



Netherlands Commission for
Environmental Assessment

Observations on Updated Regulations for EIA (August 2014)

Memorandum by the NCEA

UGANDA



25 November 2014



Advice of the Secretariat

To National Environmental Management Authority (NEMA) Uganda

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From The Netherlands Commission for Environmental Assessment, the NCEA

Date 25 November 2014

Subject **Observations on updated regulations for EIA in Uganda (August 2014)**

By: the Secretariat of the Netherlands Commission for Environmental
Assessment –Ms Ineke Steinhauer, Gwen van Boven

Advice 2014–19

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1. Introduction

NCEA has had several co-operation activities with NEMA in the past, including an EIA mapping workshop and support on SEA for the Albertine Graben. Indirectly NEMA has been part of an SEA training for the Ugandan Association for Impact Assessment, organised by NCEA. NEMA has good relationships with NCEA and regularly approaches NCEA for support, the latest request being seeking input for a ToR for an SEA for the agriculture sector.

NEMA Uganda is currently in the process of reviewing a number of regulations and among these are the EIA and Audits regulations. Consultations and input into the regulations is on-going. In September 2014, NEMA has requested for the input of NCEA before the process is finalized. The consultation process is expected to end latest November 2014, but the text will keep being refined for a few months thereafter.

This Advice of NCEA's secretariat contains comments on the draft EIA regulations. Comments on the Audit regulations will follow as soon as possible. Main observations are listed in Chapter 3, detailed observations can be viewed in the Annex 2 (attached in track-change mode).

2. The NCEA's review approach

For the review of the draft regulations, NCEA has made use of the following:

- 1) General good practice benchmarks¹ for the quality of any EIA regulation, such as:
 - a. Ambition of application consistent with (staff) capacity for implementation
 - b. Sufficient scope of assessment (including alternatives)
 - c. Participation included
 - d. EIA quality control included
 - e. Accountability sufficiently addressed
 - f. Clear roles, mandates & co-ordination arrangements
 - g. Sufficient arrangements for compliance and enforcement
 - h. Relation to sectoral regulation exists
- 2) The Uganda EIA country profile available at NCEA's web-site:
<http://www.eia.nl/en/countries/af>
- 3) The results of the EIA mapping workshop which was held in July 2011. A one-day follow up workshop to jointly analyse the results and plan for improvement of the EIA system in Uganda, was planned to take place in March 2013, but did not materialize. The current up-date of the EIA regulation provides a good opportunity to revisit and use the results of the EIA mapping (of which a final report was made available early 2012, Annex 3).
- 4) EIA regulations of neighbouring countries (such as Kenya, Rwanda, Tanzania) that NCEA knows of for reasons of comparison.
- 5) NCEA experience in reviewing and suggesting improvements on draft EIA regulations (e.g. in 7 Central African countries, Zanzibar, Yemen, Mozambique and Pakistan).

¹ In Annex 1 these benchmarks are further detailed, which may bring new topics into view currently not considered.
Source: NCEA publication: 'A system approach to EIA effectiveness' January 2014

While reviewing the draft EIA regulations, and summarizing all observations, NCEA came to the conclusion that:

- the list of NCEA observations and remarks became quite extensive, but more importantly:
- some observations are rather fundamental and would merit a more thorough discussion and further analysis.

NCEA is of the opinion that the revision of the EIA regulation offers an excellent possibility to discuss these mayor issues before agreeing on the final texts. As a revision of a regulation only takes place once every 10–15 years on average, NCEA would recommend to take sufficient time for this process and make ample use of this window of opportunity.

In checking with NEMA on the time schedule and dead-lines for making a final version of the EIA regulations, NCEA learned that there is still room for improvement and finalization of the regulation.

Therefore, NCEA suggests and is willing to plan a visit to Kampala to clarify observations on these draft EIA regulations in a workshop setting (tentatively planned for February 2015). Such a workshop could enhance a common understanding of draft regulation amongst the NEMA team and NCEA, and identify priorities for further development/refinement of the draft regulation. The following steps and issues could be discussed during such a workshop:

Steps to consider in the process of developing/refining the draft EIA regulation could be:

- 1) Analyse enabling environment: What was the reason for the revision? What are the opportunities or risks in the current situation?
- 2) Jointly analyse the draft EIA regulation, including strengths and weaknesses, based on the observations made by NCEA in this advisory report. But also use can be made of the EIA mapping workshop results. The mapping provided a good insight into the gaps between what is required by EIA regulation and EIA practice 'on the ground'.
- 3) Jointly analyse recent experiences or bottlenecks with EIA practice from the perspective of different stakeholder groups (as the EIA mapping workshop dates back to July 2011).
- 4) Setting ambition, including scope of application of impact assessment. This for instance applies to whether or not to combine EIA and SEA into one regulation or whether it would be better to have a separate regulation for SEA. But also: whether the new draft EIA regulation is better in terms of 'realistic' given the available resources. E.g. Schedule 1, part 1 on mandatory EIA's leads to too many EIAs in comparison to the number of NEMA staff.
- 5) Jointly discuss how to organise a (participative) process for development/refinement of the draft EIA regulation, involving parties within and outside government (ensure support from those that need to support/can oppose the regulation).
- 6) Undertake judicial and consistency check, discussing whether an external technical/judicial consultant should be hired and/or working on this one in-house? And through what approach, e.g. series of mini-workshops?
- 7) Formalisation of regulation, what steps are required to work on in the upcoming months and who should be involved?
- 8) Think about how to make others aware of the new EIA regulation.

In Chapter 3 below, NCEA summarizes some fundamental observations in paragraph 3.1, selected from the list of observations made in paragraph 3.2. Paragraph 3.3. subsequently provides some observations from EIA mapping, which remain unaddressed so far in the new draft EIA regulation. All these can be further discussed during the proposed workshop.

3. NCEA observations

3.1 Summary of selected major issues

Draft EIA regulation of draft EA regulation?

The title of the regulation implies that the new regulation is about Environmental Impact Assessment (EIA) only, whereas under Point 2 also Strategic Environmental Assessment (SEA) is introduced. In addition, there are specific texts for SEA in Regulations 40 and 41. However, the majority of the text in the regulation is applicable to EIA and lacks further provisions for SEA. If NEMA decides that the new regulation should also cover SEA, then some mayor work needs to be done still to make the draft applicable for both EIA and SEA. Alternatively, SEA could be developed as a separate regulation. During the proposed workshop, pros and cons can be discussed, based on e.g. experiences from other countries (e.g. SEA guidelines and procedures from Kenya and Rwanda).

Schedule I, projects requiring mandatory EIA and project briefs

The two screening lists do not correspond in structure, and also contain far too many projects, putting too much pressure on the available capacity. Now would be a good moment to truly revise those lists, in terms of e.g. consistency with the Schedules in the Environmental Act, perhaps adding thresholds and location criteria etc. If it would be decision to add SEA to these regulations, then also certain policies, plans or programs perhaps would have to be put in a screening list.

Scoping and Terms of Reference

The texts on these steps in the procedure are rather limited. Scoping is mentioned, but not explained. Apparently guidelines exist, with instructions for scoping, but these are not part of, nor mentioned in the draft regulation. This could be improved in a refinement of the current draft EIA regulations.

Public nature of decision making in the EIA procedure

Currently, the draft EIA regulation lacks clarity on most of the EIA procedural steps. In order to get an overview of what the new regulations prescribe, it could be helpful to develop an overview of the whole procedure (e.g. flow chart), including all steps, indicating whether and at which level public participation is required, specifying which are the products/resulting documents as well as the specific decisions made throughout the procedure. For each decision, the new EIA regulation should also be clear on whether these are public and whether appeal is possible.

Content requirements for Environmental Impact Statement (EIS)

The draft EIA regulation refers to the Third Schedule for the format of an EIS, but this seems to be incomplete. The regulation should specify the content requirements in order to guide the consultants carrying out the study, but will also function as a reference framework for the review of the quality of the EIS. In addition it could be discussed here whether 'trending topics' such as climate mitigation and adaptation and gender equality should be included in the content requirements.

Review

The draft EIA regulation could be improved regarding the clarity of the review procedure, regarding the decision making mandate and the different roles of all players mentioned in the different points 19–25. Moreover, further guidance on how to carry out review could be developed (which review criteria? steps in review? review report and publication? etc.)

Decision making

Another fundamental issue is that the decision about the quality of the EIA should be about the EIA and should not automatically imply project approval. Throughout the points related to this decision, however, the text refers to approval of the project instead of the EIA. Surely this is not correct? The ED cannot decide on the overall approval of the project, or can he? NCEA would recommend to not only clarify the text about separation of EIA approval from project licenses/permits, but adjust the text throughout and ensure that it refers to decision making on the EIA and not the project, where relevant.

Relation between EIA regulations and Audit Regulations

NCEA has not yet been able to closely look into the new Audit Regulations. Clear cross-referencing between both Regulations, avoiding overlaps and ensuring consistency is therefore a point of attention.

3.2 Observations on draft EIA regulation (details in Annex 2)

- Point 2: Interpretation. Throughout the document, the terms ‘Authority’ and ‘Executive Director’ are not used consistently
- Point 2: Interpretation. There are frequent references to other documents: e.g. for the meaning of ‘environmental audit’ reference is made to specific sections of the Act. In that way this list loses its function.
- Point 2: Interpretation. There is no definition of ‘environment’. Would be helpful to explain how environment is interpreted in the framework of These Regulations (e.g. including socio-economic, cultural, institutional dimensions?)
- Point 2: Interpretation. Here the definitions are given for ‘environmental impact assessment’, ‘environmental impact statement’ and ‘environmental impact study’. However throughout the remainder of the text, these terms are not always used accordingly nor consistently.
- Point 2: Interpretation: It is stated that a ‘project’ also includes programs or policies. It is not clear why ‘plans’ have not been included here. In general it should be reconsidered whether and how SEA should be included in this new draft EIA regulations, as the majority of the text is very much EIA-oriented.
- Point 3: Application of these Regulations (and related to previous observation). The First schedule to these Regulations (mandatory EIA), only mentions projects and does not specify any policies, plans or programs that would need to be subject to SEA.
- Point 5: Projects requiring mandatory EIA: Consider including a regulation on Exemptions from EIA application: Apparently, exemptions are allowed under certain conditions, e.g. in case of emergency response to a disaster, NEMA can allow a direct response without first conducting an EIA for a project. This is possible under the National Environmental Act. Therefore, consider stating here or in a separate Schedule which projects do not require EIA.

- Point 5: Projects requiring mandatory EIA: Third Schedule of the Act implies all activities: public, private, national and foreign. The list contains no minimum thresholds or location criteria. Not really clear how Third Schedule to the Act and First Schedule to the Regulations relate to each other (any overlap?)
- Point 5: Projects requiring mandatory EIA: One of the conclusions of EIA mapping was that these schedules should perhaps be reconsidered, because they generate too many EIA's.
- Point 6: Screening of projects: Consider clarifying (De)centralisation of EIA mandates regarding screening. EIA mapping revealed that some screening decisions are also taken by local authorities.
- Point 6: Screening of projects: there is no reference to screening criteria, whereas these are mentioned in the Second Schedule
- Point 11: Approval of project brief. Unclear whether the decision made here will be publicly available or published or not. This may be relevant so that all interested parties know that an EIA will have to be made and that is it starting.
- Point 13: Terms of Reference. The information on the ToR is a bit limited. Clarify what is expected here. In the Second Schedule p. 41–44 there is a paragraph on scoping, which also speaks of a scoping report. Some issues are mentioned here which should be part of scoping. Furthermore under (2) it is stated that 'the ToR should include all matters provided for in 17(2) of these regulations', which refers to the Second Schedule again, p.38–39). Also unclear how project brief relates to scoping report: can these be the same? During EIA mapping it was stated that EIA guidelines exist with clear instructions for scoping, but Point 13 does not make any mention of these.
- Point 13: Terms of Reference. Not specified whether this decision is a public document? Regulation 50 (1) speaks of public documents amongst which the project brief and ToR. Do the ToR imply the scoping report? And what about the Authorities' decision on the ToR? There is no mention either of consultation with lead agencies on the scoping report/ToR. Is this on purpose? What about a possible advisory role of the Technical committee (see 19)? Is stakeholder participation possible/desirable during scoping/ToR?
- Point 15: Environmental Management Plan. Not clear whether EMP has to be part of EIS or can/has to be submitted as a separate document? In addition, it is stated that a format/minimum contents will be developed for this by the Authority. Is this done/planned?
- Point 16: Public participation in EIA study. The form mentioned here is not applicable. In general there should be a check on correct numbering/reference to the Forms.
- Point 17: The EI statement (EIS) is introduced, directly after the study. However, the content of part IV refers to a summary of findings only. What happened to the EIA report? Is this one and the same as the EIS? This does not become clear from the text. Where are the content requirements of the EIA report? And where is the EIA report itself?
- Point 18: Form and content of EIS. Seems to be incomplete: only mentions requirements for format, cover page and Ex. summary. Are issues like climate change and gender equality required in EIS contents? Any requirements for specific alternatives (zero, routing, design etc.)? Requirements to describe compensation for impact that cannot be mitigated (offset)? Direction on how to deal with knowledge gaps?
- Point 19: Technical Committee: No further details on Technical Committee, like membership, disciplines/expertise and budget for functioning. In addition, would this need to be further specified in terms of: who will be spokesperson (if needed) on behalf of Technical Committee and who chairs (rotating?) and who is providing secretariat, internal organization, division of tasks etc. How will reporting be done and will reports be published/publicly available?

- Point 19: Technical Committee: one of the tasks is recommending and reviewing guidelines. What kind of guidelines are meant here? Only EIA related ones? NEMA had EIA guidelines in preparation for mining, forestry, fisheries, energy, agriculture, urban planning and infrastructure, which were expected to be ready in 2010. Separate guidelines on EIA for water and roads were also in preparation by the responsible sectoral agencies. What is the status of these now? If available, these should also be mentioned in these Regulations.
- Point 20: Comments of the lead agencies: will the lead agency receive any guidance for review apart from the ToR as a review framework (e.g. grid developed within SEEAC project, see Annex 4)?
- Point 22: Review criteria: Unclear how this is done: will ED put together comments made by Technical Committee, lead agency(ies), general public and affected persons? Which review 'criteria' (=title of 22) will be used apart from ToR? E.g. also scoping report or only ToR? Will review findings/report of ED be made publicly available?
- Point 23: Onsite verification visits: If being held, will developer and people from the project area be informed previously about this site verification visit?
- Point 24: Public hearing: Regarding date and venue, there used to be a provision like: 'If a public hearing is held, multiple sessions may be organized at multiple locations. At least one session should be held in the community located nearest to the site of the proposed project'. Is this no longer the case? In addition, will the report made on the views be publicly available/published?
- Point 25: Persons eligible to make presentations at public hearings. It is stated that the ED will make guidelines for public hearings: EIA public hearing guidelines were made by NEMA in 1999. Will these no longer be valid? Or are they being up-dated?
- Point 26: Basis of decision. The 21 working days seem to be incorrect, this is not possible looking at the different timelines mentioned in Regulations 20-25, especially in case a public hearing is held. Check!
- Point 27: Decision of the director: regarding approval, clarify whether the approval of the EIA report automatically implies that a certificate of approval of the project will be awarded (see also observation on decision making in paragraph 3.1). Explain whether such a certificate of approval is required before any licensing authority issues a license for an activity. There is no clarity on sequence of EIA and other project approvals. Is the following correct? The EIA approval is thus separate from licenses/permits for commencement of projects which are under the responsibility of different authorities?
- Point 27: Decision of the director, regarding notification. At the time of EIA mapping, when a project was approved, it was not required to specifically address the public comments in the decision statement. When a project is rejected, public comments that have contributed to the rejection may be mentioned. Still the case? If so, perhaps mention this explicitly.
- Point 27: Decision of the director: regarding communication of decision, it is unclear how this will be done.
- Point 39: Projects with transboundary impacts: there is a requirement here for providing information on the 'grounds for decision'. So this requirement seems to be only applicable to projects with transboundary impacts? Why not to all projects?
- Point 40: Strategic Environmental Impact: Only rather general provisions under SEA, nothing on e.g. public participation, ToR, decision making, involvement of lead agencies etc. This is not sufficient as it is now. Consider developing separate SEA regulation. Suggestion: include a regulation here stating that this SEA regulation will be developed within a timeframe of ... years, based on acquired practice with pilot SEAs. Some statements made under 40 are not correct or very vague. Need for further elaboration.

- Point 42: Preparation of environmental audits: there is no definition in the list Interpretation, reference is made to the Act instead of providing a definition. But then, when reading the text, it seems to be about a form of inspection. In several Central African countries however, environmental audit refers to a tool that helps to regulate activities that have not been submitted to an EIA and do not have an environmental conformity certificate (or whatever form exists in the country), usually because the activity already existed before EIA was introduced in the country, or because it somehow escaped from the procedure. This means that an investor that is active in the region, may misunderstand what an audit is in Uganda. A clear definition is therefore necessary. But also, as the National Audit regulations are also being updated currently, there should be clear cross-referencing between both Regulations, avoiding overlaps and ensuring consistency.
- Point 49: Registers and databases. Some suggestions are added here such as: Refer to specific regulation on certified experts: The National Environmental Regulation (Conduct and Certification of Environmental Practitioners) and include ToR and scoping reports and projects which were rejected and the reasons for their rejection.
- Point 50: Documents deemed to be public documents: Not clear whether any costs are implied: Formerly, the public had to pay to obtain a summary/report of the public hearing and to obtain a copy of the EIA report, although copies should also be available at a local library at no cost. On occasion, digital copies are provided upon request. What is the current situation here?
- Point 53: Appeals: possibilities for appeal, administrative or judicial, are very poorly described. Also, it is stated that any person who may have grievances (point 52), may appeal. If this is really so, it means that any person should have access to 1) the relevant documents, and 2) the decisions on those documents. Otherwise the person will not know that a decision has been taken, and on what. This link between the public nature of the procedure and the possibility to appeal (and to participate, for that matter), does not come forward very clearly.
- Point 54: Offences. Speaks of penalties ‘prescribed under the section’, without giving a reference to which section and where to find it.

3.3 Observations from EIA mapping not (yet) addressed in draft EIA regulation

- Regarding NEMA **registers**: a good data base is lacking which makes it difficult to keep good track of EIA/project development.
- Regarding **guidelines**: Uganda has developed EIA guidelines, which are broadly used. These contain for example requirements for scoping (but not mentioned in new draft)
- Regarding **funds**: NEMA asks for fees to be paid for services they provide in EIA. However, these funds go to a basket fund for NEMA, of which only a small percentage flows back to the EIA department. The EIA regulation has very clear texts on this mechanism of fees (amounts etc.), but does not mention how the funds will be used within NEMA (e.g. earmarked for certain specific areas). Moreover, the fees come with many delays, and are unpredictable. This hampers the work of the EIA department greatly. Funds at local level are an even bigger problem. In addition: structural funding of the EIA system is a problem. This is not only about funding for staff and functioning of the agency, but also about funding possibilities for hiring external experts e.g. in Technical Committee if and when required, and adequate funds for EIA for government projects.
- Regarding **publicly** available documents: it is not really clear what is meant here: passively available or actively distributed/announced.

- In Uganda part of decision making is **decentralized** (e.g. on screening), this leads to very large amounts of decisions. Does the new EIA regulation have to be more specific on this issue?
- **Transparency and accountability** aspects leave room for improvement, such as:
 - o Customer friendliness issues such as one stop shop, red tape/bureaucracy, customer guidance, reasonable timeline, and provision of information at the right place, information package exhaustive, and quality of information.
 - o Public nature of decision making which is about for instance whether and which kind of decisions are published in the government gazette.
 - o Guidelines for transparency and asking for justification of the use of results of public participation and expert input in decision making.

ANNEXES

Observations on Updated Regulations for EIA in Uganda
(August 2014)

(annexes 1 – 4)

ANNEX 1

Requirements regulating the EIA procedure:

	Good as it is	Needs some work	Needs much work
Scope of application of impact assessment: project to which EIA requirement applies (screening lists)			
Clear start of procedure and requirements for provision of information at the start			
Definition of the environment suitable (ensures broad coverage of effects)			
Scoping requirements			
Requirement for content of the assessment reports			
Participation requirements			
Arrangements for quality control of the assessment reports			
Accountability sufficiently addressed, including requirements that results of consultations and information must be taken into consideration in decision-making?			
Transparency sufficiently addressed, including requirements that decisions and reasons for decisions are made public			
Access to information ensured			
Clear roles, mandates & co-ordination arrangements			
Arrangements for compliance monitoring and enforcement			
Arrangements for evaluation of the EIA process			
Arrangements for supporting guidance, including status of guidance (voluntary, mandatory)			
Arrangements in place for transboundary EIA (if needed)			
...			

Fitting EIA regulation into the overall regulatory framework:

	Good as it is	Needs some work	Needs much work
Enabling legislation (framework law) gives sufficient status to EIA regulation			
Linkage to SEA and strategic planning			
Clear linkage to other project authorisations, permitting and condition setting			
Clear linkage to any other environmental monitoring and management arrangements			
EIA regulation consistent with relevant sectoral regulation, other laws imposing EIA? Consistent with Act?			
Sufficient arrangements for administrative complaint			
Sufficient arrangements for juridical appeal			
Adequate financial arrangements for EIA related tasks			
...			

ANNEX 2

Detailed observations on draft EIA regulation

THE 2ND AMENDED DRAFT OF ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS (EIA) AFTER INCORPORATING COMMENTS OF THE REVIEW TEAM.

CONSULTANCY SERVICES FOR REVIEWING AND AMENDMENT OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, S.I. No. 153- 1

**Client Reference: NEMA/SUPLS/12-13/00124
Procurement Reference Number: NEMA/SRVCS/12-13/00124**

PRESENTED TO

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY



AUGUST 2014

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STATUTORY INSTRUMENTS

20..... NO.

(REVISED 2ND DRAFT) THE NATIONAL ENVIRONMENT (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS, 20.....

(Under section 107 of the National Environment Act Cap 153)

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2. Interpretation.
3. Application of these Regulations.
4. General Prohibition

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5. Projects requiring mandatory environmental impact assessment.
6. Screening of projects.
7. Preparation of a project brief.
8. Submission of project brief.
9. Comments of the Lead Agency.
10. Consideration of the project brief.
11. Approval of the project brief.

PART III – ENVIRONMENTAL IMPACT STUDIES

12. Objectives of Environmental Impact Assessment
13. Terms of reference for environmental impact study.
14. Conduct of Environmental Impact Assessment by experts
15. Environmental management plan.
16. Public participation in making the study.

PART IV –THE ENVIRONMENTAL IMPACT STATEMENT

17. Environmental impact statement.
18. Form and content of environmental impact statement.

PART V– REVIEW PROCESS OF ENVIRONMENTAL IMPACT STATEMENT

- 19. Functions of the Technical Committee.
- 20. Comments of the Lead Agency.
- 21. Invitation of comments from the general public and persons specifically affected by the project.
- 22. Review criteria.
- 23. Onsite verification inspections.
- 24. Public hearing
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PART VI – DECISION OF THE EXECUTIVE DIRECTOR ON ENVIRONMENTAL IMPACT ASSESSMENTS

- 26. Basis of decision.
- 27. Decision of the Executive Director.
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- 29. Validity of certificate of approval.
- 30. Amendment, suspension, revocation or cancellation of certificate of approval.
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- 32. Process of amending the certificate of approval.
- 33. Decision of Executive Director on amendment of certificate of approval.
- 34. Suspension, revocation or cancellation of certificate of approval.
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Fifth Schedule	Fees

STATUTORY INSTRUMENTS

20..... NO.

(REVISED 2ND DRAFT) THE NATIONAL ENVIRONMENT (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS, 20.....

(Under section 107 of the National Environment Act Cap 153)

PART I—PRELIMINARY

1. Citation.

These Regulations may be cited as the National Environment (Environmental Impact Assessment) Regulations.

2. Interpretation.

In these Regulations unless the context otherwise requires –

- (a) "Act" means the National Environment Act, Cap 153 and may, where the context so requires, include any other enactment;
- (b) "authority" means the National Environment Management **Executive Director** established under section 4 of the Act;
- (c) "board" means the Board established under section 8 of the Act;
- (d) "developer" has the same meaning as assigned to it under section 1 of the Act and includes, for the purpose of these Regulations, any person who proposes to undertake a new development or project or to repair, extend or maintain an existing project which falls within the projects provided for in the Third Schedule to the Act;
- (e) **"analysis"** means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect (whether physical, chemical or biological) on any segment of the environment or examination of emissions or recording of noise or subsonic vibrations to determine the level or other characteristics of the noise or sub-sonic vibration or its effect on any segment of the environment;
- (f) **"environmental audit"** has the same meaning assigned to it under section 2 of the Act and carried out as provided in section 22 of the Act;
- (g) "environmental impact assessment" has the meaning assigned to it under section 1 of the Act;
- (h) "environmental expert" means an individual person or firm of consultants duly certified and registered to conduct an environmental impact study or environmental audit.
- (i) "environmental management" includes the protection, conservation and sustainable use of the various elements or components of the environment;
- (j) "environmental management plan" means all details of project activities, impacts, mitigation measures, time schedule, costs, responsibilities and commitments proposed to minimize environmental impacts of activities, including monitoring and environmental audits during implementation and decommissioning phases of a project;

Met opmerkingen [IS1]: Throughout the document, Authority and Executive Director are used both, this is a bit confusing.

Met opmerkingen [IS2]: Suggest to delete, because does not feature anywhere in these regulations

Met opmerkingen [IS3]: General remark: there is no definition of 'environment'. Would perhaps be good to include to explain that it for instance includes socio-economic, cultural and/or institutional aspects in the framework of these Regulations?

- (k) "environmental impact statement" means the statement described under sections 20 and 21 of the Act and regulations 17 and 18 of these Regulations;
- (l) "environmental impact study" means the study conducted to determine the possible environmental impacts of a proposed project, potential alternatives and measures to mitigate their effects as provided under sections 19, 20, and 21 of the Act and as described in regulations 13 of these Regulations;
- (m) "Executive Director" means the Executive Director appointed under section 11 of the Act and includes, for the purpose of these Regulations, any person who has been authorized by the Executive Director to act on his behalf or has been delegated to perform the functions of the Executive Director under section 6(2) of the Act;
- (n) "guidelines" means the guidelines describing the methodology for implementation of environmental impact assessment requirements adopted by the Executive Director under section 19(8) of the Act;
- (o) "individual person" excludes corporate entities and means the human person;
- (p) "inspector" means an inspector appointed under section 79 of the Act;
- (q) "lead agency" means any agency on which the Executive Director delegates its functions under section 6(2) of the Act;
- (r) "mass media", for the purpose of these Regulations, includes publicly exhibited posters, newspapers, radio, television or other electronic media used for public communication;
- (s) "mitigation measures" include engineering works, technological improvements, management measures and ways and means of ameliorating losses suffered by individuals and communities including compensation and resettlement;
- (t) "Natural resources" include air, land, water, animals and plants including their aesthetic qualities.
- (u) "project" includes any project, programme or policy that leads to activities which may have an impact on the environment;
- (v) "project brief" has the meaning assigned to it in section 1 of the Act and constitutes the first stage in the environmental impact assessment process as described in section 19 of the Act. Without prejudice to the definition contained in the Act, reference to a project proposal in any other enactment or guidelines shall be construed as a reference to a project brief under the Act;
- (w) "proprietary information" has the meaning assigned to it under section 1 of the Act and the protection guaranteed under section 85(3) of the Act;
- (x) "public" means individual, civil society organizations, and institutions, community based organizations, public and private institutions.
- (y) "reclamation bond" means performance bond, mining bond or rehabilitation bond or funds set aside in a reputable bank agreed upon by the Executive Director and the person responsible as a security deposit against default on reclamation or rehabilitation of disturbed land arising out of the undertaking;
- (z) "review" means a process of checking the adequacy of an environmental impact statement or environmental audit report with a view to ensuring that it meets the legal requirement and ensure wide acceptance of environmental impact study findings.
- (aa) "scoping" means an assessment of matters to be investigated as part of the environmental impact assessment once a decision has been taken that an environmental impact assessment is required in pursuance of regulation 7 of these Regulations;

Met opmerkingen [IS4]: This is not really clear, why not plans as well? It would perhaps be better to have a separate definition on SEA (sees under cc

Met opmerkingen [IS5]: this can be elaborated a bit further e.g. •
 • determines whether the EIS is an adequate assessment of the environmental (and other) impacts and options for dealing with these impacts;
 • whether the EIS is of sufficient relevance and quality for decision-making;
 • whether the new project complies with existing plans, policies and standards;
 • ensures that the EIS and process complies with the ToR

- (bb) "screening" means the initial processing of determining whether or not an environmental impact assessment is required for a particular project, including a consideration of the factors set out in regulation 6 of these Regulations;
- (cc) "strategic environment assessment" means the process of subjecting public policy, programmes and plans to tests for compliance with sound environmental management;
- (dd) "Technical Committee" means the technical committee on environmental impact assessment established under section 10 of the Act;
- (ee) "sustainable development" means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystem;
- (ff) "Trans - boundary impacts" means impacts beyond the borders of Uganda.

Met opmerkingen [IS6]: You can also use other definitions, but this one is OK

3. Application of these Regulations.

- (1) These Regulations shall apply to—
 - (a) all policies, programmes, plans, projects and activities included in the Third Schedule to the Act and the First Schedule to these Regulations;
 - (b) any major repairs, upgrades, extensions and routine maintenance of any existing project which is included in the Third Schedule to the Act or the First Schedule to these Regulations;

Met opmerkingen [IS7]: This first schedule only speaks of project and does not specify policies, plans and programmes. Consider to develop separate SEA regulation.

4. General Prohibition

- (1) No developer shall implement a project-
 - (a) likely to have a negative environmental impact; or
 - (b) for which an environmental impact assessment is required under the Act, these Regulations or any other written law unless an environmental impact assessment has been concluded and approved in accordance with these Regulations.
- (2) No licensing Executive Director under any law in force in Uganda shall issue a certificate for any project for which an environmental impact assessment is required under the Act unless the applicant produces to the licensing Executive Director a certificate of environmental impact assessment issued by the Executive Director under these Regulations.
- (3) No licensing Executive Director under any law in force in Uganda shall issue a trading, commercial or development permit or license for any micro-project activity set out in the First Schedule to these Regulations that is likely to have cumulative significant negative environmental impact before it ensures that an impact assessment approved by the Executive Director is in place.

Met opmerkingen [IS8]: What is meant by micro-project? I cannot find this terminology in First Schedule?

Met opmerkingen [IS9]: Consider including a regulation on Exemptions from EIA application: Apparently, exemptions are allowed under certain conditions, e.g. in case of emergency response to a disaster, NEMA can allow a direct response without first conducting an EIA for a project. This is possible under the National Environment Act. Therefore, consider stating here or in a separate Schedule which projects do not require EIA.

Met opmerkingen [IS10]: All activities: public, private, national and foreign, that are listed under the third schedule of National Environment Act, 1995. I have no access to the Act (cannot be downloaded from NEMA web-site), but it seems to say 'all activities'. The list contains no minimum thresholds or location criteria. Not really clear how Third Schedule to the Act and First Schedule to the Regulations relate to each other (any overlap?)

PART II – PROJECTS FOR ENVIRONMENTAL IMPACT ASSESSMENT AND PROJECT BRIEFS.

5. Projects requiring mandatory environmental impact assessment.

- (1) An environmental impact assessment is mandatory for any project listed in Third Schedule to the Act and Part I of the First Schedule to these Regulations.

Met opmerkingen [IS11]: One of the conclusions of EIA mapping was that these schedules should perhaps be reconsidered, because it generates too much EIA's.

- (2) The duty to carry out an environmental impact assessment under these Regulations lies with the developer.
- (3) Every environmental impact assessment conducted shall have an environmental management plan attached to it as a mandatory requirement.

6. Screening of projects.

The Executive Director shall screen projects in Part II of the First Schedule to determine whether the impacts are adequately covered by the project brief or require a full environmental impact assessment.

7. Preparation of a project brief.

- (1) A developer shall prepare a project brief stating, in a concise manner –
 - (a) the name, purpose and nature of the project in accordance with the categories identified in the Third Schedule of the Act and the First Schedule to these Regulations;
 - (b) the proposed location of the project including the projected physical area of land and air that may be affected by the project's activities, or, if it is –
 - (i) a linear activity, a description of the route of the activity; or
 - (ii) a water-based activity, the coordinates within which the activity is to be undertaken;
 - (c) the activities that shall be undertaken during the (pre-)construction, operation and decommissioning phases of the project;
 - (d) the design of the project;
 - (e) the materials that the project shall use, including both construction materials and process inputs;
 - (f) the possible products and by-products, including wastes generated by the project and the methods of their disposal;
 - (g) the manner in which the proposed project and its location conform to existing laws and policies governing such projects;
 - (h) the alternatives which are being considered;
 - (i) the number of people that the project will employ and the economic and social benefits to the local community and the nation in general;
 - (j) the environmental, health or social effects of the materials, methods, products and by-products of the project, and how they will be eliminated or mitigated during and after the implementation of the project;
 - (k) an Environmental Management Plan which addresses all possible impacts of the project in that particular location and neighboring communities.
- (l) the project budget
- (m) proof of stakeholder consultations
- (n) any other considerations which may be required by the Authority.

- (2) In preparing the project brief the developer shall pay particular attention to the issues specified in the Second Schedule to these Regulations.

