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## GUIDELINES ON PRACTICAL APPLICATION OF STRATEGIC ENVIRONMENTAL ASSESSMENT IN GEORGIA

# SEA



***The SEA recommendations/guidelines draw upon the information contained in the draft Environmental Assessment Code (EAC).***

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# 01 Introduction

## 1.1 Purpose and aim of the Guidelines

Recommendations/Guidelines on Practical Application of Strategic Environmental Assessment (SEA) in Georgia (hereafter referred to as the SEA Recommendations) aim at supporting implementation of the Strategic Environmental Assessment (SEA) procedure as stipulated by the draft Environmental Assessment Code of Georgia (EAC). It aims to clarify the roles and responsibilities of the main actors to be involved in SEA processes, namely, the Ministry of Environment and Natural Resource Protection of Georgia (hereafter the Ministry)<sup>1</sup> and the Ministry of Labour Health and Social Affairs of Georgia (hereafter the Ministry of Health), planning authorities, the public, SEA consultants, and decision-making authorities. The document also suggests practical tools to be used for certain SEA stages (e.g. templates and/or forms for screening and scoping, or guiding questions for quality control).

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<sup>1</sup> The EAC refers to the Ministry of Environment and Natural Resources of Georgia as the Ministry in the text of the code.

## 02 Background to SEA

### 2.1 What is SEA – objectives, brief history, benefits and costs

SEA is internationally recognized as the key instrument for integrating environmental and health concerns into strategic planning and decision-making. It promotes sustainable development principles and thus supports efforts towards transition to a green economy. SEA is supposed to be applied during the preparation of strategic documents<sup>2</sup> in order to ensure that the environmental and health implications of planned developments are analysed and considered early in decision-making processes, before the decisions are made; and that relevant authorities and the public are properly consulted.

As a result, SEA increases quality of planning and decision-making processes and their outcomes. It should lead to better acceptance of the key strategic decision and to efficient implementation of the strategic documents, since those should already take into account – through proper application of SEA – environmental and health consequences as well as opinion of relevant stakeholders including environmental and health authorities and the public.

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<sup>2</sup> As defined in the Chapter I, Article 3 of the EAC, the Strategic Document is a sub-legal normative act adopted/approved by the public authority, which sets a framework for future development projects in specific sectors according to Chapter III of the EAC and includes specific parameters and/or scales of such activities/projects;

### **SEA benefits**

There are certain benefits that efficient SEA application can bring to the planning and decision-making processes. The main ones include<sup>3</sup>:

- ▶ Provide for a high level of environmental and health protection: SEA should ensure avoidance of irreversible and severe effects, safeguard protected areas and sites, and maintain critical habitats and other areas important for the conservation of biodiversity as well as minimize or avoid pressures on human health.
- ▶ Improve the quality of planning: SEA has the potential to improve or reinforce the quality of the strategic document, leading to better outcomes. It does so in a number of ways but particularly by helping to ensure that the process is focused, rigorous, and open to alternatives and considers the full range of potential effects and opportunities for achieving more sustainable forms of development.
- ▶ Facilitate the identification of new opportunities for development: SEA facilitates the improved consideration of environmental limits or health protection standards in formulation of the strategic documents. It helps in considering alternatives and encourages the search for win-win options that open opportunities for new developments within the carrying capacity of ecosystems. SEA thus supports a shift of decision-making towards genuine sustainable development.
- ▶ Help to prevent costly mistakes: SEA provides early-warning signals about environmentally or health unsustainable development options. A sound application of SEA may therefore limit the risk of costly remediation of avoidable harm or corrective actions, such as relocating or redesigning facilities or resettlement. SEA also helps in saving human and financial resources in the development of strategic documents as unsustainable options can be disregarded early on.
- ▶ Strengthen governance: SEA increases the overall transparency of strategic decision-making and allows the early consideration of the opinions of key stakeholders in the planning process. Properly undertaken and accountable SEA enhances the credibility of strategic documents. It may mobilize public support for implementation – a strategic document may be more effective when the values, views, opinions and knowledge of the public have become part of the decision-making process.
- ▶ Facilitate transboundary cooperation: SEA can provide an important arena for regional cooperation to address difficult issues concerning, for example, shared protected areas, waterways, transport connections and transboundary pollution.

#### *Case example: SEA of the Municipal Master Plan (Moldova)*

SEA of the Master Plan of the Municipality of Orhei helped the Master Plan development team to identify major environmental problems, obtain new environmental data and prepare environmental related maps that combine business data and development option with locations and borders of the natural monuments, river basin and nature protection zones, as well as air and water pollution data. This information considerably enhanced environmental chapter of the Master Plan. SEA also helped justifying introduc-

<sup>3</sup> Based on *Benefits of a Strategic Environmental Assessment, Briefing paper (REC and UNDP, 2003)*.

tion of proper waste management and waste collection schemes and indicated places where waste management facilities cannot be located. Based on SEA report Orhei municipally is now able to address the national government and donors with a request to allocate necessary resources for waste management schemes in the town. Data gaps identified during the SEA facilitated improvements regular statistical data collection and aggregation schemes both for the local and national levels. For example, after the SEA data on level of noise and impact of the stone mines operations on the surrounding urban areas could be available<sup>4</sup>.

As indicated above, the efficient SEA system in the country means the stronger environmental and health policy as well as less health and social loss. Good SEA practice thus can lead to the long term financial benefits – it can help to protect degradation of natural resources which are important for the key economic sectors (e.g. SEA can prevent overexploitation of water resources, which are important for agriculture).

### **Costs of SEA**

Proper application of SEA includes carrying out certain analyses, organization of consultations, preparation of scoping and SEA reports etc.

The financial costs associated with SEA significantly vary depending on a character and detail of the strategic document assessed, number of alternatives evaluated, a scope of the public involvement, extent of consultation process etc.

## **2.2 International and national legal framework for SEA**

The institution of environmental assessment, as it is known currently, originates from the United States where the U.S National Environmental Policy Act (NEPA) of 1969 introduced the requirement that all major federal actions which may significantly affect the environment are subject to assessment regarding their likely impact. In 1985 the European Community adopted Council Directive 85/337/EEC of 27 June 1985 on the assessment of certain public and private projects on the environment (so called EIA Directive) which set certain standard of environmental assessment widely followed in Europe. This led to adoption of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive). This in turn paved the way to initiate negotiations leading to adoption of the Protocol on Strategic Environmental Assessment (Protocol on SEA) under the Espoo Convention in Kiev in 2003.

Georgia is currently not a Party to the Espoo Convention and its Protocol on SEA. It has signed, but not ratified the SEA Protocol. However, Georgia is a Party to the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus Convention).

Therefore, in order to fulfil the above political commitments the Ministry of Environmental Protection of Georgia in cooperation with the UNECE Secretariat and the European Union has undertaken responsibility to develop a national system to apply EIA and SEA procedures according to the provisions of the Convention and the Protocol, including drafting a new law on EIA and

<sup>4</sup> Source of case example: EaP GREEN

SEA harmonised with the respective EU Directives. Following this a draft Environmental Assessment Code of Georgia (EAC) was prepared and subjected to legislative procedure.

## 2.3 Linkages between SEA and EIA

Both SEA and EIA are forms of environmental assessment – both are procedural instruments of preventive environmental policy and as such have similar goals and a lot of similar features, in particular as far as the procedural elements are concerned. Both tools should provide a basis for decision-making i.e. results and conclusions provided by SEA/EIA should be considered when adopting strategic documents, and approving the projects or specific development activities, respectively. It means both SEA/EIA should be conducted prior the decision is made.

They differ however significantly as regards mainly to the type of the activities covered by the assessment and the scope of the assessment.

While EIA covers specific activities i.e. concrete individual projects planned to be undertaken by developers (regardless of whether they are private or public) – e.g. construction of transport infrastructure, power plants, or water dams, mining, etc. – and subjected to the decision of a competent public authority on whether to authorize them, SEA is to be applied to strategic documents, such as plans or programmes, prepared by public authorities (e.g. National Transport Plan, Regional Waste Management Programme, Local Spatial Plan).

Also, the assessment in EIA mainly focuses on the physical impact of the project on the environment and health, while SEA, bearing in mind the character of strategic documents, should consider wider context i.e. contribution of implementation of the strategic document to the achievement of relevant environmental and health objectives, its likely effect on long-term trends, potential cumulative impacts etc.

The above differences between EIA and SEA are reflected in slightly different requirements regarding the procedure and the respective documentation (reports) to be prepared in either EIA or SEA procedure. Also, the role of authorities competent for EIA and SEA is different.

When discussing linkages between SEA and EIA, it also needs to be emphasized that SEA should be considered as “without prejudice”<sup>5</sup> to EIA. It means that even if SEA concludes certain development indicated in strategic document will not lead to significant environmental or health effects, EIA can still reveal those (and vice versa).

Georgian legislation does not specifically stipulate direct procedural links between EIA and SEA. Therefore, from the legal perspective, SEA and EIA have to be seen as two separate procedures. It means that SEA application for certain strategic document, does not exempt EIA for specific projects to be carried out within implementation of the strategic document (should these projects fall under the legal requirements for EIA).

On the other hand, SEA can formulate recommendations or conditions that need to be taken into account during EIA for a particular project falling under the scope of a strategic document which was a subject to SEA. Thus, it can facilitate project development and application of EIA at the project level.

<sup>5</sup> SEA Directive, Article 11, paragraph 1: *An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.*

## 03 Practical application of SEA

### 3.1 Key actors in SEA and their general roles and responsibilities

#### ***Main Actors and their roles:***

1. **PLANNING AUTHORITIES** are defined in the EAC. These are public authorities responsible for the preparation of the strategic documents, submitting them for adoption and/or for their implementation. They should ensure that SEA is carried for strategic documents (for which SEA is required by the EAC) and are responsible for its quality and meeting legal provisions.
2. **THE MINISTRY** – the Ministry of Environment and Natural Resources Protection of Georgia (the Ministry) has the key role in administration of the SEA process and provide comments on a strategic document as well as on the SEA report together with the Ministry of Health, Labor and Social Affairs (the Ministry of Health).
3. **EXPERT COMMISSION** is set at the final stage of SEA by the Minister of Environment and Natural Resource Protection as its advisory body to prepare expert conclusions on the draft SEA report.

4. **DECISION-MAKING AUTHORITIES** are governmental and/or public bodies in charge of approving or adopting the strategic document in accordance with relevant legal provisions and administrative structure. It can be Government or Parliament, ministries, regional and local municipalities, self-government bodies, Government of Adjara, or the self-government bodies of Adjara, planning authorities, any other administrative authorities who hold the power to approve the strategic documents. In terms of SEA, decision-making authorities should consider SEA findings and conclusions in their decisions.
5. **PUBLIC** is defined in the EAC as one or more physical or legal persons and their associations, organizations or groups. Public has to have an early, timely and effective opportunities to participate in SEA process when all options are open and comments provided should be considered in strategic document and in the SEA.
6. **OTHER STAKEHOLDERS** are the specific groups, such as scientific institutions if necessary, ministries, when they are not in the role of planning authorities, concerned municipalities, relevant local and regional authorities, relevant entities of the autonomous republic of Adjara, self and local self-governance entities, etc who have interest or is effected by strategic document. They participate during public hearings as concerned stakeholder and are eligible to provide the opinion and comments during SEA process.
7. **CONSULTANT**, is defined in the EAC is a person having the relevant qualification as well as scientific, technical and methodological skills for preparing environmental impact assessment or strategic environmental assessment reports. Individual consultant and/or consulting company prepare strategic environmental assessment report and scoping report; they might be hired to prepare the scoping report and SEA report.
8. **FOREIGN COUNTRIES** should be involved in SEA process in case a certain strategic document is likely to have transboundary effects.

### 3.2 Overview of SEA process

Strategic Environmental Assessment (SEA) is a process to analyze likely environmental and health effects related to the strategic documents to make sure that relevant environmental and health concerns are properly considered in preparation, adoption, or implementation of the strategic document.

In accordance with the EAC, the SEA process includes scoping, preparation of a Strategic Environmental Assessment Report (SEA Report), carrying out of public participation and consultations with relevant public authorities and making a reasoned conclusion from examination of their results, taking them and any other information into account during adoption/approval of strategic documents<sup>6</sup>.

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<sup>6</sup> EAC, Article 3, Paragraph 21.

## SCREENING

- Submitting the screening form and application by PA to Ministry and Ministry of Health
- Determining a need for SEA by Ministry and Ministry of Health
- Informing public on Screening Decision by Ministry, Ministry of Health and the PA

SEA NOT  
required

SEA required

## MAIN STEPS IN SEA PROCESS

Strategic documents falling into the scope of SEA application (as defined by the EAC)



## SCOPING

- Preparing the scoping report by PA
- Submitting the scoping application by PA to Ministry and Ministry of Health
- Publishing scoping application and informing public about it
- Public sends opinions and comments to the Ministry and Ministry of Health
- Issuing the Scoping Opinion by Ministry and Ministry of Health
- Publishing the Scoping Opinion

## PREPARING SEA REPORT

- Preparing the draft SEA Report by PA
- Submitting the draft SEA Report to Ministry and Ministry of Health

## PUBLIC PARTICIPATION

- Publishing the draft SEA Report and informing public about it
- Organizing public hearing (by PA) on the draft strategic document and SEA Report

## ASSESSMENT OF SEA REPORT

- Establishing the expert commission by Ministry
- Review and assessment of SEA report
- Preparing opinion of the expert commission

## ISSUING SEA RECOMMENDATIONS

- By Ministry and Ministry of Health

## MONITORING

- To be ensured by Ministry during implementation of the strategic document

**Graph 1: Main Steps in SEA Process**

### 3.3 Scope of SEA application

SEA is to be applied for “strategic documents”. As defined in the EAC, strategic document is a sub-legal normative act adopted/approved by the public authority, which sets a framework for future development projects in specific sectors listed below and includes specific parameters and/or capacities of such activities/projects<sup>7</sup>. In the context, it needs to be emphasized that the name of the strategic document is not a decisive guidelines to decide on SEA application. All strategic documents, irrespective their name/title (e.g. strategy, concept, etc.) meeting below criteria, fall in the scope of SEA application in principle.

There is a broad variety of strategic documents in Georgia. However, as stipulated by the EAC Article 20 subject to SEA are the strategic documents which set framework for future development projects listed in Annex 1 and Annex 2 of the EAC (i.e. projects which fall in the scope of EIA application) and are prepared in following sectors:

- ▶ Agriculture
- ▶ Forestry
- ▶ Fishery
- ▶ Energy
- ▶ Industry
- ▶ Transport
- ▶ Waste management
- ▶ Water management
- ▶ Electronic communication
- ▶ Tourism
- ▶ Planning and Spatial arrangement<sup>8</sup>

#### *Examples for Mandatory SEA:*

The strategic documents listed below are examples of existing documents, for which SEA should have been applied, if the EAC was in force when those strategic documents were under preparation. If these documents are amended, they should be a subject of SEA in accordance with the EAC. The listed documents are prepared in Georgia and need to be subject to SEA according to EAC.

\* *The State Programme “Renewable Energy 2008” – regulation for construction of new renewable energy sources in Georgia was adopted by the resolution of the Government №107 of April 18, 2008.*

\* *Sustainable Energy Action Plan – City of Tbilisi -for 2001-2020 (SEAP) was approved by the Decision of the Government of Tbilisi City № 07.10.237 of 28 March 2011.*

\* *Strategy for Agricultural Development of Georgia 2015-2020<sup>9</sup>.*

\* *The National Forest Policy Document was approved by the Parliament of Georgia on December, 11 2013.*

\* *Mtskheta-Mtianeti and Imereti regional development strategies for 2012-2017.*

<sup>7</sup> EAC, Article 3, Paragraph 23

<sup>8</sup> EAC, Article 20

<sup>9</sup> *Strategy for Agricultural Development of Georgia, by the Ministry of Agriculture of Georgia, 2015 (Available at: <http://www.moa.gov.ge/Ge/Strategy>)*

For the strategic documents which meet above criteria, mandatory SEA is required – both for the documents newly prepared as well as for major changes. As a ‘major change’ can be considered such amendments which lead to conceptual changes – e.g. changes the content of strategic document, priorities and objectives. For instance, if a strategic document is related to the development of city and the main priority of the plan is to build hotels, parks etc for the purpose to encourage tourism but later the priority changes - instead of development of touristic infrastructure the development of industrial infrastructure becomes the priority - that leads to conceptual change of strategic document. This can be considered as a major change.

However, there are certain types of the strategic documents, for which needs to be decided if SEA has to be applied or not – this procedure is called ‘screening’ (see EAC, Chapter III, article 23 for details regarding a screening procedure).

As stipulated by the Chapter III, Article 20, Paragraph 3 of the EAC, the screening procedure, as a part of the SEA process is required for:

- ▶ minor changes in strategic document that does not change its content conceptually,
- ▶ strategic document which is related to a territory of self-government community, excluding self-governing cities<sup>10</sup>,
- ▶ strategic document which sets framework for future development projects that are not listed in Annex I and II of the EAC and/or does not fall within the list of sectors listed above.

As mentioned above, the screening needs to be applied for ‘minor changes’ of the strategic document. Such changes can be e.g. of administrative nature – to assign responsibilities for implementation of certain actions under the strategic document to different governmental authority. Another example would be a modification of an existing land-use plan, which is typically revised regularly (e.g. every five years).

As stipulated by the Chapter I, Article 16, paragraph 1 of the EAC, besides strategic documents requiring mandatory SEA or screening, certain strategic documents are exempted from SEA – those the sole purpose of which is to serve for national defense or respond to civil emergency arising from force majeure<sup>11</sup>.

For determining if certain strategic document falls within the scope of SEA application, following guiding questions can be used as indicated in Table 1:

**Table 1: Guiding Questions to determine if a strategic documents fall within the scope of SEA application**

## Question

*Is the strategic document subject to preparation and/or adoption by an authority at national, regional or local level or is it prepared by an authority for adoption, through a legislative procedure by Parliament Government, or other decision-making body, and is it required by legislative, regulatory or administrative provisions?*

<sup>10</sup> Self-government communities are regulated in accordance to the organic law “Local Self-Government Code”. It defines self-government community as a unity of settlements which are granted with the status of municipality in accordance of this law or will be granted with such status. According to the same code self-government cities are: Tbilisi, Rustavi, Kutaisi, Poti, Batumi, Telavi, Zugdidi, Gori, Ambrolauri, Mckheta, and Akhaltsikhe.

<sup>11</sup> EAC, Chapter I, Article 16, paragraph 1

## Rationale

Only those strategic documents should be considered as a subject of SEA which are the subject to preparation and/or adoption by an authority at national, regional or local level. SEA should not be applied for ad-hoc documents, which are not formalized through any form of the legal decision or approval by the governmental authority.

National Waste Management Strategy; River Basin Management Plans, or Regional Spatial Plans, are examples of the documents which typically require SEA (since these are required to be prepared by relevant legislation, and are officially adopted by decision-making body).

On the other hand, if private company develops an internal plan for tourism development on the coast, such document does not require SEA. It can be assumed, that should such development be approved, it has to be included and elaborated in the relevant formal document (local spatial plan, tourism development plan etc.), which already needs to be a subject of SEA.

## Question

*Is the strategic document prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, electronic communications, tourism, or spatial planning?*

## Rationale

The document can directly focus on a given sector (e.g. National Transport Plan or Regional Waste Management Programme), or sector (sectors) can be addressed within wider documents (e.g. National Development Plan stipulated priorities regarding energy, industry, transport etc.).

In other words, it is important to consider the content of the document, not just its name, when deciding if it falls under the SEA.

For example, as indicated in the above previous section, such strategic documents such as the State Programme “Renewable Energy 2008” – regulation for construction of new renewable energy sources in Georgia, or Sustainable Energy Action Plan – City of Tbilisi -for 2001-2020 (SEAP) or the Strategy for Agricultural Development of Georgia 2015-2020, as well as The National Forest Policy Document, or Mtskheta-Mtianeti and Imereti regional development strategies for 2012-2017 do fall under the scope of SEA.

## Question

*Does the strategic document set the framework for projects defined in Annex 1 and 2 of the draft Environmental Assessment Code?*

## Rationale

The ‘framework for projects’ can be understood both in direct and indirect way.

The framework can be set directly by providing binding requirements regarding the location, nature, size and/or operating conditions of projects (e.g. Regional Energy Strategy can define number, size, and/or location of future hydropower plants) or by allocating financial resources for specific project (e.g. the National Transport Programme can allocate 10,000,000 USD for highway construction).

Indirectly, the framework can be set by providing binding requirements for lower level strategic documents which set requirements directly binding upon development consent for projects. For example, regional spatial plan stipulated priorities for spatial development to be further elaborated and specified by the local spatial plans.

In both cases, likely significant impacts can be expected and SEA should be carried out.

## Question

*What are the other sectors which could fall into the SEA process?*

## Rationale

There may be strategic documents addressing other sectors, which also may have significant impacts on the environment and/or health and therefore should be considered as candidates for SEA application. Air quality improving plans (e.g. National plan for reducing emissions to the air), management plans in biodiversity areas, noise reduction plans, or economic development plans can be mentioned as examples.

## 04 SEA procedural and analytical steps

### 4.1 Screening

#### **Definition:**

As described in the Article 3, Paragraph 20 of the EAC, Screening is „a procedure when the decision is made on the need to perform environmental impact assessment or strategic environmental assessment after applying to the Ministry with such request”<sup>12</sup>.

#### **Aim and purpose:**

The screening determines whether or not SEA needs to be applied for a specific strategic document. It is a relatively simple procedure, which usually does not require any substantial analyses regarding likely environmental or health effects.

#### **Legal requirements:**

As described in Chapter III, Article 23 of EAC, the planning authority needs to prepare an application with a brief description of planned activities and the location details, nature of potential impact on the environment and human health and the population likely to be affected. This information should be submitted to the Ministry and the Ministry of Health together with a screening application. The ministries, considering the criteria defined by EAC will decide whether the plans or programmes should undergo the SEA process or not. The screening procedure takes from 10 (ten) to 15 (fifteen) days.

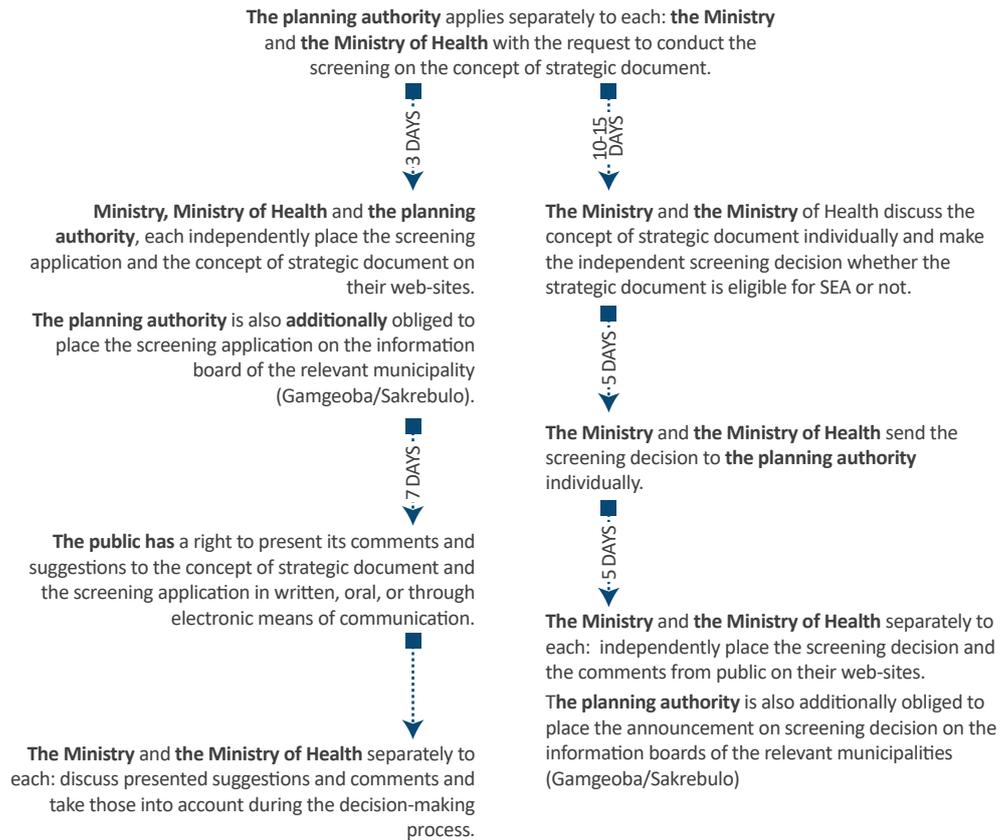
The SEA is mandatory for strategic documents meeting certain criteria (see Section 3.3 above), while screening has to be applied only in certain cases. As stipulated by the EAC, screening needs to be conducted for:

- ▶ Minor changes to existing strategic document that does not change content of strategic document conceptually;
- ▶ Strategic document which is related to a territory of self-government community, excluding self-governing cities
- ▶ Strategic document that sets framework for future implementation of the projects not falling in the list of Annex 1 and Annex 2 of the EAC and/or not falling in the sectors covering agriculture, forestry, fishery, energy, industry, transport, waste management, water management, electronic communication, tourism, spatial planning.

With the purpose to conduct screening the planning authority goes through the steps which comprise of application, consultations and screening opinion (See Graph 2).

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<sup>12</sup> EAC, Article 3, Paragraph 20



**Graph 2: Steps in screening procedure**

#### 4.4.1 Recommended approach

Submitting the screening form and application:

- ▶ The planning authority applies for screening at the initial stage of strategic document preparation – optimally just after the decision about elaborating the strategic document is made. Even though it is not envisaged by the EAC, it is recommended that the planning authority completes the screening form (Annex 1. Screening Form) and together with application letter submits it both to the Environmental Impacts Permits Department of the Ministry and the Ministry of Health, relevant obligation for the Ministry of Health will come into force from 2018.

Determining a need for SEA:

- ▶ The EAC stipulates that the screening decision is to be issued both by the Ministry and the Ministry of Health individually but in the same period of time. It means that the screening process runs in parallel in both ministries. In order to increase efficiency of SEA process, it is recommended to coordinate screening in between the ministries. This may include the Ministry organizing working meeting with the Ministry of Health in order to discuss the views on screening application (i.e. should it be required for a given strategic document or not) and optimally agree on the screening decision. Following the conclusions of the working meeting, each ministry issues the screening decision separately.

- ▶ Thus, there will be two screening decisions as a result of the screening procedure – issued by the Ministry and the Ministry of Health. If one screening decision requires SEA, planning authority has to initiate SEA procedure. As stipulated by the EAC, the screening decision needs to be published on the websites of the Ministry, The ministry of Health and the planning authority as well as on the information boards of local municipalities. However, it can be recommended that the public is informed about screening decision through other means, such as local media, using national/local NGOs and networks, official information boards in local municipalities, schools, places such as bus stations, agricultural markets and other public gathering spots, etc.
- ▶ As stipulated by the EAC, when deciding about the screening, the criteria illustrated in the Table 2 have to be taken into account. It needs to be emphasized that there are no thresholds for screening criteria (as this is the case in EIA) as well as their individual importance will differ in individual cases. In general, it can be assumed that the greater the degree to which the criteria are met the more likely it is that the effects on the environment will be significant. It may be, however, that in some cases the effects related to a single criterion are so important as to trigger the need for SEA<sup>13</sup>.

**Table2: The Criteria to be considered in screening<sup>14</sup>**

<h2>Criteria</h2>	
Character of activities envisaged in the respective strategic document, in particular:	
Indicators	Explanatory Notes
<ul style="list-style-type: none"> <li>• Degree to which the strategic document sets a framework for future development projects considering their location, nature, size and operating conditions or allocating natural resources;</li> <li>• Degree to which the strategic document influences other strategic documents;</li> </ul>	<ul style="list-style-type: none"> <li>• The more precisely the framework is set by a strategic document, the more likely the SEA should be required. Hence strategic documents which define, for example, not only the area for building houses or commercial activities but also their nature, size and (as appropriate) operating conditions, might establish a more detailed framework for projects - and thus SEA application is more likely compared to strategic documents which define objectives without specifying details of the framework within which they must be achieved.</li> <li>• If a strategic document strongly influences another, any environmental effects it might have may be spread more widely (or deeply), and thus a need for SEA is more likely than if this were not the case. For example, adoption of waste management plan may trigger amendments of the spatial plan in order to identify the site for landfills.</li> </ul>

<sup>13</sup> European Commission, 2003: *Implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment – hereinafter also 'EC SEA Guide'*

<sup>14</sup> EAC, Article 23, chapter 3, the explanatory notes regarding indicators have been adapted from the EC SEA Guide (see above).

- Relevance of the strategic document for the integration of environmental considerations in particular with a view to promoting sustainable development;
- Environmental aspects related to strategic document;
- Importance of the strategic document for the implementation of environmental legislation.
- The key question to be addressed in this context is how far the strategic document envisaged can contribute to reducing harm to the environment or health. A strategic document which has great scope to affect the environment (e.g. transport programme can to a large extent focus on reducing emissions to the air or noise from transport) will be a strong candidate for assessment whilst one with few environmental implications may not be.
- The SEA should be applied for strategic document which can cause or exacerbate environmental/health problems, are constrained or otherwise affected by them, or contribute to solving, reducing or avoiding them. For example, poor water quality or low availability of water resources is environmental problem, which can affect agriculture development, therefore SEA should be considered for local agriculture development plan if such problems exist in a given area.
- Both positive and negative contributions to the implementation of environmental legislation need to be considered here. Some strategic documents can be understood as tools for implementation of environmental legislation (e.g. waste management plans), while others can be potentially in conflict with environmental or health legal framework (e.g. transport development can increase noise levels above legal thresholds and thus be considered as potential significant 'problem' to implement legal provisions).

## Criteria

Nature of the effects and characteristics of the area likely to be affected, having regard, in particular, to:

### Indicators

- Probability, duration, frequency and reversibility of the effects;

### Explanatory Notes

- In principle, strategic document which may lead to effects, which are more probably, long-term, frequent, and irreversible is stronger candidate for SEA than document, where probability of effects is low, and these can be only short-term (e.g. during construction of specific project), and/or occasional, and/or reversible.

- Cumulative nature of the effects;
- More complex (e.g. due to synergies and accumulation), the more widespread, or the more serious the effects are, the more likely it is that they should be considered 'significant'. Potential cumulation of the effects is a very important aspect, which can make 'significant' the effects, which otherwise would be considered only minor. For example, the effects on air quality resulting from relatively small-scale industrial development in the area, where the transport intensity is quickly increasing, can be considered as significant since the emissions from planned industrial development will cumulate with emissions from the transport.
- Transboundary nature of the effects;
- Strategic document, which may have environmental and health effects potential affecting area of other country (or countries) should be considered as a strong candidate for SEA application.
- Risks to human health or the environment (e.g. due to accidents);
- The aspect relates to frequency and duration of the likely effects – if there is a high risk of effects, these should be considered as significant.
- Magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- Similarly, effects likely concerning a large territory or high number of population should be considered as significant. For example, even slight decrease of air quality in densely populated area may affect health of a number of inhabitants.
- Value and vulnerability of the area likely to be affected like: special natural characteristics or cultural heritage, exceeded environmental quality standards or limit values, intensive land-use; Effects on areas or landscapes which have a national or international protection status, in particular the protected areas.
- It is important to emphasize that not only areas that have a designated protection status are required to be given attention. The particular value or vulnerability of the area likely to be affected may make it more likely that effects must be considered significant there.

*(Source: EAC, Article 23, chapter 3)*

Issuing screening decision

Within 5 (five) days after completion of the screening procedure, the Ministry and the Ministry of Health shall send their decision on screening procedure to the planning authority individually.

#### 4.1.2 Practical recommendations

- ▶ The name of the strategic document is not a sufficient guide to decide whether SEA is needed or not – some so-called “plans and programmes” will not require SEA, while for

certain “policies’, ‘strategies”, or “concepts” SEA should be applied (if these documents meet the criteria given by the EAC);

- ▶ ‘Minor changes’ of the strategic document can be e.g. of administrative nature – to assign responsibilities for implementation of certain actions under the strategic document to different governmental authority. Another example would be a modification of an existing land-use plan, which is typically revised regularly (e.g. every five years) although preparation of the revised plan would usually be subject to SEA, it might be the case that a modification to a plan is for minor reasons (for example, changes to individual projects that do not significantly change the environmental effects of the plan – e.g. changing exact position of the family house, but still within the area allocated for housing development) may be exempt from SEA. However, the fundamental test is whether the modification is likely to have significant environmental effects, and in case of any doubts the screening should be applied.
- ▶ Screening should be carried out at the initial stage of strategic document preparation – optimally just after the decision about elaborating the strategic document is made. This approach will enable initiation of SEA early in planning process and thus avoiding delays in SEA application.
- ▶ In case of uncertainty regarding a need for SEA and/or screening the planning authority should consult the Ministry.
- ▶ In some cases, the screening decision will require to consider the likely environmental and/or health effects. However, no specific thresholds can be prescribed – the likely effects and their significance will largely depend on the characteristics of the area likely to be affected as well as on the focus of the strategic document (and its main measures). Moreover, if screening is applied in early stages of planning (as recommended), only limited information about the strategic document may be available. Therefore consultations with planning authority may be recommended to clarify main developments to be proposed by the strategic document, way of implementation etc.
- ▶ There is no need to fully engage consultants during screening stage – although completing the screening form requires certain information about the environment and health status in the respective areas, these can be obtained from the Ministry and/or from the Ministry of Health and the screening form can be prepared ‘in house’.

## 4.2 Scoping

### **Definition:**

- ▶ As described in the Article 3, Paragraph 28 of the EAC, Scoping is „a procedure to determine the type of information to be gathered and examined during environmental impact assessment or strategic environmental assessment and the ways of presenting above mentioned information in environmental impact assessment report or strategic environmental assessment report.”<sup>15</sup>

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<sup>15</sup> EAC, Article 3, Paragraph 28

**Aim and purpose:**

- ▶ The aim of the scoping is to determine the information to be included in the SEA Report i.e. the key environmental and health issues to be further addressed in SEA as well as to identify those issues which are not relevant to a given strategic document and thus do not need to be included in further analysis.

Moreover, according to the EAC, Scoping<sup>16</sup> :

- ▶ Reveals the potential impact of the proposed strategic document on the environment and human health;
- ▶ Defines reasonable and practical, including best alternatives in terms of environmental protection;
- ▶ Informs the public on the proposed strategic document and respective alternatives of measures and expected results envisaged by strategic document;
- ▶ Reveals public interest in proposed strategic document;
- ▶ Provides relevant information to the planning authority with the purpose to protect resources for the preparation of SEA report;
- ▶ Determines the scope of the baseline and other information during the SEA;
- ▶ Reveals the significant impact on protected areas, as well as areas and/or landscapes which have the status of local and/or international importance;
- ▶ Reveals the likelihood of the transboundary impact on the environment.

**Legal requirements**

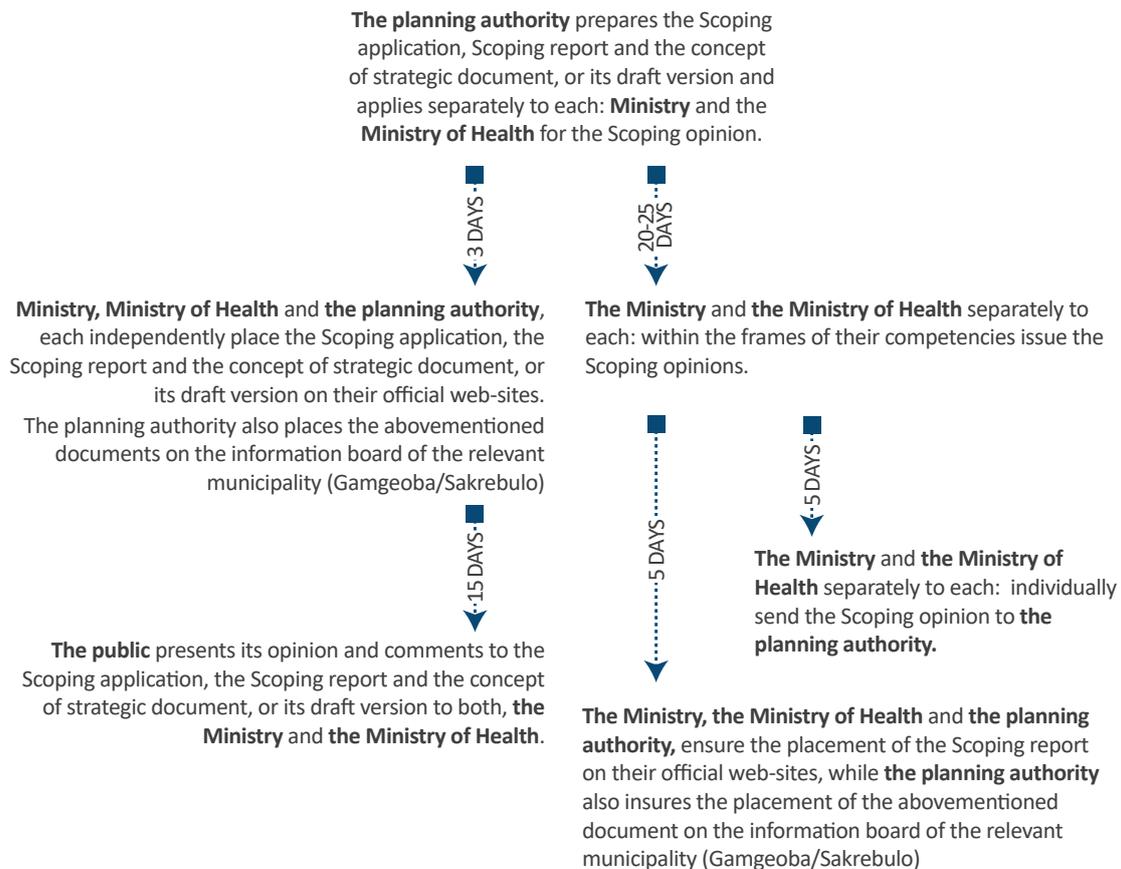
Scoping already represents the first SEA stage, which may require substantial level of analyses regarding environment and health to be carried out. Following legal requirements, scoping stage involves preparation of the scoping report, taking due account of public opinion and issuing of the scoping opinion by the Ministry and the Ministry of Health (See Graph 3).

The steps of the Scoping procedure according to the legal requirements are illustrated in Graph 3<sup>17</sup>:

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<sup>16</sup> EAC, Article 24

<sup>17</sup> EAC, Article 25



**Graph 3: Steps in Scoping procedure**

#### 4.2.1 Recommended approach

Preparing the scoping report:

- ▶ The planning authority has to ensure that scoping report is prepared according to the requirements of the code. The possible structure of the scoping report is provided in the Annex 2 which only has recommended nature (See Annex 2).

Scoping opinion<sup>18</sup>:

- ▶ As stipulated by the EAC, Article 26, paragraph 2, Based on the scoping report and outcomes of the scoping consultations, the Ministry and the ministry of Health prepare individually the scoping opinion. Even though it is not indicated in the code, it is worth to mention that ideally, both ministries work on the scoping opinion in parallel and hold consultations during the review. It is recommended the Ministry organizing working meeting with the Ministry of Health. The scoping opinion shall include the assessment of the information presented in the scoping report and shall determine the information needed to be obtained and studied for SEA and the manner in which this information will be presented in SEA report.

<sup>18</sup> EAC, Article 26

- ▶ Each ministry will issue separate scoping opinion within the framework of their competencies – i.e. the Ministry will address environmental issues primarily, while the Ministry of Health will focus mainly on health aspect.
- ▶ If the planning authority fails to satisfy the requirement/s of Scoping opinion, it is recommended that it presents the appropriate explanatory note to the both, the Ministry and the Ministry of Health.
- ▶ Scoping opinion is valid for 5 (five) years. In case if SEA report together with a relevant strategic document is not be submitted to the Ministry and the Ministry of Health by the planning authority within these timelines, the planning authority will have to carry out scoping procedure again<sup>19</sup>.

Possible content of scoping opinion (recommendations):

- ▶ Overview of environmental and health issues that shall be further analyzed in the SEA (optimally indicating also level of detail – which can vary from very general (e.g. water quality), to specific (e.g. change in concentration of the benzo-a-pyrene in the air of urban areas).
- ▶ Overview of strategic documents or environmental policy objectives to be included in the compliance analysis within the SEA (e.g. Assess the compliance of the proposed Strategy with the document “National Program for Biodiversity protection (2010)”, namely with its goal “preserve integrity and ecological functions in protected areas”)
- ▶ List of stakeholders who should be consulted in the further stage of SEA (e.g. regional authority X, NGO Y, Research institute Z)
- ▶ Recommendations for the further consultation process including possible activities beyond the EAC requirements (e. one public hearing on the draft strategic document and SEA report shall be organized in the capital city, while two additional workshops can be recommended to be conducted in two potentially most affected districts)
- ▶ Any requirements regarding the assessment of alternatives (e.g. indication of a need for developing and/or analyzing certain alternatives e.g. that for specific transport corridors alternatives should be developed and assessed in order to avoid likely effects on populated areas)
- ▶ Recommendations regarding analytical methods or tools to be used in the SEA (e.g. spatial analysis of the likely conflicts between protected areas and planned infrastructure)

Combining screening and scoping:

- ▶ The EAC allows the Planning Authority to submit to the Ministry and the ministry of Health screening and scoping applications at the same time. If the screening procedure reveals that the strategic document is subject to SEA, the mentioned decision refers to the commencement of administrative procedures in order to issue scoping opinion. However, it can be recommended to carry out screening procedure first, and wait with the scoping until screening decision stipulates a need of SEA. Otherwise it would be useless to spent expert capacities, time, and financial resources needed for preparation of the scoping report.

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<sup>19</sup> EAC, Article 26

### 4.2.2 Practical recommendations

Involving SEA consultants:

- ▶ Although the EAC does not stipulate who should prepare the scoping report, it can be assumed that SEA consultants will be involved in majority of cases. The planning authority should involve consultants as soon as possible in the scoping stage and well-define the tasks they should perform. However – since the scope of assessment and analyses to be carried out by the SEA team will be fully clear only after the scoping – there should be certain flexibility in the ToR/contract to allow additional tasks to be included. Further details regarding consultants' involvement are provided in Annex 7.

Consultations in scoping:

- ▶ The scoping procedure should not be seen as “decision on scoping report”, but rather as the process of determining the scope of assessment. Therefore the focus of the consultations within the scoping should target on further steps of SEA i.e. what analyses should be conducted within the SEA report, what consultations should be organized etc.
- ▶ Optimally, the scope of SEA should be consensually accepted by planning team and all relevant stakeholders. However, no issue should be excluded from the SEA only because of disagreement of one of the stakeholders – there is still possibility to modify or reduce the list of key issues later in the SEA process.
- ▶ The scoping stage can already provide inputs to the preparation of the strategic document – e.g. indication of potential environmental conflicts, recommendations on developing alternatives for certain elements/specific actions to be elaborated by the strategic document etc. Therefore it is important to discuss the draft Scoping Report with the team preparing the strategic document to get a feedback on suggestions towards the strategic documents as well as regarding proposed scope of SEA as well as to agree on how SEA inputs should be addressed in the strategic document.
- ▶ Besides formal scoping meeting, required by the EAC, informal consultations with the planning team as well as with other relevant stakeholders can be recommended. It can be organized through several informal workshop(s) and/or a series of small meetings with selected authorities and other stakeholders in order to discuss specific aspects (e.g. data availability regarding biodiversity etc.). In SEA practice, such approach has proven to be more efficient than relying only on formal ‘standard’ meeting.
- ▶ It is recommended that the planning authority places the announcement about the scoping application as well as scoping opinions in a newspaper, including areas widely used for information dissemination, which can include noticeboards of public bus stops, kindergartens, schools, commercial centers, postal offices and other public areas; Aside, it is recommended that the public is informed about the availability of the submitted application and all relevant documents through other means, such as local media, using national/local NGOs and networks, official information boards in local municipalities, schools, and places such as agricultural markets and other public gathering spots, etc.

Scoping opinion:

- ▶ For the purpose to issues scoping opinion, it is recommended to coordinate approaches

between two ministries i.e. to organize meeting to discuss the key environmental and health aspects, and other requirements to be stipulated in the scoping opinion. This approach should ensure that both scoping opinions are not conflicting each other, which could complicate further SEA steps.

### 4.3 SEA Report

#### ***Definition:***

As described in the Article 3, Paragraph 22 of the EAC, the SEA Report is “a document prepared by the planning authority and/or the consultant during the strategic environmental assessment process containing the information required by this Code.”<sup>20</sup>

#### ***Aim and purpose:***

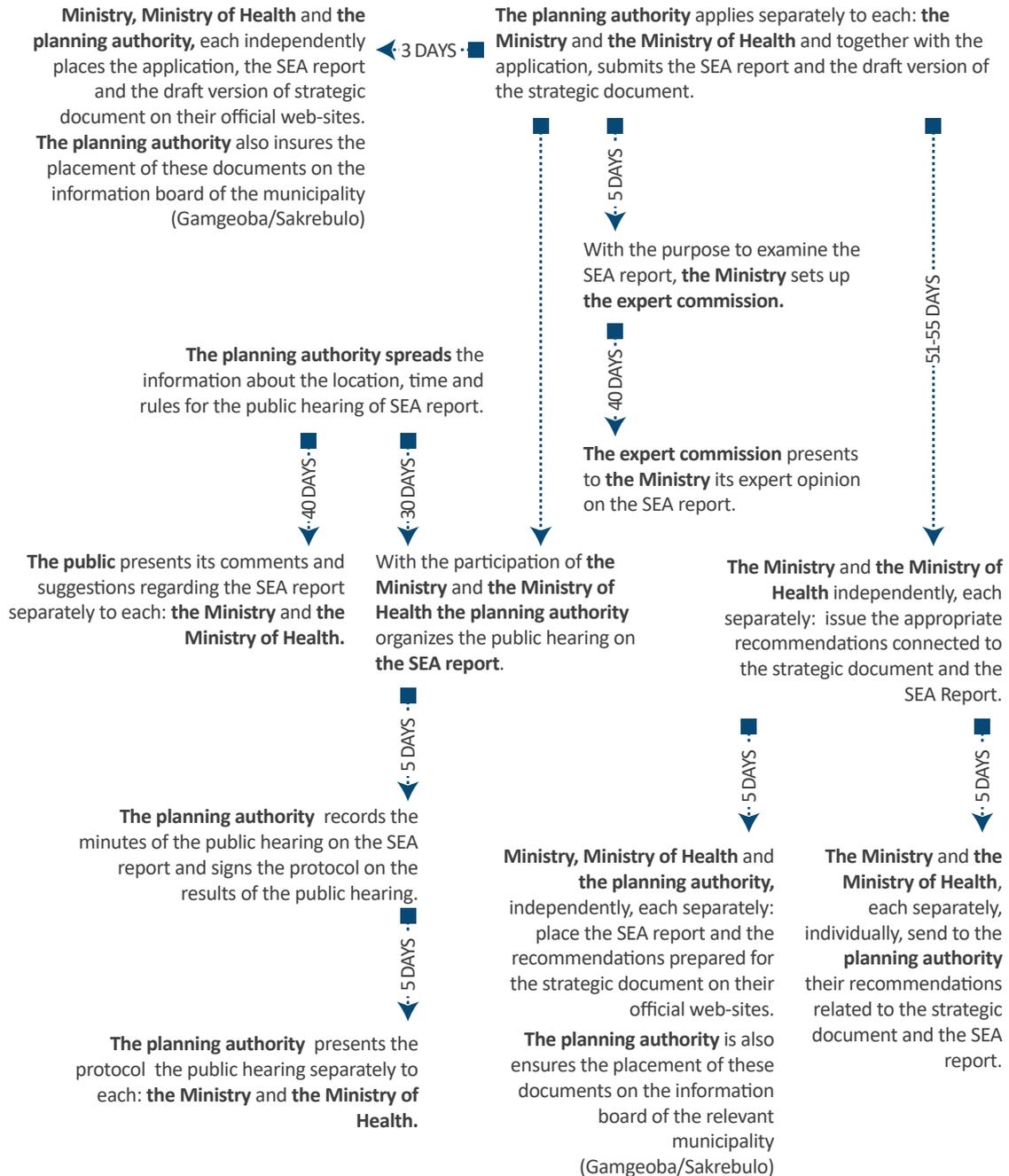
SEA Report aims to prepare a well-readable and understandable report, which provides all important information and data, conclusions and recommendations in a clear way and thus enables efficient consultations with relevant authorities and other stakeholders.

#### ***Legal requirements:***

As defined by the EAC, SEA Report is a document prepared by the planning authority or/and consultant during the strategic environmental assessment process and contains the information required by the EAC.

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<sup>20</sup> EAC, Article 3, Paragraph 22



Graph 4: Procedural steps to review SEA Report and draft strategic document

### 4.3.1 Recommended Approach

Generally, planning authority is responsible for SEA report, organization of the public hearing and coordinating consultations, while the Ministry and the Ministry of Health should provide quality control. SEA report should include information defined by the code. The Annex 3 outlines possible content of the SEA Report prepared in accordance to the requirements of the Code (See Annex 3)

Consultations on the draft strategic document and the SEA Report Even though it is not literally described in the EAC, it is highly recommended that the stakeholders should be provided with certain time after the consultation meeting (e.g. 10 days) to send their written comments. After this period, all comments received have to be summarized and the feedback provided on how these comments have been (or will be) considered when issuing the SEA recommendations. Annex 4 provides the recommended form of feedback from stakeholders during consultations on the draft strategic document and the SEA Report. (See Annex 4)

### 4.3.2 Practical considerations

- ▶ The planning authority has to ensure the SEA Report is prepared. However, it may be assumed that in practice the SEA report will be drafted by consultants subcontracted by the planning authority. Thus, it is important that planning authority properly “instructs” consultants on what qualities SEA Report should have (see chapter 8 for further details).
- ▶ SEA Report should provide also information on SEA process management outlining how the SEA process was conducted, if there were any consultations with relevant authorities and/or other stakeholders, and how the outcomes of these consultations have been considered in the SEA Report and/or in the strategic document.
- ▶ Likely impacts on health should be described in SEA report: The Ministry of Health checks whether the SEA report is correct and sufficient when describing the health effects, and whether it suggests relevant mitigation measures. The ministry of Health should also check whether these measures are sufficient and suggest the additional ones too as applicable.
- ▶ The planning authority should coordinate communication between SEA and planning teams – therefore it can be recommended to prepare the communication plan outlining the meetings in the key stages of SEA/planning process including preparation of the SEA Report in order to discuss SEA recommendations and their integration in the draft strategic document.
- ▶ Although the SEA Report is a subject of the formal consultations, additional informal workshop(s) and/or a series of small meetings with selected authorities and other stakeholders can be organized already during preparation of SEA Report in order to discuss specific aspects (e.g. specific effects, proposed mitigation measures).
- ▶ Also, consultations with the Ministry and/or the ministry of Health prior formally submitting the draft strategic document and the SEA report should help to avoid additional requests are raised during formal consultations.
- ▶ Besides mandatory means of information dissemination as stipulated by the EAC, the

information on public hearing should be placed in a newspaper, which is widely spread in the geographical scope of the potential effects of proposed activity and which is available for interested public or/and the majority of the public; on the noticeboards and websites of relevant local authorities or representative bodies, including areas widely used for information dissemination, which can include noticeboards of public bus stops, kindergartens, schools, commercial centers, postal offices and other public areas; Aside, it is recommended that the public is through other means, such as local media, using national/local NGOs and networks, official information boards in local municipalities.

- ▶ Both SEA Report and the draft strategic document are the subject of consultations. It is important to ensure that all relevant stakeholders have opportunity to get familiar with the draft strategic document and the SEA Report – otherwise discussions during the consultations meeting will not be very efficient. Thus, there is a need for coordination between SEA experts and planning team when preparing the consultations – the coordination should be ensured by the planning authority. At the stage of the SEA Report, the likely effects and likely affected stakeholders (or stakeholders' groups), respectively, should be considered when compiling the list of invitees. In other words, information in the SEA Report regarding the likely effects should enable to further identify relevant stakeholders (in addition to those identified in scoping stage) and invite them for the meeting. For example, in addition to the stakeholders proposed to be involved in the scoping stage, for consultations on the draft strategic document and the SEA Report e.g. local NGOs active in the field of nature protection can be identified, and/or villages where major projects are proposed to be constructed (e.g. large hydropower plant or highway) – this is especially important for the sub-national plans and programmes. The territorial aspect of the likely effects should also be taken into account when determining the location of the consultation meeting. Optimally, it should be organized at or close by the location which may be significantly affected.
- ▶ It is important to notify stakeholders involved in consultations on how their comments have been considered in the SEA Report and/or strategic document, otherwise they might feel that their involvement was not acknowledged and thus in long-term horizon they can lost interest in SEA

#### 4.4 Review of SEA report

##### ***Aim and purpose:***

The review of the SEA report represents the precondition for preparation of recommendations on strategic document and their issuance. Accordingly, the review of the SEA report should contribute to the decision-making process, the results should be objective and reliable and its use should be possible during the adoption of strategic document.

##### ***Legal requirements:***

In accordance with the Article 27, Chapter 6 of the EAC, the review of the SEA report has to be ensured by the Ministry through the expert commission set at the final stage of SEA to prepare an expert conclusion. The expert commission examines the report and provides the expert

conclusion. Setting of expert commission and issuance of the conclusion for both EIA and SEA is regulated by the EAC. More precisely, after the registration of the application submitted by the planning authority with the purpose to review SEA report the Ministry should establish an expert commission within 5 (five) days after the registration of the application. The expert commission shall submit the expert conclusion to the Ministry within 40 (forty) days<sup>21</sup>. As stipulated by the EAC, the expert commission is set up by the Ministry for each separate case.

As a result of the work, the expert commission prepares the expert conclusion on both strategic document and SEA report<sup>22</sup>.

It needs to be emphasized, that the Article 83 of the General Administrative Code of Georgia provides the opportunity to the Ministry of Health and the Ministry to reject the report and send it back for correction in case some discrepancies are 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<sup>23</sup>.

#### 4.4.1 Practical recommendations

- ▶ When the Ministry establishes the expert commission, its composition should consider the key issues addressed in the SEA and the most significant likely impacts (e.g. in case of the SEA for transport plan it can be assumed that the air quality may be significantly affected, and therefore expert on air quality should be included in the commission).
- ▶ The expert commission can also include the foreign experts in case they are invited by the Ministry.
- ▶ Although the EAC stipulates that only the Ministry establishes the expert commission, it is highly recommended that the Ministry of Health follows similar approach i.e. to establish internal “team” consisting of in-house and/or external experts, which would carry out the review of the SEA report.
- ▶ The review of the SEA report should primarily focus on its content, for instance, whether the report describes well all likely impacts, if it suggests the relevant mitigation measures etc. The review should also examine if and how scoping recommendations are taken into account.
- ▶ Besides reviewing the quality of the SEA Report, major role of expert commission should be seen in formulating SEA opinion, which summarizes conclusions regarding likely environmental and health effects and recommendations which have to be considered when adopting and implementing a strategic document. Although formally it is the SEA Report which is a subject of quality control, it is also important to consider wider context of SEA process including consultations with stakeholders, way of integrating the SEA inputs in the strategic document during its preparation etc. This approach ensures that the quality review is not limited to only formal check of com-

<sup>21</sup> EAC, Article 27, Chapter 6

<sup>22</sup> EAC, Article 44

<sup>23</sup> General Administrative Code of Georgia, Article 83

pliance with relevant legislation, but can generate outputs to be used in the when the expert commission conducts the quality control is clearly structured in Annex 5 (See Annex 5).

## 4.5 Issuing recommendations on strategic document and SEA report

### ***Aim and purpose:***

The recommendations should summarize the results of SEA process and thus it represents the output of SEA process to be considered when adopting a strategic document. The adoption/approval of the strategic document should be preceded by preparation of the recommendations by the Ministry and the Ministry of Health on the draft version of the strategic document and the SEA report and the adoption/approval of the strategic document is only possible after the ministries issue the recommendations.

### ***Legal requirements:***

Based on the draft strategic document, SEA report and outcomes of the consultations the Ministry and the Ministry of Health will issue final SEA recommendations. The Ministry and the Ministry of Health shall elaborate the relevant recommendations related to SEA report and strategic document with no less than 51 (fifty one) and no more than 55 (fifty five) days after the registration of the application in accordance to their competencies. Within 5 (five) days after the issuance of the recommendations, the Ministry and the Ministry of Health shall send them to the planning authority.

As the EAC stipulates, the recommendations issued by the Ministry and the Ministry of Health are valid for 10 (ten) years. In case if strategic document will not be approved/adopted within 10 (ten) years after issuance of the recommendations the planning authority is obliged to start the procedures determined by this part again.

### **4.5.1 Recommended Approach**

It is important to ensure coordination between the Ministry and the Ministry of Health when preparing the final recommendations. Similar to screening and scoping stage, the meeting should be organized to discuss views on the SEA report and jointly formulate the final recommendations (which will be formally issued separately by each ministry).

Practical recommendations to be envisaged when issues recommendations on SEA report:

- ▶ Overview of significant environmental and health effects
- ▶ Overview of main mitigation measures
- ▶ Requirements/conditions which have to be considered when finalizing and/or adopting and/or implementing the strategic document
- ▶ A statement whether the strategic document is recommended for adoption from environmental and health impacts point of view:
  1. Strategic document can be recommended for adoption

2. Strategic document can be recommended for adoption with certain conditions (e.g. some modifications of the plan/programme must be made, conditions for implementation which have to be included in the adoption etc.)
3. Strategic document cannot be recommended for adoption – in such case it needs to be indicated what has to be re-elaborated in the strategic document. However, this option would require to amend the Strategic document as well as to adjust SEA report accordingly (to reflect new version of the Strategic document and so repeat consultations and quality control).

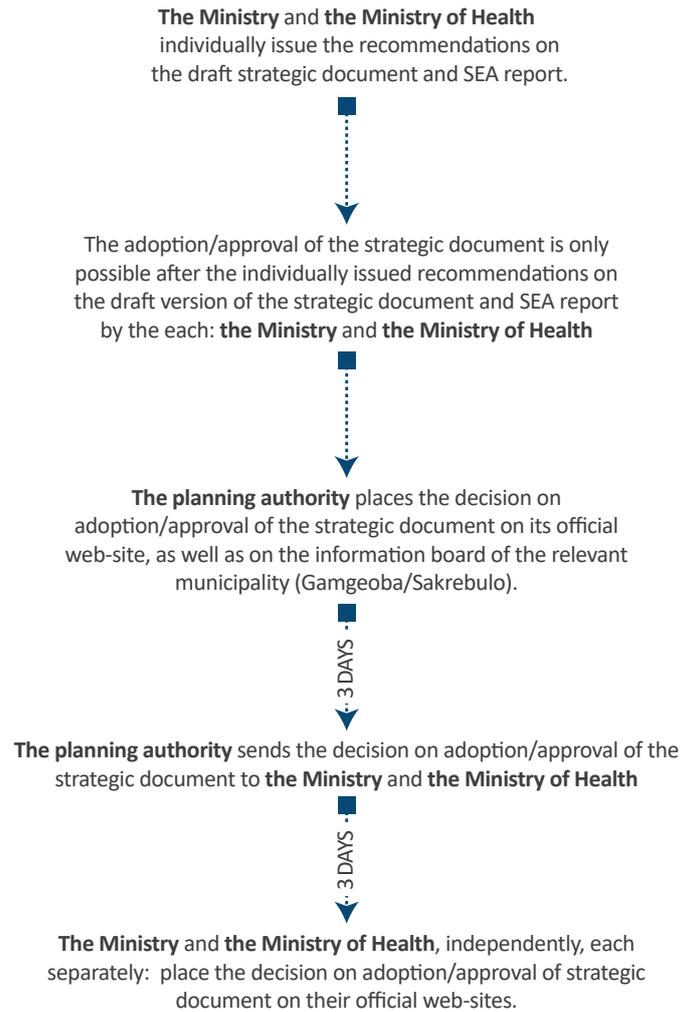
## 05 Adoption/issuance of strategic document

### ***Aim and purpose:***

The main purpose of SEA is to ensure that environmental and health considerations inform and are considered both in the proposed strategic document as well as in decision-making on it. Generally, the conclusions of SEA including the results of consultations must be taken into account during the preparation of the strategic document and before its adoption. Assuming that SEA has been duly considered in elaboration of the respective strategic document, this final stage of the SEA process aims at providing the decision-makers with information of likely environmental and health consequences related to approval of a strategic document. When adopting a strategic document the decision-makers must take into account the conclusions of the SEA report, as well as the outcomes of the consultations with relevant stakeholders including environmental and health authorities and the public. After the decision is taken, relevant stakeholders have to be informed about the decision as well as on how SEA results have been considered.

### ***Legal requirements:***

As stipulated by the EAC, the adoption/approval of strategic document is possible only after issuance of the recommendations on the draft strategic document and the SEA report by the Ministry and the Ministry of Health.



**Graph 5: Adoption/issuance of strategic document**

If recommendations on SEA report are negative the planning authority shall enter into consultations with the Ministry and the Ministry of Health to correct the revealed shortcomings of the strategic document<sup>24</sup>.

Before adoption/issuance of the strategic document, the planning authority shall take into account the recommendations issued by the Ministry and the Ministry of Health on SEA report and a draft strategic document, the consultations provided in the respective SEA report, and the opinions and comments submitted by the public.

The EAC also stipulated that, in case of strategic documents for which the procedure of trans-boundary environmental impact assessment has been carried out in the process of SEA for taking decision on adoption/approval of the strategic document, the results of abovementioned procedure shall be considered.

Decision on adoption/issuance of the strategic document shall be accompanied by the following justifications: how the comments were submitted provided notes/comments were taken into account; the conclusions of the SEA report, recommendations of the Ministry and the Ministry

<sup>24</sup> EAC, Article 28

of Health, results of transboundary procedure, planned monitoring measures and reporting in case of implementation of strategic document - as applicable and planned monitoring and reporting measures envisaged by the recommendations of the Ministry in case of implementing the strategic document.

## 5.1 Recommended Approach

- ▶ The EAC provides that if the SEA recommendations are negative, the planning authority has to approach the Ministry and the Ministry of Health and discuss further approach. It can be assumed that in case the SEA recommendations require only minor changes of the strategic document, these can be accepted and then proceed with submitting the strategic document for adoption. However, if SEA recommendations require more extensive adjustments of the strategic document, it would be good to involve SEA consultants conducting SEA to advise on how optimally integrate SEA recommendations in the strategic document (in line with the SEA report).
- ▶ It can be beneficial to inform decision-makers about SEA outputs and recommendations during SEA process so they are aware of potential significant adjustments of the strategic document;
- ▶ In addition, a meeting with the decision-makers can be organized before formally submitting the final strategic document and the SEA Report for adoption to explain them how SEA recommendations have been integrated in the strategic document.
- ▶ The explanation to be prepared in accordance with Art. 28, paragraph 5, the table with comments and the feedback on comments which should be prepared after the consultations on the draft strategic document and the SEA Report can be easily used – it just has to be updated considering results of the quality control and any final adjustments of the strategic document and/or the SEA Report.
- ▶ It is recommended that in addition to the EAC requirements, the planning authority, the Ministry and the Ministry of Health would directly inform the stakeholders who participated during the SEA process via sending the information on the decision either electronically or through mail. Also, it can be recommended to use other means of information the public – e.g. local press or other media (radio), municipal newsletters, etc.

## 06 Monitoring

### ***Aim and purpose***

SEA evaluates likely significant effects which may occur during implementation of the strategic document. However, due to the fact that strategic documents can be implemented over relatively long period (e.g. 15 – 20 years), the effects estimated by SEA may differ from those which can appear in reality when implementing the strategic documents – conditions in the area may change, plan/programme implementing scheme is slightly different from the original one etc.

Therefore, monitoring has to ensure that actual environmental and health effects of implementing the strategic document are compared with those predicted, and – if any actual significant effects are identified – necessary actions are taken. It is also important – as a part of monitoring scheme – to control if (and how) conditions given by SEA are follow and implemented.

### ***Legal requirements***

The monitoring of the implementation of strategic document is stipulated by the Article 29 of the EAC. It clearly states, that the Ministry is responsible for to monitor the significant environmental impact caused by implementation of strategic document. Besides, with the purpose to inform the public the Ministry publishes the results of monitoring on its official website c.<sup>25</sup>

### **6.1 Practical recommendations**

Designing monitoring scheme:

Generally, the monitoring scheme has to be proposed in the SEA report. It is important to emphasize that monitoring in SEA differs from monitoring in EIA

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<sup>25</sup> EAC, Article 29

which is applied for projects. The main challenge represents the fact that at the strategic planning level it is often very difficult (or even impossible) to distinguish between environmental and health effects related to the strategic document which is a subject of monitoring from impacts linked to other interventions. For instance, implementation of agriculture development plan can affect water quality – however, there are usually other sources of water pollution, which may be even more significant than agriculture (municipal waste waters, improper waste management etc.). Thus, based only on general data on water quality, it is problematic to clearly determine the causal link between the agriculture development plan implementation and changes of water quality. This problem mainly relates to wide-scale strategic document, while can be relatively sufficiently addressed in monitoring for more specific and/or small scale plans (e.g. local spatial plans).

Simple approaches to monitoring should be preferred – especially for wide-scale strategic documents is more efficient to rely on general environmental and health monitoring rather than developing complicated schemes which would be based on insufficient data or burdened by high uncertainty and thus possibly providing misleading results.

Monitoring should be focused on the key environmental and health issues addressed in SEA, and the most significant effects, respectively. The purpose of monitoring scheme in SEA is not to cover all possible environmental and health parameters, but focus monitoring on those environmental and health issues which may be significantly affected. For those issues relevant indicators should be proposed – if e.g. air quality is one of the key issues for transport, indicators should reflect the most important air pollutants related to transport (NO<sub>x</sub>, PM<sub>10</sub>/PM<sub>2.5</sub>, benzo(a)pyrene etc.). With regard to public health impact the following indicators can be used: annual mean levels of PM<sub>10</sub> (µg/m<sup>3</sup>), annual mean levels of PM<sub>2.5</sub> (µg/m<sup>3</sup>), annual ambient concentrations of lead in the atmosphere (µg/m<sup>3</sup>), lead level in blood, particularly children (µg/dl) etc. Also, existing monitoring scheme and data should be used to a maximum extent.

It needs to be emphasized that together with monitoring of environmental and health effects during implementation of the strategic document, also the scheme should be developed enabling to control if and how SEA recommendations are followed and implemented.

When designing the monitoring scheme it is important that the planning authority consults the proposals with the Ministry and the Ministry of Health to ensure the proposal is 'realistic' and utilizes existing monitoring schemes to the maximum possible extent.

The actions regarding monitoring to be conducted during SEA process can be summarized as follows:

- ▶ Consultants propose the initial draft of the monitoring scheme;
- ▶ The draft monitoring scheme should be consulted with planning team in order to link it to the overall monitoring scheme for the strategic document;
- ▶ The draft monitoring scheme are highly recommended to be consulted with the Ministry and the Ministry of Health to discuss their role in actual monitoring, data availability etc.;
- ▶ Following conclusions from the consultations, consultants finalize the monitoring scheme (and include it in the SEA Report);
- ▶ Monitoring scheme is published after the strategic document is adopted.

### Conducting monitoring and reporting:

The Ministry will conduct monitoring of the effects during implementation of the strategic document. It is recommended to involve (or at least to consult) monitoring regarding the health aspects with the Ministry of Health. Based on the monitoring results, the Ministry prepares and publish regular monitoring reports each (which should be also publicly available). Monitoring reports should provide information on:

- ▶ What is monitored (key environmental and health issues through relevant indicators);
- ▶ How the situation has changed i.e. what effects were recorded – this may be described in quantitative (e.g. air quality) as well as qualitative (if data are not available) terms;
- ▶ How the changes relate to the strategic document implementation;
- ▶ Conclusions i.e. if any actions are needed to be undertaken, if any adjustments of the monitoring scheme should be done.

As mentioned above, in many cases it may be impossible to identify any relation between changes in environmental quality and/or health status of the population and implementation of a specific strategic document. Therefore it is necessary to ensure that recommendations suggested by SEA report, are implemented during implementation of the strategic document (including implementation of specific projects, which may be a subject to EIA). First of all, the planning authority should be responsible for this, and the Ministry should be involved in control and monitoring.

It is recommended that the authority implementing the strategic document prepares a brief regular (annual) summary of activities implemented within the strategic document – it can be prepared in a simple matrix form as demonstrated in the example in Annex 6 (See Annex 6).

### Response to unforeseen effects

In case of unforeseen significant adverse effects on environment and/or health, the planning authority responsible for implementing the strategic document has to carry out actions to remediate these effects. These actions should be coordinated with the Ministry and Ministry of Health. In practical terms, if significant adverse environmental and health effects are revealed through monitoring, following measures can be considered:

- ▶ Revising mitigation measures proposed by SEA especially with focus on conditions for implementing the strategic document e.g. areas where certain projects should be not be implemented can be redefined, types of the projects can be changed etc.;
- ▶ Elaboration and introducing ad-hoc remedial actions;
- ▶ Initiating revisions of the strategic document i.e. launching new planning cycle.

## 07 Public Participation

### ***Legal requirements:***

Public participation is stipulated by the entire part IV of the EAC. It focuses on the definition of role of public participation in decision making process, as well as the exact steps and tools and mechanisms for effective public information, participation and decision making. This process applies to both EIA and SEA and contributes to the overall quality of the information available to decision makers when adopting a plan or program.

While public is granted to the right to participate in the decision making process of the activities within the frames of the EAC, the planning authorities do carry the specific duties and responsibilities to guarantee this process.<sup>26</sup>

In order to involve public into the consultations, the tools and mechanisms of informing the public are also clearly defined by EAC. It covers the means of notifying the public and envisages the placement of relevant information in newspaper, which is widely spread in the geographical scope of the potential effects of proposed activity and which is available for interested public or/and the majority of the public; on the noticeboards and websites of relevant local authorities or representative bodies, including areas widely used for information dissemination, which can include noticeboards of public bus stops, kindergartens, schools, commercial centers, postal offices and other public areas<sup>27</sup>;

The access to the respective decision making documents should be guaranteed free of charge by the public authorities responsible for decision-making. In addition, the scope of the relevant information should be identified and placed on the website of the Ministry, as well as the paper copies should be distributed during the public hearing<sup>28</sup>;

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<sup>26</sup> EAC, Part IV, Article 31

<sup>27</sup> EAC, Part IV, Article 32

<sup>28</sup> EAC, Part IV, Article 33

In order to ensure the effective public consultation process, the public shall be informed about the aim, time and venue of the public hearing as well as about the possibility to receive needed documents. The public hearing is open and any person has a right to participate. Public has the right to submit any comments, suggestions, any views or considerations on the subject matter of the decision-making envisaged. The comments, suggestions, views or considerations could be submitted either in written, or verbally, including at the hearing, to be recorded in the minutes<sup>29</sup>.

The decision making public authority, shall carefully consider all views provided by the public via public consultations and shall either consider the views, or reveal the written justification of public participation results in the simple administrative legal act issued for this decision. The decision should be placed on the website of the Ministry, the Ministry of Health and the planning authority as well as freely available upon request<sup>30</sup>.

The public, any physical or legal person has the right to appeal to the decision on SEA process, in case she/he/it considers that the public participation was not properly ensured, or the public opinion and consultations were not properly taken into the consideration by the decision making authority<sup>31</sup>.

To summarize, the EAC stipulates the public participation and public involvement in decision making process on basically each step of the SEA process. More precisely, public is consulted during screening, scoping, SEA preparation and decision-making process. Public participation means informing public and providing public with the opportunity to participate in decision-making process starting from the very early stages and via various convenient tools. At the same time, the decision-making public authority is obligated to reflect views and opinions of public expressed during public consultation process in justified and documented way and consider those during decision making. Finally, under the provisions of the EAC, the process of public consultations is completely organized by the planning authority.

## 7.1 Practical recommendations

Efficient stakeholders' consultations and participation needs to be focused on the key stakeholders that are interested in the strategic document or may be influenced by its implementation. From consultants' point of view, the consultations should help to obtain additional information and data, which would reinforce the analyses and / or contribute to development of new alternatives of the plan/programme with better environmental and health performance.

There are following main groups of stakeholders to be consulted and/or involved in SEA:

- ▶ Environmental and health authorities;
- ▶ Public (including NGOs) ;
- ▶ Other stakeholders i.e. other governmental agencies, universities, unions, etc.;
- ▶ Foreign countries (in case of likely transboundary impacts).

However, relevant stakeholders will be different for each specific SEA as well as purpose for their involvement might differ in various stages of the process. It strongly depends on the nature and content of the plan/programme, type and location of main development activities, likely effects

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<sup>29</sup> EAC, Part IV, Article 34

<sup>30</sup> EAC, Part IV, Article 35

<sup>31</sup> EAC, Part IV, Article 36

to the environment and public health, and overall arrangement of the SEA process.

In SEA, detailed plans at the regional and local levels (e.g. land-use plans) with well specified measure and activities usually attract people more than general national policies, which might be too abstract and “far from daily life”.

For efficient stakeholders’ consultations and participation is important to identify stakeholders, define purpose of their involvement, select means of consultations and participation and properly plan the activities already at the beginning of SEA process. It also needs to be considered that often the planning process itself already includes activities towards the stakeholders’ participation. Thus, stakeholders’ consultations and participation in SEA should be optimally carried out jointly with activities organized within planning process in order to avoid overlaps regarding the stakeholders’ involvement between SEA and planning process.

When initiating SEA process, the SEA team should identify those steps and analysis to be conducted which would mostly benefit from stakeholder inputs. Usually, it includes following steps:

- ▶ Determination of the scope of assessment (i.e. identification of the key environmental and health issues related to the strategic document);
- ▶ Analysis of baseline trends;
- ▶ Assessment of environmental and health effects;
- ▶ Formulating measure to avoid or mitigate likely adverse and to enhance positive environmental and health effects;
- ▶ Drafting and finalizing the draft SEA report.

Stakeholders also have to be informed about the final SEA statement as well as the approval of the plan/programme together with information how the conclusions from SEA have been considered in the plan/programme and its adoption.

There are many tools and methods for stakeholders’ consultations and participation, and their selection highly depends on the nature of the strategic document. Typically, following tools and methods can be used in SEA:

- ▶ Public hearings;
- ▶ Public workshops and meetings;
- ▶ Informal small groups meetings (focused groups);
- ▶ Local planning visits;
- ▶ Formal disclosure of relevant documents at the governmental authority website and/or notice board;
- ▶ Press releases and invitations asking for comments or feedback;
- ▶ Questionnaires and response sheets;
- ▶ Surveys;
- ▶ Email dissemination.

It is important to note that public hearings or questionnaires which are often used for consulting public during SEA processes may not deliver the most effective consultations. Instead, problem-solving workshops, roundtables, advisory panel or structured interviews may be more efficient and user-friendly means for obtaining inputs from the relevant stakeholders during the

SEA. Therefore it can be recommended to use other means of consultations in addition to those required by the EAC. Following tips can be considered when designing and conducting consultations in SEA:

- ▶ The plan for the stakeholders' consultations should be prepared at the beginning of the SEA process (e.g. in scoping);
- ▶ When planning stakeholders consultations in SEA, also consultation activities to be conducted in the planning process itself have to be taken into account;
- ▶ A feedback on stakeholders' comments received indicating how these have been or will be addressed in the SEA or explaining why these cannot be accepted have always to be provided;
- ▶ In SEA report, an overview of the consultation activities carried out together with a summary of main comments and how these were considered in the assessment should be included.

## 08 Transboundary environmental impact assessment procedure

### **Definition:**

The EAC provides that ‘Transboundary impact is any impact on the environment of Georgian or of a foreign country which is caused, totally or partially, by implementation of the project or strategic document on the territory of Georgia or on a foreign country<sup>32</sup>. Therefore, for strategic documents which may lead to transboundary impacts, the consultations with the potentially affected countries have to be carried out as a part of SEA process.

### **Aim and purpose:**

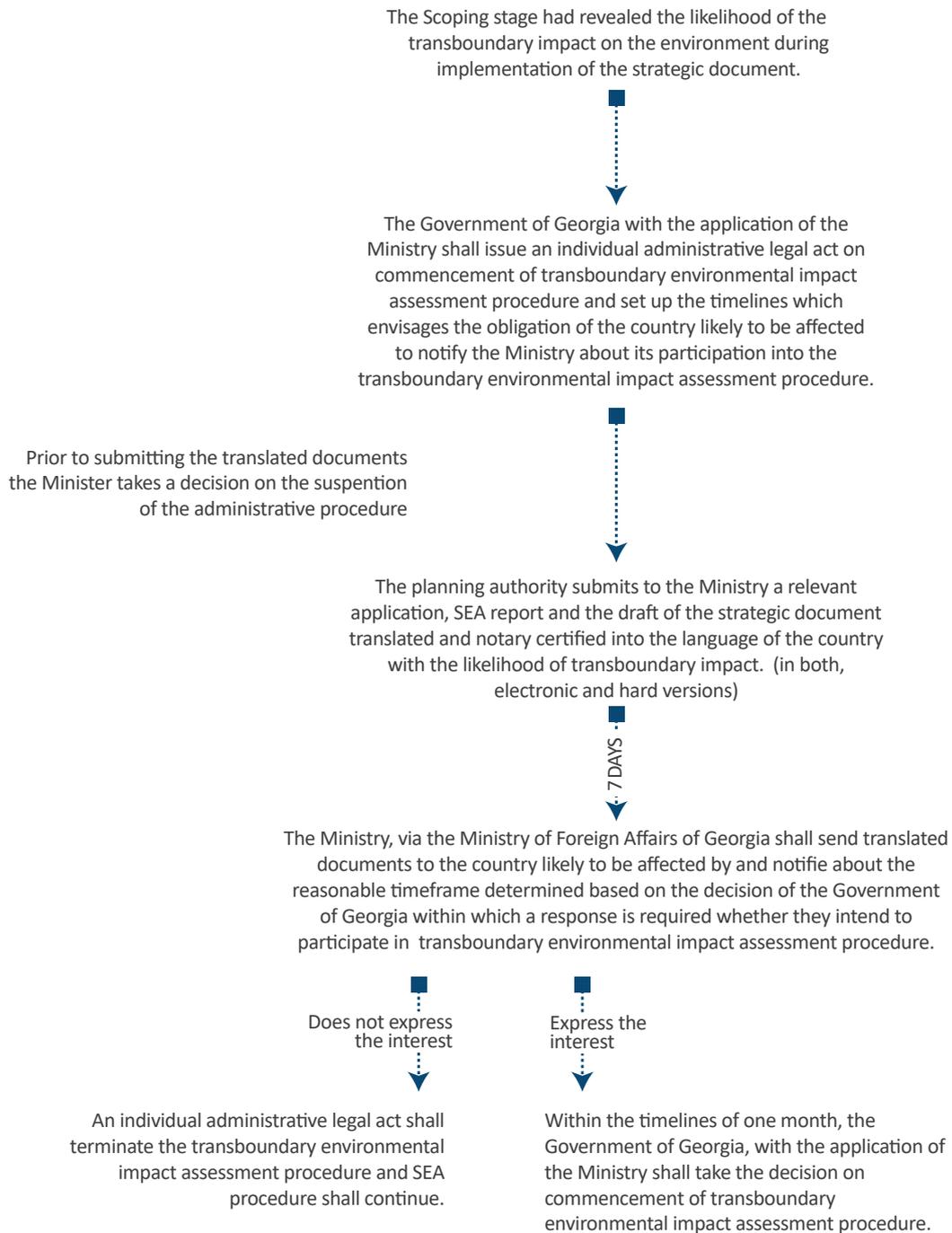
As mentioned above, the transboundary environmental impact assessment procedure (hereinafter also ‘transboundary consultations’) should ensure the opinions of the public and the environmental and health authorities in the likely affected country are taken into account in SEA and related decision-making process, and that they are informed of how their comments were considered.

### **Legal requirements:**

The EAC stipulates that (Art. 19c) that SEA shall ensure ‘that due account is taken of environmental and human health considerations in the process of decision-making regarding strategic document, implementing of transboundary environmental impact assessment procedure, if applicable’. It further provides that scoping should ‘reveal likelihood of the transboundary impact on the environment’ and that the scoping report as well as the SEA report should provide ‘information on the magnitude of potential transboundary impact on the environment and public health’. The diagram demonstrates the procedural stages required for the transboundary environmental impact assessment ( See diagram 6).

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<sup>32</sup> EAC, Article 3, Paragraph 25



**Diagram 6. The procedural stages required for the transboundary environmental impact assessment**

Those strategic documents, which also cover issues related to the transboundary impact on the environment, in the process of taking decision to adopt the strategic document the results of transboundary procedure shall be considered<sup>33</sup>, and in such case the explanation which accompanies the decision to adopt/approve strategic document has to also provide how results of transboundary environmental impact assessment procedure were taken into account<sup>34</sup>.

According to the EAC (Article 39), the planning authority provides the expenses related to the transboundary environmental impact assessment procedure, as well as it has the right to get involved at any stage of transboundary procedure. It is important to highlight, that even though it is not directly mentioned in the EAC, the expenses are mainly linked to the costs of analyses regarding likely transboundary impacts as well as translation of related documents.

As outlined by the Article 39 of the EAC, the planning authority in the transboundary procedure is obliged to:

- ▶ Indicate the likelihood of transboundary environmental impact in the application of screening or scoping;
- ▶ Assure proper assessment of potential transboundary environmental impact in SEA Reports;
- ▶ Provide proper translation and notary certification of translated documents;
- ▶ Provide proper translation during the public hearing in case of the foreign public;
- ▶ Provide assistance to the Ministry in conducting transboundary environmental impact assessment procedure, if necessary.

In principle, the Ministry has overall responsibility for conducting transboundary environmental impact assessment procedure, as well as is obliged to make all documents related to transboundary environmental impact assessment procedure publicly available.

As stipulated by the Article 41, Paragraph 3 of the EAC, in addition, after commencement of the transboundary environmental impact assessment procedure, the Ministry based on the decision of the Government of Georgia, holds the consultations with the country where the project or strategic document is planned to be implemented<sup>35</sup>.

## 8.1 Practical recommendations

- ▶ It is recommended to keep the time-frame for transboundary consultations flexible and decide about exact timing for each specific case (depending on the scope and significance of the likely effects, the transboundary area to be likely affected etc.). For example, there should be an option to extend the time frame for submitting the comments to the draft strategic document and SEA report.
- ▶ Sixty days can be considered as a reasonable timeframe for a response regarding the intent of the likely affected country to participate in the transboundary procedure.

<sup>33</sup> EAC, Article 28

<sup>34</sup> EAC, Article 28

<sup>35</sup> EAC, Article 41, Paragraph 3

- ▶ The scoping opinion (in case likely transboundary effects are indicated) should optimally suggest details for transboundary procedure (including e.g. the scope of consultations, time-frame etc.
- ▶ Since conducting transboundary consultations will require intensive communication among the Ministry, the Ministry of Foreign Affairs, and the planning authority, it is recommended to organize the meeting (after the scoping opinion provides the likely transboundary impacts should be addressed in SEA report) and discuss practical aspects of the transboundary consultations – timeframe, translation, communication to foreign country etc.
- ▶ Similarly, the Ministry in cooperation with the Ministry of Foreign Affairs should organize the meeting with relevant representatives of the likely affected country at the beginning of the transboundary consultation procedure. UNECE suggests<sup>36</sup> following matters which may be discussed and implemented jointly between the countries:
  - Who the public concerned is, including NGOs;
  - How consultations are to be carried out, including timing and details of notification;
  - Establishment of an SEA steering group or sounding board comprised of representatives of the public from both countries;
  - What materials will be made available by the country of origin and when;
  - Translation of documents, interpretation during any meetings and/or running of meetings by officials who are fluent in the main language of the affected country;
  - How to deal with any cultural issues, disenfranchised groups, etc.;
  - Time frames for the public to respond, so that they are realistic both from the participants' and the planning authorities' point of view, taking into account issues such as different countries' holidays;
  - How the countries are informed of the consultations outcomes and their use.
- ▶ Although formal and mandatory transboundary consultations have to be organized when the draft strategic document and the SEA report are available, it is recommended to initiate 'informal transboundary consultations' earlier in SEA process. The likely effects countries can be approached already in scoping or before finalizing the SEA report to discuss their view of likely impacts, thus their feedback can be already be considered in SEA report. This approach enables to solve potential problems before the formal consultations, which then could proceed 'smoothly'.
- ▶ It would be useful if the expert commission can consider the results of transboundary consultations when formulating the expert conclusion. Therefore participation of the expert commission's representative(s) in transboundary consultations should be ensured.

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<sup>36</sup> UNECE, 2016: *Good practice Recommendations on Public Participation in Strategic Environmental Assessment*. Available at <http://www.unece.org/index.php?id=42234>

## 09 Other practical considerations for conducting SEA

This section aims at providing additional recommendations for management and coordination of SEA process, which can be utilized mainly by planning authorities as the public institutions responsible for carrying out SEA for specific strategic document.

### SEA and planning process

SEA is a tool to integrate environmental and health concerns into strategic planning and decision-making. It means that SEA inputs should be optimally considered already during preparation of the strategic document. In order to achieve this, it is important to link the SEA process to planning procedure. Such design of SEA process enables communication between planners and SEA team and thus leads to efficient cooperation allowing SEA to provide such inputs which are well-focused and adapted to specific nature of the strategic document. The code outlines some legal requirements related to linkages between SEA main stages and planning process. However, there are reasons going beyond the legal requirements to strive for as close coordination between SEA and planning as possible. It can be concluded that SEA process is regarded as effective and efficient if it<sup>37</sup>:

- ▶ Enables effective consideration of environmental issues in the development of strategic document. The capacity of SEA to facilitate the integration of environmental issues into preparation of strategic document largely depends of the timelines and form of SEA inputs into the plan or programme making. SEAs that provide early and operative inputs in the relevant stages of the strategic planning process are naturally going to be more efficient than ex-post (i.e. after the strategic document is drafted) or separate assessments.
- ▶ Assists in the identification of conflicting views and interests and thus increase the credibility of decision-making. This tends to facilitate rational debate and problem solving, as well as building trust between stakeholders.

<sup>37</sup> Adapted from *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment*, UNECE, 2012.

- ▶ Does not unnecessarily prolong preparation and adoption of the strategic document. Application of SEA requirements poses certain time demands, which can be minimized by careful organization of the SEA during the planning process.
- ▶ Is not unreasonably costly. Conducting necessary analyses, preparation of reports required by the EAC, and consultations with relevant stakeholders including public incur additional costs. However, these costs may be limited if SEA is carried out in conjunction with preparation of the strategic document and builds on data gathering, analyses and consultation that may already occur within the planning process.

As obvious, the above mentioned can be ensured only if SEA process is initiated early in preparation of the strategic document, and SEA steps are conducted in parallel with respective planning stages. Only then SEA can be linked to the planning procedure and such design enables intensive communication between planners and SEA team providing opportunity for integrating SEA inputs already during preparation of the strategic document.

In practical terms, it can be recommended that planning authority (together with SEA consultants – should they be involved) analyses the planning process when initiating SEA. The aim of this initial analysis is to understand the broader context of planning and its logical approach in order to identify ‘entry points; where the SEA can provide efficient inputs. When analyzing the planning process, following issues should be considered:

- ▶ What are the main steps in the planning process, key tasks and what is their sequence?
- ▶ Are there any environmental analyses to be performed within the preparation of the strategic document?
- ▶ Will the planning process include any consultations with stakeholders?

The conclusions from initial analysis of planning process should be considered when preparing workplan and timeline for SEA as well as when developing the ToR for SEA (see section below).

#### Involving SEA consultants

The EAC assigns planning authorities as responsible that SEA is carried for strategic documents and responsible for its quality and meeting legal provisions. The EAC further provides that ‘Consultant’ (i.e. individual consultant and/or consulting company) can be hired to prepare scoping and SEA reports.

There are three general options on who conducts SEA:

- ▶ SEA preparation is done fully ‘in-house’ i.e. by the internal experts of the planning authority (e.g. environmental department at the Ministry of Transport)
- ▶ SEA is conducted by consultants including preparation of scoping and SEA reports as well as coordination of consultations etc.
- ▶ SEA is coordinated by the planning authority and consultants are involved only to provide certain inputs (e.g. certain analyses – analysis of likely impacts on the air quality, prepare some sections of scoping and/or SEA report etc.).

Since the SEA practice is at its beginning in Georgia, it is difficult to fully estimate the direction the practice will evolve, on the other hand considering experience from other countries, it may

be assumed that the SEA consultants will be involved to majority of SEA cases (i.e. options 2 and 3 above). Thus, it is important that the planning authority is aware of the role consultants can (or should) play.

In principle, should the planning authority decide to involve consultant(s) it is highly recommended to do so as soon as possible in the SEA process – in fact, they can provide inputs to screening already, while their inputs are essential in the scoping stage and when drafting the SEA Report. The planning authority – when opening the tender for SEA – should pay attention to preparation of the Terms of Reference (ToR) for consultants. The points to be considered when drafting the ToR are outlined in Annex 7. (See Annex 7). In general, following tasks and activities can be assigned to the consultants:

- ▶ Inputs to screening form mainly regarding the environmental and/or health problems relevant to the strategic document, and the likely impacts of the strategic document
- ▶ Preparation of the Scoping Report i.e. to:
  - Identify the key environmental and health issues to be further addressed in SEA as well as those issues which are not relevant to a given strategic document and thus do not need to be included in further analysis,
  - Outline possible alternatives or options which should be addressed within SEA,
  - Indicate territorial dimension of likely impacts,
  - Suggest analyses and surveys to be further conducted as well as methods and tools to be used,
  - Identify stakeholders to be involved in further steps (including environmental and health authorities as well as public).
- ▶ Preparation of the draft and final versions of the SEA Report including all necessary analyses i.e. to:
  - Analyze the baseline for relevant environmental and health issues
  - Evaluate likely effects
  - Formulate relevant migration measures
  - Propose monitoring scheme
- ▶ Coordination of the stakeholders involvement including public participation throughout SEA process including consideration of comments and suggestions received in the scoping and/or SEA reports
- ▶ Communication to and coordination with the planning team to achieve proper integration of SEA inputs in the strategic document

It needs to be emphasized that even if the majority of tasks related to the SEA process is assigned to the consultants, it is still important for efficient SEA process that relevant officials from the planning authority are involved in SEA process and provide overall coordination and management including:

- ▶ Facilitation of communication between SEA and planning teams

- ▶ Active participation in stakeholders consultations (e.g. to present the draft strategic document at the public hearing)
- ▶ Formal communication with the Ministry and the Ministry of Health

#### Addressing alternatives

One of the key tasks for SEA is to deal with alternatives. SEA can facilitate development of alternative options or scenarios, which minimizes or avoids adverse environmental and health effects, and thus increases efficiency of the strategic documents.

In practical terms, following tasks should be carry out in SEA:

- ▶ SEA has to evaluate and compare all alternatives elaborated in the strategic document
- ▶ SEA has to outline 'zero' scenario i.e. likely evolution if the strategic document is not implemented and compare it with likely impacts of proposed strategic document
- ▶ SEA can recommend that certain alternatives should be elaborated by the strategic document or considered by decision-makers. This should be based on the assessment of likely impacts.
- ▶ SEA can even elaborate alternative options. This, however, requires an extensive cooperation with planning team to make sure that the alternative options development by SEA can be integrated in the strategic document.

Any requirements regarding the alternatives (in scoping as well as later in further SEA steps) resulting from SEA need to be properly justified and linked to likely impacts (i.e. another alternative of transport corridor should be elaborated, since current one can significantly affect protected area). Such discussion should optimally be conducted in scoping, but also later when development SEA report (if need for alternatives arises only then).

## 10 Annexes

### Annex 1: Screening form

Considering requirements of the Article 78 of the General Administrative Code of Georgia as well as the provisions of the EAC, these recommendations/guidelines propose the special Screening Form

Name of the strategic document	
Information on Planning Authority: name and address	
Level of the strategic document	National/regional/municipal (mark)
Status of the strategic document	Describe if it is a new strategic document or modification of existing strategic document
Sector of the strategic document: <ul style="list-style-type: none"> <li>■ Agriculture</li> <li>■ Forestry</li> <li>■ Fishery</li> <li>■ Energy</li> <li>■ Industry</li> <li>■ Transport</li> <li>■ Waste management</li> <li>■ Water management</li> <li>■ Electronic communication</li> <li>■ Tourism</li> <li>■ Spatial planning</li> </ul>	(agriculture, forestry, fishery, ...)

Legal framework	(The law or regulation which provides a basis for preparation and adoption of the strategic document)
Decision-making body	Please explain which governmental body will be adopting the strategic document
Main priorities and objectives	(Short description of main priorities and objectives stipulated by the strategic document)
Does the strategic document set the framework for future development consent of projects the EIA should be applied to?	No/Yes (describe) (If Yes describe planned activities/projects, which will probably require EIA)
Expected way of implementation	Please describe how the strategic document will be implemented (e.g. period of implementation, source of funding, which institution(s) will be coordinating implementation etc.)
Environmental and/or health problems relevant to the strategic document	Briefly describe environmental and/or health problems (human health) in the area covered by the strategic document.  <i>(additional information e.g. maps or charts can be provided in the annexes to the screening form)</i>
Likely impacts of the strategic document	Considering environmental and/or health problems described above, please explain how these may be affected by the strategic document.  <i>(additional information e.g. maps or charts can be provided in the annexes to the screening form)</i>
List of documents submitting with the application (if any)	Please list the documents which are submitted with the application (if any)
<b>Date of application</b>	
<b>Signature of applicant</b>	

## Annex 2: Possible content and the structure of Scoping report

Following information should be generally included in the scoping report – the points below should not be considered as a ‘fixed structure’, but rather as recommendation on possible content of scoping report:

- ▶ Executive summary
- ▶ Introduction
  - Purpose and objectives of the report
  - expected content
  - Approach to scoping
- ▶ Main features of the strategic document
  - Background information
  - Objectives and priorities
  - Overview of main measures
  - Status of preparation and further steps
  - Linkages to other relevant plans and programmes
- ▶ Description of key features of the environmental and health baseline of the concerned territory
- ▶ Outline of the existing environmental/health protection and other relevant policy goals
- ▶ Characteristics of areas likely to be significantly affected (Note: the list below needs to be adjusted to the strategic document which is a subject of SEA. The key is to focus the analysis and SEA on relevant areas and issues, not to provide thorough overview for all environmental components and aspects):
  - Climate and climate change
  - Air
  - Geology, land and soil (including land-use, soil degradation and pollution)
  - Water (overview of water resources, water quality, main pollution sources, water allocation and consumptions)
  - Waste and wastewater management
  - Ecosystems and biodiversity/protected areas
  - Culture heritage
  - Social aspects (population, economic status)
  - Health
- ▶ Initial identification of the priority issues to be addressed in SEA
  - Scoping matrix
  - Alternatives to be considered
- ▶ Next steps
- ▶ Annexes
  - Summary of scoping consultations
  - References

### Annex 3: Possible structure of SEA Report:

Following information should be generally included in the SEA Report; however additional requirements may result from the scoping too – therefore the points below should not be considered as a ‘fixed structure’, but rather as recommendation on possible content of SEA report:

- ▶ A non-technical summary
- ▶ Scope, objectives of the strategic document, its alternatives (if elaborated in the strategic document) and relationship with other relevant plans and programmes;
- ▶ Outcomes of previous SEA process which are relevant for the assessment of the proposed plan/programme, presentation of the scope of assessment (as resulted from the scoping and analyses performed) and explanation of how were these matters addressed within the SEA Report
- ▶ Environmental and health baseline i.e.:
  - The current state of the environment and health and the likely evolution without implementation of the strategic document (i.e. ‘business as usual’ scenario);
  - The environmental characteristics of areas likely to be significantly affected;
  - Existing environmental/health problems arising from the strategic document, its relationship with any environmental/nature protection areas or sensitive areas;
- ▶ A description of the environmental and health protection objectives, established at national and international levels, which are relevant to the strategic document and the way those objectives and any environmental and health considerations have been taken into account during its preparation;
- ▶ The likely significant effects of the strategic document on the environment and health, including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between the above factors, (these effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects);
- ▶ The measures envisaged to prevent, reduce and as fully as possible eliminate entirely any significant adverse effects on the environment and health of implementing the strategic document, including possible alternative options to be considered in the strategic document;
- ▶ Evaluation and comparison of the alternatives of the strategic document from environmental and/or health impacts point of view. An outline of the reasons for selecting the alternatives dealt with;
- ▶ A description of the measures envisaged concerning monitoring of the environmental impacts those may arise during the implementation of the strategic document;
- ▶ A description of how the assessment was undertaken, any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information; A description of gaps in data and information and how these have been addressed in the assessment.
- ▶ Conclusion – a summary of the main recommendations which have to be considered in decision-making and implementation of the strategic document
- ▶ Annexes:
  - Annex I: Overview of the main recommendations towards the strategic document during SEA process with explanation if and how these recommendations have been integrated in the strategic document

#### Annex 4: Recommended form of feedback from stakeholders during consultations on the draft strategic document and the SEA Report.

COMMENT NO.	COMMENT	FEEDBACK BY THE SEA TEAM OR PLANNING AUTHORITY
Ministry of Environment and Natural Resource Protection of Georgia		
1		
2		
Ministry of Labour Health and Social Affairs of Georgia		
3		
4		
Representatives of Public (NGO, local civil society, general public)		
5		
6		
<b>Other Stakeholders (private institutions, Scientific institutions if necessary, representatives from the relevant state authorities if they are not in the role of planning authorities, concerned municipalities, relevant local and regional authorities, relevant entities of the autonomous republic of Adjara, self and local governance entities, relevant representatives of foreign countries affected in transboundary context as/if applicable</b>		
7		
8		

## Annex 5: The Criteria to be considered in the review of SEA report

Following quality criteria are recommended to be taken into account within the review of the SEA report<sup>38</sup>:

- ▶ Objectives and context
  - The strategic document's purpose and objectives are made clear.
  - Environmental and health objectives are clearly set out and linked to the key issues addressed in SEA.
  - Potential conflicts as well as synergies that exist between environmental and health objectives (as identified by SEA) and strategic document objectives are identified and described.
  - Environmental and health issues and constraints are considered in developing strategic document objectives and targets.
- ▶ Scope of assessment
  - The scoping opinion is well reflected in SEA report
  - Environmental and health issues addressed in SEA are clearly defined.
  - SEA focuses on the key issues.
  - Reasons are given for eliminating issues from further consideration (should it be the case)
  - Environmental and health ministries were consulted and their opinions considered when defining the scope of assessment.
  - Main problems for each key environmental and health issue are identified and described.
  - The territorial scope of the assessment is described.
  - Likely transboundary effects are considered.
- ▶ Baseline analysis
  - Relevant aspects of the current state of the environment and health are described for the key environmental and health issues together with identification of the main drivers behind the trends.
  - The likely evolution of the key environmental and health issues without the strategic document is outlined.
  - Environmental characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the area addressed by the strategic document.
  - Gaps in information and data are acknowledged.
- ▶ Evaluation of likely significant effects
  - Likely effects of the development interventions proposed by the strategic document on the key environmental and health issues are described and compared with likely evolution without strategic document ('business as usual' scenario)
  - Both positive and negative effects are considered, and the duration of effects (short, medium or long-term) is addressed.

<sup>38</sup> The list is based on 'A Practical Guide to the Strategic Environmental Assessment Directive. Office of the Deputy Prime Minister, UK, 2005'.

- Likely secondary, cumulative and synergistic effects are identified where practicable.
  - Inter-relationships between effects are considered where practicable.
  - The prediction and evaluation of effects makes use of relevant accepted standards, regulations, and thresholds.
  - Methods used to evaluate the effects are described.
  - The environmental and health effects (both adverse and beneficial) of each alternative are identified and compared.
  - Reasons are given for selection or elimination of alternatives
- ▶ Alternatives
- Realistic alternatives are considered for key issues, and the reasons for choosing them are documented.
  - Alternatives include 'business as usual' scenario
  - The environmental effects (both adverse and beneficial) of each alternative are identified and compared.
  - Reasons are given for selection or elimination of alternatives.
- ▶ Mitigation measures
- Measures envisaged to prevent, reduce and offset any significant adverse effects (and/or enhancing likely positive effects) of implementing the strategic document are indicated.
  - Issues to be taken into account when developing and approving specific projects (as a part of the plan/programme implementation) are identified.
- ▶ Monitoring
- Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SEA.
  - Monitoring regarding environmental and health issues is linked to the overall monitoring scheme established for the strategic document.
  - Responsibilities for monitoring as well as for actions to be made in response to significant adverse effects are assigned.
- ▶ SEA report
- Is clear and concise in its layout and presentation.
  - Uses simple, clear language and avoids or explains technical terms.
  - Uses maps and other illustrations where appropriate.
  - Explains the methodology used.
  - Explains who was consulted and what methods of consultation were used.
  - Indicates how the outcomes from public participation and consultations with stakeholders have been taken into account in SEA report and/or the strategic document.
  - Provides an overview of SEA advice towards the strategic document providing how these recommendations have been considered in the draft strategic document.
  - Identifies sources of information, including expert judgment and matters of opinion.
  - Contains a non-technical summary covering the overall approach to the SEA, the objectives of the plan, the main options considered, and any changes to the plan resulting from the SEA.

## Annex 6: Example of brief regular (annual) summary of activities implemented within the strategic document

ACTIVITIES IMPLEMENTED DURING REPORTING PERIOD	RELEVANT SEA RECOMMENDATION(S)	HOW SEA RECOMMENDATIONS WAS MET	COMMENTS
Initiating construction of highway	Corridor A should be preferred in order to avoid significant impacts on human health	Corridor A was selected for highway, however with small adjustments, which were analyzed by EIA – EIA confirmed that modifications of the corridor will not lead to significant health impacts.	
The scheme to support 'small and medium enterprises' (SMEs) in rural areas was launched	Prefer alternative energy resources	Use of alternative energy resources has been included in overall evaluation scheme i.e. project proposal using alternative energy resources can get higher score for this criterion compare to projects using fossil fuels	

## Annex 7: Points to be considered when drafting the ToR for consultants

- ▶ Aim and purpose of SEA i.e. to:
  - Implement and follow the legal requirements regarding SEA as laid out in the EAC,
  - Provide recommendation for integrating the key environmental and health issues in the strategic document,
  - Ensure participation of the relevant stakeholders in SEA,
- ▶ Main tasks to be carried out by the SEA experts:
  - Analyse baseline for relevant environmental and health issues and evaluate the analytical part of the strategic document – whether it considers all relevant environmental and/or health trends and problems,
  - Prepare the draft and final versions of the Scoping Report determining :
    - » The key environmental and health issues to be further addressed in SEA as well as those issues which are not relevant to a given strategic document and thus do not need to be included in further analysis,
    - » Possible alternatives or options which should be addressed within SEA,
    - » Territorial dimension of likely impacts,
    - » Analyses and surveys to be conducted as well as methods and tools to be used,
    - » Stakeholders to be involved in further steps (including environmental and health authorities as well as public).
  - Prepare the draft and final versions of the SEA Report including all necessary analyses,
  - Identify relevant stakeholders, facilitate their involvement throughout SEA process and ensure that comments and suggestions received are given due consideration,
  - During the whole process, be open for cooperation and coordination with the planning team,
- ▶ Approach;
  - SEA process will be conducted as an integral part of the strategic document preparation in order to provide effective inputs by SEA,
  - The methodology of SEA will be adjusted according the suggestions of the Client, the Ministry and/or the Ministry of Health and other relevant stakeholder during scoping stage.
- ▶ Timeline of SEA tasks :
  - Timeline for SEA process should be linked to the strategic document preparation.

## List of references

1. Musil, M., et al.: *Authorities' Point of View*. In 'EIA-IPPC-SEA Bulletin', 2010, in Czech language)
2. *Draft Environmental Assessment Code of Georgia, July 2016*
3. *European Commission (1996), A study on costs and benefits in EIA/SEA (Available at <http://ec.europa.eu/environment/eia/eia-studies-and-reports/eiacosts-benefit-en.htm>)*
4. *European Commission, 2003: Implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. Available at [http://ec.europa.eu/environment/archives/eia/pdf/030923\\_sea\\_guidance.pdf](http://ec.europa.eu/environment/archives/eia/pdf/030923_sea_guidance.pdf)*
5. *General Administrative Code of Georgia*
6. *A Practical Guide to the Strategic Environmental Assessment Directive. Office of the Deputy Prime Minister, UK, 2005*
7. *R. Therivel and F. Walsh (2005), "The Strategic Environmental Assessment Directive in the UK: One Year On", submitted to Environmental Impact Assessment Review.*
8. *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment, UNECE, 2012, (available at: <https://www.unece.org/fileadmin/DAM/env/documents/2011/eia/ece.mp.eia.17.e.pdf>)*
9. *Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive).*
10. *Protocol on Strategic Environmental Assessment (Protocol on SEA) under the Espoo Convention in Kiev in 2003.*
11. *Ministry of Agriculture of Georgia, 2015. Strategy for Agricultural Development of Georgia, (Available at: <http://www.moa.gov.ge/Ge/Strategy>)*



