



REPUBLIC OF SLOVENIA  
**MINISTRY OF THE ENVIRONMENT  
AND SPATIAL PLANNING**

SPATIAL PLANNING, CONSTRUCTION AND HOUSING DIRECTORATE

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***Training strategy for Strategic Environmental  
Assessment and Environmental Impact  
Assessment for the implementation of ex-ante  
conditionality on SEA/EIA***

**MODUL 3  
FRAMEWORK SEMINAR ON  
SEA/EIA/Appropriate assessment**

Ministry of Environment and Spatial Planning of the Republic of Slovenia,  
Dunajska 48, Ljubljana, Slovenia

# Training seminar

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## MODUL 3 . FRAMEWORK SEMINAR ON SEA/EIA

I. SEA and EIA

II. Habitats Directive

III. Cohesion Policy and Environment

# PROGRAMME

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## I. SEA AND EIA

- 9.30 – 9.45 Slovenian measures on SEA/EIA for effective transposition and implementation, MESP, Vesna Kolar Planinšič
- 9.45-10.15 SEA and EIA in Spatial Planning system, MESP, Lenča Humerca-Šolar
- 10.15-10.30 Coffee break
- 10.30-11.30 The implementation of SEA and EIA Directives in the light of key rulings of the Court of Justice of the EU, Stephanos Ampatzis, EC
- 11.30-12.30 SEA and EIA Lessons learned in the past cohesion period and recommendation, Ismini Kyriazopoulou, Jaspers

# PROGRAMME

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## II. Habitats Directive

- 14.00 – 14.30 Assessment of plans and projects according to Art. 6(3) and 6(4) of the habitats Directive, Vedran Nikolić, EC

## III. Cohesion Policy and Environment

- 14.30 – 15.00 Cohesion Policy and Ex-ante conditionality, why EIA/SEA is important ? Mirabela Maria Lupaescu, EC
- 15.00 – 15.30 Lessons learned from the appraisal of major projects and recommendations for the new programming period and their relevance for non-major projects, EC perspective 2014-2020, Agata Payne, EC
- 15.30 – 16.30 Questions and answers
- 16.30 Evaluation and conclusions

# Dissemination of training material

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- Link
- [http://www.mop.gov.si/si/delovna\\_podrocja/presoje\\_vplivov\\_na\\_okolje/celovita\\_presoja\\_vplivov\\_na\\_okolje/usposabljanje](http://www.mop.gov.si/si/delovna_podrocja/presoje_vplivov_na_okolje/celovita_presoja_vplivov_na_okolje/usposabljanje) za celovite presoje vplivov na okolje presoje vplivov na okolje in presoje sprejemljivosti na varovana območja



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# **Slovenian measures on SEA/EIA for effective transposition and implementation**

*Vesna Kolar Planinšič, Msc.*

*vesna.kolar-planinsic@gov.si*

**MODUL 3**

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# Ex- ante conditionality

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- B.6

- 1. Arrangements for the effective application of EIA and SEA Directive**

- Revision of Environmental Act
- Revision of EIA Decree 2014
- Training Strategy

- 2. Arrangements to ensure the quality of the information used in the EIA process**

- 3. Arrangements to give access to justice for the public concerned, including NGO**

# Transposition

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- SEA Directive 42/2001, 10 years, no changes
- Environmental Acts, 2004 -2014
- Art. 40.-46
- Procedure for transparent integration of environment into plans and programmes
- Screening by MESP
- Consultation with ministries and organisation
- Info on screening published on web
- Scoping (not obligatory)
- SEA report, quality assessment by MESP in consultation
- Public consultation (all public),
- Final environmental acceptability by MESP
- Challenge on administrative court (6 cases)
- Decision on acceptance of plan by proponent



# Ex- ante conditionalities - transposition

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- Transposition
- **Environmental Act**
- SEA Directive and EIA Directive are transposed by revised protection Act
- Decree on categories of projects for which EIA is mandatory (2014, 2015)
- Decree laying down the context of environmental report and on detailed procedure for the assessment of the effects on certain plans and programmes on the environment
- **Appropriate assessment**
- Nature Conservation Act
- Rules of the assessment of acceptability of impacts caused by the execution of plans and activities affecting nature in protected areas

