appropriate form the information specified in Annex IV in as much as:</p> <p>(a) the Member States consider that the information is relevant to a given stage of the consent procedure and to the specific characteristics of a particular project or type of project and of the environmental features likely to be affected;</p> <p>(b) the Member States consider that a developer may reasonably be required to compile this information having regard <u>inter alia</u> to current knowledge and methods of assessment.</p>

3. RELEVANT ENVIRONMENTAL INFORMATION				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p>Article 4 Preparation of the environmental impact assessment documentation</p> <p>1. The environmental impact assessment documentation to be submitted to the competent authority of the Party of origin shall contain, as a minimum, the information described in Appendix II.</p> <p>2. The Party of origin shall furnish the affected Party, as appropriate through a joint body where one exists, with the environmental impact assessment documentation. The concerned Parties shall arrange for distribution of the documentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity. (See also Appendix II)</p>		<p>3. If a Riparian Party is requested by another Riparian Party to provide data or information that is not available, the former shall endeavour to comply with the request but may condition its compliance upon the payment, by the requesting Party, of reasonable charges for collecting and, where appropriate, processing such data or information.</p> <p>4. For the purposes of the implementation of this Convention, the Riparian Parties shall facilitate the exchange of available technology, particularly through the promotion of: the commercial exchange of available technology; direct industrial contacts and cooperation, including joint ventures; the exchange of information and experience; and the provision of technical assistance. The Riparian Parties shall also undertake joint training programmes and the organization of relevant seminars and meetings.</p>	<p>(b) A description of the significant effects of the proposed activity on the environment;</p> <p>(c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;</p> <p>(d) A non-technical summary of the above;</p> <p>(e) An outline of the main alternatives studied by the applicant; and</p> <p>(f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with para. 2 above.</p>	<p>2. Member States shall take the necessary measures to ensure that, if the developer so requests before submitting an application for development consent, the competent authority shall give an opinion on the information to be applied by the developer in accordance with para. 1. The competent authority shall consult the developer and authorities referred to in Article 6(1) before it gives its opinion. The fact that the authority has given an opinion under this paragraph shall not preclude it from subsequently requiring the developer to submit further information. Member States may require the competent authorities to give such an opinion, irrespective of whether the developer so requests.</p> <p>3. The information to be provided by the developer in accordance with para. 1 shall include at least:</p>

3. RELEVANT ENVIRONMENTAL INFORMATION				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
		<p>Article 16 Public information</p> <p>1. The Riparian Parties shall ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, is made available to the public. For this purpose, the Riparian Parties shall ensure that the following information is made available to the public:</p> <p>(a) Water-quality objectives;</p> <p>(b) Permits issued and the conditions required to be met;</p> <p>(c) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.</p> <p>2. The Riparian Parties shall ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and shall provide members of the public with reasonable facilities for obtaining from the Riparian Parties, on payment of reasonable charges, copies of such information.</p>		<ul style="list-style-type: none"> - a description of the project comprising information on the site, design and size of the project, - a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects, - the data required to identify and assess the main effects which the project is likely to have on the environment, - an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects, - a non-technical summary of the information mentioned in the previous indents. <p>4. Member States shall, if necessary, ensure that any authorities holding relevant information, with particular reference to Article 3, shall make this information available to the developer. (See also Annex IV.)</p>

4. PUBLIC PARTICIPATION

EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p>Article 3 Notification</p> <p>8. The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objection on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.</p>	<p>Article 9 Information to, and participation of the public</p> <p>1. The Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity. This information shall be transmitted through such channels as the Parties deem appropriate, shall include the elements contained in Annex VIII hereto and should take into account matters set out in Annex V, para. 2, subparas. (1) to (4) and (9).</p> <p>2. The Party of origin shall, in accordance with the provisions of this Convention, give the public in the areas capable of being affected an opportunity to participate in relevant procedures with the aim of making known its views and concerns on prevention and preparedness measures, and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.</p>	<p>Article 16 Public information</p> <p>1. The Riparian Parties shall ensure that information on the conditions of transboundary impact, and the effectiveness of those measures, is made available to the public. For this purpose, the Riparian Parties shall ensure that the following information is made available to the public:</p> <p>(a) Water-quality objectives;</p> <p>(b) Permits issued and the conditions required to be met;</p> <p>(c) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.</p>	<p>Article 6 Public participation in decisions on specific activities</p> <p>2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, <i>inter alia</i>, of:</p> <p>(a) The proposed activity and the application on which a decision will be taken;</p> <p>(b) The nature of possible decisions or the draft decision;</p> <p>(c) The public authority responsible for making the decision;</p> <p>(d) The envisaged procedure, including, as and when this information can be provided:</p> <p>(i) The commencement of the procedure;</p> <p>(ii) The opportunities for the public to participate;</p> <p>(iii) The time and venue of any envisaged public hearing;</p> <p>(iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;</p>	<p>Article 6</p> <p>2. Member States shall ensure that any request for development consent and any information gathered pursuant to Article 5 are made available to the public within a reasonable time in order to give the public concerned the opportunity to express an opinion before the development consent is granted.</p> <p>Article 7</p> <p>1. Where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall send to the affected Member State as soon as possible and no later than when informing its own public, <i>inter alia</i>:</p> <p>(a) a description of the project, together with any available information on its possible transboundary impact;</p> <p>(b) information on the nature of the decision which may be taken,</p> <p>and shall give the other Member State a reasonable time in which to indicate whether it wishes to participate in the Environmental Impact Assessment procedure, and may include the information referred to in para. 2.</p> <p>2. If a Member State which receives information pursuant to para. 1 indicates that it intends to participate in the Environmental Impact Assessment procedure,</p>

