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Strategic Environmental Assessment**Third session**

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Item 5 of the provisional agenda

**Review of the workplan****Summary report on the implementation of technical assistance  
and capacity-building activities in the period from June 2014  
to mid-March 2017****Note by the secretariat\****Summary*

The present report summarizes the results of technical assistance and capacity-building activities in the workplan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment for 2014–2017 for countries in Eastern Europe, the Caucasus and Central Asia. It describes the results from June 2014 to mid-March 2017.

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment are invited to take note of the report, and any updates provided by the secretariat, and, as needed, to comment and complement the information.

\* This document is submitted on the above date due to technical reasons.



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## Introduction

1. The present report summarizes the results of a large number of capacity-building activities undertaken in the period June 2014 to mid-March 2017 that were carried out in accordance with the workplan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) for 2014–2017. Chapter I provides a brief summary of the main achievements of technical assistance during this period provided to Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, financed mainly by the European Union through the “Greening Economies in the Eastern Neighbourhood” (EaP GREEN) programme.

2. Chapter II presents information on the progress achieved in the context of technical advice and support offered to Kyrgyzstan (2014–2015) to improve its legislation and institutional framework to implement the Convention. Chapter III covers the technical advice and support provided to the Russian Federation (2014–2016) on bringing its legislation and its environmental assessment practice in line with the requirements of the Convention and the Protocol, with funding from Sweden.

3. Chapter IV details the work (2016–2017) to develop and update the Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries,<sup>1</sup> financed by Switzerland. Finally, chapter V covers the technical advice offered to Kazakhstan (2015–2018) to improve its legislation to implement the Protocol, financed by the European Union.

## I. Technical assistance to countries in Eastern Europe and the Caucasus (June 2014 to mid-March 2017)

### A. Background

4. The workplan for the implementation of the Espoo Convention and its Protocol for the period 2014–2017<sup>2</sup> contains many technical assistance and capacity-building activities targeting countries in Eastern Europe and the Caucasus. The Economic Commission for Europe (ECE) secretariat to the Espoo Convention and its Protocol was able to ensure the implementation of these activities mainly owing to funding from the EaP GREEN programme. EaP GREEN is a large regional programme that is being implemented from 2013 to 2017<sup>3</sup> by the ECE secretariat and three other partner organizations — the Organization for Economic Cooperation and Development (OECD), the United Nations Environment Programme and the United Nations Industrial Development Organization — to assist the six EaP GREEN countries — Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine — in their transition to a green economy. The programme is financed by the European Commission, the four implementing organizations, the Environment and Security Initiative and other donors, including Austria, Norway, Switzerland and the Netherlands.

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<sup>1</sup> ECE/MP.EIA/WG.1/2007/6.

<sup>2</sup> See ECE/MP.EIA/20/Add.3–ECE/MP.EIA/SEA/4/Add.3, decisions VI/3–II/3.

<sup>3</sup> The programme’s duration has been extended until December 2017 on a non-cost basis, based on the agreements with the beneficiary countries and the European Commission.

5. The programme's overall objective is to assist the EaP GREEN countries to decouple economic growth from environmental degradation and resource depletion. The programme component that ECE is in charge of implementing aims to promote the use of strategic environmental assessment (SEA) and environmental impact assessment (EIA) as essential planning tools for an environmentally sustainable economic development.
6. With funding from the EaP GREEN programme, ECE has supported beneficiary countries in developing and applying SEA in accordance with the provisions of the Protocol on SEA (and the European Union SEA Directive)<sup>4</sup> in order to promote the ratification and implementation of the Protocol. When requested by the countries, assistance has also been provided to improve current EIA practices and legal and institutional EIA frameworks in compliance with the Espoo Convention (and the European Union EIA Directive).<sup>5</sup>
7. The activities build upon the workplan and reflect the requests by the target countries. The key focus is on:
  - (a) Revision of the existing national regulatory and legislative frameworks;
  - (b) Capacity-building on SEA and/or EIA procedures;
  - (c) Strengthening administrative capacities and clarifying the roles of different stakeholders in SEA and EIA.
8. The sections below provide a brief overview of the main achievements of the technical assistance provided to EaP GREEN beneficiary countries.<sup>6</sup>

