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Adoption of the strategic document and monitoring

*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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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 assessment - 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