

**Questionnaire for the report of [SPAIN](#) on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013–2015**

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

1. Name and contact information:

Mr. Francisco MUÑOZ GARCÍA  
Subdirección General de Evaluación Ambiental  
Ministerio de Agricultura, Alimentación y Medio Ambiente  
Plaza de San Juan de la Cruz s/n  
SP - 28071 MADRID  
Telephone: +34 91 597 6072 or +34 91 597 6332  
Fax: +34 91 597 5816  
E-mail: FMunoz@magrama.es

cc: Ms Maria Angeles JIMENEZ REDONDO  
Consejera técnica  
Subdirección General de Evaluación Ambiental  
Ministerio de Agricultura, Alimentación y Medio Ambiente  
Telephone: +34 91 597 630  
E-mail: ajredondo@magrama.es

cc: Ms. L. Aurora HERNANDO GARCINUÑO  
Directora de Programa  
Subdirección General de Evaluación Ambiental  
Ministerio de Agricultura, Alimentación y Medio Ambiente  
Telephone: +34 91 597 6118  
E-mail: Lahernando@magrama.es

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

2. Name and contact information (if different from above):

Mr. Alejandro Abellán García de Diego  
Director General de Coordinación de Políticas Comunes y Asuntos Generales de la Unión Europea  
Ministerio de Asuntos Exteriores y Cooperación  
C/ Serrano Galvache, 26  
28033 MADRID

**Information on the person responsible for preparing the report**

3. Country: [SPAIN](#)
4. Surname:
5. Forename:
6. Institution:
7. Postal address:
8. E-mail address:
9. Telephone number:
10. Fax number:

11. Date on which report was completed: [27 April 2016](#)

## 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 21/2013, of 9 December, on environmental assessment \(Spanish Official Diary of 11/12/2013: <https://www.boe.es/buscar/act.php?id=BOE-A-2013-12913>\)](#)

(b) SEA provisions are transposed into another law(s) (please specify): [The Law on environmental assessment is the same for the all country. Nevertheless, regions can pass their own laws with some specialities which take into account their organization or their special features. In any case, the procedural steps established to make an environmental assessment are the same whatever type of plan or programme is assessed.](#)

(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 types of plan and programmes related to agriculture, farms, forestry, aquiculture, fishing, energy, mine, industry, transport, waste management, management of water resources, occupation of public maritime land, use of maritime medium, telecommunications, tourism, urban and rural land plan use, use of the soil, or require an SEA for affecting Natura 2000.](#)

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2): [there is no definition, but the projects are related to the activities described above.](#)

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 are those small areas at municipality level.](#)

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4): [There is not definition, but it is stated that a minor modification to the plan or programme relate to the activities describe above.](#)

## 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)?: [There is a minimum information to be provided described in 10 points along the annex IV of the Law on Environmental 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): [The time frame is 45 working days](#)

(d) Other (please specify):

Your comments:

## Article 9

### Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

I.17. 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: Usually we notify the affected party at the scoping phase, but in case that we consider there are transboundary effects, we notify again during the public information even if the party has not asked to participate.

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): 30 days

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):In the majority of cases is envisage in the Protocol signed with Portugal

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 to10

Your comments: [The strategic environmental statement \(which is the final document in the environmental strategic assessment and includes the information mentioned in previous a\), b\) and c\)\) is incorporated in the plan.](#)

I.23. How and when do you inform your own public and authorities (art. 11, para. 2)?:  
[Within 15 days after the plan is approved, the authority who approves the plan has to make public \(in the Official Diary and in the authority's web\) how the plan has integrated the environmental aspects.](#)

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: [The channel of information is trough the Ministry of the Foreign Affairs and Cooperation](#)

## 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): [The strategic environmental declaration includes monitoring conditions.](#)

### 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  The environmental authority consults the health authority about effects on health due to the plan.  
(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:

[Water Management:](#)

[Tajo Basin Management Plan](#)

[Guadiana Basin Management Plan](#)

[Miño-Sil Basin Management Plan](#)

[Duero Basin Management Plan](#)

#### 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):

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)? [In Spain, monitoring is carried out by the competent authority that approves the plan o programme.](#)

(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?: [We have not found particular difficulties with regard to translation.](#)

(b) What does your country usually translate as a Party of origin?: [We ask the developer to translate the information regarding transboundary environmental impact effects. This information is included in a specific separate chapter of the environmental report, and also the non-technical summary must be translated into the official language of the affected Party.](#)

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

- (i) No

(ii) Yes  (please indicate how): Spain and Portugal have signed a bilateral protocol that allows both Parties to participate in the early stages of the environmental assessment procedures, if transboundary effects may occur. Also, there is a specific Convention with Portugal, the Albufeira Convention, related to water management.

(d) What has been your country's experience of the effectiveness of public participation?: Suggestions of public issued during public participation improve the plans and programmes. They are considered during the SEA process and the SEA statement includes information about how public comments have been taken into account.

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

(i) No

(ii) Yes  (please describe):

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

(a) No:

(b) Part of it (Please specify): [It has been used by the Ministry of Agriculture, Food and Environment during the SEA processes to clarify SEA concepts.](#)

(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:

## 7. Suggested improvements to the report

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

\_\_\_\_\_

---

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