

Questionnaire for the report of SWITZERLAND 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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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 wording is different, some aspects are taken into consideration in Switzerland even though they are not explicitly written in the Convention (e.g., forest/noise/vibrations/non-ionizing radiation/light/natural hazards).

(c) No, there are major differences (please explain the differences):

(d) The term “impact” is not defined in the legislation

Your comments:

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:

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:

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:

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: in the fields of noise and air protection, quantitative thresholds can be used because they exist in the national legislation)

(b) By applying criteria related to the location of proposed activities (please explain: geographic distance is one criterion among others for determining transboundary impact)

(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: effects on the landscape (e.g., visibility from an adjacent community), water protection (impacts on the water table or on surface water))

(f) Other (please explain):

(g) It is not determined (please explain: case-by-case assessment, there is no clear methodology)

Your comments:

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: According to Swiss legislation, the effects of projects with a close spatial, temporal and functional link must be assessed jointly and cumulatively.

(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): Loi sur l'évaluation de l'impact sur l'environnement (EIE) [Act on environmental impact assessment (EIA)]:

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.

The Environmental Impact Study Order (L'ordonnance relative à l'étude de l'impact sur l'environnement [OEIE], RS 814.011) contains a specific article (Art. 6A) related to the Espoo Convention that defines the role of the federal and cantonal Swiss authorities in the context of implementing the Convention when Switzerland is the Party of origin or the affected Party (introduced in 2008).

- (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):
- (e) Other (please specify):

Please explain: Implementation guides (documents that are not legislation) have been developed with Austria and the Principality of Liechtenstein. There is also a Procedural Guide. Transboundary consultations with the authorities and the public on projects that significantly impact the environment in the Upper Rhine region, developed by the Franco-German-Swiss Conference of the Upper Rhine, which applies to regional projects in the Franco-German-Swiss geographical region.

We have the EIA Guide, which was published in 2009 in French/German/Italian and in which we inserted a chapter on EIAs in a transboundary context. This chapter concretely describes the procedures for implementing the Convention in Switzerland.

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 in the Annex to our Environmental Impact Study Order (OEIE) includes all of the activities in Appendix I of the Convention, but the wording is different because of pre-existing national legislation. It also contains other activities. In addition, some types of installations in the Convention are described more precisely, with generally lower thresholds than under the Espoo Convention, e.g., the convention refers to "Thermal power plants and other combustion installations with a thermal output of 300 MWth or more," whereas Swiss legislation sets this threshold at 50 MWth ("Installations for the production of energy with a thermal or pyrolytic capacity exceeding 50 MWth for fossil fuels, exceeding 20 MWth for renewable energies, and exceeding 20 MWth for combined [fossil and renewable] energies »).

- (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:

- National context: Three main organizations participate in the EIA procedure: the project initiator (applicant company or enterprise), the project approval authority, and the environmental protection service (cantonal and/or federal). In Switzerland, the authority responsible for approving a project is also in charge of assessing the project's compatibility with environmental protection, in light of the assessment of the environmental impact report

(EIR). The assessment of the EIR is conducted by the federal and/or cantonal environmental protection bodies, depending on whether the approval authority is cantonal or federal.

- Transboundary context: When Switzerland is the Party of origin: For projects under federal jurisdiction, the competent authority that guarantees the rights and obligations of Switzerland for activities that fall under the Convention is the approval authority. For projects under cantonal jurisdiction, the authority that guarantees the rights and obligations of Switzerland pursuant to the Convention can be different from the approval authority. When Switzerland is the affected Party, the obligations arising under the Convention are fulfilled in Switzerland by, on the one hand, the Federal Office for the Environment (FOEN), which acknowledges receipt of the notification from the Party of origin and conveys its position to the Party of origin, if the project was within the jurisdiction of a cantonal authority in Switzerland. On the other hand, the obligations arising under the Convention are fulfilled by the competent authority that would decide on the project if it were proposed in Switzerland (for projects under cantonal jurisdiction, that authority may be different from the approval authority).

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: The FOEN’s EIA and Spatial Planning Section, as the focal point of the Convention, identifies all cases of transboundary EIAs for projects under federal jurisdiction and, if these cases are brought to its attention, the FOEN’s EIA and Spatial Planning Section also makes the identification for projects under cantonal jurisdiction.

