



# Public participation, consultations, transboundary procedure and final decision

Developing legislative framework for the  
environmental impact assessment and strategic  
environmental assessment in line with the UNECE  
Espoo Convention and its Protocol on SEA in Belarus

**Day 2 Training workshop**  
20 September 2016

# 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
- Time-frames

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# 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

*Participants discuss examples from legal acts for:*

- *National Renewable Energy Strategy*
- *Local water management plan in a small town serving as health or holiday resort*

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# 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
- *Participants discuss examples from legal acts for:*
  - *National Renewable Energy Strategy*
  - *Local water management plan in a small town serving as health or holiday resort*

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# Access to documentation

- Documentation to be made available
  - Screening documents
  - Scoping documents
  - Draft strategic document
  - SEA Report
  - Final decision with justification (statement of reasons)  
– art.6
- Form and place
  - Electronic access
  - Traditional access
- Acces to documentation during hearing
- *Participants discuss examples from legal acts for:*
  - *National Renewable Energy Strategy*
  - *Local water management plan in a small town serving as health or holiday resort*

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# 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

# Consultation with other authorities

- 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
- Role of Foreign Ministry in case of transboundary procedure

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# Consultation with authorities

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

*Participants discuss examples from legal acts for:*

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

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# Transboundary procedure

- Stage I initiation of the procedure

- Notification
- Confirmation from affected country

## Stage II – full procedure

- Provision of information and documentation
- Possibility for commenting by foreign local authorities and public
- Inter-governmental consultations
- Final decision (adoption of strategic document) and Information about the decision

- Two aspects: as „Party of origin” and „Affected party”

- Practical arrangements needed to be establish

- Ad hoc
- In bilateral agreements

# Transboundary procedure – elements to be regulated

- Clear reference in legislation
  - As Party of origin
  - As affected Party
  - Who bears costs?
- Obligation to notify
- Negotiations – who participates?
- Obligation to take due account in final decision

*Participants discuss examples from legal acts*

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# Time-frames needed

- Using terms familiar for given administrative tradition (months or week or days – calendar days or working days)
- Should be clearly set for involvement of environmental/health authorities and the public, where applicable in:
  - Screening and scoping
  - Comments of SEA Report and the strategic plan

# Time frames not needed

- No time-frame for
  - The entire SEA procedure
  - Transboundary procedure (set individually in notification)

# Decision and monitoring

- Decision – adopting a strategic document according to national legislation
- Statement of reason needed
- Informing
  - Environmental/health authorities
  - The public
  - Transboundary partners
- Monitoring – included
  - In strategic document or
  - In decision adopting the document

# Final decision – elements to be regulated

- Who takes final decision – role of environmental and health authorities vs planning authorities?
- Obligation to take due account of results of SEA
- Obligation to produce justification (statement of reasons)
- Obligation to notify

*Participants discuss examples from legal acts*

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