

Questionnaire for the

**REPORT OF CZECH REPUBLIC ON THE
IMPLEMENTATION OF THE CONVENTION ON
ENVIRONMENTAL IMPACT ASSESSMENT IN A
TRANSBOUNDARY CONTEXT**

in the period 2006–2009

Information on the focal point for the Convention

Name and contact information:

Simona Rohrböcková, Ministry of Environment of the Czech Republic, Dept. of EIA

Information on the point of contact for the Convention

Name and contact information (if different from above):

Information on the person preparing the report

- | | | |
|-------|------------------|---|
| i. | Country | Czech Republic |
| ii. | Surname | Rohrböcková |
| iii. | Forename | Simona |
| iv. | Institution | Ministry of Environment of the Czech Republic |
| v. | Postal address | Vršovická 65 |
| vi. | E-mail address | simona.rohrbockova@mzp.cz |
| vii. | Telephone number | +420267122760 |
| viii. | Fax number | +420267126760 |

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

- Act No. 100/2001 Coll., Act on Environmental Impact Assessment and amending some related Acts (Act on Environmental Impact Assessment), amended by Act No. 93/2004 Coll., Act No. 163/2006 Coll., Act No. 216/2007 Coll., Act No. 124/2008 Coll., Act No. 223/2009 Coll. and finally Act No. 436/2009 Coll. (hereinafter the "Act" or "EIA Act"),
- Ordinance No. 457/2001 Coll., on qualification and adjustment of some other matters regarding the environmental impact assessment authorisation
- Ordinance No. 353/2004 Coll., on authorisation for the field of public health impacts assessment

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*

- a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

The EIA process in the Czech Republic runs according to the Act (see the EIA procedure scheme in Annex to this questionnaire).

EIA procedure of a project under the Annex No. 1 to the Act is commenced by submission of the NOTIFICATION of the project (with requisites according to Annex No.3 to the Act) (the notification in the Czech Republic is rather a small documentation, including all the major basic information on the project - hereinafter "notification") to the competent authority. The competent authority commences the so called FACT-FINDING PROCEDURE (screening and scoping phase) by distribution of the notification of the project to the affected territorial self-governing units and affected administrative authorities for publication and for comments. Every person may send a written viewpoint on the notification to the competent authority within 20 days of the day when information on the notification was published on the

official notice board of the relevant region. The objective of the fact-finding procedure is to define information that is appropriate to be laid down in the documentation on the environmental impacts of the project. On the basis of the notification, the viewpoints on the notification and the aspects and scales set forth in Annex No. 2 to the Act, the competent authority shall issue a FACT-FINDING CONCLUSION, setting the acceptance of the notification as a documentation or the need for preparation of a documentation with specification of the areas that have to be tackled in the documentation.

On the basis of the notification, the viewpoints of the notification and the conclusion of the fact-finding procedure the developer shall submit to the competent authority the DOCUMENTATION ON ENVIRONMENTAL IMPACTS OF THE PROJECT (with requisites according to Annex No. 4 to the Act) (elaborated by a person authorised to elaborate the documentation) (hereinafter "documentation"). The competent authority distributes the documentation to the affected territorial self-governing units and affected administrative authorities for publication and for comments. Every person may submit a written viewpoint on the documentation to the competent authority within 30 days of the date when information on the documentation was published on the official notice board of the relevant region.

(There is also the possibility to submit directly the documentation and commence the EIA procedure directly without the fact-finding procedure. This approach is used mainly for projects of Annex I (category I) to the Act. The relevant authority has a possibility to return the documentation to the developer for specification or supplementation of the data included.)

Furthermore on the basis of the notification, the documentation and all received viewpoints is elaborated THE EXPERT REPORT on environmental impacts of the project (including the proposal for the final statement) (with requisites according to Annex No. 5 to the Act) by a person authorised to elaborate the expert report. The competent authority distributes the expert report to the developer, the affected territorial self-governing units and affected administrative authorities for publication and for comments. Every person may submit a written viewpoint on the expert report to the competent authority within 30 days of the date when information on the expert report was published on the official notice board of the relevant region.

If the competent authority obtained any negative viewpoints on the documentation or expert report, THE PUBLIC HEARING of the expert report and simultaneously of the documentation shall be held and the minutes are provided afterwards. Public hearing serves for the introduction of the project and the EIA process to the public and mainly for the discussion about it. Every person interested in the project may take part in the public hearing and raise the questions or concerns.

The person preparing the expert report shall deal with the received written viewpoints on the expert report and those raised during the public hearing and potentially modify the proposal of the final statement on the basis of these viewpoints.

On the basis of the documentation, the expert report and the public hearing and all the viewpoints submitted thereon, the competent authority shall issue a STATEMENT ON THE ASSESSMENT OF THE ENVIRONMENTAL IMPACTS

OF IMPLEMENTING THE PROJECT (with requisites according to Annex No. 6 to the Act) with requirements and conditions to protect the environment divided for each stage of the project realisation. The competent authority shall distribute the statement to the developer, the affected administrative authorities and the affected territorial self-governing units and at the same time provide publication of the statement for the public. The statement shall be a basic expert document for issuing a decision or measure pursuant to special regulations (Building Act, Water Act, Mining Act etc.). The statement shall be submitted by the developer as one of the basic documents for subsequent procedures or processes pursuant to these regulations (building permit procedure, land-use permit procedure etc.). In the absence of a statement, it shall not be possible to issue a decision or measure necessary for implementing the project in any administrative procedure or other process pursuant to special regulations.