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 principle, if a preliminary inquiry is conducted, Switzerland notifies the affected Party of the project at that time. If there is no preliminary inquiry and the project goes directly to an impact report, Switzerland provides notification as quickly as possible, at the latest when the project is put under inquiry on Swiss territory.

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: We use a standard letter template (attached), but the competent authorities are not obligated to use it. Rather, it serves as a guide/example.

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: If the information according to paragraph 5 of Article 3 is already available, it shall be provided directly upon notification. If not, at a later stage, to the extent that the affected Party wishes to be consulted under the terms of the Convention

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: 4 to 12 weeks

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: If an affected Party does not respond, the approving authority usually sends a reminder with a new deadline. If the approving authority has not received a response after this second deadline, it considers in principle that the affected Party does not wish to participate. If the affected Party requests an extension of the deadline, Switzerland shall endeavour, as far as possible, to accept it.

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: The relevant authority of the affected Party is responsible for transmitting information to the public of the affected Party. The content of the documentation provided to the affected Party (and thus to its public) is the same as that which was provided to the Swiss public.

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: When an activity planned abroad is likely to have a significant adverse transboundary impact on the environment in Switzerland, the obligations arising from the Espoo Convention are generally fulfilled in Switzerland by the competent authority that would decide on the project if it had been planned in Switzerland (Article 6a, OEIE).

The Swiss point of contact (FOEN) receives the notification, then:

– For projects that would be subject to a federal procedure in Switzerland, the point of contact conveys the notification to the federal authority that has jurisdiction to render the decision. The latter decides in consultation with the point of contact (FOEN), based on the anticipated impact in Switzerland, whether Switzerland wants to participate in the process and sends its response to the Party of origin.

– For projects that, in Switzerland, would likely be addressed in the framework of a cantonal procedure, the point of contact transmits the notification to the specialized environmental protection service of the canton involved and informs the Party of origin. The canton decides whether it wants to participate and sends its response to the Party of origin.

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: As indicated under I.3.5, a deadline extension is possible if justified by the affected Party.

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: Members of the public may express their concerns to the competent authority during the public hearing (public inquiry). Nationally, according to Article 15 of the OEIE, the competent authority for approving the project ensures that the EIR is available to the public. Together with the Party of origin, the Swiss partner service organizes the inquiry in Switzerland, determines deadlines, and collects feedback from the public and from the administration concerning the project.

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:

Your comments: The public of the affected Party may submit comments to the competent authority or national representative. The latter is competent to consult its own public and to forward its comments to the Party of origin. Our national EIA legislation does not explicitly require a public hearing to be held in the affected Party’s territory. In general, the public inquiry for the affected Party takes place in the affected country and not in Switzerland.

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:

Art. 6a, para. 1 of the OEIE states that the competent authority for approving a project in Switzerland assumes the rights and obligations of Switzerland under the Espoo Convention. Together with the Party of origin, the Swiss partner service organizes the inquiry in Switzerland, determines deadlines, and collects feedback from the public and from the administration concerning the project. – If the project is under the Confederation’s jurisdiction, the FOEN takes the canton’s feedback into account when it takes a position. The latter is conveyed by the partner service (federal authority) to the Party of origin, together with the results of the inquiry. – If the project is under the canton’s jurisdiction, the FOEN is in charge of conveying to the Party of origin all the comments (feedback from specialized authorities and results of the inquiry) – Article 6(a)(1)(b) of the OEIE.

Public participation is organized by relevant (cantonal) body in Switzerland - in consultation with the competent authority in Party of origin - in accordance with Swiss provisions but respecting time limits set by procedural provisions of Party of origin (public participation at the same time and within the same time frame as the public participation in 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
- (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):

The content of the impact report (EIR) is defined by Article 9 of the OEIE, which refers to Article 10b paragraph 2 of the Loi fédérale sur la protection de l’environnement (LPE) [Environmental Protection Act]. In the case of a project submitted to Espoo, the EIR must also contain relevant information (similar to the requirements of Swiss law) on the impact on the affected Party’s environment. Citation Article 9, OEIE: “The impact report must comply with Art. 10b, para. 2, LPE. 1. It must, in particular, contain all of the information that the competent authority needs to assess the project pursuant to Article 3. It must take into account all aspects of the impact on the environment attributable to the project and assess them, individually and collectively, and in joint action. It must also present how the results of the environmental studies conducted as part of the land use planning are taken into account.” Citation Article 10b, para. 2, LPE: “The report must contain the information needed to assess the project based on the environmental protection provisions. It is prepared in compliance with the directives of the specialized services and presents the following points: a. initial state; b. the project, including the measures developed to protect the environment and in the event of a natural disaster; c. the resulting pollution expected.”

