

Jerzy Jendrośka
**Role of environmental and health
authorities**

**Working Group meeting on EIA/SEA
legislative reform in Kazakhstan
15-16 February 2018, Astana**

Content

- Definitions
 - Competent authorities
 - Developers
 - The public/public concerned
- Role in EIA
- Role in public participation

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 regarding a proposed activity”*

Competent authority – art. 1.2 (f) of EIA Directive

- (f) "competent authority,, - authority or authorities
 - which the Member States designate as responsible for performing the duties arising from this Directive (EIA Directive)
 - Conflict of interests must be taken into account in case of authorities being promoters of the project!
 - In practice
 - usually: local or regional authorities with general competence for regional planning/urban development/construction,
 - sometimes: specialised authorities for energy, resource use,
 - occasionally: specialised environmental authorities

Developer - art. 1.2 (b) of EIA Directive

- (b) „developer”
 - the applicant for authorisation for a private project or the public authority which initiates a project

Roles in EIA – practice in EU

- Competent authorities for decision-making
- Competent authorities for transboundary procedure – usually central environmental authorities
- Consulting environmental/health authorities
- Consultants
- Public

Consultation with environmental authorities – art.6.1

- Authorities likely to be concerned by reason of their specific environmental responsibilities or local and regional competences
- „are given an opportunity to express their opinion,, - thus not necessarily do have to express such an opinion
- Opinion on both
 - The project
 - EIA documentation
- Detailed arrangements to be made by Member States, including reasonable time-frames

Procedural elements – consultations with authorities

- Mandatory consultations with environmental authorities likely to be concerned by reason of their specific environmental responsibilities or local and regional competences (EIA Directive)
 - see examples from Uk and Poland below
- Health authorities (consulted in some EU countries)
 - health authorities depending on the type of projects

Environmental authorities consulted in EIA – UK (EIA Regulation 2017)

- Natural England;
- Environment Agency;
- Marine Management Organisation
- Other bodies having specific environmental responsibilities
 - for example Health and Safety Executive – for projects located in the „consultation area” of major hazard site for industrial accidents (Seveso III Directive)

Environmental authorities consulted in EIA – Poland (EIA Act as amended 2017)

- Regional Environmental Directorate
- Health authorities
- Authorities responsible for issuing integrated environmental permit (IPPC- integrated pollution prevention and control)
- Authorities responsible for issuing water permits