

DRAFT LAW OF THE ENVIRONMENT ASSESSMENT

Presentation note

Among the advantages of the Law n° 12.03 on environmental impact studies is the integration of the principle of prevention as one of the principles of international environmental law, by Submitting certain developmental projects to the assessment of their impact on the environment before their implementation.

At the legal level, this law has strengthened the environmental legal framework through the publication of a set of implementing texts that regulate the modalities for the review of environmental impact assessments and also determine how to involve the public in the evaluation of development projects and programs.

At the institutional level, this law includes also the creation of the National Committee and the Regional Committees for Environmental Studies with a view to ensuring governance and transparency in the evaluation of impact assessments and allocating roles at both national and regional levels.

However , and despite the novelties introduced in Law n°12-03 and its implementing texts on environmental assessment, the practical experience and the actual application of this law as well as the results of the studies carried out to evaluate this process revealed the need to update this law and develop the legislative and regulatory framework to ensure better practice in environmental assessment.

It should also be noted that the drafting of this law project is made in the context of the implementation of the framework Law n° 99-12 covering national charter for the environment and the sustainable development, which states in article 8, the revision of the legislative framework on environmental impact assessment in order to integrate environmental strategic assessment.

Based on the above, the present draft law is intended to remedy the shortcomings mentioned in the implementation of the Law mentioned above, including the non-submission of some polluting projects to the environmental impact studies and the incompatibility of the control system with the evolution of the environmental police.

In addition to that, the present draft law aims to develop a legal mechanism to assess the environmental impact of public policies, strategies, programs and development plans; which will allow the Pre-

integration of major impacts related to the social, environmental and economic dimension in the decision-making series In strategic planning

The most important novelties introduced by this draft law can be summarized as follows :

- Submitting policies, strategies, programs, plans and sectoral or regional development schemes that may have an impact on the environment to strategic environmental assessment.
- Setting ways and modalities of examination of the strategic environmental assessment as well as resort to public consultation in this process.
- Updating the list of projects subject to environmental impact studies as well as identifying the indicators on which projects are subject or not to environmental impact studies.
- Simplify the environmental assessment conditions of small projects with low environmental impacts by requiring their owners to submit a simplified environmental impact card rather than submitting them to the environmental impact assessment.
- Strengthening the role of regional environmental impact assessment committees by creating the sub-regional committees in order to facilitate the working conditions of such committees at the territorial level of the region.
- Approving the institution of environmental audit laid down by the framework law n0 99-12 in order to assess the impact of some activities that already existed and have not been submitted to environment impact studies before the publication of this draft law in order to keep these activities been conform to the current regulations and standards.

THESE ARE THE OBJECTIVES OF THIS DRAFT LAW