

Questionnaire for the report of the Netherlands on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2019–2021

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Part one

Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not its experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Convention (for example, Environmental Impact Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1.1. Is the definition of the term “impact” for the purpose of the Convention the same in your legislation as that contained in article 1 (vii)?

- (a) Yes
- (b) Yes, with some minor differences (please explain the differences): *some minor differences, e.g. human safety, historical monuments, social economic circumstances*
- (c) No, there are major differences (please explain the differences):
- (d) The term “impact” is not defined in the legislation

Your comments: *The definition is almost the same. Quotation from the Wet Milieubeheer (Environmental Management Act), article 7.1 Wm:*

Effects on the environment include the effects on the physical environment, including risks of major accidents or disasters, seen from the importance of the protection of:

- a. population and human health;*
- b. biodiversity, with special attention for protected habitats and species based on the Nature Protection Act;*
- c. land, soil, water, air quality and climate;*
- d. material assets, cultural heritage and landscape;*
- e. the relation between the factors stated under a to d.*

I.1.2. Is the definition of the term “transboundary impact” for the purpose of the Convention the same in your legislation as that contained in article 1 (viii)?

- (a) Yes, the same
- (b) Yes, with some minor differences (please explain the differences):
- (c) No, there are major differences (please explain the differences):
- (d) The term “transboundary impact” is not defined in the legislation

Your comments: *It is the same definition of impact as used for domestic projects, only with the addition ‘transboundary’*

I.1.3. Please specify how the term “major change” is defined in your national legislation:

- (a) It is not defined
- (b) By using thresholds (Please explain:)
- (c) By using criteria (Please explain:)
- (d) On a case-by-case basis (Please explain:)

Your comments: *The term ‘major change’ is not defined in legislation as such, but the obligation to carry out an EIA is linked to the possibility of serious adverse effects on the environment of the proposed activity.*

I.1.4. How do you identify the public “of the affected Party in the areas likely to be affected”? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments: *It is a combination of a and b. By law everybody is entitled to express their views on any licence decision if they wish to do so. Notification of the project and the EIA is based on the geographical position of the project and the environmental effects of the project (local, regional, national or international).*

I.1.5. How do you determine the “significance” of the environmental impact of the activities falling within the scope of the Convention?¹ Please specify (more than one option may apply), providing relevant explanations:

- (a) By establishing threshold levels (please explain)
- (b) By applying criteria related to the location of proposed activities
(please explain)
- (c) By applying criteria related to the nature of proposed activities
(please explain)
- (d) By applying criteria related to the size of proposed activities
(please explain)
- (e) By applying criteria related to the effects of proposed activities
(please explain)
- (f) Other (please explain): see explanation below
- (g) It is not determined (please explain:)

Your comments: *Significance is based on a combination of indicative threshold levels (see explanation below), norms (environmental norms following EU legislation) and a case-by-case evaluation.*

Screening and threshold levels:

Screening is a required step in the EIA Act. In a General Administrative Order, following the Environmental Management Act, indicative threshold levels are determined. To determine whether an EIA is applicable, there are two lists :

- *Part C contains activities, plans and projects for which an EIA is mandatory. It is by law required in EIA to take into account the criteria in annex III.*
- *Part D contains activities, plans and projects for which a judgement on whether an EIA is required is needed. This judgement depends on the significance of the negative consequences for the*

¹ Although the term “significance” is not explicitly defined in the Convention, appendix III thereto provides general criteria to assist in determining the environmental significance of activities not listed in appendix I.

environment. In this judgement the competent authority has to take into account the criteria in annex III.

In the D-list activities, the 'sensitive area' concept is included as a criterion in the judgement on whether an EIA is required.

I.1.6. Please clarify whether “cumulative impacts” are taken into account in transboundary procedures under the Convention in your national legislation and, if so, how:

(a) Yes, the legislation provides for taking into account cumulative impacts:

Please explain:

(b) No, the legislation does not provide for taking into account cumulative impacts

Please explain:

Your comments:

Article 2 General provisions

I.2.1. Provide information on legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2 (2)):

(a) Law on environmental impact assessment (please provide exact title/reference number/year/access link, if any): [Wet milieubeheer \(Environmental Management Act\)](#) (chapter 7)

(b) Environmental impact assessment provisions are transposed into another law/other laws (please specify and provide title(s) of the related legislation):

(c) Regulation (please indicate number/year/title/related articles/access links):

(d) Administrative (please indicate number/year/title/related articles/access links): *Besluit van 4 juli 1994, houdende uitvoering van het hoofdstuk Milieu-effectrapportage van de Wet milieubeheer („Besluit milieueffectrapportage”), (Administrative Act on EIA en het Besluit omgevingsrecht (reparatie en modernisering milieueffectrapportage) (Staatsblad 102, jaargang 2011),*

(e) Other (please specify):

*Direct quotation of the Dutch Environmental Management Act:
§ 7.11. Activities with possible transboundary environmental effects
Section 7.38a*

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

2. Without prejudice to subsection 1, if an activity proposed in a plan may have serious adverse effects on the environment in another country, the following must be provided to the government of that country or an authority designated by that government in that country:

a. the draft plan and, if not contained in the draft plan, the EIA report, at the same time as they are deposited for inspection in the Netherlands;

b. the adopted plan and, if not contained in that plan, the EIA report, at the same time as they are made public in the Netherlands.

3. Without prejudice to subsection 1, if an activity proposed in a decision may have serious adverse effects on the environment in another country, the following must be provided to the government of that country or an authority designated by that government in that country:

a. the application referred to in section 7.28, or the provisional draft decision or draft decision as well as the EIA report and, if applicable, recommendations as referred to in section 7.26 or 7.27, at the same time as they are deposited for inspection in the Netherlands;

b. the decision and the EIA report at the same time as they are made public in the Netherlands.

4. Sections 3:16, subsections 1 and 2 of the General Administrative Law Act and sections 7.9, subsection 2 (c), section 7.25 or section 7.27, subsection 4 apply *mutatis mutandis* to the bodies that the competent authority of the other country has designated for that purpose by virtue of their specific responsibility for environmental matters. The documents referred to in subsections 2 and 3 must also be sent to these bodies.

5. The documents to be supplied pursuant to subsection 2 or 3 serve as the basis for consultations with administrative authorities in the country concerned on any serious adverse effects that the activity may have on the environment in that country, and the measures being considered to prevent or limit those effects.

