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Virtual Roundtable

on the Development of Secondary Legislation on EIA and SEA in Azerbaijan

Draft Regulations for the implementation of SEA :

Presentation of the national scheme for the implementation of SEA

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18 August 2020

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Legal Framework for the Development of the Draft SEA Regulations

- Decree No 193 of July 13, 2018 of the President of the Republic of Azerbaijan *on the Application of Law No 1175-VQ, dated June 12, 2018 of the Republic of Azerbaijan on Environmental Impact Assessment*
 - Paragraph 1.1.5 of the Decree – determination of the procedure of implementation of strategic ecological assessment

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Key Requirements for Conducting of SEA

- SEA shall be applied at the stage of preparation of the strategic documents of planned economic (or household) activities, and of territorial planning documents
- **The planning authority** shall initiate the SEA after preliminary consultations with the State Ecological Expertise Agency (SEEA) under the Ministry of Environment and Natural Resources.
- The agency for EIA, involved by the planning authority shall conduct the SEA and prepare the SEA document.
- The prepared SEA document shall be submitted to the State Ecological Expertise Agency (SEEA) to be subjected to the state ecological expertise in compliance with the Law of the Republic of Azerbaijan on Environmental Protection, and an opinion of the ecological expertise is issued.
- The draft Regulations does not intend the procedure of SEA in a transboundary context.

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Procedure of SEA:

Draft strategic documents in the spheres of agriculture, forestry, fishery, energy, industry, transportation, waste and water management, land resources use, tourism and telecommunication

Draft territorial planning documents;

Projects arising from international and concession agreements to which Azerbaijan is a party in the spheres of environmental protection and ecological safety

Strategic documents *related to the issues of* emergency cases, national defense, and state financial and budget issues shall not be subjected to SEA.



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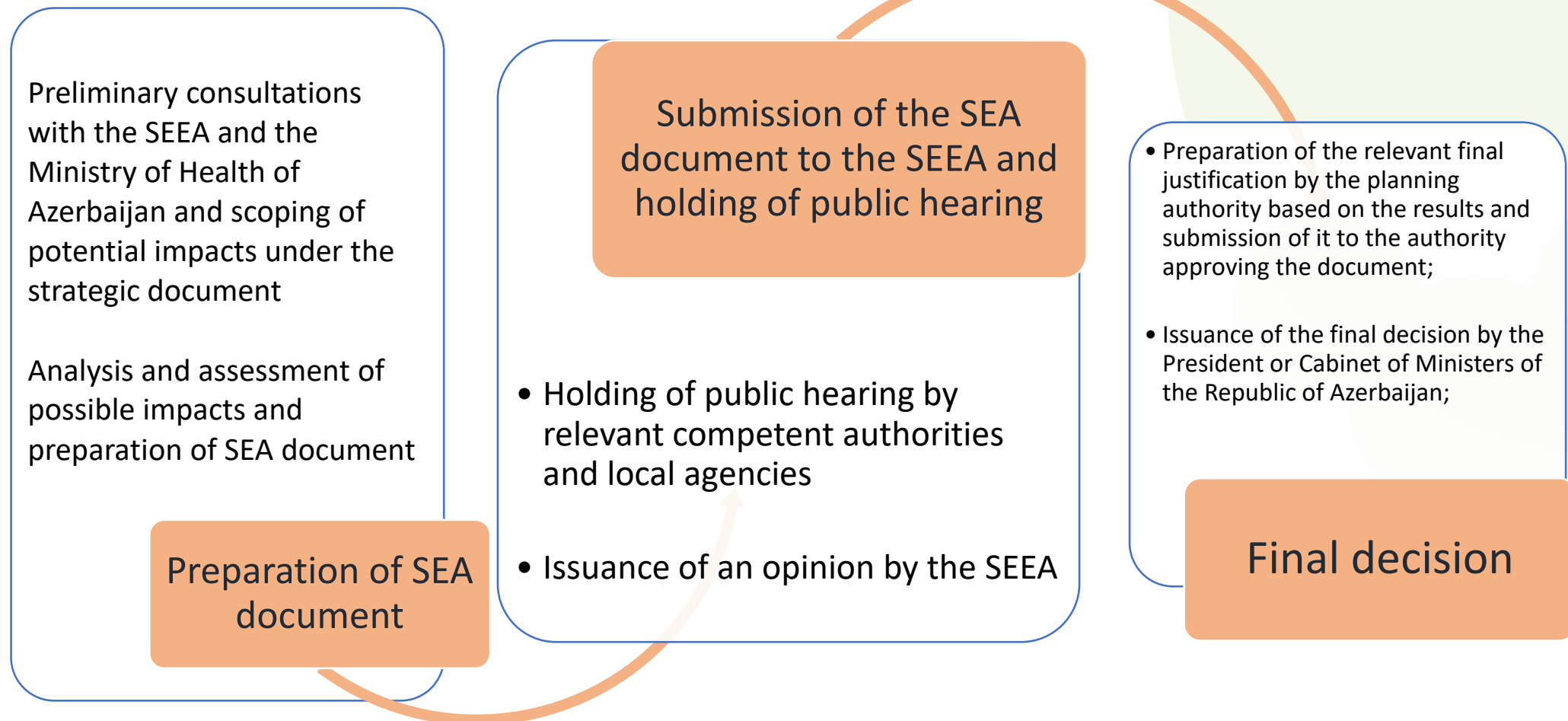


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Key steps for conducting SEA:





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Preliminary consultations and SEA scoping document

- **What is preliminary consultation?** – application from the planning authority or from EIA agency on behalf of it to the SEEA to state the intent of planning at the preparation stage of the strategic document, before the finalization of the document, and to determine the scope of the SEA to be conducted.
- **Application** – consists of **an application, information on the strategic document (or its draft)**, attached to the application, and **the preliminary document on the scope of the assessment**, of which only compliance shall be approved by the Agency
- The scoping document and the opinion of the SEEA shall be posted on the web page of the Agency and shall be made available to the public. At this stage, public hearings shall be voluntary.

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Content of SEA scoping document

- Information on the planning authority and the agency conducting the SEA;
- The goals and general description of the proposed strategic document (the territory or territories it covers, its scope, implementation terms and conditions, and resources);
- Information about the relationship and relevance of the proposed strategic document to other available or planned strategic documents;
- A short analysis of the alternatives, such as the location, technological option, energy sources and etc. proposed for the strategic document;
- The scope of expected possible environmental impacts (through a scheme or interpretation) and methodologies proposed for their assessment;
- Referred legal framework and data base for the assessment;
- Responsible authorities determined for SEA consultations;
- Objectives set for the environment and human health and problems that may arise;
- Knowledge and skills required from environmental assessors to be involved in the preparation of the SEA document.

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Content of SEA Document (Report)

- The content, key goals of the strategic document and its relationship with other strategic documents;
- Legal framework referred to for the strategic document and SEA;
- The relevance of the strategic document to the targets for environment, and human health and sustainable development, recognized at the international and national levels;
- The current status of the environment in the territory (territories) covered by the strategic document;
- Potential impact sources with regard to the implementation of the strategic document and their potential impacts on the environment and human health;
- Justification of the ecological efficiency of the selection of alternative options for the targets and proposals specified in the strategic document;
- Analysis of potential ecological impacts, and measures intended for the prevention, reduction and mitigation of them, and for conducting the monitoring of the actual impact; and
- The conclusions of public hearings and consultations.

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The procedure of holding of public hearings

- When submitting the draft SEA document to the SEEA, the planning authority shall inform it of the date, time and venue of the public hearing.
- Even when no document is submitted, the SEEA shall be informed of the public hearing at least seven (7) business days prior to the event.
- The planning authority shall post the announcement on the public hearing and the draft SEA document, as well as the information on the goal, date, time, venue, procedure of the holding of the meeting on its official web page, and on the place for obtaining of necessary documents at least seven (7) business days prior to the public hearing, and shall also distribute them through other mass media.
- The planning authority shall write the minutes of the public hearing, prepares its final document in the form of review of the expressed key ideas, opinions and proposals during the public hearing, and attach them to the SEA document.

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Responsibility of holding of public hearings

- Public hearings shall be held in the administrative territory in which the implementation of the SEA activity is planned under the presidency of a representative of **the relevant local competent authority or municipality.**
- **Public hearings shall be held with the participation of** representatives of the **SEEA**, EIA agency conducting the assessment (jointly with EIA assessors), and the public, and if necessary, representatives of the Ministry of Health of Azerbaijan.

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Submission of SEA Report to the SEEA

- The Regulations for the Procedure of State and Public Ecological Expertise was approved on May 20, 2020.
- The SEA documents (reports) shall be subject to the state ecological expertise by the SEEA and ***an opinion of the state ecological expertise*** shall be issued on them, depending on the results of the expertise.
- The opinion shall reflect the conclusions and mitigation measures about the key ecological risks of the implementation of the strategic document, which may impact on the environment, and *the content and targets and proposals for the implementation of the strategic document*, as well as terms and conditions that must be taken into account during the implementation (design) of the strategic document.

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Final justification and decision

- The planning authority shall prepare the **final justification document** on the issues considered and not considered with regard to the content, targets and implementation of the strategic document.
- **The final justification** shall reflect the issues not agreed and agreed by the planning authority for the conclusions of the SEA and the content, targets and implementation of the strategic document in compliance with the opinion of the state ecological expertise.
- **Final decision** is issued by the President or the Cabinet of Ministers of the Republic of Azerbaijan. The final draft of the strategic document shall be completed by the planning authority based on the relevant opinion and these issues shall be reflected in the final decision approving the document.

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Informing about SEA conclusions

- Upon the approval of the strategic document by the President or Cabinet of Ministers of the Republic of Azerbaijan respectively, the final decision shall be delivered by the planning authority to the relevant authority (or authorities) with which consultations were held about the strategic document, and shall be made available to the public for information.
- Upon the approval of the strategic document, the planning authority shall summarize the accepted final conclusions, including the SEA conclusions and the opinion of the ecological expertise, and post them on its web page (as an annex to the SEA Report) and inform the SEEA in writing of it.

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Monitoring of SEA conclusions

- The conclusions of the SEA shall be taken into account by the Client in the course of the design of the activities intended in the strategic document, and shall be reflected in the EIA document;
- The implementation of the SEA conclusions shall be monitored by the SEEA at the stage of design of the activities intended for the strategic documents, and their relevance shall be analyzed; and
- They are also monitored by the planning authority within its competency and/or state authorities and agencies to be involved in consultations, other interested organizations, and civil society institutions and the public.

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Thank you for your attention!

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