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

## **Information on the focal point for the Convention**

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## **Information on the point of contact for the Convention**

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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): *The terms “impact” and “effect” are interchangeable.*
- (c) No, there are major differences (please explain the differences):
- (d) The term “impact” is not defined in the legislation

Your comments: *In Canada, the term “impact” is not defined in the Impact Assessment Act (IAA) instead, it is used in the definition of “impact assessment”, which “means an assessment of the effects of a designated project”. Similar to the definition of “impacts”, in article 1 (vii) of the Convention, “effects” in Canada’s legislation means “changes to the environment or to health, social or economic conditions” and in addition, includes the positive and negative consequences of these changes. For the purpose of IAA, environment means the components of the Earth and includes land, water and air; organic and inorganic matter and living organisms; and their interacting natural systems.*

**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: *The term “transboundary impact” is not defined in Canada’s impact assessment legislation. The Impact Assessment Act definition of “effects within federal jurisdiction” explicitly includes changes to the environment that could occur outside Canada.*

**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: )

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(d) On a case-by-case basis  (Please explain: \_\_\_\_\_ )

Your comments: *Major change is not defined in the Impact Assessment Act.*

**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): *The Impact Assessment Agency of Canada would engage and consult with the point of contact to the Espoo Convention and the responsible authorities at the affected Party.*

Your comments:

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

- (a) By establishing threshold levels  (please explain *Threshold of significance could be determined for each valued component against which the predicted effects may be compared. Such thresholds must be established in advance.* )
- (b) By applying criteria related to the location of proposed activities   
(please explain: *see comment below*)
- (c) By applying criteria related to the nature of proposed activities   
(please explain: *see comment below*)
- (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: *see comment below*)
- (f) Other (please explain):
- (g) It is not determined  (please explain: \_\_\_\_\_ )

Your comments: *Under the Impact Assessment Act (IAA), Canada makes a holistic determination of the “extent to which adverse effects in federal jurisdiction are significant” (federal jurisdiction is defined in section 2 of IAA). The determination must be supported by a consideration of the factors that must be considered in the federal impacts assessment (set out in section 22 of IAA).*

*The extent of significance:*

- *Characterizes the importance of the effect on valued components.*
- *Depends upon the nature of the effect (magnitude, geographical extent, timing, frequency, duration, reversibility and uncertainty) and the social and ecological contexts in which the effect occurs.*
- *Is not exclusively technical or quantitative, but may be value dependent.*
- *Involves a judgement about the severity of the effect informed by science, evidence and Indigenous knowledge, and may draw from experiences, practices, knowledge systems, beliefs and core values of Indigenous communities and the public.*

*For designated projects with potential transboundary impacts falling within the scope of the Convention, Canada considers the general criteria for determination of the environmental significance of activities, provided in Appendix III of the Convention.*

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<sup>1</sup> 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.

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**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: *The Impact Assessment Act, subsection 22(1), requires that any cumulative effects that are likely to result from the designated projects in combination with other physical activities that have been or will be carried out, must be taken into account in the impact assessment of these projects.*

- (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):

*Impact Assessment Act (SC 2019, c. 28, s. 1), available at [Impact Assessment Act \(justice.gc.ca\)](#). The Impact Assessment Act and its regulations are the legal instruments for the assessment of impacts of designated projects that are carried out in Canada. Designated projects are those set out in the Physical Activities Regulations or designated by the Minister in accordance with section 9 of the IAA. The Impact Assessment Act also applies to projects on federal lands and outside Canada.*

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

- *Nunavut Planning and Project Assessment Act, (S.C. 2013, c.14, s.2) available at [Nunavut Planning and Project Assessment Act \(justice.gc.ca\)](#). The Impact Assessment Act does not apply in the Nunavut settlement area. NUPPAA, Part 3 describes the process for assessment of projects proposed in the designated area.*
- *Nuclear Safety and Control Act (S.C. 1997, c.9) available at [Nuclear Safety and Control Act](#)*
- *Canadian Energy Regulator Act (SC 2019, c. 28, s. 10), available at [Canadian Energy Regulator Act \(justice.gc.ca\)](#)*

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

- *Physical Activities Regulations (SOR/2019-285), available at [Physical Activities Regulations \(justice.gc.ca\)](#) These regulations identify the physical activities commonly referred to as "designated projects" that are subject to the Impact Assessment Act (IAA) and may require an impact assessment.*
- *Information and Management of Time Limits Regulations (SOR/2019/283), available at [Information and Management of Time Limits Regulations \(justice.gc.ca\)](#). These regulations set out the information that must be included in the initial and detailed project description as well as criteria under which the legislated timelines can be suspended, the guidelines and plans to be provided to the proponent, and the format in which information should be provided to the Agency.*

- *Regulations Respecting Excluded Physical Activities (Newfoundland and Labrador Offshore Exploratory Wells)*, available at [Regulations Respecting Excluded Physical Activities \(Newfoundland and Labrador Offshore Exploratory Wells\) - Canada.ca](#) Identifies which offshore exploratory drilling projects proposed in the area that was subject to a regional assessment are not subject to the impact assessment requirements.
- *Designated Classes of Project Order (SOR/2019-323)*, available at [Designated Classes of Projects Order \(justice.gc.ca\)](#). Section 88 of IAA which applies to non-designated projects on federal lands and outside Canada, allows the Minister of Environment and Climate Change to designate, by order, classes of projects that, if carried out, will cause only insignificant effects. For these projects, authorities would not be subject to the requirements under the IAA for projects on federal lands and outside Canada.

(d) Administrative (please indicate number/year/title/related articles/access links):

(e) Other (please specify):

Please explain: *Under the Canadian constitutional system, legislative jurisdiction related to environmental assessment is divided between the provinces and the federal government. The Government of Canada ratified the Convention with a reservation in respect of proposed activities (as defined in the Convention) that fall outside of federal legislative jurisdiction exercised in respect of environmental assessment.*

*The Minister of Environment and Climate Change may designate any project not described in regulations, based on factors set in the Impact Assessment Act (Section 9 (1)), including the possibility that the carrying out of a physical activity may cause changes to the environment that would occur outside Canada.*

*Canada shares borders with the United States of America (U.S.A.), Denmark (Greenland), and France (Saint Pierre and Miquelon). All four countries are signatories of the Convention; however, the U.S.A. has not ratified the Convention and is, therefore, not bound by its terms. Consequently, the Espoo Convention does not apply to projects that could have potential transboundary effects between Canada and U.S.A. Canada has not issued licenses for projects that have had the potential for significant transboundary effects on any of the Parties to the Convention.*

**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:

*IAA applies to a range of designated projects listed in the Project List that have the greatest potential to cause significant adverse effects in areas of federal jurisdiction including:*

- *Fish and fish habitat;*
- *Other aquatic species of the Species at Risk Act;*
- *Migratory birds;*
- *Federal lands;*
- *Effects that cross provincial or international borders;*
- *Effects that impact on Indigenous peoples, such as their current use of lands; and resources for traditional purposes*

*The Project List (Physical Activities Regulations) is generally commensurate with Appendix I of the Convention, however some of the project types in the amended Appendix I to the*

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*Convention, such as construction of a new road, installations for intensive rearing of poultry or pigs, or deforestation would not be considered major projects or are not likely to cause effects within federal jurisdiction and therefore are not captured under the Impact Assessment Act.*

*However, section 9 of the Impact Assessment Act provides the Minister of Environment and Climate Change with the authority to require an impact assessment of a project not identified on the Project List when the Minister is of the opinion that carrying out of the project may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation.*

(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:

*Federal impact assessment of major projects are conducted by the Impact Assessment Agency of Canada, a Review Panel or an Integrated Review Panel with a lifecycle regulator (for example Canadian Nuclear Safety Commission or Canadian Energy Regulator). Federal impact assessments may also be substituted to another jurisdiction in which case the jurisdiction must satisfy the requirements of the IAA. The Impact Assessment Agency of Canada also works with other regulators and in cooperation with provinces and territories and Indigenous jurisdictions.*

*The provinces have separate jurisdiction over the environment related to resource management, local works and undertakings.*

*Federal departments and agencies with specific expertise are required to provide information and advice that support the conduct of federal impact assessments.*

*Projects proposed in Nunavut are assessed under NUPPAA by the Nunavut Impact Review Board.*

*The President of the Impact Assessment Agency acts as Canada's point of contact for notification under the Convention.*

**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:  
*The Impact Assessment Agency of Canada would collect information on transboundary EIA cases related to the implementation of the Convention. However, Canada has limited experience with the practical implementation of the Convention and has not issued licenses for projects that have had the potential for significant transboundary effects on any of the Parties to the Convention*

Your comments:

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## 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: *Notification would be provided during the planning phase of the impact assessment or as soon as the Impact Assessment Agency is satisfied that the description of the project includes sufficient information about the likelihood of significant adverse transboundary environmental effects.*

