

Questionnaire for the report of the Czech Republic on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018

Information on the focal point for the Protocol

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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 3 General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

(a) Law on SEA (please indicate number/year/name): Act No. 100/2001 Coll., of 20 February 2001 on the Environmental Impact Assessment and amending some related laws (the Act No. 100/2001 Coll.)

(b) SEA provisions are transposed into another law(s) (please specify): Act No. 183/2006 Coll., of 14 March 2006 on town and country planning and building code (the Building Act), Act No. 114/1992 Coll., of 19 February 1992 on Nature and landscape protection as amended (the Nature and Landscape Protection Act)

(c) Regulation (please indicate number/year/name):

(d) Administrative rule (please indicate number/year/name):

(e) Other (please specify):

Your comments: The SEA issue is included in the Act No. 100/2001 Coll. as its fully-fledged part. The one specific SEA procedure provisions for land use PPs are provided by the Building Act (ref. the EIA Act, § 10i).

Article 4 Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation: All plans and programmes ("PPs") in listed areas that set the framework for future approval of projects set out in Annexe No 1 to the Act No. 100/2001 Coll. and PPs with potential significant environmental impact to the Natura 2000 Sites [the Act No. 100/2001 Coll., § 3 (b), § 10a].

I.3. Explain how you define whether a plan or programme "set the framework for future development consent" (art. 4, para. 2): It is given whenever plans and programmes set conditions for permitting projects listed in Annex No. 1 to the EIA Act in particular regarding location, nature, size, operating conditions or demands on natural resources [the EIA Act, § 10a (2)]

I.4. 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: As strategic documents of local nature, in contrast to PPs at regional or national level. Its potential significant environmental impact is a key criterion to carry out the SEA, though. Decision on local level issues is made on a case-by-case basis [the Act No. 100/2001 Coll., § 10a (b)].

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4): We do not specify this expression. The Act No. 100/2001 Coll. states "modification" [the Act No. 100/2001 Coll., § 10a (1c)]. Still, the significance of PPs' potential impact is the key criterion.

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 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:

I.7. 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)?

No

Yes (please specify (more than one option may apply)):

- (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) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify):

Your comments:

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)? The relevant information, i.e. chapters that must be contained in the SEA report, is listed in the Annexe No. 8 to the Act No. 100/2001 Coll.

Article 7 Environmental report

I.9. 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):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. 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 checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify): The SEA report is always elaborated by person with special authorization given by CZ Ministry of the Environment.

Your comments: All information required are listed in the Annexe No. 9 to the Act No. 100/2001 Coll Moreover, an information quality check is made by the competent (SEA) authority. If the SEA Report is not sufficient, it is returned to be reelaborated or complemented.

Article 8 Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

(a) Through public notices

(b) Through electronic media

(c) Through other means (please specify):

Your comments: The PP and its SEA Report is published to the SEA Information System website and potentially affected public (via regional authorities), expert institutions and involved stakeholders (indicated according to PP character and its potential impact range) are informed and ask for comments by official notice. Anybody can submit her or his comments to the SEA authority within given deadline.

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

(a) Based on the geographical location of the plans and programmes

(b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes

(c) By making the information available to all members of the public and letting them identify themselves as the public concerned

(d) By other means (please specify):

Your comments: The term “public concerned” is not distinguished for the SEA procedure. The authorities and institutions concerned are identified by (a)-(b) combination,

while (b) is more important, and informed by official letter. At the same time, PP and its SEA report is published to internet and thus available to all public, so anybody can participate.

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (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: The Act No. 100/2001 Coll. permits a public hearing to be dropped under certain circumstances [the Act No. 100/2001 Coll., § 10f (2)]. In case of land-use PPs, a public hearing is obligatory. The (a) opportunity is guaranteed always.

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period
- (b) No, it is defined case by case
- (c) Yes (please provide the definition):
- (d) Other (please specify):

Your comments:

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments: The Act No. 100/2001 Coll., § 10c (2). The Building Act, § 31 - 55c.

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments: The Act No. 100/2001 Coll., § 10c (2), § 10e (4), § 10f, § 10g (5), (6). The Building Act, § 31 - 55c. The Nature and Landscape Protection Act, § 45i.

I.17 Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

Article 10

Transboundary consultations

I.19. 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):

Your comments:

I.20. 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): So called Non-technical Summary summarizing the PP's significant environmental impacts with focus on foreign territories (significant transboundary impacts).

Your comments:

I.21. 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) No

(b) Yes (please indicate how long):

Your comments:

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify): The arrangements and time frame is agreed on case-by-case basis. We haven't experienced any substantial difficulties regarding this question.

Your comments:

Article 11 Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) The conclusions of the environmental report

(b) Mitigation measures

(c) Comments received in accordance with articles 8 to 10

Your comments:

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)? The PP's submitter is obliged to make the adopted PP and the statement determined by art. 11 (2) of the SEA Protocol publicly available [the Act No. 100/2001 Coll., § 10g (5), (6), the Building Act, § 31 - 55c].

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

(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:

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

(b) Other (please specify):

Your comments: The Act No. 100/2001 Coll., § 10g (5), (6), § 14a (5), the Building Act, § 31 - 55c.

Article 12 Monitoring

I.27. 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 submitter of the PP is obliged to provide for monitoring and analysis of the impacts of the adopted PP on the environment and public health (the Act No. 100/2001 Coll., § 10h).

Part two Practical application during the period 2016–2018

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.

II.1. 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

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

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

3. Cases during the period 2016–2018

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2: I assume there is a mistake in the question, while 2016 - 2018 is the requested period. Therefore the transboundary SEA procedures in 2016 - 2018 are listed below.

There was no notification on any Czech PP with transboundary impact on other countries in period 2016-2018. But in case of foreign PPs with impact on the Czech territory, there have been 6 SEA procedures initiated between 2016 and 2018. Two of the PPs concerned have been prepared for transport, two for regional land-use planning, one for energy and one for waste management sector (radio-active waste management).

4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

- (a) No
- (b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples: In case of lasting disagreement, a bilateral face-to-face meeting is arranged where a compromise is usually found (e.g. on technicality and quality of SEA report to a Polish PP). However, an agreement is made on regular basis most of the time.

II.7. With regard your country's experience with domestic procedures, 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) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)? The monitoring obligation is carried by the authority/body who prepared the PP and it is obliged to make the monitoring outcomes publicly available. However, in practice, the SEA authority has no legal tools to supervise or enforce the monitoring execution

(b) 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"?

- (i) No
- (ii) Yes (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, 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) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation CZ as country of origine: documents for affected Parties are translated into their official languages. As affected Party, CZ sends its statements and comments in English. Face-to-face meetings are held in both official languages with interpreters support.

(ii) Other issues

(b) What does your country usually translate as a Party of origin?

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes (please indicate how): The PP and its SEA Report as well as its subsequent changes is published to the SEA Information System website and potentially affected public (via regional authorities), expert institutions and involved stakeholders (indicated according to PP's character and its potential impact range) are informed and ask for comments by an official notice. However, anybody can submit her or his comments to the SEA authority within given deadline.

(d) What has been your country's experience of the effectiveness of public participation? Public points out serious local questions that the country of origin must deal with, e.g. also thanks to public participation CZ has reached higher quality and technicality of SEA report in case of a Polish PP with significant impact on CZ territory.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes (please describe):

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

In case of public participation we proceed as it is described in the item II.8(c)(ii) above. At the same time, we inform the country of origin to ensure CZ participation is taken into account and CZ time frame is respected. Afterwards, an official statement of the Czech Republic (based also on all submitted comments) including all the submitted comments of the Czech public is sent to the country of origin.

5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

(a) No:

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

(b) Part of it (Please specify): We are aware of its partial use in general, but we are not informed about any specific cases.

(c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

(a) No:

(b) Yes Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:
