

EaP GREEN
Partnership for Environment and Growth



**Implementing the Espoo Convention and its Protocol on SEA in national
legislation in Azerbaijan
2nd of March 2015**

The event was organized by the Azerbaijan Branch office of Regional Environmental Center for Caucasus (RECC) with the support of Ministry of Ecology and Natural Resources of Azerbaijan and the United Nations Economic Commission with the aim to discuss the improved Draft Law on Environmental Impact Assessment which covers EIA, SEA and Environmental Expertise procedure. Legal analysis of national environmental assessment legislation and drafting the proposals by UNECE consultants to the Draft Law on EIA were implemented. The event dedicated to the results of these activities. At the same time round table were considered to study an application of the Draft Law on EIA to the SEA pilot project that intended to be realized on alternative and renewable energy sector in Azerbaijan. Thus, the round-table was followed by a two-day workshop on practical application of the Draft Law in this sector.

The activities are carried out with support of the EU funded Program Greening Economies in the Eastern Neighbourhoods (EaP-GREEN).

Representatives of relevant Ministries, members of Parliament, as well as, representatives from NGOs, consultancy community and private sector participated at the event.

The event was opened by Mr. Teymur Shakaraliyev, the head of Law Department of Ministry of Ecology and Natural Resources (MENR) of Azerbaijan and Ms. Aysel Babayeva, focal point of Azerbaijan under the Espoo Convention, senior advisor at the State Ecological Expertise Department of MENR, welcoming UNECE Espoo Convention Secretariat, Mr. Cristian Olarean, and UNECE Consultants Mr. Jerj Jendroska, Mr. Martin Smutny and the participants of the round table.

The event was continued by the introduction of Mr. Cristian Olarean representing UNECE Espoo Convention Secretariat and EaP Green Program, about the Espoo Convention and its SEA Protocol. He gave information on expected activities that are considered to be implemented

during 2014-2017 under their support. Presentation raised interest of the participants and it was held discussion on this regard.

It was followed by the presentation of Ms. Aysel Babayeva, who presented about the current environmental assessment framework, environmental expertise process and their legal background in the country. She touched the problems and the opportunities in this respect giving proposals on launching full EIA, SEA system and improving the environmental expertise system to follow its compatibility with the new developments in those branches, including the implementation of Espoo Convention and its Protocol on SEA in national level taken into account both legal and institutional improvements.

After the introductions, UNECE consultant, Mr. Jerzy Jendroska facilitated the event, giving presentation on “Existing dilemmas regarding legislative reform of environmental impact assessment (EIA) and Strategic Environmental Assessment (SEA) in the countries with environmental Expertise and OVOS system”. He gave precise information on main elements of the whole EIA/SEA procedure in line with the Espoo Convention and its Protocol on SEA, as well as EU Directives on EIA/SEA substantiating them with practical examples from other European countries. The presentations also included the environmental expertise system of other countries, explaining the incompliance that can occur while transboundary EIA/SEA procedure. Explanations on public participation during those processes were important and main element of the introductions that participants got informed. At the end of his presentations he commented on the last analysis of the Draft EIA Law of Azerbaijan and sounded key draft proposals that were important to be included to the Law on this regard.

Ms. Aysel Babayeva thanked to UNECE consultant for his work. She spoke about the improvements done of the Draft Law on EIA by the support of Espoo Convention Secretariat mentioning to the Decision VI/III on workplan activities for Azerbaijan in 2014-2017 that adopted in 2-4th of June in 2014 during the 6th Meeting of Parties of Espoo Convention. She stressed that some of these activities - legal analysis on EIA/SEA and drafting the proposals to the Draft Law on EIA had already implemented and current round-table was dedicated to the results of these consultations. She also commented on improvements done and the draft proposals by Mr. Jerzy Jendroska indicating that MENR considered them very important inputs and took into account in the Draft Law. At the same time during the



discussion, it was supported the idea to define the necessary normative sublegal documents for the acknowledgement of the relevant authority which would further cover the implementation mechanisms of this Law.

Representative of Parliament Mr. Shamil Huseynov expressed the governmental and parliament interest to the Draft Law on EIA to be launched in Azerbaijan that includes not only EIA system, as well as SEA and Environmental Expertise System. Supporting the improvements in the national legislation, he mentioned that improving the environmental assessment legislation in compliance with the Espoo Convention and EU legislation on EIA/SEA is necessary as international agreements prevails national legislation due to the Constitution Law and Azerbaijan chose integration policy to Europe. He said that Azerbaijan had already achieved the practices on EIA since 1996 and currently it is begun to conduct SEA procedures in the country too. He also mentioned that the legislation in the country has framework character. Thus, it is acceptable practice in the country to define the normative legal acts on necessary mechanisms that are not included to this framework. In this point of view he supported activities done by MENR on this regard and expressed his gratitude to the UNECE Espoo Convention Secretariat for their support. Mr. Cristian Olarean, UNECE Espoo Convention Secretariat thanked to Parliament representative for his comment.

Mr. Teymur Shakaraliyev concluding the results of the event welcomed the comments and draft proposals by international consultant mr. Jerzy Jendroska and thanked to participants for the discussion, as well as to UNECE Espoo Convention Secretariat for their support stressing the importance for further cooperation on this regard.

In addition, after the event Mr. Cristian Olarean, Mr. Teymur Shakaraliyev, Ms. Aysel Babayeva, and Mr. Jerzy Jendroska held discussions on obtained conclusions and incorporating key proposals into the Draft Law on EIA.

Therefore, it should be concluded that for the abovementioned purposes, implementation of this event benefited to the awareness of public authorities and participants about the improvements done by the Ministry of Ecology and Natural Resources of Azerbaijan to the Draft Law on Environmental Impact Assessment during October-February in 2015, as well as about the SEA procedure in line with the SEA Protocol and EU Directives. At the same time the event was an opportunity to get the comments and inputs from the state authorities and public for the further developments on this respect. After the event it is planned to submit it to the Government for its adoption. The adoption of this Law is believed to be the important base for fostering the accession of the Republic of Azerbaijan to the Protocol on SEA.

