

Questionnaire for the

REPORT OF ON THE IMPLEMENTATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

in the period 2010-2012

Information on the focal point for the Protocol

Name and contact information:

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Date on which report was completed:

PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE PROTOCOL

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 2 - Definitions:

1. Is the definition of plans and programmes for the purpose of the Protocol the same in your legislation as in article 2, paragraph 5? Please specify.

- a) Yes **x**
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There are no definitions of plans and programmes in the legislation

Your comments:

2. Is the definition of “environmental, including health effect” in your legislation the same as in article 2, paragraph 7? Please specify.

- a) Yes **x**
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of “environmental, including health effect” in the legislation

Your comments:

3. Is the definition of “the public” according to article 2, paragraph 8, in your legislation the same as in the Protocol? Please specify.

- a) Yes **x**
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of the public in the legislation

Your comments:

4. Are there any conditions for non-governmental organizations to be able to take part in the assessment procedure? Please specify.

- a) Yes (please provide the conditions): **x**
- b) No ☐

Your comments:

In the procedure of strategic environmental assessment of plans and programmes the public shall be informed of the procedure relating to potential transboundary effects of a plan or programme and the procedure of participation in the strategic assessment in another country. The public and the public concerned participate in the procedures by providing written opinions, suggestions and objections. As part of the procedure for participation of the public and public concerned, public inspection shall be enabled and at

least one public display shall be organised, depending on the complexity of the procedure.
The public inspection procedure shall last at least 30 days.

Article 3 – General provisions:

5. Provide legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (you can choose more than one option).

- a) Law on SEA (please indicate number/year/name):
- b) SEA provisions are transposed into another law(s) (please specify):
Environmental Protection Act (Official Gazette – hereinafter referred to as OG) No. 110/07
- c) Regulation (please indicate number/year/name):
Regulation on strategic environmental assessment of plans and programmes (OG No. 64/08)
Regulation on information and participation of the public and public concerned in environmental matters (OG No. 64/08)
- d) Administrative (please indicate number/year/name):
- e) Other (please specify):

Your comments:

6. Indicate the specific legislation in your country, if any, that assures that the requirements of article 3, paragraphs 6 and 7, are met, and that these rights of the public are observed (you can choose more than one option).

- a) Constitution
- b) Law on public participation (please indicate number/year/name):
- c) Law on SEA
- d) Legislation which transposes the Protocol on SEA (please indicate number/year/name):
- e) Legislation which transposes the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (please indicate number/year/name):
- f) Other (please, specify):
Environmental Protection Act (Official Gazette – hereinafter referred to as OG) No. 110/07
Regulation on strategic environmental assessment of plans and programmes (OG No. 64/08)
Regulation on information and participation of the public and public concerned in environmental matters (OG No. 64/08)

Your comments:

Article 4 – Field of application

7. List the types of plans and programmes that require SEA in your legislation (art. 4, para. 2).

Strategic assessment is mandatory for a plan or programme which is adopted at the state and regional level in the following sectors: agriculture, forestry, fisheries, energy, industry, mining, transport, telecommunications, tourism, waste management, water management; and the spatial plan of a county and Spatial Plan of the City of Zagreb.

8. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2).

The decision made in the evaluation procedure shall be based on individual analysis and/or specific criteria.

9. Explain how the terms “plans and programmes . . . which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation.

For amendments to plans and programmes the procedure in which a decision is made on the need for strategic assessment is mandatory. The evaluation procedure shall be carried out in the manner regulated under Environmental Protection Act (OG No. 110/07) and the Regulation on strategic environmental assessment of plans and programmes (OG No. 64/08).

The decision made in the evaluation procedure shall be based on individual analysis and/or criteria prescribed by the Regulation on strategic environmental assessment of plans and programmes (OG No. 64/08)

10. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4).

The decision made in the evaluation procedure shall be based on individual analysis and/or specific criteria.

Article 5 – Screening

11. How do you determine which other plans and programmes should be subject to a SEA according to article 4, paragraphs 3 and 4 (art. 5, para. 1)? Please specify.

- a) On a case-by-case basis
- b) By specifying types of plans and programmes
- c) By using a combination of (a) and (b)
- d) Other (please specify):

The decision made in the evaluation procedure shall be based on individual analysis and/or specific criteria.