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

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

8. Further rules concerning the provisions of subsections 2 to 5 may be laid down by ministerial order.

Section 7.38d

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

Section 7.38e

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

Section 7.38g

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

Besides these legal and administrative measures we have bilateral agreements with respectively the Flanders Region (Belgium) and Germany about the practical implementation of the Convention in transboundary context.

I.2.2. Is the list of activities referred to in appendix I to the Convention fully transposed into your country's national legislation?

(a) Yes. There is no difference, all activities referred to in appendix I are covered by national legislation

Please elaborate, as needed:

(b) No. Activities covered by national legislation differ slightly from the activities referred to in appendix I Please explain: *The list of activities (Annex C and D of the Administrative Act to EIA ("Besluit milieueffectrapportage") is a correct implementation of Annex I and II of the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment. All Espoo Convention Appendix I activities fall within the scope of EIA in the Netherlands. Also, several amendments in administrative measures were implemented to bring national legislation more in line with the list of activities and the Espoo Convention.*

(c) No, there are gaps remaining in the list of activities in the national legislation

Please explain:

I.2.3. Indicate the competent authority/authorities responsible for carrying out the environmental impact assessment procedure in your country. Please specify:

(a) There are different authorities at the national, regional and local levels

(b) Authorities are different for domestic and transboundary procedures

(c) Authorities are the same for domestic and transboundary procedures

Please name the authority/authorities and its/their responsibilities: Governance and governmental authority in the Netherlands is decentralised, with the Ministry of Infrastructure and Water Management the main responsible authority for environmental management. There is no national environmental management authority. Both EIAs and SEAs can be performed at national, provincial, or municipal level. The ‘competent authority’ is the administrative body deciding on the permit for the project, using the Environmental Report as part of the motivation for the decision. This may either mean the responsible minister, the Provincial Executive, the water board or the responsible municipal board.

I.2.4. Is there an authority in your country that collects information on all the transboundary environmental impact assessment cases? If so, please name it:

(a) No

(b) Yes

If “Yes”, please clarify the type of information collected and provide access link, if available:

Your comments: *As Espoo point of contact for notification the Ministry of Infrastructure and Water Management receives most of the notifications regarding transboundary EIAs. However, there is no central authority that overviews all transboundary impact assessment cases.*

Article 3 Notification

I.3.1. Article 3 (1) states that: “The Party of origin shall notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.” As a Party of origin, when do you notify the affected Parties?

(a) During scoping

(b) When the environmental impact assessment report has been prepared and the domestic procedure has started

(c) After finishing the domestic procedure

(d) At other times (please specify):

Your comments: *In general this occurs during scoping, but it may depend on the moment in the EIA procedure when it becomes clear that transboundary effects might occur. This can be either prior to the whole EIA procedure or in a limited number of cases after finishing the draft Environmental Report. When it appears that a proposed activity may have serious adverse effects on the environment of another country, the government of that country or an authority designated by that government must be notified as soon as possible (Environmental Management Act Section 7.38a, sub 1).*

I.3.2. Please define the format of notification used in your country:

(a) Notification is carried out using the tabular form in table 1 of decision I/4 on the format for notification adopted by the Meeting of the Parties at its first session (ECE/MP.EIA/2, annex IV, appendix, para. 32 and table 1)

(b) Notification is carried out in the form of a letter containing all information detailed in decision I/4 of the Meeting of the Parties (ECE/MP.EIA/2, annex IV, appendix, para. 34)

(c) A combination of (a) and (b) above (ECE/MP.EIA/2, annex IV, appendix, para. 35)

(d) The country has its own format (please attach a copy) (please see:

(e) No official format used

Your comments: *The standard form is used for transboundary notification. On top of that, there are bilateral agreements on EIA and SEA with the German government and with the Belgian Flanders Region government. The format as agreed on in the bilateral agreement with Germany on transboundary EIA is roughly a translation of the format as decided on. In the agreement with the Flanders Region no specific format is prescribed, but it contains a 'roadmap' in which all points mentioned in the format as decided on are addressed. See: <https://www.infomil.nl/onderwerpen/integrale/mer/procedurehandleiding/procedurele/grensoverschrijdend/#BilateraleafsprakenmetBelgienDuitsland> .*

I.3.3. As a Party of origin, what information do you include in the notification (art. 3 (2))? Please specify (more than one options may apply):

- (a) Information on the proposed activity, including any available information on its possible transboundary impact (art. 3 (2) (a))
- (b) The nature of the possible decision (art. 3 (2) (b))
- (c) An indication of a reasonable time within which a response is required, taking into account the nature of the proposed activity (art. 3 (2) (c))
- (d) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments (art. 3 (5) (a))
- (e) Relevant information on the proposed activity and its possible significant adverse transboundary impact (art. 3 (5) (b))
- (f) Other (please specify):

Your comments: *Pursuant to section 7.38a, subsection 3 of the Act on Environmental Management the competent authority has to send to the affected Party*

- *the application for the permit, or the provisional draft decision or draft decision as well as the EIA report and, if applicable, recommendations on the scope of the EIA, at the same time as they are deposited for inspection in the Netherlands;*
- *the decision and the EIA report at the same time as they are made public in the Netherlands.*

I.3.4. Article 3 (3) requires that “The affected Party shall respond to the Party of origin within the time specified in the notification”. As a Party of origin, please indicate whether your country’s legislative or regulatory framework defines a time frame for response to the notification by the affected Party/ies and, if so, how:

- (a) No, the time frame is not specified in the national legislation
- (b) Yes, the time frame is specified in the national legislation

Please indicate the time frame or its range as per your national legislation, in weeks/days:

- (c) The time frame is determined and agreed with each affected Party on a case-by-case basis

Please indicate the average time frame set on a case-by-case basis, in weeks/days: 6 weeks

Your comments: *According to the bilateral agreements, the time frame and other procedural issues follow as much as possible the procedures concerned from the Party of origin. However, those are to be used ‘flexibly and effectively’ (according to the agreements). The standard Dutch time frame is 6 weeks (based on General Administrative Law Act), but the competent authority may wish to extend this for very extensive and/or complicated projects.*

I.3.5. Please specify the consequences should a notified affected Party not comply with the time frame for responding to the notification, as required by article 3 (3), and elaborate on the possibilities of extending the deadline:

Your comments: *Strictly speaking, if the Affected Party has not replied in the given time frame, the competent authority is entitled to make the decision. In practice, in most cases a short extension of the deadline is considered, in case an affected Party asks for an extension of a deadline.*

