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Compliance of a new law on EIA and SEA - “Environmental Assessment Code” with international requirements and EU Directives

Final round-table meeting on the development of a new law
on EIA and SEA in Georgia
Tbilisi 23-24 September 2015





General Comments

- In principle the draft is in compliance with the international obligations and respective EU directives
- The draft is well elaborated procedurally and seems to provide sufficient legal basis for effective modern legal framework for EIA/SEA in Georgia
- There are some minor issues which require modification or clarification in the law
- Cross-references and use of terms require cautious scrutiny in order to assure internal consistency
- There are still some issues to be regulated (Annexes, other legislative acts to be amended in relation to SEA, executive regulations)



General Provision

- Clear scope, objectives and tasks of the Code – maybe a reference would be useful that the Code is aiming at implementing respective international obligations?
- Definitions are in line with the respective definitions in international law and EU directives
- The order of definitions in article 3 seems a bit haphazardous in English translation



EIA

Generally in line with the EIA Directive and 2014 Amendment
Annexes and executive regulations still to be drafted
Environmental Permit – assures assessment early in decisionmaking,
fulfils requirement for „reasoned conclusion” under amended EIA
Directive

Not clear approach to screening decision – is it a Permit? does it allow to
impose conditions even if no EIA is conducted (art.4 para 5 (b) of
amended EIA Directive)?

Mandatory scoping – well elaborated

Quality of the report – qualifications of consultants and Expert
Commision

Validity of Permit – 5 years

No co-ordinated procedure with other assessments (in particular with
appropriate assessment under Habitat Directive)

Detailed time-frames for specific activities – in general reasonable



SEA

- Generally in line with
 - SEA Protocol
 - SEA Directive (except for including appropriate assessment under Habitat Directive)
- No draft with amendments to other legislative acts to be amended in relation to SEA
- Some inconsistency in the approach to screening
- Mandatory scoping – well elaborated
- Quality of the report – qualifications of consultants and Expert Commission
- Detailed time-frames for specific activities – perhaps sometimes too long



Public Participation

Generally in line with

- Aarhus Convention
- Respective EU directives

Some minor inconsistencies between specific provisions on public participation in Parts II and III related respectively to EIA and SEA and Part IV on Public Participation

„Reasoned comments” vs „any comments”

Informing the public



Transboundary Procedures

- Fully in line with
 - Espoo Convention and SEA Protocol
 - Respective EU directives
- Sufficiently detailed and precise framework to assure effective implementation of international obligations



Ministry of Environment
and Natural Resources
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