

Public participation and consultations

*National environmental assessment systems and requirements of the Espoo
Convention and its Protocol on Strategic Environmental Assessment
Training Workshop to support legal drafting process in Uzbekistan*

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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