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: in accordance with Art. 10c of the Environmental Protection Act (LPE; RS 814.01) and Art. 13 of the OEIE (RS 814.011), the environmental protection authority examines the completeness and accuracy of the information contained in the environmental impact report (EIR) and assesses whether the planned installation complies with the environmental protection regulations (quality control). In this context, the authority relies on Art. 10b, para. 2 of the LPE and Art. 9 of the OEIE, which define the content of the EIR. According to Art. 10 of the OEIE, the impact report must be drawn up in accordance with the implementation guidelines issued by the FOEN (Module 5 of the EIA Handbook). The information listed in Annex II is covered by Swiss legislation (LPE/OEIE).

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):
- (c) Other (please specify):

Your comments: It can sometimes appear, starting with the phase of the studies for the preliminary inquiry, that there are sometimes different possible variants for the project as a whole or for some of its components. When the law requires proof of the location imposed for the project (e.g., for land clearing permits or for the construction of installations in water protection zones), consideration of the variants is even mandatory. According to Article 10(b)(2)(b) of the Environmental Protection Act (LPE), the EIR must provide an overview of the main alternatives studied.

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:

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: Comments by the public and the administration of the affected Party are sent to the competent authority in Switzerland. The competent authority will take the comments into account, mention or refer to them in the decision and also explain its reasoning in dealing with them and how it took them into account.

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: Where applicable, this would be addressed in the form of a project modification procedure, which would again be subject to transboundary consultation by the authority competent to approve the modification.

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.

Your comments:

- Activity 2, Equipment for nuclear energy use, for the production, use, handling and storage of nuclear materials: 1. general approval, 2. approval to build

- Activity 7, for highways: 1. route approval, 2. general project approval, 3. approval of plans

- Activity 7, for railway lines: (possibly 1. granting of concessions), 2. approval of plans

- Activity 7, for airports: approval of plans and approval of operating rules

- Activity 8, oil and gas pipelines: approval of plans. The approval procedure for other activities, if they are exercised in Switzerland, is to be determined by cantonal law. It also usually involves the approval of plans, approval to build, or granting of concessions.

If the answer is no, please identify the activities listed in Annex I or the major changes to them that do not require a final decision. Please explain why, in your national legislation, these major activities/changes do not require a final decision:

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: In accordance with Swiss legislation, projects with a significant effect on the environment are subject to environmental follow-up during the implementation phase. This follow-up ensures that the work has been carried out in compliance with the environmental requirements and that the environmental burdens (ECE/MP.EIA/WG.2/2021/3 13) stipulated in the project approval decision have been met. It is the responsibility of the relevant authorities (responsible for approving the project) to monitor compliance with environmental regulations and construction site conditions (including acceptance of the work in this respect). This is provided for in the law as part of their monitoring function.

Article 46, para. 1, LPE, states that “everyone is obliged to provide the authorities with the information required to enforce this Act and, if necessary, to conduct or acquiesce in the conduct of enquiries.” If, in a construction project, the authority considers it necessary for the protection of the environment to require a control of the results and a corresponding report, it can compel the project owner on the basis of this provision.

The control of the results reveals whether the measures have produced the desired effect on the environment (effectiveness control). In some cases, the effectiveness can be determined immediately after the measure has been implemented (e.g., measurements of immission values after the construction of a sound abatement wall). In other cases, however, the final effect of a measure may not be seen until some time after it has been implemented. This is particularly true for the reconstitution of biotopes, recultivation, or watercourse development. In this case, the effectiveness test can be carried out long after the construction project has been completed.

A reporting system (periodic reports) is planned to inform the authorities of the project's progress so that they can rectify any shortcomings by ordering corrective measures to minimize and compensate for the project's environmental impacts. Follow-up is completed with the environmental approval of the work by the competent authority, usually several years after completion of the work.

Module 6 of the EIA Handbook (SER) provides more information about this tool.

