

Bilateral agreements and practical cooperation in transboundary environmental impact assessment

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Research Article

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Abstract

Bilateral agreements help neighbouring countries organise environmental impact assessment (EIA) across their borders. This article examines what they add to existing international and European requirements. It compares five European treaties in detail and draws on selected agreements and project arrangements from other regions. The agreements often clarify how existing duties are to be carried out, including which authority supplies documents and who pays for translation. Some extend assessment requirements or provide for cooperation after project approval. Their provisions for public participation differ considerably. Information exchanged between governments may remain unavailable to affected residents or be provided in a language they cannot use. Rules on public access and translation therefore matter alongside procedures for submitting and considering comments. Cooperation after approval also takes different forms. General agreements often leave further assessment to a later decision, whereas project agreements can specify responses to particular environmental impacts. Existing bodies responsible for shared rivers provide another way to organise assessment and continuing cooperation. The article concludes that bilateral agreements can clarify practical responsibilities left open by broader legal frameworks. It recommends explicit duties to inform affected residents and consider their comments, together with procedures for responding to impacts after approval.

1 Introduction

When Germany and the Netherlands revised their joint declaration on transboundary environmental assessment in 2013, they were building on years of exchanges between neighbouring authorities. The declaration explains that international and European rules had left practical questions unresolved, particularly those surrounding public participation. An initial declaration in 2005 had supplied working arrangements; the revision retained that approach and extended it to strategic environmental assessment (SEA). The parties described their experience favourably while expressly denying the declaration legally binding force (Information Point for the Living Environment, 2013, pp. 2–4). This history raises a question that a list of international obligations alone cannot answer: what do neighbouring states still need to organise before environmental assessment works across their border?

The answer extends beyond sending an assessment report to another ministry. Residents must be able to find the documents, understand enough of them to comment and identify an authority that will consider their objections. Administrations must reconcile procedural stages and deadlines, sometimes for a project located in both jurisdictions. Once permission (development consent) is granted, an agreed prediction of environmental effects may become a disagreement over what has actually happened and who should respond. Bilateral arrangements distribute these responsibilities in environmental impact assessment (EIA). Some establish procedures for repeated use; others emerge from a particular project or dispute. Elsewhere, assessment duties sit within an agreement about shared waters or environmental cooperation, making them difficult to discover through titles containing “EIA”.

While the EIA developed decades ago, recent climate judgments give renewed significance to the assessment of effects beyond national borders. In its 2025 climate advisory opinion, the International Court of Justice emphasised the need to assess particularly significant emissions-generating activities, including possible downstream effects, and explained when climate risks call for interstate notification and consultation (International Court of Justice, 2025, paras. 297–299). In *Finch*, the UK Supreme Court required assessment of the downstream combustion emissions (Scope 3) of extracted oil, wherever combustion occurred (Supreme Court of the United Kingdom, 2024, paras. 79–81, 97–103). Assessing effects abroad nevertheless remains distinct from activating interstate procedures. These developments therefore invite closer attention to how states organise information exchange and public participation, while the global reach of climate harm also exposes the limits of arrangements confined to neighbouring countries.

Bilateral implementation is an established but still limited subject of scholarship. De Boer (1999) examined arrangements drawing on experience in the Netherlands, Germany and Flanders. Hildén and Furman (2001) studied obstacles arising from different national systems, while Albrecht (2008) analysed the German–Polish agreement of 2006. Iberian research connects shared-water projects with the difficulties of public involvement (Albergaria & Fidélis, 2006; Vicente et al., 2015). Cashmore and Skrylnikov (2026) examine extraterritorial participation through more recent Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) implementation report. Building on this literature, the present article compares later instruments with arrangements outside the dedicated EIA treaty category, asking how public participation and continuing cooperation are organised across these legal forms.

The central question is what bilateral instruments add to the practical organisation of transboundary EIA. The detailed comparative core is based on European implementing agreements. Joint assessments without a dedicated bilateral EIA instrument further demonstrate why treaty numbers cannot measure cooperation. The study draws on functional treaty comparison (Giordano et al., 2014) and explicit legal coding (Kingston et al., 2022). It examines the allocation of responsibilities and discretion, without inferring that every additional provision repairs a legal deficiency or improves environmental outcomes.

2 Legal setting and comparative method

2.1 The framework against which bilateral provisions are assessed

Assessment obligations are not confined to Espoo Convention. In *Pulp Mills*, the International Court of Justice (ICJ) recognised a requirement under general international law to assess proposed industrial activities presenting a risk of significant adverse transboundary impact, particularly on a shared resource. It left the specific content to national determination subject to due diligence and connected assessment with monitoring once operations begin and, where necessary, throughout the project's life (International Court of Justice, 2010, paras. 204–205). The relevant regional framework also matters: bilateral detail may implement a rule already agreed at that level.

