

SEA Awareness Raising Workshop for Planning Authorities and Consultants

November 30 – December 1, 2016
Venue: Hotel Laerton, 14 Iliko Kurkhuli St, Tbilisi, Georgia

Workshop Report

November 2016



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Background information

The awareness raising workshop on Strategic Environmental Assessment (SEA) was held during November 30 – December 1 2016 in Hotel Laerton, Tbilisi. The workshop was organized by the Ministry of Environment and Natural Resources Protection of Georgia in cooperation with the United Nations Economic Commission for Europe (UNECE) and ‘Georgia’s Environmental Outlook’ (GEO) in the framework of the EU funded Programme ‘Greening the Economies in the Eastern Neighbourhood’ (EaP GREEN) and the EU Project ‘Support to the Approximation in various fields as part of the environmental provisions under the EU-Georgia Association Agreement’.

The aim of the workshop was to introduce the SEA procedure as stipulated by the draft Environmental Assessment Code of Georgia. The representatives of the national level planning agencies, and environmental consulting companies, as well as the project national and international experts attended the event. Full list of participants is attached in Annex II.

Minutes of the meeting

Day 1, 30 November

The workshop was opened by Ms. Nino Tandilashvili, Head of division in the legal department of the Ministry of Environment and Natural Resources Protection of Georgia.

After introducing the workshop objectives and agenda, and brief introduction of the participants, the first *introductory* session was opened by Mr. Jerzy Jendroška with the presentation on SEA international standards, covering following topics: origin and concept of SEA, UNECE Espoo Convention, UNECE SEA Protocol, UNECE Aarhus Convention and the EU EIA Directive; key differences between the SEA in accordance with these international documents and OVOS/Expertiza systems; alternatives; concept of “tiering”; SEA procedural steps; and SEA report.

Following to this, Ms. Nino Tandilashvili introduced the new draft Environmental Assessment Code, touching upon international obligations, objectives of the Code and the structure and the current status of the draft Code.

The next presentation of the introductory session was delivered by Mr. Musil on principles of efficient application and main stages of SEA procedure. Mr. Musil explained the key principles of undertaking SEA, its major benefits, and typical steps of SEA procedure. In addition, Mr. Musil introduced case examples from EU countries, specifically, SEA of the National Transport Development Strategic Plan until 2030, Slovakia and SEA of Transport Strategy of Kosice City, Slovakia.

In the last presentation in session I, Mr. Michal Musil introduced the draft SEA Guidelines on practical application of SEA in Georgia.



The questions and discussions after session I mainly concerned such issues as SEA as a planning tool, importance of accountability and motivation of the state agencies as well as level of democracy in the country needed for successful implementation of SEA; planning processes at different levels, short term and long term plans and level of detail required in long term plans in order to carry out effective SEA, financial and institutional resources that would be needed for proper implementation of SEA in Georgia, and potential barriers to the adoption of the new draft Code. Ms. Tandilashvili commented that parliamentary committee members have been actively involved in different trainings on SEA, which would facilitate the adoption process. She stressed out that the Ministry does not see any barriers to adoption of the Code.

In the following session II – *Definitions* Mr. Jerzy Jendroška delivered presentation on the international requirements regarding key definitions and roles of competent authorities and other stakeholders. Mr. Jendroška explained definitions according to the SEA Protocol and the EU SEA Directive compared the definitions provided e.g. in the Belarus expertiza law. Next to this, Ms. Nino Tandilashvili introduced the key definitions and roles of competent authorities and other stakeholders according to the draft Code. Finally, Mr. Michal Musil provided practical examples of competent authorities and other stakeholders generally in the EU and specifically, in Czech Republic, Denmark and the Netherlands.

The presentations were followed by questions regarding types of authorities that could be regarded as planning authorities in the sense of SEA. A case when the Ministry of Environment represents a planning agency i.e. develops strategic documents that are subject to SEA we also discussed.

