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2nd Training workshop on SEA application for the municipal spatial plans: Quality control

19 – 20 September 2019, Tbilisi

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Purpose of quality control in SEA

- To ensure that the SEA process has provided **reliable and objective information to be considered when adopting the plan or programme** and has communicated this information effectively to stakeholders.

Legal requirements

- SEA Protocol (Art. 7):
 - Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.

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Aspects of quality

- SEA report (more frequent);

or

- Entire SEA process (including the SEA administrative procedure).
 - communication between SEA and planning teams,
 - availability and appropriateness of data and information,
 - the use of effective impacts' evaluation tools and techniques,
 - means of stakeholders' consultations and participation,
 - extent of integration of the SEA findings into the plan or programme.

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Approaches to quality control in SEA

- QC limited to procedural matters; consultation and public scrutiny considered as adequate quality control (ENG, DEN, IT)
- QC of procedural matters plus a formal review of Environmental Reports which includes substantive considerations (i.e. conclusions, recommendations etc.) (NL)
- More comprehensive QC provisions, e.g. licensing of competent practitioners, advisory committee, a stronger role of competent authority (CRO & CZE)
- Third party initiatives: e.g. the Chartered Environmentalist & Quality Mark (ENG)

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Quality control in Georgia

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- Review of the SEA report by expert commission
- Qualification of SEA consultants
- Relevant provisions of General Administrative Code of Georgia

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Review of SEA report

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- The review of the SEA report has to be ensured by the Ministry of Environment through the expert commission (Chapter VII of EA Code);
- Expert commission is set by the ministry and it is comprised by relevant experts; the ministry can invite foreign expert to participate in the expert commission;
- The expert commission examines the report and provides the expert conclusion both on the SEA report and draft strategic document.
- SEA Guidelines include criteria to review SEA report (Annex 5)

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Review of SEA report

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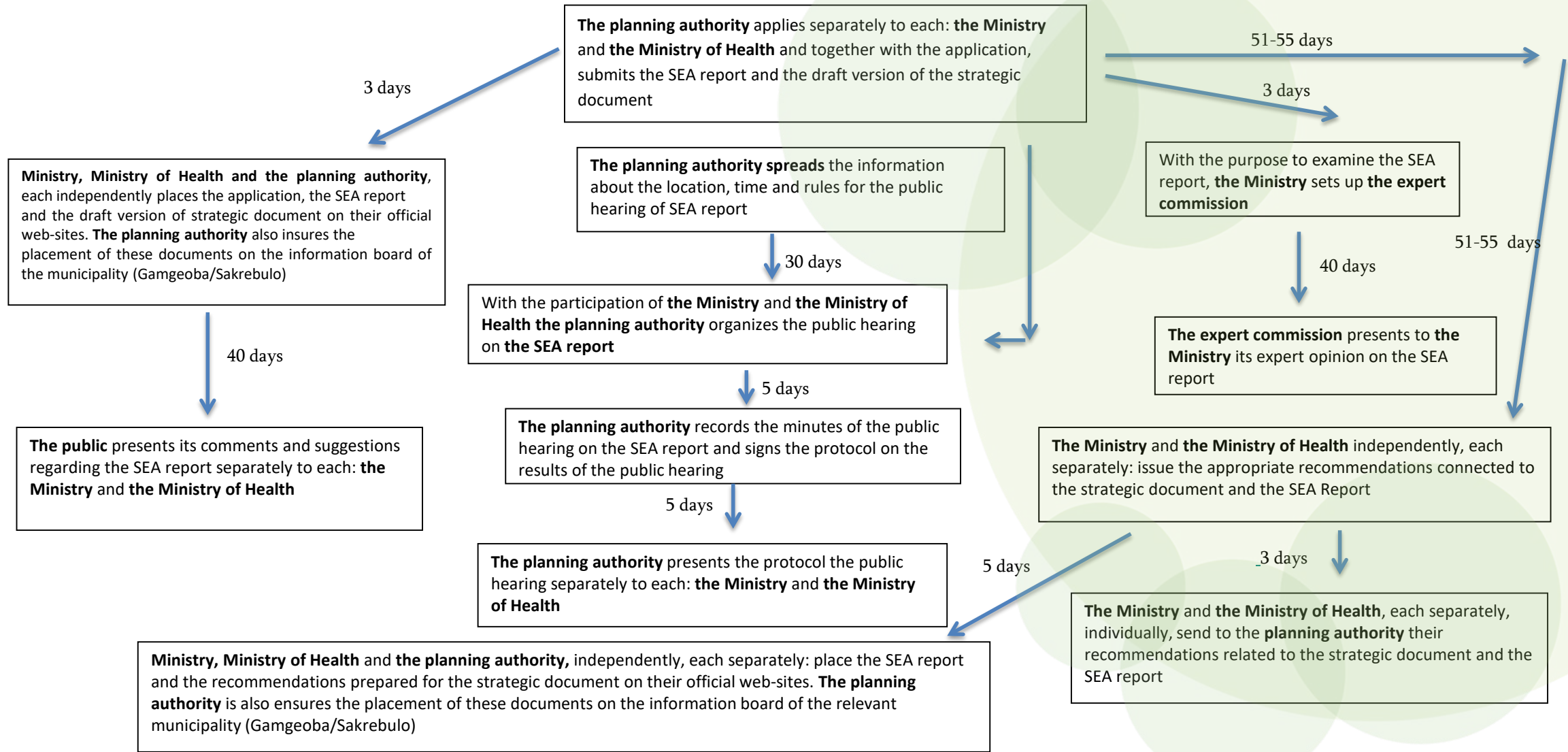
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- MEPA is responsible for setting expert commission with 3 days of the registration of the application;
- Expert can be from the Ministry and/or representative of substructure unites of the Ministry or/and a public expert;
- The expert commission can also include a foreign expert in case they are invited by the Ministry;
- Expert commission should be comprised by relevant sectoral experts;
- Expert commission not only prepares expert conclusion of the documents but also check the quality of SEA report.

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Procedural steps to review SEA Report and draft strategic document





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Qualification of SEA consultants

- Consultant, as defined in the EAC is a person having the relevant qualification as well as scientific, technical and methodological skills for preparing strategic environmental assessment reports (Chapter I, Article 3)
- However, there is no system (certification/licensing) for checking the qualification of the consultant, therefore, the quality of the report prepared by the consultant depends on his/her competence and responsibility.

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Relevant provisions of General Administrative Code of Georgia

- The Article 83 provides the opportunity to the Ministries to define the discrepancies and give certain time to the planning authority to improve the discrepancies found there;
- According to General Administrative Code a public authority has a right to verify compliance of provided application with determined requirements set forth in Article 78 of the General Administrative Code within 3 days and set certain period for the applicant to provide necessary information and documents needed for the public authority to issue justified decision;
- Unless otherwise determined by law, the timeframe for submitting additional documents or other information may not be less than five days. An administrative body may extend the timeframe for submitting documents or other information at the request of an applicant, but only once and by no longer than 15 days.

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Practical tips

- Licensing/certification schemes usually do not work as a quality control tool
- Role of MEPA (and the Ministry of Health) is essential
- Quality of SEA consultants is important – requirements should be considered in the ToR for SEA
- Use consultations (with relevant authorities, NGOs, public) as a quality control tool
- Planning authority should control/supervise SEA process (not just sub-contract consultants) and relevant staff has to have time allocated to this task

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Questions or comments?

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Topics for discussion

1. How to ensure sufficient quality of SEA of Lebarde Resort?
2. How to ensure the conclusions of quality control are considered in SEA?
3. Which quality criteria listed in SEA Guidelines are the most relevant (please check the list and select 5 the most relevant for Lebarde Resort).

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