

Questionnaire for the report of [NAME OF COUNTRY] 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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11. Date on which report was completed: **16.04.2019.**

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): **Law on Strategic Environmental Impact Assessment (12.2004.)**

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

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

(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: **All plans, programmes, bases and strategies (hereinafter referred to as: plans and programmes) in the areas of spatial and urban planning or land use planning, agriculture, forestry, fishery, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, conservation of natural habitats and wild flora and fauna.**

I.3. Explain how you define whether a plan or programme "set the framework for future development consent" (art. 4, para. 2): **All plans and programmes must set the frameworks for granting the approval for future development projects defined by the environmental impact assessment related regulations.**

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: **In cases of plans and programmes, which stipulate the use of smaller areas at the local level, or in cases of minor modifications to plans and programmes that do not require the formal adoption procedure, as well as of plans and programmes that are not listed in paragraph 1 of this Article, the decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.**

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4): **In cases of minor modifications to plans and programmes that do not require the formal adoption procedure, the decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.**

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): **For plans and programmes that are not listed the decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.**

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 strategic assessment report shall be the document that describes, evaluates and assesses the potential significant impact on the environment, which could result from implementation of plans and programmes. It shall also define measures for reduction of adverse effects on the environment.**

The report shall include the following in particular:

- 1) The bases of the strategic assessment;
- 2) The general and specific objectives of the strategic assessment and selection of indicators;
- 3) The evaluation of likely impact with the description of measures planned for reduction of adverse effects on the environment;
- 4) The guidelines for elaboration of lower level strategic assessments and assessments of environmental impact of projects;
- 5) The programme of monitoring of environmental status during the execution of plans and programmes (monitoring);
- 6) The outline of methodology applied and difficulties encountered during the strategic assessment elaboration;
- 7) The outline of decision making methods, description of reasons vital for selection of the given plan and programme from the aspect of alternative solutions considered and the outline of methods in which the environmental issues have been included in plans and programmes;
- 8) The conclusions reached in the process of strategic assessment report elaboration presented in the way understandable for public;
- 9) Other data of relevance for the strategic assessment.

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):

(d) Other (please specify): **Public insight and debate shall be organised, as a rule, as a part of plan and programme presentation and public debating in compliance with law regulating the plan and programme adoption procedure.**

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, 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): **During a part of plan and programme presentation and public debating in compliance with law regulating the plan and programme adoption procedure (30 days).**

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):

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 competent authority responsible for the plan and programme preparation authority provide the strategic assessment report and results of participation of the authorities and organisations and public concerned and other states in cases of transboundary impact, after the adoption of plans and programmes**

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:

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 programme of monitoring of the status of the environment during the implementation of plans and programmes shall consist of the following in particular:**

- **The description of objectives of plans and programmes;**
- **The environmental status monitoring indicators;**
- **The rights and obligations of the competent authorities;**
- **Acting in cases of unexpected adverse effects;**
- **Other elements depending on the type and scope of plan and programmes.**

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: **Implementation Program of the Energy Sector Development Strategy of the Republic of Serbia by 2025 with Projections until 2030, for the period 2017-2023**

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): **The time period in which another state can participate in the decision-making procedure.**

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: **During the transboundary consultations for Implementation Program of the Energy Sector Development Strategy of the Republic of Serbia by 2025 with Projections until 2030, for the period 2017-2023, some countries asked the documentation in their languages.**

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)?

(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. **Some countries asked us to translate the documentation in their language.**

(ii) Other issues. **Some countries didn't send comments after the deadline.**

(b) What does your country usually translate as a Party of origin? **Plan and programme and Strategic assessment report.**

(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? **We don't have sufficient experience**

(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: **Improve the capacity of employees**

¹ Available from 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: **Improve the article 10.4.**