# Ex- ante conditionalities -transposition

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- SEA / Appropriate assessment (decision in screening) /Water
- Change of water protection act for transposition of art. 4.7 of water directive
- Arrangements are on place to ensure the quality of the information used in the SEA process – Ministry of Environment and Spatial Planning is the verifying body
  
- EIA /Appropriate assessment/Water
- Change of water protection act for transposition of art. 4.7 of water directive
- Arrangements are on place to ensure the quality of the information used in the EIA process – Environmental Agency is the verifying body

# ENVIRONMENTAL ASSESSMENT

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**Policies**

**Plans &  
Programmes**

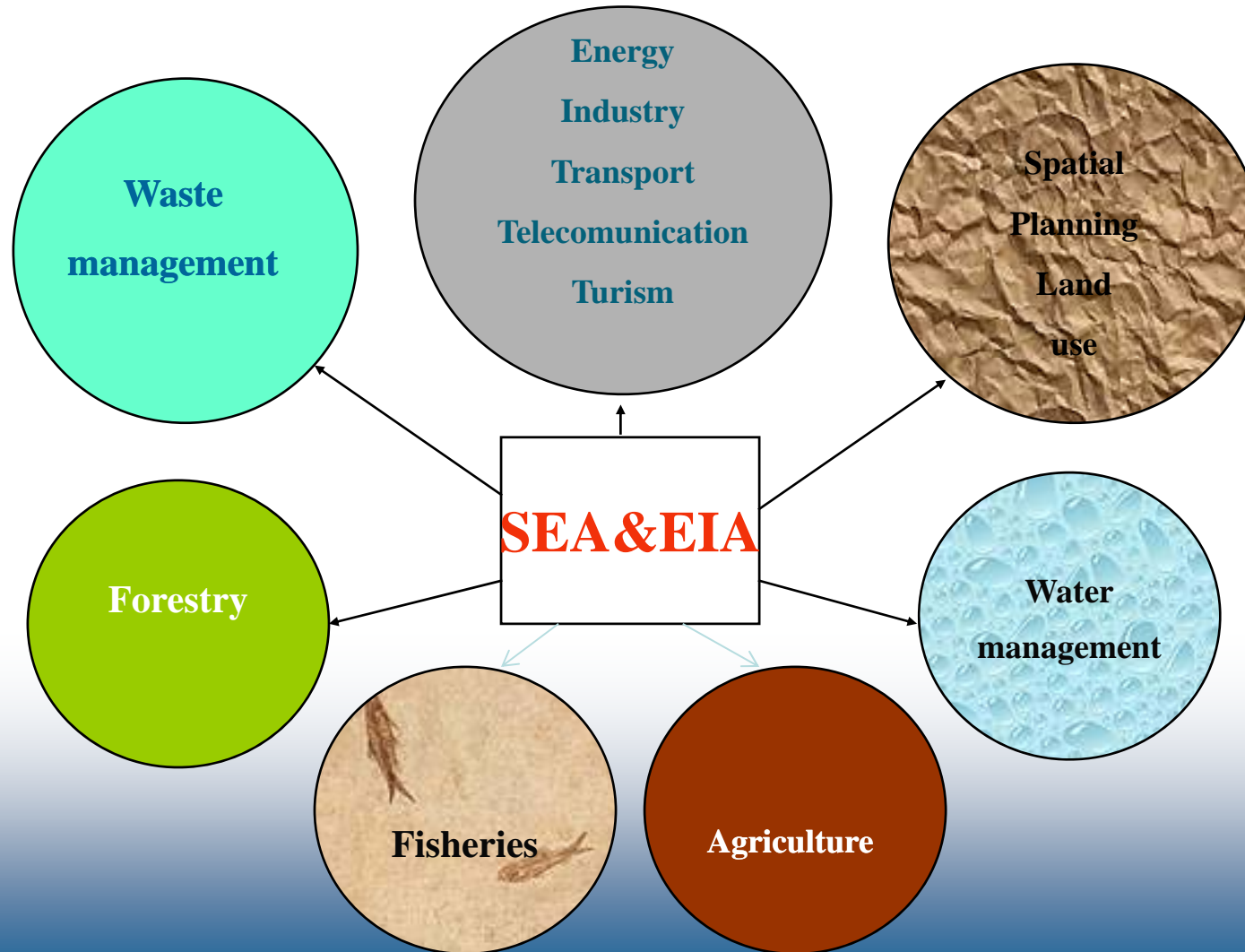
SEA Directive (2001/42/EC)  
Protocol SEA

