

#### 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









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- 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

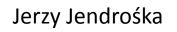
Participants discuss examples from their drafts



#### 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

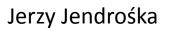
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### Exemptions – art. 4.4

- 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 availibility
- Timing

Participants discuss examples from their drafts

