

Republic of Lebanon
Office of the Minister of State for Administrative Reform
Center for Public Sector Projects and Studies
(C.P.S.P.S.)

NATIONAL CONSULTATION ON ENVIRONMENTAL IMPACT ASSESSMENT

**The Garden Towers, Antelias,
Beirut, Lebanon**

24 - 25 May 1996

NATIONAL CONSULTATION REPORT

Prepared by

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National Consultation on Environmental Impact Assessment

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**National Consultation on Environmental Impact Assessment
Garden Hotel, Antelias,
Beirut, Lebanon**

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NATIONAL CONSULTATION REPORT

PREFACE

A national consultation on Environmental Impact Assessment (EIA) was held in Antelias, Beirut from 24 to 25 May 1996. Organised by UNDP Capacity 21, in collaboration with the Ministry of Environment, and sponsored by UNOPS, the consultation was attended by participants from central and local government, industry and academia, who had attended the two previous EIA training events. It was a lively and interactive event, and considerable progress was made both on the draft EIA Decree and the Procedural Guidelines.

As Project Co-ordinator of the UNDP Capacity 21 Programme, Randa Nemer used all her undoubted professional and personal skills to organise a highly effective meeting, and I would like to thank for all her efforts. In Aberdeen, Jane Butler and Doug Reid undertook the organisation of the visit and report writing with tenacity and skill. Finally, I would like to thank all the Lebanese participants for giving their time to actively participate in a hard-working and friendly manner, above and beyond the call of duty.

**Professor Brian D. Clark
Executive Director
CEMP**

1. INTRODUCTION

The National Consultation on Environmental Impact Assessment (EIA) held at the Garden Towers, Antelias, Beirut, Lebanon from 24 - 25 May 1996 was the third of three planned events to develop EIA capacity in the Lebanon.

The National Consultation was organised by Randa Nemer, the Project Co-ordinator of the UNDP Capacity 21 Programme, in collaboration with the Ministry of Environment. Professor Brian D. Clark, Executive Director, CEMP, had been invited to produce a draft EIA Decree and EIA Procedural Guidelines based on the deliberation of the participants at the previous two training events.

Prior to the meeting, a number of actions were taken:

- The draft EIA Decree, submitted by CEMP to UNDP, was modified by Hyam Mallett, UNDP Legal Adviser, to conform to Lebanese legal requirements, translated into Arabic and French, and circulated to all those who had attended the first two training workshops, inviting them to comment on its contents.
- The draft Procedural Guidelines, produced by CEMP, were circulated to all those who had attended the previous training events, once again inviting written comments prior to the National Consultation.

UNDP would like to thank all those individuals and organisations who took the time to submit highly constructive written comments prior to the Consultation. 21 senior officials, from government, industry, academia and NGOs attended the Consultation (See Annex 1).

2. NATIONAL CONSULTATION - OBJECTIVES AND SCOPE

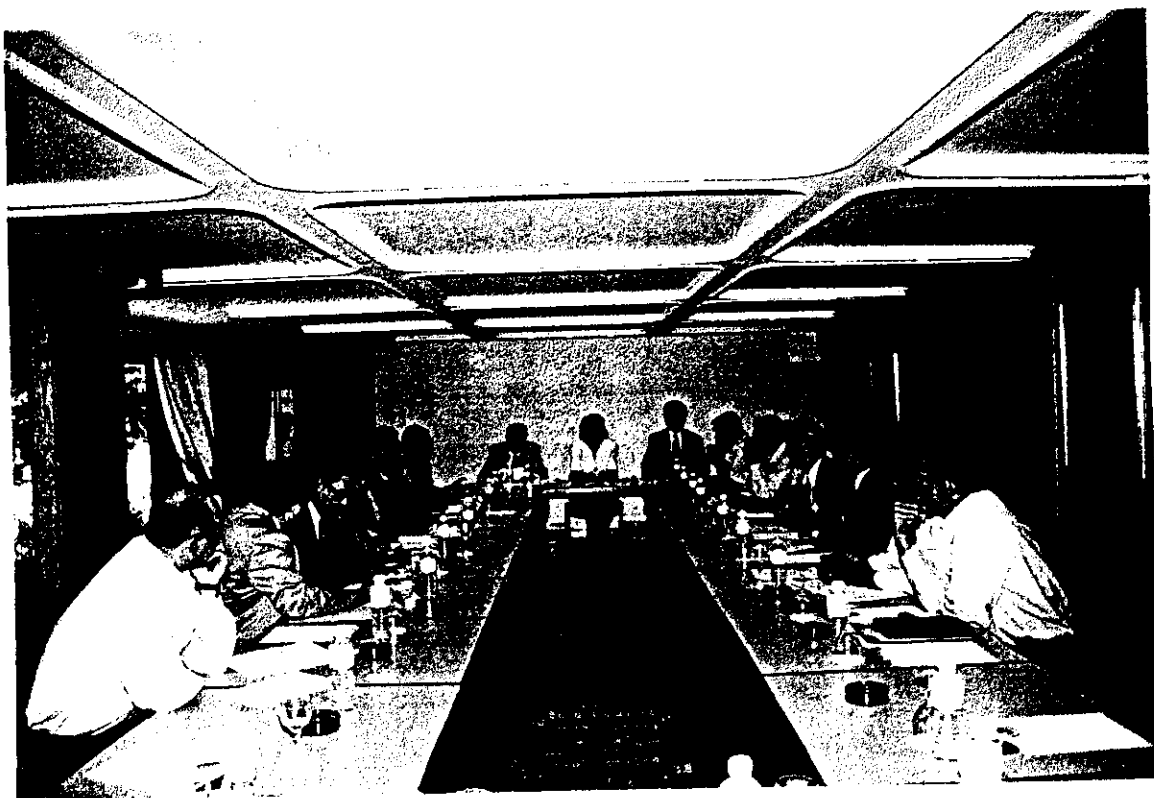
The tasks of Professor Brian D. Clark, the UNOPS consultant at the meeting, were:

1. To develop a framework of analysis to analyse both written submissions and proposals made at the national consultation
2. To incorporate the most critical written submissions
3. To prepare papers and overheads on the key components of the Decree and Procedural Guidelines to act as introductions to the deliberation of working groups and develop the tasks of the discussion groups
4. To present brief introductory papers on the key themes to be discussed on the Decree and Guidelines
5. To co-ordinate the structure and strategies of discussion groups so as to maximise output
6. To note the key points raised both in general sessions and at plenary presentations
7. To take the comments, suggestions and proposals that arise from the national consultation and to redraft the Procedural Guidelines. It will be drafted by the Capacity 21 National legal consultant who will assist and contribute in the national consultation.

The detailed programme for the National Consultation as initially conceived is listed in Annex 2. In the event, it became clear that this needed to be modified in light of the new Decree as drafted by Mr Mallett. The structure of the meeting therefore became a flexible, interactive event but with the emphasis being placed on 3 discussion groups, reporting by the groups to a



Professor Brian D. Clark (Executive Director, CEMP), Randa Nemer (UNDP Capacity 21), and Hyam Mallett (UNDP Legal Adviser) at the opening of the National Consultation



Participants from all sectors in Lebanon at the opening of the National Consultation

plenary and overall consensus then being sought by all participants on the substance and structure both of the EIA Decree and the Procedural Guidelines.

To facilitate the process of taking forward the process of EIA in the Lebanon, this section of the report will focus on the following themes so as to maximise the inputs of both the written comments and participants contributions.

- The EIA Decree
- Procedural Guidelines
 - agreed draft
 - outstanding issues and further work required
- Future Directions and EIA Capacity Building in the Lebanon
- Consultants Comments

3. THE EIA DECREE

A copy of the proposed EIA Decree submitted by CEMP to the Lebanon is contained in Annex 3. Whilst not made available prior to the meeting, it was circulated at the National Consultation to facilitate debate and discussion on legal approaches to EIA.

The key document that was discussed was the draft EIA Decree prepared by Hyam Mallett, UNDP Legal Adviser (see Annex 4 - French Version).

General discussion, and detailed examination of specific articles, took place. Comments made by participants will be considered by Hyam Mallett who will redraft the EIA Decree. It will then be circulated again to all participants for final review. It will also be sent to CEMP so that any changes to the EIA Decree are linked and incorporated in the EIA Procedural Guidelines.

Whilst it was not the specific task of this consultant to comment on the Decree, it is clear that Hyam Mallett was able to convince the participants that a general broad framework Decree would have a greater chance of being agreed and implemented by the Lebanese Government than the more detailed Decree that several participants at the Consultation appeared to favour.

4. EIA PROCEDURAL GUIDELINES

4.1 Agreed Draft

Through the dedicated commitment of the participants at the National Consultation, considerable progress was made on gaining broad agreement on its structure and content. The agreed version is now presented and as well as reflecting the views of the three discussion groups, it most importantly reflects a consensus of all the participants at a series of plenary sessions who, when felt appropriate, had incorporated relevant written submission proposals. As the product, i.e. the Guidelines, rather than the process by which they were agreed, is considered most important, the EIA Procedural Guidelines are now presented. Two points should however be noted. First, changes may still be required depending on final agreement on the EIA Decree, and secondly a number of outstanding issues still need to be resolved. These are elaborated in a later section of the report.



Working groups formulating the needs and requirements for EIA in the Lebanon



Working groups formulating the needs and requirements for EIA in the Lebanon

4.2 Outstanding Issues and Further Work Required

On a number of issues, general consensus could not be reached by the whole group at the National Consultation. These are now listed with possible actions that could be taken to resolve them indicated.

i. Review Committee

The principle of establishing a review committee within the MoE was agreed to by all present but there was no general agreement as to its membership and structure. One working group considered it should comprise 4 members and could include an ecologist, chemist, environmental engineer, representative of (a) an NGO and (b) the private sector. They also proposed that 2 should be drawn from the MoE. Another working group considered that the composition of the review committee and the number should depend on the size, scale and environmental complexity of the project. All agreed that members would not be permanent appointments and rotation of membership was desirable.

Action

That the public awareness group that is being established (see Section 4.3 below) should discuss this item in consultation with Hyam Mallett.

ii. Policies and Plans

In Section 2.1 of the Procedural Guidelines, it was agreed that EIA should be applied to policy and plans. However, this is not explicitly included in the list of activities to which EIA should be applied in Appendix 5 of the Guidelines.

Action

That the classification of projects group that is being established (see Section 4.3 below) consider the type, nature and forms of policies and plans that should be included in Appendix 5 of the Guidelines.

iii. Threshold/Size of Projects

Action

That the classification of projects group makes recommendations as to where and when it would be appropriate to define specific thresholds as to whether or not an EIA is required including particularly sensitive ecological sites where small projects may be subjected to EIA.

iv. Qualificative/Competence of Consultants to Conduct and Review EIAs

Much discussion focused on whether there should be a formal system of accreditation of either companies, or individuals within companies, who should be allowed either to conduct EIAs or review them.

Action

To be discussed by the training group being established and considered in consultation with Hyam Mallett.

v. Contents of Initial Environmental Assessment Report (IEER)

It was considered by one group that the possible contents of an IEER should be contained in an appendix to the Procedural Guidelines.

Action

To be considered by the classification of projects group?

vi. Penalties

Action

This section of the Procedural Guidelines to be written by Hyam Mallett in the light of Lebanese legal practice.

vii. List of Projects and Activities to be Subject to EIA

Action

To be agreed by classification of projects working group, circulated to key agencies and individuals agreed by Randa Nemer and then finalised.

4.3 Composition of Working Groups

The following people kindly consented to serve on a series of working groups to resolve the outstanding issues relating to the Procedural Guidelines. Given the composition of these

groups, a number of other items listed above, as indicated, could also be considered by these groups.

Group 1 Public Awareness

Task To suggest ways in which increased public awareness could be stimulated in the Lebanon as to the potential economic, social and environmental benefits of introducing a mandatory EIA process.

Members Rachid Chamoun, Edward Bahout, Sami Jabbour, Edmond Samaha

Group 2 Classification of Projects

Task To agree a list of projects and activities (including policies and plans) that should be subject to mandatory EIA

Members Ossama Taha, Rabih Saab, Edward Bahout, Sami Jabbour

Group 3 Training

Task To consider all aspects of training, at all levels and in all institutions, so that the process of EIA can be adopted and implemented in Lebanon in a cost effective and efficient manner.

Members Sami Jabbour, Rabih Saab, Edward Bahout, Edward Choucair.

5. FUTURE DIRECTIONS AND EIA CAPACITY BUILDING IN THE LEBANON

At the conclusion of the National Consultation, the working groups were invited to consider how the process of EIA could be best taken forward following the meeting. It is useful to consider the comments made in the context of the recommendations for future action agreed at the end of the second training workshop held at Broumana from 15 - 17 February, as there is considerable overlap (see Figure 1).

- Half day workshops for decision makers / industrialists.
- Three to five day workshops on; Environmental Health; Urban Planning; Industries.
- Practical exercises concerning industrial developments.
- Workshops focusing on specific categories of project.
- EIA enforcement.
- Workshops aimed at further developing the knowledge and skills acquired during this workshop.
- Workshops with a more technical content.
- Workshops discussing major problems, i.e. environmental audits.
- Workshops relating to how EIA could be utilised in reality while Lebanese strategies are being developed and legislation formulated.
- Master of Science courses in Environmental Planning - addressing environmental issues, management tools, and teaching the knowledge and skills required to reconcile economic growth and environmental quality.
- EIA training with a higher degree of continuity - to develop the momentum and awareness for the implementation of EIA in Lebanon.
- Training relating to existing national and international legislation, regulations and conventions, and how it affects Lebanon.
- EIA workshops for beginners.
- Management and protection of nature reserves.

Figure 1

The proposals of the three discussion groups at the National Consultation are as follows:

Group 1

- Finalise decree and EIA guidelines
- Conduct public lobbying to convince decision makers and others of the importance of EIA in the Lebanon
- Create small groups, i.e. classification of projects, legal considerations and technical review groups to formulate agreed plans of action
- Capacity building
 - Train staff in Ministry of Environment in EIA
 - Specialised training, i.e. environmental management and specific EIA topics
- Identify local expertise in the environmental field and use to develop EIA
 - Consultants
 - Institutions
 - Professional associations

Group 2

- Modify decree and guidelines and finalise
- Agree classification of projects subject to EIA
- Hold further expert meeting(s) to finalise decree and guidelines
- Develop training in EIA
 - Specialised, i.e. EIA Preparation, Review, etc.
 - Targetted, i.e. Ministry of Environment staff
- Integrate EIA into courses at schools, colleges and universities
- Increase the public appreciation of the importance of EIA by public awareness campaigns

Group 3

- Intense lobbying of professional associations (Syndicate of Engineers, Medical Association, Scientific Organisations), Ministries, Municipalities, NGO's and the media, to obtain their opinions on, and ultimately support for, the EIA Decree
- All participants at the National Consultation to disseminate information through their own institutions and professions of the importance of EIA and report back to MoE
- Instigate a major public awareness campaign to educate the public as to the benefits of EIA through the media (TV, radio and newspapers) and in all types of educational institutions
- Translate the EIA Decree and Guidelines into French and English and stress the importance of its effective implementation
- All deputies should be made aware of the importance of the EIA Decree
- Develop and present training workshops on EIA generally and on specific aspects of the EIA process.

6. CONSULTANT'S COMMENTS

Overall, great progress has been made in a short time to develop an EIA process in the Lebanon. The catalytic efforts of UNDP Capacity 21, and the commitment of those Lebanese who took part in the seminars and the National Consultation, has been both positive and constructive. What it is considered now requires to be done can be listed as follows:

- Through synthesis of the inputs of the working groups, established at the National Consultation, finalise the Decree and Guidelines and submit to government
- Initiate now, i.e. even before the Decree and Guidelines are finalised, a massive lobbying campaign as to the economic benefits of EIA at politicians, government officials, Municipalities, NGO's and the public
- Even in countries in Europe that have had a formal system of EIA in operation for many years, it is clear from recent European Union studies that there is still a desperate need for systematic and structured training programmes. In a country like the Lebanon, which is now considering introducing EIA, the need for training will be critical to the success of EIA. What will be required is a long term training strategy as opposed to a series of one-off seminars. It is proposed that UNDP, with the MoE, and in collaboration with international EIA training centres, now formulate this training strategy as part of a long term programme to strengthen institutions in the Lebanon. Training will need to focus on:
 - Target groups in the Ministry of Environment, Ministries, Municipalities, developers, consultants, NGO's and potential EIA trainers
 - Specific topics, i.e. general EIA training and specialised topics such as (a) preparation of EIAs, (b) EIA Review and (c) public participation, etc.
 - Development of case studies of good and bad EIA practice
- When EIA is introduced in the Lebanon, monitoring of the utility and efficiency of the process should be instigated
- UNDP Capacity 21 should consider inviting all those who took part in the training seminars and National Consultation to form an ongoing working group/professional association on EIA. They would meet from time to time to take forward the EIA process, hold meetings with local and visiting EIA speakers and generally act as a monitoring/catalytic group to develop EIA in the country.

EIA PROCEDURAL GUIDELINES THE REPUBLIC OF LEBANON

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FOREWORD

This document proposes Procedural Guidelines for Environmental Impact Assessment in the Lebanon. In the absence of an Environmental Protection Act in the Lebanon, a number of assumptions are made in the framework of the Guidelines. These include the establishment of an Environmental Review Committee within the Lebanese Ministry of Environment, to administer the overall environmental assessment process as it will be defined in subsequent environmental legislation.

The main purpose of the Guidelines is to provide a framework of procedures for adaptation and adoption to meet the environmental protection needs in the Lebanon. The provisions set out in the Guidelines are in accordance with the recommendations made by the participants attending the Training Workshop on Environmental Impact Assessment held in the Garden Hotel, Broumana, Lebanon from 15 - 17 February 1996 and the conclusions of the National Consultation held in Antelias, Beirut, from 24 - 25 May 1996. The procedural guidelines may be extended to cover more detailed aspects of screening, scoping, consultation and public participation, etc. Once the procedural framework is established, consideration can then be given to the preparation of technical guidelines to assist proponents, government and others in the various stages of the environmental assessment process.

1. INTRODUCTION

1.1 Background

A national environmental policy for Lebanon should aim to ensure the sound management of resources and the environment and avoid any exploitation of these resources in a manner that might cause damage to the environment. The policy endorses the preventive approach to environmental management and emphasises the need to promote socio-economic development within the context of prescribed environmental standards and safeguards. It seeks a reconciliation between economic planning and environmental resource development with a view to achieving sustainable national development.