I.3.6. Article 3 (8) states that: “The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of ... the proposed activity”. Which of the following approaches do you use to achieve this goal? Please specify:

(a) Informing the point of contact for the Convention listed on the Convention website²

(b) Other (please specify):

Your comments: *Usually the relevant (bordering) competent authority/-ies and/or point of contact are informed about an upcoming EIA procedure and the occurrence of possible transboundary environmental effects. If necessary the point of contact (as mentioned in the agreements with Flanders and Germany) is consulted on which authorities and other relevant parties are to be involved of the affected party and on practicalities such as in which newspapers to publish notifications.*

I.3.7. On what basis does your country, as an affected Party, make the decision to participate (or not) in the transboundary environmental impact assessment procedure? Please specify:

(a) Notified ministry/authority of the affected Party responsible for environmental impact assessment decides on its own based on the documentation provided by the Party of origin

(b) Based on the opinion of the competent authorities of the affected Party

(c) Based on the opinion of the competent authorities and of the public of the affected Party

(d) Other (please specify):

Your comments: *The relevant authorities whose area of authority is affected by a certain activity or interest decide whether or not to participate in the EIA procedure (being local, regional and/or national). In most cases the notification is followed by a positive response to participate in the EIA procedure, when a transboundary effect is to be expected. Criteria for participation are the expected transboundary impact and the level of public interest involved.*

I.3.8. Article 3 (5) (a) states that the Party of origin must provide affected Parties with “relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments”.

How does your country, as a Party of origin, determine the time schedule referred to in article 3 (5) (a)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party/ies

(c) A combination of (a) and (b) above. Please specify the rules and procedures of the Party of origin and the affected Party/ies that are applied in the combination:

(d) Other (please specify):

² List available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

Your comments: *Following the rules and procedures as set out in the bilateral agreements (which states 'the rules and procedures of the Party of origin, but used flexibly and effectively'.)*

Articles 2 (6), 3 (8) and 4 (2) Public participation

I.3.9. Article 2 (6) of the Convention states that: “The Party of origin shall provide an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.”

How does your country’s environmental impact assessment legislation ensure that equivalent opportunities and rights to participate in the procedure are provided for the public of the affected Party?

(a) As an affected Party:

(i) Not specified in the national legislation, but it is determined and agreed with the Party of origin on a case-by-case basis at the beginning of the transboundary procedure

(ii) Specified in the national legislation as follows:

Your comments: It is not specified in national legislation. It is ensured on a case-by-case basis at the beginning of the transboundary procedure by the competent authorities.

(b) As a Party of origin:

(i) Not specified in the national legislation; such equivalent opportunities and rights cannot be ensured in the procedure

Please explain:

(ii) Not specified in the national legislation, but it is determined and agreed with the affected Party on a case-by-case basis at the beginning of the transboundary procedure

(iii) Specified in the national legislation as follows :

Your comments: *It is a combination. Public review/voicing opinions of affected parties is ensured in the Environmental Management Act (Wm 7.38a). The affected parties should be informed 'as soon as possible' and at least not later than the domestic public. This is also ensured as the Netherlands ratified the Aarhus and Espoo Convention.*

I.3.10. How can the public of your country, as an affected Party, express its opinion on the environmental impact assessment documentation of the proposed project further to articles 2 (6), 3 (8) and 4 (2)? Please specify (more than one option may apply):

(a) By sending comments in writing directly to the competent authority of the Party of origin, or to the ministry responsible for environmental affairs/focal point in the affected Party

(b) In a territory of the affected Party: by taking part in consultations [on the basis of the environmental impact assessment documentation] or a special event, where the opinions of the public are officially registered

(c) In a territory of the Party of origin: by taking part in consultations or a special event, where the opinions of the public are officially registered

(d) Other (please specify):

Your comments: *In the domestic procedure, the EIA report is published together with the draft decision. The public can express their views on both within a time frame of six weeks. It is not obligatory to organise a public hearing as well, but the competent authority often*

chooses to do so with substantial or complex projects. Also, it is legally required for the public to be able to verbally express an opinion. Since the bilateral agreements with Germany and the Flanders region state that the domestic procedure applies ('used flexibly and effectively'), the above applies more or less the same to projects with transboundary effects. Additionally, the way that the public is able to express opinions is determined and agreed with the Party of origin by the competent authorities on a case-by-case basis at the beginning of the transboundary procedure.

Article 4

Preparation of the environmental impact assessment documentation

I.4.1. How do you determine the relevant information to be included in the environmental impact assessment documentation in accordance with article 4 (1)? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments received from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify):

Your comments: *The information to be included in the EIA report is stated in article 7.23 of the Environmental Management Act. Also, the competent authority can ask the NCEA for an advice on the scope of the EIA.*

I.4.2. Article 4 states that: “The environmental impact assessment documentation... shall contain, as a minimum, the information described in appendix II.” What quality control measures are provided for in the legislative or administrative framework of your country, as a Party of origin, to ensure sufficient quality of the documentation? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists based on the requirements listed in appendix II
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify): *The competent authority is required to ask for independent advice on the quality of the EIA, by the Netherlands Commission for Environmental Assessment (NCEA) in case where in the Netherlands the extended EIA procedure is applied (which is in most of the cases), in addition to the check by the competent authority themselves. If the project is not defined as complex (as defined in section 7.24 Wm) the competent authority has to ensure sufficient quality of the EIA documentation and can choose to ask for independent advice on the quality of the EIA, by the NCEA.*

Your comments:

I.4.3. How do you determine “reasonable alternatives” in accordance with appendix II (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify): Reasonable alternatives as required in section 7.23 Wm sub d.
- (c) Other (please specify):

Your comments: *For 'reasonable' often used indicators are 'feasibility', 'affordability' and problem solving capacity.*

Article 5

Consultations on the basis of the environmental impact assessment documentation

I.5. Does your national environmental impact assessment legislation provide for organizing transboundary consultations between the authorities of the Parties concerned?

