

Questionnaire for the report of GERMANY 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:

Alice Kinne

Division G I 2

Cross-sectoral Aspects of Environment Legislation, Environmental Assessment
Legislation, Environmental Appeals Act

Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

Stresemannstraße 128 - 130, 10117 Berlin, Germany

Phone +49 (0)30 18 305-6437

Fax +49 (0)30 18 305-3393

Email alice.kinne@bmu.bund.de

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: Germany

4. Surname: Kinne

5. Forename: Alice

6. Institution: Federal Ministry for the Environment, Nature Conservation and Nuclear
Safety

7. Postal address: Stresemannstraße 128 - 130, 10117 Berlin, Germany

8. Email address: alice.kinne@bmu.bund.de

9. Telephone number: +49 (0)30 18 305-6437

10. Fax number: 49 (0)30 18 305-3393

11. Date on which report was completed: 11.11.2019

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):
- *German Federal EIA act, implementing inter alia the provisions of the Protocol on Strategic Environmental Assessment. The German Federal EIA act was last amended by article 2 of the Act of 8 September 2017 (Federal Law Gazette I p.3370)*
 - *Ratification Act for the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, published on 3 June 2006 (Federal Law Gazette II p. 497)- implemented by the German Federal EIA act*
- (b) SEA provisions are transposed into another law(s) (please specify): *Law on the Adaptation of the Building Code to EU Directives, published on 24 June 2004 (Federal Law Gazette I p. 1359)*
- (c) Regulation (please indicate number/year/name):
- (d) Administrative rule (please indicate number/year/name):
- (e) Other (please specify):

Your comments: *SEA provisions of the Protocol have been implemented by several laws and regulations. The laws mentioned above are the most important ones. As Germany is a Federal State, additional provisions on SEA can also be found in the legislation of the 16 German States (Länder).*

Article 4 Field of application concerning plans and programmes

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

No.	Plan or programme
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1.	Obligatory strategic environmental assessment in accordance with Section 35 subsection (1) number 1 of the Federal German EIA Act [Gesetz über die Umweltverträglichkeitsprüfung]
1.1	Transport infrastructure planning at federal level, including requirement plans under a federal transport infrastructure upgrading act
1.2	Upgrading plans in accordance with Section 12 subsection (1) of the Civil Aviation Act (LuftVG), if the preparation or amendment of such plans significantly exceeds the scope of the decisions in accordance with Section 8 subsections (1) and (2) of the Civil Aviation Act
1.3	Risk management plans in accordance with Section 75 of the Federal Water Act (WHG) and updates to comparable plans in accordance with Section 75 subsection (6) of the Federal Water Act
1.4	Programmes of measures in accordance with Section 82 of the Federal Water Act
1.5	Spatial planning in accordance with Section 13 of the Spatial Planning Act (ROG)
1.6	Spatial planning at federal level in accordance with Section 17 subsections (1) and (2) of the Spatial Planning Act
1.7	(deleted)
1.8	Land use planning in accordance with Sections 6 and 10 of the Federal Building Code (BauGB)
1.9	Programmes of measures in accordance with Section 45h of the Federal Water Act
1.10	Federal requirements plans in accordance with Section 12e of the Energy Industry Act (EnWG)
1.11	Federal sectoral planning in accordance with Sections 4 and 5 of the Grid Expansion Acceleration Act (NABEG)
1.12	National action programmes in accordance with Article 5(1) of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375 of 31 December 1991, p. 1), last amended by Regulation (EC) No. 1137/2008 (OJ L311 of 21 November 2008, p. 1)
1.13	The national programme for the responsible and safe management of spent fuel and radioactive waste in accordance with Section 2c of the Atomic Energy Act (AtG)
1.14	Offshore federal sectoral plans in accordance with Section 17a of the Energy Industry Act
1.15	Determination of siting regions for above-ground exploration in accordance with Section 15 subsection (3) of the Repository Site Selection Act (StandAG)
1.16	Determination of sites for below-ground exploration in accordance with Section 17 subsection (2) of the Repository Site Selection Act
1.17	Site development plans in accordance with Section 5 of the Offshore Wind Energy Act (WindSeeG)
1.18	Determination of the suitability of a site and the capacity to be installed on this site in accordance with Section 12 subsection (5) of the Offshore Wind Energy Act
2.	Strategic environmental assessment when providing a framework in accordance with Section 35 subsection (1) number 2

