

# Public participation and consultations

*Development of national SEA system in Tajikistan*

## INITIAL WORKSHOP

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# Public participation – art.8

- Mandatory element in SEA
  - At various stages of SEA
  - Relation to Aarhus Convention
  - Public participation and public consultation
  - Public and stakeholders
- Identification of the public
- Procedural elements
  - Notification
  - Access to documentation
  - Possibility to submit comments and public hearing
  - Taking due account of public participation
  - Informing about the decision(adoption of document)
  - Monitoring
- Time-frames

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# Public participation in SEA

- Mandatory element of SEA
- Public participation in SEA stages – experience in EU:
  - sometimes at screening
  - often in scoping (could be combined with commenting on outline/concept for strategic document)
  - always: commenting on SEA Report and the draft strategic document

# Public participation – key elements

- Relation to article 7 of Aarhus Convention
- Requirement for “early in the decision-making when all options are possible”
- Public vs public concerned
- Identification of the public which should participate
- Key role of informing the public effectively (not only webpage!)

# Identification of the public

- Public vs public concerned
- NGOS and individual persons
- Public affected
  - By routine activities and accidents
  - Scope of impact – scope of a strategic document
- Public interested

# Notification of the public

- Actively informing the public about different procedural stages of SEA
- Methods
  - Electronic – only webpage?
  - Traditional –
    - Newspapers
    - Public notices
  - Same methods for all stages
- Manner
  - effectively, accurately and timely
  - Effectively – relation to the public concerned
- Content of information – Annex V

# Access to documentation

- Documentation to be made available
  - Screening documents – art.5
  - Scoping documents – art.6
  - Draft strategic document – art.8
  - SEA Report – art.8
  - Final decision with justification (statement of reasons) – art.11
    - art.6
  - Results of monitoring – art.12.2
- Form and place
  - Electronic access
  - Traditional access
- Access to documentation during hearing

# Possibility to submit opinions – art.8.4

- Two equal methods
  - In writing
  - In public hearing
  - as appropriate
- Any comments or opinions - no need to be motivated (ACC/C/16 Lithuania)



# Due account– art.11.1 (c)

- Due account must be taken of public comments
  - obligation to read and consider seriously
  - but not always to accept all comments
- Any comments vs „reasoned or motivated comments”
- Sufficient time for authorities to consider comments ((ACC/C/3 Ukraine )

# Publicising the decision- art.11.2

- Requirement
  - to notify the public promptly (ACC/C/8 Armenia)
    - about the decision
    - where it can be made available
  - to make it accesible to the public (ACC/C/3 Ukraine )
    - publicly accesible registers
    - publicly accesible records of decisions
- Together with a statement on:
  - reasons
  - considerations

# Public participation – practice in EU

- Usually at least twice during the procedure (in scoping and consulting the report)
- Time-frames for public participation
  - Belgium and Italy - 60 days
  - Spain, the Netherlands and Latvia - 40-45 days
  - Other countries - usually 30 days

# Role of environmental and health authorities in SEA

- Place in SEA procedure
  - Screening – art.5.2
  - Scoping – art.6.2
  - Views regarding – art.9
    - environmental/health acceptability of the strategic document
    - quality of SEA Report
  - Decision – art.11.2
  - Monitoring – art.12.2
- Role
  - Decision-making vs co-decision-making vs consultative role

# Consultation with authorities – art. 9

- Designation of environmental authorities
- Designation of health authorities
- Their role in
  - Screening
  - Scoping
  - Final decision

*Participants discuss role of authorities in:*

- *Small modification of National Energy Policy*
- *Local water management plan in a small town serving as health or holiday resort*

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# Consultation - cd

- Environmental and health authorities clearly identified at each applicable stage (for example: Environment Ministry, Regional Sanitary Inspectorate etc)
- Decision-making vs co-decision-making vs consultative role
- Role in screening and scoping vs role in adopting the final strategic document
- Special situation when environmental authorities are responsible for planning (water, waste etc)
- Role of Foreign Ministry in case of transboundary procedure

# Environmental authorities – practical examples

- Role in
  - Screening (their opinion often binding )
  - Scoping (their opinion often binding )
  - Consultation (their opinion usually not binding – unless negative impact on Natura 2000 sites )
- Central authorities for plans and programs at central level and regional authorities for all other plans and programs
- In some countries environmental authorities determined by law, in some countries – ad hoc
- Time-frames - between 10 and 45 days