The Environmental Decree seeks among other things:

- to ensure environmentally sound use of both renewable and non-renewable resources in the process of national development;
- to develop procedures for the utilisation of land resources in a way that will ensure maximum economy in the use of land and avoid or minimise conflicts;
- to institute and implement the concept of sustainable development by requiring prior environmental impact assessments of new investments, developments, plans and policies that would affect the quality of the environment.

1.2 The Need for Environmental Management

It is now widely accepted that the quality of life is being threatened by the effects of air and water pollution, the destruction of forests, degradation of agricultural lands and uncontrolled exploitation of natural resources. There is now a need, therefore, to reverse the trend and preserve the integrity of the natural resource base of the environment, both for present and future generations, through effective environmental interventions and strategies.

Environmental Impact Assessment (EIA) is a key environmental management tool that has the potential to contribute towards the sustainable use of environmental resources. It is in recognition of the potential of EIA that the "Environmental Decree", mandates the Ministry of Environment to ensure compliance with EIA procedures laid down for the execution of development projects, including compliance in respect of existing projects (see Annex 4 to main report).

2. ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

2.1 Environmental Impact Assessment in Lebanon

Environmental Impact Assessment (EIA) is recognised and will be applied in Lebanon under the "Environmental Decree" to development projects, activities, programmes plans and policies. Procedures are being proposed to screen and evaluate all developments which have the potential to give rise to significant negative environmental impacts.

These procedures establish an EIA process which requires the provision of enough relevant information to enable the Ministry of Environment (MoE) to set an appropriate level of assessment of any project for necessary review and to facilitate the decision-making process. The information may be gathered through an Initial Environmental Evaluation (IEE), or

Environmental Impact Assessment, or by completing an Environmental Assessment Initial Registration Form (IEER) depending on the complexity, nature and location of the proposed project.

2.2 Purpose of Environmental Impact Assessment

The purpose of environmental impact assessment is:

- to protect and conserve public health and safety as well as the natural resources of the country;
- to remedy present undesirable environmental conditions;
- to support the goals of environmental management and sustainable development;
- to integrate environmental management and economic decisions at the earliest stages of project design, planning (land use and sectoral) or policy making;
- to predict the consequences of a proposal; from the environmental, social, economic and cultural aspects and to develop appropriate measures to mitigate any adverse effects;
- to provide appropriate mechanisms for the involvement of the public, proponents, private and government agencies in the assessment and review of project and other activity proposals.

3. ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES

3.1 Registration

Every project proposal or activity that may have an impact on the environment is required to be registered with the Ministry of Environment. Special forms for this purpose, Environmental Registration Forms, are available from the Ministry of Environment, Municipalities and Regional and District Offices. Responsibility for registering a project or activity proposal lies with the proponent. The responsibility for determining what constitutes an impact on the environment in respect of any project or activity lies with the Ministry of Environment.

3.2 Screening

Within 15 working days from the receipt of a registration form, the MoE with any technical assistance that may be deemed necessary, will make a decision by placing the proposed project or activity at the appropriate level of assessment.

In making the decision at this stage, consideration will be given to:

- the location, size and output of the proposed project or activity;
- the technology to be used;
- concerns of the public;
- land use considerations; and
- any other relevant considerations

The MoE will prepare an initial screening report setting out the decision reached which could result in:

- an objection or non-objection to the proposal or activity; or
- the need for the proponent to prepare an Initial Environmental Evaluation (IEE) to assist the MoE in their decision as to whether or not an EIA is required

3.3 Scoping

When the screening result of the initial registration of the project or activity or a subsequent IEE indicates that significant adverse environment damage may result from the proposed project or activity, then the proponent will be required to conduct and submit an Environmental Impact Assessment.

In this event, the proponent is required to commission a thorough fact finding evaluation of the site of proposed project or activity including any alternatives considered, and to consult with other interested and affected parties such as government officials (relevant ministries, departments, municipalities, etc.), local authorities and members of the public as appropriate. The objective is to determine how all their various concerns will be addressed in the terms of reference for the EIA. The scoping process is required to identify all the key issues of concern to be addressed in the EIA.

3.4 Scoping Report and Terms of Reference

The proponent is responsible for the preparation of the scoping report including a draft "Terms of Reference" (TOR) for the EIA study, and submission of ten copies to the MoE. The draft TOR must indicate that the final EIA will include:

- a description of the proposed project or activity and an analysis of the need/reason for the proposal;
- the objective of the proposal;
- alternatives considered to the proposal;
- a description of the present environment that would be affected, directly or indirectly;
- a description of the future environment, predicting its conditions if the proposal did not proceed;
- the impacts that may be caused to the environment by the proposal;
- measures to prevent or mitigate all adverse impacts;
- evaluation of opportunities/constraints to the environment of the proposal;
- proposal for an environmental management plan and programme to cover construction, operation and decommissioning stages of the proposal; and
- proposed programme for public consultation and information.

The draft TOR will be considered by the MoE and its EIA review committee, including site visits as may be necessary. A decision on the TOR could be rejection or revision/modification or acceptance/approval, and should be communicated to the proponent within 15 working days of the receipt of the Scoping Report/TOR.

On approval of the TOR, the proponent may start work on the Environmental Assessment.

3.5 Environmental Impact Assessment Preparation

It is the responsibility of the proponent to commission a detailed EIA study involving baseline survey and inventory, development proposal description, potential impact identification, prediction and evaluation, mitigation considerations and commitments as well as a relevant environmental management programme and other issues included in the agreed TORs..

The proponent is also required to initiate a public participation programme in the area likely to be affected by the proposal or activity. Local residents should be fully informed of the nature of the proposal or activity and its effects on the environment. Copies of all reports and studies

undertaken in relation to the EIA will be made available to the MoE. Public concerns shall be recorded and must be addressed in the EIA. A public notice of the assessment process for the proposal or activity will be issued by the proponent through newspaper advertisements and/or by announcements posted in appropriate public places.

3.6 Environmental Impact Assessment Review

Once the final draft of the EIA is completed, the proponent shall submit 5 copies to the MoE, who, with the assistance of its review committee, will review the EIA. They will make a decision within the time frame specified in the Decree.

Copies shall be made available to appropriate municipalities and other interested agencies. A public notice of the EIA shall be served by the MoE for public information and reaction, through newspaper advertisement or posting in appropriate places as part of the review process. MoE will collate public views and shall undertake a field/site verification exercise if considered necessary.

3.7 Public Hearing

If a strong public concern over the undertaking is indicated and/or impacts are extensive and far reaching, the MoE shall hold a public hearing relating to the assessment. The MoE shall appoint a Review Panel who will organise the public hearing on the proposal or activity. The Panel will consist of three to five persons. The Chairman will not be a resident of the area affected by the proposal or activity, but at least a third of the Panel's membership must be residents of the geographic area where the proposal or activity is located. Information received at these hearings, together with the final report and any recommendations of the Panel, should be made public.

3.8 Environmental Permissions Procedures (EPP)

3.8.1 Initial Environmental Evaluation Report (IEER)

An IEER should provide sufficient information on the proposal or activity so a decision can be made as to whether or not an EIA is required for the proposal or activity. If the decision indicates that an EIA is required then a Provisional Environmental Permit cannot be issued on the basis of the IEER, and the proponent will accordingly be advised to conduct a scoping procedure. If the IEER is accepted, then a Provisional Environmental Permit will be issued to the proponent.

3.8.2 Environmental Impact Assessment Report

Where the draft EIA is found to be acceptable, the proponent shall be notified to finalise the EIA. Following the submission of 5 hard copies of the final EIA to the MoE, the proponent shall be issued a Provisional Environmental Permit for the proposal or activity. If the EIA report is not acceptable, the proponent may be required to re-submit a revised statement based on further studies to modify the statement within a maximum of 1 month of the submission of the final report.

3.8.3 Registration

If the decision indicates that no further information is required beyond the registration stage, then the proponent will be issued with a Provisional Environmental Permit for the proposal or activity.

3.8.4 Validity of the Provisional Environmental Permit

The Provisional Environmental Permit is the initial environmental approval that allows any proposed development or activity to commence on environmental grounds.

There is a time limit on the validity of the environmental decision by the MoE. The decision is effective for a period of 6 months to 2 years, according to the size and classification of the project, and as specified by the Ministry of Environment in the permit from the date that the proponent is advised of the decision. If work has not commenced on the development or activity within that period, the original decision becomes void and the proposal or activity must be re-registered.

The Provisional Environmental Permit does not preclude other licence(s) for carrying out the proposal or activity.

3.8.5 Environmental Permit

The Provisional Environmental Permit is formally issued within a period of up to 24 months of its issuance and project or activity commissioning. The basic requirements for granting of the Environmental Permit are:

Evidence and/or confirmation of:

- Satisfactory commencement of development, operation and performance;
- Observance of relevant approval conditions;
- Compliance with nominated mitigation and other management conditions outlined in the EIA.

Failure to satisfy these conditions shall render the Provisional Environmental Permit invalid.

4. POST AUDIT

The Ministry of Environment will arrange for the evaluation of the positive and negative impacts of the development project or activity during its implementation. This will allow for compliance enforcement as well as learning from mistakes, facilitating impact management and in handling unanticipated impacts to aid improvement of the EIA process and practice.

4.1 Environmental Management Plans

All development projects or activities shall be covered by Environmental Management Plans (EMPs). After one year of operation, a proponent is expected to submit an EMP. Any proposed major modifications to the project or activity will require a supplementary EIA to be conducted according to the Decree. The Management Plan must clearly set out the objectives and practical actions required in mitigation and optimisation of the development or activity, as follows:

- Specific objectives of Management Plan;
- Details of required management actions, including any emergency or contingency plans deemed necessary by the Review Committee of the Ministry of Environment;
- Responsibilities for carrying out management actions;
- Timing and duration of management actions;
- Personnel, training and financial implications.

