

Questionnaire for the

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

in the period 2010–2012

Information on the focal point for the Convention

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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

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

- Act No. 100/2001 Coll., Act on Environmental Impact Assessment and as subsequently amended.

- 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

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

There are none.

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

For the transboundary EIA procedure is always responsible 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 (zoning decision, 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 domestic 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).

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

The Ministry of Environment leads the transboundary EIA process and collects all the information. All principal documents of the EIA processes in Czech Republic are available on the official webpage of CENIA - Czech Environmental information agency (<http://www.cenia.cz/eia>), the access is possible also from abroad.

5. *Does your country have special provisions for transboundary EIA procedures 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

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

Yes, appendix I is fully transposed into our national legislation (except point 15. – Czech Republic does not have a sea). The list of activities is listed in Annex I. of the Act. There are all the activities mentioned in Appendix I to the Espoo Convention and there are some extra.

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

Yes, it does.

PUBLIC PARTICIPATION

8. *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?*

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

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

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 to the affected state at the same time as to Czech affected authorities in Czech Republic.)

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

Art. 13 "Transboundary Assessment of a Project Implemented in the Territory of the Czech Republic", par.1 (see above point 9)

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

The indicated format for notification is not used, but the Czech Republic use its own. Our format for notification includes all requested information, plus an explanatory letter which is attached to the EIA documents and describes the EIA process, subsequent steps etc. The national format is set in Annex No.3 to the Act.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, "within the time specified in the notification"), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

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 no later than 3 weeks of the day they have received the notification of the project. According to art. 12 of the Act, in case of transboundary EIA process each deadline for giving viewpoints can be extended by the Ministry for 30 days, if the affected Party requests so. Other deadlines shall be prolonged appropriately.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

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.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

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 of 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.

- f. *When and 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?*

If the Ministry ascertains that a project pursuant to Act, Section 11 (1) (a) is involved or if the affected country has requested assessment of a project pursuant to Act, Section 11 (1) (b), it shall send a notification to the affected country within 5 business days for its comments together with data on the course of assessment pursuant to this Act and information on the subsequent decisions that may be adopted pursuant to the special legal regulations.

- g. *When and how the public in the Party of origin 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 the 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 of the project, e.g. information about the developer, 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 other alternatives and finally generally comprehensible summary of a nontechnical character. The notification may also include some map annex and supplementary studies in the Annexes to the notification.

- h. *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.*

Yes, The 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 (see above).

11. *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, annex III, 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

12. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

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.

b. The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;

When we receive the request for information, we send the request to all institutions and authorities that might have some information, then we send them to the Party of origin for response.

c. How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);

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>)).

d. When and how the public is notified (e.g., what kinds of media, etc., are usually used).

The notification on the project with possible transboundary adverse impact is placed on the 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. The documents are published at each level of the EIA process.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. Indicate the legal requirements in your country, if any, related to:

a. The content of the EIA documentation (art. 4, para. 1; appendix II);

The EIA documentation submitted by the developer and elaborated by a person authorized for elaboration of the documentation is the “documentation” according to the Act and its Annex No. 4 and this documentation includes all the requisites of Appendix II of the Espoo Convention.

b. The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);

In the legislation Art. 7 "Scoping and screening procedure", par.1 - The objective of the scoping 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 set out in art. 2 that could be affected by implementation of the project;
- c. the current state of the art and assessment methods.

The competent authority sets in the scoping conclusion the areas that have to be tackled in the documentation, which are considered to be important in relation to the specific project.

- c. *The identification of "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 scoping 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 there 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.

- d. *The procedures and format for providing the EIA documentation domestically;*

The complete EIA documentation includes 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.

- e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

The complete EIA documentation is provided to the affected Party and in the Czech Republic there is no difference between the procedures and format domestically and for the affected Party.

- f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

Everyone may submit his comments on the documentation to the competent authority in writing 30 days of publication of information on the documentation. The authority may disregard any comments sent after this deadline. The competent authority shall deliver the received comments to the expert without delay after their receipt. On the basis of the received comments on the documentation or on the basis of recommendations submitted by the expert, but no later than within 40 days of the date of delivery of the documentation of the project to the expert, the competent authority may return the documentation to the developer for modification or supplementation.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

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

- h. *The procedures for public hearings domestically;*

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.

- i. *The procedures for public hearings held on the territory of the affected Party.*

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

14. *Indicate the legal requirements in your country, if any, related to:*

- a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

The Ministry shall send the documentation for comments to the affected administrative authorities and affected local governments and publish on this documentation. 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.

- b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

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.

- c. *The procedures for the examination of the EIA documentation domestically.*

Viz. above point 14a.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for cooperation with the affected Party related to consultations;*

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.

- b. *The stages, procedures and deadlines for consultations with the affected Party;*

Within 20 days of receipt of the documentation, the Ministry shall deliver the documentation to the affected country and offer the possibility of a preliminary consultation, particularly if the documentation was prepared in variants, including communication of measures to mitigate any significant adverse transboundary impacts (hereinafter a “consultation”). If the affected country shows interest in the consultation, the Ministry shall participate in the consultation. Without delay, but not later than 5 days of the date of setting the date of the consultation, the Ministry shall inform the developer and, through the developer, also the author of the documentation in advance of the place and time of the consultation, The developer and author of the documentation shall then also be obliged to participate in the consultation. The Ministry shall be obliged to publish information on the consultation.

- c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

The competent authority shall be obliged to publish information on the public hearing at least 5 days prior to its holding. The public hearing should be held not later than 5 days after expiry of the deadline for submitting comments on the expert report. The competent authority shall draw up minutes of the public hearing, containing particularly data on participants and the consultations of the hearing; it shall also provide for a complete stenographic record or sound recording of the hearing. The competent authority shall be obliged to send the minutes of the public hearing to the developer, the affected administrative authorities and the affected local governments and publish them on the internet.

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for interaction with the Party of origin related to consultations;*

If the Ministry has received the documentation and, as appropriate, a proposal for consultation from country of origin, it shall send the documentation for comments to the affected administrative authorities and affected local governments and publish information on this documentation.

- b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

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. Everyone shall be entitled to send written comments on the documentation to the Ministry within 15 days of the date of the publication of information on the documentation. The Ministry shall send all the comments, together with its own comments and information that it will participate in the consultation, as appropriate, to the country of origin within 30 days of the date of the publication of information on the documentation.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

No decision or measures required for implementation of the project may be rendered or adopted without the statement in any administrative or other proceedings or some other procedure pursuant to the special legal regulations. In these proceedings and procedures, the competent authority shall be an affected administrative. In its decision-making, the administrative authority shall always take into consideration the contents of the statement, If the statement sets out any specific requirements concerning environmental protection, it shall incorporate them in its decision, otherwise, it shall state the reason why it failed to do so or did so only partly. The decision must always state the reasons on which it is based.

- b. *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, para. 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.

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

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 and 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.

- d. *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, para. 1)?*

Yes, they are.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 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

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

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

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.

- b. *Procedures for informing of the results of post-project analysis.*

Please see the answer nr. 18a

Article 8

Bilateral and multilateral agreements

19. *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.

20. *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

21. *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

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

The Czech Republic has accepted the first amendment to the Convention on the 18th of April, 2007.

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

The Czech Republic has accepted the second amendment to the Convention on the 18th of April, 2007.

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

The Protocol of SEA was ratified in 2005 and it came into force in 2010.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in 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; and 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 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

CZ is party of origin, affected parties are Germany, Austria, Slovakia, Poland

1. Nový jaderný zdroj v lokalitě Temelín včetně vyvedení výkonu do rozvodny Kočín

CZ is party of origin, affected party is Poland

1. Lanová dráha Nýdek-Čantoryje
2. Rozšíření lyžařského areálu Skiareál Špindlerův Mlýn
3. Větrný park Lichkov a Mladkov
4. Rychlostní silnice R11, stavba 1109, Trutnov - státní hranice ČR/Polsko
5. Pokračování hornické činnosti Dolu ČSM na období 2009 – 2020
6. Větrné elektrárny Václavice
7. 2 větrné elektrárny – Královec
8. KIC - Krajské integrované centrum využívání komunálních odpadů v Moravskoslezském kraji
9. Nádrž Nové Heřminovy, úprava Opavy a související opatření
10. Výstavba větrných elektráren v lokalitě Borová u Náchoda
11. Jednomístný lyžařský vlek Single – Lyžařský areál lesní hřeben, Pomezí boudy

CZ is party of origin, affected party is Germany

1. Plavební stupeň Děčín
2. VTE Moldava
3. Environmentální rekonstrukce kotelny Krásná Lípa
4. Větrný park Pastviny u Moldavy
5. Výstavba VTE Špičák Varnsdorf (Větrný park Varnsdorf – Špičák)

CZ is party of origin, affected party is Slovakia

1. Rychlostní silnice R49, stavby 4903-4905, úsek Lípa – státní hranice ČR/SR
2. MVE Lanžhot

ČR is party of origin, affected party is Austria

1. Regulační plán Propojení Klápa – Hraničnick
2. Tématický areál pro volnočasové aktivity Chvalovice – Hatě
3. Silnice I/38 Znojmo (obchvat, III. stavba) - Hatě

