



Training workshop on SEA scoping in Georgia for the Ministry of Environment and Natural Resources Protection and the Ministry of Labour, Health and Social Affairs

Meeting Report

19 April 2016

Hotel Betsy's, 32/34 Kote Makashvili St, Tbilisi, Georgia

Introduction

Training workshop on SEA scoping in Georgia was held on 19 April 2016 at hotel Betsy's Tbilisi Georgia. 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).

The aim of the training workshop was to present and discuss practical aspects of conducting SEA scoping with special emphasis on the role of environmental and health authorities in this stage, as well as on the formulation of a scoping opinion, as stipulated by the draft Environmental Assessment Code of Georgia (EAC). Representatives from the Ministry of Environment and Natural Resources Protection (MENRP), the Ministry of Labour Health and Social Affairs of Georgia (MLHSA), as well as the national and international experts participated at the meeting (in total 25 participants, full list is attached in Annex II to this Report).



Overview of sessions

Opening session

The Meeting was opened by Ms. Maia Bitadze, Deputy Minister, MENRP, followed by opening remarks by Mr. Martin Smutny, UNECE Secretariat. The participants were asked to formulate 2-4 questions in relation to SEA scoping procedure after opening. The most of the questions concerned procedural aspects of SEA scoping, including: SEA scoping criteria, major aspects to be covered by scoping report, timelines, and public involvement, coordination between the Ministries of Environment and Health etc. Presentation of the questions was followed by a lively discussion, significant part of which concerned coordination between the MENRP and MLHSA in SEA process. During the discussion, it was underlined that SEA procedure would require close collaboration and coordination between the two Ministries. It was suggested to take into account that legally, the Ministries are responsible for implementing their specific competences within their respective areas, and thus they can be accountable only for decisions that do not fall beyond their focus area. This fact was seen a legal constraint for establishing joint SEA commissions (as proposed in the discussion). It was agreed that this issue would be further addressed in the ‘SEA Recommendations’ to identify practical ways for collaboration.



Introduction to scoping procedure

The next session started with the presentation “*Purpose and expected outcomes, general role of environmental and health authorities in scoping, examples of scoping procedure from the selected EU countries*”, delivered by Mr. Michal Musil, UNECE Secretariat. Mr. Musil briefly outlined the main stages of SEA, focusing on the scoping stage. Namely, he explained purpose of scoping as identifying development interventions and relevant environmental and health issues, which should be further considered within the SEA, emphasizing that ‘scoping out’ is as important as ‘scoping in’, while it is also important to keep the scope of SEA flexible to allow its adjustments as the understanding of environmental and health implications of the proposed plan or programme unfolds. Further, Mr. Musil discussed possible roles of environmental and health authorities and provided examples of scoping



procedure from the selected EU countries. The presentation was followed by questions and discussion about the scoping opinion as terms of reference for SEA. One of the questions raised the issue of a specific guidance document that can support decision-making in scoping. It was explained that there is no blueprint approach regarding level of detail, and the key approach in scoping is to identify reasonable aspects to be covered. An example of a plan or programme related to the transport was provided, where the air quality should be covered at a greater extent than for a programme related to water management. It was also agreed that additional details could be identified and included as a result of consultations, while in overall, the scoping report should cover 1) information about a plan or programme, 2) information about likely affected area – key environmental and health issues, 3) problems that exist in the affected area and 4) potential impacts related to a plan or a programme.

The next presentation of the given session - “*Legal requirements regarding scoping*” was delivered by Ms. Tamar Sharashidze, Head of Environmental Impacts Permit Department. The presentation, at a great extent, covered related requirements of the new draft EAC, providing details of the scoping stage, scoping application, requirements to the scoping report, public hearing/consultations and roles of the planning and SEA authorities. The presentation was followed by a discussion about the level of plans and programmes (e.g. national, municipal) that should be subject to SEA. It was underlined that while municipalities can be planning agencies themselves, at the same time, they are key stakeholders with regards to many national plans and programmes. Another important issue discussed concerned enforceability of SEA decision, taking into account its recommendatory character. Mr. Martin Smutny, UNECE Secretariat, responded on this that in practice, in most of the cases, SEA recommendations are followed, while Government still might not consider some of the recommended changes in the plan, but adequate justification has to be provided why certain recommendations have not been accepted. Mr. Musil added that ideally, SEA should lead to improvement of a plan or programme during the SEA process, before it is submitted for approval to the Government. Providing that in many countries, the ‘political weight’ of the planning agencies e.g. Transport Ministry is higher than that of the Ministry of Environment, therefore the SEA process should not rely only on conclusion of SEA, but try to optimize the plan or programme during the process with aim to achieve a better (from likely environmental and health effects point of view) strategy and plan, which is submitted for approval.

Following presentation “*Introduction to the scoping stage of the SEA pilot on the Waste Management Strategy and Action Plan*”, explaining practical aspects of scoping undertaken within the SEA pilot, was delivered by Mr. Michal Musil. Mr. Musil outlined steps implemented during SEA pilot and their timelines; results of the scoping, such as baseline analysis related to relevant topics, brief description of the situation, an overview of sensitive areas or hotspots relevant for a given topic and key environmental and public health issues; review of relevant policy and strategic documents and identification of the number of health and environmental objectives; main gaps in existing information and data; and initial recommendations and review of stakeholders. In addition, Mr. Musil went through the scoping report content checklist to demonstrate its level of compliance with the new draft EAC requirements (see Annex III of this report). Mr. Musil listed lack of data and information, limited time to conduct baseline analysis and abstract nature of the Waste Management Strategy as major challenges for elaborating the scoping report. He also discussed main challenges related to SEA pilot scoping stage, such as unavailability of the



draft Waste Management Action plan at early stages of project implementation, limited time frame and ongoing changes to the draft Action Plan, as well as lack of experience of the national team in conducting SEA.

After the break, next session followed with the presentation, “*Outline of possible scoping procedure*” by Mr. Martin Smutny. Mr. Smutny outlined main steps in scoping stage according to the draft EAC, including detailed responsibilities of planning authorities and SEA authorities – MENRP and MLHSA. The presentation also covered issues for discussion, such as: purpose of scoping: not to ‘approve’ scoping report, but to determine scope of assessment; role of expert commissions: primarily to suggest the scope of assessment; role of SEA authorities: to determine the scope of assessment; and some technical aspects, such as: format of the application by planning authority; ways of communication/cooperation between MENRP and MLHSA; composition of the expert commission; information about time and venue of the scoping public hearing; publishing scoping opinion; and timing of entire scoping procedure. Mr. Smutny also provided some practical suggestions such as to agree on and clearly define unified way of informing public. He also explained that scope of assessment can be determined directly by the SEA authorities, without involvement of expert commission in less complicated cases; and in some cases public hearing can be replaced by targeted consultations with the key stakeholders.

The presentation followed by discussion. One of the important issues discussed concerned possibility of participation of MLHSA representatives in the expert commission formed by the MENRP. As also discussed in the previous session of the workshop, it was concluded, that legally, the MENRP cannot take responsibility on the issues related to human health, which means that a separate commission should be created under the MLHSA. In addition, it was announced that enactment of health related provisions of the EAC had been postponed until proper regulations on health assessment are in place, providing that currently regulations on considering health aspects in planning does not exist or is insufficient.

Another issue discussed concerned public hearings. Mr. Michal Musil provided examples from different countries and explained that in some cases, it is more relevant and efficient to organize focused small meetings with small focus groups rather than having large public meetings. Mr. Martin Smutny added that there are pros and cons of mandatory public hearings. If law does not require mandatory consultations, planning agencies might be ‘encouraged’ not to organize public hearings. On the other hand, more efficient would be to identify together with the planning agency what would be a right way of consultations.

Scoping report

In the next presentation “*Information needed to determine the scope of SEA*” Mr. Michal Musil covered the key components of the scoping report and went through the structure of the SEA Pilot Scoping Report to draw parallels with the relevant requirements from draft EAC. In the final part, Mr. Musil provided some practical suggestions related to the draft EAC, namely, he stated that required content of scoping report is potentially very demanding in terms of analytical work, so that it includes information related to the magnitude of possible environmental impact on the environment and public health and information of measures, which should be considered for mitigation, prevention and compensation of negative impact in case of implementing plan or programme. He explained, that normally, these are parts to be

covered in the main SEA phase. Mr. Musil also added, that there are no explicit requirements for environmental baseline analysis in the scoping report in the current draft EAC.

Scoping opinion

In the last presentation of the workshop “*Possible structure and content of scoping opinion, examples from the selected EU countries*” by Mr. Michal Musil explained key purposes of scoping opinion as to formally define scope of further analyses, i.e. terms of reference for SEA team; to identify key stakeholders who must be consulted and to specify requirements for the further consultation process. Once again, Mr. Musil underlined that scoping opinion is not a review or approval of the scoping report, but it should be entirely oriented towards the future phase of the SEA process. Afterwards, Mr. Musil discussed a case example – SEA for transport sectorial strategy 2 and outlined key issues addressed in scoping, such as biodiversity, air quality and human health as well as some minor issues – water, cultural heritage, forests, soil and issues that were scoped out by the SEA team – waste, soil and forests. Full text of the proposed scoping opinion was distributed among the participants.

During the discussion the question was raised, whether scoping opinions should be issued separately by the two Ministries. Representatives from the MENRP confirmed that according to the current draft EAC, MENRP and MLHSA issue scoping opinion separately, providing that each Ministry acts in the frames of their own competences. The participants agreed to the suggestion by Mr. Martin Smutny that the two Ministries meet before issuing the scoping opinion, so that to avoid any conflicting decisions and to synchronize their efforts.



Conclusions

In the end of the meeting, Mr. Smutny outlined the process of the preparation of the ‘SEA Recommendations’ and invited the Working Group members as well as other participants to provide their comments in the process. It was agreed that issues discussed during the workshop shall be reflected and addressed in the “SEA Recommendations” as far as possible.

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The participants were invited to take part in the next training workshop on SEA quality control in September 2016. It was also reminded that the first WG meeting is planned on 22 April 2016.

After a few concluding remarks, the meeting was closed. The participants from the both Ministries emphasized that the training workshop covered their questions to a great extent and contributed to better understanding of the SEA scoping procedure. Ms. Tamar Sharashidze and other participants expressed their gratitude to UNECE and GEO for organizing the workshop.



Annex I – Agenda of the workshop

10.30 – 11.00	Registration of participants, and welcome coffee
11.00 – 11.15	<p>Opening of the workshop and welcome of the participants</p> <p><i>Ms. Maia Bitadze, Deputy Minister, Ministry of Environment and Natural Resources Protection</i></p> <p><i>Mr. Alvaro Ortega, Program Manager, Delegation of the EU to Georgia</i></p> <p><i>Mr. Martin Smutny, EaP GREEN Project Coordinator, UNECE Secretariat</i></p>
11.15 – 11.45	<p>Introduction to the workshop objectives and agenda</p> <p>Introduction of the participants and their expectations from the workshop</p> <p><i>Facilitated by Ms. Tamar Gugushvili, National Project Coordinator, GEO</i></p>
11.45 – 12.30	<p>Introduction to scoping</p> <ul style="list-style-type: none"> • Purpose and expected outcomes, general role of environmental and health authorities in scoping, examples of scoping procedure from the selected EU countries (15 min) • <i>Mr. Martin Smutny, Mr. Michal Musil, UNECE International Consultants on SEA</i> • Legal requirements regarding scoping (15 min) • <i>Ms. Tamar Sharashidze, Head of Environmental Impacts Permits Department, Ministry of Environment and Natural Resources Protection</i> • Introduction to the scoping stage of the SEA pilot on the Waste Management Strategy and Action Plan: presentation and Q/A session • <i>Mr. Michal Musil, UNECE International Consultant on SEA</i>
12.30 – 12.45	Coffee break
12.45 – 13.45	<p>Scoping procedure</p> <ul style="list-style-type: none"> • Outline of possible scoping procedure (15 min) • <i>Mr. Martin Smutny, Mr. Michal Musil, UNECE International Consultants on SEA</i> • Facilitated discussion to develop details on the scoping procedure in Georgia (45 min) • <i>Facilitated by Ms. Tamar Gugushvili, Project National Coordinator, GEO</i>
13.45 – 14.30	<p>Information needed to determine the scope of SEA</p> <ul style="list-style-type: none"> • Introduction (15 min) • <i>Presentation by the national and international UNECE consultants</i> • Discussion (30 min) • <i>Facilitated by Ms. Tamar Gugushvili, Project National Coordinator, GEO</i>



14.30 – 15.15	Lunch break
15.15 – 17.15	Scoping opinion <ul style="list-style-type: none"> • Possible structure and content, examples from the selected EU countries, Q/A session (30 min) <i>Introductory presentation by national and international UNECE consultants</i> • Group work: developing scoping opinion on the pilot SEA scoping report (60 min) <i>Facilitated by the national and international UNECE consultants</i> • Presentation by working groups and discussion (30 min) <i>Facilitated by Ms. Tamar Gugushvili, Project National Coordinator, GEO</i>
17.15 – 18.00	Concluding session <ul style="list-style-type: none"> • Summary of main conclusions • Introduction of home assignment <i>Ms. Tamar Gugushvili, Project National Coordinator, GEO, and Mr. Martin Smutny, UNECE Secretariat</i>
18.00	End of workshop



Annex II – List of Participants

	Full Name	Organisation	Position	Contact Information
1.	Maia Bitadze	MENRP	Deputy Minister	m.bitadze@moe.gov.ge
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12.	Teona Karchava	MENRP	Chief Specialist, Biodiversity Protection Service	t.karchava@moe.gov.ge
13.	Nino Tandilashvili	MENRP	Head of Division of Parliamentary Relations and Lawmaking, Department of Legal Affairs	ninucanlg@gmail.com
14.	Irma Gurguliani	MENRP	Deputy Head of Wastes and Chemicals Management Service	i.gurguliani@moe.gov.ge
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16.	Tamar Gamgebeli	MENRP	Chief Specialist, Water Resources Management Service	gamgebelitamar@gmail.com
17.	Davit Tsotadze	MENRP	Chief Specialist, Atmospheric Air Protection Service,	d.tsotadze@moe.gov.ge
18.	Marine Baidauri	MLHSA	Chief Specialist, Regulations Division, Health Protection	mbaidauri@moh.gov.ge



			Department	
19.	Mzia Jokhidze	MLHSA	Chief Specialist, Regulations Division, Health Protection Department	mjokhidze@moh.gov.ge
20.	Nana Gabriadze	MLHSA, NCDC	Head of Environmental Health Division	gabriadzenana79@gmail.com
21.	Lela Naskidashvili	MLHSA, NCDC	Senior Specialist, Environmental Health Division	lelayazarashvili@gmail.com
22.	Martin Smutny	UNECE Secretariat	EaP GREEN Project Coordinator	martin.smutny@integracons.com
23.	Michal Musil	UNECE Secretariat	International Consultant on SEA	michal.musil@integracons.com
24.	Tamar Gugushvili	GEO	National Project Coordinator	gugushvili.tamuna@gmail.com
25.	Nana Baramidze		Project Expert	Nana.baramidze@gmail.com



Annex III – Procedural steps of SEA scoping phase according to the EAC and their reflection within the Pilot SEA process

Formal phase of Scoping	How it was conducted within the pilot SEA	Lessons learned/Considerations for practice (when the EAC is in force)
<p>1. Planning authority</p> <ul style="list-style-type: none"> ▪ Applies to the Ministry of Environment and Natural Resources (MENR) and the Ministry of Labour, Health and Social Affairs (MLHSA) for scoping opinion ▪ Informs public about the application 	<p>No official application prepared</p>	<p>The Ministry of Environment and Natural Resources Protection of Georgia (waste and chemicals management unit) is a planning authority in a sense of EAC. If it assumes this role again in the future, a formal application will have to be prepared and submitted to both ministries indicated in EAC, regardless it is within the same institution.</p>
<p>2. MENR and MLHSA publish application and attached documents on their web sites</p>	<p>No publication of the application on the websites</p>	<p>Joint procedure for publishing relevant documents needs to be developed. Suitable technical infrastructure (internet site section) needs to be developed and authorities for its administration delegated.</p>
<p>3. MENR establishes expert commission</p>	<p>Not done</p>	<p>Expert capacities (e.g. list of experts) needs to be prepared capable of mobilization within a limited time. An adequate expert mobilization mechanism to respond needs anticipated by the EAC needs to be established.</p>
<p>4. Planning authority ensures organization of scoping public hearing</p>	<p>The public consultation meeting took place on 22 September 2015. Representatives of all relevant ministries, including the Ministry of Health, NGOs</p>	<p>Potential planning authorities (Ministries and others) need to consider timely allocation of resources (direct costs, staff) to fully assume this responsibility. While substantive content can be developed by the SEA experts and planners, the logistics and related matters will likely need to be carried by the responsible institution (e.g. Ministry) unless subcontracted to an external agent.</p>



	and other relevant organization participated in the event.	
5. MENR, MLHSA, and planning authority inform about time and place of public hearing	Partially performed	Joint procedure for publishing relevant documents needs to be developed. Suitable technical infrastructure (e.g. dedicated internet site section) needs to be developed and authority for its administration assigned.
6. Expert commission provides conclusions on scoping report	Not done	See section 3
7. Planning authority prepares protocol on public hearing and submits it to MENR and MLHSA	Partially performed	Minutes from the public hearing shall be systematically kept (the responsibility can be delegated to the SEA team) and comments raised included in the SEA documentation. The EAC however requires formal protocol to be prepared separately and submitted -
8. MENR and MLHSA issue the scoping opinion	Not done	Mechanism for a joint position preparation shall be developed
9. MENR and MLHSA send scoping opinion to planning authority	Not done	
10. MENR, MLHSA, and planning authority publish scoping opinion on their official websites	Not done	See section 5