8. Submission of project brief.

Met opmerkingen [IS12]: Consider clarifying (De)centralisation of EIA mandates regarding screening. If I am correctly informed, decision-making regarding EIA partly also takes place at the local level. In general, decision-making falls under the responsibility of the ED at national level. Nevertheless, before taking the decisions, local authorities are consulted for projects that fall within or across their boundaries. Moreover, screening decisions are taken by local authorities.

Met opmerkingen [IS13]: there is no mention of screening criteria under 6, whereas p. 39-41 contain clear project screening criteria. Include a reference to these screening criteria!

Met opmerkingen [IS14]: Would this be enough for a developer to know what is expected? 5 pages? 25 pages?

Met opmerkingen [IS15]: Reconsider, too much projects, see already mentioned above, outcome of EIA mapping

Met opmerkingen [IS16]: The title of the Second schedule is confusing as it speaks of Issues to be considered in preparing (ToR's for) EIAs. The word 'project brief' is not used.

(1) The developer shall submit three hard copies and an electronic copy of the project brief to the Executive Director accompanied by a submission form in Form 1 set out in the Fourth Schedule to these Regulations.

Met opmerkingen [IS17]: Form 1 requires 10 copies?

(2) The Executive Director may request for additional copies where it is deemed necessary.

(3) Where the Executive Director deems the project brief to be complete, he or she may transmit a copy of the project brief to the relevant lead agencies for comments within 7 working days of receiving the project brief.

9. Comments of the Lead Agency.

(1) The lead agency shall make comments and transmit them to the Executive Director within 14 working days from the date of receipt of the project brief.

(2) Where the lead agency submits comments or fails to make comments and transmit them to the Executive Director within the specified period in sub regulation (1) of this regulation, the Executive Director may proceed to make a decision on the project brief.

10. Consideration of the project brief.

The Executive Director shall consider the project brief and the comments under regulation 9 (1) of these Regulations made by the lead agency, taking into account -

- (a) the location, size and likely output of the development;
- (b) the technology intended to be used;
- (c) the concerns of the general public, if any, and in particular concerns of any immediate residents;
- (d) land use;
- (e) relevant guidelines, policies, environmental management instruments and other decision making instruments that have been developed or adopted by the Executive Director in respect of the kind of activity which is the subject of the project brief; and
- (f) any other factors of relevance to the particular development to which the project brief relates.

Met opmerkingen [IS18]: What is meant by output of the development?

11. Approval of the project brief.

(1) Where the Executive Director finds that the project will have significant impacts on the environment and that the project brief discloses no sufficient mitigation measures to cope with anticipated impacts, he or she shall require that the developer undertakes an environmental impact study.

Met opmerkingen [IS19]: perhaps clarify how this is determined, e.g. through referring to the fact that ED will make use of screening criteria?

(2) Where the Executive Director is satisfied that the project will have no significant impact on the environment, or that the project brief discloses sufficient mitigation measures to cope with the anticipated impacts, he or she may approve the project within a period of 21 working days from the date of submission of the project brief under regulation 8 of these Regulations.

Met opmerkingen [IS20]: or 'shall'

(3) Where the Executive Director approves the project under sub-regulation (2) of this regulation, he or she shall issue a certificate of approval on behalf of the Executive Director in the form provided in Form 2 in the Fourth Schedule to these Regulations.

Met opmerkingen [IS21]: not clear whether or not this is a public document?

(4) Where the Executive Director requires that the developer undertakes an environmental impact study under sub-regulation (1) of this regulation, he or she shall notify the developer in writing within a period of 21 working days from the date of the submission of the project brief under regulation 8 of these Regulations or such other extended period not being more than 30 working days.

Met opmerkingen [IS22]: Again, will this decision be made publicly available, so that all interested parties know that an EIA will have to be made?

Met opmerkingen [IS23]: not clear, 21 plus 30 days? or max. 30 days altogether. And why would extension be needed?

(5) A developer who is dissatisfied with the Executive Directors decision that an environmental impact assessment study is required may within 15 working days appeal against the Executive Directors decision to High Court.

PART III – ENVIRONMENTAL IMPACT STUDIES

12. Objectives of Environmental Impact Assessment

The objective of any environmental impact assessment shall be to-

(a) establish, before a decision is taken by any person, authority, corporate body or unincorporated body including the Government and local government authorities intending to undertake or authorise the undertaking of any activity, impacts that may likely or to a significant extent affect the environment or have environmental effects on those activities;

Met opmerkingen [IS24]: Objective thus seems to be limited to environment, whereas surely also social etc. is meant. This can be made clear providing a good definition on what is understood by 'environment' in Uganda at the beginning of These Regulations (2. Interpretation)

(b) promote the implementation of the Act and all laws and decision making processes through which the goal and objective in paragraph (a) may be realised;

Met opmerkingen [IS25]: I don't understand what is meant here? Consider to rephrase anyway, because very long complicated sentence

(c) encourage the development of procedures for information exchange, notification and consultation between organs and persons when a proposed activity is likely to have significant environmental effects on trans boundary or on environment bordering regions, districts, municipalities, towns and villages;

(d) ensure that environmental considerations are explicitly addressed and incorporated into the development decision making process;

(e) anticipate and avoid, minimize or offset the adverse significant biophysical, social and other relevant effects of development proposal;

Met opmerkingen [IS26]: General remark: throughout the document several terms are used: development, proposal, project, activity. Try to be consistent, use similar terms

(f) protect the productivity and capacity of natural systems and the ecological processes which maintain their functions; and

(g) promote development that is sustainable and optimises resources use and management opportunities.

Met opmerkingen [IS27]: The information on the ToR is a bit limited. Clarify what is expected here. In the Second Schedule p. 41-44 there is a paragraph on scoping, which also speaks of a scoping report. Some issues are mentioned here which should be part of scoping. Furthermore under (2) hereunder it is stated that the ToR should include all matters.... provided for in 17(2) of these regulations, which refers to the Second Schedule again, p.38-39). Also unclear how project brief relates to scoping report: can these be the same?

13. Terms of reference for environmental impact study.

(1) An environmental impact study shall be conducted in accordance with terms of reference developed by the developer in consultation with the Executive Director and the impact assessment guidelines adopted by the Executive Director under subsection (8) of section 19 of the Act.

Met opmerkingen [IS28]: I do not have access to the Act, but is this similar to 'Steps for conducting EIA as part of Second Schedule. p. 41-44? If so, refer to these in this sub-regulation.

(2) The terms of reference shall include all matters required to be included in the environmental impact statement provided for in regulation 17(2) of these Regulations, and such other matters as the Executive Director may in writing provide.

(3) The Authority shall within 7 working days review and make a decision on the terms of reference.

Met opmerkingen [IS29]: Is this decision a public document? Regulation 50 (1) speaks of public documents amongst which the project brief and ToR. Do the ToR imply the scoping report? And what about the Authorities' decision on the ToR?

(4) The decision of the Authority shall be communicated in writing to the developer within 10 working days.

Met opmerkingen [IS30]: There is no mention here of consultation with lead agencies on the scoping report/ToR. Is this on purpose? What about a possible advising role of the Technical committee (see 19). Is stakeholder participation possible/desirable during scoping/ToR?

14. Conduct of Environmental Impact Assessment by experts

(1) The Executive Director shall require the developer to submit the names and qualifications of the persons who shall undertake the study at the expense of the developer

(2) The Executive Director may approve or reject the name of any person submitted under sub-regulation (1) of this regulation and require that another name be submitted within the period specified by the Executive Director in writing.

(2) The persons undertaking the study shall have been duly certified and registered in accordance with the provisions of the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003 and shall conduct themselves in accordance with the established code of practice in those Regulations.

15. Environmental management plan.

(1) The developer responsible for a project in respect of which an environmental impact statement has been approved shall submit to the Authority an environmental management plan in respect of project operations during submission of the environmental impact assessment and thereafter every 3 years.

Met opmerkingen [IS31]: Not clear whether EMP has to be part of EIS or can be submitted as a separate document?

Met opmerkingen [IS32]: Statement?

(2) A developer engaged in any of the projects mentioned in the Third Schedule to the Act and First Schedule to these Regulations which were in existence before the coming into force of these Regulations shall also submit an environmental management plan within 18 months from the coming into force of these Regulations and thereafter every 3 years.

(3) The environmental management plan shall be a document in such form as shall be determined by the Authority.

Met opmerkingen [IS33]: Will a format/minimum contents be developed for this?

(4) The environmental management plan shall set out steps that are intended to be taken to manage any significant environmental impact that may result from the project activities and may be amended as appropriate during the life of the project.

16. Public participation in making the study.

(1) The developer shall take all measures necessary to seek the views of the people in the communities who may be affected by the project during the process of conducting the study under these Regulations.

(2) In seeking the views of the people under sub-regulation (1) of this regulation, the developer shall–

- (a) publish the intended project, its anticipated effects and benefits by –
 - (i) post posters in strategic public places in the vicinity of the site of the proposed project informing the affected parties and communities of the proposed project;
 - (ii) publish a notice, in the format of **Form 3** set out in the Fourth Schedule to these Regulations, on the proposed project for 10 working days in a newspaper that has a nation-wide circulation;
 - (iii) make announcements of the notice in both official and local languages in a radio with nation-wide coverage for at least once a week for two consecutive weeks; and
 - (iv) ensure that appropriate notices are sent out at least one week prior to the meetings.
- (b) after the expiration of the period of fourteen days, hold, where appropriate public meetings with the affected parties and communities to explain the project and its effects, and to receive their oral or written comments;
- (c) as far as is possible, register the participation of the interested and affected persons;
- (d) ensure that the venues and times of the meetings are convenient to the affected persons, communities and any other concerned parties as agreed with the leaders of local councils; and
- (e) ensure, in consultation with the Executive Director that a suitably qualified coordinator is appointed to receive and record both oral and written comments and any translations thereof received during all public meetings for use in the study.

Met opmerkingen [IS34]: This form is applicable to the situation where the EIS has already been finalized. Whereas this particular regulation 16 speaks of public participation in making the study. So the form is not correct

PART IV –THE ENVIRONMENTAL IMPACT STATEMENT

17. Environmental impact statement.

(1) Where the Authority has approved the terms of reference, under regulation 13(1), the developer shall make an environmental impact statement on completing the Environmental Impact Assessment study.

(2) In making an environmental impact statement, the developer shall take into consideration the issues laid down in the Second Schedule to these Regulations.

18. Form and content of environmental impact statement.

(1) The environmental impact statement shall be submitted as a single coordinated document, in the form set out in the **Third Schedule to these Regulations**.

(2) The environmental impact statement shall contain a brief non-technical executive summary intended for public distribution in the **form referred to in regulation 16(1) of these Regulations**.

Met opmerkingen [IS35]: Seems to be incomplete: only mentions requirements for format, cover page and Ex. summary

Met opmerkingen [IS36]: 16 (1) does not refer to a Form? The Third Schedule however refers to the Ex. Summary, perhaps change here?

(3) The environmental impact statement shall be signed by the developer and each of the individual persons making the impact assessment.

(4) The developer shall submit 5 hard copies and an electronic copy of the environmental impact statement to the Authority in the format in the Third Schedule to these Regulations.

(5) The Executive Director may request for additional copies where it is deemed necessary

(6) The Executive Director shall maintain a register of environmental impact statements submitted under sub regulation (1) of this regulation.

Met opmerkingen [IS37]: As stated before: seems to be incomplete

PART V– REVIEW PROCESS OF ENVIRONMENTAL IMPACT STATEMENT

19. Functions of the Technical Committee

(1) The technical committee on environmental impact assessment shall advise the Board and the Authority on technical issues relating to the carrying out of environmental impact assessments as required under the Act, and other relevant laws, and its specific tasks shall include –

- (a) reviewing and advising on the implementation procedures for environmental impact assessment and making recommendations to the Board and the executive director;
- (b) reviewing and recommending guidelines to be issued by the Executive Director to developers;
- (c) reviewing and advising on the environmental impact statements, and audit reports;
- (d) considering potential conflicts that might arise through competing requirements for environmental resources;
- (e) recommending priority environmental controls, and management measures to be put in place during implementation of proposed projects;
- (f) advising on harmonization of environmental impact assessment policy with sectoral policies on natural resources and environment;
- (g) advising and recommending mechanisms for ensuring effective communication of environmental concerns associated with development projects in order to promote multi-sectoral and public participation in implementation of environmental policy;
- (h) participating in public hearings related to adoption or modification of Uganda's environmental impact assessment process; and
- (i) advising the Executive Director on any other issues related to environmental impact assessments.
- (j) monitoring the technical officer in ensuring quality control in the EIA process

Met opmerkingen [IS38]: No further details on Technical Committee, like membership, disciplines/expertise and budget for functioning.

Met opmerkingen [IS39]: not really clear what is meant here?

Met opmerkingen [IS40]: What kind of guidelines are meant here? Only EIA related ones? NEMA has EIA guidelines in preparation for mining, forestry, fisheries, energy, agriculture, urban planning and infrastructure, that were expected to be ready in 2010. Separate guidelines on EIA for water and roads are in preparation by the responsible sectoral agencies. What is the status of these now? If available, these should also be mentioned in these Regulations I guess.

(2) The technical committee shall prepare and submit to the Board annual reports on its activities.

(3) The meetings of the technical committee, which shall be held whenever necessary, shall be arranged in consultation with and facilitated by the authority.

Met opmerkingen [IS41]: The technical officer? What does this monitoring entail?

(4) The technical committee may co-opt any member of the staff of the Executive Director or any other person whom the technical committee deems necessary for its proper functioning.

Met opmerkingen [IS42]: could this be further specified in terms of: who will be spokesperson (if needed) on behalf of Technical Committee and who chairs (rotating?) and who is providing secretariat, internal organization, division of tasks etc. How will reporting be done and will these be published?

20. Comments of the Lead Agency.

(1) The Executive Director shall within 15 working days of receipt of the environmental impact statement, transmit the environmental impact statement to the lead agencies and request the lead agencies to make comments.

Met opmerkingen [IS43]: will this be always the same lead agencies or only the relevant ones in relation to the project characteristics?

(2) The lead agency shall review the environmental impact statement to ensure that it complies with the terms of reference developed under regulation 13 and that it is comprehensive and shall thereafter make comments on the environmental impact statement and transmit them back to the Executive Director within 15 working days of receiving the environmental impact statement.

Met opmerkingen [IS44]: will the lead agency receive any guidance for review apart from the ToR as a review framework (e.g. grid developed with SEEAC project)

(3) Where the lead agency fails to make comments within the period specified in sub regulation (2), the Executive Director may make the decision under regulation 27 of these Regulations.

(4) The lead agency shall not be required to make comments under sub regulation (2) of this regulation where the lead agency is the developer.

(5) Where the lead agency is the developer, it shall be required to submit its environmental impact statement to the Executive Director which shall make comments or invite other lead agencies to make comments.

21. Invitation of comments from the general public and persons specifically affected by the project.

(1) The Authority shall, within 10 days of receiving the comments of the lead agency and if satisfied that the environmental impact statement is complete, invite the general public in the local area and persons who are most likely to be affected by the project, at the expense of the developer to make oral or written comments on the environmental impact statement.

(2) The invitation shall be made

- (a) in a newspaper having nation-wide circulation
- (b) in a newspaper having local circulation in the area
- (c) through announcements on radios with local coverage
- (d) through the distribution of the necessary intended information of the project by local authorities
- (e) in languages understood by the majority of the affected persons

(3) The publications of the invitations shall be conducted for a period of 10 consecutive days.

(4) The invitation under sub regulation (2) shall be by notice contained in Form 3 of the Fourth Schedule to these Regulations.

(5) The public and affected people shall provide comments to the Executive Director within 15 working days from the date of the invitation.

22. Review criteria.

The Executive Director shall undertake review of an environmental impact statement in accordance with the terms of reference agreed upon by the Executive Director and the developer.

23. Onsite verification inspections.

The Executive Director may arrange for onsite verification inspections with or without the developer for purposes of inspecting the project which is the subject of review.

24. Public hearing

(1) The Executive Director shall consider the environmental impact statement and all the comments received under regulations 20, 21, 22, 24 and 25 and make a decision under regulation 27 and determine whether a public hearing be held.

(2) The Executive Director shall, at the expense of the developer hold a public hearing on the environmental impact statement if –

- (a) as a result of the comments made under regulations 20, 21, 22, 24 and 25 of these Regulations the Executive Director is of the opinion that a public hearing will enable him to make a fair and just decision;
- (b) there is a controversy; or
- (c) the project may have cross district or trans-boundary impacts.
- (d) the Executive Director considers it necessary for the protection of human health or the environment and the promotion of good governance.

(3) The public hearing shall be held within 21 working days of receiving comments under regulations 20, 21, 22, 24 and 25 of these Regulations.

(4) The Executive Director shall, in consultation with the lead agency appoint a suitably qualified person known as a presiding officer, to preside over the public hearing.

(5) The person appointed under sub regulation (4) shall serve on such terms and conditions as the Authority, the lead agency and the person so appointed may agree.

(6) Without limiting the general effect of sub regulation (1), the scope of the public hearing determined in the terms and conditions under sub regulation (2) of this regulation shall be commensurate with the nature and size of the project.

(7) The public hearing shall be conducted at a venue which shall be convenient and accessible to those persons who are likely to be specifically affected by the project.

(8) The date and venue of the public hearing shall be advertised at least 10 days prior to the meeting through appropriate media, so as to bring the public hearing to the attention of persons most likely to be affected by the project and those persons making comments under regulations 20 and 21 of these Regulations.

Met opmerkingen [IS45]: Unclear how this is done: will ED put together comments made by Technical Committee, lead agency(ies), general public and affected persons? Which review 'criteria' (=title of 22) will be used apart from ToR? E.g. also scoping report or only ToR? Will review findings/report of ED be made publicly available?

Met opmerkingen [IS46]: If so, will developer and people from the project area be informed about this site verification visit?

Met opmerkingen [IS47]: there used to be a provision like: 'If a public hearing is held, multiple sessions may be organized at multiple locations. At least one session should be held in the community located nearest to the site of the proposed project'. Is this no longer the case?

(9) Public hearings shall be structured so as to permit a fair and comprehensive examination of all information presented and shall be conducted in a non-judicial, informal and non-adversarial manner.

(10) On the conclusion of the public hearing, the presiding officer shall make a report of the views submitted at the public hearing and present factual findings to the Executive Director and the lead agency within 14 days from the day on which the public hearing was concluded.

Met opmerkingen [IS48]: will this be made publicly available?

(11) The lead agency may make its own report to the Executive Director containing the findings and recommendations from the public hearing within 15 working days from the day the public hearing was concluded.

25. Persons eligible to make presentations at public hearings.

(1) Any person may attend either in person or through a representative and make presentations at a public hearing, provided that the presiding officer shall have the right to reject baseless opinions made in bad faith with the aim of frustrating the hearing process.

(2) The developer shall be given an opportunity to make a presentation and to respond to any comments made at the public hearing and to provide further information relating to the project.

(3) The Executive Director shall make guidelines for the public hearing.

Met opmerkingen [IS49]: EIA public hearing guidelines were made by NEMA in 1999. Will these no longer be valid? Or are they being up-dated?

PART VI– DECISION OF THE EXECUTIVE DIRECTOR ON ENVIRONMENTAL IMPACT ASSESSMENTS

26. Basis of decision.

(1) In making a decision regarding an environmental impact assessment under these Regulations, the Executive Director shall take into account –

- (a) the validity of the predictions made in the environmental impact statement under Part IV of these Regulations, with emphasis on the environmental, economic, social and cultural impacts of the project;
- (b) the comments made under 20,21, 24 and 25 of these Regulations;
- (c) the report of the presiding officer at a public hearing under regulation 24 of these Regulations, where applicable;

(2) The Executive Director shall make a decision under this regulation within 21 working days from the date on which the environmental impact statement was submitted under regulation 18 (4) of these Regulations.

Met opmerkingen [IS50]: This is not possible looking at the different timelines mentioned in Regulations 20-25, especially in case a public hearing is held. Check!

27. Decision of the Executive Director

- (1) The Executive Director in taking into account the whole review process may –
 - (a) approve the project or part thereof;
 - (b) require that the project be re-designed, including directing that different technology or an alternative site be identified;

Met opmerkingen [IS51]: Clarify that the approval of the EIA report automatically implies that an certificate of approval of the project will be awarded. Explain whether such a certificate of approval is required before any licensing authority issues a license for an activity. Is the following correct? *The EIA approval is thus separate from licenses/ permits for commencement of projects which are under the responsibility of different authorities.*

- (c) refer back the project or part thereof to the developer where there is insufficient information for further study or submission of additional information as may be required to enable the Executive Director make a decision; or
- (d) reject the project.

(2) Where the Authority makes a decision to reject a project under regulation 27(1) (d) of these Regulations, he or she shall state the reasons in writing.

(3) A decision of the Executive Director under this regulation shall be notified to the public and communicated to the developer within 10 working and a copy thereof shall be made available for inspection at the authority's offices.

(4) Where the Executive Director fails to communicate its decision within 10 working days after making the decision, the developer shall follow up with the Executive Director with regard to the decision.

28. Conditions of approval of a project.

In making his or her decision to approve the project, the Executive Director shall, on such terms and conditions as he or she may deem necessary—

- (a) give approval subject to such conditions as he or she deems necessary;
- (b) state the period for which the approval shall remain valid; and
- (c) issue a certificate of approval of the project in Form 2 contained in the Fourth Schedule to these Regulations.

29. Validity of certificate of approval.

(1) Where a certificate of approval is granted, it shall be valid for a period of 5 years with effect from the date of issuance.

(2) Where a project has not commenced operation within 18 months after the grant of the certificate of approval, the certificate shall be rendered invalid upon expiry of the period.

(3) Where a developer whose certificate becomes invalid under sub regulation (2) of this regulation requires a valid certificate, he or she shall submit an application to the Authority for approval to which the invalidated certificate relates and provide reasons for the application.

(4) Upon consideration of an application under sub regulation (3) of this regulation the Authority may decide –

- (a) that the project brief or environmental impact statement already approved should be used in respect of the resubmitted application; or
- (b) that the project brief or environmental impact statement should be revised in such areas as the Authority shall direct.

30. Amendment, suspension, revocation or cancellation of certificate of approval.

Met opmerkingen [IS52]: As said before, throughout the document ED and the Authority as used both, not really clear, especially here: terminology different even within a single Regulation.

Met opmerkingen [IS53]: To my knowledge this used to be current practice: When a project is approved, it is not required to specifically address the public comments in the decision statement. When a project is rejected, public comments that have contributed to the rejection may be mentioned. Still the case? If so, perhaps mention this explicitly.

Met opmerkingen [IS54]: how will this be done? Is there also a form for this? Because the decision can be 27 a), b), c) or d). a) will probably be similar to the Certificate of Approval, but will b), c) and d) also be made public?

At any time after the issuance of a certificate of approval of the project, the Authority may –

- (a) amend or vary the approval on such terms and conditions as he or she may deem fit;
- (b) suspend the approval on such terms and conditions as he or she may deem fit, for a period not exceeding 24 months; or
- (c) revoke or cancel the approval.

31. Reasons and format of amending or varying certificate of approval.

(1) The Authority may, on the application of the holder of the certificate of approval or at his or her own initiative, amend or vary the certificate of approval–

- (a) to prevent deterioration or further deterioration of the environment;
- (b) to achieve prescribed environmental standards;
- (c) to accommodate demands brought about by impacts on cultural, socioeconomic circumstances and if it is in the public interest to meet those demands; or
- (d) to correct errors or make other non-substantive amendment.

(2) The form and content for variation shall be made using Form 4 set out in the Fourth Schedule to these Regulations.

(3) A certificate of approval may be varied without the holder of the certificate submitting a fresh project brief or environmental impact statement if the Executive Director is satisfied that the developer will comply with the requirements of the variation.

32. Process of amending the certificate of approval.

(1) Where the amendment sought is in respect to substantive matters, the Authority may require the holder of the certificate –

- (a) to conduct a public participation process referred to in regulation 16 or any other public participation process that may be appropriate in the circumstances to bring the proposed amendment to the attention of interested and affected parties, including organs of state which have jurisdiction in respect of any aspect of the relevant activity ;
- (b) to conduct such investigations and assessments as the Authority may direct and prepare reports ; and
- (c) to submit to the Executive Director those reports, together with any comments on those reports from interested and affected parties.

(2) Where the amendment is at the initiative of Authority, it shall -

- (a) notify the holder of the certificate in writing, of the proposed amendment;
- (b) give the holder of the certificate an opportunity to submit representations on the proposed amendment, in writing; and
- (c) if necessary, conduct a public participation process referred to in regulation 16 or any other public participation process that may be appropriate in the circumstances to bring the proposed amendment to the attention of potential interested and affected parties, including organs of state which have jurisdiction in respect of any aspect of the relevant activity.

(3) The amendment process referred to in sub regulation (2) of this regulation shall afford an opportunity to –

- (a) the developer, interested and affected parties to submit to the Executive Director written comments on the proposed amendment; and

(4) Sub regulation (2)(c) of this regulation may not apply if the proposal is to amend the certificate in a non-substantive way.

33. Decision of Executive Director on amendment of certificate of approval.

- (1) The Executive Director shall within 21 working days of completion of the process contemplated for substantive amendments in regulation 32 of these Regulations, either amend or decline to amend the approval and notify the holder of the certificate and other interested or affected parties, if any, of the decision and its reasons.

(2) Where the Authority declines to amend the certificate for reason that the application has insufficient information, the application may be amended and resubmitted, whereupon it may be reconsidered in accordance with regulation 30 of these Regulations.

(3) Where an amendment is allowed, the Authority shall issue an amendment to the approval either by way of a new certificate of approval or an addendum to the existing certificate of approval and may issue a certificate of variation in Form 5 set out in the Fifth Schedule to these Regulations.

- (4) The Authority may amend a certificate of approval by –
 - (a) attaching an additional condition or requirement;
 - (b) substituting, removing or changing a condition or requirement;
 - (c) updating or changing any detail on the certificate; or
 - (d) correcting a technical or editorial error.

34. Suspension, revocation or cancellation of certificate of approval.

The Authority may suspend, revoke or cancel the approval as specified under regulation 28(c) of these Regulations where–

- (a) information or data given by the developer in an environmental impact statement or during public consultations and public hearings was false, substantially incorrect or intended to mislead;
- (b) information leading to approval of the project was hidden or concealed and gave rise to a wrong decision;
- (c) the certificate is issued in error other than in the circumstances contemplated in paragraphs (a) and (b) of this regulation;
- (d) there is noncompliance with the conditions set out in the certificate;
- (e) it is necessary to prevent harm or further harm to the environment;
- (f) there is a substantial change or modification of the project implementation or operation which may lead to adverse environmental impacts; or
- (g) there is a substantive undesirable effect not contemplated in the approval.

35. Procedure in case of suspension, revocation or cancellation of certificate of approval.

(1) Where the Authority decides to suspend, revoke or cancel a certificate of approval, he or she shall notify the developer of such intention within twenty one days before the decision and also inform the developer of his right to appeal against the intended decision.

(2) The Authority shall proceed to suspend, revoke or cancel the certificate issued under regulation 34 if the developer does not appeal to the High Court within 15 working days from the date of issuance of notification.

Met opmerkingen [IS55]: Regulation 34 does not speak of issuance of certificate?

(3) Where the developer is notified under sub-regulation (1) of this regulation or where a certificate of approval is suspended, revoked or cancelled under sub regulation (2) of this regulation, the developer shall stop any further development and shall rectify the adverse impact within a period specified by the Executive Director depending on the activity.

36. Effect of approval or rejection of project.

(1) No civil or criminal liability, in respect of an approval of a project or consequence resulting from an approved project, shall be incurred by the Authority or any person acting on his behalf, by reason of the approval, amendment, suspension, revocation, rejection or denial or any conditions attached to the approval.

(2) The fact that an approval is made in respect of an environmental impact assessment shall afford no defense to any civil action or to a criminal prosecution under any enactment concerning the project or the manner it is operated or managed.

37. Transfer of certificate of approval.

(1) The holder of a certificate of approval may transfer the certificate to another person only in respect of the project to which such certificate was issued.

(2) The transferee and the transferor of a certificate under this regulation shall be liable for all liabilities, and the observance of all obligations imposed by the transfer in respect of the certificate transferred, but the transferor shall not be responsible for any future liabilities or any obligations so imposed with regard to the certificate from the date the transfer is approved.

(3) Where a certificate of approval is to be transferred, the transferor and the transferee shall jointly notify the Authority of the transfer in Form 6 set out in the Fourth Schedule to these Regulations.

(4) The Authority shall issue a certificate of transfer of a certificate of approval in Form 7 set out in the Fourth Schedule to these Regulations.

(5) The cost of transferring the certificate of approval shall be met by the new holder.

(6) Where no joint notification of a transfer is given in accordance with this regulation, the registered holder of the certificate shall be deemed for the purposes of these Regulations and the

Act to be the owner or the person having charge, management or control of the project as the case may be.

38. Surrender of certificate of approval.

(1) The holder of the original certificate of approval may surrender the certificate issued under these Regulations to the Authority after ceasing to be responsible for the implementation of the project

(2) The holder of the original certificate of approval shall notify the Executive Director of the intention to surrender the certificate under sub- regulation (1) at least 3 months in advance by submitting a notification in Form 7 set out in the Fourth Schedule to these Regulations.

(3) The certificate of approval shall not be effective until the Executive Director issues a certificate of surrender.

(4) Surrender shall be without prejudice to any liabilities or obligations which have accrued on the holder of the original certificate prior to the date of surrender.

Met opmerkingen [IS56]: ?

PART VII STRATEGIC AND TRANSBOUNDARY ENVIRONMENT ASSESSMENTS

39. Projects with trans boundary impacts.

(1) Where a project is likely to have trans boundary impacts, the developer shall in consultation with the Executive Director ensure that appropriate measures are taken to mitigate any adverse impacts, taking into account any existing treaties and agreements between Uganda and the other country or countries.

(2) The Authority within a period of 21 working days of receiving an environmental impact statement of a project with trans-boundary impacts submits to another country the information concerning -

- (a) the project, together with all available data on its possible impacts;
- (b) the nature of the decision that may be adopted; and
- (c) the period within which another country or countries can announce its intention to participate in the impact assessment procedure.

(3) The Authority shall inform the country or countries that participated in the impact assessment procedure about the decision on granting or rejecting the approval to the environmental impact statement by providing information on –

- (a) the contents of the decision and conditions if they were set;
- (b) the grounds for the decision, including the reasons for accepting or rejecting the remarks, proposals and opinions of the lead agency, community, organization or state concerned; and
- (c) the most important measures the developer should undertake in order to eliminate, prevent, mitigate or remediate harmful impact.

Met opmerkingen [IS57]: so this requirement is only applicable to projects with transboundary impacts? Why not to all projects?

(4) The Authority shall, within 14 days of receipt, inform the public in accordance with regulation 16 about the information it receives on a proposed project in another state which may have trans-boundary impact on Uganda.

(5) Where the Executive Director submits its opinion to the competent Authority of another country or countries about a project in that country or countries that may have trans boundary impacts on Uganda, it shall take into account the public comments it obtains by mass media or other appropriate means from Uganda.

(6) Information and consultations with the other country or countries about potential trans boundary impact of projects shall be carried out based on the principle of mutual benefit and sustainable development, in accordance with the regional or international agreements concluded.

40. Strategic environmental assessment of policies programmes and plans.

(1) A strategic environmental assessment of a policy, programme or plan under these Regulations may be undertaken to determine environmental and social sensitivity of the policy, programme or plan and the cost effectiveness of policies, programmes or plans when implemented individually or in combination with others.

(2) The assessment carried out under this regulation shall consider the effect of implementation of alternative policy actions taking into consideration -

- (a) the conservation and use of natural resources;
- (b) the protection and conservation of biodiversity;
- (c) human settlement, gender, health, religious and cultural issues;
- (d) socio-economic factors; and
- (e) the conservation of the aesthetic environment as well as the protection and conservation of the built environment of historic or cultural significance.

(3) The Government and lead agencies shall incorporate principles of strategic environmental assessment when developing sector or national policy.

41. Content of a strategic environmental assessment report.

(1) The assessment carried out under regulation 40 shall give rise to a strategic environmental impact report which shall include the following information -

- (a) the title of the report;
- (b) a summary of the potential significant impacts of a proposed policy, programme or plan;
- (c) potential opportunities to promote or enhance environmental conditions;
- (d) recommendations for mitigating measures; and
- (e) alternative policy, programme or plan options to ensure compliance with the Act.

(2) A strategic environmental assessment of a policy, programme or plan under these Regulations does not exclude the need to assess the environmental impact of specific projects proposed in accordance with the policy.

Met opmerkingen [IS58]: Any concrete agreements available to mention here?

Met opmerkingen [IS59]: Only rather general provisions under SEA, nothing on e.g. public participation, ToR, decision making, involvement of lead agencies etc. This is not sufficient as it is now. Consider developing separate SEA regulation. You could include a regulation here stating that this SEA regulation will be developed within a timeframe of years.

Met opmerkingen [IS60]: I don't think this is the purpose of SEA

Met opmerkingen [IS61]: Vague, what are these principles?

(3) The Authority may, in approving the terms of reference of an environmental impact study for a project under regulation 13, exclude those general matters which have already been covered in the assessment of a policy.

(4) A previous environmental impact assessment of a similar project under these Regulations does not exclude the environmental impact assessment of a later project.

Met opmerkingen [IS62]: Why is this requirement put under the heading SEA?

PART VIII-POST ASSESSMENT ENVIRONMENTAL AUDITS AND INSPECTIONS

42. Preparation of an environmental audit.

(1) Where the Executive Director approves a project under these Regulations, environmental compliance monitoring and audits shall thereafter be conducted in accordance with the National Environment (Audit) Regulations, 2006

Met opmerkingen [IS63]: but these are currently also being up-dated? I have not yet read these, but will there be no overlap in what is stated here under 42-44 and what is stated in the new regulations on Audit?

(2) Without limiting the general effect of sub-regulation (1) of this regulation, the developer in executing the project after the environmental impact assessment has been approved by the Executive Director, shall take all practicable measures to ensure that the predictions made in the project brief or environmental impact statement are complied with.

43. Audit by the Authority.

(1) An environmental inspector designated under section 80 of the Act may, at all reasonable times, enter on any land, premises or other facility related to a project for which a project brief or an environmental impact statement has been made under these Regulations, to determine how far the predictions made in the project brief or the environmental impact statement, whichever the case may be, are complied with.

Met opmerkingen [IS64]: Strange, one would also expect that especially the conditions in the Certificate of approval would be checked.

(2) The environmental inspector shall in exercise of any of the powers provided for under section 80 of the Act and these Regulations undertake the following administrative and enforcement measures and actions -

- (a) examine and copy records and exercise all or any of the powers provided for under section 80 of the Act;
- (b) order the developer to obtain the decision of the Executive Director on the need for the conduct of an environmental impact study;
- (c) order the developer to obtain the approval for the environmental impact study;
- (d) order the developer to undertake measures envisaged by the environmental impact statement;
- (e) order the developer to implement the programme for monitoring environmental impact;
- (f) prohibit the project developer to execute the works until the approval of the Executive Director for the environmental impact study is obtained; and
- (g) issue against such a person an improvement notice under section 80 of the Act and commence such criminal and civil proceedings provided for under the Act as are appropriate.

(3) A member of public, after showing reasonable cause, may petition the Executive Director, to cause an audit to be carried out on any project.

44. Mitigation measures.

(1) After studying the audit report made under regulations 42 and 43 of these Regulations, the Authority may require that the developer takes specific mitigation measures to ensure compliance with the predictions made in the project brief or environmental impact statement, whichever the case may be.

(2) The mitigation measures in sub regulation (1) of this regulation shall be communicated to the developer in writing, specifying the period within which the measures shall be taken.

PART IX-ADMINISTRATIVE AND OTHER MEASURES

45. Funds for reclamation.

A project in respect of which a reclamation plan is required shall be required to post a reclamation bond based on approved work plan for reclamation.

46. Environmental insurance.

Where the Executive Director finds that a project has significant effects on the environment, it may require the developer to post environment insurance of a restoration bond to cater for cleanup, re-composition and restoration activities during the project and at project decommissioning.

47. Mapping of Projects.

(1) The Executive Director shall use geographical information positioning, remote sensing and other appropriate technology to map the country in terms of type of project suited to a particular landscape and other factors

Met opmerkingen [IS65]: ? How does this look like in practice?

(2) The Authority shall use the technology referred to in sub-regulation (1) to plot the locations and features of all projects approved.

48. Display of Environmental Impact Assessment certificate.

The developer shall display the certificate of approval in a convenient prominent place and make available all the conditions of approval.

49. Registers and databases.

The Authority shall maintain the following registers and databases –

- (a) a register and database of all individual experts or firms of experts duly authorized to conduct or prepare environmental impact assessment studies and audits;
- (b) a register and database of all certificates, including condition if any, issued under these Regulations;
- (c) a register and database of environmental impact assessment reports, strategic environmental assessment reports and monitoring reports;

Met opmerkingen [IS66]: Refer to specific regulation on certified experts? The National Environmental Regulation (Conduct and Certification of Environmental Practitioners)

Met opmerkingen [IS67]: No ToR's nor scoping reports (see e.g. 50 (1)?

- (d) a register of approvals of applications seeking exclusion of proprietary information from public access;
- (e) any other registers as may be deemed appropriate.

Met opmerkingen [IS68]: E.g. projects which were rejected and the reasons for their rejection.

PART X-ACCESS TO ENVIRONMENTAL IMPACT ASSESSMENT REPORTS AND INFORMATION

50. Documents deemed to be public documents.

(1) Subject to Article 41 of the Constitution and subsection (3) of section 85 of the Act, a project brief, environmental impact statement, terms of reference, public comments, report of the presiding officer at a public hearing or any other information submitted to the Authority or the technical committee under these Regulations shall be public documents.

Met opmerkingen [IS69]: Not clear whether any costs are implied: Formerly, to my knowledge, the public had to pay to obtain a summary/report of the public hearing and to obtain a copy of the EIA report, although copies should also be available at a local library at no cost. On occasion, digital copies are provided upon request. What is the current situation here?

(2) Any person who desires to consult the documents described in sub regulation (1) of this regulation shall, subject to section 85 of the Act, apply in Form 8 set out in the Fourth Schedule and be granted access by the Executive Director on such terms and conditions as the Executive Director considers necessary.

Met opmerkingen [IS70]: The documents in part B of Form 8 are slightly different from the ones mentioned under 49 and 50. Suggestion: be consistent when mentioning types of documents.

51. Protection of proprietary information.

(1) Where at any stage of the process of implementing these Regulations, the developer claims in writing that any information submitted to the Executive Director is, under subsection (3) of section 85 of the Act, proprietary, confidentiality or a matter of national security –

- (a) the Authority shall review such claim and take adequate precautions to prevent disclosure of such information or specified parts of the information; and
- (b) no person shall copy, circulate, publish or disclose such information.

(2) The Authority after reviewing the claim, may request the developer to submit such additional information to determine whether the information is proprietary, confidential or is a matter of national security or not.

(3) Where the Authority determines that the information is proprietary, confidential or is a matter of national security, such information will be excluded from the project brief or the environmental impact statement or any other document submitted to the authority.

(4) Information under sub regulation (3) of this regulation shall be entered in a register to be maintained by the Executive Director indicating in general the nature of the information and the reason for which it is excluded from public access and the Executive Director shall take all measures to maintain the confidentiality of the information.

(5) Where the Authority rejects the claim that the information is proprietary, confidential or is a matter of national security, he shall communicate to the developer within 21 days from the date of receipt of the request and request the developer to either –

- (a) waive the claim and continue with the assessment and review process under these Regulations, or

- (b) withdraw the information submitted from the assessment and withdraw from the review process under these Regulations.

(6) The Executive Director shall review its decision on an application made under this regulation from time to time to determine whether the reasons for exclusion are still valid and whether the exclusion should continue.

(7) A person who is aggrieved by the decision of the Executive Director under this regulation may appeal to the High Court.

PART XI-GRIEVANCES, APPEALS AND PENALTIES

52. Grievance handling.

- (1) Any person who is aggrieved by –
- (a) a decision by the Authority that an environmental impact study should be conducted;
 - (b) a refusal to grant a certificate or by a refusal to vary, suspend, revoke, cancel or transfer a certificate under these Regulations.
 - (c) the imposition of any condition, limitation or restriction on a certificate;
 - (d) the amendment, variation, suspension, revocation, or cancellation of a certificate issued under these Regulations;
 - (e) the imposition of any environmental restoration order or environmental improvement order on the project by the Authority;
 - (f) the approval or reinstatement by the Authority of a certificate of approval; or
 - (g) any other decision relating to the environmental impact assessment process may within thirty days after the date of receipt of the decision against which he or she is dissatisfied, appeal to High Court.

Met opmerkingen [IS71]: overlaps with what is stated hereunder in 53

53. Appeals.

Any person who is aggrieved by any decision by the Authority under these Regulations may, within 15 working days of receipt of the decision, appeal to the High Court.

Met opmerkingen [IS72]: refer to 52

54. Offences.

(1) Notwithstanding any license, permit or approval granted under any enactment, any person who commences, proceeds with, carries out, executes or conducts any project without the approval of the Executive Director under the Act or these Regulations, commits an offence contrary to section 96 of the Act and on conviction is liable to a penalty prescribed under the section.

Met opmerkingen [IS73]: No reference??

- (2) Any person who –
- (a) fails to prepare and submit a project brief to the Authority contrary to regulations 7 and 8;
 - (b) fails to prepare and submit a scoping report and terms of reference for the intended/planned project;
 - (c) fails to prepare and submit an environmental impact statement contrary to regulations 17 and 18;
 - (d) is in breach of any condition of approval of the environmental impact assessment;

- (e) knowingly makes a false statement in a screening report, project brief or impact statement;
- (a) fraudulently alters a project brief or an environmental impact statement;
- (b) fails, in the development of a project, to abide by the conditions of approval under regulation 28;
- (c) makes a false statement in an environmental audit contrary to these regulations;
- (d) fails to inform the Authority of a transfer of a certificate of approval in accordance with regulation 37.

Met opmerkingen [IS74]: term used here for the first time?
Regulation 6 does not refer to screening report

PART XII -TRANSITIONAL AND FINAL PROVISIONS

55. Delegation of powers and functions.

The Executive Director may, where necessary, delegate any of the functions and powers under these Regulations to any other Officer of the Authority or to a lead agency.

56. Repeal and savings.

(1) The National Environment (Environmental Impact Assessment) Regulations, Statutory Instrument No. 153-1 are repealed and superseded.

(2) Any guideline or other instrument made under the Environmental Impact Assessment Regulations, Statutory Instrument No. 153-1 repealed and superseded under sub-regulation (1) of this regulation and which is in force immediately before the commencement of these Regulations, shall remain in force, so far as it is not inconsistent with this Regulations, until it is revoked by a guideline or other instrument made under this Regulations and until that revocation, shall be deemed to have been made under this Regulations.

57. Entry into force.

These Regulations enter into force immediately from the date the National Environment (Environmental Impact Assessment) Regulations, Statutory Instrument No. 153-1 are repealed.

58. Transitional provisions.

(1) A certificate issued under the Environment (Environmental Impact Assessment) Regulations, Statutory Instrument No. 153-1, superseded by regulation 64 and which is in force immediately before the commencement of these Regulations –

Met opmerkingen [IS75]: ?? 56?

- (a) shall have effect from the commencement of these Regulations as if granted under these Regulations; and
- (b) in the case of a certificate or permit for a specified period, shall remain in force, subject to these Regulations, for so much of that period as falls after the commencement of these Regulations.

(2) The terms and conditions including the rights and obligations under a certificate in force immediately before the commencement of these Regulations shall not be less favourable than those that apply under these Regulations.

PART IX: MISCELLANEOUS

59. Fees.

(1) For the purpose of giving full effect to these Regulations, and by virtue of subsection (1) of section 107 and paragraph (c) of subsection (2) of section 88, the Executive Director shall, depending on the size of the project in question and on the circumstances of each particular case, charge a fee prescribed in the Fifth Schedule to these Regulations on the developer for the following activities –

- (a) project briefs or environmental impact assessments;
- (b) certificates of approval;
- (c) access to records under subsection (2) of section 85;
- (d) post EIA inspection and monitoring;
- (e) any other fee that is necessary.

(2) The developer shall, in addition to the fees under sub-regulation (1) of this regulation, pay for any publicity or advertisements required under these Regulations.

(3) The Minister may, on the recommendation of the Executive Director, amend the Schedule referred to in sub-regulation (1) of this regulation.

Met opmerkingen [IS76]: of the Act?

SCHEDULES

FIRST SCHEDULE

Part I. Projects for which environmental impact assessment is mandatory

Reg. 8 (1)

Met opmerkingen [IS77]: Does not seem to be the correct reference

1. Agriculture
 - (a) Large scale cultivation of not less than 40 hectares.
 - (b) Large scale mono-culture (cash and food crops including floriculture).
 - (c) Biological pest control. Agricultural projects necessitating the resettlement of communities of 20 families or more.
 - (d) Introduction of new breeds of crops.
 - (e) Introduction of Genetically Modified Organisms (GMOs).
2. Livestock and Range management
 - (a) Large Scale Livestock movement.
 - (b) Introduction of new breeds of livestock.
 - (c) Introduction of new or foreign alien species.
 - (d) Intensive livestock rearing units.
3. Forestry
 - (a) Creation of forest conservation areas and buffer zones especially involving resettlement of communities.
 - (b) Activity to remove "designated" status from an area designated for forestry conservation and management.
Establishment of commercial logging or conversion of forested land to other land uses within catchment areas of reservoirs used for water supply, irrigation or hydropower generation or in areas adjacent to forest, wildlife reserves.
 - (c) Introduction of new tree species and development of forest plantation.
 - (d) Selective removal of single tree species.
 - (e) Conversion of hill forest land to other land use.
 - (f) Biological pest control.
 - (g) Afforestation and reforestation for the purpose of carbon sequestration.
 - (h) Construction of roads inside forest reserve.
 - (i) Commercial charcoal, firewood and other forest harvest operations.
4. Fisheries
 - (a) Medium to large scale fishing.
 - (b) Artificial fisheries (Aqua-culture for fish, algae or other types of fish).
 - (c) Introduction of new fish species in water bodies.
 - (d) Large scale fish farming.
 - (e) Industrial fish processing and storage.
 - (f) Introduction of genetically modified fish species and other aquatic species.

Met opmerkingen [IS78]: separate activity

Met opmerkingen [IS79]: Why under heading 'forestry'?

5. Nature Conservation Areas
 - (a) Creation of national parks, game management areas and buffer zones especially involving resettlement of communities.
 - (b) Introduction of new or of alien species of animals, plants or microbial agents to local Ecosystems.
 - (c) Activity to remove "designated" status from an area designated for wildlife conservation and management.
 - (d) Commercial exploitation of natural fauna and flora, including wildlife catching and trading.
 - (e) Establishment of hunting blocks or areas, especially involving resettlement of communities.
 - (f) Translocation of wildlife.
 - (g) Wildlife ranching and farming.
 - (h) Zoo and sanctuaries.
6. Tourism and Recreational Development
 - (a) Construction of resort facilities or hotels along the shorelines of lakes, river, islands and in surrounding waters.
 - (b) Hill top resort or hotel development.
 - (c) Development of tourism or recreational facilities in protected areas and adjacent areas (national parks, marine parks, forestry reserves etc).
 - (d) Hunting and capturing wild fauna for recreational purposes.
 - (e) Camping activities, walk ways and trails, etc.
 - (f) Major construction works for sporting purposes.
7. Drainage and irrigation
 - (a) Flood control schemes.
 - (b) Construction of dams and man-made lakes.
 - (c) Irrigation schemes covering an area of 50 Ha or more.
 - (d) Drainage of wetland.
8. Transport, transportation equipment and infrastructure
 - (a) Construction of all major roads, including the construction, expansion or rehabilitation of new trunk roads.
 - (b) Construction of new roads and major improvements over 10 km in length.
 - (c) Construction, expansion or rehabilitation of airports and airstrips with a runway length of 1 600 m or more and their ancillary facilities
 - (d) Construction or new expansion to existing railway lines and related facilities.
 - (e) Construction of new, or expansion to shipyards or harbour facilities.
 - (f) Shipbuilding and repair.
 - (g) Facilities engaged in building and repairing all types of ships above 4,000 tonnes displacement including marine production platforms for petroleum, natural gas or mineral resource extraction.
 - (h) Jet boating, jet skis.
 - (i) Water transport facilities.

Met opmerkingen [IS80]: What is the difference with a)?

- (j) Construction of water pipelines with a diameter of at least 0.5 m and length of at least 10 km outside a built up area, or in a protected area, a seriously polluted or water abstraction area.
- (k) Establishment or expansion of harbors, ports or pontoon areas and facilities for vessels on inland waterways which permit the passage of and call by vessels of over tonnes. Ferry piers are excluded.

Met opmerkingen [IS81]: ?

9. Power generation and transmission infrastructure

- (a) Production and distribution of electricity, gas, steam and geothermal energy of the volume of
- (b) Storage of natural gas.
- (c) Thermal power development.
- (d) Dams and hydro-electric power schemes
- (e) Development of other large scale renewable and non-renewable sources of energy.
- (f) Erection of power transmission lines and other means of electrification with carrying capacity of kV of voltage or more and 20 km or more in length.

Met opmerkingen [IS82]: ?

Met opmerkingen [IS83]: ?

10. Petroleum

- (a) Oil and gas fields exploration, development and production.
- (b) Extraction and purification of natural gas.
- (c) Construction of oil and gas separation, processing, handling and storage facilities.
- (d) Construction of oil refineries.
- (e) Construction of oil pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km.
- (f) Construction and/or expansion of product depots for the storage of petrol, gas, diesel, tar and other products which are located within 3 km of commercial, industrial, residential or protected areas.
- (g) Storage facilities for hydrocarbons, petroleum and petrochemical products (i.e. filling stations).

11. Mining: Including Quarrying and Open-Cast Extraction and mineral processing

- (a) Mining of minerals including radioactive metals, industrial metals, precious metals (silver, zinc, cobalt, nickel) and gemstones.
- (b) Reduction of ores.
- (c) Large scale quarrying of aggregate, limestone, silica, quartzite, sandstone, marble and decorative building stone;
- (d) Extraction of sand, dolomite, phosphate and clay of 2 Ha or more.
- (e) Other deep drilling - bore-holes and wells.
- (f) Smelting and refining of ores and processing of minerals.

Met opmerkingen [IS84]: What is reduction of ores?

12. Non-metallic industries (Products)

- (a) Manufacture of cement, asbestos, glass, glass-fibre, glass-wool.
- (b) Manufacturing of plastic materials.
- (c) Lime manufacturing, tiles, ceramics.
- (d) Cement processing and lime kilns.

13. Metal and Engineering industries.

- (a) Manufacture and assembly of motorised and non motorised transport facilities.
- (b) Body – building.
- (c) Boiler - making and manufacture of reservoirs, tanks and other sheet containers.
- (d) Foundry and forging.
- (e) Manufacture of non - ferrous products.
- (f) Manufacture of iron and steel.
- (g) Electroplating.

14. Chemical industries

- (a) Manufacture, transportation, use and storage of pesticide or other hazardous and/or toxic chemicals.
- (b) Manufacture of pharmaceutical products.
- (c) Storage facilities for petrochemical and other chemical products.
- (d) Production of paints vanishes etc.
- (e) Soap and detergent plants.
- (f) Manufacture of fertilizers.

15. Electrical and electronics industries

- (a) Battery manufacturing.
- (b) Electronic equipment manufacturing and assembly.
- (c) Installation and expansion of communication towers.

16. Leather Industry

- (a) Tanning.
- (b) Tanneries.
- (c) Dressing of hides and skins.
- (d) Other cloth factories.

17. Textile industry

- (a) Cotton and synthetic fibres.
- (b) Dye for cloth.
- (c) Carpets, mats and related products.
- (d) Canvas and related products.
- (e) Ginneries.
- (f) Other textile products.

18. Wood, Pulp and Paper Industries

- (a) Large scales manufacture veneer and plywood.
- (b) Manufacture of fibre board, wafer board and particle board.
- (c) Sawmill, planning mill and shingle mill products industries.
- (d) Wood preservation facilities which use hazardous chemicals or chemical in similar chemical processes.
- (e) Manufacture of pulp, paper, sand-board cellulose- mills.
- (f) Asphalt roofing.
- (g) Other converted paper products and wood products.

19. Waste treatment and disposal

- (a) Toxic and Hazardous waste
 - (i) Facilities mainly designed for the final disposal of hazardous waste by incineration, chemical treatment or landfill, including recovery plants or storage facilities.
- (b) Municipal Solid Waste
 - (i) Construction of incineration plant.
 - (ii) Construction of composting plant.
 - (iii) Construction of recovery/re-cycling plant.
 - (iv) Construction of Municipal Solid Waste landfill facility.
- (c) Municipal Sewage
 - (i) Construction of waste water treatment plant.
 - (ii) Construction of marine out fall.
 - (iii) Night soil collection transport and treatment.
 - (iv) Construction of sewage system.
- (d) Establishment of facilities for the collection or disposal of hazardous waste materials.

Met opmerkingen [IS85]: Marine? Or is this applicable to e.g. Lake Albert?

Met opmerkingen [IS86]: already mentioned in 19. i

20. Water Resources and Water Supply

- (a) Exploration, abstraction or utilisation of ground and surface water for bulk supply.
- (b) Water supply-reservoir surface area 50 m² or more.
- (c) Canalisation of water courses.
- (d) Inter-or intra-basin water transfers.
- (e) Diversion of normal flow of water.
- (f) Other water resources development projects (dams, water supply, flood control, irrigation, drainage)
- (g) Water transfers works between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million m³/year. In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million m³/year and where the amount of water transferred exceeds 5 % of this flow. In both cases transfers of piped drinking water are excluded.
- (h) Water treatment and disposal plants for consumer and production waste if their capacity exceeds 100 tonnes per day.
- (i) Waste water treatment plants with a capacity exceeding 150 000 population equivalents.

Met opmerkingen [IS87]: overlaps with 19 c) i

21. Land development planning, land reclamation, housing and human settlements

- (a) Designation of new townships.
- (b) Resettlement/relocation of people and animals e.g. establishment of refugee camps.
- (c) Establishment or expansion of industrial estates.
- (d) Establishment of estates for residential/commercial purposes.
- (e) Major urban projects (multi-storey building, motor terminals, markets etc).
- (f) Construction and expansion of hospitals with large bed capacity.
- (g) Land reclamation including land under water bodies.
- (h) Land consolidation schemes.

- (i) Development of residential and commercial estates on ecologically sensitive area including beach fronts.
- (j) Dredging of bars, greyones, dykes and estuaries
- (k) Establishment or expansion of recreational areas such as golf courses, which would attract 200 or more vehicles.
- (l) Shopping centres and complexes-10,000 m2 and above, floor area.

Met opmerkingen [IS88]: ?

Met opmerkingen [IS89]: Perhaps move to 6.

22. Food and beverage industries

- (a) Manufacture of vegetable and animal oils and fats.
- (b) Oil refinery and ginneries.
- (c) Manufacture of dairy products.
- (d) Brewing, distilling and malting.
- (e) Abattoirs /slaughter – houses and meat processing plants.
- (f) Poultry processing facilities.
- (g) Soft drinks.
- (h) Tobacco processing.
- (i) Canned fruits, and sources.
- (j) Flours, prepared cereal foods and feeds.
- (k) Feed mills.
- (l) Sugar factories.
- (m) Other agro-processing industries.

23. Telecommunication sites

- (a) Erection of telecommunication masts.

24. Manufacturing of Rubber and Plastic Products

- (a) Rubber Products
 - (i) tyres and tubes;
 - (ii) rubber hoses and beltings; c. other rubber products
- (b) Plastic Products
 - (i) foamed and expanded plastic products;
 - (ii) plastic pipes and pipe fittings;
 - (iii) plastic films and sheerings;
 - (iv) other plastic products

25. Tile works

- (a) Tile manufacturing.
- (b) Kaolin manufacturing.

26. Tanneries

Met opmerkingen [IS90]: Same as 16

27. Others

- (a) Projects located in or near environmental sensitive areas such as-
 - (i) indigenous forests;
 - (ii) wetlands;
 - (iii) zones of high biological diversity;

- (iv) areas supporting populations of rare and endangered species;
- (v) zones prone to erosion or desertification;
- (vi) areas of historical and archaeological interest;
- (vii) areas of cultural or religious significance;
- (viii) areas used extensively for recreation and aesthetic reasons;
- (ix) areas prone to bushfires;
- (x) areas prone to natural disasters (geological hazards, floods, rainstorms, earthquakes, landslides, volcanic activity, etc.);
- (xi) hilly areas with critical slopes;
- (xii) recharge areas of aquifers;
- (xiii) water catchments containing major sources of water for public, industrial or agricultural uses;
- (xiv) water bodies characterized by one or any combination of the following conditions –
 - a. water tapped for domestic purposes;
 - b. water within the controlled and/or protected areas;
 - c. water which support wildlife and fishery activities.
- (xv) areas which act as natural buffers against shore erosion, strong winds or storm floods; and
- (xvi) areas of human settlements (particularly those with schools and hospitals).

Reg. 6

Part II. Project activities requiring screening for project briefs

1. Urban Development
 - (a) Designation of small new townships.
 - (b) Establishment of industrial estates.
2. Transportation
 - (a) All feeder and access roads outside urban areas, the construction of new roads of less than 10 km in length.
 - (b) Pipelines: for water, diameter of less than 0.5 m and length of less than 10 km.
3. Forestry Related Activities
 - (a) Clearance of forestry in sensitive areas such as watershed areas or for industrial use on a small scale.
 - (b) Reforestation and afforestation for commercial purposes.
 - (c) Wood processing plants.
 - (d) Timber harvesting and processing.
4. Agriculture
 - (a) Restricted land clearance for medium sized agriculture.
 - (b) Introduction and use of agrochemicals new to Uganda.
 - (c) Aerial and ground spraying on a small scale.
 - (d) Introduction of new crops and animals especially exotic ones new to Uganda
 - (e) Fish farms on a medium scale.
 - (f) Agricultural processing.

Met opmerkingen [IS91]: Also mentioned in Part 1, 1 and 2

- (g) Bulk grain processing plants.
- 5. Watershed conservation and management.
- 6. **Wildlife**
 - (a) Wildlife catching and trading.
 - (b) Wildlife ranching.
 - (c) Zoos and sanctuaries.
- 7. **Refined Petroleum Products**
 - (a) Agricultural chemicals.
 - (b) Plastics and synthetic resins.
 - (c) Paints and varnishes.
 - (d) Soaps and cleaning compounds.
 - (e) Other chemical products.
- 8. Tanneries.
 - (a) Bark for tanning processing.
- 9. Amusement and Recreational Services
 - (a) Commercial spectator sports
 - (i) Establishment of horse racetrack operations.
 - (ii) Establishment of racetrack operations for motorized vehicles sports and recreation clubs and services.
 - (iii) Establishment of facilities, including trails.
 - (iv) Establishment of outdoor firearm ranges.
 - (v) Establishment of marina operations.
 - (vi) Establishment of facilities, including trails, for motorized recreational vehicles.
 - (b) Other amusement and recreational services.
- 10. Social amenities
 - (a) Small hospitals, health centres, clinics and dispensaries.
 - (b) Cemetery designation.
 - (c) Schools.
 - (d) Community centre and Social halls.
 - (e) play grounds.
- 9. Others
 - (a) Bio-gas plants.
 - (b) Sugar refineries.
 - (c) Pulp plant.
 - (d) Ginneries.
 - (e) Horticulture and floriculture.
 - (f) Small scale brewing and distilleries.
 - (g) Brick and earthen manufacture.
 - (h) Manufacture of charcoal briquettes.
 - (i) Photographic films and plates manufacturing.

Met opmerkingen [IS92]: Also under part 1, 5

Met opmerkingen [IS93]: Also partly overlapping with part 1, nr. 14

Met opmerkingen [IS94]: also mentioned under part 1, e.g. 17 and 18

- (j) Wholesale trading of scrap, junk or waste material of any type.
- (k) Establishment of facilities for the purpose of assembling, breaking up, sorting of waste, including plastic and iron waste.

SECOND SCHEDULE

Reg.12.

Met opmerkingen [IS95]: not matching

Issues to be considered in making environmental impact assessments

The following issues may, among others, be considered in the preparation of terms of reference for environmental impact assessments.

1. Ecological Considerations-

- (a) Biological diversity including-
 - (i) effect of proposal on number, diversity, breeding habits, etc. of wild animals and vegetation; and
 - (ii) gene pool of domesticated plants and animals e.g. monoculture as opposed to wild types.
- (b) Sustainable use including-
 - (i) effect of proposal on soil fertility;
 - (ii) breeding populations of fish and game or wild animals;
 - (iii) natural regeneration of woodland and sustainable yield; and
 - (iv) wetland resource degradation or wise use of wetlands.
- (c) Ecosystem maintenance including-
 - (i) effect of proposal on food chains;
 - (ii) nutrient cycles;
 - (iii) aquifer recharge, water run-off rates etc;
 - (iv) aerial extent of habitats, including the protected area system.
- (d) bio geographical processes; and fragile ecosystems.

Met opmerkingen [IS96]: what us meant here?

2. Social considerations including-

- (a) effects of proposal on generation or reduction of employment in the area;
- (b) social cohesion or disruption;
- (c) effect on human health; immigration (including induced development when people are attracted to a development site because of possible enhanced economic opportunities) or emigration;
- (d) communication - roads opened up, closed, re-routed;
- (e) local economy; and
- (f) effects on culture and objects of cultural value.

3. Landscape -

- (a) views opened up or closed.
- (b) visual impacts (features, removal of vegetation, etc.)
- (c) compatibility with surrounding area.
- (d) amenity opened up or closed, e.g. recreation possibilities.

4. Land Uses-

- (a) effects of proposal on current land uses and land use potentials in the project area;
- (b) possibility of multiple use; and

(c) effects of proposal on surrounding land uses and land use potentials.

5. Water-

6. [

- (a) water sources (quantity and quality);
- (b) rivers, springs and streams;
- (c) lakes (natural and man-made);
- (d) underground water;

(b) Water flow regimes, drainage patterns / drainage systems.

7. Air Quality-

8. ??

(a) effects on the quality of the ambient air of the area.

(b) type and amount of possible emissions (pollutants).

PROJECT SCREENING CRITERIA

The following shall be screening criteria to be used for purposes of compliance with the requirements of these Regulations:

1. The project will not substantially use natural resources in a way that pre-empt the use, or potential use, of that resource for any other purpose.
2. Potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated.
3. The type of project, its environmental impacts and measures for managing them are well understood in Uganda.
4. Reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented.
5. The project will not displace significant numbers of people, families or communities.
6. The project is not located in, and will not affect, any environmentally sensitive areas such as:
 - (a) national parks;
 - (b) wetlands;
 - (c) productive agricultural land;
 - (d) important archaeological, historical and cultural sites;

Met opmerkingen [IS97]: Heading seems to be missing

- (e) areas protected under legislation;
- (f) areas containing rare or endangered flora or fauna;
- (g) areas containing unique or outstanding scenery;
- (h) mountains or developments on or near steep hill-slopes;
- (i) dry tropical forests (e.g. *Brachystegia* woodlands);
- (j) development near Lakes or its beaches;
- (k) development providing important resources for vulnerable groups such as fishing communities along the lake-shore;
- (l) development near high population concentrations or industrial activities where further development could create significant environmental problems; and
- (m) prime ground-water re-charge areas or areas of importance for surface run off of water.

7. The project type will not result in:

- (a) policy initiatives which may affect the environment such as changes in agricultural pricing subsidies or the tobacco liberation;
- (b) major changes in land tenure; or
- (c) changes in water use though irrigation, drainage promotion or dams, changes in fishing practices.

8. The project will not cause:

- (a) adverse socio economic impact;
- (b) land degradation;
- (c) water pollution;
- (d) air pollution;
- (e) damage to wildlife and habitat;
- (f) adverse impact on climate and hydrological cycle;
- (g) air pollution; and

(h) creation of by-products, residual or waste materials which require handling and disposal in a manner that is not regulated by existing authorities.

9. The project will not cause significant public concern because of potential environmental changes. The following are guiding principles:

- (a) is the impact positive, mainly **begin** or harmful;
- (b) what is the scale of the impact in terms of area affected numbers of people or wildlife;
- (c) what is the intensity of the impact;
- (d) what will be the duration of the impact;
- (e) will there be cumulative effects from the impact;
- (f) are the effects politically controversial;
- (g) have the main economic, ecological and social costs been quantified;
- (h) will the impact vary by social group or gender; and
- (i) is there any international impact due to the proposal.

10. The project will not necessitate further development which is likely to have a significant impact on the environment.

STEPS FOR CONDUCTING ENVIRONMENTAL IMPACT ASSESSMENT

Steps 1: Project Registration and Screening

1. Developer submits a dully filled registration form and project brief to the Executive Director as per Regulation 9.
2. Authority shall then undertake a review of the project brief in accordance with Regulation 10 and 11.
3. Authority undertakes the screening of the proposed project in accordance with Regulation 12 and undertake the screening in accordance with any guidelines that the Minister may issue for this activity.

Steps 2: Scoping

The developer, proponent, environmental experts or firm of experts shall undertake a scoping exercise in order to:

Met opmerkingen [IS98]: benign?

Met opmerkingen [IS99]: Not matching

- (a) identify the main stakeholders that will be negatively or positively impacted by the proposed project;
- (b) identify stakeholder's main concerns regarding the proposed project,
- (c) identify main project alternatives;
- (d) identify likely impacts, data requirements, tool and techniques for impact identification, prediction and evaluation;
- (i) identify project boundaries in terms of spatial, temporal and institutional aspects;
- (ii) environmental experts or firm of experts must ensure there is adequate stakeholder participation in this and all the other stages of the environmental impact assessment; and
- (e) the developer or the environmental experts or firm of experts prepares a scoping report and terms of reference for the environmental impact assessment of a proposed project and submits to the Authority for approval.

Steps 3: Baseline Study

- (i) The environmental experts or firm of experts undertake detailed survey of the existing social, economic, physical, ecological, social-cultural and institutional environment within the project boundary area; and
- (ii) The consultant must ensure adequate stakeholder participation

Steps 4: Impact Assessment

- (i) The consultant undertakes impact identification, impact prediction and evaluation of impact significance following a variety of appropriate techniques and approaches as specified in the guidelines issued under this Regulation.
- (ii) The environmental experts or firm of experts must ensure that concerns and views from stakeholders are fully taken into account during the assessment of impacts; and
- (iii) The environmental experts or firm of experts assesses all possible alternatives and their impacts and recommends most appropriate options

Steps 5: Impact mitigation and enhancement measures

- (i) environmental experts or firm of experts prepare impact mitigation measures for all negative significant impacts, either by elimination, reduction or to remedy them;

Met opmerkingen [IS100]: Where to find these guidelines?

(ii) environmental experts or firm of experts prepare enhancement measures for all significant positive effects arising from the project so as to increase the contribution from the project to social development and environmental conservation;

(iii) environmental experts or firm of experts prepare Mitigation and Enhancement Plan for all significant negative impacts and positive effects, with details about institutional responsibilities and costs were appropriate; and

(iv) environmental experts or firm of experts prepare a Monitoring Plan and Environmental and Social Management Plan with details about institutional responsibilities, monitoring framework, parameters, indicators for monitoring and costs of monitoring where appropriate.

Met opmerkingen [IS101]: Check terminology: throughout the document several terms are used, ranging from EMP, Environmental Management and Monitoring Plan to this one.

Steps 6: Preparation of Environmental Impact Statement

(i) environmental experts or firm of experts prepare an environmental impact statement adhering to contents outlined in these Regulations;

(ii) environmental impact statement must be accompanied with a stand-alone non-technical summary in English languages; and

Met opmerkingen [IS102]: What about local languages? To allow for meaningful public participation?

(iii) All technical details, including assessment methodologies, list of consulted stakeholders and their signatures, drawings and terms of references are put in the appendix.

Steps 7: Review of Environmental Impact Statement

(i) Executive Director reviews the Environmental Impact Statement adhering to the review criteria and any guidelines that may be issued under these Regulations;

Met opmerkingen [IS103]: Any intentions to further elaborate these?

(ii) Executive Director may call for a public hearing and public review of the Environmental Impact Statement in accordance with conditions and procedures stipulated under these Regulations; and

(iii) Executive Director shall submit review report to the Minister with its recommendations and all documents used in the review for approval or disapproval.

Steps 8: Environmental Monitoring and Auditing

The Executive Director shall conduct environmental monitoring in order to evaluate the performance of the mitigation measures following the prepared Environmental and Social Management Plan as well as Monitoring Plan,;

(i) monitoring includes the verification of impacts, adherence to approve plans, environmental standards and general compliance of terms and conditions set out in the Environmental Impact Assessment certificate;

(ii) a developer can also undertake monitoring of the implementation of the project to ensure if mitigation measures are effective;

- (iii) both the developer and the Executive Director collect data that can be used in future projects and for environmental management;
- (iv) Executive Director and the developer undertake environmental audits for the project;
- (v) mechanisms for stakeholder participation during the monitoring and auditing process must be defined and followed through;
- (vi) the auditing exercise may focus in the following areas:
 - (a) implementation/enforcement audit, which takes place when the Executive Director verifies if the mitigation measures and levels of pollution are within limits
 - (b) Performance/regulatory audit that entails identification of compliance to relevant legislation or safety standards
 - (c) Impact prediction audits checks the accuracy and efficacy of the impact prediction by comparing them with monitored impacts.
 - (d) Executive Director collects and compiles information arising from auditing for future use; and
 - (e) developer collects data from the auditing and compiles information for project management and also for submission to the Council

Met opmerkingen [IS104]: ???

Steps 9: Decommissioning

This is the end of the project life. The decommissioning report shall be prepared either as part of the environmental impact statement or separately, indicating how impacts will be dealt with, including costs of mitigation measures:

- (i) developer undertakes the decommissioning of the project as per the proposals stipulated in the environmental impact statement;
- (ii) Executive Director shall continue to monitor implementation of the decommissioning plan, including rehabilitation of the land and other resources that were affected by the project; and
- (iii) The decommissioning report must ensure issues such as welfare of workers, resource users as well as their general livelihoods are not worse off as a result of the decommissioning.

THIRD SCHEDULE

Reg. 15(1).

Met opmerkingen [IS105]: incorrect nr.

Format of environmental impact statement

1. Format of Environmental Impact Statement
 - (a) Executive summary;
 - (b) Acknowledgement;
 - (c) Acronyms;
 - (d) Details of the environmental practitioners who undertook the study, including their names, address and areas of expertise;
 - (e) Content of the statement, including -
 - (f) introduction;
 - (i) summary and conclusions;
 - (ii) references; and
 - (iii) appendices.
2. Cover page of the environmental impact statement:
 - (a) Title of the proposed project;
 - (b) Location of proposed development;
 - (c) Developer;
 - (d) Lead consultants;
 - (e) Contact address and phone;
 - (f) Date of submission.
3. Executive summary shall contain the following-
 - (a) Title and location of the project or undertaking;
 - (b) Name of the developer and contact;
 - (c) Names and addresses of EIA practitioner or firms of EIA practitioners conducting EIA;
 - (d) A brief outline and justification of the proposed project or undertaking showing-
 - (i) a brief description of the project environment;
 - (ii) project stakeholders and their involvement in the EIA process;
 - (iii) explanation on why some impacts are not addressed;
 - (iv) list of developer, EIA or audit practitioners, local planning authorities and other people and organisations consulted;
 - (v) results of public consultation;
 - (vi) main finding, including description of the major significant impacts;
 - (vii) alternatives considered;
 - (viii) recommendations and plan for mitigation of the impacts;
 - (ix) environmental and social management plans;
 - (x) proposed monitoring and auditing;
 - (xi) resource evaluation or cost benefit analysis; and
 - (xii) decommissioning.
 - (e) Conclusions.

FORTH SCHEDULE

FORMS

Reg. 8(1)

Form 1:

Application Reference No.....

**THE ENVIRONMENT MANAGEMENT ACT,
SUBMISSION OF PROJECT BRIEF
PART A
DETAILS OF DEVELOPER**

Name of Developer (Person or Firm).....
TIN No.....
Address.....
Name of contact person.....
Telephone No. Fax No.
E-mail

**PART B
DETAILS OF THE PROJECT
1. PROPOSED UNDERTAKING/DEVELOPMENT**

Title of Proposal (general classification of undertaking)

Description of Proposal (nature of undertaking, unit processes [flow diagram], raw materials list of chemicals {source, types and quantities}, storage facilities, wastes/by-products {solid, liquid and gaseous}) -----
Scope of Proposal (size of labour force, equipment and machinery, installed/production capacity, product type, area covered facility/proposal, market)

2. PROPOSED SITE

Location (attach a site plan/map) -----
Current zoning -----
Distance to nearest residential and/or other facilities -----
Adjacent land uses (existing & proposed) -----
Site description -----

3. INFRASTRUCTURE AND UTILITIES

Structures (buildings and other facilities) -----
Land required -----
Water (source, quantity) -----
Power (type, source & quantity) -----
Road -----
Other major utilities (e.g. sewerage, etc.) -----

4. ENVIRONMENTAL IMPACTS

Potential environmental effects of proposed undertaking (both constructional and operational phases).

5. OTHER ENVIRONMENTAL ISSUES

Potential significant risks and hazards associated with the proposal (including occupational health and safety). State briefly relevant environmental studies already done and attach copies as appropriate.

PART C

DECLARATION BY THE DEVELOPER

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

.....
Name..... Position.....
Signature.....
On behalf of.....
Date.....
(Firm name and Seal)

PART D

DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT

Name (individual/firm).....
Certificate of registration No.....
Address.....
Tel.....Fax.....E-mail.....

PART E

FOR OFFICIAL USE

Decision of the Council.....
Comments
.....
.....
.....
Officer.....Sign.....Date.....

NB:

1. If the Project Brief does not contain sufficient information required under the Environmental Impact Assessment Regulations the applicant may be requested to give further information concerning the project or be notified of any defects in the application and may be required to provide the additional information.
 2. Any person who fraudulently makes a false statement in a project report or alters the project report commits an offence.
- Important notices: Please submit the following:
- (a) three copies of this form;
 - (b) 10 copies of the project brief;
 - (c) the prescribed fees to:

Executive Director
The National Environment Management Authority,
.....,
P.O. Box,
Kampala
Tel Fax.....
E-mail.....

Form 2

Reg. 11 (3)

REPUBLIC OF UGANDA

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY
The National Environment Act, Cap 153

CERTIFICATE OF APPROVAL FOR PROJECT BRIEF/ENVIRONMENT IMPACT ASSESSMENT*

(The Environmental Impact Assessment Regulations, 2014 regulation (....), (...)

Certificate No. NEMA/EIA/.....

This is to certify that the Project Brief/Environmental Impact Statement (EIS)** received from:

M/Sof submitted in accordance with the National Environment Act to the National Environment Management Authority (NEMA) regarding:

.....
(Title of Project):

briefly described as

.....
(Nature, Purpose)

located at
(District/Sub-County/City/Town/Ward):

has been reviewed and was found to:

** have no significant environmental impacts and was approved.

** have significant environmental impacts and the following appropriate mitigation measures were identified and made a condition precedent for approval and implementation:

.....
.....
.....

(Attach relevant details where necessary)

Dated at on20.....

Signed :

Seal

Executive Director, NEMA

CONDITIONS OF APPROVAL

(Additional Information Sheet)

In addition to implementing the mitigation measures and the Environment Management and Monitoring Plan outlined in the Project Brief/Environmental Impact Statement, this Certificate of Approval is granted on condition that the developer (name of developer) shall comply with approval conditions stated below:

CONDITIONS OF CERTIFICATE

1. This Certificate of Approval is valid for a period of (time), the period covering both the construction and operational phases of the project.
2. The project must commence within the first months (period not to exceed 24/or 18 months) of the validity period, failing which this Certificate may be varied, cancelled or otherwise dealt with by this Authority.
3. The Executive Director shall be notified of any transfer/variation/surrender of this Certificate of Approval or/and variation/alteration of the project design or components of the project design.

1.0 GENERAL CONDITIONS

1. Observe all relevant national policies and legislation that guide this specific project throughout its life cycle e.g. issues of project design and building structures.
2. Ensure safe disposal of all types of wastes (solid or liquid) in specified sites.
3. Ensure control of noise generated during construction and operation of the project.
4. Ensure environmental sustainability by avoiding any form of pollution by using most viable management techniques.
5. Adhere to the Environmental Management Plan (EMP) and Monitoring Plan (MP) and constantly improve and update them by taking into account any new developments.
6. Constantly liaise with relevant authorities and consult stakeholders including local communities in case of any new development or changes as regards to implementation of your project plan or activities.
7. Adhere to all proposed mitigation measures as specified in the Environmental Management Plan contained in the Environmental Impact Statement.
8. Abide to all national social and environmental safeguard policies and standards and strive to maintain and constantly improve standards.

Met opmerkingen [IS106]: Do these apply always in all cases? Or are these items that can be selected from where and when relevant for the particular project?

Met opmerkingen [IS107]: check consistent use of terminology

Met opmerkingen [IS108]: Seems to be in contradiction with in case of any new development or changes.....

Met opmerkingen [IS109]: Overlap with 5 above?

9. Prepare an emergency and contingency plan and put in place risk and safety measures.
10. Conduct periodic environmental audits and facilitate monitoring by relevant authorities.
11. Design and implement an internal environmental and safety policy and awareness programme.
12. Prepare annual environmental reports and any other reports requested by competent authorities and the Government.
13. Obtain all other relevant permits.
14. Display this Certificate of Approval and its conditions at the project site and ensure its availability at all times during the operation of the project.
15. Keep all appropriate records required under section ... of the National Environment Act; and transmit the records to the Authority as required by section ... of the Act.
16. In accordance with section ... of the National Environment Act, ensure that any other undesirable environmental impacts that may arise due to implementing this project but were not contemplated at the time of approval of this project, are mitigated.

Met opmerkingen [IS110]: Number is lacking

Met opmerkingen [IS111]: idem

Met opmerkingen [IS112]: idem

2.0 CONSTRUCTION PHASE CONDITIONS OF APPROVAL

There should be an undertaking on –

- (i) Time of construction;
- (ii) Landscaping and re-vegetation;
- (iii) Drainage and embankments;
- (iv) Control of dust pollution;
- (v) Management of waste oils or oil leaks/spills;
- (vi) Observance of smoking controls;
- (vii) Appropriate signage;
- (viii) Fencing, etc.

Met opmerkingen [IS113]: I don't understand what is meant by an undertaking on time of construction?

3.0 OPERATIONAL PHASE CONDITIONS OF APPROVAL

Operational issues should be handled, including –

- (i) Waste management and disposal;
- (ii) Addressing of community concerns.

4.0 NOTIFICATION CONDITIONS OF APPROVAL

Notifications may relate to:

- (i) Approvals for operational changes to the project;

- (ii) Malfunctioning of any component of the project and mitigation measures put in place;
- (iii) Intent to decommission within a stated time period, etc.

5.0 DECOMMISSIONING PHASE CONDITIONS OF APPROVAL

- (i) A decommissioning plan should be required for prior approval before decommissioning; and
- (ii) There should be an undertaking to decommission the project in a manner prescribed by the relevant lead agency.

DATED at (place) this day of 20.....

Signed:

.....

EXECUTIVE DIRECTOR (NEMA)

Certificate to be copied to lead agencies.

* To be issued in Quadruplicate: Original to Developer: Duplicate to Lead Agency:

Triplicate to the Authority: Quadruplicate to any other relevant agency.

**Delete whichever is not applicable.

FORM NO. 3

Reg. 16(2)

THE NATIONAL ENVIRONMENT ACT, 20....

**NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON AN ENVIRONMENTAL
IMPACT STATEMENT****

(The Environmental Impact Assessment Regulations, 2014)

Pursuant to regulation 26 of the Environmental Impact Assessment Regulations, the National Environment Management Authority (NEMA) has received an Environmental Impact Statement for the implementation of the proposed project.....
.....
..... (Brief description of project) located at
.....
..... (locality) of
.....District. The said project anticipates the following impact.....
.....(describe anticipated impacts and proposed mitigation measures).

The full report of the proposed project may be inspected during working hours at:

- (a) The National Environment Management Authority,
- (b)
- (c)

NEMA invites members of the public to submit oral or written comments withindays of the date of publication of this notice to assist the Authority in the review process before approval or disapproval of the project to:

- (a) Executive Director, NEMA,
- (b)
- (c)

Dated this.....dayof 20.....
Signature.....

(Seal)

EXECUTIVE DIRECTOR,

THE NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY

** This Form may also be adapted to notices by the developer under sub-regulation 2 of regulation 16 and sub-regulation (2) of regulation 20.

FORM NO. 4

Application Reference No.....
Certificate No.....

Reg. 31(2)

THE NATIONAL ENVIRONMENT ACT, 20...

**APPLICATION FOR VARIATION OF ENVIRONMENTAL IMPACT ASSESSMENT
CERTIFICATE**

(The Environmental Impact Assessment Regulations, 2014)

**PART A
PREVIOUS APPLICATIONS**

No previous application for variation of an environmental impact assessment certificate.*

The environmental impact assessment certificate was previously amended.*

**PART B
DETAILS OF APPLICANT**

Name (Individual or Firm).....
Business Registration No.....
Address.....
Name of contact person.....
Position of contact person.....
Address of contact person.....
Telephone No.....Fax.....No.....
E-mail.....

**PART C
DETAILS OF CURENT ENVIRONMENTAL IMPACT ASSESSMENT CERTIFICATE**

Name of the current Environmental Impact Assessment certificate
holder.....
.....
Application No. of the current Environmental Impact Assessment certificate
.....
.....
Date of issue of the current Environmental Impact Assessment certificate
.....
.....

**PART D
PROPOSED VARIATIONS TO THE CONDITIONS IN CURENT ENVIRONMENTAL
IMPACT ASSESSMENT CERTIFICATE**

Conditions in the current Environmental Impact Assessment certificate
.....

.....

 Proposed variation(s).....

 Reason for variation (s)

 Describe the environmental changes arising from the proposed variation (s)

 Describe how the environment and the community might be affected by the proposed variation (s)

 Describe how and to what extent the environmental performance requirements set out in the EIA
 report previously approved or project profile previously submitted for this project may be
 affected.....

 Describe any additional measures proposed to eliminate, reduce or control any adverse
 environmental impact arising from the proposed variation(s) and to meet the requirements in the
 Technical Memorandum on Environmental Impact Assessment
 Process.....

PART E
DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge
 and belief. I understand the environmental impact assessment certificate may be suspended, varied
 or cancelled if any information given above is false, misleading, wrong or incomplete.

.....
 Name Position Signature

On behalf of.....
 Company name and seal Date

PART F

FOR OFFICIAL USE

Decision of the Authority.....

Important notes

Please submit-

(a) 3 copies of this completed form; and

(b) the prescribed fees, to:

Executive Director,

The National Environment Management Authority,

.....,

P.O. Box,

Kampala

Tel Fax.....

E-mail.....

Tel Fax.....

E-mail.....

.....

Comments

.....

.....

.....

Officer.....Signature.....Date.....

*Delete where applicable

FORM NO. 5

Reg. 33(3)

Application Reference No.....

Certificate No.....

FOR OFFICIAL USE

THE NATIONAL ENVIRONMENT ACT, 20..

**CERTIFICATE OF TRANSFER/VARIATION/SURRENDER OF ENVIRONMENTAL
IMPACT ASSESSMENT CERTIFICATE**

(The Environmental Impact Assessment Regulations, 2014)

This is to certify that the Environmental Impact Assessment Certificate
No.....Issued on.....
(date)to.....(name of previous holder) of
.....(address) regarding
.....(title of project) whose
objective is to.....
.....(briefly
describe purpose) located at..... (locality and District) has been varied
to..... (name of new holder) of
..... (address) with effect from
.....(date of transfer) in accordance with the provisions of the Act.

Dated this.....dayof 20.....
Signature.....

(Seal)

EXECUTIVE DIRECTOR

Important notes

1. The transferee as well as the transfer of a certificate under this regulation shall be liable for all liabilities, and the observance of all obligations imposed by the transfer in respect of the certificate transferred.
2. The transfer or shall not responsible for any future liabilities or any obligations so imposed with regard to the certificate from the date the transfer is approved.
3. A variation/surrender shall be without prejudice to any liabilities or obligations which have accrued on the holder of the certificate prior to the date of surrender.

FORM NO. 6

Reg. 37(3)

Application Reference No.....
Certificate No.....

**FOR OFFICIAL USE
THE NATIONAL ENVIRONMENT ACT, 20....**

**NOTIFICATION OF TRANSFER/SURRENDER OF ENVIRONMENTAL IMPACT
ASSESSMENT CERTIFICATE**

**PART A
DETAILS OF CURRENT CERTIFICATE**

Name of the current Environmental Impact Assessment certificate holder.....
PIN No.....
Address..... Tel:
Fax No..... E-mail.....
Application No. of current Environmental Impact Assessment certificate.....
Date of issue of current Environmental Impact Assessment certificate.....

**PART B
DETAILS OF THE TRANSFEREE**

Name (Individual/Firm).....
PIN No.....
Address..... Tel.....
Fax No..... E-mail.....
Name of contact person.....
Capacity of transferee to run the project (financial, technological, manpower)
.....
.....
.....

**PART C
REASON(S) FOR TRANSFER OF CERTIFICATE**

.....
.....
.....

**PART D
DECLARATION BY TRANSFEROR AND TRANSFER**

It is hereby notified that.....
of on this day oftransferred EIA certificate
No.toof who
will assume his responsibility for all liability under this project.

Transferor	Transferee
Name	Name
Address.....	Address.....
Signed.....	Signed.....
Date.....	Date.....

**PART E
FOR OFFICIAL USE**

Approved/Not approved

Comments

.....

.....

Officer.....Signature.....Date.....

Important Notes:

1. Where an Environmental Impact Assessment certificate is transferred, the person to whom it is transferred and the person transferring it shall notify the Executive Director of the transfer.
2. The person holding and environmental impact assessment certificate assumes responsibility for the transfer of the certificate only in respect of the project to which this certificate was issued.
3. Any transfer of an environmental impact assessment certificate, shall take effect on the date the Executive Director is notified.
4. This Form must be submitted in quadruplets, with
5. Prescribed fees, to:

EXECUTIVE DIRECTOR,

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY,

.....,
P.O. Box,
Kampala
Tel Fax.....
E-mail.....

FORM NO. 7

Reg. 37(4)

Application Reference No.....
Certificate No.....

FOR OFFICIAL USE

THE NATIONAL ENVIRONMENT ACT, 20..

**CERTIFICATE OF TRANSFER/VARIATION/SURRENDER OF ENVIRONMENTAL
IMPACT ASSESSMENT CERTIFICATE**

(The Environmental Impact Assessment Regulations, 2014)

This is to certify that the Environmental Impact Assessment Certificate
No.....Issued on.....
(date)to.....(name of previous holder) of
.....(address) regarding
.....(title of project) whose
objective is to.....
.....(briefly
describe purpose) located at..... (locality and District) has been varied
to..... (name of new holder) of
..... (address) with effect from
.....(date of transfer) in accordance with the provisions of the Act.

Dated this.....dayof 20.....
Signature.....

(Seal)

EXECUTIVE DIRECTOR

Important notes

1. The transferee as well as the transfer of a certificate under this regulation shall be liable for all liabilities, and the observance of all obligations imposed by the transfer in respect of the certificate transferred.
2. The transfer or shall not responsible for any future liabilities or any obligations so imposed with regard to the certificate from the date the transfer is approved.
3. A variation/surrender shall be without prejudice to any liabilities or obligations which have accrued on the holder of the certificate prior to the date of surrender.

FORM NO. 8

Form No.....
Reference No.....
FOR OFFICAL USE

NATIONAL ENVIRONMENT ACT, 20....
NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY
APPLICATION FOR ACCESS TO INFORMATION
(The Environmental Impact Assessment Regulations, 2014)

PART A
DETAILS OF APPLICANT

Name.....
Address.....
.....
.....
Telephone:.....Fax.....
E-mail
Profession.....
Date
NAME OF EMPLOYER (If applicable).....
Address.....
.....
Telephone:.....Fax.....
E-mail
Designation

PART B
INFORMATION REQUIRED (tick as appropriate)

Project brief report
Environmental Impact Assessment Statement
Environmental Audit Report
Environmental Monitoring Report
Record of Decision (ROD) for Environmental Impact Assessment
Approvals
Certificate for Environmental Impact Assessment
Environmental Impact Assessment Experts (Individuals)

DOCUMENT

Title of the document.....
Author.....
Year.....

HOW THE INFORMATION IS EXTRACTED?

Reading, Inspection/viewing

PURPOSE FOR REQUIRING THE INFORMATION

Educational Research
Interested party/Affected party

Important note

A prescribed fee of Ug.shs.will be charged for access to information per record/register.

FIFTH SCHEDULE

Reg. 59

FEES

Met opmerkingen [IS114]: Have not checked this schedule in detail, but needs to be more clear e.g. making use of a table with products and fees etc.

1. For the approval of projects, the fees will range from 0.05% of the total value of the project to a maximum of 0.1% of total cost of project.

(a) For environmental screening, 50% of 0.05% of the total value of the project shall be paid as processing fee upon submission of application for screening. 50% of the 0.05% will be payable upon approval of environmental screening and grant of certificate for environmental screening.

Met opmerkingen [IS115]: first time that mention is made of certificate for environmental screening?

(b) For project brief, 50% of 0.05% of the total value of the project shall be paid as processing fee upon submission of project brief. 50% of the 0.05% will be payable upon approval of project brief and grant of certificate of approval for project brief.

(c) For review of environmental impact statement, the fees will be paid depending on the value of the project as follows:

(i) Where the total value of the project does not exceed Ug.Shs. 50,000,000/= the amount payable shall be 0.05% of the total value of the project (old figure – Ug.Shs. 250,000/=); 20% of the 0.05% shall be paid as processing fee upon submission of ... and 30% of the 0.05% upon submission of environmental impact statement.

50% of the 0.05% will be payable upon approval of Approval of Environmental Impact Statement and grant of certificate.

Met opmerkingen [IS116]: ??

(ii) Where the total value of the project is more than Ug.Shs. 50,000,000/= but does not exceed Shs. 100,000,000/= the amount payable shall be 0.5% of the total value of the project (old figure - UShs. 500,000/=).

20% of the 0.5% shall be paid as processing fee upon submission of and 30% of the 0.5% upon submission of environmental impact statement. 50% of the 0.5% will be payable upon approval of Approval of Environmental Impact Statement and grant of certificate.

Met opmerkingen [IS117]: ?

(iii) Where the total value of the project is more than Ug. Shs. 100,000,000/= but does not exceed UShs. 250,000,000/= the amount payable shall be 0.6 % of the total value of the project (old figure - UShs. 750,000/=);

20% of the 0.6% shall be paid as processing fee upon submission of scoping report and 30% of the 0.6% upon submission of environmental impact statement.

50% of the 0.6% will be payable upon approval of Approval of Environmental Impact Statement and grant of certificate.

(iv) Where the total value of the project is more than Ug. Shs. 250,000,000/= but does not exceed Ug. Shs. 500,000,000/= the amount payable shall be 0.7% of the total value of the project (old figure – Ug. Shs. 1,000,000/=);

20% of the 0.7% shall be paid as processing fee upon submission of scoping report and 30% of the 0.7% upon submission of environmental impact statement.

50% of the 0.7% will be payable upon approval of Approval of Environmental Impact Statement and grant of certificate.

(v) Where the total value of the project is more than Ug.Shs. 500,000,000/= but does not exceed Ug. Shs. 1,000,000,000/= the amount payable shall be 0.8% of the total value of the project (old figure – Ug. Shs. 1,250,000/=);

20% of the 0.8% shall be paid as processing fee upon submission of scoping report and 30% of the 0.8% upon submission of environmental impact statement.

50% of the 0.8% will be payable upon approval of Approval of Environmental Impact Statement and grant of certificate.

(vi) Where the total value of the project is more than Ug. Shs. 1,000,000,000/= but does not exceed Ug.Shs. 5,000,000,000/= the amount payable shall be 0.9% of the total value of the project (old figure – Ug. Shs. 2,000,000/=);

20% of the 0.9% shall be paid as processing fee upon submission of scoping report and 30% of the 0.9% upon submission of environmental impact statement.

50% of the 0.9% will be payable upon approval of Approval of Environmental Impact Statement and grant of certificate.

(vii) Where the total value of the project is more than Ug.Shs. 5,000,000,000/=, the amount payable shall be 0.1% of the total value of the project.

20% of the 0.1% shall be paid as processing fee upon submission of scoping report and 30% of the 0.1% upon submission of environmental impact statement.

50% of the 0.1% will be payable upon approval of Approval of Environmental Impact Statement and grant of certificate.

2. Replacement of invalid certificate of approval and non-substantive amendment of Certificate Ug. Shs.

3. Substantive amendment, variation, surrender, transfer of certificate of approval. Ug.Shs.

4. Application for surrender of certificate of approval. Ug. Shs.....

5. Conduct of public hearings.

Expenses to be met by the developer at the initiative of the Authority.

6. Conduct of public consultations.

Expenses to be met by the developer at the initiative of the Authority.

7. Publicity/advertisements.

Cost of publicity/advertisement may be met by the developer at the initiative of the Authority.

8. Application for exemption.

Minimum of Ug.shs..... with a maximum of Ug.shs.

9. Post EIA inspections and monitoring.

Annual sum of Ug.shs. to be met by the developer at the initiative of the Authority.

10. Administrative fees –

- (i) Searches, access and inspection of records Ug.shs. Per record/register.
- (ii) Replacement of documents. Ug.shs. per document.
- (iii) Document processing Ushs. Per record/register.
- (iv) Certification of documents Ushs. Per record/register.

.....
MINISTER RESPONSIBLE FOR ENVIRONMENT

ANNEX 3

Results of EIA mapping (incl. pdf file of completed EIA map), January 2012

The request

The National Environmental Management Agency (NEMA) in Uganda has asked whether the Netherlands Commission for Environmental Assessment (NCEA) could help with improvement and strengthening the EIA process. NCEA has offered to start this assistance with an EIA mapping workshop. EIA mapping assesses the quality of the regulatory framework for EIA, and the level of compliance with this framework in practice. At the heart of the tool is a questionnaire of about 500 questions, which is completed by a group of representatives of all stakeholders in EIA, in a two day workshop. In the course of the workshop, the EIA practitioners discuss the full range of EIA aspects. Their collective answers are processed in a spreadsheet, producing a range of diagrams that clearly display the strengths and weaknesses of EIA. NEMA agreed to this proposal and subsequently the workshop took place on 4–5 July 2011 in Kampala.

Participants

In total there were 17 participants:

- 6 of NEMA (Christine Kasedde, Margaret Aanyu, Keith Ahumuza, Tonny Kiwanuka, Alex Winyi and Waiswa Ayazika).
- 5 of line ministries (Caroline Korutaro, Min. of Energy (PEPD), Richard Kapere, Ugandan Wildlife Authority, Edrisa Tenyiwa and Robert Muyinda, Min. of Water and Env., Patrick Kamanda, Uganda Roads Authority.
- 1 private sector consultant, Barbara Nanukowe (Tullow oil).
- 2 local government, Anne Nakafeu and Phoebe Gubya.
- 4 Ugandan Association of Impact Assessment, Olivia Namutosi, Raymond Katebaka and Peter Isamat.

NGO's were not present. The reason for this was that representatives of the two NGO's that have good knowledge of EIA (World Conservation Society and WWF), were out of the country. Other NGOs were considered to be too activist-like or not familiar with EIA.

The session was facilitated by Ineke Steinhauer and Gwen van Boven from the NCEA.

Programme

The workshop started a little late (9.45) with a short introduction by Waiswa Ayazaki, director of Environmental monitoring and compliance of NEMA. He highlighted that since 1996 over 3000 EIAs have been done, but that the quality remains an issue which urgently needs to be addressed. After this introduction, there was a round of introduction by the participants.

This was followed by a presentation on the role and tasks of NCEA and an introduction of the EIA mapping approach (power-point presentation). The EIA mapping key sheet was distributed. Specific attention was given to some aspects to inform the participants on what to expect from the workshop and the role of the facilitators. Keith Ahumuza volunteered to take notes during the workshop (see appendix 1).

General observations

- While completing the questionnaire, observations have been added sometimes to highlight specific situations, or to reflect the discussion that took place. A copy of the map, once finalized, will be provided to NEMA and all participants. These observations form part of the questionnaire (NB make sure these are visible).
- The data processing is only half of the EIA mapping work. The other, equally important half are the discussions that lead to the scores. Discussions were lively with good participation of all stakeholders. In some cases it was noted that participants found it difficult to provide 'honest' data (providing a bit higher scores than reality would reflect).
- Statistical data provided on beforehand: these were received a couple days before the start of the workshop. It resulted to be difficult for NEMA to give a correct interpretation to the data required (which is indeed difficult if you are not familiar with the EIA mapping tool). Also data were required to be separated (e.g. national/international investors and government), whereas NEMA does not make this distinction; numbers therefore were estimates. During the workshop these data/figures were extensively discussed, which took a fair amount of time. It also however made clear that a **good data base** is lacking at the moment which makes it difficult to keep good track of EIA/project development. This was already considered to be an important outcome of the mapping.
- Whereas all questions have been answered in the two-day workshop, there still remain a couple of facts/numbers/data that have to be checked again. These have been summarized in 2 pages (questions/issues for clarification) and were sent to NEMA. Data were received on Dec. 31 2011, which made it possible to finalize the questionnaire and the draft report (of July 2011).

Uganda specific observations, discussed per EIA mapping topic

(apart from observations made in the map itself)

Part 1: EIA law

- The term 'monitoring' is not used, instead the regulation provides for audits. During the workshop we also discussed the difference between monitoring of the decisions (e.g. in relation to whether impacts described in the EIA indeed were predicted correctly and if not, whether this should lead to a change in license conditions) and monitoring of the project implementation. The questionnaire is sometimes not making clear which kind of monitoring is asked for.
- Guidance: Uganda has developed EIA guidelines, which are broadly used. These contain for example requirements for scoping. We will check whether these guidelines can be considered part of legislation. If so, the scores on the legal and regulatory framework for the EIA procedure will be a bit higher (Q. nr. 78, 82, 90-99 and 105). After checking with the author of the map, it was concluded that they can. These scores have therefore been adjusted accordingly.
- We had a discussion on what can be considered to be 'independent' Eg. Q. 97 is about lead agency involvement in the review of ToR. This is outside NEMA, so could be independent.
- Funds: NEMA asks for fees to be paid for services they provide in EIA. However, these funds go to a basket fund for NEMA, of which only a small percentage flows back to the EIA department. The EIA regulation has very clear texts on this mechanism of fees (amounts etc.), but does not mention how the funds will be used within NEMA (e.g. earmarked for certain specific areas). These fees form the most important source of national income of NEMA (95%).

70% of NEMA funding is external (donor funding). The question on funding generated quite some discussion: the funds are available, but not accessible. They come with many delays, and are unpredictable. This hampers the work of the EIA department greatly. Funds at local level are an even bigger problem.

Part 2: EIA practice

- Although there are 4 full time professionals working on EIA, they also have other tasks.
- There was a discussion on 'hired' experts: NEMA makes use of experts within other line ministries and in other NEMA departments. They are experts, but not hired (paid), so unclear how this would influence the scores. After checking with the author of the map, the question focuses on external expertise.
- Discussion on the interpretation of 'public': what is meant here: passively available or actively distributed/announced. It concerns the first interpretation.
- Discussion on mitigation of impacts; this is a real problem currently in Uganda. The quality of mitigation in EIA reports is often very poor, let alone whether mitigation measures are then indeed implemented in practice and enforced.
- Discussion on kind of improvements because of EIA: e.g. leads to different way of thinking by the proponent right from the beginning (more awareness and attention for environment). Also petrol stations and telecom projects have become much better because of EIA. EIA has helped to establish new/better standards and new requirements. There is however room for improvement for issues like alternatives, enforcement and capacity building. In projects of investors, sometimes because of alternatives, the project location has changed. However, this is rarely the case for government projects ('they have to happen anyway').
- Discussion on particular situation in Uganda: license conditions do not change, however there is the mechanism of compliance agreement, which the proponent has to sign.
- Approval of the EIA report automatically implies that a certificate will be awarded. Therefore we decided to consider in the remaining part of the questionnaire the approval of the EIA report to be the same decision as the decision on the license. However, NEMA made clear that in some situations they also do issue separate licenses, e.g. on wetlands, and on hazardous waste.

Part 3: Law on decision making

- Power sharing: decision taking by NEMA, but with input from lead agencies. Screening decisions at local level are taken by local authorities.
- Regarding the legal and regulatory framework it is with some questions not clear whether the answers should only be given for the EIA law and regulations or for a wider range of laws.

Part 4: Realities of decision making

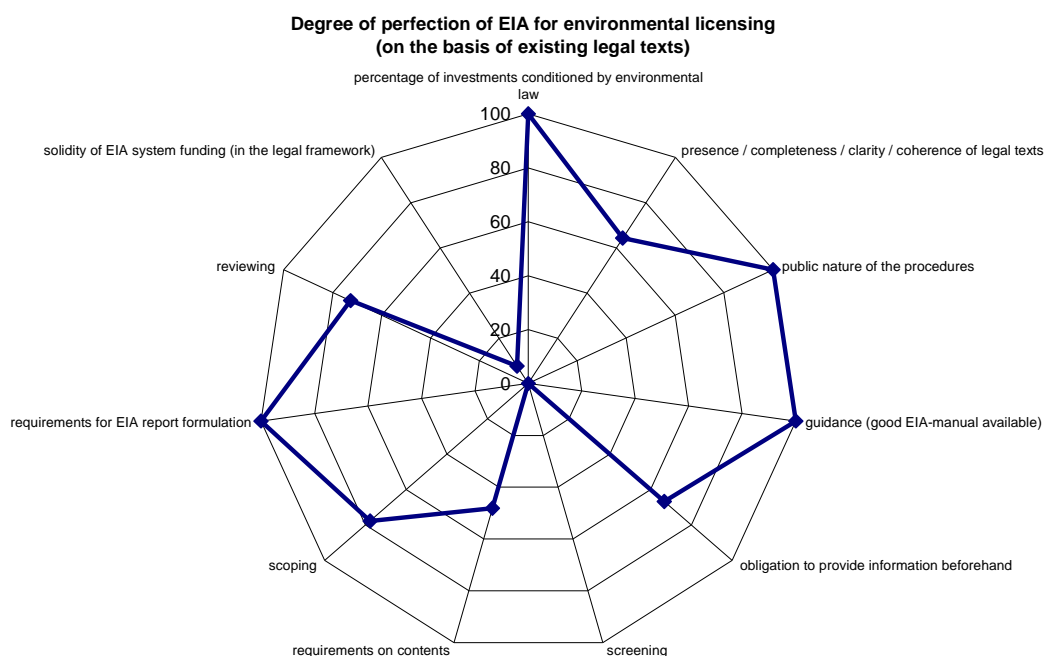
- Especially because of the situation that in Uganda part of decision making is decentralized (e.g. on screening), this leads to very large amounts of decisions. The situation is very much different comparing local and national levels. The question is how this will influence the final results. Moreover, the local statistics are a very rough estimate: some districts perform very well, but are not representative for the whole of Uganda.
- Statistics took a lot of time (also because the EIA system is partly decentralized) : it would be helpful if some data automatically is copied from one section to the other.
- Inspection is not necessarily related to projects for which EIA was done.

Presentation of the results (the so-called Amoebas)

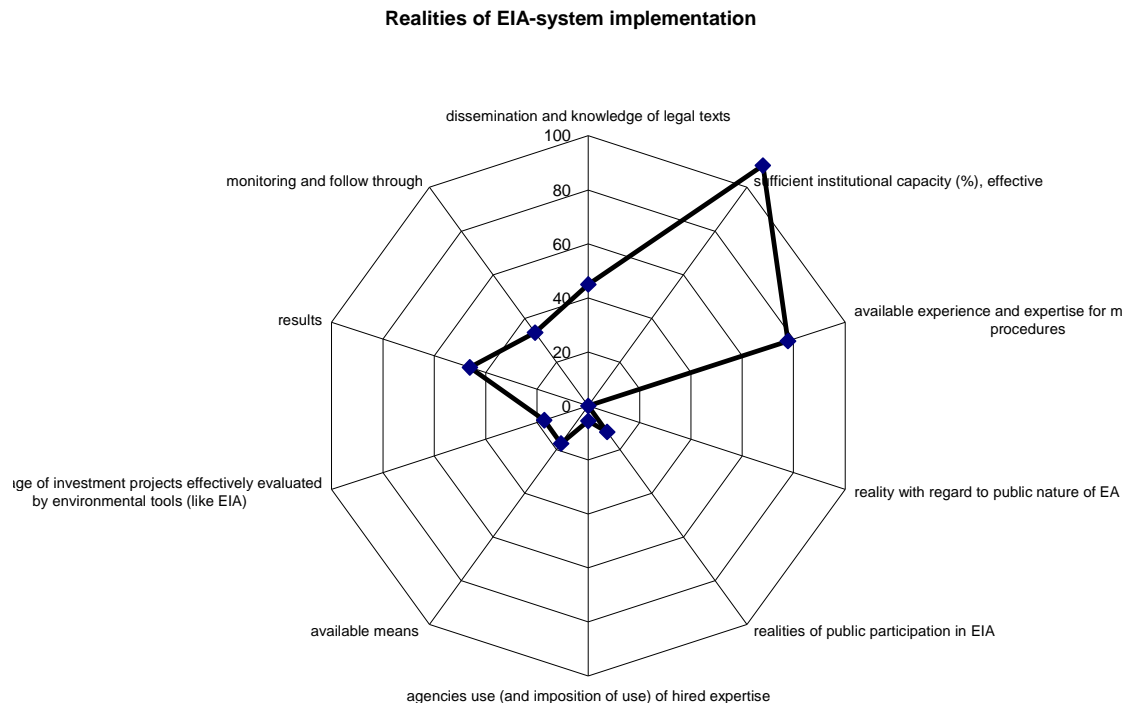
The Amoeba-diagrams use scale of 0–100, whereby 100 represents a situation where all possible EIA best practice features have been incorporated in legislation or take place in practice. Each axis of the amoeba represents one aspect of the EIA regulation. Where the line cuts the axis: that is the score for that specific aspect. So a 100% score on a specific axis means that the Ugandan EIA regulation includes a very comprehensive set of requirements on that aspect. 100% is however often utopia and unrealistic and may not even be necessary given the ambition of politicians or practitioners.

First result: EIA law, with scores on 11 axes, some quick observations

- All investments which potential impact are covered by environmental law.
- The public nature of the EIA process has been regulated.
- There is good guidance.
- The obligation to provide information on beforehand shows a high score (this is about requirements for an EIA starting note or similar, ToR for content of such a starting note, and publication of starting note).
- The requirements for EIA reports score high (this is about certification of consultants and public input in drafting of the report).
- Screening scores 0, but there is a mistake in the formula here, this will be corrected.
- Scoping scores high (consider the EIA guidelines as part of legislation).
- Structural funding of the EIA system is a problem (this is about funding for staff and functioning of the agency, but also if provisions are adequate for hiring external experts, adequate funds for EIA for government projects).



Second result: EIA practice, 10 axes, some observations

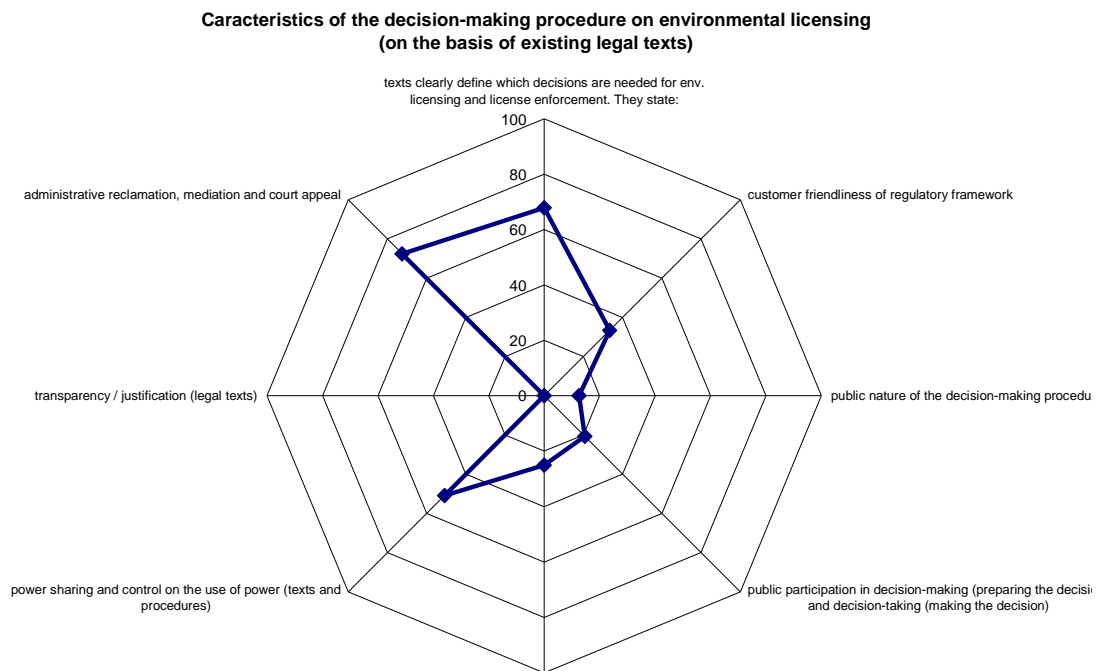


- Dissemination and knowledge of legal texts score average (amongst Ministry of Environment, line ministries, investors and general public).
- Institutional capacity, this represents the number of staff at authority available for processing EIA&IEE divided by number of EIA&IEE evaluated for a certain year/number of procedures that can be managed per staff member. The score apparently shows that there is over-capacity, but this does not match the impression of participants. The score would probably be different if the number of 4 full time professionals would have been corrected for the real time they have available for EIA (which is not full time in reality).
- Available expertise scores satisfactorily. This reflects e.g. adequate basic education staff, adequate task related education staff, internet available/used, institutional memory available and kept updated, institutional memory easily accessible, institutional memory effectively used, internal learning mechanisms institutionalized, internal learning mechanisms functional, links to (inter)national networks available, and links to (inter)national networks utilized.
- The public nature of the procedure in practice is much lower than law requires (both availability and accessibility is a problem in practice).
- The score on public participation in EIA is low, as a result of the low number of public meetings that were held.
- Independent expertise is scoring low, but this may be due to the strict interpretation we gave here to 'independent'. There is a provision to make use of a technical commission, but in practice this will only be called upon in controversial and complex projects according to NEMA.
- Available means appear not to be sufficient.
- Although the law and regulation cover all projects with potential impacts, in practice the score is only around 20%.

- EIA results score average. This is about the performance of the agency regarding the processing capacity and quality (e.g. number of supplements asked, quality of review reports, quality of license conditions, influence in decision-making etc.
- Monitoring and enforcement could be improved. This score reflects the periodicity of monitoring defined, percentage of cases in which monitoring report by the proponent is available, percentage of cases in which competent authority systematically evaluates proponent monitoring reports, percentage of cases in which monitoring report is available at the ministry of environment, percentage of cases in which competent authority gives follow up on monitoring, number of reformulations of license conditions undertaken upon monitoring.

Third result: Law on decision making: 8 axes

This amoeba shows aspects such as public involvement in decision-making, transparency and accountability, appeal options against decision taken, and more. The effectiveness of the EIA-system increases when the scores are higher.



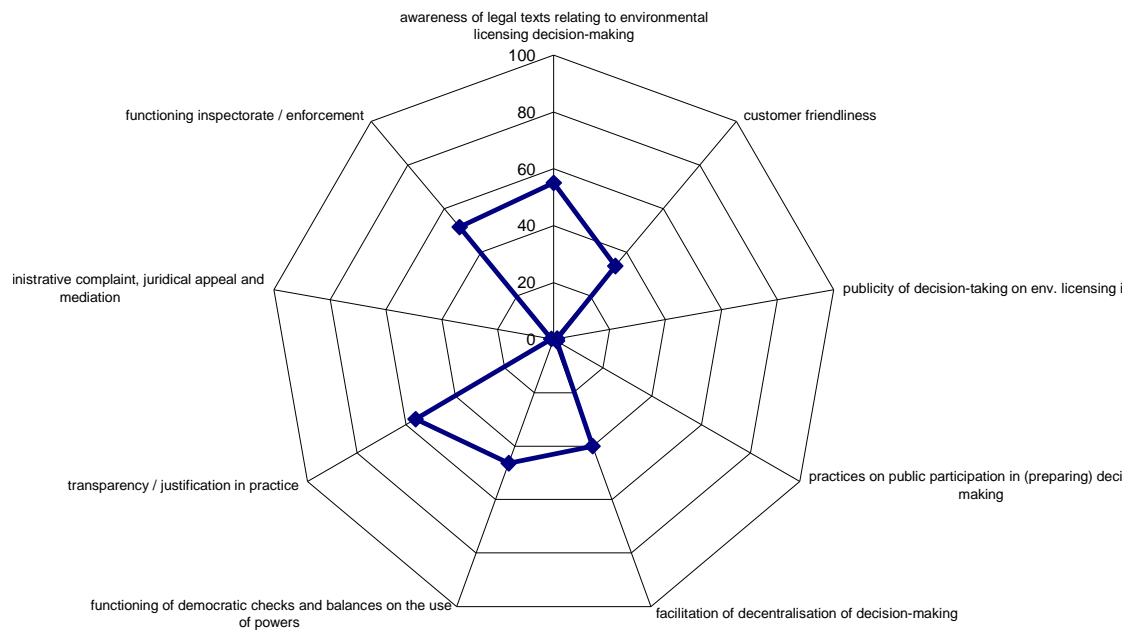
- The axes which has no text is on decentralization.
- Coherence and completeness of regulatory requirements for decision making score relatively well, as do the texts for appeal options (this is about availability, accessibility and costs of administrative reclamation, mediation and court appeal.
- Power sharing and control over power score an average. This score reflects the attribution of powers times the real powers times the control over powers times combined with the judgment by the participants whether they consider this logical and effective.
- Three aspects leave room for improvement:
 - o Customer friendliness reflects scores on one stop shop, red tape/bureaucracy, customer guidance, reasonable timeline, and provision of information at the right place, information package exhaustive, and quality of information.

- Public nature of decision making is about whether decisions are made in a public meeting and whether these are published in the government gazette.
- Public participation in decision making (right at and procedure for).
- The axe on transparency and justification of decisions scores 0. This score is about whether the law provides guidelines for transparency and asks for justification of the use of results of public participation and expert input in decision making.

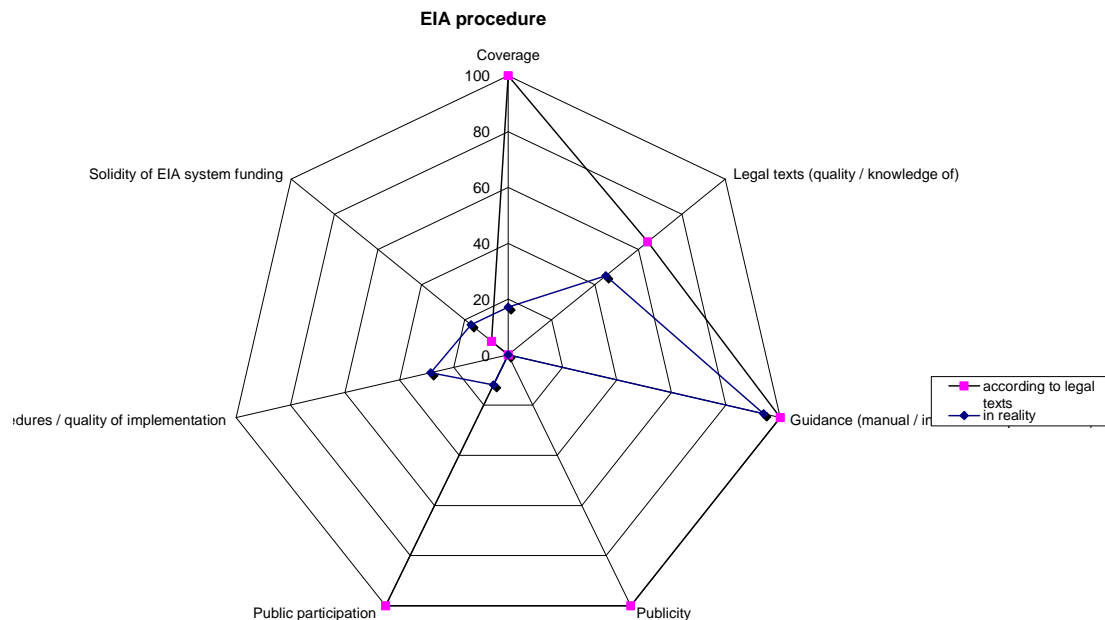
Fourth result: Practice of decision making, 9 axes (see next page)

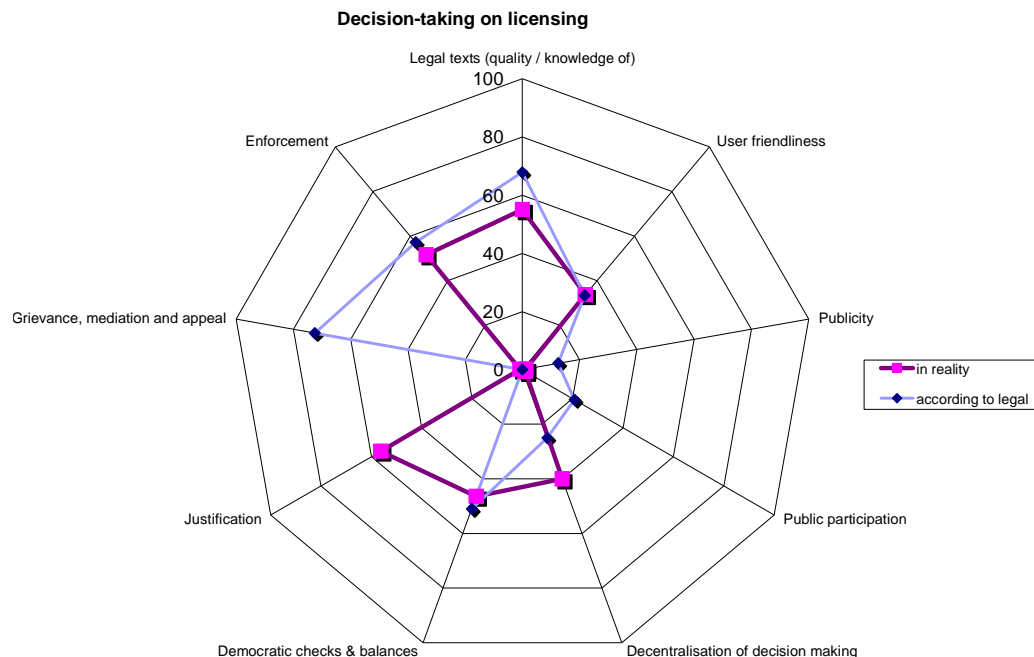
- Awareness scores average.
- Customer friendliness score around 40% (reflecting the number of places to visit, the number of visits, the number of forms to be filled in for each decision and whether a help desk is available and the extent of service mindedness of NEMA.
- Publicity of decision making (= percentage of decision taken in a public meeting and percentage of decisions published) is 0.
- Participation in decision making also scores 0 (this is about decision making in a 'participatory way (voting rights)' combined with the average number of written communications received, public hearings organized and whether reports on public hearings are available).
- Decentralization scores 40%, which combines scores for financial means available to decentralized authorities, staff of adequate level available at decentral level, adequate task focused training of decentral authorities and external expertise available to decentralized authorities.
- Democratic checks and balances score average, which reflects the percentage of cases in which the competent authority has been questioned on a decision.
- Transparency in practice scores average (much higher than law requires!!!!), which is about percentage of decisions with written justification, with written justification of the use of public participation input, and with written justification of the use of specific expertise taken.
- Appeal scores 0, which is about % of decisions which had complaint, judicial appeal or mediation and % of cases in which decision has been changed as a result of complaint, judicial appeal or mediation.
- Inspectorate and enforcement seems to function on an average level.

Realities of decision-making on Environmental Licensing



The map also has the possibility show two additional amoebas, which give a combination of EIA law and practice and decision making law and practice. These amoebas give an indication of how NEMA is performing in the implementation of the law and regulations.





Next steps and follow up

On the basis of this report on the EIA mapping and its results, the stakeholders that participated in the workshop could do their own analysis, e.g. in a 1 day results workshop. The analysis could be done in a plenary session but also in 3 different stakeholder groups first (e.g. NEMA, line ministries, private sector/UAIA). Guiding questions could be e.g.:

1. How do you assess the Ugandan findings from your perspective?
2. What do you consider as five most important changes that are necessary?
3. Prioritize these five changes.
4. Next steps short / long term.

But also e.g:

5. Would it be better to work on the regulatory framework and/or on EIA practice?
6. What are gaps between law and practice which require priority action: e.g working on the biggest gaps or on the gap where improvement can be most easily reached?

Once priority actions have been agreed, one can refer back to the excel sheets which provides elements for improvement, e.g if public participation in EIA in Uganda would be identified as a priority action, the worksheet shows which options one could work on in an EIA strengthening program to have effective public participation in place.

Examples how EIA mapping was used in other countries/regions:

In Central Africa its application led to formulation of regional support program for EIA associations. In Ghana, mapping was the basis for an update of their EIA regulation and in Pakistan mapping allowed for comparison between national and provincial level.

Quick round of evaluation by participants

- This workshop was very timely, appreciation of the fact that everybody spoke very openly, sharing experiences was valuable.
- Gave good insight in functioning of EIA system in Uganda.
- Will results be shared amongst all participants or only NEMA? Yes, on basis of participants list all will get copy.
- A comparison with result from other countries would have been interesting.
- The questionnaire is a very systematic way of going through all steps of EIA (screening, scoping, EIA report, review etc). This is very helpful, but how does it provide us with tools to improve on the quality of EIAs in practice, which is an urgent problem.
- Highlighted the need for a good data base and EIA tracking system.
- The emphasis of the tool is perhaps too much on the legal texts and how decision making works. More attention would be needed to improve on e.g. quality and effectiveness of mitigation measures, better alternatives etc., so how to improve on practice.

Appendix 1

NOTES EIA MAPPING WORKSHOP, DAY 1 (4/7/2011) at HOTEL AFRICANA

Miscellaneous Aspects/ external factors

3. EIA decree – No EIA decree (No sufficient knowledge on a decree).

Participatory Genesis of the legal, Regulatory and Guidance framework

13. Not agreed on the verbal autonomy of the population. Members suggest that it depends on the topic of discussion. Their responses ranged between 50–80%.

16. Generally the judiciary can be influenced, making it dependent.

Considering the awareness of the judiciary on the environmental issues, the range of acceptance was 25–50%.

EIA-procedure (Legal and regulatory framework)

2. Members had insufficient knowledge about the sectoral laws. They estimated it to 20%

5. Insufficient knowledge about the regulations and information concerning their formulation, separate regulation–0%.

7. Most sectors have just drafted them but have not yet published them.

Clear and coherent texts with regard to EIA

10. it's clear in the text, but lacks more clarification at the different levels and are not clear for the different types of projects. Whether it should be done, and at which level for project briefs, EIA's.

Left to the lead agencies and NEMA to make the decision.

15. Not as clear. Under monitoring, there's no clarity for audits.

Screening

31. Projects that don't require Light EIAs, screening is accepted to be done at the local government level. Some of the light projects are not included in text for screening.

Requirements with regard to substance

42. They don't specify which alternatives.

88. Members were not sure (for further discussion).

Scoping

90. Regulation incorporated in the TOR. No further steps or if in the guidelines. Need for more expansion on it.

96. The developer usually facilitates the consultants/agencies. Making it dependent.

110. Not all agree. Insufficient knowledge from the participants.

Solidity of EIA system

114. No budget, but 100% acceptance by members.

Quality of implementation of the EIA procedure

1. Strong discussion by the members–50%.

4. Considering the number of environmental officers hired or being used by the line ministries being too small either 2–3 and having too many projects makes it poor. (60%)

14. Poor data management and storage–50%.

Data cannot easily be accessed for further utilization and references by other members of staff and department.

15. No. but they hold the departmental meetings at least quarterly but not regularly.

36. Insufficient knowledge about staff efficiency.

Current available percentage and what more is required.–50% in NEMA. Members say they are under staffed.

- 55. 10% (mainly because of compensation issues).
- 62. Cannot easily agree on the percentage of quality of summary. Because of incompetence and poor quality of consultancy firms considering the technical summary. They basically just copy and paste from 1 project to another. Same template in the EIAs (most 25%).
- 106. Strong discussion. Agree on 25%.
- 132, 134 and 136. Estimates of the statistics were used. The Authority was charged to get real statistics.

WORKSHOP Day 2 (5/7/2011) at HOTEL AFRICANA

Opinion of members EA agency

- 173. Staff is extremely overloaded. Members agree to 20%.
- 175. Strong discussion. 65%
- 178. The tool is very important for decision making though some sectors and projects, there's political interference.
- 181. Strong discussion. Funding from the Uganda government is not sufficient and there's always delayed release of the funds and always unpredictable.
- 182 and 183 were left to Mr. Waiswa for more information and clarification.
- 185. Members suggest that the question be improved and directed more to NEMA, since it's the one that basically deals with the reports and not the Ministry of Environment.

Characteristics of the procedures (Legal and Regulatory frame work)

- 6. Members were kind of confused about the question. It was not clear for the members. They would/will get back to it later.
- 17. Strong discussion. Insufficient knowledge by the members about the investment laws.
- 28. No response.
- 68. NEMA, They say that it has too much power but they agree that it keeps as coordinator of the other ministries as concerns the environment.
- 37, 38, 39 screening decision. Insufficient knowledge about what was required.
- 65,66,67,68 Estimate statistics were given.
- 69,70,71,72 Insufficient Statistics. Attributed to poor data base. Generally for all the statistical questions, it was noted that the members had insufficient information about the statistics. POOR DATABASE.

Closing Remarks

Appreciation from members and final contributions, Inadequacies were identified, achievements were also identified, Specific areas were identified, of weakness and strength, Improving of quality of the EIA system among the different sectors, System had limitations. Members believed it was based more on text than practical work, System is good for taking/ making decisions, System is good for comparing performance of EIA system between countries, Method is country specific.

Appendix 2 EIA Map (Uganda – July 2011)

EIA-MAP (Uganda - July 2011) (Open versie, formules graag ongemoeid laten. Alleen vakjes invullen en opmerkingen toevoegen) Validatiekolom

Worksheet characterisation of an EIA-system

made by the Netherlands Commission for Environmental Assessment (Reinoud Post. email: rpost@eia.nl)

Miscellaneous aspects / external factors

Environmer established (dated)	1	1995	
EIA regulati established (dated)	2	1998	
EIA decree established (dated)	3	N.a.	
Participatory genesis of the legal, regulatory and guidance framework			
		Law	Regulation
international consultant	4	100	18 0
national consultant	5	100	19 100
the ministry of environment	6	100	20 100
other the relevant ministries	7	100	21 100
relevant decentral authorities	8	100	22 100
investors	9	100	23 100
national NGOs	10	100	24 100
international NGOs	11	100	25 100
multilateral organisations	12	100	26 100
Prerequisites of democracy			
verbal autonomy of the population	13	75	Discussion: 80%
active NGOs	14	75	Uitleg voor invullen klopt niet!
independent and active press	15	50	Uitleg voor invullen klopt niet!
independent judiciary / state of law	16	50	Uitleg voor in 25-50% Limited knowledge/experience with environmental law
Learning capacity of the agency in charge of decision-making on environmental licensing / project approval			
E.g., the quality of the conditions that accompany the environmental appoval increase over the year, procedures get more efficient, EIA get more effective.	17	75	Uitleg voor in Waar mpet deze vraag? Nu ook in praktijk EIA/vraag 19

EIA: Use of knowledge in support of decision making on environmental certification / permitting / licensing

Yes 100
No 0

Characteristics of the EIA-procedure (legal and regulatory framework)

>-1

<101

presence / completeness / clarity / coherence of legal texts			
Presence and exhaustiveness of legal texts			
environmental Framework Law present	1	100	
number of sector laws that impose environmental licensing + EIA.	2	20	Estimate, most sector laws
all laws together cover the following percentage of investment projects	3	100	%
EIA regulation present	4	100	
set of other implementing regulations is complete to the following extent	5	0	Regulation on certification; on public hearings.
set of environmental criteria, norms and standards is complete to the following %	6	75	%
sector guidelines / regulation for specific guidelines is complete to the following %	7	25	Many drafted, not yet published We propose 75%: many drafted, almost complete!
clear and coherent texts with regard to EIA			
obligation to get a permit / obligation to do EIA	8	100	%
start of the procedure	9	100	%
screening	10	50	75%. Pakt niet. Discussion: 50-75%: final decision by authority. Level of EIA Not always clear
the procedure, roles and responsibilities / authority	11	100	%
requirements with regard to substance	12	100	%
public participation	13	100	%
time frames	14	100	%
monitoring	15	50	% audits door NEMA. Proponent monitort zelf. Gaat over project monitoring!
enforcement	16	50	75%. Pakt niet
administrative sanctions	17	50	75%. Pakt niet
judicial penalties	18	100	%

28-5-2014

2014

2013

public nature of the procedures	
According to legal text EIA is a public procedure	19 100 %
guidance (good EIA-manual available)	
is available	20 100
is of good quality	21 100 %
obligation to provide information beforehand	
legal texts require presentation of an EIA starting note or similar	22 100 Project brief
legal texts give ToR for content of such a starting note	23 100
legal texts require such a note to be publically available and publicly announced	24 0 Available yes, announced no. Twee vragen!

O
100
91,66666667
0
O
>0

screening	
Coverage of the EA system	
projects of national private investors	25 100 %
projects of international private investors	26 100 %
government projects	27 100 %
Initial Environmental Evaluation (IEE), Simplified EIA, Light EIA	
projects of national private investors	28 100 Project brief is considered light EIA
projects of international private investors	29 100 %
government projects	30 100 %
lower order instruments (permit without EIA, written registration of the activity)	31 85 %

requirements with regard to substance		Full EIAs	Light EIAs
legal texts adequately require:			Yes
non technical summary	32 100	33 0	
problem statement and problem analysis	34 0	35 0	

legal and policy framework	36	<div><div>100</div></div>	37	<div><div>100</div></div>
public participation	38	<div><div>100</div></div>	39	<div><div>0</div></div>
project description	40	<div><div>100</div></div>	41	<div><div>100</div></div>
alternatives		100 Yes but not s idem (0)		
project alternatives (eg. railroad transport versus road train transport of ores)	42	<div><div>100</div></div>	43	<div><div>0</div></div>
zero alternative (reference situation)	44	<div><div>100</div></div>	45	<div><div>0</div></div>
alternatives of design / conception	46	<div><div>100</div></div>	47	<div><div>0</div></div>
siting and routing alternatives	48	<div><div>100</div></div>	49	<div><div>0</div></div>
alternative most friendly to the environment	50	<div><div>100</div></div>	51	<div><div>0</div></div>
equal level of detail in description of alternatives	52	<div><div>0</div></div>	53	<div><div>0</div></div>
coverage of all aspects of sustainability:				
water, air, soil	54	<div><div>100</div></div>	55	<div><div>100</div></div>
flora and fauna	56	<div><div>100</div></div>	57	<div><div>100</div></div>
climate	58	<div><div>0</div></div>	59	<div><div>0</div></div>
landscape	60	<div><div>100</div></div>	61	<div><div>0</div></div>
social aspects	62	<div><div>100</div></div>	63	<div><div>100</div></div>
gender	64	<div><div>0</div></div>	65	<div><div>0</div></div>
human health aspects	66	<div><div>100</div></div>	67	<div><div>0</div></div>
cultural aspects, including heritage	68	<div><div>100</div></div>	69	<div><div>0</div></div>
(socio) economic aspects	70	<div><div>100</div></div>	71	<div><div>100</div></div>
EIA focus on main impacts (impacts that might influence decision-making)	72	<div><div>100</div></div>	73	<div><div>100</div></div>
quantitative data (specifications, results of measurements, surveys and modelling)	74	<div><div>100</div></div>	75	<div><div>0</div></div>
mitigation of negative impacts (EMP)	76	<div><div>100</div></div>	77	<div><div>100</div></div>
compensation of impacts that cannot be mitigated (EMP)	78	<div><div>0</div></div> Not in	79	<div><div>0</div></div>
Monitoring plan (EMP)	80	<div><div>100</div></div>	81	<div><div>100</div></div>
the use of prescribed methods of analysis	82	<div><div>0</div></div> Guidel	83	<div><div>0</div></div>
use of prescribed methods of comparison of alternatives	84	<div><div>0</div></div>	85	<div><div>0</div></div>
description knowledge gaps and their meaning for decision	86	<div><div>100</div></div>	87	<div><div>0</div></div>
additional research to bridge knowledge gaps	88	<div><div>0</div></div>	89	<div><div>0</div></div>

0,333

0,098

0,235

0,176

0,843

Mag EMP hier weg? Is verwarrend. Soms zijn deze dingen gesplitst

scoping					
The regulation:	Regulation	Guide	Reinoud: bijna al deze dingen worden niet in de wet, maar in guidelines gevraagd. Nu even apart genomen, maar		
requires adequate base line inform. / data on the activity	90	0	100		
requires public participation in scoping	91	0	through 100		
describes the scoping procedure	92	0	100		
the scoping procedure is adequate and solid	93	0	100		
requires ToR for EIA	94	100	100		
foresees adequate expert input in scoping	95	0	through 100		
foresees independent formulation of ToR	96	0	0		
foresees independent review of ToR	97	0	NEMA 0	Reinoud: hier zou n 0-50-100 optie mogelijk maken om te scoren voor het inwinnen van advies van lead ministries	
foresees formulation of project and site specific ToR (that take into account local and project specificities	98	100	100		
requires ToR focussing on impacts relevant for decision making	99	0	100		
requirements for EIA report formulation					
certification of consultants	100	100	%		
public participation in the phase of document formulation	101	100	%		
views of public are required to influence impact appreciation	102	100	%		
reviewing					
The regulation:	Regulation	Guidelines			
requires public participation in the review stage	103	100	%	Reinoud, deze vragen zouden allen yes/no moeten worden ipv %	
describes the review procedure	104	100	%		
states review criteria	105	0	%	100 Zelfde vraag als hierboven: geldt dit als wet?	
the review procedure is solid	106	100	%		
foresees expert input in the review	107	100	%		
foresees independent review	108	100	%	Not a Reinoud: doordat je hier foresees vraagt ipv required antwoorden zij dit positief (de wet zegt 'may'. Bedoel je dat?	
requires review to focus on impacts relevant for decision-making	109	0	100 (good practice)		
requires formulation of a review report	110	0			
requires formulation of permitting conditions	111	100	Conditioned decision		
requires publication of the review report	112	0			
requires publication of the permitting conditions	113	100	Certificate should be displayed		
solidity of EIA system funding (in the legal framework)					
legal framework provides for structural funding	114	100	%	No budget, but pro Reinoud: hier kan geen % maar ja/nee. Daardoor hier geen 50% score. Is dit de bedoeling?	
provisions adequate for funding of staff and functioning of the agency	115	0	%		
provisions adequate for hiring external experts	116	0	%		
government to allocate adequate funds for EIA for government projects	117	0	%		
Quality of implementation of the EIA procedures					
dissemination and knowledge of legal texts					
dissemination of the texts	1	50	Big discussion!		
knowledge of the texts					
stakeholders					
ministry of environment	2	95	%		
investors	3	50	%		
line ministries	4	60	Differences between ministries, and generally env. units know, but other staf may not		
the general public	5	20	%		
management of the procedure (agency)					
sufficient institutional capacity (%), effective					
competent offices have formally been established and competences have formally been attributed	6	100			
number of full time profs managing procedures	7	4			
available experience and expertise for managing the procedures					
number of procedures managed yearly by full time prof	8	150	About 500-600 per year		
profs have adequate basic education	9	100	%		
profs have received adequate task related education	10	50	%		
internet available and used	11	95	%		
institutional memory available and kept updated	12	60	%		
institutional memory easily accessible	13	60	%		
institutional memory effectively used	14	50	%		
internal learning mechanisms institutionalised	15	0	Quarterly, but not institutionalised		
internal learning mechanisms functional	16	100			
links to (inter)national networks available	17	100			
links to (inter)national networks utilised	18	100	%		
learning capacity of the agency (level of incoase in effectiveness)	19	100	See 35: 75%	Reinoud: deze vraag wordt in de eerste sectie al gesteld. Waarom hier weer?	
agencies use (and imposition of use) of hired expertise	use of hired experts	independent setting			
screening	20	0	But inv	21 Reinoud: gaat het hier nou om 'hired' experts of om externe expertise? Want dat doen ze consequent,	
scoping	22	0	%	23	
need for study/report preparation by accredited consultants	24	100		25	
public participation	26	1	Projec	27	
review of reports	28	0	Lead z	29	Idem
advising the competent authorities on license conditions	30	0	Standt	31	Idem
monitoring	32	0	Ditto	33	Idem
inspection / enforcement	34	0	Ditto	35	Idem
available means					
structural funding readily available	36	50	%		
sufficient funds for staff and functioning of the agency	37	90	%		
sufficient funds for hiring external experts	38	N.A.			
government allocates enough funds for EIA for government projects	39	50	%		

percentage of investment projects effectively evaluated by environmental tools (like EIA)	should have been done	have been done	
	40	100	41
	42	450	43
2013 estimated number of 'light' EIAs		60	70 hieronder
2013 estimated number of full fledged EIAs		400	460
reality with regard to public nature of EA procedures			
in ... % of the cases the start of the procedure public	44	1	Passively available
in ...% of the cases the TOR are public	45	1	Passively available
in ...% of the cases the EIA-report is public	46	1	Passively available
in ... % of the cases reports on public hearings / written comments are public	47	1	%
in ... % of the cases the techn. review report is public	48	1	%
indicate the extent to which reports are easily accessible for the public	49	0	Few: <5 (invullen lukt niet, dus score moet nog aangepast, voorlopig laagste categorie genomen)
realities of public participation in EIA			
in ... % of the cases there is a public meeting for scoping	50	50	%
in ... % of the cases there is a call for written comments on scoping	51	1	%
in ... % of the cases there is a public meeting on EIA formulation	52	80	%
in ... % of the cases there is a call for written comments on EIA formulation	53	1	%
in ... % of the cases there is a public meeting on review	54	1	%
in ... % of the cases there is a call for written comments on review	55	10	Mostly on compensation/resettlement
average number of participants in hearings	56	100	%
average number of written comments received (on each occasion)	57	0	Few: <5 (invullen lukt niet, dus score moet nog aangepast, voorlopig laagste categorie genomen)
results			
quality	Full EIAs		Light EIAs
	58	80	%
	60	100	%
in what percentage of cases does scoping take place	62	25	%
in what percentage of cases is a scoping report submitted	64	N.A.	
non technical summary	66	75	%
problem statement and problem analysis	68	25	%
legal and policy framework	70	75	%
public participation	Hier moet algemeen hokje komen, want onderstaand onderscheid wordt niet gemaakt. Nu alles t zelfde ingevuld		
project description	72	25	No dis
alternatives	74	25	%
project alternatives (eg. railroad transport versus road train transport of ores)	76	25	%
zero alternative (reference situation)	78	25	%
alternatives of design / conception	80	25	%
siting and routing alternatives			
alternative most friendly to the environment	82	25	%
equal level of detail in description of alternatives	83		N.A.
coverage of all aspects of sustainability:			
water, air, soil	84	50	%
flora and fauna	86	50	%
climate	88	25	%
landscape	90	50	%
social aspects	92	75	%
gender aspects	94	25	%
human health aspects	96	25	%
cultural aspects, including heritage	98	25	%
(socio)economic aspects	100	75	%
EIA focus on main impacts	102	75	%
quantitative data	104	50	%
mitigation of negative impacts (EMP)	106	25	Discuss
compensation of impacts that cannot be mitigated (EMP)	108	50	%
Monitoring plan (EMP)	110	25	%
the use of prescribed methods of analysis	112	N.A.	
use of prescribed methods of comparison of alternatives	114	N.A.	
description knowledge gaps and their meaning for decision	116	75	Rarely
additional research to bridge knowledge gaps	118	25	%
statistics			
Estimates!! Data still to be provided			
2013 number of reports received	Full EIAs		Light EIAs
	120	350	121
	122	50	123
national investors			50
international investors			10
government projects	124	60	125
2013 number of reports evaluated			
national investors	126	330	Estime
international investors	128	47	Estime
government projects	130	50	Estime
2011 2013 average number of reports evaluated yearly			
national investors	132	350	higher
international investors	134	50	lower
government projects	136	60	lower
2011 2013 average yearly number of reports for which supplement has been asked for			
national investors	138	100	estima
international investors	140	40	
government projects	142	20	
2011 2013 average yearly number of reports rejected			
national investors	144	20	
international investors	146	1	

Wat vraag je precies? Tracking van alles wat in 2010 binnenkomt of wat je dan review/afkeurt en waar dus projecten uit 2009 tussen kunnen zitten?

Reinoud, toelichtingen spreken nog over 2009, dat is het probleem

supplements asked (%) (previous year) 7,17391 %

rejections of EIA reports (%) (previous year) 37 %

approved EIA reports (%) (previous year) 5,15222 %

88,993 %

government projects	148	<div><div></div><div>1</div></div>	149	<div><div></div><div>1</div></div>	
2013 number of reports for which supplement has been asked for					
national investors	150	<div><div></div><div>100</div></div>	151	<div><div></div><div>20</div></div>	
international investors	152	<div><div></div><div>40</div></div>	153	<div><div></div><div>5</div></div>	
government projects	154	<div><div></div><div>20</div></div>	155	<div><div></div><div>5</div></div>	
2013 number of reports approved					
national investors	156	<div><div></div><div>280</div></div>	157	<div><div></div><div>50</div></div>	
international investors	158	<div><div></div><div>50</div></div>	159	<div><div></div><div>0</div></div>	
government projects	160	<div><div></div><div>50</div></div>	161	<div><div></div><div>20</div></div>	161: Foutmelding: aantal hoger dan aantal subm
2013 number of reports rejected					
national investors	162	<div><div></div><div>20</div></div>	163	<div><div></div><div></div></div>	
international investors	164	<div><div></div><div>1</div></div>	165	<div><div></div><div></div></div>	164: zelfde foutmelding
government projects	166	<div><div></div><div>1</div></div>	167	<div><div></div><div></div></div>	167: idem
We stopped here at the end of day 1					
Subjective judgement of the contribution of EIA to sustainable environmental management (judgement to be done by non government practitioners)					
2013 average quality of review reports produced (perfect = 100)	168	<div><div></div><div></div></div> %	N.A.: no access to review reports (2 respondents only)		
2013 average quality of (advice on) permitting conditions produced in (perfect = 100)	169	<div><div></div><div>75</div></div> %	3 respondents only, licence conditions not very specific, sometimes out of 20, 13 are standard		
EIA (etc.) has caused an identifiable net improvement of the intervention					
2013 projects of					
national investors	170	<div><div></div><div>70</div></div> %	3 respondents		
international investors	171	<div><div></div><div>80</div></div> %	3 respondents		
government projects	172	<div><div></div><div>50</div></div> %	3 respondents, only 1 feels confident		
Opinion of staff members EIA agency					
staff appreciation of the workload	173	<div><div></div><div>20</div></div> %	overload		
adequacy of training	174	<div><div></div><div>40</div></div> %			
availability of external expertise	175	<div><div></div><div>65</div></div> %	External to EIA section (even within NEMA)		
coherence of the legal and regulatory framework	176	<div><div></div><div>90</div></div> %			
exhaustiveness of the legal and regulatory framework	177	<div><div></div><div>90</div></div> %			
respect of decision-makers for tool EIA	178	<div><div></div><div>90</div></div> %			
respect of decision-makers for results EIA	179	<div><div></div><div>90</div></div> %			
respect of decision-makers for results of public participation	180	<div><div></div><div>70</div></div> %			
availability of funds for EIA agency functioning	181	<div><div></div><div>50</div></div> %	Not sufficient but difficult to judge		
monitoring and follow through					
periodicity of monitoring defined	182	<div><div></div><div>0</div></div>			
percentage of cases in which monitoring reports by the proponent is available	183	<div><div></div><div>1</div></div> %			
percentage of cases in which competent authority systematically evaluates proponent monitoring reports	184	<div><div></div><div>100</div></div> %	Audit reports included		
percentage of cases in which monitoring report is available at the ministry of environment	185	<div><div></div><div>0</div></div>	Database, reports are kept, but only related to water, env, no other sectors. 10% would be the most adequate percentage, but only 0 or 100 is possible?		
percentage of cases in which competent authority gives follow up on monitoring	186	<div><div></div><div>100</div></div>			
## number of reformulations of license conditions undertaken upon monitoring in	187	<div><div></div><div>0</div></div>	100 cases in which compliance agreement conditions change, not the license conditions		
The decision on approval of the (EIA) report is separated from the decision on environmental licensing of the activity	188	<div><div></div><div>0</div></div>	The project is considered. If the EIA says so, the project is rejected		
i.e. approval of the EIA-report does not automatically imply that the environmental approval is awarded.					
Reinoud, zou helpen als dan hierna de vragen blokkeren over EIA approval of license decision, anders moet je alles dubbel invullen					

Decision-making and decision-taking on Environmental Licensing

Characteristics of the procedures (legal and regulatory framework)

texts clearly define which decisions are needed for env. licensing and license enforcement. They state:

the activities that need environmental license	1	100	%	
decisions needed prior to soliciting the env. license (e.g. on other approvals or licenses)	2	95	%	But scattered across different laws
the hierarchy of the decisions	3	5	%	
the sequence of the decisions	4	5	%	
the procedures for decision making and taking	5	95	%	
disclosure of the decision-making procedures	6	50	%	Discussion! What is disclosure?
requirements on public participation in decision-making (preparation of decision-taking)	7	90	%	
requirements on public participation in decision-taking	8	90	%	
criteria for licence granting (procedures and substance (e.g. conformity with NEQS))	9	35	%	
the authorities competent to take the decisions	10	100	%	
what information / knowledge is required for decision-taking	11	85	%	
requirements on public justification of the decision	12	0	%	
administrative and juridical appeal procedures	13	100	%	
administrative sanctions, juridical penalties and other means for enforcement	14	100	%	

customer friendliness of regulatory framework				
one stop shop	15	0		Investment authority not prescribed by law
requirements on provision of information				
available at the right place(s)	16	0		
exhaustiveness of the information packages	17	10	%	
quality of the information	18	10	%	
regulatory framework causes red tape or acceptable level of bureaucracy	19	90	%	Reino
quality of customer guidance	20	10	%	ud, betere uitleg, red tape is 0, acceptable level is 100
reasonable and realistic terms / timelines	21	60	%	

decentralisation of decision-taking				
screening	22	100		Local Government Act decentralises environmental management
approval of environmental study (EIA)	23	0		
licensing of the activity	24	0		
us of administrative sanctions in case of litigation	25	100		Reinoud, uitleg van 25 ontbreekt en 26 staat bij 25
use of penalties in case of litigation	26	0		

power sharing and control on the use of power (texts and procedures)

sharing of decision-making power

screening decision

not shared. Competent authority: NEMA or decentralised government or lead agencies.....

Competent authority = line ministry	27	100
if Comp. Auth is not the line ministry; political weight of the competent authority compared to line ministry	28	
competent authority is an elected body	29	0
democratic control mechanisms on use of power legally required	30	0
democratic control mechanisms on use of power legally established	31	0
Auth. competent to take decision also competent to monitor	32	100

shared. Model:

.....	
elected body	33
democratic control mechanisms on use of power legally required	34
democratic control mechanisms on use of power legally established	35
competence for monitoring and enforcement are with an elected body	36
political weight of the competent authority compared to line ministry	37

decision on approval of environmental study (EIA)

not shared. Competent authority: NEMA.....

Competent authority is the line ministry (promoting the activity)	38	0
competent authority to use adequate expertise	39	100
competent authority to organize independent review	40	0
competent authority to be appointed by a public service committee	41	100

shared. Model:

line ministry (promoting the project) is involved	42	
competent authority uses adequate expertise	43	
competent authority to organize independent review	44	

decision on license granting

not shared. Competent authority:

Competent authority = line ministry	45	0
if Comp. Auth is not the line ministry; political weight of the competent authority compared to line ministry	46	
competent authority is an elected body	47	0
democratic control mechanisms on use of power legally required	48	0
democratic control mechanisms on use of power legally established	49	0
Auth. competent to take decision also competent to monitor	50	100

Decision is same

shared. Model:

.....	
elected body	51
democratic control mechanisms on use of power legally required	52
democratic control mechanisms on use of power legally established	53
competence for monitoring and enforcement are with an elected body	54
political weight of the competent authority compared to line ministry	55

decision to apply administrative sanctions in case of litigation

not shared. Competent authority: NEMA or (local) lead agency.....

Competent authority = line ministry	56	100
if Comp. Auth is not the line ministry; political weight of the competent authority compared to line ministry	57	
competent authority is an elected body	58	0
democratic control mechanisms on use of power legally required	59	0
democratic control mechanisms on use of power legally established	60	0
Auth. competent to take decision also competent to monitor	61	100

shared. Model:

.....		
elected body	62	
democratic control mechanisms on use of power existent	63	
democratic control mechanisms on use of power legally required	64	
democratic control mechanisms on use of power legally established	65	
political weight of the competent authority compared to line ministry	66	

Do you think that the distribution of powers is logical?

screening	67	100
approval of environmental study (EIA)	68	100
licensing of the activity	69	100
use of administrative sanctions in case of litigation	70	100

explain

.....
Discussion: NEMA should remain coordinator, or others shld for better capacity. In practice, NEMA will never approve if line ministry does not. Final decision is with NEMA. Too much power?!
Same observations
.....

Do you think that the means for law enforcement are effective?

screening	71	80
-----------	----	----

explain

.....

	approval of environmental study (EIA)	72	<div><div></div><div>100</div></div>	same
	licensing of the activity	73	<div><div></div><div>100</div></div>	same
	use of administrative sanctions in case of litigation	74	<div><div></div><div>100</div></div>
	use of juridical penalties in case of litigation	75	<div><div></div><div>100</div></div>	
public nature of the decision-making procedures				
	decision-taking in a public meeting			
	screening	76	<div><div></div><div>100</div></div>	for local governments
	approval of environmental study (EIA)	77	<div><div></div><div>0</div></div>	
	licensing of the activity	78	<div><div></div><div>0</div></div>	
	use of administrative sanctions in case of litigation	79	<div><div></div><div>0</div></div>	
	the decision is published in the government gazette			
	screening	80	<div><div></div><div>0</div></div>	
	approval of environmental study (EIA)	81	<div><div></div><div>0</div></div>	
	licensing of the activity	82	<div><div></div><div>0</div></div>	
	use of administrative sanctions in case of litigation	83	<div><div></div><div>0</div></div>	

transparency / justification (legal texts)		
It there a legal requirement to justify the decision?		No
screening decision		
legal requirement to justify the decision taken		
obligation exists	84	0
guidelines available	85	0
thorough justification required	86	0
legal requirement to justify the use of public participation results		
obligation exists	87	0
guidelines available	88	0
thorough justification required	89	0
legal obligation to justify use of knowledge (e.g. external experts' judgement)		
obligation exists	90	0
guidelines available	91	0
thorough justification required	92	0
decision on approval of environmental study (EIA)		
legal requirement to justify the decision taken		
obligation exists	93	0
guidelines available	94	0
thorough justification required	95	0
legal requirement to justify the use of public participation results		
obligation exists	96	0
guidelines available	97	0
thorough justification required	98	0
legal obligation to justify the use of results of expert review		
obligation exists	99	0
guidelines available	100	0
thorough justification required	101	0
decision on licensing of the activity		
legal requirement to justify the decision taken		
obligation exists	102	0
guidelines available	103	0
thorough justification required	104	0
legal requirement to justify the use of public participation results		
obligation exists	105	0
guidelines available	106	0
thorough justification required	107	0
legal obligation to justify use of knowledge (e.g. information in EIA)		
obligation exists	108	0
guidelines available	109	0
thorough justification required	110	0
decision to apply administrative sanctions in case of litigation		
legal requirement to justify the decision taken		
obligation exists	111	0
guidelines available	112	0
thorough justification required	113	0
legal requirement to justify the use of public participation results		
obligation exists	114	0
guidelines available	115	0
thorough justification required	116	0
legal obligation to justify use of knowledge (e.g. information in EIA)		
obligation exists	117	0
guidelines available	118	0
thorough justification required	119	0

public participation in decision-making (preparing the decision) and decision-taking (making the decision)		
legislation provides for participation in decision-making and decision-taking		No
Participation on:		
screening decision		
a procedure facilitates stakeholder participation in decision-making and -taking	120	0
draft decision prepared in a multi-stakeholder setting	121	0
stakeholders have the right to vote in decision-taking meeting	122	0
decision on approval of environmental study (EIA)		
a procedure facilitates stakeholder participation in decision-making and -taking	123	0
draft decision prepared in a multi-stakeholder setting	124	0
stakeholders have the right to vote in decision-taking meeting	125	0
decision on licensing of the activity		
a procedure facilitates stakeholder participation in decision-making and -taking	126	0
draft decision prepared in a multi-stakeholder setting	127	0
stakeholders have the right to vote in decision-taking meeting	128	0
decision to apply administrative sanctions in case of litigation		
a procedure facilitates stakeholder participation in decision-making and -taking	129	0
draft decision prepared in a multi-stakeholder setting	130	0
stakeholders have the right to vote in decision-taking meeting	131	0
legislation requires consultation of the public?		Yes
Consultation on:		
screening decision		
legislation requires stakeholder consultation	132	100
a procedure facilitates stakeholder consultation		
draft decision prepared and published	133	0
information underlying draft decision is publicly available	134	0
procedures facilitate written observations by the public	135	0

	procedures requires public hearing	136		0
	report on public hearing is published	137		0 N.A.
	at the decision-taking meeting, the public has the right to speak	138		0 N.A.

Realities of decision-making and decision-taking

awareness of legal texts relating to environmental licensing decision-making									
dissemination of the texts		1	<div>50</div>		%				
knowledge of the texts									
stakeholders									
ministry of environment		2	<div>95</div>		%				
proponents		3	<div>50</div>		%				
line agencies		4	<div>60</div>		%				
general public		5	<div>20</div>		%				
customer friendliness									
service mindedness towards proponent									
screening		Answers by proponents							
average number of places to visit before obtaining a decision		6	<div>2</div>						
average number of visits to pay before obtaining a decision		7	<div>5</div>						
average number of forms to be filled up before obtaining a decision		8	<div>1</div>		Just a report & a checklist				
approval of environmental study (EIA)									
average number of places to visit before obtaining a decision		9	<div>7</div>		Might be more, depending on project				
average number of visits to pay before obtaining a decision		10	<div>17</div>		1-2 per organisation, 5 for NEMA				
average number of forms to be filled up before obtaining a decision		11	<div>1</div>		(sectoral) checklists are coming				
licensing of the activity									
average number of places to visit before obtaining a decision		12	<div>7</div>		Same decision				
average number of visits to pay before obtaining a decision		13	<div>17</div>						
average number of forms to be filled up before obtaining a decision		14	<div>1</div>						
helpdesk available		15	<div>0</div>						
service mindedness towards proponent		16	<div>70</div>		Willing but not always available				
facilitation of decentralisation of decision-making									
financial means available to decentralised authorities		17	<div>15</div>		10	Relevant for Screening & complaint/appeal decisions only			
staff of adequate level available at decentral level		18	<div>50</div>		70				
adequate task focussed training of decentral authorities		19	<div>35</div>		35				
external expertise available to decentralised authorities		20	<div>60</div>		60				
decision-making statistics									
Number 2013 decisions taken on		subject to formal decision making?							
screening		Yes	Varied (letters,		21	<div>3800</div>		Estimate	
approval of environmental study (EIA)		Yes	EIA certificate		22	<div>298</div>			
licensing of the activity		Yes	Same decision		23	<div>298</div>			
applying administrative sanctions in case of litigation		Yes	Such as restore		24	<div>200</div>		Estimate	
functioning of democratic checks and balances on the use of powers									
number of times the competent authority has been questioned on a decision related to environmental lice 2013									
screening		25	<div>5</div>		in% of these decisions 0,13158				
approval of environmental study (EIA)		26	<div>20</div>		same decision in% of these decisions 6,71141				
licensing of the activity		27	<div>20</div>		same decision in% of these decisions 6,71141				
applying administrative sanctions in case of litigation		28	<div>10</div>		in% of these decisions 5				
in% all of these decisions 1,19669									
publicity of decision-taking on env. licensing in practice									
number 2013 public decision-taking meetings that have taken place on:									
screening		29	<div></div>		2400 (local level invullen lukt niet (max number)	in% of these decisions 0			
approval of environmental study (EIA)		30	<div>3</div>		Same as 31, same decision		in% of these decisions 1,00671		
licensing of the activity (conditional)		31	<div>3</div>		same as 30, same decision		in% of these decisions 1,00671		
applying administrative sanctions in case of litigation		32	<div>0</div>				in% of these decisions 0		
in % of all decisions taken in relation to env. licensing0,13055									
number 2013 decisions published in the government gazette on: (Uganda: Newspaper/elsewhere)									
screening		33	<div>0</div>		in% of these decisions 0				
approval of environmental study (EIA)		34	<div>10</div>		No idea of local Same decision		in% of these decisions 3,3557		
licensing of the activity (conditional)		35	<div>10</div>		No idea of local Same decision		in% of these decisions 3,3557		
applying administrative sanctions in case of litigation		36	<div>2</div>				in% of these decisions 1		
in % of all decisions taken in relation to env. licensing0,47868									
transparency / justification in practice									
No justification, no participation: not answer questions 37-52									
screening decision									
number 2013 decisions taken		37	<div>3800</div>						
number 2013 decisions with written justification taken		38	<div>3530</div>		Kan niet invullen		Justification (%) 0		
number 2013 decisions with written justification of the use of public participation input taken		39	<div>3500</div>		Idem		Justification of use of results public participation (%)0		
number 2013 decisions with written justification of the use of specific expertise taken		39	<div>200</div>		For local decisions		justification of the use of specific expertise (%)5,26316		
decision on approval of environmental study (EIA)									
number 2013 decisions taken		40	<div>298</div>						
number 2013 decisions with written justification taken		41	<div>298</div>		Justification (%) 100				
number 2013 decisions with written justification of the use of public participation input taken		41	<div>200</div>		Justification of use of results public participation (%)67,1141				
number 2013 decisions with written justification of the use of specific expertise taken		42	<div>200</div>		justification of the use of specific expertise (%)67,1141				
decision on licensing of the activity (conditional)									
number 2013 decisions taken		43	<div>298</div>						
number 2013 decisions with written justification taken		44	<div>298</div>		Justification (%) 100				
number 2013 decisions with written justification of the use of public participation input taken		44	<div>200</div>		Justification of use of results public participation (%)67,1141				
number 2013 decisions with written justification of the use of specific expertise taken		45	<div>200</div>		justification of the use of specific expertise (%)67,1141				
decision on applying administrative sanctions in case of litigation									
number 2013 decisions taken		200	Estimate from local level						

number 2013 decisions with written justification taken	46	200	Justification (%) 100
number 2013 decisions with written justification of the use of public participation input taken	47	200	Justification of use of results public participation (%)100
number 2013 decisions with written justification of the use of specific expertise taken	48	0	justification of the use of specific expertise (%)0

practices on public participation in (preparing) decision-making				
percentage of decisions taken in a participatory way (voting right for stakeholders)				
screening	49	<div><div></div><div>0</div></div>	3500: Local government	participatory decision in 0 %
approval of environmental study (EIA)	50	<div><div></div><div>0</div></div>		participatory decision in 0 %
licensing of the activity (condional)	51	<div><div></div><div>0</div></div>		participatory decision in 0 %
applying administrative sanctions in case of litigation	52	<div><div></div><div>0</div></div>		participatory decision in 0 %
products of public participation				
Consultation				
screening				
number 2013 written communications received	53	<div><div></div><div>400</div></div>		average per decision 0,10526
number 2013 public hearings organised	54	<div><div></div><div>2400, geweigerd</div></div>		average per decision 0
number 2013 reports on public hearings available (hearings organised)	55	<div><div></div><div>2400, geweigerd</div></div>		average per decision 0
approval of environmental study (EIA)				
number 2013 written communications received	56	<div><div></div><div>250</div></div>		average per decision 0,83893
number 2013 public hearings organised	57	<div><div></div><div>3</div></div>		average per decision 0,01007
number 2013 reports on public hearings available (hearings organised)	58	<div><div></div><div>3</div></div>		average per decision 0,01007
licensing of the activity (condional)				
number 2013 written communications received	59	<div><div></div><div>250</div></div>		average per decision 0,83893
number 2013 public hearings organised	60	<div><div></div><div>3</div></div>		average per decision 0,01007
number 2013 reports on public hearings available (hearings organised)	61	<div><div></div><div>3</div></div>		average per decision 0,01007
applying administrative sanctions in case of litigation				
number 2013 written communications received	62	<div><div></div><div></div></div>	difficult to estimate	average per decision 0
number 2013 public hearings organised	63	<div><div></div><div>0</div></div>		average per decision 0
number 2013 reports on public hearings available (hearings organised)	64	<div><div></div><div>0</div></div>		average per decision 0
practice of administrative complaint, juridical appeal and mediation				
administrative complaint				
number 2013 complaint procedures on				
decision on screening	65	<div><div></div><div>2</div></div>		in % of the number of decisions taken 0,05263
decision on approval of environmental study (EIA)	66	<div><div></div><div>10</div></div>	Same decision	in % of the number of decisions taken 3,3557
decision on licensing of the activity (condional)	67	<div><div></div><div>10</div></div>	Same decision	in % of the number of decisions taken 3,3557
decision to apply administrative sanctions in case of litigation	68	<div><div></div><div>2</div></div>		in % of the number of decisions taken 1
number 2013 cases that the decision has been revised upon complaint				
decision on screening	69	<div><div></div><div>2</div></div>		in % of the number of administrative complaints100
decision on approval of environmental study (EIA)	70	<div><div></div><div>3</div></div>	Same decision	in % of the number of administrative complaints30
decision on licensing of the activity (condional)	71	<div><div></div><div>3</div></div>	Same decision	in % of the number of administrative complaints30
decision to apply administrative sanctions in case of litigation	72	<div><div></div><div>2</div></div>		in % of the number of administrative complaints100
juridical appeal				
number 2013 appeal procedures on				
decision on screening	73	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
decision on approval of environmental study (EIA)	74	<div><div></div><div>2</div></div>	Same decision	in % of the number of decisions taken 0,67114
decision on licensing of the activity (condional)	75	<div><div></div><div>2</div></div>	Same decision	in % of the number of decisions taken 0,67114
decision to apply administrative sanctions in case of litigation	76	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
number 2013 cases that the decision has been revised upon appeal				
decision on screening	77	<div><div></div><div></div></div>	N.A.	in % of the number of juridical appeals0
decision on approval of environmental study (EIA)	78	<div><div></div><div>0</div></div>	Same decision	in % of the number of juridical appeals0
decision on licensing of the activity (condional)	79	<div><div></div><div>0</div></div>	Same decision	in % of the number of juridical appeals0
decision to apply administrative sanctions in case of litigation	80	<div><div></div><div></div></div>	N.A.	in % of the number of juridical appeals0
mediation				
number 2013 mediation procedures on				
decision on screening	81	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
decision on approval of environmental study (EIA)	82	<div><div></div><div>1</div></div>	Same decision	in % of the number of decisions taken 0,33557
decision on licensing of the activity (condional)	83	<div><div></div><div>1</div></div>	Same decision	in % of the number of decisions taken 0,33557
decision to apply administrative sanctions in case of litigation	84	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
number 2013 cases that the decision has been revised upon mediation				
decision on screening	85	<div><div></div><div>0</div></div>		in % of the number of requests for mediation0
decision on approval of environmental study (EIA)	86	<div><div></div><div>0</div></div>	Decision not changed but implementation conditions	in % of the number of requests for mediation0
decision on licensing of the activity (condional)	87	<div><div></div><div>0</div></div>		in % of the number of requests for mediation0
decision to apply administrative sanctions penalties in case of litigation	88	<div><div></div><div>0</div></div>		in % of the number of requests for mediation0
functioning inspectorate / enforcement				
inspectors available in sufficient quantities	89	<div><div></div><div>80</div></div>	%	
inspectors sufficiently qualified	90	<div><div></div><div>60</div></div>	Performance qualification: they are qualified but not facilitated	
inspectors are sworn in	91	<div><div></div><div>0</div></div>	%	
qualified laboratories well used by inspectors	92	<div><div></div><div>100</div></div>		
number of investment projects approved (in the past three years)	93	<div><div></div><div>450</div></div>	2010	
2013 number of inspections carried out	94	<div><div></div><div>350</div></div>		77,778 % of the number of approved investment projects (in the past three years):
2013 number of administrative sanctions imposed	95	<div><div></div><div>60</div></div>		17,143 % of the number of inspections done
2013 number of cases in which imposition of administrative sanctions has been foregone in a non regu	96	<div><div></div><div></div></div>	Niet ingevuld, overgeslagen	0 % of the number of inspections done

0,004166625

EIA-MAP (Uganda - July 2011) (Open versie, formules graag ongemoeid laten. Alleen vakjes invullen en opmerkingen toevoegen) Validatiekolom

Worksheet characterisation of an EIA-system

made by the Netherlands Commission for Environmental Assessment (Reinoud Post. email: rpost@eia.nl)

Miscellaneous aspects / external factors

Environmer established (dated)
EIA regulati established (dated)
EIA decree established (dated)

1 1995
2 1998
3 N.a.