Your comments:

12. Describe the procedures required in your legislation for consulting the environmental and health authorities (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 1). If different in screening, scoping and on the draft plans and programmes and the environmental report, please specify.

Screening procedure

When determining the likely environmental effects of the plan and programme in respect to amendments to the plan and programme, the competent body shall obtain the opinion from the bodies and/or persons designated by special regulations (environmental and health authorities) and, when it deems necessary, also obtain the opinions of the bodies

of local self-government units and other bodies, depending on the scope and other characteristics of the amendments to the plan and programme.

Based on the criteria for determining the likely significant environmental effects of amendments to the plan or programme listed in Annex II of the Regulation, the bodies and/or persons designated by special regulations (environmental and health authorities), the bodies of local self-government units and other bodies, depending on the scope and other characteristics of the amendments to the plan and programme, shall submit opinions on the need for strategic assessment to the competent body within a period of 30 days after the day of receiving the request.

Scoping procedure

In the procedure of determining the content of the strategic impact study, the competent body shall obtain the opinion of the bodies and/or persons designated by special regulations (environmental and health authorities) on the content and scope of information that have to be processed in the strategic impact study, relating to the sector under the competence of that body and/or persons.

For the purpose of harmonising opinions on the content of the strategic impact study and establishing the final content of the strategic impact study, the competent body shall coordinate and carry out at least one or, if required, more discussions with the representatives of the bodies and persons.

SEA procedure

The competent body shall deliver the strategic impact study and the draft proposal of the plan or programme to the committee that is established and operating in accordance with a special regulation. The competent body shall also submit the strategic impact study and the draft proposal of the plan or programme to the bodies and persons designated by special regulations (environmental and health authorities).

13. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

If yes, please specify (you can choose more than one option).

- a) By sending written comments to the competent authority **x**
- b) By sending written comments to the local municipality **x**
- c) By providing answers to a questionnaire
- d) By taking part in a public hearing
- e) There are no opportunities for public participation in screening and/or scoping
- f) Other (please specify):

Your comments:

There are opportunities for public participation in scoping of plans and programmes.

In the screening procedure the competent body shall inform the public of the decisions.

14. At what stage of the procedure for a plan or programme does your legislation require you to make the screening decision publicly available? What information do you provide in the screening decision (art. 5, para. 4)?

In the screening procedure the competent body shall inform the public of the decisions.

If the evaluation of the need for strategic assessment establishes that the amendments to the plan and programme have likely significant environmental effects, the decision on the obligation to carry out the strategic assessment shall be issued containing in particular the reasons for establishing the need for strategic assessment in accordance with the criteria listed in Annex II of this Regulation.

If the evaluation of the need for strategic assessment establishes that the amendments to the plan and programme do not have likely significant environmental effects, the decision on not carrying out the strategic assessment shall be issued. In such cases, the decision shall contain in particular the basic information on the plan and programme and explanation of the reasons due to which the need for strategic assessment was not established, in accordance with the criteria listed in Annex II of this Regulation.

Article 6 – Scoping

15. How do you determine what is relevant information to be included in the environmental report in accordance with article 7, paragraph 2 (art. 6, para. 1)? Please specify (you can choose more than one option).

- a) By using annex IV **X**
- b) By using the comments from the concerned authorities **X**
- c) By using the comments from the public concerned, if it has been consulted **X**
- d) As determined by the competent authority based on its own expertise **X**
- e) By using other means (please specify):

Your comments:

Article 7 – Environmental report

16. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify.

- a) On a case-by-case basis
- b) As defined in the national legislation (please specify):
The strategic impact study defines, describes and assesses the likely significant effects on the environment which may be caused by the implementation of a plan or programme, including alternative options that take into account the objectives and scope of the plan or programme in question.

Your comments:

17. How do you ensure sufficient quality of the reports? Please specify.

- a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments **X**
- b) By using quality check lists
- c) There are no specific procedures or mechanisms
- d) Other (please specify): **X**
Prior to defining the draft proposal of the plan or programme to be submitted for public debate, including public inspection and public display, the draft plan and programme shall be reviewed and the results of the strategic assessment study evaluated in the opinion of the advisory expert committee.

Your comments:

Article 8 – Public participation

18. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (you can choose more than one option).

