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Incorporating results of EIA and SEA into the final decision regarding the project or strategic document

Implementing the Espoo Convention and its Protocol on SEA in national legislation in Azerbaijan

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Content

- Concept of final decision
- Duty to „take due account” of environmental assessment
- Statement of reasons
- Obligation to inform about the decision and make it available

Concept of the final decision

- Final decision in EIA (art. 7)
 - the decision of the competent authority which entitles the developer to proceed with the project
 - Problem with multi-stage development control
- Final decision under SEA Protocol (art.11) – decision to adopt strategic document
 - Not necessarily taken by the planning authority (may be taken by the Parliament)

Concept of taking „due account”

- Taking due account
 - obligation to read and consider seriously
 - but not always to accept all comments
 - evidenced in Statement of Reasons (sometimes also in the merit of the decision)

Due account of what?

- Environmental assessment - meaning:
 - EIA/SEA report
 - Consultation with environmental/health authorities
 - Transboundary consultation
 - Public participation

Statement of reasons (art11.2 SEA Protocol)

- Must summarize:
 - how the environmental, including health, considerations have been integrated into the strategic document,
 - how the comments received during:
 - Consultation with environmental/health authorities
 - Transboundary consultation
 - Public participation
 - have been taken into account and
 - the reasons for adopting strategic document in the light of the reasonable alternatives considered

Obligation to inform about the decision

- Informing whom
 - Environmental/health authorities
 - Parties potentially affected
 - Public
- Informing about what
 - The decision being taken
 - Where it is made available

Obligation to inform about the decision -cd

- Informing how:
 - the same way as informing about the procedure,
 - including means of notifying
 - the public or
 - affected Parties
- Informing when:
 - Promptly – without delay

Obligation to make the decision available

- Together with the statement of reasons
- By making it available:
 - online on the publicly accessible registers of decisions
 - In hard copies in places where it is easily available
- In case of transboundary procedure it means:
 - translating the decision
 - sending its copy to the potentially affected Parties