All operators of projects and activities must maintain a complete set of monitoring and environmental records, at all times and as required and specified by applicable permits, and allow auditors from the Ministry of Environment to conduct audits whenever they choose.

5. PENALTIES

Proponents who fail to comply with the requirements of the Environmental Impact Assessment Decree shall be subject to the appropriate provisions of the Decree and existing Lebanese legal procedures.

6. PUBLIC NOTICES

The proponent shall give notice of his proposals to affected bodies within the vicinity of the proposed project or activity as well as advertise them in the national press for 3 consecutive days and make them available for public inspection. The public notice by the proponent shall be made after the screening stage whenever an EIA is deemed to be necessary and/wherever required. The MoE shall also give notice on receipt of a Draft EIA from proponents for an agreed period.

APPENDIX 1

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCOPING NOTICE

..... propose to establish a
(Name of Company/Organisation)
..... at in the
(Project/Activity) (Location)
..... of the
(Municipality) (Region)

Notice of the is hereby served for public information, as required under the procedure for the conduct of EIA.

Any person(s) having an interest, concern, or special knowledge relating to potential environmental effects of the proposal or activity, may contact or submit such concerns, etc. to:

Address of Proponent

The Executive Director
Ministry of Environment
Beirut

APPENDIX 2

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NOTICE

The Ministry of Environment has received an Environmental Impact Assessment on a proposed
at as required under Decree Copies of the
EIA are available at the MoE Library, MoE Regional office
..... and Municipality Office.

Summary of Proposal

Any person(s) having an interest or concern relating to potential environmental impacts of the said project/development/activity shall within 30 days from the date of publication of this notice, submit in writing such concerns, etc. to:

The Executive Director
Ministry of Environment
Beirut

APPENDIX 3

SCREENING DECISIONS

1. Objection to the Proposed Development Project or Activity

An objection decision means that the proposal as indicated in the registration form is not acceptable and must not proceed.

An objection to the proposal raised at the screening stage could be due to:

- the result of inappropriate siting;
- environmental sensitivity or incompatible land use or any other related issues.

2. No Objection to the Proposed Development or Activity

A no objection decision to the proposal means that the proposal may proceed as stated in the registration form (of the EIA form), subject to relevant Acts, Bye laws and/or Regulations at any level of Government.

APPENDIX 4

PRINCIPLES FOR PARTIES IN EIA PROCESS

PRINCIPLES FOR ASSESSING AUTHORITY (MoE)

- Provide clear guidance on the types of proposals likely to attract environmental impact assessment and on levels of assessment.
- Provide specific guidelines focused on key issues and incorporating public concerns.
- Provide guidance to all participants in the EIA process on criteria for environmental acceptability of potential impacts including such things as the principles of ecologically sustainable development, maintenance of environmental health, relevant local and national standards and guidelines, codes of practice and regulations.
- Negotiate with key participants to set assessment timetable on a proposal-specific basis.
- Seek and promote public participation throughout the process.
- Ensure that the total and cumulative effects of using or altering community environmental assets (air, water, amenity) receive explicit consideration.
- Report publicly on the assessment of proposals.
- Ensure that predicted environmental impacts are monitored, the results assessed by a nominated responsible authority and feedback provided to improve continuing environmental management of proposals.
- Ensure that education opportunities inherent in the EIA process are actively pursued.

PRINCIPLES FOR PROPONENTS

- Take responsibility for preparing the statement required for assessment of proposal.
- Consult the assessing authority and the stakeholders as early as possible.
- Incorporate environmental factors fully into proposal planning, including a proper examination of alternatives.
- Take the opportunity offered by the EIA process to improve the proposal environmentally.
- Make commitments to avoid negative environmental impacts where possible. Otherwise take necessary steps to minimise such impacts.
- Modify management practices in accordance with environmental monitoring results.
- Identify and implement responsible environmental policies, strategies and management practices with periodic review.

PRINCIPLES FOR THE PUBLIC

- Participate in the early stages of the process and evaluate proposals through offering advice, express opinions, provide local knowledge, propose alternatives and comment on how a proposal might be changed to better protect the environment.
- Take a responsible approach to opportunities for public participation in the EIA process, including the seeking out of objective information about issues of concern.

APPENDIX 5

SUGGESTED LIST OF PROJECTS/ACTIVITIES FOR WHICH EIA IS MANDATORY

A. CRITICAL ENVIRONMENTAL PROJECTS

1. AGRICULTURE

- Land development for agriculture purposes not less than 40 hectares
- Agricultural programmes necessitating the resettlement of 20 families or more

2. AIRPORT

- Construction of all airports or airstrips as well as enlargement of existing facilities

3. DRAINAGE AND IRRIGATION

- Construction of dams and man-made lakes
- Drainage of wetlands
- Irrigation schemes

4. LAND RECLAMATION

- Coastal land reclamation
- Dredging of bars, estuaries

5. FISHERIES

- Construction of fishing harbours
- Harbour expansion
- Land based aquaculture projects

6. FORESTRY

- Conversion of hill forest land to other land use
- Logging or conversion of forest land to other land use within the catchment area of reservoirs used for water supply, irrigation or hydro-power generation or in areas adjacent to forest, wildlife reserves
- Conversion of wetlands for industrial, housing or agricultural use

7. HOUSING

- Human settlement development projects
- Housing development

8. INDUSTRY

- Chemical Where production capacity of each product or combined products is greater than 100 tonnes/day
- Petrochemicals All sizes or raw materials requirements of 100 tonnes/day or more
- Non-ferrous Smelting: Aluminium - all sizes
Copper - all sizes
Others - producing 50 tonnes/day and above
- Non-metallic Cement
Lime - 10 tonnes/day and above burnt lime rotary kiln or 50 tonnes/day and above vertical kiln
- Iron and Steel
- Shipyards
- Pulp and Paper

9. INFRASTRUCTURE
 - Construction of hospitals
 - Industrial estate development
 - Construction of roads and highways
 - Construction of new townships
 - Construction of railways
10. PORTS
 - Construction of ports
 - Port expansion involving an increase of 25% or more in handling capacity per year
11. MINING
 - Mining and processing of minerals in areas where the mining lease covers a total area in excess of 10 hectares
 - Quarries
 - Sand dredging
12. PETROLEUM
 - Oil and gas fields
 - Construction of off-shore and on-shore pipelines
 - Construction of oil and gas separation, processing, handling, and storage facilities
 - Construction of oil refineries
 - Construction of product depots for the storage of petrol, gas or diesel which are located within 3 kilometres of any commercial, industrial or residential areas
13. POWER GENERATION AND TRANSMISSION
 - Construction of steam generated power stations
 - Dams and hydro-electric power schemes
 - Construction of combined cycle power stations
 - Construction of nuclear-fuelled power stations
 - Erection of power transmission lines
14. RESORT AND RECREATIONAL DEVELOPMENT
 - Construction of coastal resort facilities or hotels with more than 40 rooms
 - Hill top resort or hotel development
 - Development of tourist or recreational facilities in national parks
15. WASTE TREATMENT AND DISPOSAL
 - Toxic and Hazardous Waste
 - Construction of incineration plant
 - Construction of recovery plant (off-site)
 - Construction of wastewater treatment plant (off-site)
 - Construction of secure landfills facility
 - Construction of storage facility (off-site)
 - Municipal Solid Waste
 - Construction of incineration plant
 - Municipal Sewage
 - Construction of wastewater treatment plant
 - Construction of marine outfall
16. WATER SUPPLY
 - Construction of dams impounding reservoirs
 - Groundwater development for industrial, agricultural or urban water supply

17. ENVIRONMENTAL CONSERVATION MANAGEMENT

- Decision to remove "designated" status from an area designated for wildlife conservation and management
 - Construction of composting plant
 - Construction of recovery/recycling plant
 - Construction of municipal solid waste landfill facility
 - Construction of waste depots
- Decision of Policy actions on:
 - Wildlife conservation and management;
 - Forest conservation and management;
 - Watershed conservation and management;
 - Commercial exploitation of fauna and flora.

B. ENVIRONMENTALLY SENSITIVE CRITICAL AREAS

1. All areas declared by law as national parks, watershed reserves and sanctuaries
2. Areas with potential tourist value
3. Areas which constitute the habitat of any endangered or threatened species of indigenous wildlife (Flora and Fauna)
4. Areas of unique historic, archaeological, or scientific interest
5. Areas which are traditionally occupied by cultural communities
6. Areas prone to natural disasters (geological hazards, floods, rainstorms, earthquakes, landslides, etc.)
7. Areas prone to forest or undergrowth fire
8. Hilly areas with critical slopes
9. Areas classified as prime agricultural land
10. Recharge areas of aquifers
11. Water bodies characterised by one or any combination of the following conditions:
 - Tapped for domestic purposes;
 - Within the controlled and/or protected areas;
 - Which support wildlife and fishery activities.
12. Areas characterised by one or any combination of the following conditions:
 - With primary pristine and dense growth;
 - Adjoining mouth of major river system;
 - Near or adjacent to traditional fishing grounds;
 - Which act as natural buffers against shore erosion, strong winds and storm floods.

Notes: This list to be considered at the May meeting.

The list is to be reviewed periodically by MoE in light of the working of the system.