**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)
- (e) No official format used

Your comments: *Canada has not been in a position to provide initial notification. Canada would use the format in whole or in part as appropriate.*

**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: *Canada has not been in a position to provide initial notification. However, Canada would include in the notification the information required by article 3, paragraphs 2 and 5.*

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**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: *The Impact Assessment Act sets out timelines for the impact assessment process. More information is available under [Timeline \(windows.net\)](#). A potentially affected Party would be required to provide views on the proposed project and a response about its participation in the impact assessment during the planning phase of the assessment process within 20-30 days of receiving the initial notification.*

- (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:

Your comments:

**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: *There are no specific consequences identified in the Impact Assessment Act. Comments from the public, including at the affected Party, have to be received within the requested timeframe to be considered.*

**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 website<sup>2</sup>
- (b) Other (please specify):

Your comments: *Canada informs the point of contact to the Convention as appropriate.*

**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: *A decision to participate in a transboundary environmental assessment would be taken on a case-by-case basis and after a consultation with federal, provincial and local authorities with expertise or competence in the areas related to the proposed project and its potential transboundary impacts. Such decision would depend among other things on*

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

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*the nature, degree and significance of the potential adverse environmental effects on Canada including public concern about the adverse environmental effects.*

**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: *Given that the federal impact assessment in Canada is subject to legislated timelines and to ensure procedural fairness, the timelines for provision of comments are the same for the public of the affected Party and the public in Canada. To ensure a smooth and predictable process, the Impact Assessment Agency works proactively with the point of contact at the affected Party to explain the process, including opportunities for the public to provide comments and applicable timelines.*
- (d) Other (please specify):

Your comments:

## **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:

- (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: *In Canada, public participation is an essential part of open, informed and meaningful impact assessment. Meaningful public participation means that members of the public who wish to participate in an impact assessment have an opportunity to do so and are*

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*provided with the information and capacity that enables them to participate in an informed way. Meaningful public participation also means that public perspectives inform and influence decision-making and allows those who participated to see that their input was considered.*

*The Impact Assessment Act (IAA) requires the Impact Assessment Agency of Canada (the Agency) to ensure that the public is provided with opportunities to participate throughout the impact assessment process, including by inviting the public to provide comments within the period that it specifies. These opportunities are not limited only to Canadians, but extend as well to the public and authorities of an affected Party. The Agency uses variety of tools to implement public participation including posting information related to the project and the impact assessment process on the Canadian Impact Assessment Registry and social media to reach a variety of audiences. Plain language summaries of government documents are available on the Registry and all information is accessible to the public. Public comments provided during project assessments are also publicly available on the Registry.*

*Public participation during the Planning Phase, for example, sets clear objectives for public participation, and allows for issues and concerns to be identified early and influence project design where feasible. The input of the public during the Planning Phase is reflected in a Public Participation Plan which is prepared by the Agency, in collaboration with other jurisdictions where appropriate. It includes participation objectives, opportunities, and methods that align with the needs of communities. In the case of designated projects regulated by a lifecycle regulator, public participation activities conducted after a decision that impact assessment is required will be undertaken by the relevant regulator.*

Your comments:

**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: *Canada has limited experience with the application of the Convention as an affected Party. Other options may apply on project-by-project basis and arrangements with the Party of origin.*

## **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

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- (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:

**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):

Your comments: *During the planning phase of the impact assessment process, Tailored Impact Statement Guidelines would be developed that would clearly identify studies and information requirements for the Impact Statement developed by the proponent. The Impact Assessment Agency of Canada (the Agency) reviews the impact assessment documentation to verify that it clearly provides the information required by the Tailored Impact Statement Guidelines. In addition, the Agency reviews the impact assessment documentation for sufficiency and accuracy.*

*If necessary, the Agency or a review panel may require the proponent to provide additional information or clarification and further information to understand the potential impacts and the proposed mitigation measures.*

**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): *The Impact Assessment Act requires that impact assessments of designated projects consider "alternatives to" the designated project that are technically and economically feasible and are directly related to the designated project (paragraph 22(1)(f)) and "alternative means" of carrying out the designated project that are technically and economically feasible, including through the use of best available technologies, and the effects of those means (paragraph 22(1)(e)).*
- (c) Other (please specify):

Your comments:

## **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

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Your comments: *The Impact Assessment Act, Section 12 sets out the Agency's obligation to offer to consult with any jurisdiction that has powers, duties or functions in relation to the environmental effects of the designated project. "Jurisdiction" is defined in section 2 and includes the government of a foreign state or any institution of such government.*

## **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):

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: *Situations described in article 6 (3) would be addressed on a case-by-case basis.*

**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

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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. *Some of the activities listed in appendix II may not be designated. Under the Impact Assessment Act, the Minister of Environment and Climate change must issue a Decision Statement to the proponent at the end of an impact assessment of a proposed designated project. It is based on a determination by the Minister, or by Governor in Council (Cabinet) of whether the adverse effects in federal jurisdiction, and adverse direct or incidental effects, are in the public interest. Public interest determination is based on the Impact Assessment Report and a consideration of the following factors:*

- *Project’s contribution to sustainability*
- *Extent to which adverse effects within federal jurisdiction and the adverse direct or incidental effects are significant*
- *Associated mitigation measures*
- *Impacts on Indigenous groups and adverse impacts on rights*
- *Extent to which the project’s effects hinder or contribute to Canada’s environmental obligations and climate change commitment.*

## **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:

Your comments: *The Impact Assessment Act (IAA) (section 64) provides for follow-up and monitoring. The purpose of the follow-up and monitoring is:*

- *To verify the accuracy of predictions laid out in the Impact Assessment Report*
- *To verify the effectiveness of the mitigation measures*
- *To provide opportunities for Indigenous peoples and the public to participate in monitoring*
- *To encourage continuous improvements to impact assessments*

*In addition, IAA (section 155(f)) contains provisions for compliance and enforcement to promote, educate, monitor, and facilitate compliance with the IAA and conditions set out in decision statements; to undertake compliance and enforcement activities to prevent non-compliance and adverse environmental effects; and to promote a consistent and transparent approach to compliance with, and enforcement of, the IAA.*

## **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:

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

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:

## **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: *In Canada, the assessment of potential transboundary impacts is incorporated in the impact assessment process under the Impact Assessment Act and other laws listed under question I.2.1.(b). Proposed projects with potential transboundary environmental impacts would follow the impact assessment procedures, including a determination as to whether an impact assessment is required (screening), scoping, preparation of the impact assessment statement, assessment decision, with consultations throughout, and finally follow up and monitoring.*

**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?**

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

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>
(i) Special provisions:	(i) Special provisions: <i>In Canada, impact assessment of NPPs follows the procedures under IAA and the Nuclear Safety and Control Act (NSCA).</i>	(i) Special provisions:
(ii) Informal arrangements:	(ii) Informal arrangements:	(ii) Informal arrangements:
Please explain:	Please explain:	Please explain:

Your comments: *The Canadian Nuclear Safety Commission (CNSC) as Canada's sole nuclear regulator requires that environmental effects of all nuclear facilities or activities be considered and evaluated when licensing decisions are made. For projects not listed under the Physical Activities Regulations, CNSC assesses the environmental and health effects under the Nuclear Safety and Control Act. Under the Impact Assessment Act, there is no requirement for an assessment for the lifetime extension of a nuclear power plant. The Physical Activities Regulations outline which physical activities or projects require federal impact assessments. Based on this legislation, no impact assessment is required for lifetime extension.*

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## Part two

### Practical application during the period 2019–2021<sup>3</sup>

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)<sup>a</sup> and issues that have been identified as priorities by Parties in the 2021–2023 workplan.<sup>b</sup> 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 ...”.<sup>c</sup>

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<sup>a</sup> United Nations publication, ECE/MP.EIA/32.

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

<sup>c</sup> 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:

**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:

**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)

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<sup>3</sup> 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.

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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: *Canada has limited experience with the practical implementation of the Convention and has not issued licenses for projects that have had the potential for significant transboundary effects on any of the Parties to the Convention.*

### **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: English and French
- (b) Information in English is acceptable
- (c) Please list other languages that fulfil the requirements of effective public participation in your country, if applicable:

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: *We have had difficulty finding reliable interpreters that are able to translate the environmental assessment documentation from English to Greenlandic and specifically Western Greenlandic.*
  - (ii) As an affected Party: *No difficulties.*
- (b) Experience with regard to interpretation during consultation meetings with authorities
  - (i) As a Party of origin: *No difficulties.*
  - (ii) As an affected Party: *No difficulties.*
- (c) Experience with regard to interpretation during public participation-related events
  - (i) As a Party of origin: *We have had difficulty finding reliable interpreters that are able to translate comments from the public in the potentially affected areas from Greenlandic and specifically Western Greenlandic to English.*
  - (ii) As an affected Party: *No difficulties.*