**Projects**

EIA Directive 2011, 1992 & AM EIA Directive  
52,2014.

Espoo Convention

# SEA in Programmes



# SEA IMPLEMENTATION

Rural development plan

Operation programme  
for cohesion funds

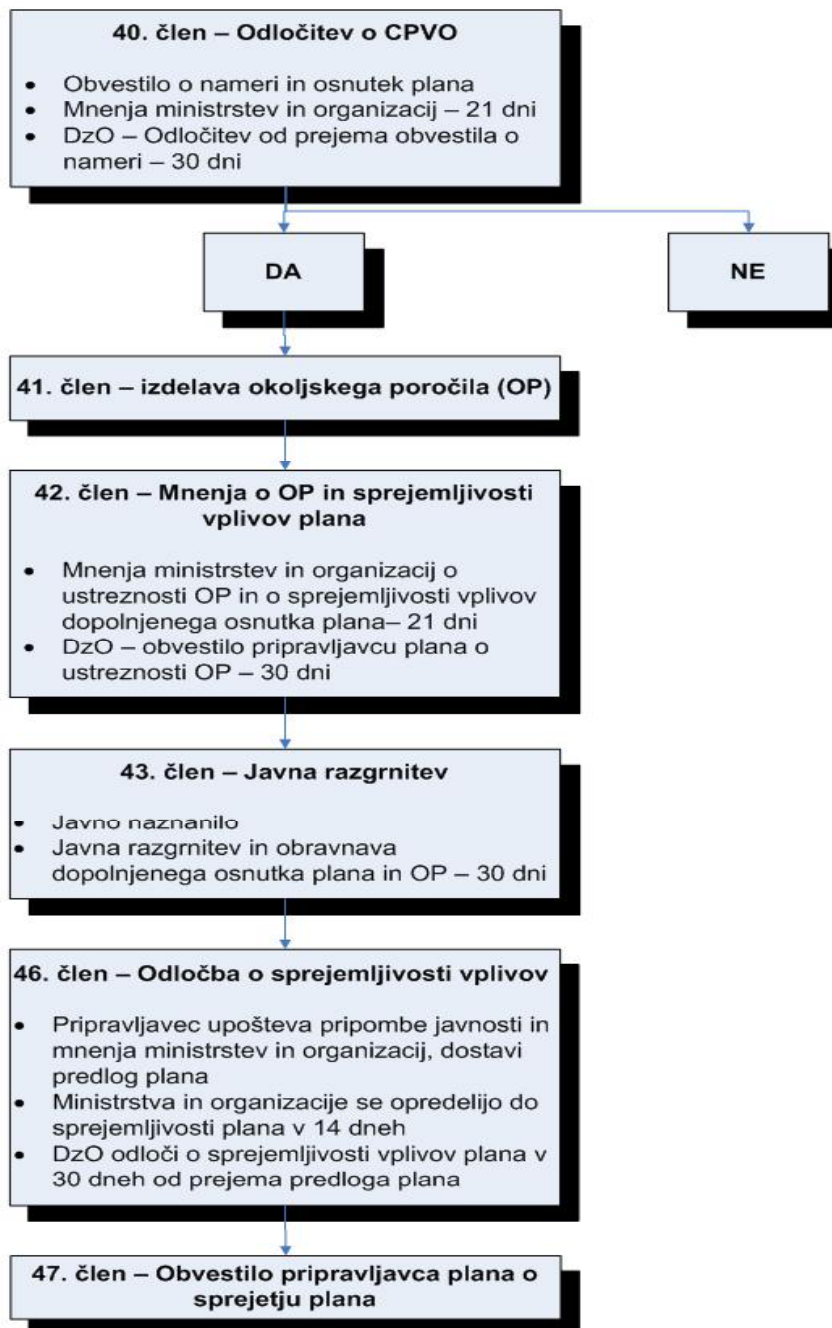