The Espoo Convention requires assessment before the decision to authorise or undertake covered activities likely to cause significant adverse transboundary impacts. Its procedural architecture connects the party of origin with an affected party while retaining national decision-making. Articles 2(6),

3(8) and 4(2) address opportunities for the affected public to participate, including access to documentation and the submission of comments. Article 5 provides for consultations, and Article 6 requires due account to be taken of the assessment, comments and consultations in the final decision (Espoo Convention, 1991).

Article 8 expressly permits bilateral or multilateral agreements and other arrangements implementing Convention obligations. Appendix VI identifies possible elements, including institutional arrangements, methods, thresholds and joint assessment. Article 2(9) preserves the possibility of more stringent bilateral or multilateral requirements. The adoption of implementing detail consequently belongs to the Convention's design and is addressed in the practical guidance of the United Nations Economic Commission for Europe (UNECE) (UNECE, 2006). A bilateral instrument may also formalise an established administrative practice, distribute its costs or extend its application, without creating a new substantive environmental standard.

Where applicable, the 1998 UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adds requirements concerning environmental information, public participation and access to justice. Its Article 3(9) addresses discrimination based on citizenship, nationality or domicile, and Article 6 includes early participation, reasonable timeframes, due account of its outcome and access to the decision. These obligations matter when bilateral procedures depend on the affected state's administration to communicate with the public. Interstate agreement cannot be treated as an adequate substitute for the rights of individuals and organisations under the applicable legal framework (Aarhus Convention, 1998).

The EU framework also deliberately requires implementation choices. Article 7(5) of the EIA Directive, as amended in 2014, requires Member States to determine detailed transboundary arrangements, including consultation timeframes, that enable effective participation by the affected public. The amendment additionally introduced Article 8a, including requirements concerning implementation of mitigation measures and procedures for monitoring significant adverse effects. Monitoring arrangements must be proportionate, and existing arrangements may be used to avoid duplication. These provisions provide a reason to examine how bilateral instruments connect domestic monitoring with cross-border information and responses; they do not establish a uniform bilateral monitoring procedure for every assessed project (European Parliament and Council, 2011, 2014).

The Espoo Convention itself reaches beyond consent. Under Article 7, the parties concerned determine, at the request of one of them, whether and to what extent post-project analysis will be undertaken. Where such analysis reveals significant adverse transboundary impacts or factors that may produce them, information and consultation duties follow. Appendix V relates analysis to compliance with consent conditions, the management of impacts and uncertainty, and the verification of predictions. Whether analysis is initiated, what it must examine and what response follows its findings are distinct legal questions. The comparison therefore avoids treating a reference to Article 7 as an unconditional duty to monitor every project.

2.2 Case selection and interpretation

The study uses purposive selection, beginning with UNECE's collection of bilateral arrangements and national registers, gazettes and implementation reports (UNECE, n.d.). Searches through June 2026 combined assessment, agreement, notification and cooperation terms with country and project names. Watercourse treaties and project settlements were included where they organised assessment, impact information or continuing responses across a border. Technical assistance was distinguished from procedures concerning effects in another state.

The International Environmental Agreements Database (IEADB) supplied a further discovery route: 6,999 metadata records and 6,796 text files. A case-insensitive search using English assessment phrases and selected French, Spanish, Portuguese, German and Russian equivalents returned 622 files for targeted follow-up (IEADB, n.d.; Mitchell et al., 2020). This automated keyword pass did not substantively review every treaty or fully screen every hit. Files include different languages and versions, and broad impact terms retrieve unrelated provisions. Omitted languages, including Arabic and Chinese, and uneven transcription and translation availability constrain discovery. The selected corpus cannot establish regional prevalence or an absence of cooperation in unrepresented countries.

Table 1 distinguishes three evidential roles within twenty-two instruments. Five general treaties form the comparative core: Estonia–Latvia, Lithuania–Poland, Austria–Slovakia, Germany–Poland and Romania–Ukraine. Accessible published texts permit common questions to be applied across different dates and institutional arrangements, exposing contrasting allocations of administrative work, translation and follow-up. Other texts support targeted comparisons of particular provisions. Documentary records establish narrower facts about adoption, purposes or reported implementation; they do not enter clause comparisons. Argentina–Chile is retained only in this third category. Regional guidance and joint assessments are considered separately. Neither the European core nor the international examples constitute representative geographical samples.