- (a) Yes, it is obligatory
- (b) Yes, it is optional (please specify):
- (c) No, it does not have any provision on that

Your comments: *The agreement/arrangement with Germany and the Flanders Region (Belgium) also addresses working arrangements on the organization of transboundary consultations.*

Article 6

Final decision

I.6.1. Please select from the list below the information that your country, as a Party of origin, in accordance with its legislative and administrative framework, should take due account of in the final decision on the proposed activity (art. 6 (1)):

- (a) Conclusions of the environmental impact assessment documentation
- (b) Comments received in accordance with articles 3 (8) and 4 (2)
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party/ies
- (f) Mitigation measures

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

Regarding the content of the decision, the decision must state how the following issues, if applicable, have been taken into consideration (section 7.37 Wm):

- *the possible environmental effects of the activity, as described in the EIA report;*
- *the alternatives described in the EIA report;*
- *public views on the EIA report;*
- *environmental terms set;*
- *mitigation and compensation measures;*
- *monitoring measures and procedures*

- advice from the NCEA, either on scoping or on the quality and completeness of the EIA report;

- any possible serious adverse transboundary environmental effects which have been identified in the EIA report;

- the results of the consultations of relevant authorities

Your comments:

I.6.2. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6 (1))?:

(a) Yes

(b) No Please explain the differences

Your comments:

I.6.3. According to article 6 (3): If additional information on the significant transboundary impact of a proposed activity, which was not available at the time a decision was made with respect to that activity and which could have materially affected the decision, becomes available to a concerned Party before work on that activity commences, that Party shall immediately inform the other concerned Party or Parties. If one of the concerned Parties so requests, consultations shall be held as to whether the decision needs to be revised.

Is there any regulation in your country that ensures the implementation of the provisions of article 6 (3)?

(a) No

(b) Yes, by legislation (please specify):

(c) Yes, by other means (please specify):

Your comments:

I.6.4. Do all activities listed in appendix I (items 1–22) and major changes thereto require a final decision to authorize or undertake such an activity in your legislative framework?

(a) Yes

(b) No

If “No”, please list those activities listed in appendix I or major changes thereto for which there is no requirement for a final decision. Please explain why those activities/major changes do not require a final decision in your national legislation.

Article 7

Post-project analysis

I.7. Is there any provision regarding implementation of post-project analysis in your national environmental impact assessment legislation (art. 7 (1))?

(a) No

(b) Yes Please specify: *The Act on Environmental Management section 7.37 sub 1 obligates the competent authority to:*

- decide which effects require post-project monitoring, and to;

- include monitoring measures, procedure(s) for monitoring and the methods for monitoring in the final decision.

- define parameters and the duration for monitoring that are reasonable considering the nature, location and impact of the activity on the environment.

Section 7.41 obliges the competent authority to compile a report on the monitoring results and shall forward a copy of it as soon as possible to the developer, to the relevant authorities and, if applicable, to the NCEA. The competent authority shall at the same time publish the report. Also section 7.35 is relevant as it provides the possibility of including monitoring measures in the decision.

Your comments:

Article 8 Bilateral and multilateral cooperation

I.8.1. According to article 8: “The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention and under any of its protocols to which they are a Party. Such agreements or other arrangements may be based on the elements listed in appendix VI.”

Has your country established any bilateral or multilateral agreements to implement the Convention?

(a) No

(b) Yes Please specify with which countries: *The Netherlands has bilateral arrangements with Germany and the Flanders Region government (Belgium). Currently these arrangements are being updated.*

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

Please see:

<https://www.infomil.nl/onderwerpen/integrale/mer/procedurehandleiding/procedurele/grensoverschrijdend/#BilateraleafsprakenmetBelgienDuitsland>

Your comments:

I.8.2. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

(a) Specific conditions of the subregion concerned

(b) Institutional, administrative and other arrangements

(c) Harmonization of the Parties' policies and measures

(d) Developing, improving and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis

(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the environmental impact assessment

(f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities

(g) Undertaking joint environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies

(h) Other, please specify:

Your comments: *The agreement between the Government of the Netherlands and the Federal Republic of Germany on EIA in a transboundary context has been updated and extended with arrangements on SEA in a transboundary context in 2013. The bilateral arrangements can be seen as a guideline for a good and effective cooperation in organising transboundary*

issues and consists of working arrangements on issues such as: scope, definitions, contact points, notification, public participation, language, costs and consultation. These issues are in accordance with Appendix VI of the Convention.

The Netherlands also has a bilateral agreement with Belgium/Flanders Region on EIA in a Transboundary Context. The agreement is currently being updated. The content is similar to the agreement with Germany and provides working arrangements on informing and giving the opportunity to participate in transboundary (EIA) procedures.

Complimentary information related to legal implementation of the Convention

I.9.1. Please describe how the steps required under your national legislation for carrying out a transboundary procedure are interlinked with a domestic environmental impact assessment procedure in the lead-up to the final decision.

In doing so, please also describe differences between the steps (i.e. screening/scoping, preparation of the environmental impact assessment, consultation, public participation, making a final decision) of a domestic procedure and a transboundary procedure, if any:

Alternatively, this question can be answered or supported by a schematic flow chart showing these steps.

Your comments: *When it appears that a proposed activity may have serious adverse effects on the environment of another country, the government of that country or an authority designated by that government must be notified as soon as possible. The affected party receives*

- the application for the permit;
- if applicable, recommendations on the scope of the EIA;
- the provisional draft decision or draft decision as well as the EIA report;

at the same time as they are deposited for consultation in the Netherlands and the public of the affected party can give their opinion on those documents in the same way the Dutch inhabitants can.

Additionally, see the [schematic flow chart](#) showing the different steps for transboundary procedures between Germany and the Netherlands.

I.9.2. Does your country have special provisions or informal arrangements concerning transboundary environmental impact assessment procedures for joint cross-border projects, the construction of nuclear power plants and/or their lifetime extension?

• Joint cross-border projects	• Construction of nuclear power plants	• Lifetime extension of nuclear power plants
• (a)	• (a)	• (a)
No <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
• (b)	• (b)	• (b)

• <i>Joint cross-border projects</i>	• <i>Construction of nuclear power plants</i>	• <i>Lifetime extension of nuclear power plants</i>
Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
• (i) Special provisions: 	• (i) Special provisions: 	• (i) Special provisions:
• (ii) Informal arrangements: 	• (ii) Informal arrangements: 	• (ii) Informal arrangements:
• Please explain:	• Please explain:	• Please explain:

Your comments:

Part two

Practical application during the period 2019–2021³

Please report on your country's practical experiences in applying the Convention (not your country's procedures, as described in part one), whether as a Party of origin or as an affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improving its application.

