



## EaP GREEN PROGRAMME

# Greening Economies in the Eastern Neighbourhood (EaP Green)

## National Round-table Meeting on Legal Implementation of the Espoo Convention in Georgia

*4<sup>th</sup> of November 2013, Tbilisi*

On November 4, a round table meeting on the legal implementation of the United Nations Economic Commission for Europe (UNECE) Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) in Georgia was held at Betsy Hotel, Tbilisi. The aim of the meeting was to share the preliminary results of reviewing the national regulatory and legislative framework on Environmental Impact Assessment (EIA), including proposals for legislative changes required for complying with the Espoo Convention. The meeting was organised by the Ministry of Environment and Natural Resources Protection of Georgia in close cooperation with the UNECE Secretariat, with the financial assistance from EU funded programme "Greening Economies in the Eastern Neighbourhood". Organizational and logistical support was provided by the Environmental Information and Education Centre.

The meeting was attended by total 30 participants, representatives of the Ministry of Environment and Natural Resources Protection, Ministry of Regional Development and Infrastructure, Ministry of Energy, Economy and Sustainable Development, as well as NGOs, international organizations and the business sector. The meeting was observed by representatives of local media.

Opening speeches were given by Minister of Environment and Natural Resources Protection, Ms. Khatuna Gogaladze, and Ms. Minna Torkkeli from the Espoo Convention Secretariat.

During the roundtable, Ms. Torkkeli presented the main objectives, principles and benefits of the Espoo Convention and its Protocol on SEA. She explained the different stages of a transboundary EIA procedure. Finally, Ms. Torkkeli presented an overview of technical assistance activities planned for 2013-2016 in Georgia, with the assistance of the EaP Green programme. These activities include revision of SEA legislation, organizing training workshops on SEA at national and local levels, pilot project on SEA, and development of supporting guidance documents.

Ms. Tamar Sharashidze, the head of Environmental Impact Permits Department, presented the main functions of the Permits Department and the activities of the Analytical Division. She focused on the activities that have recently been implemented in the department and highlighted some major challenges facing the department. This includes improving the format of EIA reporting, sharing experience and knowledge on environmental and social impact assessment (ESIA), implementing the cost and benefit analysis, as well as building and improving capacities of the staff.



Ms. Darejan Kapanadze, a representative of the World Bank talked about the transboundary environmental impact assessment and strategic environmental policy in the World Bank funded projects. She introduced the WB defence mechanism, including protection of investment projects from the negative social and environmental side-effects based also on Environmental Assessment, Environmental Impact Assessment and Strategic Environmental Assessment. Further she stressed the importance and necessity of social issues to be taken into account in the EIA and an increasing role of these issues in the effective implementation of projects and from the environmental protection point of view.

The meeting then focused on discussing national legislation on EIA in Georgia and its concordance with the Espoo Convention. Presentations were made by Mr. Zurab Mgaloblishvili from the LTD “Gamma” consulting company, Mr. Irakli Macharashvili from the association “Green Alternative”, and finally by Mr. Stephen Stec and Mr. Merab Barbakadze, who were conducting the legislative review.

According to the discussions, the following changes in the legal and institutions framework were identified for Georgia to enhance the implementation of EIA and comply with requirements of the Espoo Convention:

- Introducing the transboundary EIA procedure in the legislation. Georgia should address and incorporate into national legislation the following issues:
  - sending a notification as a Party of origin;
  - the content of the notification;
  - the content of the EIA documentation;
  - sending the EIA documentation;
  - obligations and procedure for public participation;
  - timeframes for public participation, and modalities of participation at different stages;
  - consultations between the Parties on the basis of the EIA documentation;
  - the final decision and the transmission of final decision documentation to the affected Party along with the reasons and considerations on which it was based;
  - post-project analysis (not mandatory).
- Revision of the list of activities which are subject to EIA procedure according to the Appendix I of the Espoo Convention, including also governmental projects.
- Revision of the requirements regarding the content of the EIA report according to the Appendix 2 of the Espoo Convention.
- Ensuring that the public has access to the EIA report, has a possibility to provide comments and has access to the information regarding the final decision made.
- Ensuring that sufficient information is provided to the public likely to be affected by the proposed activities, including a non-technical summary.
- Expanding the period allocated to the environmental expertise in order to ensure sufficient time for the transboundary EIA procedure.

- Introducing a two-stage EIA procedure, with “screening” and “scoping” phases, which would include the pre-assessment of the environmental impact of the planned activities and consideration of alternatives, including the no-action alternative. Public authorities should be granted a greater role in these stages to guarantee public participation and interministerial/stakeholder consultations, including transboundary consultations, at these stages.
- Separating EIA procedure from the construction permitting procedure.
- Revision of the mechanism for an exemption from EIA procedure.
- Ensuring that also the requirements of the article 6 of the Aarhus Convention regarding the public participation are fulfilled, as Georgia is a Party to the Aarhus Convention.

The meeting concluded that incorporation of the provided recommendations into the Georgian legislation will not be possible by adopting/amending just a single law. Consideration of the recommendations will entail improvement of a number of laws and legal norms (among them the laws on “licensing and permissions”, “environmental impact permits”, “environmental expertise”, “environmental protection”, “state support to the investments”, “the Code of product safety and free turnover”, “the general administrative code of Georgia” and “Georgian legislation regarding construction, water, mining, forests, protected areas). Considering the scope of the envisaged changes, it would be reasonable to implement them in stages in order to speed up elimination of the most significant gaps in the legislation that impede smooth operation of EIA system in Georgia and that do not correspond to the requirements set forth in the Espoo Convention and in the Aarhus Convention.

Concluding the meeting, Mr. Tamar Sharashidze thanked all the participants and reminded that they have, in addition to the comments provided during the meeting, the opportunity to send their comments regarding the presented recommendations by Mr. Stephen Stec by email to Mr. Stec directly in order to contribute to the finalization of the legislative review.