An administrative authority that issues a decision or measure pursuant to special regulations shall include in its decision or measure the requirements for the protection of the environment set forth in the statement, if set forth therein, or it shall state in its decisions or measure the reasons, why it did not do so or did so only partly.

There is another important part of the Czech EIA system that has to be mentioned here - it is so called pre-screening, which is used for such projects that do not reach the thresholds. The Regional authority has to decide on the basis of the information given from the developer, whether the project has to be reviewed in the fact-finding procedure (whether it may have significant adverse impact on the environment) or not.

For projects that are not always obligatory subject to the assessment the object of this procedure shall also be to determine whether the project is to be assessed pursuant to this Act, this is done also according to viewpoints received from public. The reasoned conclusion of the fact-finding procedure is then sent to the developer and published as well.

- b. Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

Special provisions for implementation of transboundary EIA were added to the Act by its amendment in 2004. The transboundary procedure is always led by the Ministry of Environment and the EIA procedure is similar to that mentioned above under a., but there are some specifications, e.g. the time-frame differs from the regular EIA procedure (In case of transboundary assessment the Ministry may prolong the deadlines pursuant to art. 6 par. 4, art. 8 par. 3 and art. 9 par. 8 of the Act for viewpoints by up to 30 days, if the affected State requests so. In such case the other deadlines shall be prolonged accordingly.).

According to the Espoo Convention, the Czech Republic notifies the affected Party already at the stage of notification, if the project is likely to have significant adverse transboundary impact, or anytime the competent authority finds out the project might have such an impact. The documentation is being sent to the affected Party in full scope at the same time it is distributed to Czech affected territorial self-governing units and affected administrative authorities. At this stage, the Czech Republic offers

the affected Party consultations on the documentation according to the Espoo Convention.

The post-project analysis is carried out on the request of the affected Party and is based upon a deal between the Party of origin and the affected Party. Its manner is than the same as in the Espoo Convention.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

The transboundary EIA procedure is always led by the Ministry of Environment in cooperation with the Ministry of Foreign Affairs. After the EIA statement is issued, there are also other state authorities that issue subsequent permits for the implementation of the project, e.g. the building office (land-use permit, building permit), mining office etc., the request on the permit procedure and the permit itself is sent to the affected Party by the Ministry of Environment as well.

The competent authority for the regular EIA procedure is the Ministry of Environment or the Regional Authority, depending on the specific type of project (listed and specified in Annex No. 1 to the Act).

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

The Ministry of Environment leads the transboundary EIA process and collects all the information thereon. All crucial documents of all the EIA processes in Czech Republic are available at the official webpage of CENIA - Czech Environmental information agency (<http://www.cenia.cz/eia>).

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

Transboundary EIA is treated by general regulation on environmental impact assessment.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

The list of projects (set in Annex I. of the Act) subject to the EIA procedure includes all the activities mentioned in Appendix I to the Espoo Convention, but there are some more activities added to it according to the European EIA Directive and the national specifics. Czech EIA Act does not specify the term "large" or "major".

The subject of transboundary environmental impact assessment for the Czech Republic shall be a) a project set forth in Annex No. 1 to the Act, if the affected territory can extend beyond the territory of the Czech Republic, b) a project set forth in Annex No. 1 to the Act, if the State, the territory of which can be affected by significant environmental impacts,

requests so. (For example the Czech Republic carries out a transboundary EIA process for a wind farm including only two wind power plant units).

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an “activity”, or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

The Annex No. I (divided into category I and II) to the EIA Act sets a list of activities/projects. If a project is listed in category I, the EIA procedure must be initiated, category II projects require at least a fact-finding procedure.

Article 4 of the Act "The Subject of Environmental Impact Assessment of a Project", par. 1:

The subject of the assessment pursuant to this Act shall be

- a) projects set forth in Annex No. 1 to this Act, category I and its changes if the capacity or extent of the change reaches the threshold set when it is set; this projects and its changes shall always be subject to assessment,
- b) changes of projects set forth in Annex No. 1 to this Act, category I, if the capacity or extent is to be increased significantly or if the technology, operation management or manner of use changes significantly and it is not a change according to letter a); such changes are subject to assessment if so laid down in a fact-finding procedure,
- c) projects set forth in Annex No. 1 to this Act, category II and its changes if the capacity or extent of the change reaches the threshold set when it is set, or if the capacity or extent is to be increased significantly or if the technology, operation management or manner of use changes significantly; such projects and changes are subject to assessment if so laid down in a fact-finding procedure,
- d) projects set forth in Annex No. 1 to this Act, which do not reach the thresholds when it is set and the competent authority sets the requirement to carry out the fact-finding procedure; such projects are subject to assessment if so laid down in a fact-finding procedure,
- e) construction, activities and technologies, which according to the statement issued under special regulation of nature protection authority may separately or along with others significantly influence the proposed Site of Community Importance (pSCI) or to the Special Protection Area (SPA); such construction, activities and technologies are subject to assessment if so laid down in a fact-finding procedure.

Article 11 of the Act "The Subject of Transboundary Environmental Impact Assessment for the Czech Republic":

- (1) The subject of the transboundary environmental impact assessment for the Czech Republic shall be
- a) a project set forth in Annex No. 1 to the Act, if the affected territory can extend beyond the territory of the Czech Republic,
 - b) a project set forth in Annex No. 1 to the Act, a project according to art. 4 par.1 letter d) and e), if the State, the territory of which can be affected by significant environmental impacts (the affected state), requests so,
 - c) a project, which is planned to be implemented on the territory of another State (the State of origin) and which may have significant environmental impacts in the territory of the Czech Republic.