In the next session III – *Linking SEA and planning*, Mr. Michal Musil introduced the generic steps of the SEA process and interrelation of these steps to the stages of plan or programme making. In addition, Mr. Musil provided key options for integration of SEA into planning process. The presentation was followed by a group work. The participants were given a task to suggest optimal linkages between the SEA and the elaboration of a hypothetical specific plan or programme.

Session IV – *Strategic documents subject to SEA scheme and exemptions from SEA* started with presentation by Mr. Jerzy Jendroška on international requirements related to the scope of SEA application, and exemptions based on the SEA Protocol. Next, Ms. Nino Tandilashvili addressed relevant requirements according to the new draft Code, i.e. the field of SEA application, and documents subject to screening.

The presentations were followed by the discussion on examples of different national documents, and whether these documents should be subject to SEA or not. Some questions concerned whether SEA should be applied to already adopted plans and programmes. The experts clarified that while the existing strategic documents that are approved before enactment of SEA regulations will not be subject to SEA, future changes to these document should be subject to SEA.

Day 2, 1 December

The day started with session V – *Screening*. Mr. Jerzy Jendroška delivered presentation on provisions on screening according to the SEA protocol – application, method, procedural requirements, timeframes and public availability of screening determination. Ms. Nino Tandilashvili explained the screening procedure step by step, screening decision, and screening criteria according to the new draft Code. Mr. Musil explained the importance of screening and advantages and disadvantages of combined application for screening and scoping. In addition, Mr. Musil provided practical examples of SEA procedure in the Czech Republic and presented the comprehensive website of the Czech Republic Ministry of Environment with Information System on SEA, which includes information on published and submitted scoping and SEA reports, as well as other documents (e.g. invitation to the public hearing), and the final SEA statement.



The presentations were followed by the discussion. A question was raised regarding what is a consequence when screening application does not provide sufficient information. Ms. Tandilashvili explained the rules that apply in accordance with the General Administrative Code of Georgia.

The last part of the session was devoted to the practical exercise on screening. The participants were given a task to decide whether specific plans or programmes should be subject to SEA. In overall, the participants showed good understanding of the topic.

In the next session, session VI – *Scoping* Mr. Jerzy Jendroška explained the international requirements regarding scoping according to the SEA Protocol, including role of scoping, procedure, and determination of the scope of assessment. Ms. Nino Tandilashvili introduced scoping aims, procedural steps and scoping decision according to the draft Code. Mr. Musil

covered purpose of scoping, guiding principles, approach, tools and methods and procedural aspects. In addition, Mr. Musil described several practical case examples of SEA scoping.

Questions followed on interrelation between the general framework plans and lower level plans and programmes. E.g. question was raised whether additional discussion is needed on certain issues in a lower level plans, if these issues are already formulated in higher-level, broader plans already subject to SEA.

In session VII – *SEA report*, Mr. Jerzy Jendroška introduced international requirements according to the SEA Protocol, such as requirements regarding the SEA report, and its quality control. Next, Ms. Nino Tandilashvili covered requirements to SEA report according to the draft Code. Ms. Michal Musil explained requirements of the SEA Protocol regarding information to be provide by the SEA report, as well as he described typical methods for evaluation of potential environmental effects.

Questions were raised regarding the lack of baseline data due to insufficient monitoring and how to deal with this in SEA. Mr. Musil clarified that generally, SEA does not need to be always based on a data intensive exercise. E.g. to assess air pollution situation, data from several monitoring stations could be extrapolated for a certain territory. In addition, modelling can be done based on traffic intensity and average emission intensities for a specific flow of traffic. Mr. Jendroška added that while baseline data is very important for lower level plans and specific projects, for more general, framework strategic documents it is key to assess whether given plan or program would correspond to the environmental objectives of the country.

In session VIII – *Recommendations by the Environment and Health Ministries*, Ms. Nino Tandilashvili covered procedure for issuing recommendations by the competent authorities and content of recommendations according to the draft Code. Mr. Michal Musil presented role of recommendations, consideration of alternatives and mitigation measures and provided practical case examples from the Czech Republic and Montenegro.

