Ivory Coast

EIA profile

Updated to: 21 February 2020

Screening

Screening process

Any project that may have negative impacts on the environment must submit an impact statement to the ANDE. The ANDE indicates whether an ESIA is neede or not.

After receiving the ESIA, the Ministry in charge of the Environment must notify the responsible Authority of its decision.

If the technical administration responsible for authorization considers that the project may have significant negative consequences for the environment, it may request an ESIA as well.

source

Decret 96-894

Contents of the starting document

The starting document, *constat d'impact*, contains an inventory of possible impacts of the project.

Timeline Screening

30 days

Scoping

Scoping process

The ANDE is responsible for drawing up the Terms of Reference for the ESIA, in consultation with the relevant technical administration.

source

Decret, article 11

Example of an ESIA which refers to the ToR made by the ANDE:
https://www.miga.org/sites/default/files/archive/Documents/ESIA_Azalai_Abidjan_Hotel.pdf (p21).

Timeline scoping

15 days

source

Study on the harmonization of regulations relating to EE within the WAEMU member states (2014).

http://etudes.uemoa.int/upload/harmonisation%20des%20reglementations%20relatives%20aux%20evaluations%20environnementales%20au%20sein%20des%20etats%20membres%20de%20l'uemoa.pdf

Assessment

Assessment process

the environmental impact study consists of 5 main activities:

1. identification,
2. analysis,
3. Evaluation,
4. corrective actions,
5. monitoring and follow-up.

Contents of the EIA report

The ESIA includes at least:

- a description of the proposed activity;
- a description of the environment likely to be affected;
- a list of products used where applicable;
- a description of alternative solutions, if any;
- an assessment of the potential effects of the activity and of other possible solutions on the environment, including direct, indirect, cumulative effects in the short, medium and long term;
- the identification and description of the mitigation measures, the effects of the activity and the other possible solutions on the environment, and an evaluation of these measures;
- an indication of knowledge gaps;
- an indication of the risks to the environment of a neighboring State due to the activity;
- a brief summary of the information;
- the definition of the methods of regular control and monitoring of environmental indicators;
- a financial estimate of the measures recommended to prevent, reduce or compensate for the negative effects and regular monitoring and control measures.

source

Code de l'environnement, article 40

http://www.environnement.gouv.ci/img/1472041865codedelenvironnement.pdf

Review

Review expertise

The quality assessment of the ESIA is carried out by an inter-ministerial technical committee which is made up of representatives from the ANDE, Ministries having a link with the project, experts (public / private), and some Ivorian bodies like the Ivorian Anti-Pollution Center.

source

WAEMU study, (2014)

décret n° 96-894

Timeline Review

ANDE has 2 months to take its decision on the ESIA.

Decision making

Integration of ESIA into decision-making

The Minister of the Environment makes the decision to approve the project.

Possibilities for appeal

The contracting authority may appeal to the regulatory authorities or to any other body designated for this purpose, in the event that it deems the decision by the Minister responsible for the environment, ill-founded.

source

Décret 96-894, Article 19

Follow-up

Compliance monitoring

All projects are subject to control and monitoring to check whether the forecasts are taken into account.

source

Code de l'environnement, article 39.

Non-compliance penalties

The ANDE may take corrective measures, if necessary.

Stakeholder engagement

Public participation requirements for ESIA process stages

The project submitted to the ESIA is the subject of a public inquiry. The ESIA is brought to the attention of the public as part of this inquiry.

source

Décret 96-894, article 16.

Access to information

The final environmental impact studies are kept by the Minister for the Environment. They can be consulted by scientific institutions, specifically, and in general by any person who requests them.

source

Décret 96-894, article 15.

ESIA practice

Annual no. of ESIAs

The ANDE treats about 60 ESIAs per year.

source

Communication with the ANDE, 2020.

Central ESIA database

The final environmental impact studies are kept by the Minister for the Environment. They can be consulted by scientific institutions, specifically, and in general by any person who requests them.

source

Décret 96-894, article 15.

Professional bodies

Since 2017, the Ivorian Chamber of Experts in Environmental and Social Assessments in Côte d'Ivoire (*Chambre Ivoirienne des Experts-conseil en Évaluations Environnementales et Sociales*, CIVEXES) has been established. It has an executive office chaired by Mr. Namory TRAORE ((+225) 07 51 06 09).

source

Communication with the ANDE, 2020

Background information

Legal framework

Enabling law

The 2016 constitution of Côte d'Ivoire ensures the protection of the environment and sets the implementation rules.

National detailed regulation

The detailed regulations for the ESIA are described in Decree No. 96-894 of November 8, 1996 determining the rules and procedures applicable to studies relating to the environmental impact of development projects.

source

http://anasur.salubrite.gouv.ci/fichiers/1333529754DECRET%20N%2096-894%20DU%2008%20NOVEMBRE%201996%20DETERMINANT%20LES%20REGLES%20ET%20PROCEDURES%20DEIE.pdf

Sector specific procedures or regulations

ANDE is responsible for formulating sectoral directives and implementing ESIA procedures. It has developed guides for the industry, energy, agriculture, transport and infrastructure sectors.

source

Décret n° 97-393, Article 11.

Scope of application

The projects subject to an ESIA are listed in Annex 1 to Decree no. 96-894.

Annex 3 list of sensitive areas where an ESIA is mandatory:

- Protected areas and similar reserves;
- Wetlands and mangroves;
- Areas of scientific, cultural, tourist interest;
- Ecologically sensitive defined areas;
- Protection perimeter of water points;
- Maritime areas under international national jurisdiction or other international waters.

Exemptions from application

Projects which are not covered by the ESIA decree may be subject to a categorical exclusion report.

The ANDE must determine whether or not this exclusion is granted within 30 days.

source

DECRET No. 96-894 (1996)

Institutional setting

Central ESIA authority

The National Environment Agency (ANDE) is responsible for implementing the environmental impact study procedure (as well as the SEA procedure).

source

Décret no. 97-393 du 9 juillet 1997 portant création et organisation d'un établissement public à caractère administratif dénomme Agence Nationale de l'Environnement (ANDE): http://www.environnement.gouv.ci/userfiles/file/decretANDE.pdf ; https://ande-ci-officiel.business.site/

Other key (governmental) parties

The Economic, Social, Environmental and Cultural Council (*Conseil économique, social, environnemental et culturel*) gives its opinion on bills, ordinances or decrees as well as on legislative proposals submitted to it.

source

Constitution of 2016, article 163.

Payment system

The review of impact studies by the ANDE include payment of a tax to the environment fund. The examination costs are not listed in *arreté* no. 0972 (2007).

Contact

The National Environment Agency (*L'agence national de l'Environnement,* ANDE), under the supervision of the Ministry of the Environment and Sustainable Development (MINEDD). The director is Dr. GBË DIDIER.

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source

http://www.environnement.gouv.ci/structurec.php