

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

## **Information on the focal point for the Protocol**

1. Name and contact information:

Vesna Kolar Planinšič, Msc.

Ministry of the Environment and Spatial Planning

Dunajska 48

1000 Ljubljana

Slovenija

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

2. 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**

3. Country: Slovenia
4. Surname: Kolar Planinšič
5. Forename: Vesna
6. Institution: Ministry of the Environment and Spatial Planning
7. Postal address: Dunajska 48, 1000 Ljubljana, Slovenia
8. Email address: vesna.kolar-planinsic@gov.si
9. Telephone number: +386 (01) 478 7329

10. Fax number: -
11. Date on which report was completed: 30 May 2019

# 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):
- (b) SEA provisions are transposed into another law(s) (please specify):

Slovenia has no specific Law on SEA, but SEA Protocol provisions are transposed into the : The Environmental Protection Act (Official Gazette of the Republic of Slovenia, *Zakon o varstvu okolja* (Uradni list RS, št. 39/06 – uradno prečiščeno besedilo, 49/06 – ZMetD, 66/06 – odl. US, 33/07 – ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09, 108/09–ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16, 61/17 – GZ, 21/18 – ZNOrg in 84/18 – ZIURKOE). Articles 40 -46 are of the Environmental Protection Act transpose all SEA principles and stages. In additional to the Law, there are decrees and rules.

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

Rules on the assessment of acceptability of impacts caused by the execution of plans and activities affecting nature and protected areas (Official Gazette of the Republic of Slovenia, 130/2004, 53/2006, 38/2010, 3/2011);

Decree laying down the assessment of significant impact of plans, programmes or other acts or their changes in the strategic environmental assessment (Official Gazette of the Republic of Slovenia 9/ 2009);

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 (Official Gazette of the Republic of Slovenia 73/2005);

The Decree on the assessment of the effects of certain public and private projects on the Environment (Official Gazette of the Republic of Slovenia, 78/06, 72/07, 32/09, 95/11, 20/13, 51/14, 57/15).

- (d) Administrative rule (please indicate number/year/name):
- (e) Other (please specify):

Your comments:

## Article 4

### Field of application concerning plans and programmes

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

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 and if assessment is needed under Habitat and Wild Birds Directive (Nature Conservation Act).

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

R Slovenia adopted Decree with the categories of activities for which an environmental impact assessment is mandatory called “The Decree on the assessment of the effects of certain public and private projects on the Environment (Official Gazette of the Republic of Slovenia, 78/06, 72/07, 32/09, 95/11, 20/13, 51/14, 57/15).”

The part of Decree is annexes with the list of the projects for which:

- a.) Environmental Assessment is obligatory,
- b.) Screening is obligatory.

There are criteria for screening assessment in the Appendix of the Decree.

The Art. 40 of the Environmental Protection Act define the condition that the plan or programme set the framework for the EIA activities.

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:

The areas at local level are not interpreted and the legislative measures for transposition of art.4, para.4 are not adopted.

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4): The Environment Protection Act defines the obligation for SEA screening for all plans and their changes.

## 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)?

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 (Official Gazette of the Republic of Slovenia 73/2005) determine that SEA expert prepare aims and indicators and main SEA report issues and could ask the Ministry of the Environment and Spatial Planning for its opinion and confirmation. In the case that they ask for the opinion, the Ministry is consulting also other ministries and organisation, responsible for certain environmental issues, including health.

## **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):

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
- (c) Through other means (please specify):

Your comments:

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:

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:

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):

Definition is 30 days.

- (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:

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, and 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):

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): By bilateral consultation.

Your comments: It is important that there is enough time for consultations, and that both time frames are respected, so we agree on time frame.

## **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: In line with Art. 46, the environmental acceptance decision has to describe all the elements.

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)? Just after issuing the final environmental acceptability decision it is published on web page.

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):

Art. 46 of Environmental Act.

(b) Other (please specify):

Your comments:

## **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 Art. 46 of the Environmental Protection Act define that the environmental monitoring of the plan needs to be included into final decision. In the case that ministry finds out that there are additional environmental impacts during the implementation of the plan, the Art. 48 obliged its reduction or additional mitigation.

## **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 2016–2018 and list them, grouped by the sectors listed in article 4, paragraph 2: non

## 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:

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)?

Not in this period.

(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
- (ii) Other issues

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

(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? It is very effective to organise the public hearing and publish all material to the web page. In parallel there is positive to have media information.

(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)?

As an affected Party, we 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 by sending documentation to them and give the orientation date for comments.

## 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)*?<sup>1</sup>:

(a) No:

(b) Part of it (Please specify):

(c) Yes  (please describe your experience): Experiences are positive, we publish link to the guidance on the web page and translate them into Slovene language, while it helps proponents of the plan to understand the procedure, in specific the integration of measures into the final plan.

Your comments on how the Guidance might be improved or supplemented: No need.

## 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: By capacity building and better integration of health.

---

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

## 7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved: No suggestion.

---