Participatory genesis of the legal, regulatory and guidance framework

international consultant
national consultant
the ministry of environment
other the relevant ministries
relevant decentral authorities
investors
national NGOs
international NGOs
multilateral organisations

	Law	Regulation	Decree
4	100	18 0	27 N.A.
5	100	19 100	28
6	100	20 100	29
7	100	21 100	30
8	100	22 100	31
9	100	23 100	32
10	100	24 100	33
11	100	25 100	34
12	100	26 100	35

Prerequisites of democracy

verbal autonomy of the population
active NGOs
independent and active press
independent judiciary / state of law

13 75 Discussion: 80%
14 75 **Uitleg** voor invullen klopt niet!
15 50 **Uitleg** voor invullen klopt niet!
16 50 **Uitleg** voor in 25-50% Limited knowledge/experience with environmental law

Learning capacity of the agency in charge of decision-making on environmental licensing / project approval

E.g., the quality of the conditions that accompany the environmental appoval increase over the year, procedures get more efficient, EIA get more effective.

17 75 **Uitleg** voor in **Waar** mpet deze vraag? Nu ook in praktijk EIA/vraag 19

EIA: Use of knowledge in support of decision making on environmental certification / permitting / licensing

Yes 100
No 0

Characteristics of the EIA-procedure (legal and regulatory framework)

presence / completeness / clarity / coherence of legal texts

Presence and exhaustiveness of legal texts

environmental Framework Law present
number of sector laws that impose environmental licensing + EIA.
all laws together cover the following percentage of investment projects
EIA regulation present
set of other implementing regulations is complete to the following extent
set of environmental criteria, norms and standards is complete to the following %
sector guidelines / regulation for specific guidelines is complete to the following %

1 100
2 20 Estimate, most sector laws
3 100 %
4 100
5 0 **Regulation on certification; on public hearings.**
6 75 %
7 25 **Many drafted, not yet published** We propose 75%: many drafted, almost complete!

clear and coherent texts with regard to EIA

obligation to get a permit / obligation to do EIA
start of the procedure
screening
the procedure, roles and responsibilities / authority
requirements with regard to substance
public participation
time frames
monitoring
enforcement
administrative sanctions
judicial penalties

8 100 %
9 100 %
10 50 75%. **Pakt niet. Discussion: 50-75%: final decision by authority. Level of EIA Not always clear**
11 100 %
12 100 %
13 100 %
14 100 %
15 50 % audits door NEMA. Proponent monitort zelf. **Gaat over project monitoring!**
16 50 75%. **Pakt niet**
17 50 75%. **Pakt niet**
18 100 %

>-1
<101

Yes 100
when needed 50
No 0

Yes 100
More or less 75
Not too much 50
Difficulty 25
No 0

a lot (>19) 100
quite some (>14) 75
average (>9) 50
little (>4) 25
insignificant (<5) 0

28-5-2014 2014
2013

public nature of the procedures

According to legal text EIA is a public procedure

19 100 %

guidance (good EIA-manual available)

is available
is of good quality

20 100
21 100 %

obligation to provide information beforehand

legal texts require presentation of an EIA starting note or similar
legal texts give ToR for content of such a starting note
legal texts require such a note to be publically available and publicly announced

22 100 Project brief
23 100
24 0 Available yes, announced no. **Twee vragen!**

O
100
91,66666667
0
O
>0

screening

Coverage of the EA system

projects of national private investors
projects of international private investors
government projects

25 100 %
26 100 %
27 100 %

Initial Environmental Evaluation (IEE), Simplified EIA, Light EIA

projects of national private investors
projects of international private investors
government projects

28 100 Project brief is considered light EIA
29 100 %
30 100 %

lower order instruments (permit without EIA, written registration of the activity)

31 85 %

requirements with regard to substance

legal texts adequately require:

non technical summary
problem statement and problem analysis

	Full EIAs	Light EIAs
32	100	33 Yes 0
34	0	35 0

legal and policy framework	36	<div><div>100</div></div>	37	<div><div>100</div></div>
public participation	38	<div><div>100</div></div>	39	<div><div>0</div></div>
project description	40	<div><div>100</div></div>	41	<div><div>100</div></div>
alternatives		100 Yes but not s idem (0)		
project alternatives (eg. railroad transport versus road train transport of ores)	42	<div><div>100</div></div>	43	<div><div>0</div></div>
zero alternative (reference situation)	44	<div><div>100</div></div>	45	<div><div>0</div></div>
alternatives of design / conception	46	<div><div>100</div></div>	47	<div><div>0</div></div>
siting and routing alternatives	48	<div><div>100</div></div>	49	<div><div>0</div></div>
alternative most friendly to the environment	50	<div><div>100</div></div>	51	<div><div>0</div></div>
equal level of detail in description of alternatives	52	<div><div>0</div></div>	53	<div><div>0</div></div>
coverage of all aspects of sustainability:				
water, air, soil	54	<div><div>100</div></div>	55	<div><div>100</div></div>
flora and fauna	56	<div><div>100</div></div>	57	<div><div>100</div></div>
climate	58	<div><div>0</div></div>	59	<div><div>0</div></div>
landscape	60	<div><div>100</div></div>	61	<div><div>0</div></div>
social aspects	62	<div><div>100</div></div>	63	<div><div>100</div></div>
gender	64	<div><div>0</div></div>	65	<div><div>0</div></div>
human health aspects	66	<div><div>100</div></div>	67	<div><div>0</div></div>
cultural aspects, including heritage	68	<div><div>100</div></div>	69	<div><div>0</div></div>
(socio) economic aspects	70	<div><div>100</div></div>	71	<div><div>100</div></div>
EIA focus on main impacts (impacts that might influence decision-making)	72	<div><div>100</div></div>	73	<div><div>100</div></div>
quantitative data (specifications, results of measurements, surveys and modelling)	74	<div><div>100</div></div>	75	<div><div>0</div></div>
mitigation of negative impacts (EMP)	76	<div><div>100</div></div>	77	<div><div>100</div></div>
compensation of impacts that cannot be mitigated (EMP)	78	<div><div>0</div></div> Not in	79	<div><div>0</div></div>
Monitoring plan (EMP)	80	<div><div>100</div></div>	81	<div><div>100</div></div>
the use of prescribed methods of analysis	82	<div><div>0</div></div> Guidel	83	<div><div>0</div></div>
use of prescribed methods of comparison of alternatives	84	<div><div>0</div></div>	85	<div><div>0</div></div>
description knowledge gaps and their meaning for decision	86	<div><div>100</div></div>	87	<div><div>0</div></div>
additional research to bridge knowledge gaps	88	<div><div>0</div></div>	89	<div><div>0</div></div>

0,333

0,098

0,235

0,176

0,843

Mag EMP hier weg? Is verwarrend. Soms zijn deze dingen gesplitst

scoping			
The regulation:	Regulation	Guide	Reinoud: bijna al deze dingen worden niet in de wet, maar in guidelines gevraagd. Nu
requires adequate base line inform. / data on the activity	90	0	100
requires public participation in scoping	91	0	through 100
describes the scoping procedure	92	0	100
the scoping procedure is adequate and solid	93	0	100
requires ToR for EIA	94	100	100
foresees adequate expert input in scoping	95	0	through 100
foresees independent formulation of ToR	96	0	0
foresees independent review of ToR	97	0	NEMA 0 Reinoud: hier zou n 0-50-100 optie mogelijk maken om te scoren voor het inwinnen van advies van lead ministries
foresees formulation of project and site specific ToR (that take into account local and project specificities	98	100	100
requires ToR focussing on impacts relevant for decision making	99	0	100

requirements for EIA report formulation			
certification of consultants	100	100	%
public participation in the phase of document formulation	101	100	%
views of public are required to influence impact appreciation	102	100	%

reviewing			
The regulation:	Regulation	Guidelines	
requires public participation in the review stage	103	100	% Reinoud, deze vragen zouden allen yes/no moeten worden ipv %
describes the review procedure	104	100	%
states review criteria	105	0	% 100 Zelfde vraag als hierboven: geldt dit als wet?
the review procedure is solid	106	100	%
foresees expert input in the review	107	100	%
foresees independent review	108	100	%
requires review to focus on impacts relevant for decision-making	109	0	Not a 100 Reinoud: doordat je hier foresees vraagt ipv required antwoorden zij dit positief (de wet zegt 'may'. Bedoel je dat?
requires formulation of a review report	110	0	100 (good practice)
requires formulation of permitting conditions	111	100	Conditioned decision
requires publication of the review report	112	0	
requires publication of the permitting conditions	113	100	Certificate should be displayed

solidity of EIA system funding (in the legal framework)			
legal framework provides for structural funding	114	100	% No budget, but pr Reinoud: hier kan geen % maar ja/nee. Daardoor hier geen 50% score. Is dit de bedoeling?
provisions adequate for funding of staff and functioning of the agency	115	0	%
provisions adequate for hiring external experts	116	0	%
government to allocate adequate funds for EIA for government projects	117	0	%

Quality of implementation of the EIA procedures

dissemination and knowledge of legal texts			
dissemination of the texts	1	50	Big discussion!
knowledge of the texts			
stakeholders			
ministry of environment	2	95	%
investors	3	50	%
line ministries	4	60	Differences between ministries, and generally env. units know, but other staf may not
the general public	5	20	%

management of the procedure (agency)			
sufficient institutional capacity (%), effective			
competent offices have formally been established and competences have formally been attributed	6	100	
number of full time profs managing procedures	7	4	
available experience and expertise for managing the procedures			
number of procedures managed yearly by full time prof	8	150	About 500-600 per year
profs have adequate basic education	9	100	%
profs have received adequate task related education	10	50	%
internet available and used	11	95	%
institutional memory available and kept updated	12	60	%
institutional memory easily accessible	13	60	%
institutional memory effectively used	14	50	%
internal learning mechanisms institutionalised	15	0	Quarterly, but not institutionalised
internal learning mechanisms functional	16	100	
links to (inter)national networks available	17	100	
links to (inter)national networks utilised	18	100	%
learning capacity of the agency (level of increase in effectiveness)	19	100	See 35: 75% Reinoud: deze vraag wordt in de eerste sectie al gesteld. Waarom hier weer?
agencies use (and imposition of use) of hired expertise			
screening	20	0	But inv 21
scoping	22	0	% 23
need for study/report preparation by accredited consultants	24	100	% 25
public participation	26	1	Projec 27
review of reports	28	0	Lead z 29
advising the competent authorities on license conditions	30	0	Standt 31
monitoring	32	0	Ditto 33
inspection / enforcement	34	0	Ditto 35
available means			
structural funding readily available	36	50	%
sufficient funds for staff and functioning of the agency	37	90	%
sufficient funds for hiring external experts	38	N.A.	
government allocates enough funds for EIA for government projects	39	50	%

percentage of investment projects effectively evaluated by environmental tools (like EIA)	should have been done	have been done	
	40	100	41
	42	450	43
2013 estimated number of 'light' EIAs		60	70 hieronder
2013 estimated number of full fledged EIAs		400	460
reality with regard to public nature of EA procedures			
in ... % of the cases the start of the procedure public	44	1	Passively available
in ...% of the cases the TOR are public	45	1	Passively available
in ...% of the cases the EIA-report is public	46	1	Passively available
in ... % of the cases reports on public hearings / written comments are public	47	1	%
in ... % of the cases the techn. review report is public	48	1	%
indicate the extent to which reports are easily accessible for the public			
	49	0	Few: <5 (invullen lukt niet, dus score moet nog aangepast, voorlopig laagste categorie genomen)
realities of public participation in EIA			
in ... % of the cases there is a public meeting for scoping	50	50	%
in ... % of the cases there is a call for written comments on scoping	51	1	%
in ... % of the cases there is a public meeting on EIA formulation	52	80	%
in ... % of the cases there is a call for written comments on EIA formulation	53	1	%
in ... % of the cases there is a public meeting on review	54	1	%
in ... % of the cases there is a call for written comments on review	55	10	Mostly on compensation/resettlement
average number of participants in hearings			
average number of written comments received (on each occasion)	56	100	%
	57	0	Few: <5 (invullen lukt niet, dus score moet nog aangepast, voorlopig laagste categorie genomen)
results			
quality	Full EIAs		Light EIAs
	58	80	%
in what percentage of cases does scoping take place	60	100	%
in what percentage of cases is a scoping report submitted	62	25	%
non technical summary	64	N.A.	
problem statement and problem analysis	66	75	%
legal and policy framework	68	25	%
public participation	70	75	%
project description	Hier moet algemeen hokje komen, want onderstaand onderscheid wordt niet gemaakt. Nu alles 1 zelfde ingevuld		
alternatives	72	25	No dis
project alternatives (eg. railroad transport versus road train transport of ores)	74	25	%
zero alternative (reference situation)	76	25	%
alternatives of design / conception	78	25	%
siting and routing alternatives	80	25	%
alternative most friendly to the environment	82	25	%
equal level of detail in description of alternatives	83		N.A.
coverage of all aspects of sustainability:			
water, air, soil	84	50	%
flora and fauna	86	50	%
climate	88	25	%
landscape	90	50	%
social aspects	92	75	%
gender aspects	94	25	%
human health aspects	96	25	%
cultural aspects, including heritage	98	25	%
(socio)economic aspects	100	75	%
EIA focus on main impacts	102	75	%
quantitative data	104	50	%
mitigation of negative impacts (EMP)	106	25	Discuss
compensation of impacts that cannot be mitigated (EMP)	108	50	%
Monitoring plan (EMP)	110	25	%
the use of prescribed methods of analysis	112	N.A.	
use of prescribed methods of comparison of alternatives	114	N.A.	
description knowledge gaps and their meaning for decision	116	75	Rarely
additional research to bridge knowledge gaps	118	25	%
statistics			
Estimates!! Data still to be provided			
2013 number of reports received	Full EIAs		Light EIAs
	120	350	121
	122	50	123
national investors			50
international investors			10
government projects	124	60	125
2013 number of reports evaluated	Full EIAs		Light EIAs
	126	330	127
	128	47	129
national investors		Estime	50
international investors		Estime	10
government projects	130	50	131
2011 2013 average number of reports evaluated yearly	Full EIAs		Light EIAs
	132	350	133
	134	50	135
national investors		higher	60
international investors		lower	0
government projects	136	60	137
2011 2013 average yearly number of reports for which supplement has been asked for	Full EIAs		Light EIAs
	138	100	139
	140	40	141
national investors		estima	30
international investors			0
government projects	142	20	143
2011 2013 average yearly number of reports rejected	Full EIAs		Light EIAs
	144	20	145
	146	1	147
national investors			5
international investors			1

Wat vraag je precies? Tracking van alles wat in 2010 binnenkomt of wat je dan review/afkeurt en waar dus projecten uit 2009 tussen kunnen zitten?

Reinoud, toelichtingen spreken nog over 2009, dat is het probleem

supplements asked (%) (previous year) 7,17391 %

37 %

rejections of EIA reports (%) (previous year) 5,15222 %

approved EIA reports (%) (previous year) 88,993 %

government projects	148	<div><div></div><div>1</div></div>	149	<div><div></div><div>1</div></div>	
2013 number of reports for which supplement has been asked for					
national investors	150	<div><div></div><div>100</div></div>	151	<div><div></div><div>20</div></div>	
international investors	152	<div><div></div><div>40</div></div>	153	<div><div></div><div>5</div></div>	
government projects	154	<div><div></div><div>20</div></div>	155	<div><div></div><div>5</div></div>	
2013 number of reports approved					
national investors	156	<div><div></div><div>280</div></div>	157	<div><div></div><div>50</div></div>	
international investors	158	<div><div></div><div>50</div></div>	159	<div><div></div><div>0</div></div>	
government projects	160	<div><div></div><div>50</div></div>	161	<div><div></div><div>20</div></div>	161: Foutmelding: aantal hoger dan aantal subm
2013 number of reports rejected					
national investors	162	<div><div></div><div>20</div></div>	163	<div><div></div><div></div></div>	
international investors	164	<div><div></div><div>1</div></div>	165	<div><div></div><div></div></div>	164: zelfde foutmelding
government projects	166	<div><div></div><div>1</div></div>	167	<div><div></div><div></div></div>	167: idem
We stopped here at the end of day 1					
Subjective judgement of the contribution of EIA to sustainable environmental management (judgement to be done by non government practitioners)					
2013 average quality of review reports produced (perfect = 100)	168	<div><div></div><div></div></div> %	N.A.: no access to review reports (2 respondents only)		
2013 average quality of (advice on) permitting conditions produced in (perfect = 100)	169	<div><div></div><div>75</div></div> %	3 respondents only, licence conditions not very specific, sometimes out of 20, 13 are standard		
EIA (etc.) has caused an identifiable net improvement of the intervention					
2013 projects of					
national investors	170	<div><div></div><div>70</div></div> %	3 respondents		
international investors	171	<div><div></div><div>80</div></div> %	3 respondents		
government projects	172	<div><div></div><div>50</div></div> %	3 respondents, only 1 feels confident		
Opinion of staff members EIA agency					
staff appreciation of the workload	173	<div><div></div><div>20</div></div> %	overload		
adequacy of training	174	<div><div></div><div>40</div></div> %			
availability of external expertise	175	<div><div></div><div>65</div></div> %	External to EIA section (even within NEMA)		
coherence of the legal and regulatory framework	176	<div><div></div><div>90</div></div> %			
exhaustiveness of the legal and regulatory framework	177	<div><div></div><div>90</div></div> %			
respect of decision-makers for tool EIA	178	<div><div></div><div>90</div></div> %			
respect of decision-makers for results EIA	179	<div><div></div><div>90</div></div> %			
respect of decision-makers for results of public participation	180	<div><div></div><div>70</div></div> %			
availability of funds for EIA agency functioning	181	<div><div></div><div>50</div></div> %	Not sufficient but difficult to judge		
monitoring and follow through					
periodicity of monitoring defined	182	<div><div></div><div>0</div></div>			
percentage of cases in which monitoring reports by the proponent is available	183	<div><div></div><div>1</div></div> %			
percentage of cases in which competent authority systematically evaluates proponent monitoring reports	184	<div><div></div><div>100</div></div> %	Audit reports included		
percentage of cases in which monitoring report is available at the ministry of environment	185	<div><div></div><div>0</div></div>	Database, reports are kept, but only related to water, env, no other sectors. 10% would be the most adequate percentage, but only 0 or 100 is possible?		
percentage of cases in which competent authority gives follow up on monitoring	186	<div><div></div><div>100</div></div>			
## number of reformulations of license conditions undertaken upon monitoring in	187	<div><div></div><div>0</div></div>	100 cases in which compliance agreement conditions change, not the license conditions		
The decision on approval of the (EIA) report is separated from the decision on environmental licensing of the activity	188	<div><div></div><div>0</div></div>	The project is considered. If the EIA says so, the project is rejected		
i.e. approval of the EIA-report does not automatically imply that the environmental approval is awarded.					
Reinoud, zou helpen als dan hierna de vragen blokkeren over EIA approval of license decision, anders moet je alles dubbel invullen					

Decision-making and decision-taking on Environmental Licensing

Characteristics of the procedures (legal and regulatory framework)

texts clearly define which decisions are needed for env. licensing and license enforcement. They state:

the activities that need environmental license	1	100	%	
decisions needed prior to soliciting the env. license (e.g. on other approvals or licenses)	2	95	%	But scattered across different laws
the hierarchy of the decisions	3	5	%	
the sequence of the decisions	4	5	%	
the procedures for decision making and taking	5	95	%	
disclosure of the decision-making procedures	6	50	%	Discussion! What is disclosure?
requirements on public participation in decision-making (preparation of decision-taking)	7	90	%	
requirements on public participation in decision-taking	8	90	%	
criteria for licence granting (procedures and substance (e.g. conformity with NEQS))	9	35	%	
the authorities competent to take the decisions	10	100	%	
what information / knowledge is required for decision-taking	11	85	%	
requirements on public justification of the decision	12	0	%	
administrative and juridical appeal procedures	13	100	%	
administrative sanctions, juridical penalties and other means for enforcement	14	100	%	

customer friendliness of regulatory framework	15	0		Investment authority not prescribed by law
one stop shop				
requirements on provision of information	16	0		
available at the right place(s)	17	10	%	
exhaustiveness of the information packages	18	10	%	
quality of the information				
regulatory framework causes red tape or acceptable level of bureaucracy	19	90	%	Reinoud, betere uitleg, red tape is 0, acceptable level is 100
quality of customer guidance	20	10	%	
reasonable and realistic terms / timelines	21	60	%	

decentralisation of decision-taking	22	100		Local Government Act decentralises environmental management
screening	23	0		
approval of environmental study (EIA)	24	0		
licensing of the activity	25	100		Reinoud, uitleg van 25 ontbreekt en 26 staat bij 25
us of administrative sanctions in case of litigation	26	0		
use of penalties in case of litigation				

power sharing and control on the use of power (texts and procedures)

sharing of decision-making power

screening decision

not shared. Competent authority: NEMA or decentralised government or lead agencies.....

Competent authority = line ministry	27	100	
if Comp. Auth is not the line ministry; political weight of the competent authority compared to line ministry	28		
competent authority is an elected body	29	0	
democratic control mechanisms on use of power legally required	30	0	
democratic control mechanisms on use of power legally established	31	0	
Auth. competent to take decision also competent to monitor	32	100	

shared. Model:

electd body	33	
democratic control mechanisms on use of power legally required	34	
democratic control mechanisms on use of power legally established	35	
competence for monitoring and enforcement are with an elected body	36	
political weight of the competent authority compared to line ministry	37	

decision on approval of environmental study (EIA)

not shared. Competent authority: NEMA.....

Competent authority is the line ministry (promoting the activity)	38	0	
competent authority to use adequate expertise	39	100	
competent authority to organize independent review	40	0	
competent authority to be appointed by a public service committee	41	100	

shared. Model:

line ministry (promoting the project) is involved	42	
competent authority uses adequate expertise	43	
competent authority to organize independent review	44	

decision on license granting

not shared. Competent authority:

Competent authority = line ministry	45	0	
if Comp. Auth is not the line ministry; political weight of the competent authority compared to line ministry	46		
competent authority is an elected body	47	0	
democratic control mechanisms on use of power legally required	48	0	
democratic control mechanisms on use of power legally established	49	0	
Auth. competent to take decision also competent to monitor	50	100	

Decision is same

shared. Model:

electd body	51	
democratic control mechanisms on use of power legally required	52	
democratic control mechanisms on use of power legally established	53	
competence for monitoring and enforcement are with an elected body	54	
political weight of the competent authority compared to line ministry	55	

decision to apply administrative sanctions in case of litigation

not shared. Competent authority: NEMA or (local) lead agency.....

Competent authority = line ministry	56	100	
if Comp. Auth is not the line ministry; political weight of the competent authority compared to line ministry	57		
competent authority is an elected body	58	0	
democratic control mechanisms on use of power legally required	59	0	
democratic control mechanisms on use of power legally established	60	0	
Auth. competent to take decision also competent to monitor	61	100	

shared. Model:

electd body	62	
democratic control mechanisms on use of power existent	63	
democratic control mechanisms on use of power legally required	64	
democratic control mechanisms on use of power legally established	65	
political weight of the competent authority compared to line ministry	66	

Do you think that the distribution of powers is logical?

screening	67	100	
approval of environmental study (EIA)	68	100	
licensing of the activity	69	100	
use of administrative sanctions in case of litigation	70	100	

explain

Discussion: NEMA should remain coordinator, or others shld for better capacity. In practice, NEMA will never approve if line ministry does not. Final decision is with NEMA. Too much power?!
Same observations

Do you think that the means for law enforcement are effective?

screening	71	80	
-----------	----	----	--

explain

	approval of environmental study (EIA)	72	<div><div></div><div>100</div></div>	same
	licensing of the activity	73	<div><div></div><div>100</div></div>	same
	use of administrative sanctions in case of litigation	74	<div><div></div><div>100</div></div>
	use of juridical penalties in case of litigation	75	<div><div></div><div>100</div></div>	
public nature of the decision-making procedures				
	decision-taking in a public meeting			
	screening	76	<div><div></div><div>100</div></div>	for local governments
	approval of environmental study (EIA)	77	<div><div></div><div>0</div></div>	
	licensing of the activity	78	<div><div></div><div>0</div></div>	
	use of administrative sanctions in case of litigation	79	<div><div></div><div>0</div></div>	
	the decision is published in the government gazette			
	screening	80	<div><div></div><div>0</div></div>	
	approval of environmental study (EIA)	81	<div><div></div><div>0</div></div>	
	licensing of the activity	82	<div><div></div><div>0</div></div>	
	use of administrative sanctions in case of litigation	83	<div><div></div><div>0</div></div>	

transparency / justification (legal texts)		
It there a legal requirement to justify the decision?		No
screening decision		
legal requirement to justify the decision taken		
obligation exists	84	0
guidelines available	85	0
thorough justification required	86	0
legal requirement to justify the use of public participation results		
obligation exists	87	0
guidelines available	88	0
thorough justification required	89	0
legal obligation to justify use of knowledge (e.g. external experts' judgement)		
obligation exists	90	0
guidelines available	91	0
thorough justification required	92	0
decision on approval of environmental study (EIA)		
legal requirement to justify the decision taken		
obligation exists	93	0
guidelines available	94	0
thorough justification required	95	0
legal requirement to justify the use of public participation results		
obligation exists	96	0
guidelines available	97	0
thorough justification required	98	0
legal obligation to justify the use of results of expert review		
obligation exists	99	0
guidelines available	100	0
thorough justification required	101	0
decision on licensing of the activity		
legal requirement to justify the decision taken		
obligation exists	102	0
guidelines available	103	0
thorough justification required	104	0
legal requirement to justify the use of public participation results		
obligation exists	105	0
guidelines available	106	0
thorough justification required	107	0
legal obligation to justify use of knowledge (e.g. information in EIA)		
obligation exists	108	0
guidelines available	109	0
thorough justification required	110	0
decision to apply administrative sanctions in case of litigation		
legal requirement to justify the decision taken		
obligation exists	111	0
guidelines available	112	0
thorough justification required	113	0
legal requirement to justify the use of public participation results		
obligation exists	114	0
guidelines available	115	0
thorough justification required	116	0
legal obligation to justify use of knowledge (e.g. information in EIA)		
obligation exists	117	0
guidelines available	118	0
thorough justification required	119	0

public participation in decision-making (preparing the decision) and decision-taking (making the decision)		
legislation provides for participation in decision-making and decision-taking		No
Participation on:		
screening decision		
a procedure facilitates stakeholder participation in decision-making and -taking	120	0
draft decision prepared in a multi-stakeholder setting	121	0
stakeholders have the right to vote in decision-taking meeting	122	0
decision on approval of environmental study (EIA)		
a procedure facilitates stakeholder participation in decision-making and -taking	123	0
draft decision prepared in a multi-stakeholder setting	124	0
stakeholders have the right to vote in decision-taking meeting	125	0
decision on licensing of the activity		
a procedure facilitates stakeholder participation in decision-making and -taking	126	0
draft decision prepared in a multi-stakeholder setting	127	0
stakeholders have the right to vote in decision-taking meeting	128	0
decision to apply administrative sanctions in case of litigation		
a procedure facilitates stakeholder participation in decision-making and -taking	129	0
draft decision prepared in a multi-stakeholder setting	130	0
stakeholders have the right to vote in decision-taking meeting	131	0
legislation requires consultation of the public?		Yes
Consultation on:		
screening decision		
legislation requires stakeholder consultation	132	100
a procedure facilitates stakeholder consultation		
draft decision prepared and published	133	0
information underlying draft decision is publicly available	134	0
procedures facilitate written observations by the public	135	0

	procedures requires public hearing	136		0
	report on public hearing is published	137		0 N.A.
	at the decision-taking meeting, the public has the right to speak	138		0 N.A.

Realities of decision-making and decision-taking

awareness of legal texts relating to environmental licensing decision-making									
dissemination of the texts		1	<div>50</div>		%				
knowledge of the texts									
stakeholders									
ministry of environment		2	<div>95</div>		%				
proponents		3	<div>50</div>		%				
line agencies		4	<div>60</div>		%				
general public		5	<div>20</div>		%				
customer friendliness									
service mindedness towards proponent									
screening		Answers by proponents							
average number of places to visit before obtaining a decision		6	<div>2</div>						
average number of visits to pay before obtaining a decision		7	<div>5</div>						
average number of forms to be filled up before obtaining a decision		8	<div>1</div>		Just a report & a checklist				
approval of environmental study (EIA)									
average number of places to visit before obtaining a decision		9	<div>7</div>		Might be more, depending on project				
average number of visits to pay before obtaining a decision		10	<div>17</div>		1-2 per organisation, 5 for NEMA				
average number of forms to be filled up before obtaining a decision		11	<div>1</div>		(sectoral) checklists are coming				
licensing of the activity									
average number of places to visit before obtaining a decision		12	<div>7</div>		Same decision				
average number of visits to pay before obtaining a decision		13	<div>17</div>						
average number of forms to be filled up before obtaining a decision		14	<div>1</div>						
helpdesk available		15	<div>0</div>						
service mindedness towards proponent		16	<div>70</div>		Willing but not always available				
facilitation of decentralisation of decision-making									
financial means available to decentralised authorities		17	<div>15</div>		10	Relevant for Screening & complaint/appeal decisions only			
staff of adequate level available at decentral level		18	<div>50</div>		70				
adequate task focussed training of decentral authorities		19	<div>35</div>		35				
external expertise available to decentralised authorities		20	<div>60</div>		60				
decision-making statistics									
Number 2013 decisions taken on		subject to formal decision making?							
screening		Yes	Varied (letters,		21	<div>3800</div>		Estimate	
approval of environmental study (EIA)		Yes	EIA certificate		22	<div>298</div>			
licensing of the activity		Yes	Same decision		23	<div>298</div>			
applying administrative sanctions in case of litigation		Yes	Such as restore		24	<div>200</div>		Estimate	
functioning of democratic checks and balances on the use of powers									
number of times the competent authority has been questioned on a decision related to environmental lice 2013									
screening		25	<div>5</div>		in% of these decisions 0,13158				
approval of environmental study (EIA)		26	<div>20</div>		same decision in% of these decisions 6,71141				
licensing of the activity		27	<div>20</div>		same decision in% of these decisions 6,71141				
applying administrative sanctions in case of litigation		28	<div>10</div>		in% of these decisions 5				
in% all of these decisions 1,19669									
publicity of decision-taking on env. licensing in practice									
number 2013 public decision-taking meetings that have taken place on:									
screening		29	<div></div>		2400 (local level invullen lukt niet (max number)	in% of these decisions 0			
approval of environmental study (EIA)		30	<div>3</div>		Same as 31, same decision		in% of these decisions 1,00671		
licensing of the activity (conditional)		31	<div>3</div>		same as 30, same decision		in% of these decisions 1,00671		
applying administrative sanctions in case of litigation		32	<div>0</div>				in% of these decisions 0		
in % of all decisions taken in relation to env. licensing0,13055									
number 2013 decisions published in the government gazette on: (Uganda: Newspaper/elsewhere)									
screening		33	<div>0</div>		in% of these decisions 0				
approval of environmental study (EIA)		34	<div>10</div>		No idea of local Same decision		in% of these decisions 3,3557		
licensing of the activity (conditional)		35	<div>10</div>		No idea of local Same decision		in% of these decisions 3,3557		
applying administrative sanctions in case of litigation		36	<div>2</div>				in% of these decisions 1		
in % of all decisions taken in relation to env. licensing0,47868									
transparency / justification in practice									
No justification, no participation: not answer questions 37-52									
screening decision									
number 2013 decisions taken				3800					
number 2013 decisions with written justification taken		37	<div></div>		3530	Kan niet invullen		Justification (%) 0	
number 2013 decisions with written justification of the use of public participation input taken		38	<div></div>		3500	Idem		Justification of use of results public participation (%)0	
number 2013 decisions with written justification of the use of specific expertise taken		39	<div>200</div>		For local decisions		justification of the use of specific expertise (%)5,26316		
decision on approval of environmental study (EIA)									
number 2013 decisions taken				298					
number 2013 decisions with written justification taken		40	<div>298</div>				Justification (%) 100		
number 2013 decisions with written justification of the use of public participation input taken		41	<div>200</div>				Justification of use of results public participation (%)67,1141		
number 2013 decisions with written justification of the use of specific expertise taken		42	<div>200</div>				justification of the use of specific expertise (%)67,1141		
decision on licensing of the activity (conditional)									
number 2013 decisions taken				298					
number 2013 decisions with written justification taken		43	<div>298</div>				Justification (%) 100		
number 2013 decisions with written justification of the use of public participation input taken		44	<div>200</div>				Justification of use of results public participation (%)67,1141		
number 2013 decisions with written justification of the use of specific expertise taken		45	<div>200</div>				justification of the use of specific expertise (%)67,1141		
decision on applying administrative sanctions in case of litigation									
number 2013 decisions taken				200		Estimate from local level			

number 2013 decisions with written justification taken	46	200	Justification (%) 100
number 2013 decisions with written justification of the use of public participation input taken	47	200	Justification of use of results public participation (%)100
number 2013 decisions with written justification of the use of specific expertise taken	48	0	justification of the use of specific expertise (%)0