APPENDIX 6

CONTENTS OF ENVIRONMENTAL IMPACT ASSESSMENT

Proponents should discuss the scope of an Environmental Impact Assessment (EIA) prior to its preparation with the MoE. An Environmental Impact Assessment is expected to be prepared in line with the final Terms of Reference (TOR) agreed with the MoE and must include, inter alia, the following:

1. Executive Summary
2. Description of Existing Environment
3. General Description of the Project or Activity
4. Construction Phase
5. Operational Phase
6. Predicted Environmental Impacts
7. Mitigation Measures
8. Contingency Plans for Accidental Emissions or Discharges (where appropriate)
9. Monitoring and Auditing Programmes
10. Relevant Agencies/Legislation and Consultations
11. Report on Public Participation
12. Recommendations

OTHER SUPPORTING DOCUMENTS AS MAY BE DEEMED NECESSARY

13. Risk and Hazard Assessment
14. Health Impact Assessment

Generally, the Environmental Impact Assessment should not be more than 150 pages (excluding appendices) except for "exceptional" projects or "activities" likely to have a wide range of significant impacts. Maps, plans, tables, graphs, diagrams and other illustrative material should be included to assist the clear understanding of the contents of the EIA. The non-technical executive summary should not be more than ten pages.

APPENDIX 7

POTENTIAL ENVIRONMENTAL IMPACTS TO BE CONSIDERED FOR INCLUSION IN ENVIRONMENTAL IMPACT ASSESSMENTS

CHECKLIST

The Terms of Reference (TOR) for an Environmental Impact Assessment may cover any or all of the following impacts related to the pre-construction, construction, operational and, where relevant, the decommissioning phases of a proposal and associated secondary developments.

- Air, water and land (soil) pollutant concentrations at various locations from a source or sources;
- Direct ecological changes resulting from these pollutant concentrations as they relate to species, communities and habitats of concern;
- Alterations to the ecological processes such as transfer of energy through food chains, decomposition and bio-accumulation which might affect species, communities and habitats;
- Ecological consequences of direct destruction of habitat(s) from actions such as dumping, vegetation clearance and fillings, etc.;
- Noise and/or vibration levels;
- Odour;
- Increased traffic generation and resulting pollution, ecological impacts, and potential for increased accidents;
- Changes in socio-cultural and socio-economic patterns covering:
 - Decline in existing and/or potential use of valued resources arising from the above consequences;
 - Direct/indirect employment generation;
 - In-migration and resulting demographic changes;
 - Infrastructure provision (roads, school, health facilities, etc.);
 - Local economy;
 - Cultural changes (including possible conflict) arising from in-migrants and/or tourists;
 - Changes/constraints on existing and/or potential land use(s) in the project area;
 - Health consequences of any or all of the above.

This checklist is not exhaustive. It is primarily intended to assist the formulation of a Terms of Reference.

DRAFT OUTLINE

**ENVIRONMENTAL IMPACT
ASSESSMENT DECREE - THE
REPUBLIC OF LEBANON**

Prepared by

Centre for Environmental Management and
Planning (CEMP)
Aberdeen
Scotland

FOREWORD

This draft outlines the possible content and framework for the development of a Decree on Environmental Impact Assessment for the Republic of Lebanon. It provides a basis for detailed discussion amongst interested parties and should be read in consultation with the attached draft procedural guidelines.

DRAFT OUTLINE ENVIRONMENTAL IMPACT ASSESSMENT DECREE - THE REPUBLIC OF LEBANON

PART I - GENERAL PRINCIPLES OF ENVIRONMENTAL ASSESSMENT

Section

1. Goals and objectives of environmental impact assessment (EIA)
2. Restriction on public or private projects without prior consideration of the environmental impacts
3. Identification, etc. of significant environmental issues
4. Minimum content of environmental impact assessment
5. Detail degree of environmental significance
6. Examination of environmental assessment by Board
7. Opportunity for comments by certain groups
8. Decision not to be given until appropriate period elapsed
9. Decision on effect of environmental impact assessment to be in writing
10. Supervision of the activity
11. Notification to potentially affected areas, etc.
12. Mandatory Study List not to be carried out with the Report of the Board

PART II - ENVIRONMENTAL ASSESSMENT OF PROJECTS AND ACTIVITIES

13. Cases where environmental assessment is required
14. Excluded projects
15. Environmental assessment process
16. Factors for consideration by a review panel
17. Screening; Sources of information
18. Declaration of class screening report
19. Decision of Board
20. Mandatory Study
21. Public notice
22. Decision of Board
23. Appointment of Review Panel
24. Assessment by Review Panel
25. Hearing of witnesses
26. Public notice
27. Decision of Board
28. Follow-up programme
29. Certificate
30. Definition of Jurisdiction

ACCESS TO INFORMATION

- 31. Public registry
- 32. Preparation of statistical summary
- 33. Defects in form or technical irregularity

PART III - MISCELLANEOUS

- 34. Powers to facilitate environmental assessment
- 35. Powers to make regulations
- 36. Offences and penalties
- 37. Interpretation
- 38. Citation

SCHEDULE - MANDATORY STUDY ACTIVITIES

REPUBLIC OF LEBANON
ENVIRONMENTAL IMPACT ASSESSMENT DECREE
DRAFT OUTLINE

The Republic of Lebanon hereby decrees as follows:

PART 1

GENERAL PRINCIPLES OF ENVIRONMENTAL IMPACT ASSESSMENT

1. The objectives of any environmental impact assessment (hereafter in this Decree referred to as "the assessment") shall be -
 - (a) to establish before a decision is taken by any person, authority, corporate body or unincorporated body including the Government or Local Government intending to undertake or authorise any undertaking or any activity that is likely to have a significant effect on the environment, or have environmental effects on those activities, the nature of the impacts and their acceptability;
 - (b) to promote the implementation of appropriate policy in all Government Lands and Local Government Areas, consistent with all laws and decision-making processes through which the goal and objective in paragraph (a) of this section may be realised;
 - (c) to make provisions for regulations governing the development of procedures for information exchange, notification and consultation between organisations and persons when proposed activities are likely to have significant environmental effects on the environment of neighbouring towns and villages or other States.
2.
 - (1) The public or private sector of the economy shall not undertake or embark or authorise projects or activities without prior consideration, at an early stage in the project cycle, of their effects on the environment, both positive and negative.
 - (2) Where the extent, nature or location of a proposed project or activity is such that it is likely to significantly affect the environment, an environmental impact assessment shall be undertaken in accordance with the provisions of this Decree.
 - (3) The criterion and procedures under this Decree shall be used to determine whether an activity is likely to significantly affect the environment and is therefore subject to an environmental impact assessment.
 - (4) All agencies, institutions (whether public or private) except those exempted pursuant to this Decree, shall before embarking on the proposed project or activity, apply in writing to the Environmental Protection Board, (hereafter in this Decree referred to as the "Board") so that projects and activities can be quickly identified as to whether an environmental assessment is deemed necessary as the project or activities are being planned.
3.
 - (1) In the assessment process under this Decree, all relevant significant environmental issues shall be identified and studied before commencing or embarking on any project or activity covered by the provisions of this Decree as likely to have serious environmental impact on the Lebanese or global environment.

- (2) All efforts shall be made to identify all key environmental issues at an early stage in the project or activity planning process.
4. An environmental impact assessment shall include, at the minimum, the following matters:
- (a) a description of the proposed project or activities;
 - (b) a description of the potential affected environment including specific information necessary to identify and assess the environmental effects of the proposed project or activity;
 - (c) an assessment of the likely potential environmental impacts of the proposed project or activity and all reasonable alternatives (technical and locational) and a "no-go" option and the direct and indirect, cumulative, short-term and long-term and reversible and irreversible effects;
 - (d) an identification and description of measures available to mitigate adverse environmental impacts of the proposed activity and an assessment of these measures, including their enforcement;
 - (e) an indication of any gaps in knowledge and uncertainty encountered when undertaking an assessment;
 - (f) an indication of whether the environment of any other State outside Lebanon or the Global Commons is likely to be affected by the proposed activity;
 - (g) a brief and non-technical summary of the information provided under paragraphs (a) to (f) of this section.
5. The environmental effects in an assessment shall be examined with a degree of detail commensurate with their likely environmental significance.
6. The information provided as part of an assessment shall be examined by the Board prior to any decision being made as to whether or not the project or activity should proceed.
7. Before the Board gives a decision on a project or activity for which an environmental assessment has been produced, the Board shall provide an opportunity for government agencies, members of the public, experts in relevant disciplines and interested groups to formally comment on the assessment of the activity.
8. The Board shall not give a decision as to whether a proposed activity should be authorised or undertaken until an appropriate period (to be defined) has elapsed to consider comments pursuant to Sections 7 and 12 of this Decree.
9. (1) The Board's decision on any proposed activity subject to assessment shall:
- (a) be in writing;
 - (b) state the reason therefor;
 - (c) include provisions, if any, to prevent, reduce or mitigate damage to the environment.
- (2) The report of the Board shall be made available to interested parties.

- (3) Whether or not interested persons or organisations request the report, it shall be the duty of the Board to publish its decision so members of the public or persons interested in the activity know the reasons for the decision that is made.
 - (4) The Ministry of Environment should establish an appropriate method to publish the decision of the Board so as to reach interested persons or groups, and in particular the originators or persons interested in the activity subject to the decision.
10. When a decision on an activity, subject to an environmental impact assessment, has been made by the Board, the activity and its effects on the environment or the provision of Section 9 of this Decree shall be subject to appropriate scrutiny by the Ministry of Environment, or other Minister.
11. (1) When information provided as part of the environmental impact assessment indicates that the environment within a neighbouring local government area is likely to be significantly affected by a proposed activity, the local government area in which the activity is being planned shall, to the extent possible:
- (a) notify the likely affected local government of the proposed activity;
 - (b) transmit to the affected local government area any relevant information of the environmental impact assessment;
 - (c) enter into timely consultations with the affected local government.
- (2) It shall be the duty of the Board to ensure that the provisions of sub-section 11(1) are complied with and the Board may cause the consultations provided pursuant to sub-section (1) of this Section to take place in order to investigate any environmental derogation or hazard that may occur during the construction or process of the activity concerned.
12. (1) When a project is described on the Mandatory Study list specified in the Schedule of this Decree, or is referred to a review panel (see Sections 23 - 26), no authority or agency shall exercise any power or perform any duty or functions that would permit the project or activity to be carried out in whole or in part until the Board has taken action conducive to its power under the Act establishing it or has taken a decision or issues an order that the project could be carried out with or without conditions.
- (2) Where the Board stipulates that certain conditions should be imposed before the carrying out of the project or activity, the conditions shall be fulfilled before any person or authority shall embark on the project or activity.

PART II

ENVIRONMENTAL ASSESSMENT OF PROJECTS AND ACTIVITIES

13. (1) Notwithstanding the provisions of Part I of this Decree, an environmental impact assessment shall be required where an authority or agency established by the Government:
- (a) is the proponent of the project or activity and does any act which commits Government or Local Government authorities to carry out the project or activity in whole or part;

- (b) makes or authorises payment or provides a guarantee for a loan or any other form of financial assistance to the proponent for the purpose of enabling the project to be carried out in whole or in part, except when the financial assistance is in the form of any reduction, avoidance, deferral, removal, remission or other form of relief from the payment of any tax, duty or excise under any current legislation or Order made thereunder, unless that financial assistance is provided for the purpose of enabling an individual project or activity specifically named in the enactment, regulation, or order that provides it, to be carried out;
 - (c) has the administration of any leases or otherwise disposes of those lands on or any tests in those lands or transfers the administration and control of those lands or invests therein in favour of Government or its agencies for the purpose of enabling the project or activity to be carried out in whole or in part; or
 - (d) under the provisions of any law or enactment, issues a permit or license, grants an approval or takes any other action for the purpose of enabling the project or activity to be carried out in whole or in part.
14. (1) An environmental assessment of a project or activity shall not be required where:
- (a) in the opinion of the Board the project is not included in the list of projects where the environmental effects of the project or activity are deemed to be significant;
 - (b) the project will be carried out during a national emergency for which temporary measures have been taken by Government;
 - (c) the project or activity is to be carried out in response to circumstances that, in the opinion of the Board, are in the interest of public health or safety.
15. Whenever the Board decides that there is a need for an environmental assessment of a proposed project or activity, whether public or private, the environmental assessment process should include:
- (a) a screening or mandatory study and the preparation of a screening report or Initial Environmental Evaluation Report;
 - (b) a mandatory assessment by a review panel as provided in Sections 23 - 26 of this Decree and the preparation of a report;
 - (c) the design and implementation of a follow-up programme.
16. (1) Every screening or mandatory study of a project or activity and every consideration or assessment by a review panel shall include a consideration of the following factors:
- (a) the environmental effects of the project or activity, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project taking into consideration the impacts of other projects that have been, or will be, carried out;
 - (b) the significance or, in the case of projects referred to in Sections _____, the seriousness of those effects;

- (c) comments concerning those effects received from the public in accordance with provisions of this Decree;
 - (d) measures that are technically and economically feasible and that would mitigate any significant or, in the case of projects referred to in Sections _____, any serious adverse environmental effects of the project.
- (2) In addition to the factors set out in sub-section (1) of this Section, every mandatory study of a project or activity or assessment by the Board (or where agreed) a review panel, shall include a consideration of the following factors:
- (a) the purpose of the project or activity;
 - (b) alternative means of carrying out the project or activity that are technically and economically feasible and the environmental effects of any such alternatives;
 - (c) the need for, and the requirements of, any follow-up programme in respect of the project or activity;
 - (d) the short or long-term capacity for regeneration of renewal resources that are likely to be significantly or, in the case of projects referred to in Sections _____, seriously affected by the project; and
 - (e) any other matter that the Board may require.
- (3) For greater certainty, the scope of the factors to be taken into consideration of this Decree shall be determined:
- (a) by the Board; or
 - (b) where the project or activity is referred to a review panel, by the Board when fixing the terms of reference of the review panel.
- (4) An environmental assessment of a project or activity shall not be required to include a consideration of the environmental effects that could result from carrying out the project or activity during the declaration of a national emergency.
17. (1) Where the Board is of the opinion that a project or activity is not described in the mandatory study list or any exclusion list, the Board shall ensure that:
- (a) a screening of the project or activity is conducted; and
 - (b) a screening report is prepared.
- (2) Any available information may be used in conducting the screening of a project or activity, but where the Board is of the opinion that the information available is not adequate to enable it to take a course of action pursuant to Section 16(1) of this Decree it shall ensure that any study and information that it considers necessary for that purpose are undertaken or collected.
18. (1) Where the Board receives a screening report and the Board is of the opinion that the report could be used as a method for conducting screening of other projects or activities within the same class, the Board may declare the report to be a class screening report.
- (2) Where the Board uses or permits the use of a class screening report, it shall ensure that any adjustments are made that in the opinion of the Board are likely to result

from the project or activity in combination with other projects that have been or will be carried out.

19. (1) After completion of a screening report in respect of a project or activity, the Board shall take one of the following courses of action:

(a) where, in the opinion of the Board;

- (i) the project is not likely to cause significant adverse environmental effects; or
- (ii) any such effects can be mitigated,

the Board may exercise any power or perform any duty or function that would permit the project or activity to be carried out and shall ensure that any mitigation measures that the Board considers appropriate are implemented;

(b) where, in the opinion of the Board;

- (i) the project is likely to cause significant adverse environmental effects that may not be mitigable; or
- (ii) public concerns respecting the environmental effects of the project warrant it,

the Board shall refer the project or activity to a review panel in accordance with Section 23 - 26 of this Decree; or

(c) where, in the opinion of the Board, the project is likely to cause significant adverse environmental effects that cannot be mitigated, the Board shall not exercise any power or perform any duty or function conferred on it under any enactment that would permit the project or activity to be carried out in whole or part.

(2) For greater certainty, where the Board takes a course of action referred to in subsection (1)(a) of this Section, the Board shall exercise any power and perform any duty or function conferred on it by or under any enactment in a manner that ensures that any mitigation measures that the Board considers appropriate in respect of the project or activity are implemented.

(3) Before taking a course of action in relation to a project or activity pursuant to subsection (1) of this Section, the Board shall give the public an opportunity to examine and comment on the screening report and any record that has been filed in the public registry established in respect of the project or activity and shall take into consideration any comments that are filed.

20. Where the Board is of the opinion that a project or activity is described in the mandatory list, the Board shall:

- (a) ensure that a mandatory study is conducted, and a mandatory report is prepared and submitted to the Board, in accordance with the provision of this Decree; and
- (b) refer the project to a review panel in accordance with Section 23 - 26 of this Decree.

21. (1) After receiving a mandatory study report in respect of a project of activity, the Board shall, in any manner it considers appropriate, publish a notice setting out the following information:

- (a) the date on which the mandatory study report shall be available to the public;
 - (b) the place at which copies of the report may be obtained; and
 - (c) the deadline and address for filing comments on the conclusions and recommendations of the report.
- (2) Prior to the deadline set out in the notice published by the Board, any person may file comments with the Board relating to the conclusions and recommendations of the mandatory study report.
22. After taking into consideration the mandatory study report and any comments filed, the Board shall:
- (a) refer the project or activity to a review panel where, in the opinion of the Board:
 - (i) the project is likely to cause significant adverse environmental effects that may not be mitigable; or
 - (ii) public concerns respecting the environmental effects of the project or activity warrant it, or
 - (b) take action where, in the opinion of the Board:
 - (i) the project or activity is not likely to cause significant adverse environmental effects; or
 - (ii) any such effects can be mitigated.
23. Where a project or activity is referred to a review panel, the Board in consultation with interested and other parties:
- (a) appoint as members of the panel including the Chairperson thereof, persons who, in the opinion of the Board, possess the required knowledge or experience; and
 - (b) fix the terms of reference of the review panel.
24. A review panel shall, in accordance with the provisions of this Decree and its terms of reference:
- (a) ensure that the information required for the assessment by a review panel is obtained and made available to the public;
 - (b) hold a hearing in the manner that offers the public an opportunity to participate in the assessment;
 - (c) prepare a report setting out:
 - (i) the conclusions and recommendations of the panel relating to the environmental effects of the project and any mitigation measures or follow-up programme; and
 - (ii) a summary of any comments received from the public; and
 - (d) submit the report to the Board.
25. (1) A review panel shall have the power of summoning any person to appear as a witness before the panel and/or ordering the witness to:
- (a) give evidence, orally or in writing; and

- (b) produce such documents and things as the panel considers necessary for conducting its assessment of the project or activity.
 - (2) A review panel shall have the same power to enforce the attendance of a witness and to compel them to give evidence and produce documents and other things as is vested in a High Court of State.
 - (3) A hearing by a review panel shall be in public unless the panel is satisfied after representation made by a witness that specific, direct and substantial harm would be caused to the witness by the disclosure of the evidence, documents or other things that the witness is ordered to give or produce pursuant to sub-section (1) of this Section.
 - (4) Where the review panel is satisfied that the disclosure of evidence, documents or other things would cause specific, direct and substantial harm to a witness, the evidence, documents or things shall be privileged and shall not, without authorisation of the witness, knowingly be or be permitted to be communicated, disclosed or made available by any person who has obtained the evidence, documents or other things pursuant to this Decree.
26. On receiving a report by a review panel, the Board shall make the report available to the public in any manner the Board considers appropriate and shall advise the public that the report is available.

