

Senegal

EIA profile

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Overview ESIA procedure

After the project notice is sent to the DEEC, management conducts a preliminary sorting to determine the scope of the environmental study. Then, the promoter submits the ToRs to the DEEC for validation.

After the environmental report is submitted, DEEC sets up a technical committee to comment on the document. The promoter can incorporate comments from the technical committee and submit a new version of the report.

After that, the technical committee prepares in relation to the promoter and the holding of a public hearing based on the return of the report of the study of impact.

Following the final validation of the report, the DEEC issues a certificate of authorization to the promoter.

Screening

Screening process

After the project notice is filed, DEEC organizes a site visit of the project in the company of some members of the technical committee. This visit allows to identify all the elements of sensitivity on the site and in the surrounding area in order to decide on the type of study to be carried out.

Timeline Screening

The DEEC has a maximum of 15 days to determine if an EIA is required for the project.

Scoping

Scoping process

ToRs are required to establish an EIA report.

Contents of the scoping document

According to 2001 Ministerial Decision 9471, ToRs must contain responses to the following topics:

1. A description of the baseline state of the environment
2. An assessment of the effects of the project on the environment;

3. An analysis of the project's impact on local populations;
 4. An assessment of the measures envisaged for wastewater disposal, solid waste disposal and emission reduction;
 5. Identifying positive or negative impacts on the environment;
 6. An analysis of the possibilities available to measures to improve the environment;
 7. A presentation of the legal and institutional framework including environmental standards and licensing procedures;
 8. An assessment of the effects of the pricing, taxes and subsidies provisions affecting the environment;
 9. An assessment of the impacts generated with indication of the standards used;
 10. A review of the main alternatives with an estimate of the consequences of rejecting the project;
 11. A presentation of proposed mitigation measures or project variants to mitigate adverse environmental impacts;
 12. A comparative analysis of mitigation measures or project-variants;
 13. A list of measures to protect and/or resettle affected population groups;
- A non-technical summary of the main recommendations.

Assessment

Contents of the EIA report

According to 2001 Ministerial Stop 9472, the EA report consists of:

1. One title page
2. An appreciative/non-technical summary of the information provided including key study findings and recommendations;
3. A table of contents
4. Lists of tables, figures and appendices;
5. An introduction
6. A complete description of the project: project and site justification, expected objectives and results, determining the geographic boundaries of the project area, methods, facilities, products and others means used;
7. An analysis of the initial condition of the site;
8. A summary of the legal framework of the study;
9. Description and analysis of project variants:
 - identification of feasible variants,
 - comparative analysis of variants,
 - justification for choosing the preferred variants,
 - description of the selected variable;

10. An assessment of the impacts that the project is likely to generate at the end of operations;
11. Risk of technological accidents
12. Identification and description of preventive measures to control, remove, mitigate and compensate negative impacts;
13. Framework for environmental monitoring and monitoring. At the pre-construction phase, the developer will submit a detailed plan;
14. A general conclusion based on the main measures to be taken to limit or eliminate the most significant negative impacts and to indicate the inadequacies that could reduce the validity of results

Appendices

Accreditation of consultants

Article 42 of the Environmental Code's implementation decree explains: "To ensure the quality of environmental assessments and to ensure the independence of thought, action and judgment, the design offices are approved to carry out EIA."

Ministerial decision 9470 of 2001 specifies the deliverance of accreditation to carry out activities related to environmental impact studies. In addition, the judgment lists the conditions for receiving approval and content of the application for accreditation

Review

Review process

After receiving the EIA, the DEEC takes responsibility for the technical committee secretariat (CT) for the technical evaluation of the report. The CT assesses the quality of environmental impact assessment reports and the compliance of the report and the environmental impact assessment process under the terms of reference.

The CT's opinion is not published. However, an account of the meeting is prepared and forwarded to the promoter as well as to the members of the technical committee.

The promoter has 15 days to deal with the CT's department, prior to the public hearing.

Review expertise

According to Ministerial Decision No. 9469 of 2001, the Technical Committee is composed of:

Members of the Directors of Environment, Planning, Agriculture, Industry, Mines, Energy, Livestock, Urban Areas and Archaeology, the Institute of Environmental Sciences, the Infrastructure Agency, Investment promotion and major works, trade, water and forests, public works, National Weather; Protection of Vegetables (DPV), Hydraulics, Parks Tourism Promotion, Public Health, Land Development; CONGAD Executive Secretary; President of the Senegalese Association for Impact Studies; The President of the National Assembly (Committee on the Environment); President of the Senegal Union of Industrial Professionals; President of the Association of Rural Community Presidents; President of the Association of Mayors of Senegal; President of the National Council for the Rural Areas. A selection of members is chosen for each evaluation-- not everyone.

Timeline Review

15 days maximum

Decision making

Integration of ESIA into decision-making

Any new project on the list of classified establishments applying for an operating permit must submit a file for an environmental impact assessment. The impact assessment is submitted by the proponent to the Ministry of the Environment, which issues a certificate of authorization after technical advice from the DEEC.

Decision justification

The decision on the impact study is the subject of a ministerial decree which is published in the Official Journal . The law does not indicate if a justification for the decision is necessary.

A presentation note containing the findings of the technical committee meeting and the public hearing is attached to the order. It is a justification for the decision

Timeline decision-making

The CT has 15 days to give an opinion on the environmental impact assessment report. After the promoter has the opportunity to improve its report and resubmit it within a maximum of 15 days to the DEEC. Then, the DEEC has one month to organize the public hearing. After the public hearing, the promoter still has 15 days to improve it, taking into the public's suggestions. Recently, the DEEC has 15 days to approve or reject the report.

So in total between the first version of the report and final approval is a delay of up to 3 months

Follow-up

Compliance monitoring

The proponent must implement the measures contained in the environmental and social management plan validated in the EIA.

The Environmental Impact Studies Division (EEIA) is in charge of monitoring the implementation of the Environmental Management Plans.

After the validation of the EIA, the promoter must submit environmental monitoring reports to the DEEC every semester.

Upon receipt of these monitoring reports, the DEEC conducts environmental monitoring missions to verify the compliance of activities with the validated environmental management plan. Environmental monitoring reports are prepared after each mission by the DEEC.

Non-compliance penalties

According to Article 94 of the Environmental Code, anyone who:

1. carried out a project covered by Article L 50 without an impact study;
2. carried out a project that did not meet the criteria, standards and measures set out in the impact study;
3. opposes the completion of the controls and analyses provided for in this Act;

is punished with a fine of 2,000,000 to 5,000,000 FCFA and a sentence of six months to two years in prison or one of these two sentences.

In the event of non-compliance with the measures enacted in the environmental management plan, the DEEC withdraws the certificate of environmental compliance from the proponent. The retraction of this certificate results in the suspension of the project.

Stakeholder engagement

Public participation requirements for ESIA process stages

Ministerial Decision 9468 of 2001 contains the regulation of public participation in the environmental impact study.

Article two points out that the Environment Code allows public participation at all stages of the environmental impact study of projects to ensure better decision-making. Public participation follows the following procedure:

1. announcement of the initiative by posting to the town hall or to governance and/or press release (written or spoken);
2. filing documents with the town hall or the local community concerned;
3. holding an information meeting
4. collecting written and oral comments;
5. negotiations if needed;
6. preparation of the report.

Regarding the last element: The CT in relation to the promoter holding a public hearing based on the return of the report of the report. The CT secretariat (DEEC) prepares a public hearing report after one week.

Timeline for public comments

After the second submission of the report by the proponent (after the opinion of the CT), the DEEC has one month to organize the public consultation. After the public consultation, the promoter has still 15 days to improve it, taking into account the suggestions of the public.

Access to information

According to Article 11 of the Environmental Code Implementation Decree, the decision on the impact assessment is the subject of ministerial decree set in the Official Journal.

ESIA practice

Annual no. of ESIA's

Approximately 60 EIAs are reviewed and validated per year

source

DEEC

Central ESIA database

An internal database exists but for the exclusive use of the DEEC. A project to outsource this database was underway in 2018. However, any applicant can come and consult the EIA reports on site in paper form either at the DEEC or the DREEC.

Professional bodies

No active association of impact assessment professionals existed in 2018.

Relevant links

<http://www.denv.gouv.sn/>

Background information

History of ESIA

The 2001 Environmental Act, *No. 2001-01* is the first national regulation for ESIA. The environmental law is supported by the Decree on the Application of the Law *Decree 2001-282, 2001*, which complements the environmental code. It defines the procedure for assessing and reviewing impact assessment, content and public consultation.

Legal framework

Enabling law

In descending order:

1. The Senegalese constitution - *Law No. 2016-10 of April 5, 2016* - ensures a healthy environment for all and establishes the principle of environmental assessment for any project.
2. The Environmental Code of 2001 establishes a legal framework for good environmental management. It defines the application area as well as the various types of EA that exist:
 - Strategic Environmental Assessment
 - Environmental Impact Assessment
 - Initial Environmental Analysis
 - Environmental Audit

- Decree No. 2001-282 complements the code of Environment. It defines the procedure for assessing and reviewing the impact assessment, its content and public consultation.
- A few ministerial decisions - *nos. 9468-9472 of 2001* - explain in more detail the procedures such as the participation publique, the missions of the technical validation committee of environmental assessments, the report content, the content of the Terms of Reference (TdR) of the EIA, the accreditation of design offices and consultants authorized to carry out EAs in Senegal.

source

Law No. 2016-10 of April 5, 2016 - Art. 25.2

The Environmental Code of 2001 - Art 48

Decree No. 2001-282

National detailed regulation

The 2001 Environmental Act, Law No. 2001-01 is the first national regulation for EIA. The environmental law is supported by the Decree on the Application of the Law (Decree 2001-282, 2001), which complements the environmental code, defines the procedure for assessing and reviewing impact assessment, content and public consultation.

Sector specific procedures or regulations

Other departments in their areas of jurisdiction may by decree develop sector guides in relation to the Ministry of the Environment.

Scope of application

Senegalese law distinguishes between two categories of projects: Category 1 projects requiring an EIA and Category 2 projects for which an initial environmental analysis is sufficient. Projects in each category are described in Appendix 1 and 2 of Decree 2001-282.

According to Article 9 of the Environment Code, all projects that present either health, safety, public health, agriculture, nature and the environment in general, or disadvantages to the convenience of the neighborhood are subject to the provisions of the Classified Facilities Act. That is to say: these projects are either 1st-class or 2nd-class facilities.

The nomenclature of Classified Facilities for Environmental Protection (ICPE) explains in detail the ICPE ranking of each activity as well as the applicable authorisation or reporting regime .

Institutional setting

Central ESIA authority

The Directorate of the Environment and Classified Installations (DEEC) is responsible for decisions on EIAs. In the DEEC the environmental impact assessment division is responsible for providing scientific and technical oversight and implementing compliance and legality controls .

The review and validation of EA reports is carried out by an inter-ministerial technical committee, the secretariat of which is provided by the DEEC.

(De)centralisation of mandates

Under the DEEC there are regional divisions, the DREECs, which are responsible for EIE at the regional level. They are responsible for conducting the validation procedure for initial environmental analyses (simplified EIA). They also carry out close environmental monitoring of project implementation at the regional level.

Payment system

According to art. 49 of the Environment Code, "the costs of validating environmental assessments are the responsibility of the promoter." For each validation step, the DEEC sends a detailed budget to the promoter for regulation (ToR validation, validation report, follow-up mission etc.).

Contact

Ministry of Environment and Sustainable Development's (MEDD) - Directorate of Environment and Classified Installations (DEEC)

[Contact form](#)