

## Questionnaire for the

# REPORT OF **REPUBLIC OF SLOVENIA** 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:

Ms. Vesna Kolar-Planinšič, M.Sc.

Ministry of Agriculture and the Environment

Dunajska cesta 22

SI-1000 Ljubljana

Slovenia

T: 00 1 478 7329

F: 00 1 478 7132

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

Name and contact information (if different from above):

Ministry of Foreign Affairs

Prešernova cesta 25

SI-1000 Ljubljana

Slovenia

### **Information on the person responsible for preparing the report**

- i. Country: Slovenia
- ii. Surname: Kolar-Planinšič
- iii. Forename: Vesna
- iv. Institution: Ministry of Agriculture and the Environment
- v. Postal address: Dunajska cesta 22, SI-1000 Ljubljana
- vi. E-mail address: [vesna.kolar-planinsic@gov.si](mailto:vesna.kolar-planinsic@gov.si)

vii. Telephone number: 00 1 478 7329

viii. Fax number: 00 1 478 7132

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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 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: X

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):

b) **No X**

Your comments: R Slovenia ensure that the public concerned, including non-governmental organizations, has the opportunity to express its opinion on the draft plan or programme and the environmental report.

## 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): Environment Protection Act (Off. Gazette, No. 41/04, 20/06, 39/06, 70/08, 108/09, 48/12, 57/12), Law on ratification of Convention on Environmental Impact Assessment in a transboundary context (Off. Gazette, No. 11/98).**
- c) Regulation (please indicate number/year/name):

*Uredba o vrstah posegov v okolje, za katere je obvezna presoja vplivov na okolje. Decree on categories of projects for which an environmental impact assessment is mandatory. Ur.l.RS, št.66/1996, št. 12/2000, 83/2002, 78/2006*

*Pravilnik o presoji sprejemljivosti vplivov izvedbe planov in posegov v naravo na varovana območja, Rules on the assessment of acceptability of impacts caused by the execution of plans and activities affecting nature in protected areas Ur.l. RS, št. [130/2004](#), 53/2006, 38/2010, 3/2011*

*Uredba o merilih za ocenjevanje verjetnosti pomembnejših vplivov izvedbe plana, programa, načrta ali drugega splošnega akta in njegovih sprememb na okolje v postopku celovite presoje vplivov na okolje, Decree laying down the assessment of significant impact of plans, programmes or other acts or their changes in the strategic environmental assessment, Ul.l.9/2009. <http://www.uradni-list.si/1/index?edition=20099>*

*Uredba o okoljskem poročilu in podrobnejšem postopku celovite presoje vplivov izvedbe planov na okolje. Decree laying down the content of the environmental report and on the detailed procedure for the assessment of the effects on certain plans and programmes on the environment, Ur.l. RS, št. [73/2005](#).*

- d) Administrative (please indicate number/year/name):  
Establishing of SEA team in 2004.  
Development of SEA procedures with other ministries and organization, including health and capacity building 2004-2008  
Establishing SEA department in 2006  
Upgrading with expert team of 10 experts in 2010
- e) Other (please specify):  
Your comments: non

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): Environmental Protection Act (2004, 2012), Art. 40-46.
- 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): Environmental Protection Act (Off.G. No. 41/04,20/06,39/06, 70/08, 108/09, 48/12, 57/12).
- f) Other (please, specify):  
Your comments: non

#### Article 4 – Field of application

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

A Strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and urban planning or land use, and which set the framework for future development consent for projects listed in annex I and annex II, and if assessment is needed under Habitat and Wild Birds Directive (Nature Conservation Act).

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

R Slovenia adopted a Decree on the categories of activities for which an environmental impact assessment is mandatory (Off. Gazette, No. 78/06, 72/07, 32/09, 95/11, 20/13). The part of Decree are annex I and annex II where the thresholds for projects that need and environmental impact assessment are defined.

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.

According to Decree on criteria for determining the likely significance of environmental effects of certain plans, programmes or other acts and its modifications in the environmental assessment procedure (Off. Gazette, No. 9/09) - every plan/programmes that are not listed on Annex I and Annex II and if assessment under Habitat and Wild Birds Directive (Nature Conservation Act) is not needed.