Decision of the Board

27. (1) Following the submission of a report by a review panel to the Board, the Board shall take one of the following courses of action in relation to the project or activity, that is:
- (a) where in the opinion of the Board:
 - (i) the project is not likely to cause significant adverse environmental effect, or
 - (ii) any such effect can be mitigated or justified in the circumstances,

the Board may exercise any power or perform any duty or function that would permit the project to be carried out in whole or in part and shall ensure that any mitigation measures that the Board considers appropriate are implemented; or
 - (b) where, in the opinion of the Board, the project is likely to cause significant adverse environmental effects that cannot be mitigated and cannot be justified in the circumstances, the Board shall not exercise any power or perform any duty or function conferred on it by or under any enactment that would permit the project to be carried out in whole or in part.
- (2) For greater certainty, where the Board takes a course of action referred to in sub-section (1)(a) of this Section, it shall exercise any power and perform any duty or function conferred on it by or under any enactment in a manner that ensures that any mitigation measure that the Board considers appropriate in respect of the project or activity is implemented.

Note: We will need to discuss (a) whether the Board will make a decision to proceed or (b) make a recommendation to the appropriate Minister or other authorising agency.

Follow-up Programme

28. (1) Where the Board takes a course of action pursuant to 27(1)(a) of this Decree, it shall, in accordance with this Decree, design any follow-up programme that it considers appropriate for the project or activity and arrange for the implementation of that programme.
- (2) The Board shall advise the public of:
- (a) its course of action in relation to the project or activity;
 - (b) any mitigation measure to be implemented with respect to the adverse environmental effects of the project or activity;
 - (c) the extent which the recommendations set out in any report submitted by a review panel have been adopted; and
 - (d) any follow-up programme designed for or in pursuance to sub-section (1) of this Section.
29. A certificate stating that an environmental assessment of a project or activity has been completed, and signed by the Board that exercises a power or performs a duty or function referred to in this Decree in relation to any project or activity, is in the absence to the contrary, proof of the matter stated in the certificate.
30. For the purposes of this Decree, "jurisdiction" includes:

(As appropriate within the Republic of Lebanon - and still to be defined)

ACCESS TO INFORMATION

31. (1) For the purpose of facilitating public access to records relating to environmental assessments, a public registry shall be established and operated in accordance with the provisions of this Decree in respect of every project or activity for which an environmental assessment is conducted.
- (2) The public registry in respect of a project or activity shall be maintained:
- (a) by the Board from the commencement of the environmental assessment until any follow-up programme in respect of the project or activity is completed; and
 - (b) where the project or activity is referred to a review panel, by the Board from the appointment of the members of the review panel until the report of the review panel is submitted to the Board.
- (3) A public registry shall contain all records and information produced, collected or submitted with respect to the environmental assessment of the project or activity, including:
- (a) any report relating to the assessment;
 - (b) any comments filed by the public in relation to the assessment; and
 - (c) any record prepared by the Board for subsequent reference to a review panel.
32. (1) During each year, the Board shall publish a statistical summary of all the environmental assessments undertaken or directed by it and all courses of action taken, and all decisions made, in relation to the environmental effects of the projects or activities after the assessments were completed.

- (2) The Board shall ensure that the summary for each year is compiled and completed within one month after the end of the year.
33. An application for judicial review in connection with any matter under this Decree shall be refused where the sole ground for relief established on the application is a defect in form or a technical irregularity. (Note: this needs to be worked on, i.e. the nature of Judicial Review in the Lebanon).

PART III

MISCELLANEOUS

34. (1) For the purpose of the Decree, the Board may:
- (a) issue guidelines, codes of practice or Manuals to assist in conducting assessment of the environmental effects of projects and activities;
 - (b) establish research and advisory bodies;
 - (c) enter into agreements or arrangements with any jurisdiction with respect to assessments of environmental effects;
 - (d) enter into agreements or arrangements with regions and municipalities for the purposes of co-ordination, consultation, and exchange of information in relation to the assessment of the environmental effects of projects and activities of common interest;
 - (e) establish criteria for the appointment of members of review panels; and
 - (f) establish criteria and thresholds for projects and criteria requiring an environmental assessment.
35. The Board, with the approval of the ("Council of Ministers" or Minister of Environment - to discuss) may make regulations, to be published in the press:
- (a) with respect to the procedures and requirements of and the time or period relating to the environmental process, including the conduct of assessment by review panels;
 - (b) prescribe a list of projects or classes of projects and activities for which an environmental assessment is not required, where the "Council of Ministers" or the Minister of Environment is of the opinion that the environmental effects of the projects are likely to be negligible;
 - (c) prescribe a list of projects or classes of projects and activities not covered by the mandatory list in the Schedule to this Decree for which a mandatory study is required where the Board is of the opinion that the projects or activities are likely to have significant adverse environmental effects.
36. Any person who fails to comply with the provisions of this Decree shall be guilty of an offence under this Decree and on conviction as the case of an individual to a ____ fine or to ____ years imprisonment and in the case of a firm or corporation to a fine of not less than ____ and not more than ____.
37. (1) In this Decree, unless the context otherwise provides:
- "Board" means the Lebanese Environmental Protection Board established by the "Republic of Lebanon Environmental Protection Act"

“assessment by a review panel” means an environmental assessment that is conducted by a review panel appointed by the Board in accordance with the provisions set out in this Decree

“Council” means the Council of Ministers reporting to the President

“environment” means the components of the Earth, and includes:

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in (a) and (b).

“environmental assessment” means, in respect of a project or activity, an assessment of the positive and negative environmental effects of the project or activity that is conducted in accordance with this Decree and any regulations made thereunder

“environmental effect” means, in respect of a project or activity:

- (a) any change that the project or activity may cause to the environment; and
- (b) any change that the project or activity may cause to the environment, whether any such change occurs within or outside Lebanon, and includes any effect of any such change on health and socio-economic conditions.

“exclusion list” means any list prescribed in relation to the appropriate Sections in this Decree

“follow-up programme” means a programme for:

- (a) verifying the accuracy of the environmental assessment of a project or activity; and
- (b) determining the effectiveness of any measures taken to mitigate any adverse environmental effects of the project or activity identified.

“mandatory study” means an environmental assessment that is conducted in accordance with the provisions set out in this Decree

“mandatory study list” means the list in the Schedule to this Decree and those that may be prescribed in accordance with the appropriate sections of this Decree

“mandatory study report” means a report of a mandatory study that is prepared in accordance with the provisions of this Decree or any regulation thereunder

“prescribed” means prescribed by regulation

“project or activity” means a physical work or action that a proponent proposes to construct, operate, modify, decommission, abandon or otherwise carry out or a physical activity that a proponent proposes to undertake or otherwise carry out including land use and sectoral plans and policies

“proponent”, in respect of a project or activity, means the person, body or authority, whether public or private, that proposes the project or activity

“record” includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, and any other documentary material, regardless of physical form or characteristics, and a copy thereof

“responsible Minister” means, in respect of a responsible authority:

- (a) in the case of a department of ministry of State, the Minister or Commissioner presiding over that department or ministry; and
- (b) in any other case, such member of the Council of Ministers or State Council as is designated the responsible Minister or Commissioner for that responsible authority.

“screening” means an environmental assessment that is conducted pursuant to the requirements of this Decree and that includes a consideration of the factors set out in the appropriate Sections of this Decree

“screening report” means a report that summarises the results of screening

38. This Decree may be cited as the “Environmental Impact Assessment Decree 1996”.

SCHEDULE

MANDATORY STUDY ACTIVITIES

(SEE FULL LIST IN DRAFT PROCEDURAL GUIDELINES)

1. AGRICULTURE
2. AIRPORT
3. DRAINAGE AND IRRIGATION
4. LAND RECLAMATION
5. FISHERIES
6. FORESTRY
7. HOUSING
8. INDUSTRY
9. INFRASTRUCTURE
10. PORTS
11. MINING
12. PETROLEUM
13. POWER GENERATION AND TRANSMISSION
14. QUARRIES
15. RAILWAYS
16. TRANSPORTATION
17. RESORT AND RECREATIONAL DEVELOPMENT
18. WASTE TREATMENT AND DISPOSAL
19. WATER SUPPLY

Projet de décret
relatif à l'évaluation de l'impact des
activités et des projets sur l'Environnement

Le Président de la République
Vu la Constitution
Vu la loi 216 du 2 Avril 1993
Vu la loi 64 du 18 Août 1988
Vu le décret 5591 du 30 Août 1994
Sur proposition du Ministre de l'Environnement
Après avis du Conseil d'Etat
Et après approbation du Conseil des Ministres

Décrète

Article 1:

Les termes ci-après utilisés dans le présent décret sont définis comme suit:

1 - Etude d'impact: Le document exigé pour l'obtention de tout permis autorisant les activités agricoles, industrielles, commerciales ou autres permettant à l'Administration d'apprécier, d'évaluer ou de déterminer les incidences directes ou indirectes à court, moyen ou long terme de ces activités sur l'Environnement.