Transport and  
infrastructure plan

Water management  
Fishery programmes

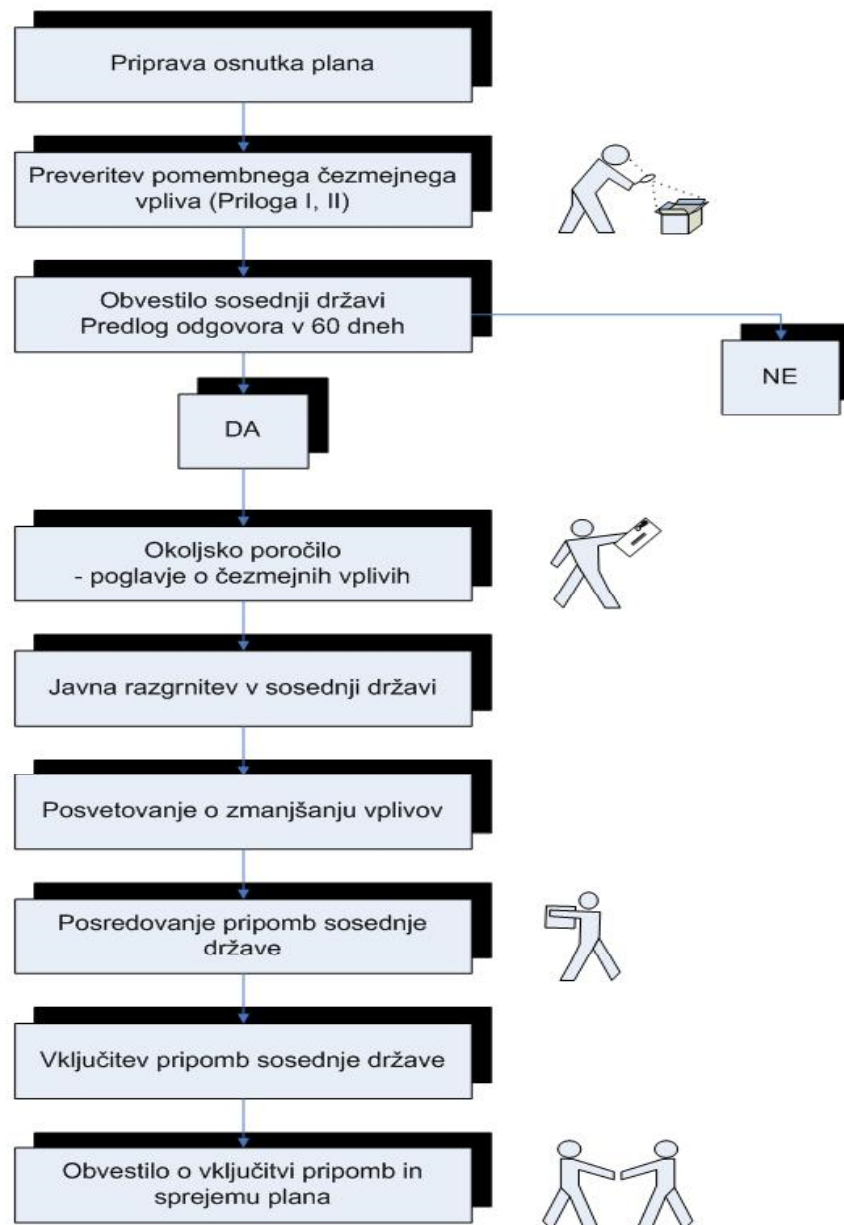
Cross border  
programmes  
SI-A, SI-HU,  
SI-I, SI-CRO

Transnational  
programmes  
Alpine Space, Donav,  
itd.