Table 1
Instruments and their evidential roles in the comparison

Instrument and year	Scope and form	Evidence and use
Estonia–Latvia 1997	General EIA treaty	Core. Published English text; scope, commission and procedural duties. Estonia–Latvia Agreement (1997).
Estonia–Finland 2002	General EIA treaty	Documentary. Treaty-register entry; no clause comparison. Finlex (2002).
Lithuania–Poland 2004	General EIA treaty	Core. UN publication; informational English translation. Lithuania–Poland Agreement (2004).
Austria–Slovakia 2004	General EIA treaty	Core. Published German text. Austria–Slovakia Agreement (2004).
Spain–Portugal 2008	General EIA and SEA protocol	Documentary. Protocol record and implementation research. Portuguese Environment Agency (2008); Vicente et al. (2015).
Germany–Netherlands 2013	General EIA and SEA declaration	Targeted. Published non-binding declaration and its stated rationale. Information Point for the Living Environment (2013).
Germany–Poland 2018	General EIA and SEA treaty	Core. Published text; EIA distinguished from SEA. Germany–Poland Agreement (2018).
Bulgaria–Serbia 2022	General EIA and SEA agreement	Targeted. Bulgarian gazette text reproduced in Ciela; Arts. 8–9, 12 and preamble. Bulgaria–Serbia Agreement (2022).
Romania–Ukraine 2022	General EIA treaty	Core. Published Romanian text; English prevails on divergence. Romania–Ukraine Agreement (2022).
Moldova–Ukraine 2024	General Espoo implementation agreement	Documentary. Signing account and stated purposes. Cabinet of Ministers of Ukraine (2024).
United States–Mexico 1983	Environmental framework	Targeted. Published La Paz text, excluding annexes. United States–Mexico Agreement (1983).
Hungary–Slovakia 1995	Gabčíkovo technical measures	Documentary. Joint monitoring account and chronology. Slovak–Hungarian Monitoring Agents (2011).
Czechia–Austria 2001	Temelín Melk conclusions	Targeted. Published commitments; binding character not assumed. Czechia–Austria Conclusions (2001).
Denmark–Germany 2008	Fehmarnbelt project treaty	Targeted. Published text, Art. 13. Denmark–Germany Treaty (2008).
Czechia–Poland 2022	Turów project treaty	Targeted. Published English text; operational duties and remedies. Czechia–Poland Agreement (2022).
Malaysia–Singapore 2005	Johor reclamation settlement	Targeted. Text annexed to arbitral award, especially paras. 9 and 12. Malaysia–Singapore Settlement (2005).
Angola–Namibia 2014	Cuvelai watercourse treaty	Targeted. Published signed text, Arts. 4 and 11. Angola–Namibia Agreement (2014).
Mozambique–Zimbabwe 2016, 2019, 2023	Three watercourse treaties	Targeted. English signed scans: Pungwe Art. 15(3), Buzi Art. 17(3), Save Art. 18(3). Mozambique–Zimbabwe Agreements (2016, 2019, 2023).
Russia–Kazakhstan 2010	Shared-water treaty	Targeted. Published Russian text reproduced in Meganorm, Art. 6. Russia–Kazakhstan Agreement (2010).
Argentina–Chile 2016	Capacity-cooperation memorandum	Documentary. Signing and 2018 exchange accounts; no clause comparison or assumption of renewal. Ministry of the Environment Chile (2016); Ministry of Environment and Sustainable Development Argentina (2018).

Core: comparison across common questions. Targeted: selected provisions. Documentary: specified contextual facts only. Years identify signature or the version examined, not current legal status. The grouped Mozambique–Zimbabwe row contains three instruments. Sources are listed in the references.

Seven dimensions guide the reading: scope and initiation; administrative coordination; information and language; public participation; assessment and decision-making; cooperation after consent; and accountability and adaptation. Interpretations identify the actor, duty or discretion, trigger, deadline and consequence. Applicable Espoo, EU or regional rules distinguish additional detail from repeated obligations. Silence is distinguished from delegation to later agreement or regulation elsewhere; unavailable text is never evidence of absence. Tables 1–2 and clause references connect sources with comparative claims.

Source status limits the conclusions. The cited Mozambique–Zimbabwe clauses were checked against signed English scans. Bulgaria–Serbia and Russia–Kazakhstan are read through reproductions of published source-language texts. Lithuania–Poland's English translation is informational; Romania–Ukraine is examined in its Romanian publication, although English prevails on divergence. Conclusions concern identified versions, without assuming their current status. Announcements establish signature or stated objectives only. The Romanian project notice documents an invitation to participate, not its influence on the decision.

3 General agreements and the organisation of assessment

The five core treaties establish procedures for successive projects. They differ in how much the parties settle in advance and how much they leave to later decisions. These choices affect the organisation of assessment, including public participation and cooperation after consent.