## **B. Summary of the main achievements**

### **1. Revision of the existing national regulatory and legislative frameworks**

*Workplan activity: compliance with and implementation of the Convention and the Protocol (8 (a) (i)–(ii), 8 (b) and 9 (b)–(d))*

9. In the intersessional period, the secretariat in cooperation with the ministries responsible for environment in Armenia, Azerbaijan and Georgia carried out reviews of the existing national legislative and institutional frameworks for the application of SEA and EIA vis-à-vis the requirements of the Espoo Convention, its Protocol and European Union EIA and SEA Directives. Similar reviews on SEA were conducted by Belarus and the Republic of Moldova in 2013.<sup>7</sup> The reviews concluded that, while the current legislative frameworks of participating countries contained some elements of EIA and SEA systems, further enhancement was needed to comply with the requirements of the Convention and its Protocol and the relevant European Union Directives.

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<sup>4</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

<sup>5</sup> Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

<sup>6</sup> More information on activities financed by the programme can be found on the ECE EaP GREEN website: <https://www.unece.org/environmental-policy/greening-the-economy-in-the-pan-european-region/eap-green.html>.

<sup>7</sup> The reviews were implemented under the 2011-2014 workplan (see ECE/MP.EIA/SEA/2, decisions I/9-V/9).

10. The conclusions of the reviews led to the reform of the environmental assessment legislation in all five countries (Armenia, Azerbaijan, Belarus, Georgia and the Republic of Moldova), although initially planned only for two countries. The reforms aimed to align the existing environmental assessment procedures with the ECE treaties and the two European Union Directives. Table 1 provides a summary of the actions undertaken by the secretariat in cooperation with the beneficiary countries to facilitate the reforms, and anticipated follow-up steps by the countries.

11. To facilitate adoption of the proposed changes in the legislation and to raise awareness of SEA and its benefits among high-level officials, the secretariat organized targeted awareness-raising campaigns in Georgia, the Republic of Moldova and Ukraine during 2015. These included high-level and parliamentary round tables and workshops, and the production of a video on SEA and its benefits.<sup>8</sup>

12. Based on the results of the reviews and experience gained during the legal drafting, a draft overview of legislative and administrative reforms for implementing SEA in Eastern Europe and the Caucasus and draft practical guidance on reforming legal and institutional structures with regard to the application of the Protocol on SEA were completed in April 2016.<sup>9</sup> Both documents seek to support further development of the legal frameworks on SEA in the participating countries, and to provide a useful source of information for other countries that plan to reform their national environmental assessment systems.

Table 1  
**Progress in revising national legislative frameworks<sup>10</sup>**

<i>Country</i>	<i>Legislative review</i>	<i>Status of implementation of the review</i>	<i>Legislative reform process</i>	<i>Status of the reforms and detailed information</i>
Armenia	Review vis-à-vis the Protocol on SEA and the SEA Directive	Completed, October 2014	Amending the Law on EIA and Expertise	Ongoing. The Law on EIA and Expertise was adopted by the parliament in June 2014, and entered into force in August 2014. The law combines provisions on ecological expertise with detailed procedural provisions regarding SEA and EIA, including transboundary procedures. However, the review of the law revealed some gaps vis-a-vis the provisions of the Espoo Convention and the Protocol and some procedural omissions that impede the law's practical application.
	Review vis-à-vis the Convention and the EIA Directive	Completed, June 2014	Drafting secondary legislation on SEA and EIA	

<sup>8</sup> The video, originally produced in English and Russian, is available in Azerbaijani, English, Georgian, Russian and Ukrainian languages from [http://www.unece.org/env/eia/about/eap\\_green.html](http://www.unece.org/env/eia/about/eap_green.html)

<sup>9</sup> Both draft documents are available from [http://www.unece.org/index.php?id=40656#/#/](http://www.unece.org/index.php?id=40656#/).