2 - Activité ou projet: Equipements et installations objets d'une pétition pour l'obtention d'un permis de la part d'une personne physique ou morale de Droit public ou de Droit privé et dont l'utilisation est susceptible de causer une pollution de l'Environnement.

3 - Pétitionnaire: La personne physique ou morale de Droit public ou de Droit privé qui vise à l'exécution d'un projet ou d'une activité.

4 - Permis: La décision administrative de l'autorité compétente qui autorise le pétitionnaire à exécuter son projet ou son activité.

Article 2:

Les objectifs de l'évaluation des incidences des projets ou des activités sur l'Environnement sont les suivants:

1 - Etablir les conditions nécessaires à l'évaluation des incidences de tout projet ou toute activité sur la situation de l'Environnement et déterminer la nature de ces incidences, leur degré d'acceptation ou de refus avant toute décision ou octroi d'autorisation à toute personne physique ou morale de Droit public ou de Droit privé.

2 - Renforcer l'application des politiques d'aménagement des terres du Domaine Public pour la protection de l'Environnement.

3 - Assurer l'échange d'informations et de consultations dans un cadre légal et administratif entre les diverses personnes physiques ou morales de Droit public ou de Droit privé en vue de la protection de l'Environnement et pour éviter les incidences négatives des activités de ces personnes sur l'Environnement.

4 - Interdire au secteur public et au secteur privé de commencer tout projet d'exploitation ou d'équipement avant l'obtention d'une autorisation préalable du Ministère de l'Environnement garantissant que le projet n'a aucune incidence négative sur l'Environnement.

5 - Soumettre l'extension ou l'évolution des établissements ou des projets existants à une autorisation préalable du Ministère de l'environnement fondée sur une étude particulière de l'incidence de cette extension ou de cette évolution sur l'Environnement.

6 - Déterminer les diverses activités qui exigent l'établissement d'études d'impact des activités sur l'Environnement et une autorisation préalable du Ministère de l'Environnement.

Article 3:

Le permis d'installation ou d'exploitation de tout projet ou activité cités à l'annexe du présent décret est accordé par l'autorité compétente après approbation du Ministère de l'Environnement pour l'octroi du permis et après que le pétitionnaire ait présenté une étude d'impact des incidences prévisibles de cette exploitation sur l'Environnement et après vérification des conditions prévues par les textes de lois ou règlements en vigueur.

Le pétitionnaire ne peut se prévaloir d'une autorisation administrative non-conforme aux dispositions du paragraphe précédent de cet article.

Article 4:

Sont obligatoirement soumis à l'étude d'impact les projets ou les activités déterminés à l'annexe du présent décret.

Au cas où l'Administration responsable de l'octroi du permis considère que le projet ou l'activité en cause pourrait avoir des incidences négatives sur l'Environnement en dépit du fait qu'ils ne sont pas cités à l'annexe du présent décret, il y a lieu de transmettre le dossier au Ministère de l'Environnement pour avis.

Article 5:

Le pétitionnaire doit présenter l'étude d'impact de son projet ou de son activité sur l'Environnement dans le dossier enregistré auprès de l'Administration compétente pour l'octroi du permis.

L'étude d'impact doit être établie par des personnes reconnues pour leur compétence et couvrir les divers domaines à étudier ou à prendre en considération. A cet effet, l'étude devra comporter à titre indicatif non restrictif ce qui suit:

- Description détaillée du projet ou de l'activité objet de la pétition sur les divers plans technique, économique, financier....

- Analyse détaillée des incidences prévisibles du projet ou de l'activité sur l'Environnement avec présentation des informations détaillées relatives au projet même visant à déterminer l'impact direct ou indirect, temporaire ou définitif sur l'Environnement, les sites et monuments, les ressources végétales et animales, le milieu naturel, l'équilibre biologique, le bruit, les odeurs, l'Agriculture, la Santé et la Salubrité publique, l'Hygiène et la protection du patrimoine culturel.

- Analyse de la nature et des dangers des impacts négatifs possibles du projet objet de la pétition. A cet effet, l'étude d'impact devra déterminer la nature et les dangers de la pollution de l'air, de l'eau, des sols, la nature des déchets, les niveaux de bruits,

les techniques de stockage et d'écoulement des eaux, et si ces impacts négatifs sont temporaires ou définitifs à court, moyen ou long terme.

- Détermination des mesures à prendre pour supprimer ou réduire les impacts négatifs de l'exploitation sur l'Environnement et évaluation de ces mesures avec analyse des possibilités d'exécution sur le terrain.

- Détermination des informations manquantes ou des données non fiables dans l'évaluation de la situation.

- Détermination d'une procédure de suivi pour le contrôle de l'exécution du projet ou de l'activité.

- Présentation des plans requis.

Article 6:

Il est interdit au pétitionnaire de commencer toute phase de son projet ou de son activité avant l'obtention du permis requis de la part de l'Administration compétente.

Article 7:

Dès présentation de la demande du pétitionnaire avec l'étude d'impact à l'Administration compétente, le dossier est transmis au Ministère de l'Environnement pour avis.

Le Ministère de l'Environnement est habilité à s'assurer de la vigueur de l'étude présentée et, à cet effet, elle se réserve le droit de mener toute recherche ou consultation avec les personnes et les institutions de son choix avant l'approbation du projet et son transfert à l'Administration compétente pour l'octroi du permis.

Article 8:

Le Ministère de l'Environnement doit émettre un avis motivé d'acceptation ou de refus du projet ou de l'activité - tout en spécifiant, le cas échéant, les mesures d'exécution pour éviter la pollution.

Quand le Ministère de l'Environnement juge utile d'imposer de nouvelles spécifications au pétitionnaire, il y a lieu de ne pas accorder le permis réclamé avant la vérification de ces spécifications.

Article 9:

Quand le Ministère de l'Environnement donne son approbation à un projet et transmet son avis à l'Administration responsable de l'octroi du permis, il est habilité à contrôler l'exécution du projet et à s'assurer de sa bonne exécution conformément aux normes d'Environnement - ceci en coordination avec l'Administration responsable de l'octroi du permis.

Le Ministère de l'Environnement se doit de demander à celle-ci de prendre toutes les mesures à l'encontre de la personne ayant obtenu le permis s'il s'avérait que ce dernier n'a pas respecté les conditions d'Environnement.

Article 10:

Il ne sera pas exigé une étude d'impact pour tout projet ou activité dans les domaines suivants:

- 1 - Au cas où le domaine du projet ou d'activité n'est pas prévu à l'annexe du présent décret.
- 2 - Quand le gouvernement est obligé d'appliquer des mesures temporaires immédiates en cas d'urgence Nationale.
- 3 - En cas d'exécution d'un projet bénéfique à la Santé et à la Salubrité publique conformément à l'avis du Ministère de l'Environnement.
- 4 - Les travaux d'entretien ou de grosses réparations des projets.

Article 11:

Les dispositions de ce décret s'appliquent aux nouveaux projets et activités. Elles s'appliquent également pour les demandes d'extension ou de transformation des activités et des projets existants au cas où il s'avèrerait que ceci aurait un impact négatif sur l'Environnement.

Article 12:

En cas de contravention aux dispositions prévues par le Ministère de l'Environnement lors de son approbation, celui-ci peut demander l'engagement de poursuites et l'application de peines à l'encontre du contrevenant conformément aux lois en vigueur.

Article 13:

Le Ministère de l'Environnement et les Administrations concernées devront demander aux établissements actuellement en activité de se conformer aux dispositions de ce décret et de régulariser leur situation dans un délai n'excédant pas quatre ans.

Article 14:

Les dispositions du présent décret seront applicables dès leur promulgation au Journal Officiel.

Annex 1

List of Organisers, Consultants and Participants

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NATIONAL CONSULTATION

Friday 24 - Saturday 25 May 1996

Provisional Programme

Day 1

- | | | |
|-------|--|---|
| 09.00 | Official Opening of Think-Tank | Randa Nemer, UNDP
and Representative of
Ministry of Environment |
| 09.15 | Objectives of Think-Tank (Documentation, 2 Drafts
and Written Submissions), Mechanisms and Product) | |
| 09.30 | The Draft EIA Decree and Procedural Guidelines -
Scope, Objectives, Key Principles and Links Between
The Two Documents | Professor Brian D. Clark
and Hyam Mallett |
| 10.00 | Introduction to Working Groups | Professor Brian D. Clark |
| 10.15 | Coffee | |
| 10.45 | Working Group Session 1 - General Principles of EIA
in the Lebanon
All groups will discuss the Decree Sections 1 - 12 and
34 - 38 | |
| 12.15 | Plenary | |
| 13.00 | Lunch | |
| 14.00 | Working Group Session 2 - Environmental
Assessment of Projects and Activities
All groups will discuss the Decree Sections 13 - 33 | |
| 15.30 | Coffee | |
| 16.00 | Plenary | |
| 17.00 | Overall Review of Decree | |
| pm | If there are areas of concern/additional work required,
etc., <u>and</u> the Think-Tank is residential, individuals <u>or</u>
specific interest groups will be invited to redraft/add
to and/or modify the text | |

Day 2

- | | | |
|-------|---|--------------------------|
| 09.00 | The EIA Procedural Guidelines - Brief Introduction to | Professor Brian D. Clark |
|-------|---|--------------------------|