



Session II

Field of application of SEA

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

- Field of application – basic rules
- Art.4.2
 - Areas
 - Minor modifications
 - Small areas at local level
 - Setting framework
 - Development consent for projects
- Art. 4.3
- Exemptions
- Screening

Field of application – basic rules

- Mandatory requirements - clear reflection in legislation
- Legislation must clearly cover
 - Respective strategic documents
 - prepared by public authorities
 - regardless of the name
 - Including modifications
 - Possible solution – definition of „strategic document”
- Legislative technique to achieve implementation in practice – amendments in relevant legislation needed
 - Horizontal
 - Sectoral
- Flexibility
 - Minor modifications
 - Small areas at local level
 - Approach to screening

Art.4.2

- All areas from art.4.2 must be clearly mentioned
- Minor modifications –
 - extremely important in practice
 - clear reference suggested to be included
- Small areas at local level
 - Difficult to be implemented
 - Inclusive approach suggested

Participants discuss examples from their drafts

Art.4.2 - cd

- Setting framework
 - Setting framework – Annex III.2
 - Directly or indirectly
- Development consent for projects
 - Concept of development consent
 - Reference to EIA scheme

Participants discuss examples from their drafts

Art.4.3

- Approaches
 - Inclusion of additional areas into mandatory assessment
 - Clear provision in the legislation for individual screening
 - Obligation
 - Implementable scheme for screening
- Examples

Participants discuss examples from their drafts

Exemptions – art. 4.4

- Understanding of
 - Serving national defence
 - Civil emergencies
 - Financial or budgetary documents
- Understanding of „sole purpose of” vs „relating to”

Participants discuss examples from their drafts

Screening – art.5

- Application
 - Not
 - Documents form art. 4.2
 - Their modifications
 - Yes
 - Documents form art. 4.3 and 4.4
- Role of Annex III

Participants discuss examples from their drafts

Screening – art.5 (cd)

- Method
 - Positive vs negative screening
 - Pros and cons
- Procedural requirements
 - Screening document
 - Who participates
 - Who decides
- Screening decision
 - Form and legal nature
 - Public availability
- Timing

Participants discuss examples from their drafts