4. PUBLIC PARTICIPATION				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
	<p>3. The Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis provide natural or legal persons who are being or are capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibilities of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.</p>	<p>2. The Riparian Parties shall ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and shall provide members of the public with reasonable facilities for obtaining from the Riparian Parties, on payment of reasonable charges, copies of such information.</p>	<p>(v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and (vi) An indication of what environmental information relevant to the proposed activity is available; and (e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.</p>	<p>the Member State in whose territory the project is intended to be carried out shall, if it has not already done so, send to the affected Member State the information gathered pursuant to Article 5 and relevant information regarding the said procedure, including the request for development consent.</p> <p>3. The Member States concerned, each insofar as it is concerned, shall also:</p> <p>(a) arrange for the information referred to in paras. 1 and 2 to be made available, within a reasonable time, to the authorities referred to in Article 6(1) and the public concerned in the territory of the Member State likely to be significantly affected; and (b) ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward their opinion within a reasonable time on the information supplied to the competent authority in the Member State in whose territory the project is intended to be carried out.</p> <p>4. The Member States concerned shall enter into consultations regarding, <i>inter alia</i>, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time frame for the duration of the consultation period.</p> <p>5. The detailed arrangements for implementing the provisions of this Article may be determined by the Member States concerned.</p>

5. AMENDMENTS

EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p>Article 14</p> <p>Amendments to the Convention</p> <p>1. Any Party may propose amendments to this Convention.</p> <p>2. Proposed amendments shall be submitted in writing to the secretariat, which shall communicate them to all Parties. The proposed amendments shall be discussed at the next meeting of the Parties, provided these proposals have been circulated by the secretariat to the Parties at last ninety days in advance.</p> <p>3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.</p> <p>4. Amendments to this Convention adopted in accordance with para. 3 of this Article shall be submitted by the Depositary</p>	<p>Article 26</p> <p>Amendments to the Convention</p> <p>1. Any Party may propose amendments to this Convention.</p> <p>2. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall circulate it to all Parties. The Conference of the Parties shall discuss proposed amendments at its next annual meeting, provided that such proposals have been circulated to the Parties by the Executive Secretary of the Economic Commission for Europe at least ninety days in advance.</p> <p>3. For amendments to this Convention - other than those to annex I, for which the procedure is described in para. 4 of this Article:</p> <p>(a) Amendments shall be adopted by consensus of the Parties present at the meeting and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval;</p>	<p>Article 21</p> <p>Amendments to the Convention</p> <p>1. Any Party may propose amendments to this Convention.</p> <p>2. Proposals for amendments to this Convention shall be considered at a meeting of the Parties.</p> <p>3. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate it to all Parties at least ninety days before the meeting at which it is proposed for adoption.</p> <p>4. An amendment to the present Convention shall be adopted by consensus of the representatives of the Parties to this Convention present at a meeting of the Parties, and shall enter into force for the Parties to the Convention which have accepted it on the ninetieth day after the date on which two thirds of those Parties have deposited with the Depositary their instruments of acceptance of the amendment. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of acceptance of the amendment.</p>	<p>Article 14</p> <p>Amendments to the Convention</p> <p>1. Any Party may propose amendments to this Convention.</p> <p>2. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate it to all Parties at least ninety days before the meeting of the Parties at which it is proposed for adoption.</p> <p>3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.</p> <p>4. Amendments to this Convention adopted in accordance with para. 3 above shall be communicated by the Depositary to all Parties for ratification, approval or acceptance. Amendments to this Convention other than those to an annex shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day</p>	