The developer must also indicate in the notification that the planned project may possibly affect the environment of other state.

(2) In case of transboundary assessment the competent authority shall proceed in cooperation with the Ministry of Foreign Affairs.

(3) For a project set forth in Annex No. 1, column B (the competent authority is the Regional authority, column A is indicating the project, of which the EIA is carried out by Ministry of the Environment), the Regional Authority shall be obliged to submit the EIA process to the Ministry, if it detect that this is a project pursuant to par. 1.

b. How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);

We do not have any bilateral agreement yet, thus the transboundary EIA process runs well through the points of contact. Lately we have developed a good communication with our neighbouring countries and so the communication is made also through non-formal contacts. Nevertheless, the official documents within the EIA process are usually sent to the points of contact.

c. How a change to an activity is considered as a “major” change;

The EIA Act does not identify the "major" change, but art. 4, par. 1, letter b) and c) (see above) define the significant change in the project and all the mentioned changes are subject of assessment, if so laid down in a fact-finding procedure, depending on whether they may have significant adverse impact on the environment.

Art. 7 of the Act "Fact-finding procedure", par. 1:

For projects set forth in Annex No. 1, category II and for its changes pursuant to art. 4 par. 1 letter b), c), d) and e) the objective of the fact-finding procedure shall also be to determine, whether the project or its change may have significant adverse impact, eventually if it may have separately or along with others significant impact to the proposed Site of Community Importance (pSCI) or to the Special Protection Area (SPA) and whether is to be assessed pursuant to the Act.

When deciding whether the project has significant impact on environment, the competent authority always takes into consideration the character and extent of the project, whether the project or its change by their capacity or extent reaches the threshold set in Annex No. 1, category II and the received viewpoints of the public, the affected administrative authorities and the affected territorial self-governing units.

d. How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).

The EIA Act does not include significance criteria for transboundary effects; any potential transboundary impact might result in a transboundary EIA process. It is just stated that a project which is planned to be implemented on the territory of another state and which can have significant environmental impacts on the territory of the Czech Republic is subject to the transboundary EIA (Art. 11, par. 1, letter c)). The developer must also indicate in the notification that the planned project is likely to affect the environment of other state.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

There is no definition of the "public" in the EIA Act. During the whole EIA process, "anybody" can send a written viewpoint or attend the public hearing. The EIA process is herewith open for wide public not only from Party of origin, but also from affected Party.

The Ministry of Environment sends complete documents within the EIA process to the affected Party. The affected Party shall distribute the documents to its own public. In this case the affected Party is proceeding according to its own national legislation. Moreover, in case of transboundary assessment the Ministry may prolong the deadlines pursuant to art. 6 par. 4, art. 8 par. 3 and art. 9 par. 8 for viewpoints by up to 30 days, if the affected Party requests so. In such case the other deadlines shall be prolonged accordingly. This ensures that the time given for submitting the comments and viewpoints of the affected Party is equivalent to the time given for Party of origin.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

Art. 13 "Transboundary Assessment of a Project Implemented in the Territory of the Czech Republic", par.1 - If the Ministry identifies that a project pursuant to Art. 11 par. 1 letter a) is concerned or if the affected Party has requested an assessment of the project, it shall send a notification within 5 working days to the affected Party for a viewpoint, together with information on the course of the assessment pursuant to the Act and information on the subsequent decisions that can be adopted pursuant to special regulations.

Simultaneously, the affected Party is requested to confirm the interest in transboundary EIA process.

In practise the documents are usually sent no later than they are sent to Czech affected authorities and Czech public.

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

The same documents, which are sent within the Czech Republic, are also sent to the affected Party, including information to supplement what is required by art. 3, par. 2 of the Espoo Convention (see question nr. 8). This means that the affected Party receives the full scope of documents under the EIA process, which contain all the necessary and available information on the project.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

No, the proposed guidelines are not followed. A national format, set in Annex No.3 to the Act is used instead. The EIA notification is usually including all the relevant information requested by the "format for notification", plus an explanatory letter is attached to the EIA documents, describing the EIA process, subsequent steps etc.

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

According to art. 3 of the Espoo Convention we request in an introductory letter a reply and confirmation from the affected Party, whether they intend to participate in a transboundary EIA process, immediately and not later than 3 weeks of the day they received the notification of the project.

We do not have any experience of an affected Party complying with the timeframe because there is always open space for operating with the deadlines and it depends on consensus of both parties.

Moreover, according to art. 12 of the Act, in case of transboundary EIA process each deadline for giving viewpoints can be prolonged by the Ministry by 30 days, if the affected Party requests so. Other deadlines shall be prolonged appropriately.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

Practice varies, but usually we send the notification (including all the relevant information on the project according to the Annex No. 3 to the Act) together with the information on the EIA procedure itself.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

The information from the affected Party is requested once the affected Party indicates that they want to participate in the transboundary EIA procedure. If they indicate so, the Ministry of Environment sends them another letter with a question about the environment in the affected area. This information is given to the developer who uses it for elaboration of the EIA documentation on the project.

The kinds of requested information depend on the type of activity/project.

The Czech Republic asks for information in general terms, leaving it up to the affected Party to determine what they are able to provide and what they consider as important.

