Lebanon

EIA profile

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Overview ESIA procedure

The ESIA procedure in Lebanon starts with screening of a project by the MoE, concluding that the project either requires an ESIA, an Initial Environmental Examination (IEE) or no studies at all. After reviewing an Initial Environmental Examination, the MoE can still demand for a full ESIA if significant impacts are expected.

When a project requires an ESIA, the proponent first collects stakeholder inputs and submits a scoping report to the MoE. A technical committee within the MoE reviews the scoping report, upon which more information can be demanded, or conditional or unconditional approval is given to start the study. The proponent then conducts the study and submits the ESIA report, including an Environmental Management Plan (EMP), to the MoE. As with the scoping, also the ESIA report is reviewed by a technical committee. The technical committee can ask the proponent for more information and recommends the Minister on a final decision for approval, conditional approval or disapproval. Based on this recommendation, the Minister takes a decision and informs the proponent thereof.

When the ESIA is approved, the proponent is legally bound, by signing a pledge, to adhere to the mitigation measures specified in the environmental management plan (EMP) of the ESIA. Follow up and monitoring are done by the MoE, the project owner (through periodical reports), and other relevant authorities through site visits and periodic monitoring reports.

Screening

Screening process

The screening process starts with the proponent submitting a Project Screening Form to the MoE. The Service of Environmental Technology within the MoE determines if the project requires a full ESIA. Projects listed in Annex I of the Decree 8633/2012 require an EIA, while projects listed in Annex II of Decree 8633/2012 require an Initial Environment Examination. In addition, projects located in environmentally sensitive areas listed in Annex III, or which may have a significant impact on these areas, shall be subject to EIA as well.

A technical committee established within the MoE reviews an IEE. Based on this review, the proponent may be required to conduct an ESIA study, in case significant impacts on the environment are expected or impacts on sensitive areas and ecosystems. Otherwise, the project is given conditional or unconditional approval. The proponent is informed about the screening decision through an official letter from the Minister.

source

Republic of Lebanon (2016) Environmental Impact Assessment System Evaluation, Ministry of Environment (MoE) and UNDP, November 2016

Contents of the starting document

The contents of the Project Screening Form are outlined in Annex 4 of the EIA Decree. The required information includes a.o the personal details of the project owner, the type of project, its objectives and costs, timelines for design, construction and operation and maps showing the project's location. The MoE reserves the right to ask for further documents if needed for the screening process.

Timeline Screening

After receiving the Project Screening Form, the MoE must issue a decision within 15 calendar days. If it fails to do so, the project owner can proceed with the environmental studies.

Scoping

Scoping process

IEEs require no scoping. In cases where an ESIA is required, the proponent must undertake scoping and submit a scoping report.

The scoping starts by the proponent informing stakeholders listed in Annex 5 of the EIA Decree about the upcoming ESIA. The concerned municipality is responsible to announce that the public can submit written comments, while the proponent organizes public hearing sessions. The comments collected from stakeholders and the public must be taken into account during the assessment phase and must be presented in the ESIA report.

When the scoping report is submitted to the MoE, the Service of Environmental Technology forms a committee of 3-4 persons with different expertise from inside the ministry. The creation of this committee is formalized by a ministerial decision. This committee reviews and formulates a recommendation to the Minister of either approval, conditional approval, the need for an addendum or the restart of the scoping process. The Minister takes a final decision and communicates this to the proponent. The scoping report is available at the MoE for examination.

Contents of the scoping document

The information expected in the scoping is specified in Annex 7 of the EIA Decree. The required information includes a.o:

- History, objectives and importance of the project, potential alternatives and other existing initiatives in the project area.
- Description of the project, the study area and its surrounding environment.
- ESIA objectives and scope.
- Regulations and guidelines relevant to the project
- Policy, legal and administrative frameworks.
- Coordination among official departments and public participation.
- Potential environmental impacts.
- Analysis of project alternatives.
- Environmental management plan.

- Mitigation of negative impacts.
- Monitoring plan.
- Institutional capacity development plan.

Timeline scoping

When the scoping is being prepared, the concerned municipality must publish during 15 days that there is a possibility for the public to submit written comments, within one month from the date of publishing.

Once the scoping report is registered, the technical committee must submit its recommendation to the Minister within 10 days and the MoE must issue a decision within 15 days. If it fails to do so, the project owner can proceed with preparing the ESIA, in line with the EIA decree.

Assessment

Assessment process

When doing an ESIA study, the proponent must take into account the scoping report, Annex 8 of the EIA decree (outlining required contents of an ESIA report) and stakeholder comments. For the conduct of the ESIA, the proponent must use the services of consultancies registered at the Council for Development and Reconstruction (CDR).

Contents of the EIA report

Annex 8 of the EIA decree determines the contents of the ESIA report summarized here below:

1. Executive summary

2. Table of contents

3. Introduction: Objective and need for the project

4. Policy, legal and administrative frameworks

5. Public participation

6. Description of the project

7. Description of the surrounding environment

7.1 Physical and chemical environment

7.2 Biological environment

7.3 Socio-economic environment

8. Potential environmental impacts

8.1 Physical and chemical environments

8.2 Biological environment

8.3 Social and economic environment

9. Primary analysis of alternatives

10. Environmental management plan

10.1 Impacts program

10.2 Monitoring and control program

10.3 Institutional capacity development program

11. Conclusion

12. Annexes (minutes public hearings and related reports, references, names of report writers)

Summary of project documents

13. Tables and information statements

14. List of relevant reports

15. List of scientific and non -scientific references used

16. List of the names of who prepared the ESIA report (individuals and institutions)

Accreditation of consultants

The ministerial decision 588/1 of 2015 determines that SEA, scoping, ESIA and IEE reports should be prepared by a consultancy qualified and registered at the Council for Development and Reconstruction (CDR) as environmental consultancies. These national consultancies can conduct environmental studies in collaboration with an international consultancy.

Review

Review process

The Service of the Environmental Technology starts with an initial review of the ESIA report by assessing its conformity with the EIA decree 8633/2012. If positive, the technical committee established during the scoping phase also assesses and scores the ESIA report based on the methodology described in Annex 9 of Decision 261/1/2015. If needed, this committee can demand assistance from external experts.

When reviewing the ESIA, special attention is paid to whether the stakeholder comments have been taken into consideration. Based on the review, the ESIA is approved, conditionally approved or the proponent is asked for an addendum, which implies a restart of the ESIA process. After the review, the technical committee informs the Minister about its recommendation. The Minister then informs the proponent about the final decision through an official letter. The public has the right to access the ESIA report and the MoE's position, except for intellectual or industrial property rights mentioned in the study.

Timeline Review

The period to review an ESIA report is 2 calendar months and starts on the day the report is registered at the MoE. Once the Minister decides on the ESIA or IEE, the decision is published within 5 days, respectively 2 days. The Minister?s decision is published by the municipality on its bulletin board within 15 days of its receipt.

Decision making

Integration of ESIA into decision-making

Based on the environmental studies, the MoE gives a non-binding advice. It is up to the relevant line ministries to decide how they take into account MoE's recommendations.

Possibilities for appeal

Ministerial decision 262/1 of 12/6/2015 builds on decree 8633/2012 and outlines appeal conditions and review mechanisms. Appeals must be made within 15 days of MoE decision about the ESIA/IEE report in question. Appeals to the MoE can be made for reasons such as:

- The decision to demand an ESIA study, to reject or to demand an addendum to the scoping or the ESIA report;

- The decision not to demand an ESIA;

- The decision to (the conditionally) approve a scoping or an ESIA report.

After studying the appeal, the department of Integrated Environmental Systems in the service of Environmental Technology at MoE, issues a decision within 10 days of receiving the appeal to:

1- Accept the appeal?s form and content

2- Accept the appeal?s form and part of the content

3- Reject the appeal?s form and content (and communicate the decision to the Council of Ministers in case of a public project)

4 - Request for additional information

Follow-up

Compliance monitoring

Compliance to the environmental management plan specified with the ESIA is monitored through site inspections by the MoE and through periodic reports submitted to the MoE, as agreed with the proponent. Site inspections are done according to a schedule and additionally when the MoE receives a complaint about a specific project.

Non-compliance penalties

The Environmental Protection (Law 444/ 2002, Article 58) states that proponents shall be punished by a fine or imprisonment in case a project starts without conducting the required ESIA or IEE, or when a project is not in line with the approved ESIA/IEE. In case of non-compliance, the proponent will be given a time frame to comply with the requirements or agreed conditions. If non-compliance persists, the MoE asks the relevant ministries to close down the project or to revoke the permit given to the project. The MoE also has the right to sue the project owner at environmental law courts and to enforce the polluter pays principal as stipulated in law 444.

Stakeholder engagement

Public participation requirements for ESIA process stages

In the scoping phase, the proponent is obliged to inform stakeholders, organize public hearings and collect written comments from the public. The public hearing dates are announced by the concerned municipality. The MoE can also demand that a public participation session is organised before the ESIA report is submitted. During this public hearing, the proponent needs to introduce the project and present the potential impacts and mitigation measures. MoE and all other relevant public entities should be informed about and be present at this public hearing. In the ESIA report, the proponent is expected to include all comments from the public and its responses.

Timeline for public comments

The public has the option to submit written comments in the scoping phase about the project within one month of the advertisement.

Access to information

Access to information, including on environmental reports, is governed by law 28/2017. This enables the public to get access to environmental assessment reports after sending a request to MoE. However this right will not include any information related to national security, intellectual property or the financial details of the project.

ESIA practice

Central ESIA database

Soft and hard copies of scoping, IEE, ESIA and EA reports submitted to MoE are kept in the archive of the department of Integrated Environmental Systems in the service of Environmental Technology.

Relevant links

1- Environmental Safeguards for Planned and Existing Activities (UNDP, MoE 2017)

Background information

History of ESIA

In Lebanon, ESIA is more widely known as EIA. The ESIA system was initiated in 1999 by a World Bank funded project which was implemented through the MoE. This project set out the foundations of the ESIA system which is known and operational today.

Legal framework

Enabling law

The first legislation that obligated the submission of an environmental assessment before the start of a project was the Environmental Protection Law 444/2002. The procedural requirements and the process for ESIA is outlined in Decree 8633, issued in 2012.

source

http://www.moe.gov.lb/getattachment/8cd2fa75-a774-4ba8-9377-d876189fca57/.aspx

National detailed regulation

Decree 8633/2012: Fundamentals of EIA

source

http://www.moe.gov.lb/getattachment/85caf6ed-920d-41fb-8fc4-a864d6537631/.aspx

Guidelines

1- The MoE/UNDP (2014) Strategic Environmental Assessment of Lebanon?s Renewable Energy Sector lists some recommendations to be included in specific ESIA reports for wind farms, solar PV farms, and hydro power plants ? adopted by MoE in practice but not as a legal text.

2- Guidelines for waste incineration and co-incinerations EIA studies ? Under review at MoE.

3- Guidelines for offshore oil and gas EIA studies ? Under review at MoE.

Sector specific procedures or regulations

In addition to the EIA Decree, several ministerial decisions and circulars give details on review procedures, deadlines, and other specifications for EIA, including:

- MoE Decision 52/1 of 1996: National environmental quality standards.
- MoE Decision 8/1 of 2001: Emission standards.
- Circular No. 9/1 of 2014 requiring details and maps related to the land acquisition.
- MoE Decision 203/1 of 2013: Forming a permanent committee to manage the environmental compliance system at MoE.
- Circular No. 9/1 of 2014 requiring details and maps related to the land acquisition.
- MoE Decision 260/1 of 2015: Review process for IEE reports.
- MoE Decision 261/1 of 2015: Review process for EIA scoping and EIA reports.
- MoE Decision 262/1 of 2015: Objection mechanism for MoE?s decisions regarding EIA reports.
- MoE Decision 539/1 of 2015: Determining deadlines for applying to obtain a certificate of Environmental Compliance for industrial establishments.
- MoE Decision 540/1 of 2015: Determining deadlines for applying to obtain a certificate of Environmental Compliance for classified establishments (non-industrial).
- MoE Decision 588/1 of 2015: Requirements for consultancy firms that perform environmental studies (SEA, EIA, IEE and EA).
- MoE Circular 6/1 of 2015: Required fees for EIA and IEE, value of guarantee and its return.

- MoE Decision 189/1 of 2016: Review process for EA reports.
- Circular No. 10/1 of 2016 about the proponents' responsibility to implement the EMP and mitigate any issue not included in the EIA/IEE report.
- Law No. 251 of 2014 for establishing the environmental prosecution.
- Decree No. 3989 of 2016 related to the establishment of the environment police.

source

https://www.undp.org/content/dam/lebanon/docs/Energy%20and%20Environment/Publications/20171218%20Environmental%20safeguards%20EN.pdf

Scope of application

Section IV, article 21 of law 444/2002 states that:

?The concerned authorities in both public and private sectors should prepare the initial environmental studies (IEE studies) or environmental impact assessment (EIA) for projects that could threaten the environment, because of its size or nature or effect or activities.?

Exemptions from application

National defence related activities are exempt from conducting ESIAs. The Minister of the environment, as head of the competent authority, does not have the authority to make exemptions of ESIA obligation. But, he or she has the authority to shorten or lengthen the days of the review procedure.

Institutional setting

Central ESIA authority

The MoE is the competent authority to receive, review, and approve ESIA studies. Furthermore, MoE is responsible for monitoring the implementation of the ESIA during project construction and operation.

Other key (governmental) parties

For industrial projects requiring permitting from the Ministry of Industry, additional rules apply, alongside the ESIA Decree, as specified in MoE decision 590/1 of 2015.

The preparation of ESIA reports and environmental studies is restricted to a list of private consultancies which are qualified by the Council for Development and Reconstruction (CDR). This list is updated when needed. CDR, established in 1977, is an autonomous institution endowed with extended jurisdiction and is directly accountable to the Council of Ministers through the Prime Minister.

(De)centralisation of mandates

All responsibilities for ESIAs is confined to the Ministry of Environment (MoE).

Payment system

MoE Circular 6/1 of 2015 specifies that the proponent should complete a payment of 500,000 Lebanese Pounds (at a bank after receiving the invoice from the MoE) before submitting the study. Alongside this amount, and only if the proponent of the project is a private entity, the proponent is also required to deposit 0.05% of the total project value as a financial guarantee to the MoE. This amount could for instance be used to hire experts, if needed or to assist in the review of an ESIA study.

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