3.1 Which projects are covered and who coordinates them

Estonia and Latvia used their agreement to extend assessment requirements along their shared border. They supplemented the Espoo list with activities within 15 kilometres of the border. The annex includes lower or more specific thresholds and activities of local concern, including water regulation on named rivers. Article 3 also permits case-by-case decisions for other activities subject to national assessment and likely to have significant adverse transboundary impacts (Estonia–Latvia Agreement, 1997, Art. 3 and Annex). This changes which projects are covered, whereas other provisions organise work already required under existing law.

Lithuania–Poland and Germany–Poland link coverage to projects assessed under national law and capable of transboundary effects. They also address assessment spread across several procedures (Lithuania–Poland Agreement, 2004, Art. 1; Germany–Poland Agreement, 2018, Art. 1). The German–Polish treaty goes further in coordinating the work: for projects in both jurisdictions, it provides for deciding whether assessment should be joint or undertaken wholly or partly by one party. It connects assessment with the bilateral water-management framework to avoid repeating the environmental component. These provisions address duplication and divided responsibility, rather than simply adding projects to a list.

The parties also differ in how much procedural detail they delegate. Estonia–Latvia gives a permanent commission responsibility for arrangements in individual cases, including participation and possible joint assessment (1997, Arts. 4–5, 9, 11 and 15). Romania–Ukraine establishes a commission for implementation, interpretation and disputes, with provision for specialised working groups (2022, Art. 16). Lithuania–Poland permits a working group for a particular project (2004, Art. 10). A standing body offers continuity, but delegation means that some procedures still have to be agreed when a project arises.

A joint body is only one way to organise this work. Germany–Poland specifies communication routes suited to German federal and Land responsibilities and Poland's central administration, while permitting direct exchanges between the authorities involved (2018, Art. 7). The comparison therefore turns on whether the treaty allocates responsibility clearly and identifies how outstanding questions will be settled. The presence of a commission alone says little about how much coordination the agreement has already secured.

3.2 Language and access to the procedure

Language requirements serve two audiences: the authorities exchanging assessment material and the residents invited to comment on it. Their needs do not necessarily coincide. The agreements make different choices about translation and about how much of the participation procedure they settle in advance.

Estonia–Latvia leaves the language of exchanged documents to mutual agreement. It assigns organisation of participation to local authorities in the affected state and financing to the state of origin, but leaves the procedure to the commission (1997, Arts. 9, 11 and 16). The treaty identifies who must organise and pay for participation; practical access still depends on the arrangements subsequently made. Lithuania–Poland settles more of the language question in advance. It requires specified documents in the affected state's official language, including the non-technical summary, relevant assessment material, the decision and reasons, and any post-implementation analysis (2004, Art. 9).

Translation need not cover every document to address a particular barrier. Austria–Slovakia requires the parts necessary to identify effects on the affected country's environment. It also provides for hearings in that country and transmission of hearing minutes in the other party's language (2004, Arts. 3–5). Germany–Poland links translation to successive procedural stages, extending from notification and scoping to relevant decision material, appeal information and post-project analysis. Where translations are insufficient, the parties are to seek agreement on further material and more time to respond (2018, Art. 20). The state of origin bears translation costs. The agreement thus connects the amount translated with the opportunity to examine it.

The German–Polish agreement also follows comments through to the deciding authority. Members of the affected public may comment directly in either party's official language; the affected authority must publicise the procedure and explain how to participate and challenge the decision. Article 19 protects timely submission through the affected party's authority where that route exists under its law (Germany–Poland Agreement, 2018, Arts. 5, 19 and 20). Translation and submission rules thus address different obstacles. Readable documents are of limited use if residents cannot identify where and when their comments will be accepted.

Romania–Ukraine uses English for interstate correspondence and exchanged documents. Translations must accurately reflect the original, and any automatic translation program must be disclosed. Particularly difficult material may, by agreement, be translated selectively, with the complete original supplied in editable form (2022, Art. 3). Article 10 requires publication and notice, with at least thirty calendar days for comments from announcement and document availability. At the affected party's request, hearings are to be organised at reasonably justified dates and locations it proposes; online or hybrid hearings may be agreed. The state of origin bears the cost of interpretation into and from the affected party's national language. The provisions for hearings therefore address language more directly than the rules on written exchange.

The practical significance appeared in Romania's consultation on proposed Khmelnytskyi nuclear units 5 and 6. On 30 May 2025, its ministry published an English report and Ukrainian letter and invited public comments by post or email within thirty days. The notice identified the materials as English-language documents and explained the withholding of specified security-sensitive information because of the war (Ministry of Environment, Water and Forests Romania, 2025). The Ukrainian letter invoked Article 7 of the bilateral agreement and requested an interstate response within forty-five days (Ministry of Environmental Protection and Natural Resources Ukraine, n.d.). A public invitation and an interstate exchange were both documented, but the record does not establish whether residents could use the material or influence the decision.

Bulgaria–Serbia deals more explicitly with written material in the affected party’s language. Its published text requires translation of the assessment report and final documentation, connects the latter with thirty days of public access and discussion meetings, and extends translation to the final decision (2022, Arts. 8–9 and 12). Taken together, these examples show why public participation cannot be assessed from the volume of interstate exchange. The relevant questions concern the material residents receive and the procedure through which their comments reach the decision-maker. Table 2 sets out the main differences in the five core treaties.

Table 2
Selected participation and follow-up provisions in five general treaties

Agreement	Language	Public participation	Post-project analysis
Estonia–Latvia	Mutually agreed language; origin party finances participation organised by affected local authorities (Art. 16).	Commission determines public procedures (Arts. 9, 11).	Commission decides on analysis (Art. 14).
Lithuania–Poland	Specified documents in affected party’s official language (Art. 9).	Comments may be submitted to the named ministries of both states (Art. 4).	Analysis by mutual agreement; translated results transmitted (Arts. 8–9).
Austria–Slovakia	Relevant report sections translated; hearing minutes supplied in the other party’s language (Arts. 3, 5).	Affected party informs its public; hearings on its territory contemplated (Arts. 4–5).	Determination on request; extent assessed with reference to Espoo (Art. 8).
Germany–Poland	Stage-specific documents translated; public comments in either official language (Art. 20).	Direct submission and rules on forwarding and timeliness (Arts. 5, 19).	Conditional agreement on analysis; results translated (Arts. 10, 20).
Romania–Ukraine	English interstate exchanges; national-language hearing interpretation (Arts. 3, 10).	Web notice, minimum public-comment period and agreed online or hybrid hearings (Art. 10).	Joint determination with financing and procedures; express continuity (Arts. 14, 19).

Sources: Estonia–Latvia Agreement (1997); Lithuania–Poland Agreement (2004); Austria–Slovakia Agreement (2004); Germany–Poland Agreement (2018); Romania–Ukraine Agreement (2022). Cells summarise bilateral provisions; they do not exhaust applicable international, EU or national requirements.

3.3 Decisions and continuing cooperation

Under the German–Polish agreement, the state of origin must explain, before consultations end, which measures it envisages in response to comments. It also prevents the decision from being issued before consultations finish, subject to the agreed timeframe (2018, Art. 8). Romania–Ukraine requires the decision to account for assessment and consultation and record the understandings reached. Proposed decisions on joint projects must be discussed to avoid inconsistencies (2022, Arts. 12–13). Both agreements coordinate national decisions while leaving permitting authority with each state.

After consent, the central question is whether further analysis must take place at all. Estonia–Latvia leaves initiation to its commission (1997, Art. 14); Lithuania–Poland provides for mutual agreement (2004, Art. 8). Austria–Slovakia requires a determination of whether and how far analysis is needed when either party requests it (2004, Art. 8). Germany–Poland permits agreement where the decision or national law provides for that possibility (2018, Art. 10). These provisions preserve a further choice. Duties to translate or exchange results apply if analysis is undertaken; they do not themselves require those results to be produced.

Romania–Ukraine regulates financing and the practical arrangements for post-project analysis alongside the decision whether to undertake it. Its separate monitoring provision requires efforts to make existing environmental information available and develop monitoring arrangements. Article 19 preserves ongoing assessment procedures, including post-project analysis and other measures, if the treaty is terminated (2022, Arts. 14–19). Yet Article 6(5) limits the application of Articles 7–14 where the affected party declines participation or fails to respond in time. Participation at the outset can therefore affect the bilateral basis for cooperation later. Detailed follow-up provisions must be read together with these conditions of application.

The same attention to conditions is needed for dispute settlement. Lithuania–Poland refers unresolved disputes to the relevant Espoo provisions after negotiation (2004, Art. 11). Austria–Slovakia conditions arbitration on both parties having made the declarations under Espoo Article 15(2)(b) (2004, Art. 16). Romania–Ukraine allows either party to invoke Annex VII arbitration after the commission or another mutually acceptable method has failed within a reasonable time (2022, Art. 17). These are different routes for pursuing interstate obligations; they are separate from the public’s right to challenge a project decision. Across the agreements, continuing cooperation is supported by procedures for making further decisions. How far those decisions have already been settled becomes clearer when the treaty concerns a known project.