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

Decree on criteria for determining the likely significance of environmental effects of certain plans, programmes or other acts and its modifications in the environmental assessment procedure (Off. Gazette, No. 9/09) – The criteria is set out in art. 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 X**  
b) By specifying types of plans and programmes ☐  
c) By using a combination of (a) and (b) ☐  
d) Other (please specify):

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: Decree on criteria for determining the likely significance of environmental effects of certain plans, programmes or other acts and its modifications in the environmental assessment procedure (Off. Gazette, No. 9/09) – Art. 3 – The environmental and health authorities are asked for their opinion if plan or programme are likely to have significant environmental, including health, effects.

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 X**
- f) Other (please specify):

Your comments:

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)?

Art. 40, para. 6 Environment Protection Act – On the web page of The Ministry final decisions are available if SEA is required or SEA is not required for plans/programmes.

#### **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 ☐
- 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 X**
- 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 X**

- 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 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:

Your comments:

Based on the geographical location of the plans and programmes – Mostly use for small plans, municipal plans, ...

By making the information available to all public and letting them identify themselves as public concerned – Mostly use for operative programmes, strategies, ...

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 X**
- d) **By taking part in a public hearing X**
- 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): at least 30 days (Art. 43 Environment Protection Act)**
- 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): As early as possible and no later when informing our public about proposed activity.**

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: R Slovenina send notification to the affected Party as early as possible. We usually send notification with the description of activity/plan/programme and ask the affected Party for its response whether it intends to participate in the SEA. In case that affected Party indicates its desire to participate in the SEA we provide additional information, e.g. translated environmental impact report, ...

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 X**

**Your comments: The proposed time frame for response to the notification is usually 30 days.**

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): X**

Your comments: We make agreement on the timeframe for consultation.

## **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:

According to the provision in Environmental Protection Act the environmental report and mitigation measures provided in the report, consultation with ministries and organization, public and affected Party as well as their public should be taken into account in the preparation of the final decision on environmental acceptability prior the final decision on plan.



27. How and when do you inform your own public and authorities (art. 11, para. 2)?  
We inform our public by electronic means and authorities by electronic means and written formats.

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 X ☐
- 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).

Art. 48 – Environment Protection Act – It the ministry on the basis of environmental monitoring or in any other manner get information that the implementation of the plan/programme has unforeseen adverse effects on the environment, it shall inform responsible authority that have to with their responsibilities to ensure their reduction or elimination.

## 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 X

## 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: The Ministry of Agriculture and the Environment**

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.

Transboundary procedures: 10  
Water management programme: 1  
Energy programme: 1  
Town and country planning or land use 8

## 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, this was the case; environmental conclusions from ER were integrated in a plan and influenced on it. For example National Spatial plan for hydro power plants Brežice and Mokrice.

36. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them.

Non.

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.

Yes, we work together with other parties in order to find solutions; in this case we meet often on technical consultations, especially with our neighbouring Croatia and Austria.

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?

Yes. Monitoring in SEA is under development.

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"?

SEA for National Spatial Plan Brežice and Mokrice is our best case regarding good practice with Croatia. We would 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?

As a Party of origin we usually translate a documentation in language of affected Party.

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

We usually translate a draft programme and an environmental report (non-technical summary and chapter on transboundary impacts).

- 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 we carried out transboundary public participation as a party of origin. We experienced some difficulties but we take into account all public comments and integrate them into plan as much as possible.

- 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 yet.

- 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?

SEA for the National Spatial plan for HP plant Mokrice is no doubt our best case regarding good practice in transboundary consultations in the reported period. We would like to present it.

#### 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?

Not yet.

#### 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 online<sup>1</sup>? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.

We are using the Resource manual to Support the Application of the Protocol on SEA. It is very useful for the preparators of Plan or Programme to follow the procedure.

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.

Not applicable in reporting period.

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?

No need for improvement. There is a need to organise conference to show good practice experiences in UNECE.

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<sup>1</sup> [http://www.unece.org/env/eia/pubs/sea\\_manual.html](http://www.unece.org/env/eia/pubs/sea_manual.html)

## SUGGESTED IMPROVEMENTS TO THE REPORT

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

No suggestion.

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