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:

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

Your comments: - A procedural guide (2005) for the specific region of the Upper Rhine, prepared by France, Germany, and Switzerland: “Procedural Guide. Transboundary consultations with the authorities and the public on projects that significantly impact the environment in the Upper Rhine region,” June 1, 2005.

http://www.unece.org/fileadmin/DAM/env/eia/documents/database/Upper_Rhine_Guidelines/Procedural_Guide_20050601_French.pdf

http://www.unece.org/fileadmin/DAM/env/eia/documents/database/Upper_Rhine_Guidelines/Procedural_Guide_20050601_English.pdf

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: These arrangements are defined in Module 3 of the “EIA Handbook - Confederation Directive on Environmental Impact Assessment” (see attached document).

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 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"/>
(i) Special provisions: certain specific approaches are defined in Module 3 of the “EIA Handbook - Confederation Directive on Environmental Impact Assessment” (see attached document).	(i) Special provisions: (ii) Informal arrangements: Please explain:	(i) Special provisions: (ii) Informal arrangements: Please explain:
(ii) Informal arrangements: Please explain:		

Your comments: Joint transboundary projects: Switzerland and its cantons are participating in several joint EIAs with neighbouring countries (hydroelectric power plants on rivers forming the border, transboundary roads or railways, etc.). In these cases, the approval process takes place on each side of the boundary. In the chapter relating to the Espoo Convention in the Swiss “EIA Handbook” (Module 3), we deal with this special case.

We have two different types of projects:

The first group (type 1) includes projects that cross state boundaries and thus straddle two territories, e.g., a new railway line for international traffic or gas transit pipelines. By their nature, these projects may simply be divided into two partial projects.

The second group (type 2) is made up of projects located at the boundary of two states, which, by their nature, cannot be divided in principle. There may be a hydroelectric power plant or flood-control works along boundary watercourses.

We propose to deal with the type 1 projects preferably as two separate projects, one Swiss, the other foreign, while the boundary with the other state simultaneously represents the project’s limits. Such projects are to be handled as classic cases, i.e., each state notifies the other of the part of the project located on its territory and each state indicates its interest in participating in the other state’s operations. Two separate EIRs are established (one for each part of the project), each EIR addressing both impacts on its own territory and impacts on the territory of the neighbouring state. Experience dictates this implementation of the Espoo Convention.

On the other hand, it is preferable to treat type 2 projects as single projects, because, unlike type 1 projects, it is difficult to split them into 2 separate parts. Although formal notification by either state is not required here, it is nevertheless recommended that the states contact each other early enough so that the requirements of the Espoo Convention can be discussed. In practical terms, the public inquiry in both states must take place simultaneously, and the

positions of each party's administration and public must be exchanged and considered in the respective decisions. Finally, the respective decisions on the project must be exchanged between the states. For this type of project, it is preferable to establish a common EIR presenting the environmental effects of the project on both sides of the boundary.

Nuclear Power Plant

We do not have bilateral agreement under the Espoo convention at the federal level. However, there are a number of bilateral agreements concerning the exchange of information regarding nuclear matters, especially with the neighbouring countries (Austria, France, Germany and Italy). The German-Swiss Commission for the Safety of Nuclear Installations (DSK), including its working groups, and the French-Swiss Commission on Nuclear Safety and Radioprotection (CFS) meet annually for consultation, exchange of information and operating experience. Austria and Italy are also informed about Swiss nuclear safety and emergency planning issues in annual bilateral meetings. In order to strengthen the exchange of experience, the Swiss Federal Nuclear Safety Inspectorate (ENSI) and the French Nuclear Safety Authority (ASN) have conducted several mutual inspections in Swiss and French NPPs.

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:

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)

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.

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:

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: French, German or Italian.
- (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: Since our country has four official languages, three of which correspond to those of our neighbours (French, German, and Italian), we do not have any translation problems. Affected Parties receive the documentation in their own language. In the case of notification to the whole of Europe, it shall be in English
 - (ii) As an affected Party: Since our country has four official languages, three of which correspond to those of our neighbours (French, German, and Italian), we do not have any translation problems. The Parties of origin send the documentation in their own language, which generally corresponds to one of our languages.
- (b) Experience with regard to interpretation during consultation meetings with authorities
 - (i) As a Party of origin: no particular difficulties.
 - (ii) As an affected Party: no particular difficulties
- (c) Experience with regard to interpretation during public participation-related events
 - (i) As a Party of origin: no particular difficulties
 - (ii) As an affected Party: no particular difficulties

Your comments:

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

(a) As a Party of origin: Since our country has four official languages, three of which correspond to those of our neighbours (French, German, and Italian), we do not have any translation problems. Affected Parties receive the documentation in their own language. In the case of notification to the whole of Europe, it shall be in English.

(b) As an affected Party: Since our country has four official languages, three of which correspond to those of our neighbours (French, German, and Italian), we do not have any translation problems. The Parties of origin send the documentation in their own language, which generally corresponds do one of our languages

(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: no need, languages are shared.

(b) As an affected Party: no need, languages are shared

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

(e) Other (please specify) no translation required

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

(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) no interpretation required.

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 **No experience.**
 - (ii) Experience with consultations under article 5 : **Problems were noted when Switzerland, as a Party of origin, sent a notification to the point of contact of a neighbouring country, but this country did not send the information “in time” to the affected regions.**
- (b) As an affected Party:
- (i) Experience with public participation: **No experience.**
 - (ii) Experience with consultations under article 5 : **A problem may arise when notification is made at an advanced stage of the procedure. Notifications are not always sent to the point of contact (in the case where Switzerland is the affected Party). Sometimes the notifications were sent to a cantonal service or the ambassador. This makes the procedure longer and direct contact between the individuals concerned more difficult.**

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: Rather than formal, administrative exchanges, a technical exchange (online or in person) between specialist staff can often improve mutual understanding, e.g., when environmental protection legislation differs between two countries

Your comments:

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: In general, Switzerland always notifies the respective national contact points. The latter is responsible for transmitting to the competent authority of the project. In some cases, the well-established communication channels at local and regional level can be used, for example, in the context of "Great Geneva", to inquire about the realization of a project, its environmental impacts and the need to apply the Espoo Convention.

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: The content of the impact report (EIR) is defined by Article 9 of the OEIE, which refers to Article 10b para. 2 of the LPE [Environmental Protection Act]. In the case of a project submitted to Espoo, the EIR must also contain relevant information (similar to the requirements of Swiss law) on the impact on the affected Party's environment.

According to Art. 13 of the OEIE, the competent environmental protection authority examines whether the information contained in the impact report is complete and accurate and ensures that the requirements of the Convention are met.

Citation Article 9, OEIE: "The impact report must comply with Art. 10b, para. 2, LPE. 1. It must, in particular, contain all of the information that the competent authority needs to assess the project pursuant to Article 3. It must take into account all aspects of the impact on the environment attributable to the project and assess them, individually and collectively, and in joint action. It must also present how the results of the environmental studies conducted as part of the land use planning are taken into account."

Citation Article 10b, para. 2, LPE: "The report must contain the information needed to assess the project based on the environmental protection provisions. It is prepared in compliance with the directives of the specialized services and presents the following points: a. initial state; b. the project, including the measures developed to protect the environment and in the event of a natural disaster; c. the resulting pollution."

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>.

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: In the context of projects from the point of view of the Party of origin, it can sometimes appear, as early as the study phase for the preliminary inquiry, that there are sometimes different possible variants for the project as a whole or for some of its components. When the law requires proof of the location imposed for the project (e.g., for land clearing permits), consideration of the variants is even mandatory. According to Article 10(b)(2)(b) of the Environmental Protection Act (LPE), the EIR must present an overview of the possible main alternatives studied.

We have no experience in this area from the perspective of the affected Party.

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

- (a) Biodiversity: see chapter 3.3, EIR point 5.12, Module 5 of the EIA Handbook
- (b) Climate change see chapter 3.3, EIR points 4.4 and 5.12, Module 5 of the EIA Handbook
- (c) Circular economy: no
- (d) Sustainable Development Goal implementation: no
- (e) Smart and sustainable cities: no
- (f) Sustainable infrastructure: no
- (g) Renewables: see chapter 3.3, EIR point 4.4, Module 5 of the EIA Handbook. In addition, some cantons (regional authorities) go beyond the requirements of the federal government (Confederation) and demand detailed studies of the energy production planned in the project frameworks
- (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:

An example of how to address biodiversity issues (a) is provided in Chapter 5.13, Nature du document joint “RIE Avully” [Nature of the “Avully EIR” attached document]. Another example is given in chapter 3.3 of the attached document “Umweltnotiz WTK”

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

Your comments: Module 5 of the EIA Handbook provides the content requirements for the preliminary investigation with specifications and for the environmental impact report (EIR) (see attached document).

