

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

Information on the focal points for the Protocol

1. Name and contact information:

Joanna Constantinidou

Environment Officer A', Department of Environment,
Ministry of Agriculture, Rural Development and Environment
Postal Add: Department of Environment, 1498 Nicosia, Cyprus
T: +357 22408920 / F: +357 22774945
E mail. jconstantinidou@environment.moa.gov.cy

Dr. Theodora Ioannou

Environment Officer, Department of Environment
Ministry of Agriculture, Rural Development and Environment
Postal Add: Department of Environment, 1498 Nicosia, Cyprus
T: +357 26 804 574, F: +357 22 774 945
E mail. theioannou@environment.moa.gov.cy

Irene Constantinou

Senior Environment Officer
Department of Environment
Ministry of Agriculture, Rural Development and Environment
Postal Add: Department of Environment, 1498 Nicosia, Cyprus
T: +357 22408930 / F: +357 22774945
E mail. iconstantinou@environment.moa.gov.cy

Information on the point of contact for the Protocol

2. Name and contact information (if different from above):

Information on the person responsible for preparing the report

3. Country: Cyprus
4. Surname: Koutroukides
5. Forename: Demetris
6. Institution: Department of Environment
7. Postal address: As above
8. Email address: dkoutroukides@environment.moa.gov.cy
9. Telephone number: +357 22 408927
10. Fax number: As above
11. Date on which report was completed: 7.11.19

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):
Law on the Assessment of Impact on the Environment from Certain Plans and/or Programmes (No.102(I)/2005). The SEA Directive was transposed into national legislation in 2005.
- (b) SEA provisions are transposed into another law(s) (please specify): **No, as above.**
- (c) Regulation (please indicate number/year/name): **N/A (not applicable)**
- (d) Administrative rule (please indicate number/year/name): **N/A (not applicable)**
- (e) Other (please specify):

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

An SEA is carried out for all plans and programmes which:

- (a) **are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC (EIA Directive), or**
- (b) **in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC (Habitats Directive).**
- (c) **However plans and programmes referred to in paragraphs (a) and (b) above which determine the use of small areas at local level, and minor modifications to plans and programmes also referred to in paragraphs (a) and (b) above, require an SEA only where the responsible authority determines that they are likely to have significant environmental effects.**

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2): **This refers to the framework for future development consent, as legislatively defined by the Law on the Assessment of the Environmental Impacts of certain Projects (No. 127(I)/2018). Annexes I and II of the aforementioned law, describe in detail all projects involving an Environmental Impact Assessment and require future development consent.**

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: **Interpretation is on case by case basis, depending on the plan or programme, ensuring that it is located in a small area at a local level.**

I.5. 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, judging whether the modification is minor, as far as its importance, urgency and extent are concerned.**

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 (screening)

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

- (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): **A combination of the above is usually followed, on a case by case basis. The public is informed through a publication in 2 national newspapers, the government gazette and also a reference in the web page of the Department. A period of 35 days is allowed for any interested party to raise comments on any plan/programme. Opinions or objections raised by the public are taken into consideration. Scoping procedure requires consultation of the public and the authorities referred in article 14(1) of the SEA Law. Article 15 of the SEA Law sets these provisions in more detailed analysis.**

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)?

According to article 15(1)(a) of the Law on the Assessment of Impact on the Environment from Certain Plans and/or Programmes (No.102(I)/2005), the information required for the environmental report, is included in Annex I (of the aforementioned Law).

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: Determined on a case by case basis. **In Cyprus, there is no definition of “reasonable alternatives” or any requirements concerning the number of reasonable alternatives. The choice of reasonable alternatives is determined by means of a case-by-case assessment and a decision. Reasonable alternatives may involve an alternative location, or different methods/procedures undertaken in order to achieve the aims of the plan/programme, or even the “do nothing” scenario.**

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): **In cases where reports are considered insufficient, written comments are sent to the competent authority, who is obliged to improve the quality of the report, or otherwise the report is sent back to the applicant for revision. It is also worth mentioning that according to article 15(1)(a) of the Law on the Assessment of Impact on the Environment from Certain Plans and/or Programmes (No.102(I)/2005), criteria for determining the importance of possible environmental impacts, are included in Annex II (of the aforementioned Law).**

Your comments:

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 (**upload at the website of the Department of Environment**)
- (c) Through other means (please specify): **Publication in 2 national newspapers, and the government gazette. A period of 35 days is allowed for any interested party to raise comments on any plan/programme.**

Your comments: **The SEA report is made available to the public for consultation at the time the competent authority submits it to the Environmental Authority for assessment, which coincides with the moment when the draft plan or programme is available. At the time of submission, the SEA report is uploaded at the website and is archived for inspection during working days and hours at the offices of the environmental authority and the competent authority [Articles 13(c) and 23(1)(e)].**

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): **In Cyprus, Article 14(2) of the SEA Law includes the public affected or likely to be affected by, or having an interest in, the decision-making subject to plan and / or programme, including relevant non-governmental organisations, such as those promoting environmental protection. The competent authority consults the public and NGOs, as well as the Committee and local authorities, on the impacts of the plan and / or programme to the environment. Based on the nature of the proposed plan/programme, and whether it is likely to have an impact on the everyday life of various groups/stakeholders (eg. in aquaculture zoning, fishermen organisations should be informed/notified, since they should be considered as stakeholders.)**

Your comments:

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: **In point c above, depending on the plan/programme under study, representatives of the public affected are invited to the meeting(s) scheduled by the Assessment Committee established, under article 7 of Law**

No.102(I)/2005. Opinions or objections raised are taken into consideration by the Environmental Authority.