Your comments:

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

- (a) As a Party of origin: *The Party of Origin*
- (b) As an affected Party: *The 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: *We translate the information related to transboundary impacts including project description, potential transboundary impacts, proposed mitigation measures, alternatives, how comments received were considered.*
- (b) As an affected Party: *We haven't had the need to translate environmental assessment documentation as an affected Party.*

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:

**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: *Canada has very limited experience with the application of the Convention. Based on this experience, the information related to transboundary impacts is translated into Greenlandic.*
- (e) Other (please specify)

Your comments:

**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 *The Government of Canada covered the cost of translation.*
- (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:

**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: We had a minor challenge related to the use of different terms by the Parties to refer to environmental impact assessment documentation. This required additional clarification of what the term means and entails.
- (b) As an affected Party:
- (i) Experience with public participation Nothing to report
  - (ii) Experience with consultations under article 5 Nothing to report

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:

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

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

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**II.16. The Long-term strategy and the action plan for the Convention and the Protocol<sup>4</sup> recommends enhancing the use of the networks of national focal points for administrative matters<sup>5</sup> and points of contact for notification<sup>6</sup> 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: *Canada uses the network of national focal points and points of contact to discuss specific questions related to domestic impact assessment procedures, consultation, and timelines. We have contacted the authorities in the potentially affected areas only on the advice of the national focal points or points of contact.*

Your comments:

**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: *For designated projects that are subject to impact assessment both an Initial Project Description and a Detailed Project Description submitted by the proponent must include the prescribed information set out in the [Information and Management of Time Limits Regulations](https://www.justice.gc.ca) ([justice.gc.ca](https://www.justice.gc.ca))*

**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: *Canada has no practical experience to report*

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

- (a) Biodiversity *Yes*
- (b) Climate change: *Yes*
- (c) Circular economy: *Not explicitly required however the Impact Assessment Act requires that impact assessments of designated projects take into account any other matter relevant to the impact assessment that the Impact Assessment Agency requires to be taken into account.*
- (d) Sustainable Development Goal implementation: *Not explicitly required however the Impact Assessment Act requires that impact assessments of designated projects take into account the extent to which the effects of the project hinder or contribute to Canada's ability to meet its environmental obligations and climate change commitments.*
- (e) Smart and sustainable cities: *No specific requirements*
- (f) Sustainable infrastructure: *The Impact Assessment Act requires that impact assessments of designated projects take into account the extent to which the designated project contributes to sustainability.*
- (g) Renewables: *Not explicitly required however, the Impact Assessment Act requires that impact assessments of designated projects take into account any other matter relevant*

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

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

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

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to the impact assessment that the Impact Assessment Agency requires to be taken into account.

(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: *Canada has no practical experience with projects that require the application of the Convention to report.*

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

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. *Canada has no practical experience with projects that require the application of the Convention to report.*

Your comments: *Under the Impact Assessment Act, cumulative impacts are among the factors that must be taken into account in impact assessments.*

**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 *Canada has no practical experience with projects that require the application of the Convention to report.*

Your comments:

**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 Goals<sup>7</sup> (and their targets) and provide [at least one] example[s] of how environmental impact assessment has contributed to their attainment. ,

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<sup>7</sup> 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);

Your comments: *In general, impact assessment in Canada is a planning and decision making tool that assesses positive and negative environmental, economic, health, and social effects of proposed projects, fosters sustainability, assesses and mitigates impacts on Indigenous people and rights. Impact assessment must consider climate change, and gender based analysis plus, and thus is suitable to contributing to the achievement of the Sustainable Development Goals, including SDG5 (gender equality and empower all women and girls), SDG 9 (foster innovation), SDG13 (climate action), SDG 16 (peace, justice and strong institutions). This is a general statement not supported by detailed analysis.*

## 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
Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (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"/>	

- (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);
  - (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](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).