## Diagram celovite presoje vplivov na okolje (CPVO) – po ZVO



## Shematski prikaz postopka presoje čezmejnega vpliva za plan ali program



# EIA Directive transposition

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- Council Directive 85/337/EEC of 27 June 1985 has been substantially amended several times
- Directive 2011/92/EU of the European Parliament and of the Council of 13 Decemebre 2011 on the assessment of the effects of certain public and private projects on the environment (codification) (OJ L 26, 28.1.2012)
- Amended by
- Directive 2014/52/EU of the European Parliament and of the council of 16 April 2014 (OJ L 124, 25.4.2014)
- EU Court of Justice cases



# EIA Directive transposition

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- (8) Projects belonging to certain types have significant effects on the environment and those projects should, as a rule, be subject to the systematic assessment.
- (9) Projects of other types may not have significant effects on the environment in every case and those projects should be assessed where Member States consider that they are likely to have significant effects on the environment.
- (10) Member states may set thresholds or criteria for the purpose of determining which of such projects should be subject to assessment on the basis of the significance of their environmental effects. Member States should not be required to examine projects below those thresholds or outside those criteria on a case by case basis.

# EIA Directive transposition

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- (11) When setting such thresholds or criteria or examining projects on a case by case basis, for the purpose of determining which projects should be subject to assessment on the base of their significant environmental effects, **MS should take into account of the relevant selection criteria set out in Directive (Annex III)**. In accordance with subsidiarity principle, the MS are in the best position to apply those criteria in specific instances.

# EIA Directive transposition

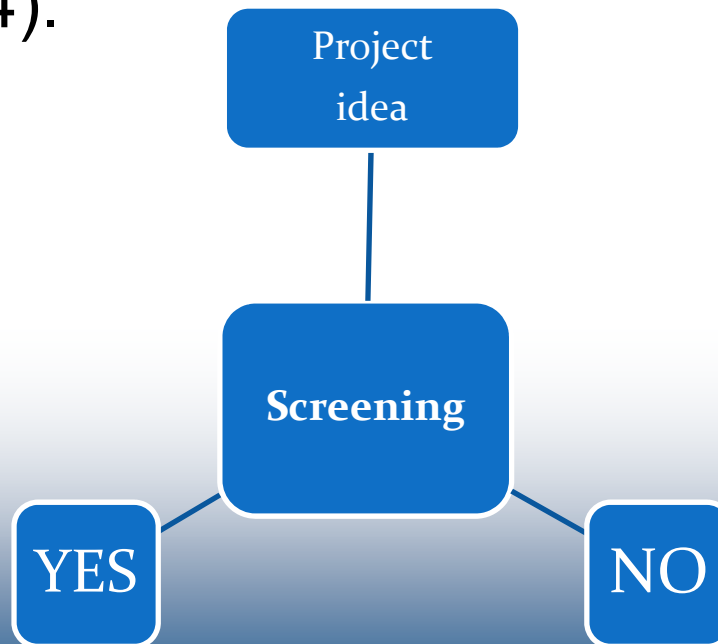
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- The screening procedure ensure that an environmental impact assessment is only required for projects likely to have significant effects on the environment.
- The selection criteria laid down in Annex III, which are taken into account in decree are adopted. (Annex III is Appendix of the Decree on EIA)

# Step of EIA process: Screening as regulated by Article 4 Directive 2011/92

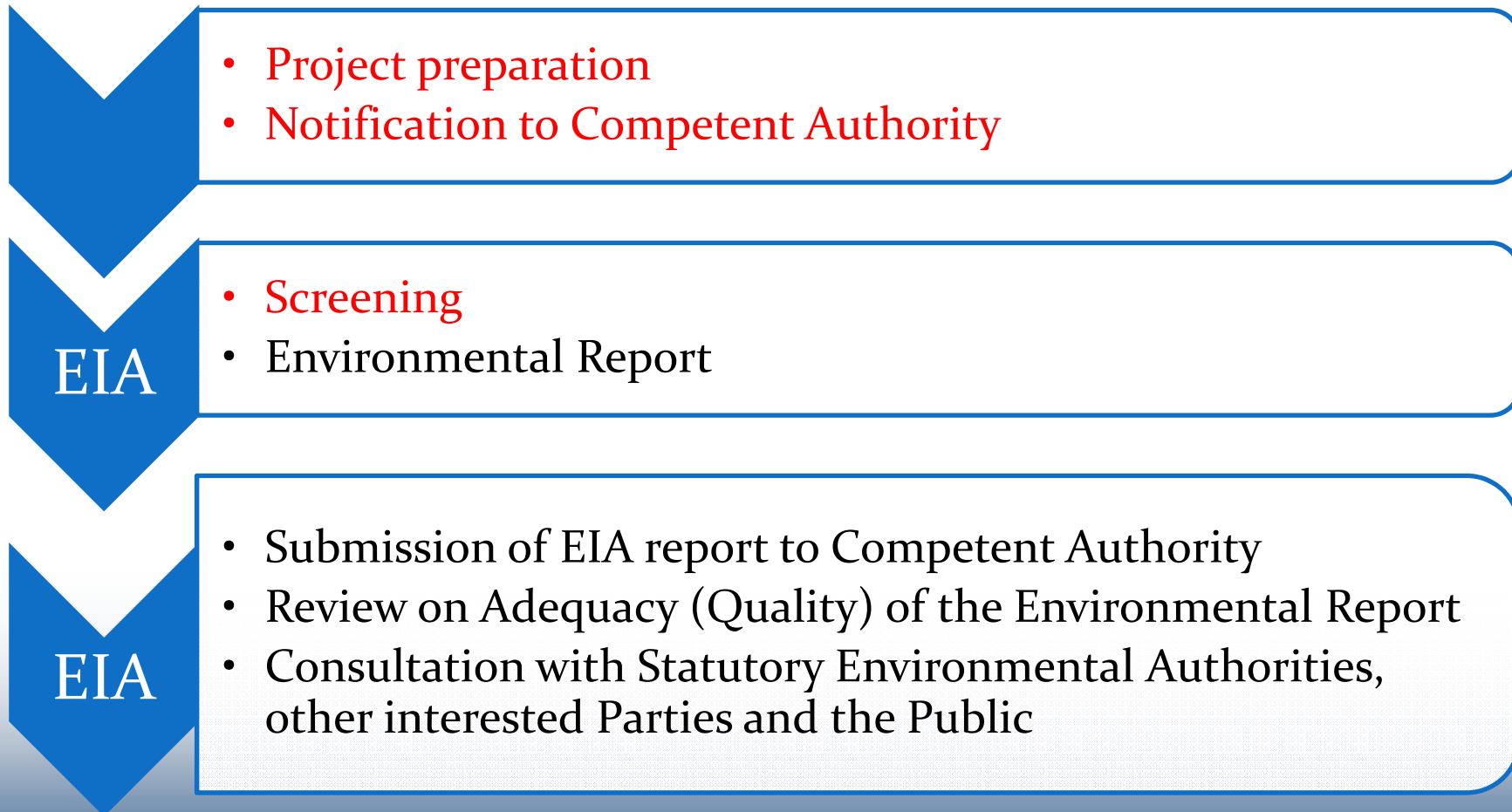
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- The competent authority makes a decision , whether EIA is required.
- The screening decision must be recorded and make public (Art.4).
- **SCREENING**



# Procedural steps of EIA process

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# EIA Process

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- Considering of the Environmental information by the Competent Authority before making Development Consent Decision