4 Cooperation planned around projects and shaped by disputes

By the time Malaysia and Singapore agreed on monitoring in the Straits of Johor, the reclamation works were already under way. Denmark and Germany, by contrast, included assessment in their arrangements for developing the Fehmarnbelt link. The timing of cooperation helps explain what the parties needed to settle. The discussion begins with planned cooperation at Fehmarnbelt, then follows the disputed projects chronologically from Gabčíkovo in the 1990s to Turów in 2022.

Denmark and Germany negotiated the 2008 Fehmarnbelt treaty to organise a proposed fixed link. Article 13 connects the technical solution with environmental assessment and addresses preparation, construction and operation while preserving national approval procedures (Denmark–Germany Treaty, 2008). Environmental cooperation was thus included in the arrangements for developing the infrastructure. The treaty could identify the project from

the outset while leaving the necessary approvals to the competent national authorities. This is a different starting point from negotiating measures to manage an existing disagreement over impacts.

At Gabčíkovo, joint monitoring preceded the ICJ's judgment. Hungary and Slovakia agreed temporary technical measures in April 1995 and a monitoring statute the following month. According to the official joint-monitoring account, the arrangement was extended in 1997 pending an implementation agreement, and the monitoring statute was revised in 2007 (Slovak–Hungarian Monitoring Agents, 2011). The September 1997 judgment required good-faith negotiations towards the objectives of the parties' 1977 treaty in the circumstances then prevailing (International Court of Justice, 1997). Technical cooperation could therefore continue while the broader legal dispute remained to be resolved. Implementing the judgment gave that cooperation a continuing purpose, but did not originate monitoring that had begun two years earlier.

The controversy over the Temelín nuclear power plant brought assessment into Czechia's negotiations to join the EU. The Melk process began in December 2000 with European Commission involvement; its November 2001 conclusions linked implementation to progress in the accession negotiations' energy chapter (Czechia–Austria Conclusions, 2001, Preamble and Ch. VIII). Chapter V recorded an assessment guided by the EU framework and twenty-one recommended measures to be regularly monitored jointly by Czech and Austrian experts. Follow-up used the bilateral nuclear-information framework established in 1989. Assessment was consequently connected to ongoing expert cooperation through an institution that already existed. The conclusions also covered nuclear safety and radiation information, with distinct commitments for those activities (Chs. IV–VII).

In the Straits of Johor, cooperation developed through litigation over Singapore's land-reclamation works. Malaysia initiated proceedings in 2003, and an October order required information exchange and a joint expert study. The examination concerned works already under way. The April 2005 settlement, incorporated into an arbitral award that September, prescribed mitigation and enlarged the remit of the existing Joint Committee on the Environment. Paragraph 9 provides for monitoring and responses to adverse effects, while paragraph 12 requires confidentiality for information exchanged through the bilateral bodies (Malaysia–Singapore Settlement, 2005). The settlement joined technical investigation to continuing management, but kept an express restriction on disclosure. Singapore's foreign minister attributed the agreement partly to common expert findings and improving bilateral relations; this remains the government's account of the negotiations (Ministry of Foreign Affairs Singapore, 2005).

Turów makes the connection between monitoring evidence and a required response especially concrete. Czechia and Poland negotiated while the dispute over Poland's Turów lignite mine was before the Court of Justice. Following interim measures in May 2021, they signed their agreement on 3 February 2022; the case was removed the next day (Court of Justice of the European Union, 2021, 2022). Article 3(9) links defined groundwater changes to restrictions on advancing and deepening mining. Articles 8 and 11 address evidence, attribution and independent expertise (Czechia–Poland Agreement, 2022). The agreement also covers future authorisations and closure-related information, preserves selected duties after termination, and provides a judicial route under Article 273 of the Treaty on the Functioning of the European Union (Arts. 3, 8, 11 and 14). These provisions specify how a known risk will be investigated and acted upon; removal of the case establishes no finding about environmental performance.

The project cases explain what a general agreement leaves for later negotiation. The parties can identify the impacts to be monitored and, as at Turów, connect specified evidence to a response. Gabčíkovo and Temelín also show that continuing cooperation may use institutions already available. Such arrangements can be made during project planning or developed through conflict. Their relevance to future agreements lies in how they organise follow-up, while Johor's confidentiality clause shows that sustained technical exchange still needs to be examined separately from public access.

5 Assessment within wider cooperative relationships

Assessment sits alongside water allocation and monitoring in the shared-water agreements examined here. It is one part of the continuing management of a common resource. Existing commissions and joint project bodies provide an institutional setting for this work, while regional guidelines offer procedures for coordination. Finding these arrangements requires looking beyond agreements with EIA in their title.

5.1 Shared waters and environmental cooperation

Angola and Namibia's Cuvelai agreement places notification and assessment within a named watercourse commission. Its preamble refers to scarce water resources and an existing cooperative relationship. Article 11.9 requires EIA findings to accompany notification of potentially harmful planned measures, and Article 11.6 provides a default six-month response period (Angola–Namibia Agreement, 2014). These requirements closely follow Article 4(1)(b)–(c) of the SADC Revised Protocol on Shared Watercourses (2000). The bilateral contribution is therefore partly institutional: the commission connects the regional procedure with continuing responsibilities for information, early warning and public involvement (2014, Arts. 4 and 11).

The Pungwe, Buzi and Save agreements between Mozambique and Zimbabwe address the undertaking of assessment more expressly. Pungwe Article 15(3) includes a transboundary EIA duty with procedures to be determined by the parties; Buzi Article 17(3) and Save Article 18(3) direct duties to the proponent (Mozambique–Zimbabwe Agreements, 2016, 2019, 2023). Unlike the SADC notification provision's reference to available results, these clauses address producing an assessment. That textual distinction does not establish when the parties first became subject to an assessment obligation. It shows that watercourse agreements can specify assessment duties alongside allocation and measurement of shared waters.

The negotiations also concerned the institutions needed to sustain this wider relationship. Global Water Partnership Southern Africa, which supported them, reports that the 2023 Save agreement accompanied agreements establishing and hosting a commission for all three basins. Its account relates cooperation to recurrent floods, droughts and cyclones, shared development needs and financial support (2023). Assessment sits within that continuing management task. General commitments to involve stakeholders, however, still need to be examined for what they require when an individual project is proposed.

Russia–Kazakhstan leaves more procedural choice to subsequent cooperation. Article 6 requires advance notification and provides, where necessary, for separate or joint assessment and consultation through the commission. The parties refrain from proceeding during consultation unless they agree otherwise (Russia–Kazakhstan Agreement, 2010). The possibility of joint assessment consequently says less than the conditions governing its use. As in the general EIA treaties, the important question is how much the agreement decides and what the parties must still resolve.

A broader environmental relationship can also limit the reach of information exchange. The United States–Mexico La Paz Agreement includes assessment under national law but makes disclosure of generated technical information to third parties subject to mutual agreement (1983, Arts. 7–11 and 16). An agreement’s environmental scope therefore does not establish public access to the material it produces. The Argentina–Chile record requires a further distinction: official accounts document a 2016 memorandum on EIA and SEA cooperation and a 2018 technical exchange (Ministry of the Environment Chile, 2016; Ministry of Environment and Sustainable Development Argentina, 2018). They support a finding of capacity cooperation, without establishing a reciprocal transboundary procedure or renewal of the announced three-year instrument.

5.2 Coordination without a dedicated bilateral EIA agreement

Assessment of the original Nord Stream pipeline involved coordination across nine countries. Germany’s implementation report identified differences in national systems and comment periods while describing the procedure favourably; authorities also discussed it at UNECE’s May 2009 meeting (Federal Republic of Germany, n.d.; UNECE, 2009). The record concerns coordination across those relationships, without establishing that every pair lacked an agreement or that the public shared the government’s assessment.

At Batoka Gorge, coordination rested on an organisation established long before the proposed hydropower scheme was assessed. In December 2020, the Zambia–Zimbabwe Zambezi River Authority reported a common environmental and social assessment for the proposed Batoka Gorge hydropower scheme, disclosed under both countries’ regulatory requirements. Its team used online meetings and radio broadcasts alongside some physical meetings during pandemic restrictions (Zambezi River Authority, 2020). The authority was reconstituted as a jointly owned body in 1987 (n.d.). The relevant bilateral foundation thus preceded the assessment: coordination did not depend on a new general EIA treaty. The promoter’s account documents the arrangements, without demonstrating their effectiveness.

The Mekong River Commission’s 2023 guidelines similarly supply voluntary procedures within the 1995 regional framework. They cover document language and timing, with formats for mitigation and monitoring (Mekong River Commission, 2023, para. 38 and Annexes 4–6). These examples show that the task is to locate the applicable procedure and responsible institution. A dedicated EIA treaty is one possible means of organising them. Its absence cannot establish that the countries have no arrangements for assessment, just as the existence of guidance cannot establish that those arrangements work in practice.

6 Comparative findings and implications for treaty design

The comparison identifies different reasons for giving bilateral form to assessment cooperation. The German–Dutch declaration formalised established administrative practice. Temelín connected environmental work with accession diplomacy, while Turów and the Johor settlement responded to particular disputes. Shared-water instruments organise assessment within continuing allocation and management decisions. These histories explain the setting in which provisions operate. They do not establish that a specific project caused treaty adoption or that the resulting instrument performed better than available alternatives.