2.1	Noise action plans in accordance with Section 47d of the Federal Immission Control Act (BImSchG)
2.2	Clean air plans in accordance with Section 47 subsection (1) of the Federal Immission Control Act
2.3	Waste management concepts in accordance with Section 21 of the Circular Economy Act (KrWG)
2.4	Updates of waste management concepts in accordance with Section 16 subsection (3), fourth sentence, second alternative of the Closed Substance Cycle and Waste Management Act (KrW-/AbfG) of 27 September 1994 (Federal Law Gazette I p. 2705), last amended by Section 5 of the Act of 6 October 2011 (Federal Law Gazette I p. 1986)
2.5	Waste management plans in accordance with Section 30 of the Circular Economy Act, including special chapters or separate sub-plans referring to the treatment of hazardous waste, used batteries and accumulators or packaging and packing waste
2.6	Waste prevention programmes in accordance with Section 33 of the Circular Economy Act
2.7	Operational programmes under the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Maritime and Fisheries Fund and rural development programmes under the European Agricultural Fund for Rural Development
2.8	(in force in future)
2.9	(in force in future)
2.10	(in force in future)
2.11	(in force in future)
2.12	Action plans in accordance with Section 40d of the Federal Nature Conservation Act (BNatSchG)

This list contains only the plans and programmes that require SEA according to German federal law. It does not include plans and programmes requiring SEA according to Länder law. Being a Feral State Germany consists of 16 States (Länder) all of which have their own SEA legislation. It is not possible to give an overall view of all the plans and programmes for which an SEA has to be carried out in Germany.

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2): *See section 35 paragraph 3 of the Federal German EIA Act: “Plans and programmes shall be considered to provide the framework for decisions regarding the approval of projects if they contain assertions of relevance to subsequent approval decisions, particularly regarding the necessity, size, location, nature or operating conditions of projects or the utilisation of resources.”*

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: *There is no definition on “plans and programmes which determine the use of small areas at local level”. However, for plans or programmes likely to fall under this provision a screening has to be carried out. If according to the results of this screening the plan or programme is likely to have significant environmental effects a SEA will be required (see section 35 para 4 of the Federal German EIA Act).*

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4): *see answer to question I.4.*

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: *see section 35 paragraph 4 of the Federal German EIA Act*

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: *According to the Federal German EIA Act there are no opportunities for public participation in **screening**. As regards **scoping**, according to section 39 paragraph 4 sentence 3 of Federal German EIA Act third parties including members of the public, NGOs and municipalities concerned may be consulted. In certain electricity grid planning procedures a public scoping conference will be carried out.*

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)? *Annex IV of the Protocol has been transposed into German law, see section 40, paragraph 2 sentence 1 of the Federal German EIA Act:*

The environmental report in shall contain the following information:

1. *a brief outline of the contents and main objectives of the plan or programme and its relationship to other relevant plans and programmes,*

2. *a description of the environmental protection objectives relevant to the plan or programme and of how those objectives and other environmental considerations were taken into*
3. *a description of the environmental characteristics, the current state of the environment and the likely evolution of the current state of the environment without implementation of the plan or programme,*
4. *specification of the current environmental problems that are significant for the plan or programme, particularly any problems relating to environmentally sensitive areas in accordance with number 2.6 of Annex 6,*
5. *a description of the expected significant effects on the environment in accordance with Section 3 in conjunction with Section 2 subsections (1) and (2),*
6. *a description of the measures planned to avoid, reduce and as fully as possible offset the significant adverse environmental effects of implementing the plan or programme,*
7. *an indication of any difficulties encountered in compiling the information, for example any technical gaps or lack of knowledge,*
8. *a brief outline of the reasons for selecting the alternatives examined in the assessment and a description of how the environmental assessment was carried out,*
9. *an account of the planned monitoring measures in accordance with Section 45.*

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: *According to section 42 and section 19 of the Federal German EIA Act, the public will be informed that a SEA will be carried out for a certain plan or programme and that the public will be given the opportunity to participate. It will also be informed when and where the draft plan or programme, the environmental report and other documents will be made publicly available. This information will be given through public notices as well as through electronic media. According to section 42, paragraph 2 of the Federal German EIA Act, the draft plan or programme, the environmental report and other documents which the competent authority feels it expedient to include shall be displayed for public inspection at an early stage for an adequate period of at least one month. With due regard to the nature and content of the plan or programme, the display locations shall be determined by the competent authority in such a way as to ensure the effective participation of affected members of the general public. Furthermore, the documents shall also be displayed on the internet.*

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): *According to section 2, paragraph 9 of the Federal German EIA Act the “affected public” shall refer to any individual whose interests are affected by the plan or a programme in question; this shall also include associations whose activities as described in their statutes are affected by the plan or a programme, including associations which promote environmental protection.*

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: *Public hearings will be carried out where foreseen in Federal law. This is the case for example in certain electricity grid planning procedures.*