- Announcement of Decision

# Revised Environmental Protection Act

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- **New Art 51.a (Screening/ predhodni postopek)**
- (1) Nosilec nameravanega posega v okolje mora od ministrstva zahtevati, da ugotovi, ali je za nameravani poseg v okolje treba izvesti presojo vplivov na okolje in pridobiti okoljevarstveno soglasje. Ministrstvo lahko začne postopek predhodne presoje tudi po uradni dolžnosti.
- **(1) Screening starts on:**
- **A.) Application by the project proponent**
- **B.) Start by ministry on the base of „duty action“.**

# Revised Environmental Protection Act

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- Zahteva iz prejšnjega odstavka lahko vsebuje tudi zahtevo za pisno informacijo, ki jo ministrstvo pripravi v skladu z 52. členom tega zakona, če ugotovi, da je za nameravani poseg treba izvesti presojo vplivov na okolje in pridobiti okoljevarstveno soglasje.
- **If the proponent apply for screening, he can also apply for the written information about the main scoping issues and the ministry should prepare, if screening decision is positive, and EIA should be prepared.**
- Ministrstvo lahko nosilca nameravanega posega v okolje pozove, da v določenem roku zahtevo iz prvega odstavka tega člena dopolni. Če nosilec nameravanega posega v določenem roku zahteve iz prvega odstavka tega člena ne dopolni, se šteje, da je od nameravanega posega odstopil, ministrstvo pa postopek ustavi.
- **Ministry can ask the proponent for additional information needed for screening. Ministry give the certain reasonable time period for preparartion of additional information. If the developer don't present additional information on time, the ministry could stop with procedure,**



# Revised Environmental Protection Act

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- Ministrstvo sklep o ustavitvi postopka objavi na enotnem državnem portalu e-uprava in na svoji spletni strani, pošlje pa ga tudi pristojni inšpekciji in občini, na območju katere se nahaja nameravani poseg.
- **The ministry announced the Decision on stoping the procedure on administrative web page „ e uprava“ and send to the attention of inspectors and local community located on the project area.**

# Cooperation with other ministries and organisations in Screening

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- In the decision the Ministry is taking into account criteria from Annex III on project specifics, location and possible environmental effects.
- Ministry can ask the ministries and organisations for written opinion in 21 day .
- (5) Ministry has to prepare the final decision in two months from the proper information by the project developer.
- The decision could be appealed by project developer or NGO, which act in the public interest .
- If the court decided that EIA should be prepared, the project developer is obliged to prepare EIA report and apply for EIA decision. Ministry is obliged to decide on mitigation measures.

## Information is public available

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- Ministry inform the public at the national administration page „euprava portal“ and on web pages, and send it to inspection and local community.

In the case that building permit for the project is needed the public administration is obligated to check :

- A.) EIA decision or
- B.) Screening decision.
- If non the building permit is refused.

Government prescribed the data for application of the project developer (Decree on EIA)

# Ex- ante conditionalities – administrative measures

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- SEA
- Expert group, Ministry of Environment and Spatial planning
  
- EIA
- Expert group, Environmental Agency

# Agreement EK-SI

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[http://www.eu-skladi.si/dokumenti/kljucni-dokumenti/ps\\_priloga-2\\_predhodne-pogojenosti.pdf](http://www.eu-skladi.si/dokumenti/kljucni-dokumenti/ps_priloga-2_predhodne-pogojenosti.pdf)

- P. 103 Administrative capacity
- 2014: 9 expert in SEA, transboundary, 5 experts EIA

Trained experts with references on SEA/EIA

Graduated in landscape architecture, geography, architecture and urban planning, Biology,

- Appendix to cohesion programme EKP 2014-2020:

<http://www.eu-skladi.si/ekp/predhodne-pogojenosti>

- Organisation for training and information of administrative capacities,
- Implementing SEA/EIA
- Not sufficient
- Slovenian action : Training Strategy and action plan, implementation of Modul1, Modul 2, 2015

Thanks

Hvala