CZ is affected party, party of origin is Poland

1. Výstavba 36 větrných elektráren s jednotkovým výkonem 3,5 MW, o max. výšce nad úrovní terénu nepřesahující 190 m, s celkovým výkonem 126 MW, v lokalitách Krobusz, Gostomia, Solec, Olbrachcice, Browiniec Polski, Wilków, Rostkowice, Biala a Radostynia, situovaných v katastru obce Biala
2. Těžba ložiska melafyru Rybnica I
3. Změna koncese na těžbu melafyru z ložiska Rybnica Leśna
4. Těžba a zpracování rubaniny z ložiska melafyru Tlumaczów Gardzien a dopravy hotových výrobků
5. Výstavba větrné farmy o výkonu 15 MW, včetně nezbytné technické infrastruktury, která se skládá z 5 ks individuálních větrných elektráren o výkonu 3,0 MW každá, v oblasti Jasna Góra, obec Bogatynia, okres Zgorzelec (původně Výstavba větrné elektrárny Jasna Góra, města Bogatynia (6 x 2,5 MW))
6. Farma Větrných elektráren Krzewina – Lutogniewice společně se zařízením pro zasilání elektrické energie a související strukturou
7. Větrná farma Bogatynia (Výstavba větrné elektrárny Turow – EWT Bogatynia)
8. Revitalizace výrobní síly PGE Elektrárna Turów, a.s., na základě výstavby energetického bloku o výkonu okolo 460 MW na místě likvidovaných energetických bloků č. 8, 9 a 10
9. Rekonstrukce přehrady na řece Witka (*Smědá*) v Niedowě – výstavba provizorní hráze
10. Výstavba větrné farmy v okolí obce Lubrza, Green Bear Wind Sp. z o. o.
11. Výstavba větrné farmy u obce Lubrza
12. Obnova rozhledny na Králickém Sněžníku (Śnieżnik Kłodzki)

CZ is affected party, party of origin is Germany

1. Realizace dvou větrných elektráren Vestas V90, k. ú. Wernersreuth, obec Neualbenreuth

CZ is affected party, party of origin is Slovakia

1. „Finalne spracovanie kvapalných rádioaktívnych odpadov JAVYS, a.s. v lokalite Mochovce“
2. Integrovaný sklad RAO
3. Rozšírenie RÚ RAO v Mochovciach pre ukládanie nízko aktívnych RAO a vybudovanie úložiska pre veľmi nízkoaktívne RAO

4. Atómová elektrárň Mochovec VVER 4x440 MW 3. stavba
5. Parkovací dom – PORTAŠ – SEDLO
6. Dobudovanie dopravnej infraštruktúry Horné Srnie / Brumov – Bylnice
7. Rýchlostná cesta R5 Svrčinovec - št. hranica SR/ČR
8. Veterný park Myjava, lokalita Poľana
9. ŽSR, Modernizácia koridoru štátna hranica ČR/SR – Čadca – Krásno nad Kysucou (mimo), železničná trať

ČR is affected party, party of origin is Austria

1. Dálnice A 5 Nord Autobahn, úsek Poysbrunn – st. hr. Drasenhofen

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

No.

27. *Provide information and explanations 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 screening procedure 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 IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2006–2009

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, 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).

The best cooperation is with Slovakia because our languages are very similar and as well as the legislation. The worst one with Germany.

29. *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. *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.

- b. *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 cases we provide a translation of the non-technical summary + chapter of the transboundary impacts in English. But it depends on the developer if he submit the whole translation of documentation. In special transboundary causes, like the New nuclear power plant in Temelin or VTE Moldava, 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.

- c. *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? 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.

- d. *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.

- e. *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 final 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 viewpoints of the affected Party in the statement, or shall set forth therein the reasons, why it did not incorporate them 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.

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

No, at any case as the Party of origin. We wanted post-project analysis once as affected Party in project of wind power plants in Bogatynia.

- g. *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.

- h. *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. The best cooperation is with Slovakia, then with Poland, worse is with Germany.

- i. *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. For example in transboundary EIA procedure with Slovakia or Poland communicate together the responsible persons for the project via e-mail. It is the fastest, the most effective and responsible way of communication.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

E-mail communication with the colleagues from abroad who answer our questions. It works with Slovakian and Polish colleagues.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *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 (ECE/MP.EIA/7);*

Yes, we have this guidance and we use it.

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

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- c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

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CLARITY OF THE CONVENTION

32. *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?*

We believe the Czech Republic has 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 than our neighbouring countries, which have the range of projects significantly narrower.

AWARENESS OF THE CONVENTION

33. *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.*

No.

34. *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?*

No.

SUGGESTED IMPROVEMENTS TO THE REPORT

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

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