



Netherlands Commission for  
**Environmental Assessment**

## Protocol independence of experts engaged for NCEA's independent advisory work

The Netherlands Commission for Environmental Assessment (NCEA) provides independent advice on ESIA or SEAs. Predominantly, the NCEA advises on the appropriate scope and process for an ESIA or SEA, and reviews the quality of ESIA and SEA reports. The main added value of the NCEA to ESIA and SEA processes is in the expertise the NCEA can mobilise, and in its neutrality and independence. The NCEA does not take position on the project or plan under consideration. It advises on the quality of the ESIA or SEA only. This advice should serve all stakeholders in the process, by providing an opening to a better ESIA or SEA.

The NCEA engages external experts for this advisory work. For the advice of the NCEA to be perceived as independent, it is of the utmost importance that the experts engaged are themselves considered independent. That means they cannot have any personal or business interest in the plan or project that is the subject of the SEA or ESIA. For example, an expert engaged by the NCEA for an ESIA review, may not simultaneously work as an advisor to the project initiator or competent authority.

The NCEA's advisory processes are organized by a technical secretary. This secretary will identify and engage the external experts. When an expert is approached for a specific advisory trajectory, the technical secretary will enquire after any possible conflict of interest of the expert. As a potential NCEA expert, he or she is expected to carry out a thorough check on this themselves. Prior and present personal and professional connections to the plan or project via their employer, colleagues, partner/spouse/children, place of residence, other advisory functions, etc. should be considered and disclosed.

Experts engaged by the NCEA agree that their name and relevant details can be shared by the technical secretary with the competent authority, the project or plan initiator, or other relevant stakeholders. The party that has requested the advice may raise an objection with regards to the participation of a certain expert in an advisory trajectory, on ground of (perceived) conflict of interest. In case of doubt or difference of opinion as to whether an expert can in fact advise independently, the NCEA will reconsider the engagement of said expert. The NCEA's secretariat will take the final decision in this regard.

In the event that an expert develops a personal or professional interest in a project or plan during the advisory process, or in between the scoping phase and the reviewing phase, they must report this to the technical secretary immediately. In such cases, the expert can no longer be part of the advisory process, and will be replaced.

Based on the NCEA's experiences in recent years, here are some concrete examples of (potential) conflicts of interest:

- An ecology expert works at a large consultancy firm. The traffic department of this consultancy firm delivers the traffic calculations for the ESIA or SEA report to be reviewed.
- The organisation where the expert works has, less than one year ago, submitted a proposal to undertake (part of) the work for the ESIA or SEA under consideration.
- During the scoping phase, the employer of the expert submits a tender and gets the assignment to undertake the ESIA/SEA.
- A previous employer of the expert (less than five years ago) is the initiator or competent authority for the ESIA/SEA.
- In a previous engagement (less than five years ago) the expert advised on a plan, which now forms the basis of the ESIA/SEA.
- As an independent consultant, the expert regularly works for the consultancy firm writing the ESIA or SEA report, the initiator or the competent authority.
- The expert lives in or close to the planning area.
- The expert's partner works for the project initiator.

The five-year term is used as a rule of thumb in situations where previous employment history plays a role.

An expert is expected to carefully consider any personal ties to any stakeholders in the project or plan before agreeing to partake in an advisory process.

*The Netherlands Commission for Environmental Assessment (NCEA), April 27<sup>th</sup> 2018*