Improvements in the Draft Law on Environmental Impact Assessment (EIA) and its compliance with the Espoo Convention on transboundary EIA and its Protocol on SEA

Central Park Hotel, Conference Hall
Baku, 2nd of March, 2015
Major environmental policy priorities on improvement of EIA and SEA application in Azerbaijan

- Improvement of relevant Legislation
- Awareness raising
- Capacity building on Human resources
- Development of Institutions
- Regional and international cooperation
Improvement of legislation
New Draft Law on Environmental Impact Assessment

- In 2008 - Preparation of Draft Law on “Environmental Expertise”.

- In 2009 - Implementation Committee (IC) of Espoo Convention after receiving reply by Azerbaijan to the letter of 24th of November 2008 about compliance its legislation on EIA with the Espoo Convention regarding the requirements of 2.2 Provision, decided to explore possibilities to provide technical advice to review current “Draft Law on Environmental Expertise” whether it complies with the provisions of Espoo Convention.
For this purpose, IC in its 17th Session on 14-18th of September in 2009 began Committee Initiative (EIA/IC/CL/2) regarding Azerbaijan.

In 2010 - international consultant was supported to make recommendations to the Draft Law on Environmental Expertise for its compliance with the provisions of Espoo Convention. During this period it was changed to the “Draft Law on EIA” due to that it covered not only “environmental expertise”, but also EIA and SEA.

In 2011 – Due to the questionnaire 2008-2011 that Azerbaijan respond, in accordance IC decision, 5th Meeting of Parties (MOP5) of Espoo Convention adopted Decision V/4 to follow up the procedure.

During 2012-2014 – Azerbaijan reported to IC regularly about the steps taken concerning the recommendations of international consultant.
Regional and international cooperation

- In accordance with Espoo Convention Implementation Committee Initiative (EIA/IC/CL/2) – It can be said that afterwards, EIA legislation was discussed in several times with the public, governmental authorities.

Capacity building on human resources

- Participation regional and international experience sharing events on EIA by support of UNECE, Espoo Convention as well as by UNDP
Study tour, Prague, 1-4 November, 2011
support by UNDP and Integra Consulting
Tajikistan, 4-6th of July 2013, support by UNECE Espoo Convention (experience sharing event on EIA -"Central Asia and Azerbaijan"), FOEN, Bern University.
Shahdagh Tourism Complex – meeting with the public support by UNECE Espoo Convention, FOEN, REC Caucasus Baku
Espoo Convention MOP6 2-5\textsuperscript{th} of June 2014
Action Plan for 2014-2017, support by EaP Green Program

- 2014 – technical support to review and improve the legislation on SEA

- 2014- study tour to learn practical and legal application of SEA in Czech Republic

- 2015 – 2016 - implementation of SEA pilot project on draft plan or program, strategy combined with national training workshops on SEA

- 2016 – three experience sharing event on SEA

- 2017 – preparation of national guidelines on SEA
Analysis and learned experience during the preparation of Draft Law on EIA
Awareness raising event on SEA legal fact-finding mission
9-13rd of June, 2014
Round table on national legal analysis on SEA by international consultants, 28th of August, 2014
Meeting with the international consultant at Aarhus Centre for drafting proposals to the Draft Law on EIA
Prague, study tour, 1-5\textsuperscript{th} of December, 2015
Implementation of Espoo Convention and its Protocol on SEA
2nd of March, 2015
Results and inputs to the legislation on EIA and SEA

- All changes and amendments to the Draft Law on EIA were done in accordance with the working national legislation on environmental protection, security and environmental expertise, including practices and institutional capacities that achieved since EIA firstly launched (1996 - Handbook on EIA process) in the country;

- Provisions and the Annex 1 (List of Activities for application of EIA) Espoo Convention and its Protocol on SEA were taken into account.

- EU Directives – mainly 85/337/EC on EIA and its amendments, as well as 2001/42/EC on SEA and directives on amendments to both of them were taken into account.

- As comparison, it was analyzed World Bank Guidelines, ADB Guidelines, including publications of UNECE, UNEP, UNDP on this case.

- During this procedure special attention was paid to reality of application perspectives on EIA, SEA, and SEE process in Azerbaijan.
Substantial improvements and changes in the Draft Law on EIA

- Methodology of approach to the context and scope
- Terminology
- List of Activities
- Screening and scoping procedures both for EIA, SEA process
- EIA and SEA documentation and SEE role on this respect
- Responsibilities and functions of SEE and Project Proponent and planning authority
- Public participation
- Basic provisions for Transboundary EIA and SEA
- Financial and procedural responsibilities
- Informational data base
Terminology

- EIA and SEA meaning
- Screening
- Scoping
- Public
- Project proponent
- Project Declaration of intent - EIA
- SEA Declaration of Intent
- Planning authority
- Strategic document
- Environmental consultant
- Environmental Expertise Applicant
EIA branch in the Draft Law on EIA

- Screening – List of activities Annex 1

- Project Declaration of Intent – opportunities to Consultation with SEE and public in advance

- Scoping report - Categorization of the projects and content

- Consultation with the SEE and public - acknowledgement of the scoping report by SEE with obtaining public opinions and comments into this.

- Preparation EIA Report – Content, responsibilities

- EIA Documentation and its relation with SEE
Strategic Environmental Assessment

- Screening – identification of "strategic document's that SEA has to be applied.

- SEA Declaration of Intent – consultation in advance with SEE and public

- Scoping

- Strategic Environmental assessment

- SEA Report and consultations with relevant authorities and public

- Declaration of consideration driven from SEA process by planning authority
Environmental Expertise

- EE objects and conclusion

- Information data base (Article 20.1.8, 20.2.4, 20.2.5, 25.11)

Rights and Functions of SEE

- Certification of experts and the form of example (Article 20.1.11, 20.3)

- “Public ecological expertise” branch was removed
Public Participation

- Article 4.8 – referring to the Law on “Public participation” (2014) during EIA process

- Article 7.3-7.8 – provision of public participation during the EIA documentation

- Article 7.7 – the EIA report which is submitted to SEE for conclusion can not be issued without the minutes of public participation

- Article 12.3 -12.6 – Public Participation during the SEA process referring on “Public participation” during EIA process

- Article 13.5 -13.9 – public involvement to the SEA procedure
Trans boundary EIA in Draft Law on EIA

- **Article 4.2., 4.2.6** – Likelihood of the transboundary environmental impact of the project (Project declaration of Intent)

- **Article 12.2.5** - identification the likelihood of the transboundary environmental impacts of strategic document (SEA declaration of Intent)

- **Article 17.4.2** – transboundary EIA documents as the object of environmental expertise

- **Article 19.0.3** – about the rights of SEE authority on conducting issues related to transboundary EIA via consultation with relevant foreign country

- **Article 20.1.6** – in case of being the affected from outside the boundaries SEE rights on identification of relevant steps towards transboundary consultation in accordance with relevant international convention that Azerbaijan is a party.
**Article 20.1.13** – In case of identification that there is significant environmental impacts to the other countries, SEE with content of relevant executive authority, can involve the foreign counties experts and international consultants to the ecological expertise procedure referring to the legislation of Azerbaijan.

**Article 20.1.14** - In case of identification that there is significant environmental impacts to outside of boundaries of Azerbaijan, SEE has right to decide on conducting transboundary procedure, take the necessary steps for notification of Affected countries by Project Proponent and their participation in a transboundary EIA referring to the national legislation, as well as international agreements on this respect.
Compliance with Espoo Convention and its Protocol on SEA

Draft proposals:

◦ Giving the proposals on sublegal acts on transboundary EIA procedure to the relevant executive authority with this Law;

◦ Preparation and drafting the sublegal act on transboundary EIA procedure for approval by relevant executive authority after adoption of this Draft Law.
Thank you for attention!