Netherlands Commission for Environmental Assessment

Guinea

EIA profile

Updated to: 27 July 2022

Please note:

MEDD: Ministry of Environment and Sustainable Development

AGEE: Guinean Agency for Environmental Assessment

Overview ESIA procedure

The ESIA procedure in Guinea distinguishes 4 categories of projects:

- Category A: Detailed ESIA
- Category B: Simplified ESIA
- Category C: environmental and social management
- Category D: no specific requirements.

The procedure includes the following steps:

- project notice
- screening
- scoping and Terms of Reference
- the study
- Review of the report
- Decision making
- Implementation
- Follow-up.

Milestone documents include:

- Terms of Reference for the ESIA
- ESIA report
- Environmental and Social Management Plan
- Environmental Compliance Certificat (for Cat A projects)
- Environmental Authorisation (for Cat B projects)
- Environmental and Social Specifications (for Cat C projects)

source

Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

The MEDD states that the annexe listing the categories of projects is currently under development (July 2022).

Screening

Screening process

For Cat A and Cat B projects, the proponent submits, to the MEDD and to the AGEE, a request to realise a detailed or simplified ESIA, respectively.

source

Article 17, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales

Contents of the starting document

The request must be accompanied by the ToR for the ESIA. The ToR should refer to the conclusions of any SEAs that are relevant to the project.

For any project, the request must contain a description of the project, its location, expected impacts (positive and negative), project budget and a time line for its realisation.

The documentation must contain maps, plans, sketches and other documents that help to better situate the project in its context.

source

Article 17, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales

Timeline Screening

Within 5 working days, the AGEE performes te screening and proposes a categorisation to the MEDD. The MEDD then informes the proponent within 7 working days of this decision.

source

Article 17, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales

Scoping

Scoping process

The proponent develops Terms of Reference for the ESIA and submits them to the MEDD, who transfers them to the AGEE for scoping and evaluation of the document. The evaluation may include a visit to the proposed site and a limited public consultation, both at the cost of the proponent.

source

Article 18, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales

Contents of the scoping document

Not specified, except for the above.

Timeline scoping

Within 14 days after receiving the ToR, the AGEE starts the scoping and evaluation of the ToR, in order to advise the MEDD on its quality.

The MEDD informs the proponent of its appraisal within 7 days after receiving the AGEE's advice. In its communication, the MEDD details the nature and scope of the ESIA the proponent must prepare.

Note: The ToR may indicate a reasonable timeline for the ESIA to be submitted to the MEDD. If not respected, the MEDD may ask for an actualisation of the ToR.

source

Article 18, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales

Assessment

Assessment process

The proponent is responsible for the realisation of the ESIA, in line with the vaidated ToR.

source

Article 19, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales

Contents of the EIA report

The minimum content requirement for a detailed ESIA is:

- A non technical summary
- An introduction
- A project description
- An analysis of the current situation of the site and its surroundings
- A description of the legal, political and institutional context of the projet
- A description of the alternatives
- A planning of adaptation and resilience to climate change and on migratory species and their habitats
- Impacts on gender and vulnerable persons
- Evaluation of risks and environmental and social impacts in the different project phases
- Identification and description of measures
- Results of public consultations
- A complaints mechanism
- An Environmental and social management plan

- An environmental urgencies management plan
- A general conclusion

The arrêté contains more details on each content element.

Note 1: Any project that involves involuntary resettlement (physical, economical, restricted access) must develop a resettlement action plan (PAR) when over 200 people are affected, a succinct resettlement plan when 50-199 people are affected, or propose a functional framework in case of restricted access. With less than 50 people affected, the measures to manage the resettlement must be integrated in the ESIA report (article 24).

Note 2: content requirements for simplified ESIA are not detailed here but are provided in article 26 of the same arrêté.

Note 3: the ESIA report and related documents must be prepared in French and in 29 copies (23 for the CTAE, 1 for the MEDD, 2 for the AGEAA, 2 for the Prefecture, 1 for the sector ministry). (article 47).

source

Article 25, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Accreditation of consultants

The proponent may engage a consultant to realise the ESIA. The consultant must be approved by the MEDD. If the consultant is not of Guinean nationality, he/she must engage a Guinean consultant. Both must be approved by the Ministry.

source

Article 19, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Review

Review process

The ESIA report is submitted to the MEDD for review. An actualisation may be required before analysis and validation.

AGEE carries out the review, possibly with the CTAE (see below).

The review starts with an assessment whether the ESIA report is fit for review, on the basis of the respect of the ToR, a verification mission and a public consultation carried out by the AGEE.

source

Article 20, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Review expertise

For category A and B projects, the MEDD establishes a Technical Commission for Environmental Analysis (CTAE). The composition of the CTAE depends on the project and includes government and civil society representatives. The validation session is held at central level but can also be held in a zone or region.

source

Article 20, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Timeline Review

The analysis by AGEE is done within 30 days upon receiving the ESIA report. This period does not include time taken by the proponent to reply to comments and supply additional information, nor the time needed to make necessary budget available for the remainder of the process.

Costs related to the verification mission, public consultation, CTAE's work etc are at the proponent's charge and should be intregrally paid to the AGEE before the review work commences.

source

Article 20, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Decision making

Integration of ESIA into decision-making

A 'cahier de charges environnementales et sociale (CCES)' and a protocole to support the AGEE in the follow up on the execution of the CCES are prepared and signed by the proponent before the issuing of the environmental clearance.

Cat A projects: Environmental Compliance Certificate (CCE), valid for one year and renewable by the MEDD. The CCE becomes invalid if the project has not started within two years of its issuance.

Cat B projects: environmental authorisation (AE) valid for one year and renewable by the MEDD.

Cat C projects: Avis de Conformité Environnementale (ACE), valid for one year and renewable by the AGEE.

Renewal is done annually after submission of the ESMP for cat A and B projects, or CCES for cat C projects.

source

Article 22, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Decision justification

If the ESIA report does not satisfactorily treat issues raised in the ToR or does not integrate the observations and concerns raised by the CTAE or the AGEE, the MEDD informs the proponent accordinlgy and indicates how these issues can be remedied.

The amended report is submitted directly to the AGEE and the sector ministry for review. If the MEDD does not find the response satisfactory, it may inform the proponent accordingly. This puts an end to the ESIA procedure.

source

Article 21, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Timeline decision-making

After receiving the final ESIA report, the MEDD has 7 days to take a final decision.

source

Article 22, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Follow-up

Compliance monitoring

The ESMP becomes part of the proponent's CCES. The proponent periodically submits progress reports to the AGEE and the sector ministry (every 6 months). They both monitor compliance. AGEE is assisted by Comités Préfectoraux de Suivi Environnemental et Social (CPSES)

source

Article 23, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Non-compliance penalties

In case of non compliance with the ESMP, the CCE is suspended. In case of repetition, the CCE is withdrawn.

source

Article 46, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Stakeholder engagement

Public participation requirements for ESIA process stages

Step 1: information and awareness raising of populations affected by the project, on the fact that the studies for a potential project will take place

Step 2: Public consultation notably of Project Affected People (PAP), as well as the general public, during the elaboration of the ESIA report. Tools used for this consultations must be validated beforehand by the stakeholders.

Step 3: distribution of the ESIA report among consulted target groups, for amendments and appropriation

Step 4: Acess through any means by AGEE and its representatives at appropriate local levels

Step 5: Consultation of the population by all possible means on the content of the REE (ESIA report?)

source

Article 49, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

Access to information

The draft ESIA report and the final ESIA report are made public by the AGEE through publication on its website. A national register for EA reports will be created to this end.

source

Article 19, Arrêté A/2022/1646/MEDD/CAB/SGG portant procédure administrative d'évaluations environnementales.

ESIA practice

Background information

Legal framework

Institutional setting

Contact

MEDD-GUINEE - Ministère de l'Environnement et du Développement Durable

www.medd-guinee.org