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: *According to section 42, paragraph 2 and 3 of the Federal German EIA Act the draft plan or programme, the environmental report and other documents shall be displayed for public inspection for an adequate period of at least one month. The competent authority shall set an adequate deadline of at least one additional month in order to allow members of the public to voice their opinions.*

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: *In the German EIA act is stated, that the competent authority shall forward a copy of the draft plan or programme and the environmental report to those authorities whose environmental and health-related duties are affected by the plan or programme, and shall obtain the opinions of these authorities. The competent authority shall set an adequate deadline of at least one month in order to obtain these opinions (section 41)*

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: *Environmental and health authorities usually express their opinion in written statement, sent to the competent authority. Sometimes also, a meeting will be organised depending on the issues at stake and the procedural approach chosen by the authorities involved. .*

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: *According to section 39, paragraph 4 of the Federal German EIA Act authorities of the affected Party may be invited to participate in the scoping. In this case notification will take place before the scoping will be carried out. In other cases the affected Party will be notified when the draft plan or programme and the environmental report have been prepared.*

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):

In cases in which the affected Party will be invited to participate in the scoping notification will include information on the plan or programme (as far as already available), on the planning and decision making procedure and on the scoping procedure. The draft plan or programme and the environmental report will later be forwarded to the affected Party as soon as these documents have been prepared.

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: *According to section 41 and section 42 paragraph 3 of the Federal German EIA Act the time frame must be adequate and at least one month after the end of the inspection period. It will be specified 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):

Your comments: *Basically the arrangements will follow those of the Party of origin. However, where appropriate the Parties may agree on modifications.*

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: *According to section 43, paragraph 1 of the Federal German EIA Act, once participation of the authorities and the public is complete, the competent authority shall review the accounts and assessments of the environmental report, with due regard to the opinions and statements submitted to it. According to section 43 paragraph 2 of the Federal German EIA Act, the outcome of the review pursuant to paragraph 1 shall be considered in the procedure for preparation or modification of the plan or programme.*

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)? *According to section 44, paragraph 1 of the Federal German EIA Act, the acceptance of a plan or programme shall be publicly announced. The rejection of a plan or programme may be publicly announced. This will be done by public notices and through the internet. According to section 44, paragraph 2 of the Federal German EIA Act, upon acceptance of the plan or programme, the information referred to in article 11, paragraph 2 of the Protocol shall be laid out for inspection of the public.*

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: *Both a) and b) are common ways of informing the public and authorities of the affected Party. The procedure to be followed should be discussed and agreed between the Party of origin and the affected Party.*

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: *see answer to question I.25*

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): *According to section 45 of the Federal German EIA Act the significant environmental impacts resulting from implementation of the plan or programme shall be monitored to ensure in particular that any unforeseen adverse impacts can be identified at an early stage and suitable remedial action taken. The required monitoring measures shall be specified upon acceptance of the plan or programme on the basis of the information provided in the environmental report. Existing monitoring mechanisms, data and information sources may be utilised. Usually, monitoring shall be the responsibility of the authority responsible for the SEA. Upon request, other authorities shall provide the competent authority with all environmental information required in order to discharge its monitoring duties. The outcome of monitoring shall be made available to the general public in accordance with the provisions on access to environmental information*

and to the authorities which have participated in the foregoing SEA procedure. It shall be taken into account in the event of redrafting or amendment of the plan or programme.

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

According to the provisions of the Federal German EIA Act the SEA documentation must not necessarily contain a specific (sub)chapter on information on potential transboundary effects. However in cases where the plan or programme in question is likely to have these effects, the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety recommends the SEA documentation to include a specific chapter or subchapter on this issue.

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: *The German Federal Government has only limited knowledge about the number*

and details of SEAs, including transboundary SEAs, carried out during the reporting period. Germany is a Federal state consisting of 16 States (Länder). In most cases authorities of the Länder serve as competent authorities for plans and programmes, requiring a domestic or transboundary SEA. As far as the Federal Government is informed, the main sectors in which SEAs have been carried out have been regional development plans, land use plans as well as country and urban development plans. Due to the number of competent authorities and to Germany's federal structure it is not possible to give a detailed list of SEA procedures carried out in Germany during the reporting period and to subdivide them by the sectors referred to in article 4, paragraph 2. It has to be noted that in Germany there is no central office to which each SEA procedure has to be notified or by which these procedures have to be registered.