5. AMENDMENTS

EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p>to all Parties for ratification, approval or acceptance. They shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three fourths of these Parties. Thereafter they shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.</p> <p>5. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.</p> <p>6. The voting procedure set forth in para. 3 of this Article is not intended to constitute a precedent for future agreements negotiated within the Economic Commission for Europe.</p>	<p>(b) Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with this Article shall enter into force for Parties that have accepted them on the ninetieth day following the day of receipt by the Depositary of the sixteenth instrument of ratification, acceptance or approval;</p> <p>(c) Thereafter, amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instruments of ratification, acceptance or approval of the amendments.</p> <p>4. For amendments to Annex I:</p> <p>(a) The Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendments shall, as a last resort, be adopted by a nine-tenths majority vote of the Parties present and voting at the meeting. If adopted by the Conference of the Parties, the amendments shall be communicated to the Parties and recommended for approval;</p>		<p>after that Party deposits its instrument of ratification, approval or acceptance of the amendments.</p> <p>5. Any Party that is unable to approve an amendment to an annex to this Convention shall so notify the Depositary in writing within twelve months from the date of the communication of the adoption. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depositary, the amendments to such an annex shall become effective for that Party.</p> <p>6. On the expiry of twelve months from the date of its communication by the Depositary as provided for in para. 4 above an amendment to an annex shall become effective for those Parties which have not submitted a notification to the Depositary in accordance with the provisions of para. 5 above, provided that not more than one third of the Parties have submitted such a notification.</p> <p>7. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.</p>	

5. AMENDMENTS				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
	<p>(b) On the expiry of twelve months from the date of their communication by the Executive Secretary of the Economic Commission for Europe, the amendments to Annex I shall become effective for those Parties to this Convention which have not submitted a notification in accordance with the provisions of para. 4(c) of this Article, provided that at least sixteen Parties have not submitted such a notification;</p> <p>(c) Any Party that is unable to approve an amendment to Annex I of this Convention shall so notify the Executive Secretary of the Economic Commission for Europe in writing within twelve months from the date of the communication of the adoption. The Executive Secretary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and the amendment to Annex I shall thereupon enter into force for that Party;</p> <p>(d) For the purpose of this paragraph "Parties present and voting" means Parties present and casting an affirmative or negative vote.</p>			

6. INQUIRY COMMISSION (NON-COMPLIANCE)				
EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
<p>Article 3</p> <p>7. When a Party considers that it would be affected by a significant adverse transboundary impact of a proposed activity listed in Appendix I, and when no notification has taken place in accordance with para. 1 of this Article, the concerned Parties shall, at the request of the affected Party, exchange sufficient information for the purposes of holding discussions on whether there is likely to be a significant adverse transboundary impact. If those Parties agree that there is likely to be a significant adverse transboundary impact, the provisions of this Convention shall apply accordingly. If those Parties cannot agree whether there is likely to be a significant adverse transboundary impact, any such Party may submit that question to an inquiry commission in accordance with the provisions of Appendix IV to advise on the likelihood of significant adverse transboundary impact, unless they agree on another method of settling this question.</p>	<p>Article 4</p> <p>Identification, consultation and advice</p> <p>1. For the purpose of undertaking preventive measures and setting up preparedness measures, the Party of origin shall take measures, as appropriate, to identify hazardous activities within its jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity.</p> <p>2. Parties concerned shall, at the initiative of any such Party, enter into discussions on the identification of those hazardous activities that are, reasonably capable of causing transboundary effects. If the Parties concerned do not agree on whether an activity is such a hazardous activity, any such Party may, unless the Parties concerned agree on another method of resolving the question, submit that question to an inquiry commission in accordance with the provisions of Annex II hereto for advice.</p> <p>3. The Parties shall, with respect to proposed or existing hazardous activities, apply the procedures set out in Annex III hereto.</p> <p>4. When a hazardous activity is subject to an environmental impact assessment in accordance with the Convention on Environmental Impact Assessment in a Transboundary Context and that assessment includes an evaluation of the transboundary</p>		<p>Article 15</p> <p>Review of compliance</p> <p>The Meeting of the Parties shall establish, on a consensus basis, optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of this Convention. These arrangements shall allow for appropriate public involvement and may include the option of considering communications from members of the public on matters related to this Convention.</p>	

6. INQUIRY COMMISSION (NON-COMPLIANCE)

EIA Convention	Industrial Accidents Convention	Water Convention	Public Participation Convention	EIA Directive 85/337/EEC as amended by 97/11/EC
	<p>effects of industrial accidents from the hazardous activity which is performed in conformity with the terms of this Convention, the final decision taken for the purposes of the Convention on Environmental Impact Assessment in a Transboundary Context shall fulfil the relevant requirements of this Convention.</p> <p style="text-align: center;">Article 5 Voluntary extension</p> <p>Parties concerned should, at the initiative of any of them, enter into discussions on whether to treat an activity not covered by Annex I as a hazardous activity. Upon mutual agreement, they may use an advisory mechanism of their choice, or an inquiry commission in accordance with Annex II, to advise them. Where the Parties concerned so agree, this Convention, or any part thereof, shall apply to the activity in question as if it were a hazardous activity. (See also annex II).</p>			