Negotiating accounts provide more specific evidence where their provenance is clear. Ukraine’s announcement of the Moldova agreement signed in August 2024 invoked European integration and avoidance of disputes comparable to the Danube–Black Sea Canal controversy (Cabinet of Ministers of Ukraine, 2024). Bulgaria–Serbia’s preamble expressly situates cooperation between an EU Member State and a candidate country within their shared Espoo framework. Serbia’s signing account also refers to preceding working-group meetings (Bulgaria–Serbia Agreement, 2022; Government of Serbia, 2022). Poland’s June 2021 account of negotiations with Slovakia emphasised information exchange and improved procedures; that dated account does not establish that negotiations remained active at the research cutoff (General Directorate for Environmental Protection, 2021).

Against this background, bilateral detail has several meanings. Estonia–Latvia supplies local thresholds and procedures; Germany–Poland distributes tasks across distinct administrative systems; the Cuvelai agreement places an existing regional notification rule within a watercourse commission. Accordingly, detailed bilateral provisions do not necessarily demonstrate missing international standards. Often they allocate the work, resources and discretion needed to apply those standards. The distinction matters when evaluating the apparent sparsity of another instrument: the relevant function may already be performed by national procedures or a standing institution.

Public participation remains a separate test of that allocation. The language provisions in Table 2 differ in the documents covered, intended recipients and arrangements for onward transmission. The Romanian consultation record shows how an English interstate exchange can become a public invitation to comment on English documents. Vicente et al. (2015), examining Spain–Portugal through implementation reports and project records, found more interstate consultations without corresponding growth in public involvement. Their project-level table distinguished authority responses from comments by natural and legal persons. This finding concerns the procedures they examined, rather than establishing the current performance of every Iberian assessment. Together, the textual and documentary evidence supports examining the public’s actual route to information separately from the efficiency of exchanges between ministries.

These findings support normative drafting proposals, rather than a single preferred treaty model. Standing rules can allocate recurring responsibilities and allow project arrangements to supply technical detail; existing watercourse bodies may already perform much of the coordination. Drafting should begin by identifying responsibilities left unallocated under the applicable framework.

For participation, the German–Polish document schedule and submission routes offer concrete techniques: identify material required at each stage, its language and recipient, and the treatment of comments transmitted through the affected authority. Romania–Ukraine links a public-comment period to notice and document availability. A model provision could combine these techniques with a remedy for incomplete or delayed translation. Public-access obligations should be stated alongside any confidentiality rule, with exemptions governed by the applicable law. Neither Johor's technical cooperation nor La Paz's information exchange supplies a sufficient basis for assuming that residents can obtain the resulting material.

For continuing cooperation, conditional post-project analysis in the general treaties should be distinguished from Turów's responses to specified groundwater evidence. A general agreement could provide a procedure for settling project-specific monitoring parameters, costs and response thresholds before authorisation, including how uncertainty or disputed attribution will be addressed. Survival clauses should identify the obligations and supporting arrangements that continue after termination or closure. These options draw on observed legal techniques; their effectiveness remains a question for implementation research.

Outcome evaluation would require further project research tracing publication, translation, comments and reasoned responses, including unsuccessful procedures. Caseload analysis would also need a consistent project–country-pair unit, separating EIA from SEA and repeated procedural episodes from distinct projects. National notification totals cannot supply that evidence.

7 Conclusion

Bilateral assessment cooperation extends from general procedures to shared-resource management and project-specific responses. Its contribution becomes clearer when provisions are compared with the legal framework they implement. Some supply additional requirements; others assign existing duties to particular authorities, institutions or procedural stages. General instruments can organise repeated encounters between administrations, while project arrangements give precision to known technical questions.

The European core and selected international comparisons reveal recurring functions without establishing their worldwide distribution. Shared-water treaties connect assessment to continuing management, and coordinated projects demonstrate that dedicated EIA treaties are only one institutional route. Across these arrangements, responsibility for informing another state is distinct from responsibility for enabling its residents to participate. Explicit document, language and response rules make that distinction visible and provide concrete options for treaty drafting. Whether those options improve participation or environmental protection requires evidence of their operation.

Declarations

Author Contribution

I am the sole author.

Data Availability

The analysis uses the instruments and documentary sources identified in Table 1 and the references; Table 2 and the text supply provision-level references. The IEADB discovery pass used the metadata and text export retrieved on 15 June 2026, including records 10024, 10027, 10026 and 4801. Signed scans or published-text reproductions cited in the references support the resulting legal comparisons. The collection is purposive and contains documentary-only records; it is not an exhaustive coded treaty dataset. No statistical project dataset is reported.

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