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Adoption of the strategic document and  
monitoring

*Towards Modern Strategic Environmental  
Assessment (SEA) in Uzbekistan*

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# Decision (adoption of document) – art. 11

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

# 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

# Concept of the final decision

- Obligation related to SEA put on authorities which prepare draft document – planning authorities
- 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 assesment - meaning:
  - 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

# Monitoring – art.12.1

- Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes, adopted under article 11
- in order, inter alia,
  - to identify, at an early stage, unforeseen adverse effects and
  - to be able to undertake appropriate remedial action.

# Monitoring – art.12.2

- 2. The results of the monitoring undertaken shall be made available to
- environmental/health authorities
- the public

# Features

- Mandatory activity (not only upon request from the Affected Party)
- Usually done by planning authorities but could be done by environmental authorities
- Monitoring program – included
  - In strategic document or
  - In decision adopting the document