

**Questionnaire for the report of Georgia on the implementation of the
Protocol on Strategic Environmental
Assessment in the period 2016–2018**

Information on the focal point for the Protocol

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3

General provisions

- I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

(a) Law on SEA (please indicate number/year/name):

Law of Georgia on „Environmental Assessment Code” (01/06/2017)

(b) SEA provisions are transposed into another law(s) (please specify)

(c) Regulation (please indicate number/year/name):

(d) Administrative rule (please indicate number/year/name):

(e) Other (please specify):

Your comments:

Article 4

Field of application concerning plans and programmes

- I.2. List the types of plans and programmes that require SEA in your legislation:

“Environmental Assessment Code” of Georgia defines strategic document as subordinate normative act of an administrative body issued in accordance with the legislation of Georgia, which establishes a future development framework for individual sectors pursuant to Chapter III of this Code and determines characteristics and/or volumes for the types of activities provided for by Annexes I and II to this Code.

The performance of a SEA is mandatory in the case of a strategic document and a major change to a strategic document (including where the change includes an increase in the scale of the activity (activities) to be carried out under the strategic document, the change of the location of the activity (including expansion), and the change in the type of activity (activities), operational conditions (or production capacity), which establish a framework for the future development of the activities provided for by Annexes I and II to this Code in the following sectors:

- Agriculture;
- Forestry;
- Fishing;
- Energy;
- Industry;
- Transport;

- Waste management;
- Water resources management;
- Electronic communications;
- Tourism;
- Planning and land use.

In addition, significance of the effects of strategic document on the environment is related to their type, level and scale is taken into account. A minor modification to a strategic document that does not conceptually alter the contents of the strategic document, as well as strategic document related to the territory of a self-governing district, shall be subject to an SEA if such change or strategic document, has a long-term and irreversible impact on the environment or an impact with a highly cumulative effect poses an increased risk to the environment and/or human health, or has an effect on territories having unique natural characteristics or containing cultural heritage, and protected areas, as well as areas and/or landscapes to which the status of local and/or international importance has been assigned.

If the planning authority considers that the strategic document or the minor change to the strategic document requires a SEA, it may directly file a scoping application for the performance of a SEA. If the planning authority considers that the performance of a SEA is not required, in order to identify the need to perform a SEA, it may apply a screening procedure, based on the results of which a SEA either will be performed or not.

In addition, the obligation to perform a SEA where directly provided for by a legislative act of Georgia may apply to a strategic document that establishes a framework for the future activities which are not provided for by Annexes I and II to this Code and/or which do not fall within the sectors specified in paragraph 4 of this article. As now, such legislative act is not provided.

- I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

Georgian legislation does not provide definition of “setting the framework for future development consent”, although article 23, paragraph 6 of “Environmental Assessment Code” stipulates that, when the Ministry defines whether the strategic document is subject to a SEA, the extent to which the strategic document establishes a framework for future activities in terms of the place of implementation, their types, volume and working conditions or the distribution of natural resources shall be taken into account in addition to other criteria provided by Code.

- I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

There is no special interpretation of these terms. It is decided case-by-case for each strategic document.

- I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

According to the article 20, paragraph 5 of “Environmental Assessment Code” a minor modification does not conceptually alter the contents of the strategic document. Detailed interpretation is done case-by-case for each strategic document.

Article 5

Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

No

Yes (please specify (more than one option may apply)):

- (a) By sending written comments to the competent authority
- (b) By sending written comments to the local municipality
- (c) By providing answers to a questionnaire
- (d) By taking part in a public hearing
- (e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify):

Your comments:

Article 6

Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

According to the „Environmental Assessment Code” a SEA report shall include:

- a) Information on the contents and objectives of the strategic document and the relation of the strategic document to other strategic documents;
- b) The general assessment of the current status of environmental and human health protection in the area on which the implementation of the strategic document may have significant effects;
- c) A general analysis of the main aspects related to the environment and human health for the territory which may be subject to significant effects;
- d) General forecasts of the potential environmental impact resulting from the implementation of the strategic document;
- e) Information on the potential transboundary impact resulting from the implementation of the strategic document if there exist grounds;
- f) A brief description of measures for preventing, reducing or mitigating the potential impact on the environment and human health resulting from the implementation of the strategic document;

- g) Opinions as to the substantiation of the alternatives reviewed;
- h) A non-technical summary of the SEA report.

In addition, the methods applied in the preparation of SEA reports and the information included therein shall comply with respective scoping opinions.

Article 7 Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments:

The competent authority checks the information provided and ensures it includes all information required under annex IV.

Article 8 Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices
- (b) Through electronic media
- (c) Through other means (please specify):

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes

(c) By making the information available to all members of the public and letting them identify themselves as the public concerned

(d) By other means (please specify):

Your comments:

According to the National legislation, public concerned is defined as it follows: The public which may have an interest in a decision on the implementation of a strategic document or activities or which will or is likely to be affected by such decision. The public concerned also includes non-entrepreneurial (non-commercial) legal entities registered in accordance with procedures established by the legislation of Georgia, whose goals of operation are to promote environmental protection in the country;

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

(a) By sending comments to the relevant authority/focal point

(b) By providing answers to a questionnaire

(c) Orally

(d) By taking part in a public hearing

(e) Other (please specify):

Your comments:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

(a) No, the time frame is determined by the number of days fixed for each commenting period

(b) No, it is defined case by case

(c) Yes (please provide the definition):

(d) Other (please specify):

Your comments:

Specific definition is not provided, although within three days after the screening application has been registered, the Ministry of Internally displaced persons from the occupied territories, Labour, Health, and Social Affairs and the planning authority shall place the screening application and the concept or the draft of the strategic document on their official websites, and the Ministry shall also ensure their placement on the notice board of the executive body and/or representative body of a respective municipality. The public may, within seven days after the screening application and the concept/draft of the strategic document have been placed on the website and the notice board, submit opinions and comments with respect to these documents

Within 15 days after the scoping application has been placed on the website, the public may submit to the Ministry and the Ministry of Internally displaced persons from the occupied territories, Labour, Health, and Social Affairs opinions and comments with respect to the scoping application and the concept or the draft of the strategic document. The Ministries shall review the opinions and comments submitted by the public and, if there are appropriate grounds, shall take them into account in the decision-making process.

Within 40 days after the application has been placed, the public may, submit to the Ministry of Environmental Protection and Agriculture and the Ministry of Internally displaced persons

from the occupied territories, Labour, Health, and Social Affairs opinions and comments with respect to the SEA report and the draft strategic document.

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

Georgian legislation identifies two competent authorities - The Ministry of Environmental Protection and Agriculture and the Ministry of Internally displaced persons from the occupied territories, Labour, Health, and Social Affairs. After submitting Screening/Scoping Application/SEA report by the planning authority, they shall perform separate procedures.

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

The planning authority shall file a screening application/Scoping application/SEA report with the Ministry and the Ministry of Labour, Health and Social Affairs of Georgia and submit relevant concept/draft of Strategic document.

I.17 Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

The Ministries, within their competence, issue respective and separate Screening decision/Scoping Opinion/ Recommendations.

Article 10

Transboundary consultations

I.19. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared

(c) At other times (please specify): During Screening procedure

Your comments:

Transboundary Impact Assessment will enter into force once the Convention on Environmental Impact Assessment in Transboundary Context and its Protocol on Strategic Environmental Assessment is ratified and entered into force for Georgia. Therefore, Georgia does not have any practical experience.

I.20. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

(a) The information required by article 10, paragraph 2

(b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

No practical experience

I.21. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

(a) No

(b) Yes (please indicate how long):

Your comments:

It will be determined and agreed with each affected Party case by case in the beginning of the transboundary consultations.

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify):

Your comments:

It will be determined and agreed with each affected Party case by case in the beginning of the transboundary consultations. No practical experience.

Article 11

Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) The conclusions of the environmental report

(b) Mitigation measures

(c) Comments received in accordance with articles 8 to 10

Your comments:

According to the article 28, paragraph 4 of “Environmental Assessment Code”, the respective substantial information on the results of the review of the following data shall be attached to a decision to adopt/approve the strategic document:

- The results of the public review held and the opinions and comments expressed by the public during the review;
- The recommendations issued by the Ministry of Environmental Protection and Agriculture and The Ministry of Internally displaced persons from the occupied territories, Labour, Health, and Social Affairs;
- The results of the transboundary environmental impact assessment procedure (where relevant).

No practical Experience

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)?

(a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

According to the 5 and 6 paragraphs of 28 article of “Environmental Assessment Code”, The planning authority shall place a decision adopting/approving the strategic document on its official website and, within three days after the decision has been made, shall forward it to the Ministry of Environmental Protection and Agriculture and the Ministry of Internally displaced persons from the occupied territories, Labour, Health, and Social Affairs.

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

(b) Other (please specify):

Your comments:

The Ministry of Environmental Protection and Agriculture and the Ministry of Internally displaced persons from the occupied territories, Labour, Health and Social Affairs of Georgia shall place the decision adopting/approving the strategic document on their official websites within three days after the planning authority has forwarded it, and the Ministry shall also place the information in this regard on the notice board of the executive body and/or representative body of a respective municipality. Upon request, The Ministry of Environmental Protection and Agriculture and Ministry of Internally displaced persons from the occupied territories, Labour, Health, and Social Affairs shall make printed copies or electronic versions of the above document available under a procedure established by the legislation of Georgia.

Article 12
Monitoring

- I.27. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

According to the “Environmental Assessment Code” of Georgia, If there is a need and respective possibility, the Ministry shall, based on the data it has, ensure the performance of an independent analysis of significant effects on the environment resulting from the implementation of the strategic document, and shall systematically place the results of further analysis on its official website in order to inform the public. An internal procedure for performing further analysis of the results of the implementation of a strategic document provided for by this article shall be approved by an order of the Minister on the Performance of Further Analysis of the Results of the Implementation of a Strategic Document.

Part two

Practical application during the period 2016–2018

In this part, please report on your country’s practical experiences in applying the Protocol (and not your country’s procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

- II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate “yes” if you object):

(a) Yes

(b) No

Your comments:

1. Consideration of health effects

- II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

SEA came into force from July 1, 2018. We have not performed whole scale SEA procedure and there is only limited practical experience applying SEA.

2. Domestic and transboundary implementation in the period 2016–2018

- II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

(a) Yes

- (b) No, only when potential transboundary effects are identified

No practical experience

3. Cases during the period 2016–2018

- II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

No practical experience

4. Experience with the strategic impact assessment procedure in 2016–2018

- II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

(a) No

(b) Yes (please indicate which ones):

- 1) small areas at local level (art. 4, para. 4);
- 2) Minor modification (art. 4, para. 4);
- 3) Monitoring (art. 12).

Since, SEA is a new tool in Georgian legislation, we have not performed whole scale SEA procedure.

- II.6. How does your country overcome the (se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

- II.7. With regard your country's experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?

No practical experience

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

(i) No

(ii) Yes (please indicate which ones):

- II.8. With regard your country's experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

(ii) Other issues

No practical experience

- (b) What does your country usually translate as a Party of origin?
- (c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes (please indicate how):

- (d) What has been your country's experience of the effectiveness of public participation?

No practical experience

- (e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes (please describe):

- (f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

Before holding consultations with the other state, the Ministry shall ensure that the public in the territory that is subject to a transboundary impact is informed. The public shall be informed under the procedure established by the Environmental Assessment Code.

5. Experience regarding guidance in 2016–2018

- II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/17)?¹:

(a) No:

(b) Part of it (Please specify):

(c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

- II.10. Does your country see a need to improve the application of the Protocol in your country?

(a) No:

(b) Yes Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

- II.11. Please provide suggestions for how this report may be improved:

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.