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):

Basically, as far as the Federal level is informed, there have been no substantial problems or difficulties interpreting particular terms or articles of the Protocol. According to the German experience the best way to clear open questions of the Protocol and to find common solutions for the practical implementation of transboundary procedures is to work with bilateral agreements:

- *Joint Declaration on Cooperation in the Implementation of Transboundary Environmental Impact Assessment as well as Transboundary Strategic Environmental Assessment in the German-Dutch Border Area between the Ministry of Infrastructure and the Environment of the Netherlands and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of the Federal Republic of Germany (2014)*
- *Germany and Poland have extended the scope of their bilateral agreement on EIA ("Agreement between Germany and Poland on transboundary EIA of 11 April 2006") in order to include transboundary SEA. The Agreement was signed in 2018. It has already been ratified by Germany. In Poland ratification is under way and will soon be finalized. The new agreement will come into force 60 days after both Parties have informed each other that the respective domestic requirements are fulfilled. Informally, the competent Polish and German authorities in transboundary procedures as far as possible already apply the new provisions.*
- *Guideline of the Franco-German-Swiss Conference of the Upper Rhine on Transboundary Participation for Projects, Plans and Programmes with an Environmental Relevance (2016)*

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: *see question II.5*

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)? *According to section 44 of the German Federal EIA Act monitoring measures have to be foreseen for all kinds of plans or programmes where significant environmental impacts cannot be excluded. Monitoring of significant environmental impacts is an important issue inter alia in the SEA procedures carried out for plans and programmes established for the extension of the German power supply system. The Federal Network Agency (competent authority for the federal planning of transmission systems) has developed a monitoring concept in order to evaluate whether the assumptions of the SEA can be verified in practice and to detect unforeseen significant environmental impacts of the transmission systems in question (see e.g. https://www.netzausbau.de/SharedDocs/Downloads/DE/Vorhaben/BBPIG/19/N/BFP19-N_NABEG12_Umweltauswirkungen.pdf?__blob=publicationFile. .*

(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 *Translation has proven to be one of the most difficult topics in transboundary EIA and SEA in practice. It is a permanent source of trouble and discussions. Sometimes authorities of the Party of origin have refused to submit translated documents. In other cases the translation submitted has been inadequate for various reasons and not suitable to be used for public participation or consultation of environmental and health authorities. In these cases a proper translation has to be provided by the affected Party which is costly and time-consuming. Germany strongly recommends that the question of translation should be clearly regulated in bilateral agreements. Where bilateral provisions on translation exist, things have proven to be much easier (see the answer to question II.5.).*

(ii) Other issues

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

As Party of origin Germany with regard to translation usually follows the principles laid down in the bilateral agreements on transboundary EIA and SEA mentioned in the answer to question II.5.. According to these agreements the following documents should be translated by the Party of origin into the language of the affected Party:

- *the notification according to article 10, para. 1 and 2 of the Protocol,*
- *the summary of the environmental report as well as those parts of the draft plan or draft programme and the environmental report, which are necessary for the affected Party to assess the likely transboundary environmental impacts and to express comments and opinions,*
- *with regard to maps that are part of a plan or programme design, at least the legend,*

- *the planning decision and those parts of the summarizing statement according to article 11, para. 2 of the Protocol which are necessary for the affected Party to understand how transboundary environmental effects and the comments and opinions of the affected Party have been taken into consideration,*
- *other documents prepared by the Party of origin with importance for the procedure, including invitations to consultation meetings and protocols of these meetings,*
- *the results of a monitoring carried out according to article 12 of the Protocol*

(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): In general SEA applies for a wide range of different plans and programmes carried out at different levels (national, regional, local) under the responsibility of a large number of different authorities. A lot of cases fall in the responsibility of the Länder. Therefore, it is not possible to draw up an overall perspective of how participation of the German public concerned and German authorities is practically implemented and enforced. In any case, according to German SEA legislation the competent German authority has to make its best efforts to ensure an effective participation of the German public and German authorities (see question II.8.(f)).

(d) What has been your country's experience of the effectiveness of public participation? *Generally, the public in Germany is strongly interested to be informed on plans and programmes in neighbouring countries that could have significant effects on the environment in Germany, and to participate in transboundary SEA procedures. Especially in planning procedures for nuclear installations there has been a broad involvement of the German public. In some of these transboundary SEA procedures there have been even more participants from Germany than from the Party of origin itself.* (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)?

According to section 41 and section 42, the public concerned is given the opportunity comment on the draft plan or programme and on the environmental report. The competent authority shall set an adequate time limit for the submission of these comments of at least one month after the end of the inspection period. The competent authority shall forward the draft plan or programme and the environmental report to authorities whose environment-related and health-related duties are affected by the plan or programme, and shall obtain the statements of these authorities. The competent authority shall set an adequate time limit of at least one month for these statements to be submitted.

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: *The Guidance was distributed to other Federal Ministries and to the competent Ministries of the Länder. During the current reporting period no experience has been reported back to the Federal level.*

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:

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