- a) Through public notices **X**
- b) Through electronic media **X**
- c) Through other means (please specify):

Your comments:

19. How do you identify the public concerned (art. 8, para. 3)? Please specify (you can choose more than one option).

- a) Based on the geographical location of the plans and programmes **X**
- b) By making the information available to all public and letting them identify themselves as public concerned **X**
- c) By other means (please specify):
- d) Your comments:

20. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (you can choose more than one option).

- a) By sending comments to the relevant authority/focal point **X**
- b) By providing answers to a questionnaire
- c) Orally
- d) By taking part in a public hearing
- e) Other (please specify):

Your comments:

21. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify.

- a) Yes (please provide the definition): **X**
Public inspection shall last at least 30 days.
- b) No, the time frame is given by a number of days for each commenting period
- c) No, it is defined case by case
- d) Other (please, specify):

Your comments:

Article 10 – Transboundary consultations

22. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify.

- a) During scoping
- b) When the draft plan or programme and the environmental report have been prepared **X**
- c) At other times (please specify):

Your comments:

23. As a Party of origin, what information, do you include in the notification (art. 10, para. 2)? Please specify.

- a) The information required by article 10, paragraph 2 **X**
- b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

24. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify.

- a) Yes (please, indicate how long):

When determining the time frame for the response, we take national legislation into account. Thirty days is a reasonable time to give a response. If an affected Party does not comply with the time frame, the Party would be reminded and it would then be considered that the Party has agreed to the project. If after a second notification an affected Party does not respond, both Parties shall agree on the decision.

- b) No

Your comments:

25. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify.

- a) Following those of the Party of origin **X**
b) Following those of the affected Party
c) Other (please specify):

Your comments:

Article 11 – Decision

26. When a plan or programme is adopted, explain how your country ensures that due account is taken of the (art. 11, para. 1).

- a) Conclusions of the environmental report **X**
b) Mitigation measures **X**
c) Comments received in accordance with articles 8 to 10 **X**

Your comments:

The strategic assessment procedure is concluded by the report of the body competent for the implementation of strategic assessment. It shall contain information on the manner in which environmental protection issues have been integrated in the plan or programme, the results of that procedure and the environmental protection measures and method of monitoring the application of measures which are included in the content of the plan or programme as well as the method of monitoring the significant environmental impacts of the plan or programme in question, as well as other data in conformity with the regulation. After having adopted the plan and programme, the body competent for its adoption shall, during the implementation of the plan and programme, ensure the monitoring of environmental protection measures which are included in its content.

27. How and when do you inform your own public and authorities (art. 11, para. 2)?

On the report and the adopted plan or programme the body competent for carrying out strategic assessment shall inform the public, bodies and/or persons designated by a special regulation and states which participated in transboundary consultations in the case that their participation was mandatory.

28. How do you inform the public and authorities of the affected Party (art. 11, para. 2)?

Please specify.

- a) By informing the point of contact
b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public **X**
c) By informing all the authorities involved in the assessment and letting them inform their own public

d) Other (please, specify):

Your comments:

Article 12 – Monitoring

29. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2).

The body competent for the adoption of the plan or programme shall, after its adoption, prepare the environmental monitoring programme relating to the implementation of the plan or programme. The environmental monitoring programme shall contain in particular: description of the objectives of the plan or programme, environmental monitoring indicators, method of verifying the implementation of environmental protection measures, procedure in the case of unforeseen adverse effects, other information, depending on the scope and characteristics of the plan or programme, funds required for the implementation of the environmental monitoring programme. For the purpose of avoiding duplication of environmental monitoring programmes in relation to the identical indicators, information from relevant monitoring programmes, which are already being implemented, may be used in relation to other plans and programmes.

Article 13 – Policies and legislation

30. Do you have national legislation on the application of principles and elements of the Protocol as regards policies and legislation (art. 13, paras. 1–3)? Please specify.

a) Yes (please specify which articles of the Protocol apply):

b) No X

Your comments:

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010 -2012

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

31. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object).

a) Yes ☐

b) No ☐

DOMESTIC AND TRANSBOUNDARY IMPLEMENTATION IN THE PERIOD 2010–2012

32. Which competent authority/authorities are responsible for carrying out the SEA procedure in your country? Please specify.

- a) If they are different for different types of plans and programmes X
- b) If they are different at different levels (national, regional, local) X
- c) If they are different for domestic and transboundary procedures X
- d) Please name the responsible authority/authorities: MENP

Strategic assessment of a plan or programme at the state level shall be carried out by the Ministry or the ministry competent for the sector for which the plan or programme is being adopted. Strategic assessment of a plan or programme at the regional level shall be carried out by the competent administrative body in the county or the City of Zagreb, in cooperation with the competent administrative department in the county or in the City of Zagreb, depending on the area for which the plan or programme is being adopted. MENP is competent authority for SEA transboundary procedures.

33. Does your SEA documentation always include a specific (sub)chapter on information on potential transboundary effects? Please specify.

- a) Yes
- b) No, only when potential transboundary effects are identified X

CASES DURING THE PERIOD 2010-2012

34. If possible, provide the (approximate) number of domestic and transboundary SEA procedures initiated during the given period and list them by referring to the sectors in article 4, paragraph 2.

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EXPERIENCE WITH THE STRATEGIC IMPACT ASSESSMENT PROCEDURE IN 2010-2012

35. If your country has had practical experience in implementing the Protocol, has this supported the integration of environmental, including health, concerns into the development of plans and programmes? Have the conclusions included in the environmental report influenced the drafting and resulted in altering of a plan or programme? Please, provide examples, if you have this information.

The strategic assessment procedure is concluded by the report of the body competent for the implementation of strategic assessment. It shall contain information on the manner in which environmental protection issues have been integrated in the plan or programme, the results of that procedure and the environmental protection measures and method of monitoring the application of measures which are included in the content of the plan or programme as well as the method of monitoring the significant environmental impacts of the plan or programme in question, as well as other data in conformity with the regulation.

36. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them. Does your country work together with other Parties to find solutions? If not, how does your country overcome the(se) problem(s)? Please, provide examples, if available.

No, in this report period.

37. Please share with other Parties your country's experience of applying the Protocol in practice, if such information is available. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

a) Your country's experience with domestic procedures:

- i. Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes?

No, in this report period.

- ii. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

b) Your country's experience with transboundary procedures:

- i. Translation is not addressed in the Protocol. How has your country addressed the question of translation? What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?

Croatia translates only basic information and summary if respective country is not from former Yugoslavia. For other we understand each other and the documentation has not been translated.

- ii. What does your country usually translate as a Party of origin?

Croatia translates only basic information and summary if respective country is not from former Yugoslavia. For other we understand each other and the documentation has not been translated.

- iii. Has your country carried out transboundary public participation according to article 10, paragraph 4? If so, how? Was your country the Party of origin or the affected Party? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (E.g., have there been complaints from the public about the procedure?)

Public debate is organised in compliance with national legislation, depending on the area potentially affected by the environmental project in the territory of a neighbouring country. There have been no negative experiences which would have complicated and slowed down the procedure.

- iv. Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes? If yes, describe such examples, if possible.

No, in this report period.

- v. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case within a “case study fact sheet” to be published on the website of the Convention and its Protocol?

COOPERATION BETWEEN PARTIES IN 2010–2012

38. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?

No, in this report period

EXPERIENCE REGARDING GUIDANCE IN 2010–2012

39. Are you aware of any use in your country of the Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment available online¹? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.

40. Do you provide any assistance and guidance to the public? If yes, please specify.

41. Do you support associations, organizations or other groups that promote the Protocol? If yes, please specify which and how.

42. Has your country had difficulties implementing the procedure defined in the Protocol?

No

AWARENESS OF THE PROTOCOL

43. Does your country see a need to improve the application of the Protocol in your country and, if so, how does it intend to do so?

Croatia has transposed EU EIA and SEA directives, has ratified Espoo and Aarhus Convention and SEA Protocol, practising EIA and SEA and conducting transboundary cases consider that at the moment there is no need for any specific activity to improve

¹ http://www.unece.org/env/eia/pubs/sea_manual.html

the application in Croatia. But we desperately feel the need to work with neighbouring countries on improvement of the efficiency of the transboundary procedures.

SUGGESTED IMPROVEMENTS TO THE REPORT

44. Please provide suggestions for how this report may be improved.

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