



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

Republic of Azerbaijan, 18 August 2020

Roundtable Report











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1. Background

The Law on Environmental Impact Assessment and the Law on Making Changes to the Law on Environmental Protection adopted by Azerbaijan in 2018 provide an improved legal framework for Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) with several areas still requiring further alignment with the international standards, in particular, with the provisions of the Convention on EIA in a Transboundary Context (Espoo Convention) and its Protocol on SEA.

The Law on EIA stipulates major legal requirements for EIA and SEA and, in general, provides a national legal framework of EIA and SEA. A number of secondary legislation acts (on EIA and SEA) were developed by the Ministry of Ecology and Natural Resources of the Republic of Azerbaijan in 2019.

Within the framework of the European Union-funded EU4Environment programme (2019 – 2022), UNECE is assisting Azerbaijan in reviewing and providing recommendations for the alignment of the country's two pieces of draft secondary implementing legislation -the Draft "Regulation and Duration for Implementation of Environmental Impact, including Transboundary Impact Assessment" and the "Draft Regulation on Implementation of SEA" - in line with the international standards.

2. Roundtable objectives

The roundtable was organized by UNECE and the Ministry of Ecology and Natural Resources of Azerbaijan as a part of the process of developing secondary legislation on EIA and SEA in Azerbaijan. Together with the presentations of the draft regulations, results of the review, including concrete recommendations for how to align the draft secondary legislation fully with the Espoo Convention and its Protocol on SEA and harmonize it with the EU Directives on SEA and EIA, formed the basis for discussions at this Roundtable. Therefore, the agenda included the following objectives:

- present the results of the review and the recommendations regarding the new schemes for EIA and SEA to the relevant stakeholders and the public;
- introduce to the relevant stakeholders and the public the new schemes for EIA and SEA laid out in the draft regulations and the rationale for their introduction in light of the review and there commendations;
- support finalization of the draft secondary regulations fully aligned with the Espoo Convention and its Protocol on SEA and harmonized with the EU SEA and EIA Directives.

3. Approach and methodology

In line with the above objectives, the Roundtable was organized in a virtual format considering the COVID-19 related restrictions on physical meetings in Azerbaijan and in other countries.

The following approach was planned and delivered successfully:

The event was organized as a roundtable in order to facilitate interactive discussion on the two draft regulations and to get feedback from the participants.

The roundtable's target audience was identified to include relevant government agencies and entities, as well as representatives of civil society institutions and NGOs.

The overall concept of the roundtable served to introduce the draft regulations in the national context as well as in relation to the international agreements on EIA that Azerbaijan is a Party to, namely the UNECE Espoo Convention, as well as applicable international standards.

Along with the presentations of the draft regulations, results of the review by an international legal consultant to UNECE, including concrete recommendations for how to align the secondary legislation fully with the international standards, formed the basis for discussions at the virtual Roundtable.

Key issues presented

The following presentations were included in the Roundtable

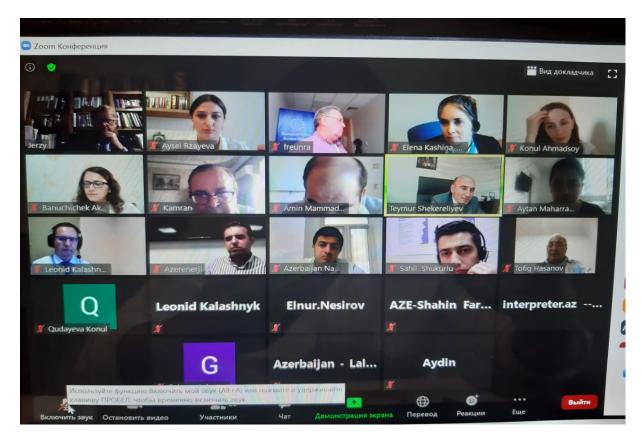
- Introduction of the draft Rules Regulation and Duration for Conducting Environmental Impact, Including Transboundary Impact Assessment and Regulation on Conducting SEA.
- Presentation of the Draft Regulation on EIA: presentation of national scheme for implementation of EIA. Draft regulation on EIA: presentation of transboundary scheme for implementation of EIA in a transboundary context.
- Presentation of Draft Regulation on EIA in Azerbaijan in light of the UNECE Espoo Convention and other applicable international standards: findings and recommendations of the Review
- Presentation of the Draft Regulation on SEA: presentation of national scheme for implementation of SEA
- Presentation of the Draft Regulation on SEA in Azerbaijan in light of the UNECE Protocol on SEA and other applicable international standards: findings and recommendations of the Review

4. Summary of the Roundtable outcomes

The Virtual Roundtable took place on 18 August 2020.

A total of 37 participants, from various institutions and organization (National Parliament, Ministry of Ecology and Natural Resources, the Ministry of Health, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Economy, Ministry of Emergency Situations, Ministry of Energy, Ministry of Transport, Communication and High Technologies, Ministry of Agriculture, State Tourism Agency, Azerbaijan City Planning and Architecture Committee, The State Statistcs Committee, Azerbaijan Melioration and Water Irrigation JSC, "Azersu" OJSC, "Azerenergy" OJSC and NGOs.) as well as the European Union Delegation to Azerbaijan took part in the event.





Following key topics were addressed and discussed:

The virtual roundtable started with the opening speech of Mr. Teymur Shakaraliyev, the Head of Law Department of Ministry of Ecology and Natural Resources of Azerbaijan.

Welcoming the participants, he noted the importance of the **Roundtable on the Development of Secondary Legislation on EIA and SEA in Azerbaijan.** He recalled the activities implemented with a focus on national institutional and legal improvements related to EIA and SEA, notably the adoption of EIA law in 2018 and the preparation of respective two draft regulations as an important legal base for the instruments on SEA and EIA.

Minister Counsellor, Head of Cooperation, European Union Delegation to Azerbaijan Ms. Simona Gatti took the floor welcoming the participants in the event within the framework of the European Union funded programme. By indicating the pandemic situation caused by COVID-19 globally, she noted the importance of a staying on course withf planned activities and objectives related to environmental protection in the situation of the COVID-19 pandemic and referred to examples of EU assistance in Azerbaijan, including EUWI+. that still ongoing for achievement of our set targets on environmental protection. She also noted significant developments by Azerbaijan with this regard by mentioining completed and ongoing projects supported by EU. Ms. Gatti emphasized the importance of the steps already made with regard to the national legislation on SEA and EIA and noted the need for completing the legislative reform in this area.

Ms. Aysel Rzayeva, Focal Point to the UNECE Espoo Convention, Head of Green Development and Innovations Subdivision, International Cooperation Division, Ministry of Ecology and Natural Resources of Azerbaijan provided brief information on the goals and expected outcomes of the roundtable, including latest information about the national legal framework for EIA and SEA, increased EIA practice while noting the remaining gaps in the legal framework. She elaborated on the purposes of the preparation of the secondary legislation on EIA and SEA by the Ministry of Ecology and Natural Resources after the adoption of the EIA law by highlighting the need of and a broader context of an international legal review supported by UNECE under EU4Environment.

Furthermore, she updated the audience of related steps taken by the Ministry of Ecology and Natural Resources to comply with the Espoo Convention and harmonize legislation with the relevant EU directives by referring the 6 subregulatory acts (regulations) since the adoption of the EIA law. These include "Regulations for Control under EIA and SEA", "Regulations for Expert Commission", "Regulations on the Form of the Certificate of Qualification for EIA assessors and the issuance, termination of the validity, or cancellation of the certificate, and the procedure of registration of EIA assessors and organizations assessing the environmental impact, and control over their activity", "Regulations for State and Public Ecological Expertise" adopted to continue to bring the legislation into compliance with international requirements.

Mr. Leonid Kalashnyk, EU4Environment Project Manager at UNECE briefed the participants about the activities in the area of SEA and EIA envisioned in Azerbaijan under the EU4Environment programme.

Mr. Jerzy Jendroska, internal legal consultant to UNECE, took the floor to give a brief summary of the international legal review process and the international legal framework of relevance to a review of the secondary legislation.

Further to that, Ms. Banuchichek Akhundzadeh, Head of the Ministry's Subdivision on Legislation and Legal Expertise of the Division on Law Issue and the national consultantintroduced the reviewe and elaborated on draft regulations. She went on to present the national scheme for the implementation of EIA in Azerbaijan.

Ms. Akhundzadeh referred to the legal documents which constitute the basis for the preparation of the draft regulations on EIA and SEA. She summirized improvements and amendments to the draft regulations that had been taken into account following legislative advice by the international legal consultant to UNECE. In particular, with regard to the stages of EIA application, these included public participation and disclosure of EIA documentation, responsibilities of authoriies and project proponents in this respect. Furthermore, she presented general aspects of transboundary impact assessment in the draft regulation on EIA and introduced the regulation on theimplementation of EIA, as well as the content of EIA report and major environmental components to be considered during assessment. She gave detailed information on responsibilities and competences of authorities related to control of the activities on EIA identified under the draft regulations and inconsistencies revealed during the review process. Ms. Akhundzadeh amplified on how the drafts were further revised in light of the recommendations and comments by the international legal consultant to align the national EIA scheme with international standarts.

Ms. Aysel Rzayeva made a presentation on transboundary impact assessment procedure within the EIA process. She explained the general requirements of the EIA law in this regard and indicated that the transboundary implementation mechanisms were incorporated into the respective draft regulations which were missing in the law. She described the transboundary procedure based on the national scheme that was elaborated with the assistance of the international legal consultant. This scheme included focusing on responsibilities of competent authorities, sending the notification and its coordination procedure, EIA documentation, public participation, and taking the final decision. She noted that the discrepancies and gaps the mechnisms were evaluated by the national expert and the Legal Department and amendments incorporated into the draft regulations. Afterwards, an improved draft was further revised with the assistance fo the international legal consultant. At this stage, the remaining inconsistencies identified by the international legal consultant were fully addressed.

Mr. Jerzy Jendroska made a presentation on the Draft Regulation on EIA in Azerbaijan in light of the UNECE Espoo Convention and other applicable international standards and explained the key findings and recommendations of the Review.

Mr. Jendroska introduced the concept of EIA in light of the Espoo and Aarhus Conventions, including the essential features of EIA in the countries in the European Union and the U.S. (, activities and ongoing progress in several countries in the UNECE region. He also emphasized the major topics addressed within the review process – scoping within EIA process, EIA report content, public participation, transboundary procedure and final decision, including major actors competent and responsible for all those steps. He also stressed major applicable international requirements comparing them with the national legal documents. He gave further advice to prepare guidance document for draft regulations.

Following the presentations in the first part of the event the floor was opened for discussion and questions.

A representative of the Ministry of Emergency Situations of Azerbaijan, posed a question regarding the sharing of the draft regulations with his Ministry.

The Ministry of Ecology and Natural Resources indicated that after the roundtable the amended drafts would be circulated for interministerial review as soon as possible.

The representative of "Azərsu" Joint Stock Company, Mr. Elnur Nasirov asked that in case of no other alternative exist and only one option was considered under the EIA procedure, especially with regard to state owned projects, how EIA should address this situation.

Ms. Aysel Rzayeva responded that if no option was reviewed, then at least "no alternative" version for a proposed project should be assessed due to requirements of the Espoo Convention irrespective of who is the owner of the project, as stipulated by national legislation as well.

Mr. Jerzy Jendroska told that there was no such situation within his 30 year field experience that there were no alternative option, thus, there are always options. For example, if a government decides that anew cement factory should be built, in that case, if no locational alternative exists, then there should be at least options for its technology, energy and etc.

The Deputy head of Public Council under the Ministry of Ecology and Natural Resources, Mr. Amin Mammadov, asked about the relevant approaches and European best practices for improving professional capability of experts and to give an impetus to the establishment of experienced consultancy companies in this field.

Mr. Jerzy Jendroska shared relevant experience of Poland in the 1990s. He mentioned that training programs proposed by the EU were very supportive and helpful, as they collectively performed 200 trainings within six months.

Mr. Leonid Kalashnyk took the floor to respond to the questions about EU4Environment's capacity-building activities on SEA and transboundary EIA. He highlighted the planned activities – trainings, SEA pilot project and other events designed for the coming years.

Mr. Fikrad Jafarov, Director of NGO "Society for Sustainable Development", commented on the importance of SEA in the country. He said that SEA is not only about the environmental assessment, it is also about strengthening the cross-sectoral collaboration and it paves the way for choosing best options for further planning and economic activities.

After the break Ms. Aysel Rzayeva made presentation on the Draft Regulation on SEA making describing of national scheme for implementation of SEA in Azerbaijan with a focus on Legal Framework for the Development of the Draft SEA Regulations, Key Requirements for implementing of SEA, SEA steps, Preliminary consultations and SEA scoping document, content of SEA Report, public participation, justification document and decision-making procedure. She highlighgted that national legislation does not include the transboundary

procedure as stipulated in the Protocol on SEA, thus, the capacity for SEA application in national level still needs to be increased to meet the international standards.

Mr. Jendroska continued with a presentation on draft SEA regulation by outlining all required steps under SEA procedure. He underlined the political sensitivity of final decision-making on strategic documents and mandatory nature of ecological conclusion on SEA reports, as well as interpretation of provisions related to subjects of SEA.

Afterwards, the floor was opened for discussion and questions.

Mr.Kamran Jabrayılov Leading specialist, Ecology Division of the Technical Production Department of the "Azerenergy" OJSC asked that How awareness of the public is ensured within the preparation of SEA report, as SEA document are prepared by specialists and public has no such capacity and may propose to exclude necessary environmental solution or issue concluded within it? Mr. Jendroska gave actical examples for ensuring the public awareness and role of competent authorities and planning authorities on arranging effective public participation, and preparation of SEA reports in understandable format and showed the way for arranging communication and information sharing tools to public.

Mr. Leonid Kalasnyk asked about the further steps after the roundtable on draft regulations and their expected approximate date of adoption.

Ms. Banuchichek Akhundzadeh responded to that question, saying that, the round table was expected to be organized and the drafts of regulations be discussed well in advance before sending them to the interministerial discussions. Drafts in the Azerbaijani version will be shared as soon as possible by the Ministry of Ecology and Natural Resources and the Ministry will continue to facilitate the process.

After the conclusion of discussions for closing remarks, the floor was given first to **Mr. Leonid Kalashnyk**. He congratulated the Ministry on the successful work on the draft legislation. He thanked to the EU Delegation's representatives for taking part and contributing to the event.

Mr. Teymur Shakaraliyev, Head of Law Department. Mr. Shakaraliyev thanked to all participants – government bodies, NGOs, experts for their interest to the event and participation. He noted the importance of this event and of the review having been accomplished with the EU4Environment funded assistance to help align the national EIA and SEA legislation with international standards. He thanked the UNECE secretariat to the Espoo Convention and its Protocol on SEA and representatives of the European Union for their continuous support.

5. Conclusions

The workshop involved participants with different affiliations – both government and non-government actors (see list of participants). They were given an opportunity to become familiar with the results of the review process of the draft regulations on EIA and SEA.

Before the circulation of the draft regulations to inter-ministerial review, the event served to facilitate a further interministerial review of the two draft regulations.

It served to show the relevant government stakeholders and the NGOs the importance and rationale of those amendments that had been incorporated into the drafts on EIA and SEA. This will facilitate the interministerial review as many of the stakeholders have been made aware of the relevant issues.

Representatives of the Ministry of Ecology and Natural Resources underlined their readiness for future intergovernmental discussions to ensure the drafts to continue to retain agreed amendments as reflected in the content of the draft of regulations.

The discussions held during the event also paved the way for some further progress on awareness raising on EIA and SEA understanding among different stakeholders, including sectoral ministries.

The roundtable revealed NGOs further interest in the application of SEA application in the country and the need for further capacity development in this area, especially in terms of expanding its practical application, more progress in terms of SEA experts and practitioners and the increasing awareness of the public.

The event concluded that the Draft "Regulation and Duration for Implementation of Environmental Impact, including Transboundary Impact Assessment" and the "Draft Regulation on Implementation of SEA" were ready to be submitted to Cabinet of Ministries for intergovernmental review earliest possible.







SEQ və ƏMTQ

- · Prosedur oxşarlıqları
- Qiymətləndirmənin həcmi:
 - ƏMTQ-də fiziki təsir, SEQ-də isə ətraf mühitlə bağlı vəzifələrə nail olu
 - Əhatə dairəsinin daha geniş, dəqiq məlumatların isə daha az olması
- SEQ lisenziya vermə prosesi deyil
- · Ətraf mühit və səhiyyə orqanlarının SEQ-də rolu
- ƏMTQ-də layihə təklif edən, SEQ-də isə planlaşdırma orqanları













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6. Acknowledgements

The roundtable was jointly prepared by the UNECE secretariat to the Espoo Convention and its Protocol on SEA and the Ministry of Ecology and Natural Resources within the framework of the European Union funded EU4Environment program.

Annex 1: Workshop agenda







Ministry of Ecology and Natural Resources of Azerbaijan Republic

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

AGENDA

Tuesday, 18August 2020

Start: 14h Baku time – 12h Geneva time End: 18h30 Baku time – 16h30 Geneva time

Technical equipment: web-based video conferencing Language: English – Azerbaijani (simultaneous interpretation)







Action implemented by:





Virtual Roundtable Development of Secondary Legislation on EIA and SEA in Azerbaijan

18August, 2020 (14:00 – 18:30 Baku time)

Background

The Law on Environmental Impact Assessment and the Law on Making Changes to the Law on Environmental Protection adopted by Azerbaijan in 2018 provide an improved legal framework for Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) with several areas still requiring further alignment with the international standards, in particular, with the provisions of the Convention on EIA in a Transboundary Context (Espoo Convention) and its Protocol on SEA. Azerbaijan intended to address the remaining gaps vis-à-vis the Convention and the Protocol through secondary implementing legislation on EIA and SEA developed by the Ministry of Ecology and Natural Resources in 2019.

Within the framework of the EU-fundedEU4Environment programme (2019 - 2022), UNECE is assisting Azerbaijan in reviewing and providing recommendations for the alignment of its draft secondary implementing legislation - the Draft Regulation on EIA, including transboundary EIA and the Draft Regulation on SEA -with the international standards.

Together with the presentations of the draft regulations, results of the review, including concrete recommendations for how to align the secondary legislation fully with the Espoo Convention and its Protocol on SEA, will form the basis for discussions at this Roundtable. The roundtable is organized by UNECE and the Ministry of Ecology and Natural Resources of the Republic of Azerbaijan as a part of the process of developing secondary legislation on EIA and SEA in Azerbaijan.

Meeting objectives, expected outputs and outcomes

- present the results of the review and the recommendations regarding procedural schemes for theimplementation of EIA, including transboundary EIA, and SEA to the relevant stakeholders and the public;
- introduce to the relevant stakeholders and the public the new schemes forthe implementation of EIA and SEA laid out in the draft regulations and the rationale for their introduction in light of the review and the recommendations by an international legal consultant;
- support the finalization of the draft secondary regulations on EIA and SEA to be fully aligned with the Espoo Convention and its Protocol on SEA and harmonized with the EU SEA and EIA Directives.

Participants

Up to 40 representatives of different government authorities and entities, NGOs and other interested stakeholders.

Practical Information

Simultaneous interpretation in English and Azerbaijani will be provided.

Connection details to the web-based video conferencing platform are provided in the Logistical Note.

About EU4Environment

The "European Union for Environment" (**EU4Environment**) aims to help the six partner countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine preserve their natural capital and increase people's environmental well-being, by supporting environment-related action, demonstrating and unlocking opportunities for greener growth, and setting mechanisms to better manage environmental risks and impacts.

The Action is funded by the European Union and implemented by five Partner organisations: OECD, UNECE, UN Environment, UNIDO and the World Bank based on a budget of some EUR 20 million. The Action implementation period is 2019-2022.

For further information contact: EU4Environment@oecd.org

AGENDA

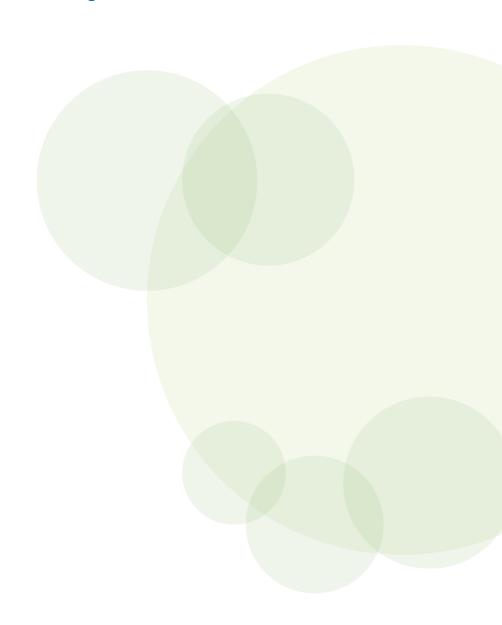
18AUGUST 2020, Tuesday

Time (Baku)	Item
14:00 - 14:15	 Opening remarks Mr. Teymur Shakaraliyev, Head of Law Department, Ministry of Ecology and Natural Resources of Azerbaijan (MENR) (name tbc), Representative of the EU Delegation to Azerbaijan Mr. Leonid Kalashnyk, Environmental Affairs Officer, EU4Environment Project Manager at UNECE
14:15 - 14:30	Introduction to the roundtable Ms. Aysel Rzayeva, Focal Point to the Espoo Convention, Head of Green Development and Innovations Subdivision, International Cooperation Division, MENR and Dr. Jerzy Jendroska, UNECE International Consultant Objectives and Agenda
14:30 - 15:10	Draft Regulation on EIA: presentation of national scheme for implementation of EIA Ms. Banuchichek Akhundzadeh, National Consultant
	Draft regulation on EIA: presentation of transboundary scheme for implementation of EIA in a transboundary context Ms. Banuchichek Akhundzadeh, National Consultant and Ms. Aysel Rzayeva, Focal Point to the Espoo Convention
15:10 - 15:40	Draft Regulation on EIA in Azerbaijan in light of the UNECE Espoo Convention and other applicable international standards: findings and recommendations of the Review Dr. Jerzy Jendroska , UNECE International Consultant
15:40 – 16:40	Q&A session on the presented findings and recommendations (EIA) Facilitated by Ms. Banuchichek Akhundzadeh, National Consultant and Dr. Jerzy Jendroska, UNECE International Consultant
16:40 – 16:50	Break
16:50 - 17:20	Draft Regulation on SEA: presentation of national scheme for implementation of SEA Ms. Banuchichek Akhundzadeh, National Consultant and Ms. Aysel Rzayeva, Focal Point to the Espoo Convention
17:20 - 17:40	Draft Regulation on SEA in Azerbaijan in light of the UNECE Protocol on SEA and other applicable international standards: findings and recommendations of the Review Dr. Jerzy Jendroska , UNECE International Consultant
17:40 – 18:20	Q&A session on the presented findings and recommendations (SEA) Facilitated by Ms. Banuchichek Akhundzadeh, National Consultant and Dr. Jerzy Jendroska, UNECE International Consultant
18:20 – 18:30	Conclusions and closing of the roundtable

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

LIST OF PARTICIPANTS

18August 2020



18 August 2020 (14:00 – 18:30 Baku time)

LIST OF PARTICIPANTS

Total number of participants: 37

Female participants: 16

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Technologies of the Republic of Azerbaijan

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