

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

Information on the focal point for the Protocol

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Part one

Current legal and administrative framework for the implementation of the Protocol

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

Article 3

General provisions

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

(a) Law on SEA (please indicate number/year/name): -

(b) SEA provisions are transposed into another law(s) (please specify):

The Environment Protection Act (Official Gazette of the Republic of Slovenia, 41/04, 20/06, 39/06, 70/08, 108/09, 48/12, 57/12, 92/13, 56/15, 102/15),

(c) Regulation (please indicate number/year/name):

Rules on the assessment of acceptability of impacts caused by the execution of plans and activities affecting nature in protected areas (Official Gazette of the Republic of Slovenia, 130/2004, 53/2006, 38/2010, 3/2011)

Decree laying down the assessment of significant impact of plans, programmes or other acts or their changes in the strategic environmental assessment (Official Gazette of the Republic of Slovenia 9/2009)

Decree laying down the content of the environmental report and on the detailed procedure for the assessment of the effects on certain plans and programmes on the environment (Official Gazette of the Republic of Slovenia 73/2005)

The Decree on the assessment of the effects of certain public and private projects on the Environment (Official Gazette of the Republic of Slovenia 78/06, 72/07, 32/09, 95/11, 20/13, 51/14, 57/15)

(d) Administrative rule (please indicate number/year/name): -

(e) Other (please specify): -

Your comments: -

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation: Strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and urban planning or land use, and which set the

framework for future development consent for projects and if assessment is needed under Habitat and Wild Birds Directive (Nature Conservation Act).

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

R Slovenia adopted Decree on the categories of activities for which an environmental impact assessment is mandatory (Official Gazette of the Republic of Slovenia, 51/14, 57/15). The part of Decree are annexes with the list of the projects for which:

- a.) Environmental Assessment is obligatory,
- b.) Screening is obligatory.

There are criteria for screening assessment in the Appendix of the Decree.

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation: The areas at local level are not interpreted and the legislative measures for transposition of art.4, para.4 not adopted.

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4): The Environment Protection Act define the obligation for SEA screening for all plans and their changes.

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify): -

Your comments: -

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?:

No

Yes (please specify (more than one option may apply)):

- (a) By sending written comments to the competent authority
- (b) By sending written comments to the local municipality
- (c) By providing answers to a questionnaire
- (d) By taking part in a public hearing
- (e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify):

Your comments: -

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?:

Decree laying down the content of the environmental report and on the detailed procedure for the assessment of the effects on certain plans and programmes on the environment (Official Gazette of the Republic of Slovenia 73/2005) determine that SEA expert prepare aims and indicators and main SEA report issues and could ask the Ministry of the Environment and Spatial Planning for its opinion and confirmation. On each case the ministry consult with the ministries and organisations, responsible for certain environmental issues, including health.

Article 7 Environmental report

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

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

Decree laying down the content of the environmental report and on the detailed procedure for the assessment of the effects on certain plans and programmes on the environment (Official Gazette of the Republic of Slovenia 73/2005) provides the obligation for the presentation of the environment state without any activity (non action activity).

- (c) By using a combination of (a) and (b)
- (d) Other (please specify): -

Your comments: -

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

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

- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify): -

Your comments: -

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices
- (b) Through electronic media
- (c) Through other means (please specify): -

Your comments: -

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means (please specify): -

Your comments: -

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By providing answers to a questionnaire
- (c) Orally
- (d) By taking part in a public hearing

There is obligation for public hearing for national and local spatial planning/land use acts.

- (e) Other (please specify): -

Your comments: -

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period
- (b) No, it is defined case by case
- (c) Yes (please provide the definition): The Environment Protection Act defines reasonable time frame 30 days.
- (d) Other (please specify): -

Your comments: -

Article 9

Consultation with environmental and health authorities

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

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

Your comments: -

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

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

Your comments: -

I.17. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify) -

Your comments: -

Article 10

Transboundary consultations

I.18. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Your comments: In the annex I activities we are sending notification in the very early stage. In the projects, where transboundary effects are not known yet we notify, when the information draft plan or programme and environmental report have been prepared and before we inform our public.

I.19. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

- (a) The information required by article 10, paragraph 2
- (b) The information required by article 10, paragraph 2, plus additional information (please specify): Draft plan or programme and the environmental report.

Your comments: -

I.20. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

- (a) No
- (b) Yes (please indicate how long):

Your comments: With the notification letter we ask the affected Party to answer in 30 days.

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

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) Other (please specify): The proposal is by the Party of origin and it is discussed with affected Party to make the procedure well manage, structured in line with all steps in legislation and effective.

Your comments: -

Article 11 Decision

I.22. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8 to 10

Your comments: -

I.23. How and when do you inform your own public and authorities (art. 11, para. 2)?:

When the decision is accepted and the final decision on environmental acceptability issued we inform public and authorities, send them final decision and publish it on the web page of the ministry.

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

- (a) By informing the point of contact
- (b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public
- (c) By informing all the authorities involved in the assessment and letting them inform their own public
- (d) Other (please specify):

Your comments:

Article 12 Monitoring

I.25. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

The Environment Protection Act defines the obligation of the monitoring. Monitoring is proposed by SEA report and confirmed by the environment acceptability decision. The obligation of the planning authority is to report on monitoring. In the case that monitoring shows the new effects, which have not been identified before, there is additional obligation in Art. 48 to take measures for reducing or deleting the effects.

Part two Practical application during the period 2013–2015

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

- (a) Yes
- (b) No

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2013–2015

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

3. Cases during the period 2013–2015

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

Transport: SEA for Transport Strategy of the Republic of Slovenia

SEA for national spatial plan Tunel Karavanke: Extension of motorway connection between Slovenia and Austria

Energy: SEA for gas pipeline

SEA for Programme of the research and use of oil and gas in Adriatic

4. Experience with the strategic impact assessment procedure in 2013–2015

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?:

(a) No

(b) Yes (please indicate which ones): SEA in one side of the borders finished years ago and half of plan was defined. When SEA in Slovenia started, the separate SEA report has to be done, but Sea from neighbouring country Austria was not known any more, because they have been already in building phase.

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples: Slovenia has called for the meeting to consult about the issue and work with Party so long that the solution is found.

II.7. With regard your country's experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?:

Yes, Slovenia is carried out monitoring according to article 12.

Good practice is SEA for Transport Strategy.

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?:

(i) No

(ii) Yes (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?:

No difficulties. We translate documents in transboundary SEA procedures, when Slovenia act as Party of origin.

(b) What does your country usually translate as a Party of origin?: Notification, SEA report and draft plan.

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

(i) No

(ii) Yes (please indicate how): We publish information on the web in advance. Then we organise public hearing and we invite public. We translate all public hearing that all public has equal opportunity to understand and comment. Comments when then send to the Party of origin, to take them into account.

(d) What has been your country's experience of the effectiveness of public participation?: Public participation participation is effective only if the plan is presented in the stage when all options are open.

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

(i) No

(ii) Yes (please describe): Spatial plan for pipeline

5. Experience regarding guidance in 2013–2015

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

- (a) No:
- (b) Part of it (Please specify):
- (c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented: -

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?:

- (a) No:
- (b) Yes Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved: No suggestions.

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