

Questionnaire for the

REPORT OF **Slovakia** 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

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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 ☐
 - b) Yes, with some differences: The definition is supplemented by the words from the Directive 2001/42/EC „including those co-financed by the European Community“
 - 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 ☒
 - 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 ☒
 - 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):
- b) No ☒

Your comments:

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): Act No. 24/2006 Coll. on environmental impact assessment (as amended)
- b) SEA provisions are transposed into another law(s) (please specify):
- c) Regulation (please indicate number/year/name):
- d) Administrative (please indicate number/year/name):
- e) Other (please specify): Edict of the Ministry of Environment of the Slovak Republic No. 113/2006 Coll. on the List of Professionally Qualified Persons for Environmental Impact Assessment.

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): Act No. 211/2000 Coll. on free access to information (as amended)
- f) Other (please, specify): Act No. 365/2004 Coll. on equal treatment and protection against discrimination (as amended), Act No. 71/1967 Coll. on administrative procedures (as amended), Act No. 99/1963 Coll. – Civil justice code (as amended)

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).

Plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and environment as well as plans and programmes co-financed by the European Union which are likely to have significant environmental effects and which set the framework for future development consent

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

The interpretation of whether a plan or programme sets the framework for future development consent lies in the fact whether such plan or programme foresees any projects or activities included in the annex with proposed activities which are subject either to the full EIA or to a screening procedure under the EIA.

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.

The legislation uses exactly the same wording. It is interpreted on a case-by-case basis. It could be for instance a plan or project dealing with a small area (e.g. a grassland with several trees and bushes) within a bigger area (residential area of a municipality) for which a land-use plan did undergo a full SEA.

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

On a case-by case basis. The modification in question must however, still fulfill the conditions of Art. 2(5) and Art. 4(2).

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):

Your comments: e.g. we added environment to the areas for which plans and programmes falling under the SEA are prepared

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.

The procedure is the same in full SEA as in screening – documentation is sent out and they are given a time period for comments that must be transmitted via post in writing.

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 ☒
- b) By sending written comments to the local municipality ☐
- 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: public concerned can participate in both - screening and scoping

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)?

Without undue delay, as soon as it is prepared.

Information: short description of the plan or programme, the outcome of the screening procedure, the comments received from authorities and public concerned and how they were taken into account, how the criteria for screening were taken into account, specific proposed measures to be taken into account in the adoption procedure and during the time the plan will be “in operation”, information that the affected municipality must make

this decision publicly available, information that such decision can be review under the Civil code of justice, etc.

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 ☒
- b) By using the comments from the concerned authorities ☒
- c) By using the comments from the public concerned, if it has been consulted ☒
- d) As determined by the competent authority based on its own expertise ☒
- 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):

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 ☒
- b) By using quality check lists ☐
- c) There are no specific procedures or mechanisms ☐
- d) Other (please specify):

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 ☒
- b) Through electronic media ☒
- 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 ☒
- b) By making the information available to all public and letting them identify themselves as public concerned ☒
- c) By other means (please specify):

Your comments: it depends on the specific plan or programme. Basically it is easy to determine public concerned for a land use plan of a municipality, but by making the

information publicly available on the internet other people can send comments who might not be living in the area but go there for holidays (for example a municipality with ski resorts or spas).

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 ☒
- 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):
- 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 ☐
- c) At other times (please specify): usually before scoping

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

Your comments: the initial information contains just a short description of the plan or programme under preparation, the indication that it might have a transboundary impact and a request to provide to the Party of origin information that should be assessed in the environmental report. Later on the information according to the Art 10(2) is forwarded to the Affected Party.

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):
- 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 ☐
- b) Following those of the affected Party ☐
- c) Other (please specify): case-by-case depending on the specific plan or programme and/or the affected Party in question

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:
- b) Mitigation measures:
- c) Comments received in accordance with articles 8 to 10:

Your comments: the authority preparing the plan or programme shall make a) – c) publicly available and explain how they were taken into account and included into the adopted plan or programme and shall give reasons for choosing the alternative selected in comparison to other alternatives.

27. How and when do you inform your own public and authorities (art. 11, para. 2)?
Without undue delay after the adoption of the plan or programme together with information according to the Art. 11 (1).

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 ☐
- 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 authority responsible for preparing the plan or programme and the relevant sector of government public administration are obliged to monitor and evaluate the impacts of the adopted plan or programme. If the authority responsible for preparing the plan or programme finds out that the real impacts are worse than it was expected and foreseen in the environmental report, it shall ensure that relevant mitigation measures are taken and also that the plan or programme is supplemented, changed or adapted as appropriate.

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 ☒

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 ☐

b) If they are different at different levels (national, regional, local) ☒

c) If they are different for domestic and transboundary procedures ☒

d) Please name the responsible authority/authorities:

- domestic national level + transboundary national level – all ministries,
- transboundary regional + local level – Ministry of Environment,
- domestic regional + local level – regional + local authorities

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 ☐

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.

For the whole Slovakia – 569 finished procedures, out of which 1 was transboundary. There 2 more transboundary procedures currently running. It is not possible to specify the procedures referring to sectors from Art. 4(2), however, the vast majority were from the sector of town and country planning or land use.

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.

Yes, it supported. The SEA procedures contribute to the integration of environmental including health concerns into the preparation of plans and programmes. More specifically, there are often significant changes and modifications of the original plans in town/country planning or land use plans as a result of the SEA.

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.

Slovakia had some difficulties interpreting the terms “small areas at local level” - problems partially solved after discussions were held with relevant authorities at all levels (national, regional, local), still the term “minor modifications” remains unclear.

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?

Currently we are not able to provide such information.

- 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”?

Due to the lack of information regarding monitoring according to Art. 12, we cannot provide such examples. However, as public participation in general is concerned and the possibility for consultations, they are provided for in the legislation during the whole SEA procedure.

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?

The legislation does not deal with the issue of translation within transboundary SEAs, it is rather dealt with case by case where in majority of cases the proponent of the plan or programme bears the costs. Costs for translations and interpretations are indeed the most frequent problems occurring within the procedures.

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

As a minimum a non-technical summary of the environmental report.

- 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?)

Yes, both – the affected Party and the Party of origin as well. The public is informed mainly through internet and public notices in the municipalities concerned (or local public address systems). We have not experienced major difficulties with public participation.

- 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.

Not within 2010 – 2012.

- 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?

There is just one finished transboundary procedure for 2010-2012, namely with Austria being the Party of origin. It was a standard procedure carried out according to the legislation of both countries.

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?

We haven't had such difficulties.

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.

We miss some guidance on the problematic areas, such as how to approach the term “minor modification”.

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

No.

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

No.

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?

Yes – organizing seminars, workshops, publishing leaflets and information for professional and general public.

SUGGESTED IMPROVEMENTS TO THE REPORT

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

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