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.

Module 2 of the EIA Handbook (chapters 2.3.2 and 2.3.3) provides more detail on this topic, with the following excerpts:

If a project involves the construction of multiple installations of the same type and there is a spatial and functional relationship between these installations, the requirement for an EIA must be assessed as a whole for all such installations. For example, for a parking garage and an open-air parking lot operated together, the corresponding parking spaces of all installations must be added together to determine whether the project is subject to EIA, i.e., whether the threshold value is exceeded. A 450-space covered parking lot and a 100-space open-air parking lot that serve the same users constitute a single installation and are subject

to the EIA because they jointly exceed the threshold value of 500 parking spaces. For linear projects (e.g., railroads, roads, water management measures), the same questions regularly arise: when and how to divide the stages? At what point is an installation to be considered as a whole? Thus, several track doublings of a railroad line made to increase the frequency of service on a relatively long stretch of track are considered as a whole installation. Where a project involves the construction of a new installation that does not fall within any of the types of installations subject to EIA, and the installation is spatially and functionally related to another proposed installation that is subject to EIA, the first installation, which is not subject to EIA, should be included in the impact statement. The EIA will therefore cover both installations simultaneously. For example, attention should be paid to the existence of a small landfill for inert materials, established and operated in conjunction with the construction of a national road or a new railway line, or a substation that is built in conjunction with a high-voltage line.

In accordance with Art. 8 of the LPE, the EIA must also include all the sub-projects that will not necessarily be carried out at the same time, but in stages following each other at a relatively rapid pace (i.e., within a few years). To determine whether an installation is subject to an EIA, all sub-projects for which an authorization, approval, or concession procedure is already underway, as well as other projects whose implementation appears highly probable, must be included. However, this assessment will not need to include expansion steps that are still purely hypothetical. It is therefore possible to assess the EIA obligation of a project on an individual basis (without considering other projects) when the implementation of other related projects remains uncertain.

Your comments:

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:

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);

Your comments:

The EIA in Switzerland mainly contributed to the achievement of Objective 15: To conserve and restore terrestrial ecosystems, ensuring their sustainable use, to sustainably manage forests, to combat desertification, to halt and reverse land degradation, and to halt biodiversity loss (Targets 15.1 and 15.4). For example, in the forestry sector, land clearing is in principle prohibited in Switzerland (Art. 5 of the Loi sur les forêts [LFo]) [Forestry Act]. However, a permit can be granted if the location of the work (and the planned clearing) is required, if the work meets the requirements of land-use planning, and if the clearing does not present a serious environmental hazard. The impact assessments have helped to systematically verify compliance with this legal principle and thus prevent unjustified or avoidable clearings (e.g., when variants generating less or no clearings can be considered). Insofar as it meets the conditions, any clearing must also be compensated in kind in the same region, with species adapted to the site (Art. 7, LFo).

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- (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.

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?

<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 Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7)	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"/>	
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 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 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"/>	

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/24)	I use it <input checked="" type="checkbox"/> I do not use it <input 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"/>	
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 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 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"/>	

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: The Convention leaves a lot of room for interpretation; the Swiss position, which proceeds on the assumption that it is self-executing, requires the authorities responsible for its implementation to create a procedure and a process.

We have noticed for many years a lack of clarity regarding the following question: are the environmental impacts on the affected Party to be considered under the law of the Party of origin or the affected Party? (more or less strict laws, depending on the country, and the conclusions of the assessment made in the impact report may be different).

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: Switzerland has not ratified the Protocol.

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:

- (ii) Individual contribution in 2019
Yes Amount and currency: 64'000 CHF
No Please explain the reason:

- (iii) Individual contribution in 2020:
Yes Amount and currency: 42'000 CHF
No Please explain the reason:

- (iv) Individual contribution in 2021:
Yes Amount and currency: 42'000 CHF
No Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023 Yes (amount: 42'000 per year).

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

- Yes Please describe how:
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.

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.

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^a</i>	<i>No. of procedures as an AP^b</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">- 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;- 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.		
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^a</i>	<i>No. of procedures as an AP^b</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;	1	3
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.	1	
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.		
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^a</i>	<i>No. of procedures as an AP^b</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.	...		

