

**Questionnaire for the report of [SLOVAKIA] on the implementation of
the Protocol on Strategic Environmental
Assessment in the period 2013–2015**

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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 EIA/SEA*
- (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". So these documents are subject to the mandatory SEA procedure..*

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):

- *a plan or programme that isn't being prepared for any area above mentioned or that isn't a strategic document co-financed by the European Union, but just creating a framework for approval of any of the proposed activities specified in Annex No. 8 to the national Act;*
- *a plan or programme specifying use of small areas on local level;*
- *a minor change (modification) of a plan or programme.*

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 public and the relevant state authorities and municipalities can submit their standpoints and comments to the notification within 15 days since its submission and publishing.*

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): - *reports are sent to the relevant state authorities and municipalities for comments*

- *after relevant authorities commenting, there is expert opinion prepared*

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): *by locally common means (at least on the official notice board).*

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): *by sending their opinion to the competent authority*

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. 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.18. 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.19. 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.20. 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.21. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify:

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) Other (please specify): *case by case basis, procedures vary depending on the affected party*

Your comments:

Article 11 Decision

I.22. 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.23. How and when do you inform your own public and authorities (art. 11, para. 2)?: *publishing at the competent authority web site not later than 5 days after receiving information about adoption of the plan or programme*

I.24. How do you inform the public and authorities of the affected Party (art. 11, para. 2)? Please specify:

- (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:

Article 12 Monitoring

I.25. 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 2013–2015

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 2013–2015

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 2013–2015

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:

- 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 2013–2015

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): *e.g. definition of the “minor modification”*

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, sometimes is difficult to realize it because plans and programs are to 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 in relation to translation and interpretation, and what solutions has your country applied?:

lack of resources for translation and extension of the process

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

usually is non-technical summary focusing on the chapter where transboundary impacts are describe

(c) Has your country carried out transboundary public participation according to article 10, paragraph 4?:

(i) No

(ii) Yes (please indicate how):

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.

(d) What has been your country's experience of the effectiveness of public participation?: *it is "long run race"*

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

(i) No

(ii) Yes (please describe): *e.g. Operational programmes under the Objective European territorial cooperation: Cross-border Co-operation Programme SK – CZ*

5. Experience regarding guidance in 2013–2015

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:

- *There are limited people using this manual, given that there is only the English version*

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:

- *especially for transboundary assessments would help to have bilateral agreements with neighboring countries.*

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.