The presentations were followed by the questions regarding the format and status of recommendations. Mr. Jendroška clarified that in some cases, when SEA does not provide sufficient information for decision-making, the SEA authority can ask the planning agency for additional information, and the planning authority is obliged to provide revised SEA report. In the most countries the updated SEA report would be subject to another procedure with additional public participation etc. Also, in another case, if the SEA authority issues recommendations that require substantive changes to the initial plan, SEA procedure has to start from the beginning.

In the next session IX – *Public Participation* Mr. Jerzy Jendroška covered requirements of the SEA Protocol, relation to the Aarhus Convention, identification of the public, notification of the public, access to documentation, possibility to submit comments, taking due account of the comments, publicizing the decision, and provided several examples of public participation procedure in the EU countries. Ms. Nino Tandilashvili covered requirements according to the

draft Code. She explained definition of the public and the public concerned, means of informing public, and means for public involvement in decision making.

In the session X – Transboundary Procedure Mr. Jerzy Jendrośka explained stages of transboundary procedure, practical arrangements to be established, and the procedural elements to be regulated. Ms. Nino Tandilashvili introduced procedural stages of transboundary SEA procedure according to the draft Code. Mr. Musil provided a case example: SEA of the National Transport Strategies of the Czech Republic, 2012.

In session XI – *Adoption/approval of Strategic Document* Mr. Jerzy Jendrośka covered relevant requirements of the SEA Protocol, role and obligations of competent authorities, concept of final decision, concept of taking ‘due account’, statement of reasons, obligation to inform about the decision, and obligation to make decision available. Ms. Nino Tandilashvili explained provisions stipulated by the draft Code. Mr. Michal Musil provided examples from the EU countries.

In the last session XII – *Monitoring compliance* Ms. Nino Tandilashvili introduced provisions of the draft Code regarding monitoring of implementation of the strategic document and SEA recommendations. Mr. Michal Musil explained the role of monitoring, general approaches to monitoring such as performance-led monitoring, objective-related monitoring, and combined approaches, and provided several practical examples on monitoring.

After some concluding remarks the workshop was closed. In overall, the participants found the workshop very useful in terms of getting familiar with new concepts of SEA and the requirements of the new draft Code.

Annexes

Annex I – Agenda of the workshop Day 1, 30 November

09.30-10.00	Registration of participants
10.00-10.15	Opening of the workshop and welcome of the participants <i>Ms. Nino Tandilashvili, Head of Division, Legal Department, Ministry of Environment and Natural Resources Protection</i>
I Introduction	
10.15-10.35	International standards: <ul style="list-style-type: none"> • Concept of EIA-SEA, Espoo Convention and SEA Protocol, SEA Directive, Aarhus Convention • International standards vs OVOS/ecological expertise • Legislative reforms in other countries <i>Mr. Jerzy Jendroška, International Consultant</i>
10.35-10.55	Introduction to the Code: international obligations, objectives and scope of regulation, structure and current status, SEA legal framework <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
10.55-11.05	Questions and answers
11.05-11.25	Introduction to SEA – principles of efficient application, main stages, case examples from EU countries <i>Mr. Michal Musil, International Consultant</i>
11.25-11.35	Introduction to SEA Guidelines <i>Mr. Michal Musil, International Consultant</i>
11.35-11.45	Questions and answers
11.45-12.00	Coffee Break
II Definitions	
12.00-12.15	Key definitions and roles of competent authorities and other stakeholders: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
12.15-	Key definitions and roles of competent authorities and other stakeholders according

12.30	to the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
12.30-12.45	Competent authorities and other stakeholders: practical issues/examples from EU <i>Mr. Michal Musil, International Consultant</i>
12.45-13:00	Questions and answers
13.00-14:00	Lunch break
III Linking SEA and planning	
14:00-14:05	<ul style="list-style-type: none"> • Introduction to the topic • Identifying linkages between strategic documents preparation and SEA <i>Mr. Michal Musil, International Consultant</i>
14:05-14:50	Group work <i>Facilitated by Mr. Michal Musil, International Consultant</i>
14:50-15:15	Presentation of results and discussion <i>Facilitated by Ms. Tamar Gugushvili, National Coordinator</i>
IV Strategic documents subject to SEA scheme and exemptions from SEA	
15:15-15:25	Strategic documents subject to SEA scheme and exemptions from SEA: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
15:25-15:35	Strategic documents subject to SEA scheme and exemptions from SEA according to the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
15:35-15:50	Coffee Break
15:50-16:00	Strategic documents subject to SEA scheme and exemptions from SEA: practical issues/Examples from EU <i>Mr. Michal Musil, International Consultant</i>
16:00-16:10	Questions and answers
16.10-16:20	Practical exercise: minor modifications <i>Mr. Jerzy Jendroška, International Consultant</i>
V Screening	

16:20-16:30	Screening: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
16:30-16:45	Screening step by step under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
16:45-16:55	Screening step by step: practical issues/ examples from EU <i>Mr. Michal Musil, International Consultant</i>
16:55-17:00	Questions and answers
17:00-17:15	Practical exercise: group work on screening <i>Facilitated by Mr. Michal Musil, International Consultant</i>
17:15-18:00	Presentation of results and discussion <i>Facilitated by Ms. Tamar Gugushvili, National Coordinator</i>
18.00	End of Day 1

Day 2, 1 December

VI Scoping	
10.00-10.05	Scoping: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
10.05-10.25	Scoping step by step under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
10.25-10.45	Scoping step by step: practical issues/examples from EU <i>Mr. Michal Musil, International Consultant</i>
10.45-10.50	Questions and answers
10.50-11.10	Practical exercise: group work on scoping <i>Facilitated by Mr. Michal Musil, International Consultant</i>
11.10-11.30	Presentation of results <i>Facilitated by Ms. Tamar Gugushvili, National Coordinator</i>
11.30-11.45	Coffee Break
VII SEA Report	
11.45-11.55	SEA report: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
11.55-12.15	SEA report under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
12.15-12.35	SEA report: practical issues/examples from EU <i>Mr. Michal Musil, International Consultant</i>
12.35-12.45	Questions and answers
12.45-13.30	Lunch Break
VIII Recommendations by the Environment and Health Ministries	
13.30-13.45	Recommendations under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
13.45-14.15	Recommendations practical issues/ examples from EU <i>Mr. Michal Musil, International Consultant</i>
14.15-	Questions and answers

15:00	
IX Public Participation	
15:00-15:15	Public participation: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
15:15-15:30	Public participation under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
15:30-15:40	Public participation: practical issues/ examples from EU <i>Mr. Jerzy Jendroška, International Consultant</i>
15:40-15:55	Coffee Break
15:55-16:15	Practical exercise identification and involvement of the public concerned <i>Mr. Michal Musil, International Consultant</i>
16:15-16:25	Questions and answers
X Transboundary Procedure	
16:25-16:40	Transboundary procedure: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
16:40-16:55	Transboundary procedure under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
16:55-17:00	Questions and answers
17:00-17:10	Practical exercise - screening for transboundary effect <i>Mr. Michal Musil, International Consultant</i>
XI Adoption/approval of Strategic Document	
17:10-17:20	Adoption/approval of strategic document: international requirements <i>Mr. Jerzy Jendroška, International Consultant</i>
17:20-17:35	Adoption/approval of strategic document under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
17:35-17:50	Adoption/approval of strategic document: practical issues/examples from EU <i>Mr. Michal Musil, International Consultant</i>
17:50-18:00	Questions and answers
XII Monitoring compliance	



18:00-18:10	Monitoring compliance under the Code <i>Ms. Nino Tandilashvili, Legal Department, Head of Division</i>
18:10-18:20	Monitoring compliance: practical issues/examples from EU <i>Mr. Michal Musil, International Consultant</i>
18:20-18:30	Questions and answers
18:30-19:00	Concluding session
19:00	End of the workshop

Annex II – List of Participants

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