^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. For example, Project "A"	Date	Party A Party B	State of the procedure (select as appropriate) screening/scoping/reviewing the environmental impact assessment documentation: Date	Date	Date from: to:	Date from: to:	Date	
2. Montagne de Buttes wind farm (NE)	08.09.2015	France	EIA screening (2015)	Presentation of the Montagne de Buttes wind farm project to the French municipality of	40 (2015 - 2019)	13 (2015 - 2016)	6.5.2019 (Decision of the Conseil d'Etat [State council] approving	

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

Project name	Starting date (date of the notification sent)	Affected Party/ Parties	Timing of the notification	Submission of the environmental report	Transboundary consultations between authorities concerned, if any	Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any	Final decision (date of issue, if information is available)
				Verrières-de-Joux (2013-2014)			the PAC [Cantonal allocation plan] of the Montagne de Buttes wind farm
3. Parc éolien Bel Coster (VD) [Bel Coster wind farm]	12.02.2016	France	Delivery of the summary report (10.09.2018)		Binational working group, 2018	Public inquiry under French law (May-June 2017)	Final EIA decision in progress
4. CFF “Assainissement du tunnel du Col-desRoches” [Renovation of the Col-des-Roches tunnel]	11.04.2019 ((France has not responded to the notification)	France	11.04.2019				OFT [federal office of transport] decision 30.06.2020
5. Erdgas Ostschweiz AG - Druckerhöhung SARA	2.03.2020	Liechtenstein	2.3.2020				
6. Ämterkonsultation: N02 Rheintunnel (BS/BL), Generelles Projekt, Hauptuntersuchung UVP 2. Stufe		France and Germany	April 2021				

					<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 events organized, etc.) if any</i>	<i>Final decision (date of issue, if information is available)</i>	
...								

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. For example, Project A	Notification received: date Response sent: date	Party A	Date	Date	Time from: to:	Yes/No Written comments: time interval	Date	

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

Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
	Stage of the procedure (select as appropriate) -screening -scoping -reviewing the environmental impact assessment documentation					Event(s) organized: date(s)	
2. Liaison autoroutière entre Machilly et Thononles-Bains (France) [Highway link between Machilly and Thononles-Bains (France)]	Informal notification at an advanced stage (November 14, 2017), then submission of the file in a formal manner within the framework of the inquiry prior to the declaration of public utility (03.05.2018)	France		13.07.2018 ; completed/reiterated on July 22, 2020, and March 2, 2021	Transboundary consultation/dialogue initiated in June 2021 (ongoing)	No information (cantonal jurisdiction)	24.12.2019
3. “Verbindungsstrasse Vaduz – Triesen” Project	Notification received on March 26, 2020.	Liechtenstein					

				<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>
	Switzerland replied that a notification was not required. Letter sent to the LIE (after consultation with the canton of St. Gallen) on April 27, 2020						
4. Project for a new rail link to Basel-Mulhouse airport	Request for notification received on September 6, 2021, November 24, 2021: the OFT (after consultation with the FOEN and the cantons of Basel-City and Basel-Country) informed France that Switzerland does not wish to be consulted.	France					
...							

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: **PROJECT FOR A NEW RAIL LINK to Basel-Mulhouse Airport**
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 checked="" type="checkbox"/>
Affected Party/ies: (please list)	Party/ies of origin: (please list) France

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: **Based on the exhaustive file, Switzerland has waived its right to be consulted according to the Convention.**

II. BACKGROUND

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

The New EuroAirport Rail Link (NLF EAP) project proposes an alternative to road travel to improve mobility and daily travel. It provides for the creation, by 2030, of a new 6 km two-way railroad line, exclusively on French territory, as a bypass to the existing Strasbourg-Mulhouse-Basel line, as well as a railway stop in direct contact with the airport terminal.

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: : Due to the completeness of the file, the presentation of the project at a joint meeting organized by France, and the fact that the notification was sent early enough, Switzerland became aware of the project and came to the conclusion that a notification was not necessary. Such a transparent and proactive approach facilitates the implementation of the Convention.

2. As relevant, please also refer to the contribution of the above application of environmental impact assessment procedure towards the attainment of Sustainable Development Goals¹ or climate objectives:

¹ 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);

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

-
- (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.