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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