



HUSZPO

HRVATSKA UDRUGA STRUČNJAKA ZAŠTITE PRIRODE I OKOLIŠA

PRVA REGIONALNA KONFERENCIJA O PROCJENI UTJECAJA NA OKOLIŠ  
FIRST REGIONAL CONFERENCE ON ENVIRONMENTAL IMPACT ASSESSMENT  
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Strategic Environmental Transboundary  
Assessment between Slovenia and Croatia  
of Slovenian National Plans for Hydropower Use  
on the Lower Sava in Brežice and Mokrice

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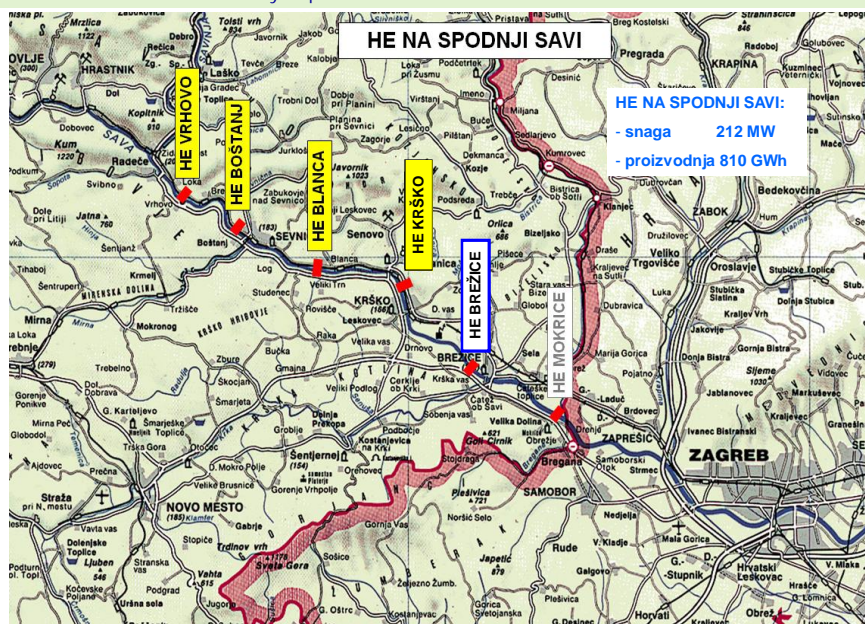
## Methodology

Metodologija

The method of work was:

- implementation of two SEA transboundary procedures, first for the national plan for Brežice and then for the national plan for Mokrice: a one-by-one approach starting the new one only after ending the first, while taking into account the cumulative effects of the chain in both procedures;
- a step-by-step approach: notification, environmental report preparation, consultation with environment authorities, transboundary consultation, public participation, mitigation measures, final decision in a transparent way;
- agreement on each step and preparation of a clear conclusion of each step;
- consulting on all environmental aims with an emphasis on the state of the water bodies, including underground water and water supply, nature conservation and flood protection.

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### Screening

- In the SEA Protocol, Annex I includes a list of activities that automatically require the application of the Protocol if significant impacts may extend across a border. According to the fact that energy activities are planned in the two national spatial plans on the transboundary Sava River, the transboundary SEA thus applied.
- Annex I of the SEA Protocol, referring to paragraph 2 of Article 4, defines large dams and reservoirs.
- In the national plan there is a planned dam and reservoir on the Sava, which flows to Croatia: thus there is possibility for transboundary effects and transboundary effects could not be excluded.

## Notification

- The notification contained all documents and data according to Article 10 of the SEA Protocol:
  - a.) the draft plan and environmental report including information on its possible transboundary environmental, including health effects;
  - b.) information regarding the decision-making procedure, including a reasonable time schedule for the transmission of comments.
- Croatia responded in the proposed time of one month and sent the confirmation to cooperate in the transboundary SEA procedure supported with reasons such as care for underground water sources in Zagreb and Samobor, possible effects on the morphology of the river, nature conservation, flood protection and possible risks with the dam.

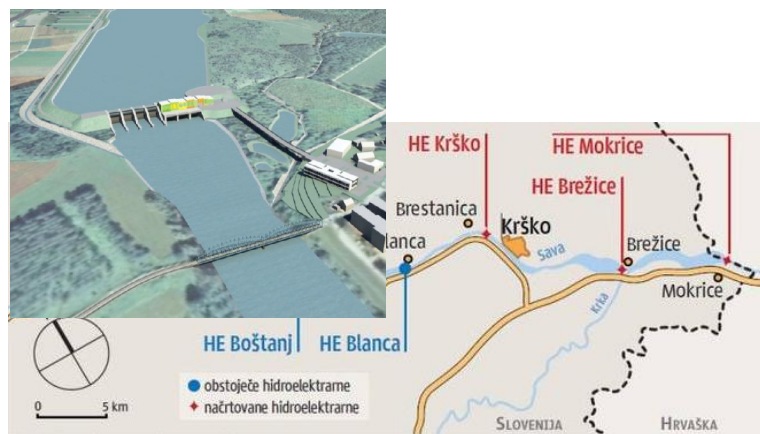


Figure 1: Illustrative location map for national plans for hydropower use in Brežice, 13 km from the border between Slovenia and Croatia, and Mokrice, ca. 0.5 km from the border, and existing hydropower chain on the Sava River

### Time and programming

- The interest of both parties that time schedules were specified as early as possible. The focal points discussed the possible timeframe according to the legislation in both countries, the legislative timeframe for the stages of the procedure, and opportunities to combine steps and prepared the time plan to avoid or minimise possible delays by planning the time schedule at early stage. The agreed time schedule was also presented to the public. As a time-saving measure, public participation on both sides of the border was organised almost in parallel; this could be recommended as a good practice.
- Clear agreement on schedule:
  - in sending the formal notification (30 days),
  - in responding to the notification (30 days),
  - in public consultation and participation (30 days),
  - on technical consultation (60 days),
  - in the final opinion on the draft decision (90 days) and
  - on informing of the final decision (30 days).

### Financial aspects

- The application of transboundary SEA had certain financial implications. Financial aspects were agreed.
- The cases show that agreement on all elements also costs is an important aspect of the procedure, while complication could produce a much longer period and uncertainty on both sides.
- Costs of translation of the SEA report, presentation of documentation, an additional expert consultation, and the public hearing and participation were covered by Slovenia; costs of publication of the public hearing in the Croatian press and organisation of the public hearing and participation were covered by Croatia.

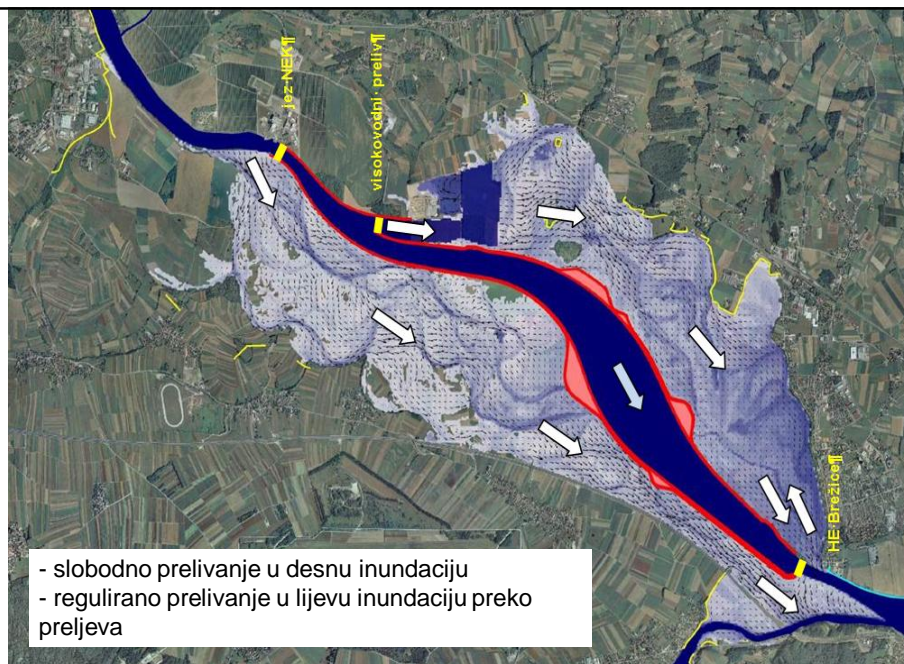
### Transboundary consultation

- After the SEA report was accepted by the Ministry for Agriculture and the Environment, as the competent authority in Slovenia, it was presented to the Ministry of Environment and Nature Protection of Croatia for comment.
- Environmental commissions were established on both sides. These are composed for all transboundary procedures on the Sava River, with the following members: environmental experts, environmental authorities, planning authorities and energy authorities.
- The above were consulted on the following:
  - the state of the environment;
  - possible alternatives, including a no-action alternative;
  - evaluation methods;
  - cumulative effects;
  - possible effects and mitigation measures for the following: sediment, erosion, water protection, nature conservation and

### Consultation with environmental and health authorities

- Within the process, each of the responsible environmental authorities consulted mentioned authorities and has to reach consensus and common understanding of measures needed for reducing transboundary effects.
- Consultation on the national plan for Brežice, in which two alternatives were evaluated, showed that the narrow alternative was better for the environment, but in addition all flood-protected areas have to be preserved to reduce the impact to Croatia.
- In addition, a flood-protection model was prepared; Croatian experts were invited at a very early stage of its preparation and the model and its conclusion were also presented to the public and at the technical consultation.
- Consultation on the national plan for Mokrice showed at a very early stage that from the three alternatives only the alternative with project measures only on the Slovenian side was acceptable to Croatia, so this alternative was proposed





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Figure 2: The assessment on flood protection

#### Hidrogrami za sadašnje stanje (SS) i buduće stanje (BS)

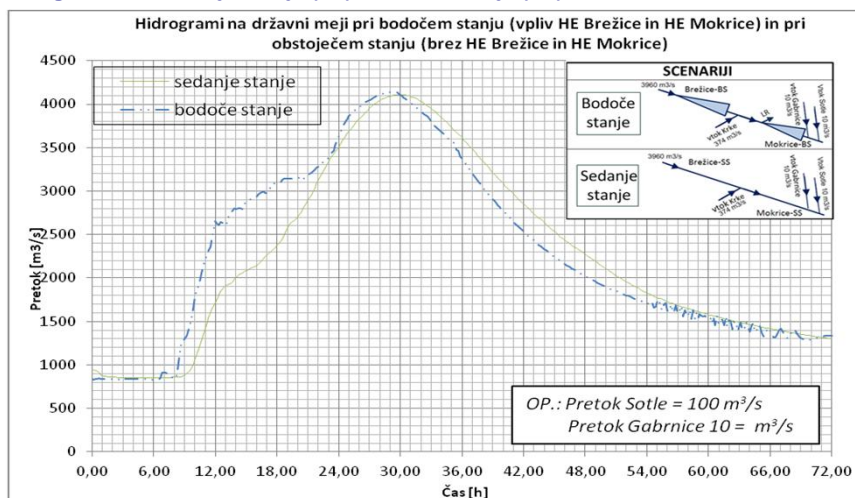
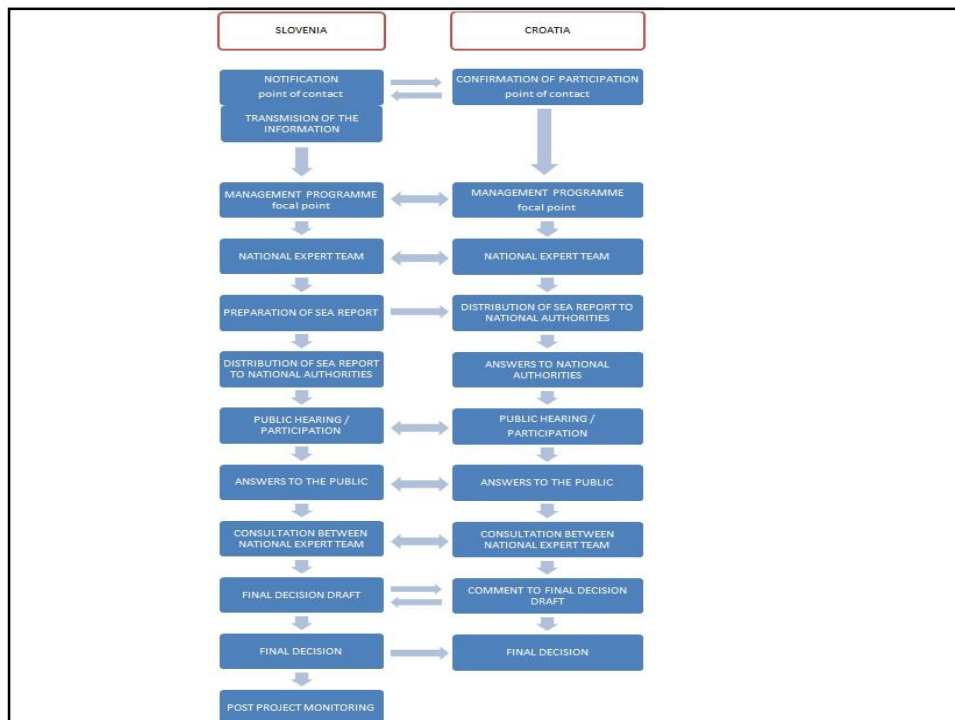
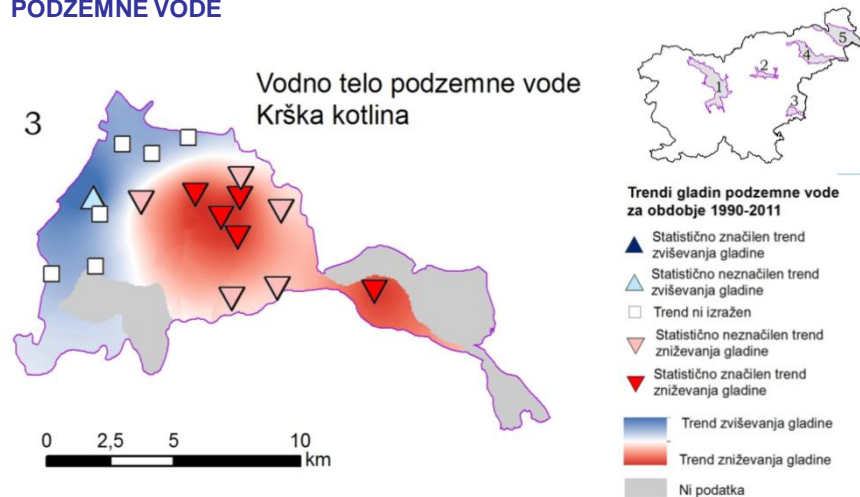


Figure 3: The assessment on underground water

### PODZEMNE VODE



## Institutional arrangement

- There was no relevant bilateral agreement between the countries, but points of contact and focal points for the purposes of the Espoo Convention and its SEA Protocol were designated with their tasks and responsibilities. The cases show that the procedures could be managed successfully via focal points.
- A formal contact has been carried out to meet the legal requirements of the SEA Protocol. The cooperation shows that it is important to trigger informal negotiation throughout the process and especially at the starting, consultation and final stages.
- Experience in the two cases shows that the negotiations which were conducted between points of contact and responsible authorities within both countries as well as between authorities and NGO and public on both sides of the borders were essential for the conclusion of the procedure.
- To manage the process, working groups – called “*delovna skupina*” in Slovenia and “*povjerenstvo*” in Croatia – were organised on both sides of the border and cooperated during the whole process until the final decision.

## Results

### Rezultati

- On the base on results on two transboundary SEA procedures, we recommend using practical advices from Guidance on Notification According to the Espoo Convention, the Guidance on the Practical Application of the Espoo Convention and the Guidance on Public Participation under the Espoo Convention, which present helpful tool also for implementation of SEA protocol in transboundary context.
- We recommend to:
  1. start with notification as early as possible,
  2. organise active public participation with public hearing in parallel in both sides of the border;
  3. keep process transparent and open and define each stage; keep the management;
  4. discuss alternatives and mitigation measures and
  5. work on agreement on all items.





Hvala!