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input checked="" type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (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"/>	
Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/2020/9)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (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"/>	
Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/24)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/28)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input checked="" type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	
Guidance on Notification according to the Espoo Convention (ECE/MP.EIA/12)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (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"/>	

Your comments:

## 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: *Additional direction and clarification with regard to translation of environmental assessment documentation would be helpful.*

## 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:

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**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”.<sup>8</sup> 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”.<sup>9</sup>**

(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:

(ii) Individual contribution in 2019

Yes  Amount and currency:

No  Please explain the reason: *Canada provided in-kind support.*

(iii) Individual contribution in 2020:

Yes  Amount and currency: *Canada made an unpledged contribution of \$5,000 CAD for the extended intersessional period of 2017-2020.*

No  Please explain the reason:

(iv) Individual contribution in 2021:

Yes  Amount and currency: *\$10,000 CAD as part of Canada’s pledged contribution at the last MOP in December 2020 (see (v) below for more information).*

No  Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023: *Canada pledged to provide financial contribution of \$15,000 CAD to the Espoo Convention 2021-2023 work plan in three separate instalments. The first two instalments (\$10,000CAD) were provided in 2021. The last instalment of \$5,000 CAD will be sent before December 2022.*

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

Yes  Please describe how: *Canada translated from French to English four national implementation reports during the reporting round under the Espoo Convention.*

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.**

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

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

## 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>		<i>No. of procedures as a PoO<sup>a</sup></i>	<i>No. of procedures as an AP<sup>b</sup></i>
1.	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.		
2. (a)	Thermal power stations and other combustion installations with a heat output of 300 megawatts or more;		
2. (b)	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).		
3. (a)	Installations for the reprocessing of irradiated nuclear fuel;		
3. (b)	Installations designed: <ul style="list-style-type: none"> <li>- For the production or enrichment of nuclear fuel;</li> <li>- For the processing of irradiated nuclear fuel or high-level radioactive waste;</li> <li>- For the final disposal of irradiated nuclear fuel;</li> <li>- Solely for the final disposal of radioactive waste; or</li> <li>- 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.</li> </ul>		
4.	Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals.		
5.	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.		
6.	Integrated chemical installations.		

<i>Activities listed in appendix I to the Convention</i>		<i>No. of procedures as a PoO<sup>a</sup></i>	<i>No. of procedures as an AP<sup>b</sup></i>
7. (a)	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;		
7. (b)	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.		
8.	Large-diameter pipelines for the transport of oil, gas or chemicals.		
9.	Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons.		
10.(a)	Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes;		
10.(b)	Waste-disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 metric tons per day.		
11.	Large dams and reservoirs.		
12.	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.		
13.	Pulp, paper and board manufacturing of 200 air-dried metric tons or more per day.		
14.	Major quarries, mining, on-site extraction and processing of metal ores or coal.	1	1
15.	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.		
16.	Major storage facilities for petroleum, petrochemical and chemical products.		
17.	Deforestation of large areas.		
18.(a)	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);		
18.(b)	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).		
19.	Wastewater treatment plants with a capacity exceeding 150 000 population equivalent.		

<i>Activities listed in appendix I to the Convention</i>		<i>No. of procedures as a PoO<sup>a</sup></i>	<i>No. of procedures as an AP<sup>b</sup></i>
20.	Installations for the intensive rearing of poultry or pigs with more than: - 85 000 places for broilers; - 60 000 places for hens; - 3 000 places for production pigs (over 30 kg); - 900 places for sows.		
21.	Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.		
22.	Major installations for the harnessing of wind power for energy production (wind farms).		
<i>Activities not listed in appendix I for which your country implemented a transboundary environmental impact assessment procedure in the reporting period</i>			
1.	[add the activity]		
2.	...		

<sup>a</sup> Party of origin.

<sup>b</sup> 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. Mary River Phase 2 Development Proposal	March 2020	Denmark / Greenland	Ongoing assessment process	ongoing	ongoing	ongoing:	N/A

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. Sizewell C nuclear power station project in Suffolk, England	Notification of pre-application stage received: 31 Oct 2019  Response by Canada sent: 10 December 2019	United Kingdom	Information regarding application for development received 08 July 2020  Response by Canada regarding no participation in the EA process sent: 17 Aug 2020	N/A	N/A	N/A	N/A	
2. Loviisa nuclear power plant lifetime extension	Notification of beginning of EA received: 26 August 2020  Response by Canada indicating no intention to participate in the EA process sent: 29 September 2020	Finland	Scoping documents made available on 26 Aug 2020	N/A	N/A	N/A	N/A	

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>
3. Pituffik Titanium Mining Project in Northwest Greenland	Notification received: 14 Jan 2020  Response by Canada sent: 6 Feb 2020	Denmark/ Greenland	Scoping documents received: 14 Jan 2020	7 Sep 2020	Sep 2020 – Nov 2020	Online public comments period: 29 June 2020 – 7 Sep 2020	Final White Paper received: 12 March 2021
...							

## 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 Goals<sup>1</sup> or climate objectives:

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<sup>1</sup> 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);

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

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- (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](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).