The term “prompt” is not determined, but it is requested within the request for information, according to Art. 3.6 of the Espoo Convention.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

Ministry of Environment requests in the letter according to art. 16 par. 3 of the Act and according to art. 4 par. 2 of the Espoo Convention to distribute and publish the notification immediately after receiving it, on the official notice board and also for instance on the website, newspapers etc. together with the notice that ANYBODY can send a written viewpoint on the notification within 30 days of the date it is published on the official notice board of the affected Regional authority. Further we request to send all the received written viewpoints to the Czech Ministry of the Environment not later than 30 days of the date the information on the notification has been published. We also inform the affected State, that the deadlines can be prolonged by 30 days, if the affected party request so, according to art. 12 par. 1.

In this letter we also offer the consultations on the basis of the EIA documentation, according to art. 5 of the Espoo Convention and art. 14 par. 3 of the Act and we request the affected Party to inform us, whether they intend to attend the consultations as well.

- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

The Czech Republic, as Party of origin, does not identify the public in the affected Party. In the Czech EIA process everyone may submit a written viewpoint to each phase of the EIA process.

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

The notification in Czech Republic is placed on public notice boards of affected authorities and published also on Internet and by another means (local newspapers, radio etc.). All crucial documents of all the EIA processes in Czech Republic, including the transboundary projects, are available at the official webpage of CENIA - Czech Environmental information agency (<http://www.cenia.cz/eia>). The authorities and public of the affected Party may also participate in the public hearing (see above).

The content of the notification depends on what is being notified, but generally: notification has its content defined in Annex No. 3 to the Act. The notification includes all the major basic information on the project, e.g. information about the developer, information about the location, capacity, description of the project, cumulative impacts, reasoning of the need of the project, technical and technological description, information about the environment, impacts on the environment and public health, list of measures to prevent, avoid, mitigate or compensate adverse impacts, comparison of alternatives and finally generally comprehensible summary of a nontechnical character. The notification may also include some map information and supplementary studies in the Annexes to the notification.

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

Yes, Czech Republic has only one notification submitted to the competent authority by the developer of the project and this notification is then sent to own affected authorities and to the affected Party for publication and for comments. The notification includes all the major basic information on the project.

The Czech Republic notifies the affected Party and it is up to the affected Party to notify its own public, as requested in the letter (see above - reply 14a). The publication to the public is in their best interest. The EIA process in the Czech republic consist of the notification, documentation, expert report and final statement phase and information about all of them is distributed for publication and comments also to the affected Party.

15. Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?

The points of contact are often used, but actually we have developed quite a good communication with our neighbouring countries, mainly between the points of contact.

QUESTIONS TO AFFECTED PARTY

16. Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.

It depends on the type of project. The Ministry usually sends the notification to the relevant local/central authorities (Regional Authority, Environmental protection Administration), asking them for an opinion about possible transboundary adverse impact of the project related to local conditions and environment and for an opinion, whether should Czech Rep. take part in the transboundary EIA process. Already at this moment the notification is being published for comments of the public as well. On the basis of the opinions of the possibly affected authorities and public viewpoints, the decision on participation in the transboundary EIA is made.

17. When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is "reasonably obtainable" information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of "promptly" in the context of responding to a request for information (art. 3.6)

As the "reasonably obtainable" information we understand the most up-to-date data that are known to the Ministry or to the local authority and as well expert information that are possible to be brought out within the deadline given by the Party of origin for response. But we have no wide experience in this area so far. Once we have received the request for information, we have sent the request to all institutions and authorities that might have some "reasonably obtainable" information.

18. Please describe:

- a. How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

The Ministry of Environment shall distribute all the received documents according to the Act to the affected territorial self-governing units and affected administrative authorities for publication and for comments immediately or as soon as possible after receiving such documents and publish it on the official EIA website (available at the official webpage of CENIA - Czech Environmental information agency (<http://www.cenia.cz/eia>)).

- b. *How your country identifies the “public” in the affected area;*

The Czech Republic does not identify the term "public". Everyone may submit a written viewpoint to each phase of the EIA process.

- c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

The notification on the project with possible transboundary adverse impact is placed on public notice boards of affected authorities and published also on Internet and by another means (local newspapers, radio etc.). All crucial documents of all the EIA processes in Czech Republic, including the transboundary projects, are available at the official webpage of CENIA - Czech Environmental information agency (<http://www.cenia.cz/eia>).

The Czech Republic, as affected Party, usually publishes all the received documents, does not exclude any part of it.

- d. *At what stage in the EIA procedure does your country normally notify its public?*

The Czech Republic notifies the public at each stage of the EIA process, i.e. the stage of notification, fact-finding conclusion, documentation, expert report, public hearing and final EIA statement.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

The EIA documentation submitted by the developer and elaborated by person authorized for elaboration of the documentation is the DOCUMENTATION according to the Act and its Annex No. 4 (see above - reply no. 3) and this documentation include all the requisites of Appendix II of the Espoo Convention.

20. *Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

See previous response. Art. 7 "Fact-Finding Procedure", par.1 - The objective of the fact-finding procedure is to define information that should be included in the documentation, in relation to

- a. the nature of the specific project or kind of project,
- b. environmental factors referred to in art. 2 that could be affected by project implementation,
- c. the current state of knowledge and assessment methods.

The competent authority sets in the fact-finding conclusion the areas that have to be tackled in the documentation, which are considered to be important in relation to the specific project. (Please see also the EIA process in Annex to this questionnaire.)

21. *How does your country identify “reasonable alternatives” in accordance with appendix II, paragraph (b)?*

According to art. 6 of the Act the developer is obliged to introduce in the notification the main studied alternatives of the project which is included in Annex 1 of the Act, category I, that is always subject to assessment and also to explain the key reason for the choice in relation to the environmental impact. The no-action alternative is mainly included as well.

It can also be proposed by the competent authority in the fact-finding conclusion to prepare the alternatives of the project in the documentation, which generally differ in the location, capacity, technology employed or time of implementation, if the implementation thereof is demonstrably useful and technically feasible. It shall be permitted only exceptionally, and with adequate justification, to propose the preparation of an alternative of the design of the project that is different from the approved land-use planning documentation.

22. *How does your country identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to appendix II, paragraph (c), and how does it define “impact” in accordance with article 1(vii)?*

The "area likely to be affected by the proposed project" is one of the requisites of the notification according to Annex 3 of the Act and impacts on this area shall be in part C of the notification - Information on the state of the environment in the affected territory, so basically it is suggested by the developer, resp. the person, who is elaborating the notification.

The competent authority can moderate the area of impact (the affected environment) in the fact-finding procedure according to the criteria listed in Annex 2 to the Act and in relation to the nature of the specific project or kind of project, the environmental factors, which could be affected by the activity and the current state of knowledge and assessment methods.

The notification and also the documentation shall include, according to Annex No. 3 and 4 to the Act, in part D - Information on impacts of the project on public health and the environment. This part shall include particularly characteristics of potential impacts and estimation of their magnitude and importance (from the point of probability, duration, frequency and reversibility) (incl. population (social and economic impacts), air and climate, noise conditions and other physical and biological characteristics, surface and ground waters, soil, geological environment and natural resources, fauna, flora and ecological systems, landscape, tangible property and cultural monuments), extent of impacts in relation to the affected territory and population, information on potential important negative transboundary impacts, measures to prevent, avoid, mitigate or compensate unfavourable impacts and characteristics of inadequacies in knowledge and uncertainties that occurred in specification of the impacts.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

The complete EIA documentation including the viewpoints of public to the notification, as it is submitted by the developer and as it is distributed to the affected authorities for publication and for comments within the Czech Republic, is given to the affected Party for publication and for comments.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

This is the same approach as with the notification, the Czech Republic as a Party of origin sends the documentation to the affected Party for publication and for comment, requesting to submit the received viewpoints within 30 days after publication on the official notice board of the affected regional authority in the Czech republic. The deadline can be prolonged by 30 days, if affected Party requests so. It is usually the Ministry of environment of the affected Party that collects comments and viewpoints from the public in the affected Party and sends them to the Ministry of Environment in the Czech Republic.

All the received comments and viewpoints are given to the person, who is authorized for elaborating the expert report, where all these comments and viewpoint are incorporated and commented.

On the basis of the documentation (or notification), expert report and public hearing and the viewpoints submitted thereon the competent authority shall issue a statement on environmental impact assessment of the project. The requisites of the statement are set forth in Annex No. 6 to the Act.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

The EIA Act, art. 8, par. 3, and art. 12, par. 1 provides for a total of 30+30 days for the affected Party to express its comments to the documentation. The same time frame is given for comments to the expert report. (In case of the notification, art. 6 par.7 and art. 12 par. 1 provide for a total 20+30 days.) Art. 12 par. 1 states that in case of transboundary assessment the Ministry may prolong the deadlines for viewpoints by up to 30 days if the affected state requests so. In such case the other deadlines shall be prolonged appropriately.

Nevertheless, the Czech Republic always tries to take "late" comments into account as well, if these are received before the final statement is issued.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

The Czech Republic provides to the affected Party the notification, the fact-finding conclusion, the documentation, the expert report, the statement. Also the results of the subsequent permit procedures and the applications for the subsequent permits shall be provided to the affected Party and its public.

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

The Czech Republic initiate a public hearing on the basis of the documentation and the expert report for the affected Czech authorities, interested public of the Czech Republic and anybody else, the public hearing is open to everyone. The affected Party is informed about this fact and therefore may take part in the public hearing as well, this means also the public of the affected Party may take part in it.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

The EIA Act, art. 14, par. 5 states that within 15 days of the date when the information about the received documentation was published, every person may send a written viewpoint to the documentation to the Ministry of Environment. The Ministry sends the received viewpoints together with its own viewpoint and information on participation in the consultation to the Party of origin within 30 days of the date when the information on the documentation was published. The determination also depends on the deadline specified by the Party of the origin.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

The Ministry of Environment shall distribute all the received documents according to the Act to the affected territorial self-governing units and affected administrative authorities for publication and for comments immediately or as soon as possible after receiving such documents and publish it on the official EIA website (available at the official webpage of CENIA - Czech Environmental information agency (<http://www.cenia.cz/eia>)).

Art. 13, par. 5 of the Act - The Ministry shall incorporate the opinion of the affected State in the statement, or shall set forth therein the reasons why it did not incorporate it partly or entirely in its statement.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

The Ministry of Environment of the Czech Republic is responsible for public participation in its own state, if it is an affected Party, according to Czech legislation and also in accordance with the legislation of the Party of origin, if necessary.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

According to art. 13 par. 3 "Transboundary Assessment of a Project Implemented in the Territory of the Czech Republic" - Within 20 days of receiving the documentation, the Ministry shall send the documentation to the affected state and offer consultations. If the affected state expresses interest in consultations, the Ministry shall participate in such consultations, the developer and the person preparing the documentation shall be obliged to also participate.

At the beginning, there is a preliminary time frame given but it can be changed depending on the deal of the Parties.

If there is no interest expressed by the affected Party, the consultations are not held at all.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

The level for consultation is usually national, participants are representatives of the Ministry of the Environment, representatives of the affected Regional authority, the developer, the person elaborating the documentation and representatives of the affected Party. The aim of the consultation is to present the project and answer to all question raised from the side of affected Party. The consultations are mostly organized by the Party of origin.

Both means can be used, depending on their suitability for specific project.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

It is practically similar to the previous answer and it usually depends on the Party of origin offer. If the Ministry receives the notification of a project or otherwise learns of a project, that will be implemented in the territory of the Party of origin and might possibly have transboundary impacts, the information is published and sends to the affected administrative authorities and affected territorial self-governing units for publication and viewpoint. After the notification is published every one may send a written viewpoint on it to the Ministry. The Ministry sends its own viewpoint together with all the collected viewpoints from the public and affected authorities to the Party of origin and commences the "consultation". On the basis of the received viewpoints and on the basis of the type of the project Ministry decides whether there is a need for transboundary consultations or not.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

There is always a subsequent permit procedure or process pursuant to special regulations. In this process the final decision or measure (e.g. planning permit - územní rozhodnutí, building permit - stavební povolení, IPPC permit, mining permit - povolení k těžbě etc.) is issued and the EIA statement of implementing the project is a basic expert document for issuing a decision or measure pursuant to special regulations (art. 10 par. 3 of the Act - Statement on the Environmental Impact Assessment of Implementing the Project). In the absence of a statement, it shall not be possible to issue a decision or measure required for implementing or carrying out the project in any administrative or other procedure pursuant to special regulations. An administrative authority that issues a decision or measure pursuant to special regulations shall include, in its decision or measure, requirements for protection of

the environment set forth in the statement, if set forth therein, or it shall state in its decision or measure the reasons why it did not do so or did so only partly.

In practise the final decision usually includes the requirements of the EIA statement.

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

Please see the answer nr. 34.

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

Yes, they are.

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

The Ministry sends to the affected State the related decisions pursuant to special regulations within 15 days of the date of their receipt (art. 13, par. 6). Yes, the final decision does contain the reasons and considerations on which the decision is based according to our legislation every decision must be reasoned other way it is not valid.

Art. 13 "Transboundary Assessment of a Project Implemented in the Territory of the Czech Republic", par. 6 - The Ministry shall send the statement to the affected state within 15 days of its issue. Furthermore, it shall send requests for issuing related decisions pursuant to special regulations and these decisions, within 15 days of the date of their receipt as well.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

The documents, which are provided during the whole EIA process are full-range and therefore, from the point of scope of information included, sufficient. The notification contains the basic information, the documentation contains the detailed information on the basis of the fact-finding conclusion and the expert report reviews the complexity of the documentation. The final statement sums up the whole EIA process and it contains a list of measures to prevent, avoid, mitigate or compensate negative impacts of the project on the environment, including obligations and conditions for monitoring and analysis of environmental impacts.

Nevertheless, repeated consultations may be possible, if additional information become available during the EIA process, but we have no experience with this so far.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

Art. 12 par. 3 of the Act - On the basis of a request from either of them, the state of origin and the affected state shall determine whether post-project analysis is to be carried out and, if so, to what extent, taking into account potential significant detrimental transboundary impact of the project that was the subject of transboundary assessment. Any post-project analysis will include especially constant monitoring of the consequences of implementing the project and determination of any detrimental transboundary impact. This constant

monitoring and determination of impacts may be carried out for the purpose of achieving the following objectives:

- a. monitoring of compliance with the conditions laid down in the decision or measure pursuant to special regulations and the effectiveness of mitigating measures,
- b. examination of the impact of the project and dealing with questions arising during the post-project analysis,
- c. verification of previous forecasts in an attempt to utilize the information gained in implementing similar projects in the future.

Art. 12 par. 4 of the Act - If, on the basis of the post-project analysis, the state of origin or affected state has justified reasons for concluding that there is a significant detrimental transboundary impact, or if factors have been determined that could lead to such an impact, it shall immediately inform the other state. After coming to an agreement, the state of origin and the affected state shall subsequently lay down necessary measures to decrease or prevent this impact.

These are the same rules as in the art. 7 par.1 of the Espoo Convention. We have no practical experience with this so far.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

Please see the answer nr. 39.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

The Czech Republic has started discussing draft agreements with all its neighbouring countries (Austria, Germany, Poland and Slovakia) in the past, but these discussions were interrupted because of the need to coordinate the national position to the bilateral cooperation with other competent Ministries and also in order to amend the EIA Act on the basis of the infringement procedure.

The Czech Republic commenced in 2010 discussions on bilateral agreements again, firstly with Poland and Slovakia, in order to gather the experience, because Czech and Slovak legislation is similar to each other and therefore the bilateral agreement could be useful as a basis for subsequent bilateral agreements with other neighbouring countries.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No, a supplementary point of contact has not been established. The Ministry of the Environment is the representative of the Czech Republic on these matters. The point of contact is simultaneously the focal point and we haven't experienced any difficulties with this so far.