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): **A period of 35 days is allowed for the public to raise comments on any plan/programme.**
- (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: **According to article 7 (Law No.102(I)/2005), the Assessment Committee established, is chaired by the Department of Environment and consists of representatives from the Ministries of Interior, of Commerce, Industry and Tourism, of Communication and Works, the Directorate General for European Programmes, Coordination and Development, the Cyprus University and Cyprus Technical University, the Federation of Environmental and Ecological Organisations and the Scientific and Technical Chamber of Cyprus. The Committee advises the Environment Department on the contents of the Environmental Opinion.**

Cyprus has not designated the authorities to be consulted which are likely to be concerned by the environmental effects of implementing plans and programmes. They are specified on a case-by-case basis according to the type of plan and / or programme and are listed below:

- Department of Environment (EIA Directive, Habitats Directive, Industrial Emissions Directive, Waste Framework Directive, Climate Change Policy),
- Department of Forests (Habitats Directive),
- Game Fund (Habitats Directive),
- Department of Water Development (Water Framework Directive, Flood Risk Directive),
- Department of Fisheries and Marine Research (Marine Strategy Framework Directive),
- Department of Labour Inspection (Air Quality Directive, Seveso Directive).

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:

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: **They usually express their opinion in the meeting scheduled by the Assessment Committee established under Law No.102(I)/2005.**

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: **Up to present, the Cyprus Government has proceeded to a transboundary environmental impact assessment for only a single case, not during this reporting period before the finalization of the environmental report.**

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):

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: **A reasonable time frame is provided, on a case by case basis.**

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 to ensure that the public and the authorities concerned in the affected Party are informed sufficiently (within a reasonable time frame), are made on a case by case basis, taking into account the national importance, urgency and extent of the proposed plan/project.**

Your comments:

Article 11 Decision

I.23. When a plan or programme is adopted 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: **The Environment Department informs the relevant authorities, the competent authority, the public, and any Member State consulted in respect of a transboundary context about the adoption of the plan or programme, including the items referred to in paragraphs (a) to (c) above.**

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)?

Pursuant to Article 22 of the SEA Law, the decision on the adoption of a plan or programme is made available to the public. Once the competent authority informs the Environmental Authority on the contents of its decision, the plan or programme as adopted and the reasons of this decision, the Environmental Authority publishes this decision in the Official Journal and two daily newspapers. More information is uploaded at its website and is archived for inspection during working days and hours at the offices of the environmental authority.

The decision of the Environment Department regarding a plan or programme to be adopted, is uploaded in the Department's website.

There is no specific reference in the Regulations for the time-frame within which this information should be made available by the responsible authority and therefore the approach is to inform the public and authorities as soon as is reasonably practicable after the decision taken regarding the plan or programme.

I.25. How do you inform the public and authorities of the affected Party (art. 11, para2)

- (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: **When such a case occurs, depending on the proposed development, both practises described in (a) and (b) above will be used.**

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 public, the authorities and the Parties consulted are informed of the decision, according to the provisions of articles 22(2) and 23 of Law No.102(I)/2005

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):

?????

With regards to monitoring, Cyprus is planning to establish monitoring methods or indicators, drawing up national guidance. The monitoring indicators are set on a case-by-case basis. Usually the monitoring requirement is satisfied by submitting a monitoring programme within the SEA report. Additionally, the competent authority submits a monitoring report to the Environmental Authority on time and frequency set by the Environmental Authority i.e. every two years in case of Operational Programmes or in five years in case of Land Use Plans.

Although there is no provision on bodies, time and frequency of the monitoring plan in the SEA Law, usually the SEA report and the Opinion provides certain terms and conditions that define the responsible bodies, time and frequencies for monitoring of significant impacts.

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:

There were no transboundary SEA procedures initiated during the period 2013–2015.

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: **Not applicable (N/A)**

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)?

Monitoring has been carried out for any plan/programme on a case-by-case basis. On specific plans or programmes a monitoring report is required after its adoption. The timeframe of delivering this report is varied.

(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:

(N/A. Not applicable, since no transboundary case has been carried out in the reporting period).

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

(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):

(d) What has been your country's experience of the effectiveness of public participation?

(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)?

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:
- (b) Part of it (Please specify):
- (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:
Cyprus is currently in the process to improve the procedures, in order to ensure a more efficient implementation of national legislation and the Protocol.

7. Suggested improvements to the report

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

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