Part two also focuses on general issues arising from the sixth review of implementation of the Convention (2016–2018)^a and issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the goals of the Long-term strategy and the action plan for the Convention and the Protocol that requires that the reviews of implementation be adapted, in particular, “to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice ...”.^c

^a United Nations publication, ECE/MP.EIA/32.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, item II.A.9.

A. List of transboundary procedures initiated during the period 2019–2021

II.1. Please indicate, in the table provided in annex I to the present questionnaire, the total number of transboundary environmental impact assessment procedures initiated in the reporting period in relation to activities listed in appendix I to the Convention and in which your country was a Party of origin or affected Party. Please also indicate the number and types of transboundary procedures related to activities not listed in appendix I that your country implemented in the reporting period as a Party of origin or as an affected Party, if any.

Your comments: There is no specific administration of EIAs for transboundary projects or for projects with transboundary effects in which the Netherlands is an Affected party. The table in annex I shows numbers for each category in which the Netherlands was an affected party based on our communication as Espoo Point of Contact for the years 2019 and 2020. There is no central registration for transboundary projects in which the Netherlands is a Party of origin. However, as Point of contact we are included in different procedures. Examples of plans in which the Netherlands was Party of origin are the Dutch National Water Programme, Programme Integral River Management, the Civil Aviation Policy. A few project examples as Party of Origin are the extension of a sludge incineration installation, the extension of a coal-fired power station and a gas abstraction project.

Conclusiopn: since we dot not have central administration in place, the information provided for in Annex I is not complete, but gives probably a good overview in general of the different kinds of transboundary procedures.

³ Part II of this questionnaire is not considered to be a reporting obligation according to the Convention. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

II. 2. Please list transboundary environmental impact assessment procedures referred to in question II.1. above using table 1 of annex II to the present questionnaire for procedures in which your country was a Party of origin and table (2) for procedures in which your country was an affected Party.

Your comments: *See the answer to question II.1.*

II.3. According to paragraph 10 of decision VIII/5 of the Meeting of the Parties the project lists referred to in question II.2 above and annex II to the present questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” and explain, as relevant:

(a) Yes (my country has an objection the compilation and posting of this information)

Please explain:

(b) No (no objection)

Your comments:

B. Experience in the transboundary environmental impact assessment procedure during the period 2019–2021

Please share with other Parties your country’s experience of using the Convention in practice. When responding to each of the questions below, please provide one or two practical examples and/or describe your country’s general experience. You might also include examples of lessons learned in order to help others.

II.4. Please provide at least one example of the implementation of the Convention for an activity listed in appendix I to the Convention based on the template contained in annex III to the present questionnaire.

Your comments: *we are not able to provide an elaborate example in the given timeframe.*

II.5. The Convention does not refer to the translation of environmental impact assessment documentation and to other language-related issues as important prerequisites for providing effective public participation of potentially affected Parties in a transboundary procedure. As an affected Party, please specify in which language(s) the environmental impact assessment documentation is made available for your own public to ensure effective public participation in transboundary procedures. (You may select several options, as needed):

(a) In the official language(s) of the country Please specify: Dutch

(b) Information in English is acceptable

(c) Please list other languages that fulfil the requirements of effective public participation in your country, if applicable: no other languages.

Your comments:

II.6. What difficulties has your country experienced with regard to translation of environmental impact assessment documentation and interpretation during consultation meetings with authorities, or during events organized within the public participation procedure, if applicable, and what solutions has it found?

(a) Experience with regard to translation of the environmental impact assessment documentation

(i) As a Party of origin:

(ii) As an affected Party:

(b) Experience with regard to interpretation during consultation meetings with authorities

- (i) As a Party of origin:
 - (ii) As an affected Party:
- (c) Experience with regard to interpretation during public participation-related events
- (i) As a Party of origin:
 - (ii) As an affected Party:

Your comments:

II.7. Which Party covers the cost of translation of environmental impact assessment documentation?

- (a) As a Party of origin: *Party of Origin*
- (b) As an affected Party: *Party of Origin*
- (c) Other, please specify:

Your comments:

II.8. What parts of the environmental impact assessment documentation does your country usually translate/require to be translated?

- (a) As a Party of origin: *summary and specific texts concerning transboundary impact*
- (b) As an affected Party: *case by case*

Your comments:

II.9. Has the issue of translation been addressed in bilateral agreements between your country and other Parties?

- (a) Yes Please explain how it has been addressed:
- (b) No

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

In addition, translation is a topic addressed in the bilateral agreement with Germany. Ultimately, the information translated is a decision that lies with the competent authority in the Party of origin, which will depend on the project and the actual (expected) transboundary effects and thus has to be determined on a case-by case basis. In the bilateral agreement with Germany it is recommended to translate of the draft decision:

- *the notification of intent;*
- *the scoping guidelines for the EIA report (if available);*
- *the non-technical summary of the EIA report;*
- *the separate chapter on transboundary effects (if available);*
- *the relevant sections on transboundary issues for the affected party (if available).*

For obvious reasons translation is not an issue between Belgium (Flanders) and the Netherlands.

Between Belgium (Walloon region) and the Netherlands the language is an issue as the official language differs (French and Dutch). We have no bilateral arrangements with the Walloon region; in general the Dutch competent authorities themselves translate the non-technical summary and in case of a separate chapter/section on transboundary issues and effects, this is translated as well. The latter is determined on a case-by-case basis.

Next to the projects in Germany and Belgium with possible transboundary impacts, we have also been notified on projects from the UK. For one of these projects (Hinkley Point C) we

have translated ourselves the notification of intent and parts of the technical documents, e.g. the technical summary, as far as transboundary impacts were concerned.

II.10. As a Party of origin, how and in which language do you usually provide environmental impact assessment documentation to the affected Party?

(a) A full set of environmental impact assessment documentation is translated into English

(b) Selected parts of the documentation are translated in English
Please specify which parts are translated and how they are selected

(c) A full set of environmental impact assessment documentation is translated into the affected Party's language

(d) Selected parts of environmental impact assessment documentation are translated into the language of the affected Party

Please specify which parts are translated and how they are selected: *summary and parts that are relevant concerning transboundary impacts.*

(e) Other (please specify)

Your comments: *Selected parts of environmental impact assessment documentation are translated into the language of the affected Party upon request or provided in English.*

II. 11. Please indicate how the costs of interpretation during the events organized within the public participation procedure are covered:

(a) By the developer: Please explain:

(b) By the Party of origin alone: Please explain

(c) By the affected Party alone: Please explain

(d) Shared by both Parties concerned upon an agreement:

(e) Please provide details of related agreements and considerations based on which the Parties concerned agreed to share the translation costs:

(f) Other (please specify)

Your comments: *In the bilateral agreement with Germany it is decided that the costs are covered by the Party of origin.*

II.12. Please describe any difficulties that your country has encountered during public participation procedures and consultations referred to in articles 2 (5), 3 (8), 4 (2) and 5 with regard to issues not covered above; for example, with regard to time frames for the duration of public participation and the consultation period and the need for additional information:

(a) As a Party of origin:

(i) Experience with public participation

(ii) Experience with consultations under article 5

(b) As an affected Party:

(i) Experience with public participation

(ii) Experience with consultations under article 5

Your comments:

II.13. Has your country carried out post-project analyses in the period 2019–2021:

(a) No

(b) Yes

Please list the projects for which post-project analysis was carried out, describing challenges and lessons learned, if any:

Your comments: *The Act on Environmental Management obligates the competent authority to make an evaluation of the environmental effects. However, there is no central registration of those post project analyses.*

A good example is [the monitoring programme on salt extraction on the Wadden sea](#). The most important condition for the salt extraction was that it should not lead to negative impacts for the environment. If so, the production would be stopped immediately. To judge whether this condition is met, a monitoring programme was started in 2018.

II.14. Does your country have successful examples of organizing transboundary environmental impact assessment procedures in any of the categories of projects indicated below?

• Joint cross-border projects	• Construction of nuclear power plants	• Lifetime extension of nuclear power plants
• (a)	• (a)	• (a)
No <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
• (b)	• (b)	• (b)
Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

If “Yes”, please describe what, in your opinion, made it successful, for example, means of cooperation (for example, contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (for example, translation, interpretation, transmission of documents, etc.):

(a) For joint cross-border projects:

(b) For construction of nuclear power plants:

(c) For lifetime extension of nuclear power plants:

You may also wish to describe the example using annex III to the present questionnaire.

Your comments:

II.15. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) for the information of Parties that, in your view, constitute good practice or lessons learned on various topics:

Your comments: *Good practice cases are the bilateral agreement/arrangement with Germany and the Flanders Region. However, we cannot provide elaborate examples since we do not systematically gather them.*

II.16. The Long-term strategy and the action plan for the Convention and the Protocol⁴ recommends enhancing the use of the networks of national focal points for administrative matters⁵ and points of contact for notification⁶ published on the website of the Convention. Does your country use the networks for contacting the affected Parties' authorities?

- (a) Yes, my country makes use of the networks
- (b) My country is aware of the networks but is not using them

Please explain why, and describe the alternative ways used by your country to identify which competent authority of the affected Party to contact:

Your comments: *The points of contact are used, among others, to inform affected parties.*

II.17. Please specify what quality control measures your country, as a Party of origin, applies to ensure sufficient quality of environmental impact assessment documentation and, in particular, that said documentation contains, as a minimum, information described in appendix II to the Convention.

Your comments: *The competent authority is required to ask for independent advice on the quality of the EIA, by the Netherlands Commission for Environmental Assessment (NCEA) in case where in the Netherlands the extended EIA procedure is applied (which is in most of the cases), in addition to the check by the competent authority themselves. Advice on the screening report by this Commission is optional. If the project is not defined as complex (as defined in section 7.24 Wm) the competent authority has to ensure sufficient quality of the EIA documentation and can choose to ask for independent advice on the quality of the EIA, by the NCEA.*

II.18. Please specify whether alternatives are assessed in the environmental impact assessment documentation and, if so, how. If possible, provide at least one example of such assessment, either as a Party of origin or as an affected Party, or both

Your comments: *Alternatives are a required part in EIA (article 7.23 of the Environmental Management Act). The EIA report must provide a description of the reasonable alternatives that are relevant for the activity, specific characteristics of it, and the motives for the chosen option, in light of the environmental impacts of the activity.*

II.19. Please specify whether the following issues are considered in the environmental impact assessment documentation:

- (a) Biodiversity
- (b) Climate change
- (c) Circular economy
- (d) Sustainable Development Goal implementation
- (e) Smart and sustainable cities
- (f) Sustainable infrastructure
- (g) Renewables
- (h) Other issues not listed above (please specify):

Please provide at least one example of how one of the above-mentioned issues is addressed in the environmental impact assessment documentation:

You may wish to use the template in annex III to the questionnaire.

⁴ ECE/MP.EIA/2020/3–ECE/MP.EIA/SEA/2020/3, item II.A.7.

⁵ List of Focal Points for Administrative Matters, available at <https://unece.org/environment-policy/environmental-assessment/focal-points-administrative-matters>.

⁶ List of Points of Contact regarding Notification, available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

Your comments:

II.20. Please indicate whether, in your country's practice, cumulative impacts are taken into account during the assessment under the Convention and, if so, how:

- (a) No
(b) Yes

If "Yes", please provide at least one example of how cumulative impacts are considered.

Your comments: *It is obligatory to describe the cumulative impacts.*

II.21. Please indicate whether health issues are taken into account in your country during the assessment under the Convention in practice and, if so, how:

- (a) No
(b) Yes

If "Yes", please provide at least one example of how health issues are taken into account

Your comments: *It is obligatory to describe the cumulative impacts.*

II.22. Please indicate whether environmental impact assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

- (a) No, there is no evidence that environmental impact assessments contribute to the attainment of Sustainable Development Goals
(b) Yes, (certain) environmental impact assessments significantly contributed to the attainment of Sustainable Development Goals
(c) Yes, (certain) environmental impact assessments contributed somewhat to the attainment of Sustainable Development Goals

If "Yes", please list the most relevant Sustainable Development Goals⁷ (and their targets) and provide [at least one] example[s] of how environmental impact assessment has contributed to their attainment.

⁷ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
(b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
(c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
(d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
(e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
(f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
(g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
(h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
(i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);

Your comments: *Certain EIAs contributed to the attainment of the Sustainable Development Goals. There are also municipalities that focussed on the SDGs in the municipal strategic vision and SEA. However, we cannot provide elaborate examples since we do not systematically gather them.*

C. Experience in using the available guidance documents in 2019–2021

II.23. Have you used in practice the following guidance, adopted by the Meeting of the Parties and available online?