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

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45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

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46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

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PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

The CZECH REPUBLIC as a Party of origin, affected Party - GERMANY

- 1) Multifunkční areál Mníšek
- 2) Sklad vyhořelého paliva v lokalitě JETE
- 3) Větrný park Chomutov
- 4) Farma větrných elektráren Mauricius
- 5) Větrný park Klínovec
- 6) Farma větrných elektráren Medvědí skála
- 7) Změna stavby před dokončením pro větrnou elektrárnu v lokalitě Neklid v k.. Jáchymov
- 8) Farma větrných elektráren Andělka
- 9) Plavební stupeň Děčín
- 10) Otevření hraničního přechodu Dolní Poustevna – Sebnitz – just notification
- 11) Environmentální rekonstrukce kotelny – Krásná Lípa

- 12) Nový jaderný zdroj v lokalitě Temelín včetně vyvedení výkonu do rozvodny Kočín
- 13) Výstavba VTE Špičák Varnsdorf
- 14) VTE Moldava
- 15) Větrný park Pastviny u Moldavy

The CZECH REPUBLIC as a Party of origin, affected Party – AUSTRIA

- 1) Rychlostní silnice R52 Pohořelice – Mikulov (Drasenhofen)
- 2) Silnice I/38 Znojmo (obchvat, III.stavba) – Hatě
- 3) Sklad vyhořelého paliva v lokalitě JETE
- 4) Golfové hřiště Laa – Hevlín – just notification
- 5) Nový jaderný zdroj v lokalitě Temelín včetně vyvedení výkonu do rozvodny Kočín

The CZECH REPUBLIC as a Party of origin, affected Party – SLOVAKIA

- 1) Prodloužení splavnosti vodní cesty Otrokovice – Rohatec
- 2) Rychlostní silnice R49, stavba 4905 Horní Lideč – hranice ČR/SR (Střelná)
- 3) Rekonstrukce hraničního mostu v km 110495 v trat'. úseku Lanžhot (ČR) – Kúty (SR)
- 4) Rychlostní silnice R49 v úseku Fryšták – státní hranice ČR/SR

The CZECH REPUBLIC as a Party of origin, affected Party – POLAND

- 1) Pokračování hornické činnosti dolu ČSM na období 2009 – 2020
- 2) Lanová dráha Nýdek – Čantoryje
- 3) Rozšíření lyžařského areálu Skiareál Špindlerův Mlýn a.s.
- 4) Větrný park Mladkov
- 5) Větrný park Lichkov
- 6) Větrné elektrárny Václavice
- 7) Krajské integrované centrum využívání komunálních odpadů v Moravskoslez. kraji (KIC)
- 8) 2 větrné elektrárny – Královec
- 9) Nádrž Nové Heřminovy, úprava Opavy a související opatření

The CZECH REPUBLIC as an affected Party, Party of origin – GERMANY

- 1) Rozšíření parku větrných elektráren Dörnthal – just notification

The CZECH REPUBLIC as an affected Party, Party of origin – AUSTRIA

- 1) Dálnice A5 Nord Autobahn, úsek Poysbrunn – státní hranice Drasenhofen
- 2) Zařízení k výrobě glukosy, Pernhofen

The CZECH REPUBLIC as an affected Party, Party of origin – SLOVAKIA

- 1) Vyradovanie jadrovej elektrarny V1
- 2) Veterný park Myjava, lokalita Vesný Vrch
- 3) Veterný park Myjava, lokalita Ostrý Vrch II
- 4) Veterný park Myjava, lokalita Polana
- 5) Rýchlostná cesta R6 Púchov – št. hranica SR/ČR
- 6) ŽSR, Modernizácia železničnej trate Bratislava – Kúty pre rychlost 160 km/hod
- 7) Zvyšenie výkonu blokov JE EMO12 v Mochovciach
- 8) Rýchlostná cesta R5 Svrčinovec – št. hranica SR/ČR
- 9) Atómová elektrárň Mochovec VVER 4x440 MW 3. stavba

The CZECH REPUBLIC as an affected Party, Party of origin – POLAND

- 1) Sanitární kanalizace v obci Krzyżanowice
- 2) Stavba suché protipovodňové nádrže v obci Krzanowice, Slezské vojvodství
- 3) Stavba silničního mostu nad hraniční řekou Opavou

- 4) Rychlostní silnice R11, stavba 1109, Trutnov – státní hranice ČR/Polsko – just notification
- 5) Revitalizace výrobní síly PGE Elekárna Turów, a.s., na základě výstavby energetického bloku o výkonu okolo 460 MW na místě likvidovaných energetických bloků č. 8, 9 a 10
- 6) Výstavba větrné elektrárny Jasná Góra, města Bogatynia (6 x 2,5 MW)
- 7) Farma větrných elektráren Krzewina – Lutogniewice
- 8) Výstavba větrné elektrárny Turow – EWT Bogatynia
- 9) Výstavba dvou lyžařských lanovek na kótě 1027 – Šerlich – Czech republic not informed

This list may not be complete.

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

No.

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

Yes, there is/are such projects; the reason for no transboundary EIA process was the fact that Czech Republic, as an affected Party wasn't informed about the project at all. This happens mainly with projects that according to the Czech EIA Act are subject to an EIA process or at least to a fact-finding procedure, but in neighbouring countries they are not subject to an EIA at all and therefore the Czech republic is not even notified.

