



Session I

General provisions and definitions

Developing legislative framework for the strategic
environmental assessment in line with the Protocol on SEA

Sub-regional conference

2 November 2015

Lopota Lake Resort, Kakheti, Georgia

Content

- Compatibility with SEA Protocol
- General provisions
- Use of definitions – basic rules
- Issues of concern
 - Definition of SEA
 - Definition of SEA Report
 - Definition of planning authorities

Compatibility with SEA Protocol

- Formal compatibility
 - Definitions
 - Field of application
 - Procedural provisions
 - Annexes
- Practical compatibility
 - Conceptual compatibility
 - Scheme implementable in practice

General provisions

- Aims of the act and reference to international obligations
- Scope of assessment – not only compliance with technical standards
- Principles
 - Precautionary principle vs scientific basis principle

Participants discuss examples from their drafts

Use of definitions – basic rules

- Definitions from the Protocol – „mandatory” vs „non-mandatory”
- Definitions from the Protocol and „own” definitions
 - Change of definitions from the Protocol – not allowed
 - Supplementing definitions from the Protocol - allowed
- „Own” definitions – allowed provided compatibility with the Protocol

Definition of SEA

- Procedural vs substantive definition
 - Definition in SEA Protocol
 - Relation to other provisions
 - Possible solution
- Definition and concept of SEA

Participants discuss examples from their drafts

Definition of SEA Report

- Not defined in SEA Protocol but used in draft laws
- Relation to definition of SEA
- Concept of SEA
- Relation to
 - Public participation
 - Transboundary procedure (Case under IC Espoo Lithuania vs Belarus)

Participants discuss examples from their drafts

Definition of authorities

- Not defined in SEA Protocol but used in draft laws in different ways
- Public authorities
 - Definition in Aarhus Convention
 - Environmental and health authorities
 - Planning authorities
- Planning authorities and „zakazchik”
- Definition of planning authorities

Participants discuss examples from their drafts