- | • Title of guidance document | • Use of guidance | • Your comments and/or suggestions for improving or supplementing the guidance |
|---|---|--|
| <ul style="list-style-type: none"> • Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7) | <ul style="list-style-type: none"> • I use it <input checked="" type="checkbox"/> • I do not use it <input type="checkbox"/> • Please specify: <i>The guidance was used as a reference document to draw up the bilateral agreements with the Flanders Region (Belgium) and Germany besides the legal requirements we have in the Netherlands regarding public participation. The essence of the guidance adopted by the Meeting of the Parties is reflected in our national EIA guidance as well.</i> • (i) I am not aware of the guidance <input type="checkbox"/> • (ii) The guidance is not relevant <input type="checkbox"/> • (iii) The guidance is outdated and needs revision <input type="checkbox"/> | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix) | <ul style="list-style-type: none"> • I use it <input type="checkbox"/> • I do not use it <input checked="" type="checkbox"/> • Please specify: <i>The Netherlands is not part of a sub-region under the Espoo Convention</i> • (i) I am not aware of the guidance <input type="checkbox"/> • (ii) The guidance is not relevant <input type="checkbox"/> • (iii) The guidance is outdated and needs revision <input type="checkbox"/> | <ul style="list-style-type: none"> • |

(j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);

(k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);

(l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf.

- Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8)
 - I use it
 - I do not use it
 - Please specify:
 - (i) I am not aware of the guidance
 - (ii) The guidance is not relevant
 - (iii) The guidance is outdated and needs revision

- Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/2020/9)
 - I use it
 - I do not use it
 - Please specify:
 - (i) I am not aware of the guidance
 - (ii) The guidance is not relevant
 - (iii) The guidance is outdated and needs revision

- Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/24)
 - I use it
 - I do not use it
 - Please specify:
 - (i) I am not aware of the document
 - (ii) The document is not relevant
 - (iii) The document is outdated and needs revision

- Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/28)
 - I use it
 - I do not use it
 - Please specify:
 - (i) I am not aware of the document
 - (ii) The document is not relevant
 - (iii) The document is outdated and needs revision

- Guidance on Notification according to the Espoo Convention (ECE/MP.EIA/12)
 - I use it
 - I do not use it
 - Please specify:
 - (i) I am not aware of the guidance
 - (ii) The guidance is not relevant
 - (iii) The guidance is outdated and needs revision

Your comments: *The answer "I use it" means that we are aware of the guidance. It does not necessarily mean that we follow or use the guidance in all cases.*

D. Clarity of the Convention

II.24. Has your country had difficulties implementing the procedures defined in the Convention, either as a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes Please indicate which provisions and how they are unclear:

Your comments:

E. Contributions to the funding of the workplans

II.25. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Protocol and covered both the Convention and the Protocol:

(i) Yes

(ii) No

If “No”, please provide the information regarding the contributions to the trust fund below.

Your comments:

II.26. Through paragraph 4 of decision VII/4–III/4, applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties”.⁸ For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1, regarding funding of the adopted workplans, the Meeting of the Parties decided that “all the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget”.⁹

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

(i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency: *it was provided in the year 2017 and was meant for the years 2017, 2018 and 2019, each year 20.000 Euro. The total amount of 60.000 Euro was provided in 2017.*

(ii) Individual contribution in 2019

Yes Amount and currency:

No Please explain the reason:

(iii) Individual contribution in 2020:

Yes Amount and currency:

No Please explain the reason:

(iv) Individual contribution in 2021:

Yes Amount and currency:

No Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023 *The Netherlands already made a multi-year contribution in 2021 for the period 2021–2023. This was a total amount of 60.000 Euro.*

⁸ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

⁹ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

(b) Did your country make in-kind contributions in the reporting period?

Yes Please describe how: *The Netherlands hosted in October 2019 the seventh meeting of the Espoo Convention ad hoc working group on life-time extension of nuclear power plants (Rotterdam, 8-9 October 2019). In addition, we contributed by the hiring of a (Russian-speaking) interpreter.*

No Please explain the reason

F. Suggested improvements to the report

II.27. Please provide further suggestions (preferably specific drafting proposals including wording suggestions) for how this report could be improved.

Annex I

Number of transboundary procedures initiated by your country, as a Party of origin, and participated in, as an affected Party, in the reporting period

• <i>Activities listed in appendix I to the Convention</i>	No. of procedures as a PoO^a	No. of procedures as an AP^b
• Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.		0
• Thermal power stations and other combustion installations with a heat output of 300 megawatts or more;		0
• Nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors 1/ (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).		2
• Installations for the reprocessing of irradiated nuclear fuel;		0
• Installations designed:		4
• - For the production or enrichment of nuclear fuel;		
• - For the processing of irradiated nuclear fuel or high-level radioactive waste;		
• - For the final disposal of irradiated nuclear fuel;		

<i>Activities listed in appendix I to the Convention</i>	No. of procedures as a PoO^a	No. of procedures as an AP^b
<ul style="list-style-type: none"> - Solely for the final disposal of radioactive waste; or - Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site. 		
<ul style="list-style-type: none"> • Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals. 		0
<ul style="list-style-type: none"> • Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons finished product; for friction material, with an annual production of more than 50 metric tons finished product; and for other asbestos utilization of more than 200 metric tons per year. 		0
<ul style="list-style-type: none"> • Integrated chemical installations. 		2
<ul style="list-style-type: none"> • Construction of motorways, express roads 2/ and lines for long-distance railway traffic and of airports 3/ with a basic runway length of 2,100 metres or more; 		1
<ul style="list-style-type: none"> • Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length. 		0
<ul style="list-style-type: none"> • Large-diameter pipelines for the transport of oil, gas or chemicals. 		1
<ul style="list-style-type: none"> • Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons. 		2
<ul style="list-style-type: none"> • Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes; 		0

• <i>Activities listed in appendix I to the Convention</i>	No. of procedures as a PoO^a	No. of procedures as an AP^b
• Waste-disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 metric tons per day.		0
• Large dams and reservoirs.		0
• Groundwater abstraction activities or artificial groundwater recharge schemes where the annual volume of water to be abstracted or recharged amounts to 10 million cubic metres or more.		0
• Pulp, paper and board manufacturing of 200 air-dried metric tons or more per day.		0
• Major quarries, mining, on-site extraction and processing of metal ores or coal.		0
• Offshore hydrocarbon production. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 metric tons/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.		2
• Major storage facilities for petroleum, petrochemical and chemical products.		1
• Deforestation of large areas.		1

