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Role of SEA in development control and
the role of authorities and other actors

*Towards Modern Environmental
Impact Assessment (EIA) in Uzbekistan*

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Content

- Approaches to development control and place of SEA/EIA in decision-making
- Role of public authorities and other actors

Development control

- Strategic decisions (SEA)
 - Policies
 - Programs
 - Plans
- Individual decisions permitting specific activities/projects in specific location (EIA)

Decision-making and role of public authorities

- Strategic decisions (SEA)
 - Planning authority – competent to adopt strategic document
 - Environmental/health authorities
- Specific projects (EIA)
 - Competent authority – to grant development consent
 - Environmental/health authorities

Roles in SEA – practice in EU

- Competent authorities for decision-making = planning authorities
- Competent authorities for transboundary procedure – usually central environmental authorities
- Environmental/health authorities
- Authorities from potentially affected countries
- SEA Consultants
- Public

Definition of authorities

- Not defined in SEA Protocol and SEA Directive
- Public authorities
 - Definition in Aarhus Convention
 - Environmental and health authorities
 - Planning authorities
- Definition of planning authorities

Public authority – art. 2.2 of the Aarhus Convention

- “Public authority” means:
- (a) Government at national, regional and other level;
- (b) Natural or legal persons performing public administrative functions under national law, including specific duties, activities or services in relation to the environment;
- (c) Any other natural or legal persons having public responsibilities or functions, or providing public services, in relation to the environment, under the control of a body or person falling within subparagraphs (a) or (b) above;
- (d) The institutions of any regional economic integration organization referred to in article 17 which is a Party to this Convention.
- This definition does not include bodies or institutions acting in a judicial or legislative capacity;

Competent authority - Art.1 (v) of the Espoo Convention

„competent authority” means:

- *„national authority or authorities designated by a Party as responsible for performing the tasks covered by this Convention*
- *and/or*
- *the authority or authorities entrusted by a Party with decision-making powers*

Environmental and health authorities – art. 9.1 of SEA

Protocol

- Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.

Environmental authorities

- 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

The public and public concerned in Aarhus Convention

- “The public” means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups;
- 5. “The public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest