



Netherlands Commission for
Environmental Assessment

Review of the Waste Law SEA

Memorandum by the NCEA

20 March 2006



Advice of the Secretariat Netherlands EIA Commission

To	Ministry of Environment,
Attn	Task Force
CC	
From	Mr Arend Kolhoff (Technical Secretary - Netherlands Commission for Environmental Impact Assessment) & Ms Bobbi Schijf (SEA expert - Ameco)
Date	20 March 2006
Subject	Review of the Waste Law SEA draft (mid march version) Advice DGIS-0604

We are impressed with the quality of the work done, especially considering the short timeframe in which the SEA consultants are working.

We have the following observations on the draft SEA:

1. Quality/desirability of the alternatives

Throughout the SEA report there are statements on the quality or suitability of the 2 alternatives as future waste legislation for Georgia. For example, in the description of the two laws chapter 2 you also assess the quality of the two laws and you provide recommendations for change, for example the last paragraph of section 2.2.2. Then, in the conclusion chapter you conclude and recommend that: "the law is to play the role of a steering document...at the present moment it is more appropriate to adopt a framework law, which should set certain direction for the development of this field".

These are very important and valuable points to make. However, these are judgements which go beyond an assessment of the potential effects of the 2 alternatives, and take an advance on decision-making on the waste law.

If everyone agrees (we mean, you and the TF) that the SEA should indeed assess the quality and suitability of the 2 alternatives as well, then it has to be clear what this assessment is based on, otherwise the SEA runs the risk of being dismissed as an "opinion", rather than an objective assessment.

We recommend to:

Keep the environmental and quality assessments separate

Somewhere in the SEA, most likely in chapter two but than in a separate section, the quality should be assessed.

The quality assessment has to take place according to clearly described criteria. These could be:

- Feasibility- under this criteria you can describe the level of detail (framework versus detailed law) and the lack of a national waste strategy that has a major influence on the effectiveness of the law.
- Compatibility with the legal framework (national and international, including EU, legislation) - although of course there are limits on what is possible in Georgia within the short term. Perhaps there could be a more elaborate analysis of the consequences of the EU directives for the waste sector.
- (Internal) consistency of each alternative.

2. Objective assessment

Again, to ensure that the SEA is seen as an objective assessment, be careful with judgement statements such as chapter 5, 3): “It would be much better to distinguish priorities...”. Perhaps briefly describe why it would be better.

3. Strategic decisions

We noticed that you have not explicitly defined the strategic decision to be made in the decision making process on the waste law. I recommend to include these strategic decisions more explicitly in chapter 1 in a separate section; Strategic decisions. The above mentioned issue should also be considered as one of the strategic decisions.

4. Impact Assessment

This chapter is well argued. It is very clear what assumptions are at the base of the assessment.

We recommend to start this chapter with a brief description and justification of the assessment framework (slightly more elaborate than the one in chapter 1. Then you can skip proximity to sensitive areas.

The idea to include an overview of costs for incineration and landfilling from a number of EU countries is very helpful but the following question should be answered what are the cost in Georgia for landfilling and an estimation of the cost for incineration in Georgia.

5. Presentation of information

The report is well written, but there are some changes that could be made which would make the information more accessible to readers. Some suggestions:

- Simplify the language of the Executive summary, this summary should be understandable to the general public, i.e. non-experts. Quite often the

summary is the section of the SEA that is most read, therefore it should be a very clear piece of text. (look at the summary of the UK midlands SEA, as a possible example).

- You could also include the waste hierarchy in the summary itself (the pyramid figure), since this is a central concept in the SEA. In any case this pyramid should be in the text somewhere, rather than in the annex.
- Use bullet-point overviews every now and then (for example, under 1.3, step one you could bullet the different issues upon which the law touches).
- Put more text in tables, these give a very effective overview of information (for example, in chapter 3, a table could be used to summarise how both directives address principles in the relevant national and international legislation)
- The table in appendix 3 gives a good overview of the comparison. This table could go into the main text, as part of the summary/conclusion.

More detailed comments

(only included because they might confuse SEA report readers):

Paragraph 1.3, step 3: “Economic assessment focussed on health issues” – should be social assessment?

Paragraph 3.4, last sentence of the second paragraph: “it can not be said that ...are not sufficiently covered” - should one “not” be removed?