<i>• Activities listed in appendix I to the Convention</i>	No. of procedures as a PoO^a	No. of procedures as an AP^b
<ul style="list-style-type: none"> • Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year (transfers of piped drinking water are excluded); 		0
<ul style="list-style-type: none"> • In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 per cent of this flow (transfers of piped drinking water are excluded). 		0
<ul style="list-style-type: none"> • Wastewater treatment plants with a capacity exceeding 150 000 population equivalent. 		0
<ul style="list-style-type: none"> • Installations for the intensive rearing of poultry or pigs with more than: <ul style="list-style-type: none"> • - 85 000 places for broilers; • - 60 000 places for hens; • - 3 000 places for production pigs (over 30 kg); • - 900 places for sows. 		8
<ul style="list-style-type: none"> • Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km. 		0
<ul style="list-style-type: none"> • Major installations for the harnessing of wind power for energy production (wind farms). 		14
<ul style="list-style-type: none"> • <i>Activities not listed in appendix I for which your country implemented a transboundary environmental impact assessment procedure in the reporting period</i> 		

- *Activities listed in appendix I to the Convention*
- Examples in which the Netherlands was an affected party of activities not listed in appendix 1 are SEAs for different plans (a.o. Danish marine strategy areas, German wind energy site development plans, German flood protection plan and the French Multi-Annual Energy Plan. Examples of projects not listed in appendix are a.o. small infrastructure projects in Belgium, a ground water abstraction under the threshold in Belgium and adaptations to a cattle farm in Belgium.
- ...

**No. of procedures
as a PoO^a**

**No. of procedures
as an AP^b**

7 (projects)

^a Party of origin.

^b Affected Party.

Annex II

A detailed list of the transboundary procedures in which your party participated as a Party of origin (table 1) and as an affected Party (table 2) in the reporting period

Table 1

Transboundary environmental impact assessment procedures as a Party of origin

Please find below an example of expected types of answers in each column and feel free to add additional rows as needed

				<i>Please use as checkbox for referring to the progress and indicate the date, if available</i>			
<i>Project name</i>	<i>Starting date (date of the notification sent)</i>	<i>Affected Party/ Parties</i>	<i>Timing of the notification</i>	<i>Submission of the environmental report</i>	<i>Transboundary consultations between authorities concerned, if any</i>	<i>Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any</i>	<i>Final decision (date of issue, if information is available)</i>
1. Strategic Environmental Assessment (SEA) of the Integral River Management Programme of the Netherlands	22-01-2020	a.o. Germany, Belgium, France	Scoping	To be announced	On the scoping report: Date from: 23 January to 19th of February 2020	Date from: to:	Date
2.							
3.							
4.							
...							

Table 2

Transboundary environmental impact assessment procedures as an affected Party

Please find below an example of expected types of answers in each column, and feel free to add additional rows as needed

					<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>	
1. Offshore wind farm Vesterhav Nord	Notification received: 29-4-2020 Response sent: 25-06-2020 Stage of the procedure (select as appropriate) -scoping and -reviewing the environmental impact assessment documentation	Denmark	27-6-2019	29-4-2020	Time from: 05-05-2020 to: 30-06-2020	Yes/No Written comments: time interval Event(s) organized: date(s)	Date	
2. Project B						
3.								
4.								

Please use as checkbox for referring to the progress and indicate the date if available

<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
...							

Annex III

Template to describe an example of application of a transboundary procedure in accordance with the Convention in the reporting period

Please provide at least one example of application of a transboundary environmental impact assessment procedure in accordance with the Convention in the reporting period using the template and reflecting on the priorities of the 2021–2023 workplan and the long-term strategy. Should you wish to share more examples, please copy the template, as needed.

I. GENERAL INFORMATION

Please provide the following general information about the selected example:

1. Title of the transboundary procedure:
2. Party's role in the procedure and a list and roles of other Parties involved

• Party of origin: <input type="checkbox"/>	• Affected Party: <input type="checkbox"/>
• Affected Party/ies: (please list)	• Party/ies of origin: (please list)

3. Duration and period of implementation:
4. Stage(s)/step(s) of the procedure presented in this example:
The entire procedure
Notification (art. 3):
Preparation of the environmental impact assessment documentation (art. 4):
Consultations of the basis of the environmental impact assessment documentation (art. 5 (a)–(c))
Final decision (art. 6):
Post-project analysis (art. 7, if applicable)
Other , please specify:

II. BACKGROUND

Please provide a short description of the activity, the context of its development and general information about the environmental impact assessment procedure

III. PROCEDURE UNDER THE CONVENTION AND ELEMENTS OF GOOD PRACTICE

Please describe, in more detail, using the subsections below, the procedural step(s) considered to represent good practice and then explain why that is.

1. **Notification** (art. 3):
2. **Preparation of the environmental impact assessment documentation** (art. 4):

In addition to the description above regarding the preparation of the environmental impact assessment documentation, please indicate the following:

(a) What alternatives were assessed and presented in the environmental impact assessment documentation?

- (i) At what level of detail were the alternatives described?
- (ii) What methods and/or assessment grids were used for the selection of the most reasonable alternative?

(b) Whether the following issues were covered in the environmental impact assessment documentation and, if so, how:

- (i) Biodiversity
- (ii) Climate change
- (iii) Circular economy
- (iv) Sustainable Development Goal implementation
- (v) Smart and sustainable cities
- (vi) Sustainable infrastructure
- (vii) Renewables
- (viii) Other issues not listed above:

3. Consultations on the basis of the environmental impact assessment documentation (art. 5 (a)–(c)):

4. Final decision (art. 6):

5. Post-project analysis (art. 7, if applicable):

IV. LESSONS LEARNED AND ADVICE TO OTHER PARTIES:

1. Please indicate:

Challenges in carrying out the procedure, if any, and how they were tackled

Lessons learned and advice to other Parties:

2. As relevant, please also refer to the contribution of the above application of environmental impact assessment procedure towards the attainment of Sustainable Development Goals¹⁰ or climate objectives:

¹⁰ In 2017, the Meetings of the Parties acknowledged that the Convention and in particular the Protocol contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016): (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d); (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b); (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a); (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);

V. ANY OTHER INFORMATION NOT INCLUDED ABOVE THAT YOU MAY WISH TO SHARE:

(e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);

(f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);

(g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);

(h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);

(i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);

(j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);

(k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);

(l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf.