Netherlands Commission for Environmental Assessment

Democratic Republic of Congo

SEA profile

Updated to: 22 August 2019

Overview SEA procedure

The SEA procedure in DRC includes screening, scoping and the actual assessment.

The ACE is responsible for the screening decision.

Screening takes place at the planning phase of the PPP. The planning entity that is formulating the PPP is responsible to conduct the SEA.

Establishing context

Screening process

The SEA procedure starts when the entity that is planning the policy, plan and programme submits a screening request to the ACE. This is supposed to be done according the procedure outlined in operational manuals of the ACE. The ACE decides whether an SEA is needed and informs the planning entity about its decision.

Identification of stakeholders

The scoping report needs to include among others information on stakeholders.

Implementing SEA

Scoping process

When SEA is required, the planning entity hires a consultant to start with scoping. Any international consultant hired, must be associated to a national consultant.

Within 3 months from receiving it, the ACE must review the scoping report and notify the planning entity whether the scoping is approved, conditionally approved or rejected. If the three months are surpassed, the scoping report is considered as approved. If conditionally approved, the planning entity must re-submit the revised scoping report within 3 months from ACE?s notification. Otherwise, the scoping report is rejected. The same procedure and timelines for scoping are also applicable for the SEA report.

Baseline data

Baseline data is supposed to be included in the SEA report.

Alternatives

Alternatives need to be included in the scoping report.

source

Decree 14/019

Assessment/mitigation of effects

The assessment of impacts and mitigation measures need to be studied and included in the SEA report.

Content of SEA report

The SEA report should contain:

- Baseline information.
- Identification of environmental opportunities and constraints.
- Identification and evaluation of impacts and potential opportunities.
- Performance indicators, mitigation and optimization measures.
- Conclusions and recommendations.

Review process

The ACE establishes a panel of experts to review the scoping document. This panel consists of:

- 4 representatives of the ACE and the ministries. concerned with the policy, plan or programme.
- 1 expert from the National Fund for Promotion and Social Service.
- 2 resource persons identified based on their expertise.

Participation in review

The provisions for public hearing seem to apply only for ESIA as public hearings are demanded for projects or activities.

source

Articles 51-60 of Decree 14/019

Informing decision making

SEA and planning decision-making

When an SEA is approved, the ACE provides the planning entity an environmental advice, declaring that the PPP must be executed conform environmental and social safeguard principles.

Follow-up

SEA practice

Background information

Legal framework

Enabling law

In DRC, the general environmental law outlines the principles for environmental protection and governance. This law refers to the need to include environmental and social considerations in decision making and calls for sustainable development and public participation. Article 19 makes reference to the need to conduct of SEA for policies, plans and programmes (PPP).

source

no 11/009 of July 2011

http://www.ilo.org/dyn/natlex/docs/SERIAL/96987/114901/F-2083192176/COD-96987.pdf

National detailed regulation

Decree 14/019 sets out the procedural requirements for SEA. The same decree also provides requirements for ESIA, environmental audits and public hearings.

Scope of application

Article 19 of the environmental law states that an environmental evaluation is required before a policy, plans and programme (which may have environmental impacts) is formulated at state, provincial and decentral levels, by a public institution.

Article 4 of Decree 14/019 specifies that SEA is required for activities in the following sectors; infrastructure, hydrocarbons, mining, energy, telecommunications, industry, land, forest, agriculture and breeding, urban and rural development, transport, tourism and hotel development, health and all other commercial activities with potential environmental impacts.

Exemptions from application

The regulation does not provide for exemptions, but states that environmental studies for PPP's for military or or civil protection purposes do not belong to the public domain but to secret defense.

Institutional setting

Central SEA authority

The authority for SEA is ACE (l?Agence Congolaise de l?Environnement) under the Ministry of Environment and Sustainable Development. ACE is the central authority in DRC to promulgate specific regulations, operational procedures and guidelines for SEA.

(De)centralisation of SEA mandates

If the PPP in question is formulated at a decentralised level, it is the respective decentralised entity who is responsible for the SEA.

Contact