practices on public participation in (preparing) decision-making				
percentage of decisions taken in a participatory way (voting right for stakeholders)				
screening	49	<div><div></div><div>0</div></div>	3500: Local government	participatory decision in 0 %
approval of environmental study (EIA)	50	<div><div></div><div>0</div></div>		participatory decision in 0 %
licensing of the activity (conditional)	51	<div><div></div><div>0</div></div>		participatory decision in 0 %
applying administrative sanctions in case of litigation	52	<div><div></div><div>0</div></div>		participatory decision in 0 %
products of public participation				
Consultation				
screening				
number 2013 written communications received	53	<div><div></div><div>400</div></div>		average per decision 0,10526
number 2013 public hearings organised	54	<div><div></div><div>2400, geweigerd</div></div>		average per decision 0
number 2013 reports on public hearings available (hearings organised)	55	<div><div></div><div>2400, geweigerd</div></div>		average per decision 0
approval of environmental study (EIA)				
number 2013 written communications received	56	<div><div></div><div>250</div></div>		average per decision 0,83893
number 2013 public hearings organised	57	<div><div></div><div>3</div></div>		average per decision 0,01007
number 2013 reports on public hearings available (hearings organised)	58	<div><div></div><div>3</div></div>		average per decision 0,01007
licensing of the activity (conditional)				
number 2013 written communications received	59	<div><div></div><div>250</div></div>		average per decision 0,83893
number 2013 public hearings organised	60	<div><div></div><div>3</div></div>		average per decision 0,01007
number 2013 reports on public hearings available (hearings organised)	61	<div><div></div><div>3</div></div>		average per decision 0,01007
applying administrative sanctions in case of litigation				
number 2013 written communications received	62	<div><div></div><div></div></div>	difficult to estimate	average per decision 0
number 2013 public hearings organised	63	<div><div></div><div>0</div></div>		average per decision 0
number 2013 reports on public hearings available (hearings organised)	64	<div><div></div><div>0</div></div>		average per decision 0
practice of administrative complaint, juridical appeal and mediation				
administrative complaint				
number 2013 complaint procedures on				
decision on screening	65	<div><div></div><div>2</div></div>		in % of the number of decisions taken 0,05263
decision on approval of environmental study (EIA)	66	<div><div></div><div>10</div></div>	Same decision	in % of the number of decisions taken 3,3557
decision on licensing of the activity (conditional)	67	<div><div></div><div>10</div></div>	Same decision	in % of the number of decisions taken 3,3557
decision to apply administrative sanctions in case of litigation	68	<div><div></div><div>2</div></div>		in % of the number of decisions taken 1
number 2013 cases that the decision has been revised upon complaint				
decision on screening	69	<div><div></div><div>2</div></div>		in % of the number of administrative complaints100
decision on approval of environmental study (EIA)	70	<div><div></div><div>3</div></div>	Same decision	in % of the number of administrative complaints30
decision on licensing of the activity (conditional)	71	<div><div></div><div>3</div></div>	Same decision	in % of the number of administrative complaints30
decision to apply administrative sanctions in case of litigation	72	<div><div></div><div>2</div></div>		in % of the number of administrative complaints100
juridical appeal				
number 2013 appeal procedures on				
decision on screening	73	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
decision on approval of environmental study (EIA)	74	<div><div></div><div>2</div></div>	Same decision	in % of the number of decisions taken 0,67114
decision on licensing of the activity (conditional)	75	<div><div></div><div>2</div></div>	Same decision	in % of the number of decisions taken 0,67114
decision to apply administrative sanctions in case of litigation	76	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
number 2013 cases that the decision has been revised upon appeal				
decision on screening	77	<div><div></div><div></div></div>	N.A.	in % of the number of juridical appeals0
decision on approval of environmental study (EIA)	78	<div><div></div><div>0</div></div>	Same decision	in % of the number of juridical appeals0
decision on licensing of the activity (conditional)	79	<div><div></div><div>0</div></div>	Same decision	in % of the number of juridical appeals0
decision to apply administrative sanctions in case of litigation	80	<div><div></div><div></div></div>	N.A.	in % of the number of juridical appeals0
mediation				
number 2013 mediation procedures on				
decision on screening	81	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
decision on approval of environmental study (EIA)	82	<div><div></div><div>1</div></div>	Same decision	in % of the number of decisions taken 0,33557
decision on licensing of the activity (conditional)	83	<div><div></div><div>1</div></div>	Same decision	in % of the number of decisions taken 0,33557
decision to apply administrative sanctions in case of litigation	84	<div><div></div><div>0</div></div>		in % of the number of decisions taken 0
number 2013 cases that the decision has been revised upon mediation				
decision on screening	85	<div><div></div><div>0</div></div>		in % of the number of requests for mediation0
decision on approval of environmental study (EIA)	86	<div><div></div><div>0</div></div>	Decision not changed but implementation conditions	in % of the number of requests for mediation0
decision on licensing of the activity (conditional)	87	<div><div></div><div>0</div></div>		in % of the number of requests for mediation0
decision to apply administrative sanctions penalties in case of litigation	88	<div><div></div><div>0</div></div>		in % of the number of requests for mediation0
functioning inspectorate / enforcement				
inspectors available in sufficient quantities	89	<div><div></div><div>80</div></div>	%	
inspectors sufficiently qualified	90	<div><div></div><div>60</div></div>	Performance qualification: they are qualified but not facilitated	
inspectors are sworn in	91	<div><div></div><div>0</div></div>	%	
qualified laboratories well used by inspectors	92	<div><div></div><div>100</div></div>		
number of investment projects approved (in the past three years)	93	<div><div></div><div>450</div></div>	2010	
2013 number of inspections carried out	94	<div><div></div><div>350</div></div>		77,778 % of the number of approved investment projects (in the past three years):
2013 number of administrative sanctions imposed	95	<div><div></div><div>60</div></div>		17,143 % of the number of inspections done
2013 number of cases in which imposition of administrative sanctions has been foregone in a non regu	96	<div><div></div><div></div></div>	Niet ingevuld, overgeslagen	0 % of the number of inspections done

0,004166625

ANNEX 4

Review grid developed under SEEAC project (2014), containing very detailed criteria about form and content of the EIA report

Latest Grid for the Review of selected EIA reports.

For further information, please contact the Secretariat for Environmental Assessment in Central Africa (SEEAC) at seeac@seeaonline.org.

REVIEW QUESTIONS		Relevant?	Justify	If relevant Adequately addressed (grade)?	What is missing	Suggestions for improvement
1. GENERAL PRESENTATION OF THE REPORT						
1.1 Compliance of the study to the specifications						
1.1.1	Are TOR attached?					
1.1.2	Is the letter of Approval of the TOR by the Administration responsible attached?					
1.1.3	Are TOR respected?					
1.1.4	Where appropriate, are comments of the Administration responsible on TOR taken into account?					
1.2 General Outlook						
1.2.1 Physical Presentation of the document:						
1.2.1.1	Aesthetic (physical beauty of document)					
1.2.1.2	Quality of Binding					
1.2.1.3	Highlighting of the logo and the header of the promoter					
1.2.2 Organization of the report:						
1.2.2.1	Is there a table of contents at the beginning of the document(s)?					
1.2.2.2	Does it conforms to the outline of EIA?					
1.2.2.3	Is the document(s) logically organized and clearly structured so that the reader can locate information easily?					

1.2.3 Page numbering in the document:						
1.2.3.1	Number in roman numeral from the summary to the abstract					
1.2.3.2	Number in Arabic numeral from the introduction to the annexes					
1.2.3.3	Conformity of the numbering of the report with the table of contents					
1.2.3.4	Conformity of the numbering of the report with the tables of illustrations					
1.2.4 Completeness of lists (no omission) of:						
1.2.4.1	Acronyms and abbreviations					
1.2.4.2	Tables					
1.2.4.3	Figures					
1.2.4.4	Pictures					
1.2.4.5	Maps					
1.2.4.6	Annexes					
1.2.5 Bibliographic references:						
1.2.5.1	Accuracy at the level of the bibliography of all references in the report.					
1.2.6 Quality of illustrations:						
1.2.6.1	Brightness (photos, figures, maps, etc.)					
1.2.6.2	Exploitability/expressiveness					
1.2.6.3	Relevance					
1.2.6.4	Systematic indication of sources of information presented in the illustrations.					
1.2.7 Size and uniformity of the Font in the report:						
1.2.7.1	Size: 12 points					
1.2.7.2	Line spacing: 1.15					
1.2.7.3	Font: "Arial or Times New Roman"					
1.2.7.4	Font uniform to the whole document					

1.3. General quality of content						
1.3.1 General Methodology of the study:						
1.3.1.1	Check that the different approaches to data collection and analysis are clearly presented.					
1.3.1.2	Check that these approaches are relevant in relation to the study.					
1.3.1.3	Check that the approaches announced are actually followed in the study.					
1.3.1.4	Check that the time horizon of the study is long enough to account for delayed or seasonal effects).					
1.3.2 Quality of content:						
1.3.2.1	Is the Environmental Information available in one or more clearly defined documents?					
1.3.2.2	Is the presentation comprehensive but concise, avoiding irrelevant data and information?					
1.3.2.3	Are all analyses and conclusions adequately supported with data and evidence?					
1.3.2.4	Are all sources of data properly referenced?					
1.3.2.5	Is consistent terminology used throughout the document(s) (Spelling and Grammar errors, Omissions, redundancy, Neologisms, Subjects and verbs agreement, Syntax errors, use of unfit/not appropriate words or expressions) ? specify the pages and paragraphs.					
1.3.2.6	Foreign elements in the report (elements of copy-paste) ? (specify the pages and paragraphs)					

1.3.2.7	Does it read as a single document with cross referencing between sections used to help the reader navigate through the document(s)?					
1.3.2.8	Is the presentation demonstrably fair and as far as possible impartial and objective?					
2. NON-TECHNICAL SUMMARY						
2.1 Consistency of the non-technical summary and its translation						
2.1.1	Does the EIA Report have a Non-Technical Summary?					
2.1.2	Is the Summary written in non-technical language, avoiding technical terms, detailed data and scientific discussion?					
2.1.3	Would it be comprehensible to a lay member of the public?					
2.1.4	Is the Translation to the second language well done? (Cameroon)?					
2.1.5	Does the Summary provide the objective and justification of the project?					
2.1.6	Does the summary provide the location of the project?					
2.1.7	Does the summary provide the project proponent?					
2.1.8	Does the summary provide a concise but comprehensive description of the Project, its environment, the effects of the Project on the environment and the proposed measures (enhancement, mitigation)?					
2.1.9	Does the summary provide elements of the Environmental Management Plan (including measures, monitoring and contingency plans)?					

2.1.10	Does the Summary provide a Brief explanation of the methods by which information and data were obtained and an indication of the confidence that can be placed in them?					
2.1.11	Does the Summary highlight any significant uncertainties about the Project and its environmental effects?					
3. INTRODUCTION						
3.1.1	Objectives and rationale of the project including the problem that the project intends to solve.					
3.1.2	Presentation of the EIA context and justification.					
3.1.3	Presentation of the project proponent (Names, addresses, telephone numbers, and applicable legal documentation of proponents; Financial viability of the company (including a certified banking statement indicating that the company is financially stable and reputable; Bonding requirements and proof of ability to meet bonding requirements sufficient to cover the anticipated costs of environmental management during all phases of the project.					
3.1.4	Presentation of the consulting firm that conducted the study (Name, address and registry number of contractors).					
3.1.5	Presentation of the team of consultants (Names, contact information, qualifications and registry numbers of key personnel involved in the study; as well an affidavit indicating their area of participation. List of professionals/experts participating in the EIA, their areas of expertise, degrees, experience, professional registrations and stamps, seals and signatures.					

3.1.6	Presentation of the organization of the EIA report.					
4. PROJECT DESCRIPTION						
4.1 The objectives and physical characteristics of the project						
4.1.1	Is the programme for implementation of the Project described, detailing the estimated length of time and start and finish dates for construction, operation and decommissioning? (this should include any phases of different activity within the main phases of the Project, for example extraction phases for mining operations.)					
4.1.2	Are all the main components of the project described?					
4.1.3	Is the location of each Project component identified, using maps, plans and diagrams as necessary?					
4.1.4	Is the layout of the site (or sites) occupied by the project described? (including ground levels, buildings, other physical structures, underground works, coastal works, storage facilities, water features, planting, access corridors, boundaries)					
4.1.5	For linear projects, are the route corridor, the vertical and horizontal alignment and any tunneling and earthworks described?					
4.1.6	Are the activities involved in construction of the project all described?					
4.1.7	Are the activities involved in operation of the project all described?					
4.1.8	Are the activities involved in decommissioning the project all described? (e.g. closure, dismantling, demolition, clearance, site restoration, site re-use etc.)					

4.1.9	Are any additional services required for the project all described? (e.g. transport access, water, sewerage, waste disposal, electricity, telecoms) or developments (e.g. roads, power lines, pipelines)					
4.2 Size of the project						
4.2.1	Is the area of land occupied by each of the permanent project components quantified and shown on a scaled map? (including any associated access arrangements, landscaping and ancillary facilities)					
4.2.2	Is the area of land required temporarily for construction quantified and mapped?					
4.2.3	Is the reinstatement and after use of land occupied temporarily for operation of the Project described? (e.g. land used for mining or quarrying)					
4.2.4	Is the size of any structures or other works developed as part of the Project identified? (e.g. the floor area and height of buildings, the size of excavations, the area or height of planting, the flow or depth of water)					
4.2.5	Is the form and appearance of any structures or other works developed as part of the Project described? (e.g. the type, finish and colour of materials, the architectural design of buildings and structures, plant species, ground surfaces, etc.)					
4.3 Production processes and resources used						
4.3.1	For projects generating substantial traffic flows, is the type, volume, temporal pattern and geographical distribution of new traffic generated or diverted as a consequence of the Project described?					

4.3.2	Are all the processes involved in operating the Project described? (e.g. engineering processes, agricultural or forestry production methods, extraction processes)					
4.3.3	Are the types and quantities of outputs produced by the Project described? (these could be fuels, fuel plants, thermal or electric power)					
4.3.4	Are the types and quantities of raw materials and energy needed for construction and operation discussed?					
4.3.5	Are the environmental implications of the sourcing of raw materials discussed?					
4.3.6	Is efficiency in use of energy and raw materials discussed?					
4.3.7	Are any hazardous materials used, stored, handled or produced by the Project identified and quantified? <ul style="list-style-type: none"> during construction during operation during decommissioning 					
4.3.8	Are the transport of raw materials to the Project and the number of traffic movements involved discussed? <ul style="list-style-type: none"> during construction during operation during decommissioning 					
4.3.9	Is employment created or lost (qualitatively and quantitatively) as a result of the Project discussed? <ul style="list-style-type: none"> during construction during operation during decommissioning 					

4.3.10	Are the access arrangements and the number of traffic movements involved in bringing workers and visitors to the Project estimated? <ul style="list-style-type: none"> during construction during operation during decommissioning 					
4.3.11	Is the housing and provision of services for any temporary or permanent employees for the Project discussed (relevant for Projects requiring migration of a substantial new workforce into the area for either construction or the long term) ?					
4.4 Residues and Emissions						
4.4.1	Are the types and quantities of solid waste generated by the Project identified? (including construction or demolition wastes, surplus spoil, process wastes, by-products, surplus or reject products, hazardous wastes, household or commercial wastes, agricultural or forestry wastes, site clean-up wastes, mining wastes, decommissioning wastes) <ul style="list-style-type: none"> during construction during operation during decommissioning 					
4.4.2	Are the composition and toxicity or other hazards of all solid wastes produced by the Project discussed?					
4.4.3	Are the methods for collecting, storing, treating, transporting and finally disposing of these solid wastes described?					
4.4.4	Are the locations for final disposal of all solid wastes discussed?					
4.4.5	Are the types and quantities of liquid effluents generated by the Project identified? (including site					

	drainage and run-off, process wastes, cooling water, treated effluents, sewage.) <ul style="list-style-type: none"> during construction during operation during decommissioning 					
4.4.6	Are the composition and toxicity or other hazards of all liquid effluents produced by the Project discussed?					
4.4.7	Are the methods for collecting, storing, treating, transporting and finally disposing of these liquid effluents described?					
4.4.8	Are the locations for final disposal of all liquid effluents discussed?					
4.4.9	Are the types and quantities of gaseous and particulate emissions generated by the Project identified? (including process emissions, fugitive emissions, emissions from combustion of fossil fuels in stationary and mobile plant, emissions from traffic, dust from materials handling, odors) <ul style="list-style-type: none"> during construction during operation during decommissioning 					
4.4.10	Are the composition and toxicity or other hazards of all emissions to air produce by the Project discussed?					
4.4.11	Are the methods for collecting, treating and finally discharging these emissions to air described?					
4.4.12	Are the locations for discharge of all emissions to air identified and the characteristics of the discharges identified? (e.g. height of stack, velocity and temperature of release)?					

4.4.13	Is the potential for resource recovery from wastes and residues discussed? (including re-use, recycling or energy recovery from solid waste and liquid effluents)?					
4.4.14	Are any sources of noise, heat, light or electromagnetic radiation from the Project identified and quantified? (including equipment, processes, construction works, traffic, lighting, etc.)?					
4.4.15	Are the methods for estimating the quantities and composition of all residues and emissions identified and any difficulties discussed?					
4.4.16	Is the uncertainty attached to estimates of residues and emissions discussed?					
5. PROJECT ALTERNATIVES						
5.1.1	Is the baseline situation in the 'No Project' situation (what happens in absence of the proposed project) described?					
5.1.2	Are the alternatives realistic and genuine alternatives to the Project that are reasonable technically and economically feasible project options including alternative designs, technology, site design and facility design options for the project location described?					
5.1.3	Are alternatives equally described to enable proper comparison by the decision maker. (This includes identification and analysis of impacts for these alternatives, and measures to mitigate these impacts)					
5.1.4	Are the main reasons for choice of the proposed Project explained, including any environmental reasons for the choice?					
6. PROJECT BASELINE (PROJECT SITE AND SORROUNDING)						
6.1 Aspects of the Environment						

6.1.1	Are the existing land uses of the land to be occupied by the Project and the surrounding area described and are any people living on or using the land identified? (including residential, commercial, industrial, agricultural, recreational and amenity.)					
6.1.2	Are any developments likely to occur as a consequence of the Project identified? (e.g. new housing, roads, water or sewerage infrastructure, aggregate extraction.)					
6.1.3	Are any existing activities which will alter or cease as a consequence of the Project identified?					
6.1.4	Are any other existing or planned developments with which the Project could have cumulative effects identified?					
6.1.5	Are the topography, geology and soils of the land to be occupied by the Project and the surrounding area described?					
6.1.6	Are any significant features of the topography or geology of the area described and are the conditions and use of soils described? (including soil quality stability and erosion, agricultural use and agricultural land quality)					
6.1.7	Are the fauna and flora and habitats of the land to be occupied by the Project and the surrounding area described and illustrated on appropriate maps?					
6.1.8	Are species populations and characteristics of habitats that may be affected by the Project described and are any designated or protected species or areas defined?					
6.1.9	Is the water environment of the area described? (including running and static surface waters, groundwater, estuaries, and including run off and drainage.)					
6.1.10	Are the hydrology, water quality and use of any water resources that may be affected by the Project					

	described? (including use for water supply, fisheries, angling, bathing, amenity, effluent disposal)					
6.1.11	Are local climatic and meteorological conditions and existing air quality in the area described?					
6.1.12	Is the existing noise climate described?					
6.1.13	Is the existing situation regarding light, heat and electromagnetic and radioactive radiation described?					
6.1.14	Are any material assets in the area that may be affected by the Project described? (including buildings, other structures, mineral resources, water resources)					
6.1.15	Are any locations or features of archaeological, historic, architectural or other community or cultural importance in the area that may be bisected the Project described, including any designated or protected sites?					
6.1.16	Is the landscape or townscape of the area that may be affected by the Project described, including any designated or protected landscapes and any important views or viewpoints?					
6.1.17	Are demographic, social and socio-economic conditions (e.g. employment) in the area described?					
6.1.18	For projects involving the displacement of people or businesses, are the numbers and other characteristics of those displaced described?					
6.1.19	Are emerging issues considered: Gender and HIV AIDS; Climate change etc.					
6.1.20	Are any future changes in any of the above aspects of the environment that may occur in the absence of the project described? (the so called Moving Baseline or No Project situation)?					
6.2 Data Collection and survey methods						

6.2.1	Has the study area been defined widely enough to include all the area likely to be significantly affected by the Project?					
6.2.2	Have all relevant national and local agencies been contacted to collect information on the baseline environment?					
6.2.3	Have sources of data and information on the existing environment been adequately referenced?					
6.2.4	Where surveys have been undertaken as part of the Environmental Studies to characterize the baseline environment are the methods used, any difficulties encountered and any uncertainties in the data described?					
6.2.5	Were the methods used appropriate for the purpose?					
7. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK						
7.1.1	Effectiveness of the consideration of all policy/legal texts applicable to the project (Conventions, Laws, Regulations, Standards and others), In the absence of such standards, identify a set of benchmarks used in the analysis.					
7.1.2	Highlighting the relevant provisions contained in each text.					
7.1.3	Prioritization of texts and hierarchical contained in the report.					
7.1.4	Applicable natural resource management or protected area management measures.					
7.1.5	Identification and justification of the integration of all relevant institutions in the report (administrations and other concerned structures).					
8. PUBLIC AND STAKEHOLDER CONSULTATIONS						
8.1.1	Is the consultation process transparent?					

8.1.2	Is the consultation process in compliance with the regulations in force (time limits for referral to the population), time allocated for public hearings?					
8.1.3	Is the methodology of public consultation described?					
8.1.4	Report from the public consultation established (Presenting the results of the consultation: views and concerns of stakeholders).					
8.1.5	Documents from the consultation of stakeholders (list of persons and authorities encountered, lists of presences and minutes meetings jointly signed by the representatives of the populations and his/her representative, approved program, pictures of public consultations) attached.					
8.1.6	Integration of public contribution in the EIA report.					
8.1.7	Layout of the public consultation report enables the reader to find and assimilate information easily and quickly. External data source are acknowledged.					
8.1.8	Identification of consultation team members.					
8.1.9	Emphasis information is presented without bias and receives the emphasis appropriate to its importance in the context of the project.					
8.1.10	Prominence and emphasis is given to all potentially significant impacts, both adverse and beneficial, in a balanced manner.					
8.1.11	The statement is unbiased (neutral) and does not lobby for any particular point of view.					
9. ENVIRONMENTAL AND SOCIAL IMPACTS ASSESSMENT						
9.1.1	Presentation of the methodology used for the identification of impacts.					

9.1.2	All important impacts identified in the EIA TOR are included in the report. Deviations and conclusions are adequately accounted for.					
9.1.3	Identification and characterization of the impacts of the project (including, where appropriate, the cumulative and residual impacts.					
9.1.4	Impacts are analysed as a deviation from baseline conditions, i.e. the difference between environmental conditions expected if the development were not to proceed and those expected as a consequence of it.					
9.1.5	Highlight of the links/interactions between impacts, activities and environment affected.					
9.1.6	Due attention is paid to environmentally sensitive areas, to off-site, time delayed or recurring (e.g. seasonal) impacts.					
9.1.7	Consideration is not limited to effects which will occur under design operating conditions. Where appropriate, impacts which might arise from non-standard operating conditions or due accidents, are also included.					
9.1.8	All phases of the projects are considered e.g. pre-construction, operation and decommissioning.					
9.2 Prediction of direct impacts						
9.2.1	Are direct, primary effects on land uses, people and property described and where appropriate quantified?					
9.2.2	Are direct, primary effects on geological features and characteristics of soils and where appropriate quantified?					
9.2.3	Are the direct primary effects on fauna and flora and habitats described and where appropriate quantified?					
9.2.4	Are direct, primary effects on hydrology and water quality of water features described and where					

	appropriate quantified?					
9.2.5	Are direct, primary effects on uses of the water environment described and where appropriate quantified?					
9.2.6	Are direct, primary effects on the acoustic environment (noise and vibration) described and where appropriate quantified?					
9.2.7	Are direct primary effects on heat, light, or electromagnetic radiation described and where appropriate quantified?					
9.2.8	Are direct primary effects on material assets and depletion of non-renewable natural resources (e.g. fossil fuels, minerals) described?					
9.2.10	Are direct, primary effects on locations or features of cultural importance described?					
9.2.11	Are direct, primary effects on the quality of the landscape and on views and viewpoints described and where appropriate illustrated?					
9.2.12	Are direct, primary effects on demography, social and socio-economic condition in the area described and where appropriate quantified.					
9.3 Prediction of secondary, temporary, short term, permanent, long term, accidental, indirect, cumulative effects						
9.3.1	Are secondary effects of any of the above aspects of the environment caused by primary effects on the other aspects described and where appropriate quantified? i.e. effects on fauna, flora or habitats caused by soil, air, or water pollution or noise, effects on uses of water cause by changes in hydrology or water quality, effects on archaeological remains caused by desiccation on soils, effects of climate change)					

9.3.2	Are temporary, short term effects caused during construction or during time limited phases of project operation or decommissioning of the project described?					
9.3.3	Are permanent effects on the environment caused by construction, operation or decommissioning of the project described?					
9.3.4	Are long term effects on the environment caused over the life-time of project operations or caused by build-up of pollutants in the environment described?					
9.3.5	Are effects which could result from accidents, abnormal events or exposure of the project to natural or man-made disasters described and where appropriate quantified?					
9.3.6	Are effects on the environment caused by activities ancillary to the main projects described? (ancillary activities are part of the project but usually take place distant from main project location e.g. construction of access routes and infrastructure, traffic, movements, sourcing of aggregates and other raw materials generation and supply of power, disposal of effluents or wastes?					
9.3.7	Are direct effects on the environment caused by consequential development described? (Consequential development is other projects, not part of the main project, stimulated to take place by implementation e.g. to provide new goods and services needed for the project, to house new populations or businesses stimulated by the project.					

9.3.8	Are cumulative effects on the environment off the project together with other existing or planned developments in the locality described? (different future scenarios including a worst case scenario should be described)					
9.3.9	Are the geographic extent, duration, frequency, reversibility and probability of occurrence of each effect identified as appropriate?					
9.4 Prediction of impacts on human health and sustainable development issues						
9.4.1	Individual groups, communities and government agencies affected by the project area are clearly identified.					
9.4.2	Are primary and secondary effects on human health and welfare described and where appropriate quantified? (e.g. health effects caused by release of toxic substances to the environment, health risks arising from major hazards associated with the Project, effects caused by changes in disease vectors caused by the project, changes in living conditions, effects on vulnerable groups)					
9.4.3	Are impacts on issues such as biodiversity, gender and HIV Aids, global climate change and sustainable development discussed where appropriate?					
9.5 Evaluation of impacts						
9.5.1	Description of the assessment methodology: are methods used to predict effects described and are the reasons for their choice, any difficulties encountered and uncertainties in results discussed?					
9.5.2	Where there is uncertainty about the precise details of the project and its impact on the environment are worst case predictions described?					

9.5.3	Where there have been difficulties in compiling the data needed to predict or evaluate effects are these difficulties acknowledged and their implications for the results discussed?					
9.5.4	Is the basis for evaluating the significance or importance of the impacts clearly described? (The data used to estimate the severity of impacts is sufficient for the task and clearly is clearly described. Any gaps in the required data are indicated and accounted for).					
9.5.5	Are impacts analyzed on the basis that all proposed mitigation has been implemented i.e. are residual impacts described?					
9.5.6	Is the level of treatment of each impact appropriate to its importance for the development consent condition? Does the discussion focus on key issues and avoid irrelevant or unnecessary information?					
9.5.7	Is appropriate emphasis given to the most severe, adverse effects of the project with lesser emphasis given to less significant effects?					
9.5.8	Where possible, economic values are attributed to environmental costs and benefits.					
9.6 Evaluation of significance of impacts						
9.6.1	The methods used to predict impacts severity are described and are appropriate to the size and importance of the projected disturbance. The assumptions and limitations of the methods are explicitly discussed.					
9.6.2	The choice of standards, assumptions and value systems used to assess significance are justified and the existence of opposing or contrary opinions acknowledged.					

9.6.3	Descriptions of impacts severity encompass the appropriate characteristics of impact (e.g. magnitude, areal extent, duration, frequency, reversibility, likelihood of occurrence).					
9.6.4	Where possible, estimates of impacts are recorded in measurable quantities with ranges and/or confidence limits as appropriate. Qualitative descriptions, where necessary, are as fully defined as possible (e.g. 'minor' means not perceptible from more than 10 m distance).					
9.6.5	Is the significance or importance of each predicted effect discussed in terms of its compliance with legal requirement and the number, importance and sensitivity of people, resources or other receptors affected?					
9.6.6	Where effects are evaluated against legal standards or requirements are appropriate local, national or international standards used and relevance guidance followed?					
9.6.7	Assessment of impact significance: the expected significance that the projected impacts will have for the society is adequately assessed. The source of quality standards plus rationale, assumptions and value judgments used in assessing significance are fully described					
9.6.8	The significance of all impacts which will remain after mitigation are described and clearly distinguished from impact severity					
9.6.9	Where possible, economic values are attributed to environmental costs and benefits.					
9.7 Risks of accidents and hazards						
9.7.1	Are any risks associated with the Project discussed? ▪ risks from handling of hazardous materials					

	<ul style="list-style-type: none"> ▪ risks from spills fire, explosion ▪ risks of traffic accidents ▪ risks from breakdown or failure of processes or facilities ▪ risks from exposure of the Project to natural disasters (earthquake, flood, landslide, etc.) 					
9.7.2	Are measures to prevent and respond to accidents and abnormal events described?					
10. MITIGATION MEASURES						
10.1.1	Where there are significant adverse effects on any aspect of the environment, is the potential for mitigation of these aspects discussed?					
10.1.2	Are any measures which the developer proposes to implement to mitigate effects clearly described and their effect on the magnitude and significance of impacts clearly explained?					
10.1.3	Scope and effectiveness of mitigation measures: all significant adverse impacts are considered for mitigation. Evidence is presented to show that proposed impact management measures will be appropriate and effective.					
10.1.4	It is clear to what extent the mitigation methods will be effective. Where effectiveness is uncertain or depends on assumptions about operating procedures, climatic conditions, etc., data is introduced to justify the acceptance of these assumptions. (If the effect of mitigation measures on the magnitude and significance of impacts is uncertain).					
10.1.5	Concerned stakeholders (individuals, groups, communities, government agencies) have been adequately consulted and their views accounted for in the development of mitigation measures.					

10.1.6	Is it clear whether the developer has made commitment to implement the proposed mitigation or that the mitigation measures are just suggestions or recommendations?					
10.1.7	Are the developers reasons for choosing the proposed mitigation explained?					
10.1.8	Are responsibilities for implementation including funding clearly explained?					
10.1.9	Where mitigation of significant adverse effects is not practical or the developer has chosen not to propose any mitigation are the reasons for this explained?					
10.1.10	Is it evident that the EIA team and the developer have considered the full range of possible approaches to mitigation including measures to reduce or avoid impacts by alternative strategies of locations, changes to the project design and layout, changes to methods and processes, 'end of pipe treatment', changes to implementation plans and management practices, measures to repair or remedy impacts and measures to compensate impacts?					
10.1.11	Are arrangements proposed to monitor and manage residual impacts?					
10.1.11	Are any negative effects of the proposed mitigation described?					
11. ENVIRONMENTAL MANAGEMENT PLAN						
11.1 Does the EIA include an environmental management plan with a relevant content as to the following aspects						
11.1.1	Significant Impacts					
11.1.2	Proposed measures					
11.1.3	Responsible Parties/Commitment					
11.1.4	Indicators					
11.1.5	Cost					

11.1.6	Timing (frequency and duration)					
11.1.7	Check whether all elements from Public Consultation section are considered in this table.					
11.1.8	Check whether needs for reinforcement of capacities to carry out EMP, if necessary, identify training needs.					
12. FOLLOW UP MONITORING AND EVALUATION PROGRAMME/PLAN						
12.1 Does the EIA include a follow-up monitoring and evaluation programme/plan with a relevant content as to the following aspects:						
12.1.1	Impacts					
12.1.2	Significance of impact					
12.1.3	Recommendations					
12.1.4	The Follow up Team					
12.1.5	Follow up Indicators (parameters, means of verification, etc.)					
12.1.6	Timing					
12.1.7	Cost and responsibility					
12.1.8	The Monitoring Team (Civil Society, central and local administration, local communities, Independent Experts)					
12.1.9	Monitoring Indicators (parameters, means of verification, etc.)					
13. CONTINGENCY PLANS						
13.1 Does the EIA contains contingency plans to address a) failure to meet specific performance criteria established by law or necessary for the project to meet its commitments in the EIA and b) respond to natural and other risks previously identified and mitigated in the EIA in the event reasonable and feasible mitigation measures to address the risks are inadequate? These contingency plans include:						
13.2.1 Performance-related Contingency Plans in case						
13.2.1.1	Environmental standards are not being met					
13.2.1.2	Impacts are greater than predicted					
13.2.1.3	The mitigation measures and/or rehabilitation are not performing as predicted					

13.3.1 Natural Disaster and other risks Risk Response Plan in case						
13.3.1.1	That risk identification and risk reduction have been addressed in other parts of the EIA					
13.3.2 Response plan in case						
13.3.1.1	That risk identification and risk reduction have been addressed in other parts of the EIA					
14. TECHNICAL CONCLUSION						
14.1.1	Major gaps in information. Explain the information that was not found and its importance to the EIA study					
15. BIBLIOGRAPHY						
15.1.1	All literature used in the main report should be cited to help and verify where the information is coming from					
16. APPENDICES						
16.1.1	Approved TOR					
16.1.2	Letter of approval of TOR					
16.1.3	Referenced Maps (including location map)					
16.1.4	Photos of the project site					
16.1.5	Proof of ownership of land					
16.1.6	Evidence of Consultations					
16.1.7	Site layout plans					
16.1.8	Other technical studies					