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

EIA procedure lasts approx. 1 year, depends on the project scale and time needed for the documentation elaboration. There is no deadline for submission of the documentation, e.g. the developer may submit the documentation one year after the fact-finding conclusion has been issued. The developer may also need to provide a study (e.g. biological study), that can last one year.

EIA documentation phase takes approx. 130-190 days. This includes the submission of the EIA documentation, publication of the documentation for comments (30 days + 30 days in case of transboundary EIA, if requested), submission of the expert report (60-90 days), the public hearing and issue of the final EIA statement.

The time-frame (especially the deadlines for public comments) for the EIA process has already been mentioned in this questionnaire.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

The transboundary EIA process between the Czech Republic and neighbouring countries is carried out in compliance with the Espoo Convention and the Czech EIA Act and it serves for wider understanding of the possible adverse impacts of the project. It definitely creates wider public participation and it concludes to wider scope of conditions which are included in the final EIA statement. On the other hand it often burdens the administration and the developer and there is no significant difference in the final result of the EIA process (especially in case of smaller projects without any significant adverse impact).

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

In the Czech EIA Act there is not defined the term "major change", "reasonable time/frame" and "promptly", as already mentioned in this questionnaire. The EIA Act sets specific time-frames (in days) for specific purposes and requirements and lists on the basis of the Annex No. 1 to the Act, what major change mean, in relation to the thresholds, or on the basis of the increase of its capacity or extent, significant change may also be in its technology, management of operation or manner of use.

53. *Please share with other Parties your country’s experience of using the Convention in practice. 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.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

The subject of transboundary EIA for the Czech Republic shall be a project set forth in Annex No. 1 of the Act, if the affected territory can extend beyond the territory of the Czech Republic (shall be stated in the notification submitted by the developer) or a project set forth in Annex No. 1 of the Act, if the State, the territory of which can be affected by significant environmental impacts, request so.

In practice any potential transboundary impact might result in a transboundary EIA process.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

The content of the EIA documentation is given by the Annex No. 4 to the Act and it also includes a separate chapter named Complex characteristics of the environmental impacts of the project from the point of their magnitude and importance and potential transboundary impacts. The scope of the information depends on the type of the project. Project, which is likely to have an adverse transboundary environmental impact usually includes in the documentation sufficient information on this.

c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

The Czech Republic does not have any special methodology for transboundary EIA, we carry out the EIA process accordingly to the national EIA processes.

d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

We do not provide for a translation of documents under the EIA procedure. To simplify the decision making of an affected Party on which part to translate we provide an informal translation of the "content" in English and in very special causes we provide a translation of the non-technical summary + the transboundary impacts chapter in English. In special transboundary causes, like the New nuclear power plant in Temelin, the developer submits the documentation directly in German language (language of the affected Party). Nevertheless, the Czech EIA Act does not demand the translation of the documents in the EIA process.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

We understand the importance of public participation and we request by sending the notification or the documentation to the affected Party to publish the information thereon and to allow the public to comment on this. Nevertheless, the public participation of the affected Party shall be organized by the affected Party. We as affected Party also organize the public participation in accordance with Czech national legislation.

We haven't experienced any difficulties with the participation of the public in a transboundary EIA process.

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

We haven't experienced any significant difficulties with the consultations, we provide the translator, so the consultation is held bilingual in Czech-polish or Czech-German language. During the consultations may arise the demand on some supplementary information, which are usually submitted by the developer, if such information is available and accessible for public.

We organized couple of consultations, but we haven't been to any consultations as an affected Party yet. So far the transboundary EIA processes run well without any need for consultations.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

The final statement on the environmental impact assessment of implementing the project has requisites according to Annex No. 6 to the Act, it shall contain the basic information on the project, the course of the assessment, the evaluation of the project, proposal of measures to prevent, avoid, mitigate or compensate negative impacts of the project on the environment, including obligations and conditions for monitoring and analysis of environmental impacts and also dealing with viewpoints on the documentation (notification) and on the expert report and finally statement of the competent authority from the point of the acceptability of the environmental impacts of the project, giving conditions for implementation of the project or reasons for unacceptability of the project.

The Ministry shall incorporate the viewpoint of the affected Party in the statement, or shall set forth therein the reasons, why it did not incorporate it partly or entirely in its statement.

The Ministry shall send the statement to the affected Party within 15 days of its issue. Furthermore, it shall send to the affected Party requests for issuing related decisions pursuant to special regulations and these decisions, within 15 days of the date of their receipt.

- h. Has your country carried out post-project analyses and, if so, on what kinds of project?;*

No?

- i. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

No.

- j. Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet" ?;*

The Czech Republic carries out all the transboundary EIA processes in compliance with the Espoo Convention.

- k. Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

The most common mean of applying the Espoo Convention is through focal points. The communication between the focal points seems to be very useful in case of transboundary EIA process.

CO-OPERATION BETWEEN PARTIES IN 2006–2009

- 54. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

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EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

- 55. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

- a. Guidance on public participation in EIA in a transboundary context;*

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- b. Guidance on subregional cooperation;*

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- c. Guidelines on good practice and on bilateral and multilateral agreements.*

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CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

We believe the Czech Republic have applied the Espoo Convention accordingly and we do not see any difficulties in this. The only problem could be the fact that Czech republic has quite wide range of the projects that have to be assessed in the EIA procedure or at least in the fact-finding procedure according to the Annex No. 1 to the Act and this leads to such situations, when we have many more transboundary EIA causes then our neighbouring countries, which have the range of projects significantly narrower.

AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

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58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

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SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

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