



Netherlands Commission for
Environmental Assessment

Part 1: Approach

The Netherlands Commission for Environmental Assessment (NCEA) is an independent advisory body of experts established by law in 1987. The international department was established in 1993. One of the main tasks of the international department is providing independent advice on the scope, quality of content and process of ESIA and SEA at the request of an authority in a selected number of low- and middle-income countries. Contact the NCEA for the list of countries. The **purpose of this guidance** is to describe how the NCEA works and how it secures its independent position. This guide consists of three parts:

- 1) Description of the NCEA's approach.
- 2) Conditions under which the NCEA can start issuing advice.
- 3) Protocol securing the independent position of the NCEA.

Part 1. The NCEA's approach

This note describes the approach taken when the NCEA is requested to prepare an advice on ESIA or SEA.

1. Request for advice

A request for advice often begins with an informal meeting between a representative of the NCEA and an eligible authority. An eligible authority has the mandate to advise or decide on ESIA/SEA, for instance by issuing an environmental license. The following points are discussed: the objectives of the advice, the technical and contextual aspects of the project or plan, the added value of a site visit, as well as the NCEA's conditions for advice. Part 2 describes these conditions. Based on this information, an internal screening is conducted to check whether the NCEA's conditions are met. If the screening is positive, a formal letter of request can be sent to the director of the NCEA. This letter should acknowledge the NCEA conditions for independent advice and any other agreements made between the NCEA and the requesting authority.

2. Quality assurance

The NCEA's advice is founded on three principles: independence, expertise and transparency. How the last two principles are secured is described in this Part 1, Section 5 and 7. Part 3 of this note comprises a protocol describing how independence is secured.

3. Advice on preparation and screening, scoping, reviewing, follow-up

Advice can be provided during the preparation including screening, scoping, reviewing and follow-up phase.

Preparation and screening

- An advice for the process of an SEA resulting in a starting document or road map.
- A review of a draft starting document for an SEA.

An advice is only offered for SEA.

Scoping

- A review of a draft scoping report for an ESIA/SEA.

Reviewing

- A review of a draft or final ESIA/SEA report.

Follow-up

- A review of a (draft) monitoring report.

An advice for this phase can only be offered, after the NCEA has prepared an advice during the scoping and or reviewing phase.

4. Working group of experts

Following a positive screening, the NCEA composes a tailor-made working group:

- The chair of the working group is responsible for contacts with the competent authorities and for a well-balanced advice and clear messages for decision makers. A chair typically has significant (international) experience with complex and politically sensitive projects or plans. The chair of the working group is also deputy chair of the NCEA. Chairs are appointed by His Majesty the King.
- The experts of the working group collectively cover the relevant fields of expertise for the project or plan in question. They are selected for their specific project/plan relevant expertise, experience with ESIA/SEA and site specific knowledge. They are not

NCEA employees. They act in a personal capacity, and thus cannot have others stand in for them. They do not represent the organization that employs them. They are never involved with the project/plan they assess. The NCEA aims to compose a diverse group of experts in terms of gender and local vs non-local experts. It is often difficult to find local experts who are independent. Than a local expert can be assigned as a resource person providing site-specific information. A resource person is not a member of the working group.

- A technical secretary is appointed by the NCEA secretariat to coordinate the activities of the working group and to draft the advice based upon expert input. The technical secretary is a staff member of the NCEA secretariat.

To secure consistency in advisory reports a co-reader is assigned by the director of the secretariat. The co-reader is also a technical secretary.

5. Composition of the working group

The requesting authority will be notified of the selected experts and will be given the opportunity to provide arguments of possible (perceived) conflict of interest of these experts. If there is any reasonable doubt as to whether an expert can advise independently, the NCEA will reconsider the assignment of this expert. The NCEA's secretariat will take the final decision when this situation arises.

6. Review framework

The NCEA uses the national legislation and international Good Practice Principles as a review framework. The review framework will be determined by the working group who is aware of the latest developments, guidelines and standards in their field of expertise. At the request of the authority, additional guidelines can be applied.

If the NCEA has been involved in the scoping phase, the scoping advice of the NCEA can be part of the review framework. However, this also depends on whether and to what extent the advisory report has been adopted by the authority.

7. Site visit

In most cases, the working group visits the country requesting the advice to understand the decision-making context, assess the local situation first-hand and meet stakeholders. The working group meets with relevant (representatives of) stakeholders who have an interest in the project or plan and those that might be

affected by it. These stakeholders provide important project and site-specific information. The decision-making context is discussed with the requesting authority this is important to identify the scope for alternatives and mitigating measures. A visit of the project and study area provides a better understanding of the possible impacts and the causes as well as the opportunities for developing alternatives and mitigating measures. Finally, a site visit contributes to the credibility of an NCEA's advice.

8. Advisory report

An advisory report typically is finalised in eight to ten weeks, i.e. from the moment the formal request for advice is received.

With support from the requesting authority, the NCEA in most cases will bring a one week visit to the country. The NCEA's main preliminary findings are usually presented to the requesting authority before the country has been left. The aim is not to negotiate the findings, but to answer questions and identify inaccuracies. In consultation with the requesting authority a press release or conference can be organized where the NCEA can present its preliminary findings.

After the visit to the country a draft of the advice will be prepared and sent to the requesting authority. The draft advice can in person be presented by the chair, technical secretary, possibly supported by one or two experts. In consultation with the requesting authority a decision will be made, whether or not a press release and/or press conference will be organised. The NCEA can take care of the costs. The NCEA makes its advisory reports publicly available via its website and informs consulted stakeholders on its publication. The requesting party is asked to cooperate in the monitoring and evaluation of the outcome of the advisory report.

All costs for the preparation of an advice are covered by the NCEA.

The working group cannot give a verdict on the acceptability of a particular solution in respect of environmental or social impact and the conditions under which it is acceptable. Neither is it for a working group to prescribe how a project should be executed or a plan should be implemented. This is the responsibility of the governmental bodies concerned.