

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

Information on the focal point for the Protocol

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3 General provisions

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

(a) Law on SEA (please indicate number/year/name):
Act No. 24/2006 Coll. on environmental impact assesment

(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:

According to the national law, any plan or programme being prepared for the area of agriculture, forestry, fishing industry, industry, power engineering, transport, waste management, water management, telecommunication, tourism, land-use planning or zone use, regional development and environment, as well as strategic document co-financed by the European Union and, at the same time, creating a framework for approval of any of the proposed activities specified in Annex No. 8 to the national Act, except strategic document that sets use of small areas on local level, is "likely to have significant effects"

I.3. Explain how you define whether a plan or programme "set the framework for future development consent" (art. 4, para. 2): *on case by case basis*

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:

Small area at local level is interpreted as the area smaller than the entire cadastral area of the municipality which represents the area at local level – it is a partial section of the cadastral area of the municipality.

I.5. Explain how you identify in your legislation a "minor modification" to a plan or programme (art. 4, para. 4): *minor changes are the subject of the screening procedure*

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)?

According to the national law, any plan or programme which is subject to strategic environmental assessment in scoping has to submit an environmental report which is filled out within rules in the national law and form in the appendix 4 or 5 of Act No. 24/2006 Coll

Article 7 Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)

(d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

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):

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):

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):

Case by case scenario, depending if we are party of origin or affected party, and also depending on the fact, if there is bilateral agreement in place or not

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)?

During the whole process and when the plan or program is adopted, the authority informs about progress public and other authorities on the website, through electronic media and public notices, also the participants of the environmental impact process are informed as defined in the national legislation through post office.

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:

On the website, through electronic media of claimer and publishing at the competent authority web side not later than 5 days after receiving information about adoption of the plan or programme

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):

Monitoring and evaluation of the environmental impact of the strategic document consist of:

a) systematic monitoring and evaluation of its effects,

b) evaluation of its efficiency,

c) provision of an expert comparison of assumed effects given in the environmental impact statement with the real state.

If the authority responsible for elaboration of the plan or programme finds out that the real environmental effects of the strategic document assessed according to this Act are worse than it is given in the environmental report of the strategic document, he/she is obliged to provide for measures to mitigate the effects and at the same time to provide for a change, supplement and eventually a rework of the strategic document.

The authority responsible for elaboration of the plan or programme and departmental body are obliged to advise the competent authority of information regarding results of environmental impact monitoring and assessment of strategic document without any undue delay, as well as information regarding measures to mitigate the effects and at the same time to provide for a change, supplement and eventually a rework of the strategic document.

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:

28 cases of transboundary SEA procedures were initiated by or with Slovak republic during period 2016 - 2018. In 17 of the cases was Slovak republic the country of origin.

11 cases (Slovak republic origin p.) were town and country planning plans and programs

8 cases (Slovak republic origin p.) were operational programs with neighbouring countries

1 case (Slovak republic origin p.) was water management plan

4 cases (Slovak republic affected p.) were town and country planning plans and programs

4 cases (Slovak republic affected p.) were nuclear related plans and programs

For period 2013–2015 we are adding the list we provided in last questionnaire (for the report of Slovakia on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013-2015):

a) Slovakia in position of the Party of origin:

- Territorial Transport General of the Capital of the Slovak Republic Bratislava (Sector - Transport)

- Strategy of the back end of the nuclear power sector in the Slovak Republic (Sector – Energy)

- Energy Security Strategy of the Slovak Republic (Sector – Energy)

b) Slovakia in position of the affected Party:

- Polish Nuclear Energy Programme (Sector – Energy)

- Update of the State Energy Policy of the Czech Republic (Sector – Energy)

c) Slovakia in ambiguous position

- Cross-border Co-operation Programme SK – CZ (Sector – Regional development)

- Cross-border Co-operation Programme SK – AT (Sector – Regional development)

- Cross-border Co-operation Programme PL – SK (Sector – Regional development)
- Cross-border Co-operation Programme SK – HU (Sector – Regional development)
- Hungary-Slovakia-Romania-Ukraine European Neighbourhood Instrument Cross-Border Cooperation Programme (Sector – Regional development)
- OP Central Europe 2020
- Danube Transnational Programme
- Interregional Cooperation Programme (INTERREG) (Sector – Regional development)

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)?

Monitoring is required for all the plans or programmes, but sometimes it is difficult to monitor because plans and programs are too general

- (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, still struggling
- (ii) Other issues

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

usually non-technical summary mostly focusing on the chapter where transboundary impacts are described

(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):

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

In most cases it is important that the public participates and play an live role in the process. Competent authority is not all the time aware of all the particularities of locality and all aspects of the case unless the public intervenes.

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

(i) No

(ii) Yes (please describe):

The public concerned in the SEA procedure has the right to take part in the preparation and impact assessment of a strategic document until such strategic document is approved, including the entitlement to submit written opinions, participation in consultations and public hearing on a strategic document.

(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)?

Within the time set by the party of origin, competent authority in Slovakia is informing the public as it is defined in the national legislation (through electronic media) and then forwards their opinion to the party of origin. If needed consultations can be arranged.

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:

Official translation to the languages of parties would be appreciated, so it target wider audience.

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:

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

Bilateral agreements with neighbouring countries would improve the application of transboundary strategic impact assessment

7. Suggested improvements to the report

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