<sup>10</sup> Preparation of legal frameworks for environmental assessment systems in Ukraine is supported by the European Union-funded project "Complementary Support to the Ministry of Ecology and Natural Resources of Ukraine for the Sector Budget Support Implementation", a four-year project that started in October 2015. The 2014-2017 workplan under the Convention and the Protocol does not envision legislative assistance on SEA and EIA for the country. However, ECE collaborated with the European Union Delegation in Ukraine to monitor the progress of and ensure synergies with the project, in particular on the preparation of a guidance document on SEA.

<i>Country</i>	<i>Legislative review</i>	<i>Status of implementation of the review</i>	<i>Legislative reform process</i>	<i>Status of the reforms and detailed information</i>
Azerbaijan	Review vis-à-vis the Protocol on SEA and the SEA Directive	Completed, October 2014	Amending the draft law on EIA and development of relevant by-laws	<p>Following the assessment of the national procedures, assistance was provided in drafting the necessary amendments to the Law on EIA and Expertise, and in developing secondary legislation on EIA and SEA procedures. The Espoo Convention Implementation Committee monitors the progress in the preparation of the amendments.</p> <p>Ongoing.</p> <p>A draft law on EIA was prepared in May 2015. The review determined that the draft law provided an improved legal framework on EIA and SEA, but was still not fully compliant with the provisions on the Convention and its Protocol. Intergovernmental consultations on the draft law were carried out between May 2015 and August 2016, resulting in substantive revisions of the draft. The expert review of the revised draft law was completed in February 2017 to provide advice on further steps to establish a legal framework on environmental assessment that is aligned with the Convention and the Protocol.</p> <p>The draft law has not yet been submitted to the parliament.</p> <p>The Espoo Convention Implementation Committee monitors the progress in preparation of the draft law.</p>
	Review vis-à-vis the Convention and the EIA Directive	Completed, June 2014		
Belarus	Review vis-à-vis the Protocol on SEA and the SEA Directive	Completed, October 2013	Preparing a new law on state ecological expertise, SEA and EIA and relevant secondary legislation	<p>Completed.</p> <p>A new law on state ecological expertise, SEA and EIA was elaborated and adopted in July 2016, providing an improved legal framework; however, certain gaps vis-à-vis the provisions of the Protocol and the Convention remain. Owing to the national legislative system, these gaps were partially addressed through secondary legislation (regulations on EIA, SEA and state ecological expertise), which was developed from September to December 2016. The secondary legislation was adopted in January 2017. The ECE consultant reviewed the draft regulations in October 2016, and in February 2017</p>

<i>Country</i>	<i>Legislative review</i>	<i>Status of implementation of the review</i>	<i>Legislative reform process</i>	<i>Status of the reforms and detailed information</i>
				reviewed the adopted documents.
Georgia	Review vis-à-vis the Convention and the EIA Directive  Mapping exercise vis-à-vis the Protocol on SEA and the SEA Directive <sup>a</sup>	Completed, January 2014  Completed, September 2014	Preparing a new environmental assessment code	Completed.  Drafting of the new environmental assessment code completed (September 2014–September 2015). The draft code (as of August 2016) was mostly in line with the provisions of the Espoo Convention and its Protocol SEA.  A high-level event was organized in December 2015 to facilitate the adoption of the code.  The environmental assessment code was adopted by the Government and submitted to the parliament for approval in February 2017.
Republic of Moldova	Review vis-à-vis the Protocol on SEA and the SEA Directive	Completed, October 2014	Drafting: (a) the new law on SEA; and (b) the law on amendments to the national legislation	Completed.  The draft law on SEA was submitted to the Government in December 2014, but did not reach parliament before the new Government was appointed in July 2015.  A high-level event was organized in June 2015 to facilitate the adoption of the draft law.  In August 2015, the draft law was recirculated to the new Government for approval and submitted to parliament in early 2016. The Law was adopted by the parliament on 2 March 2017.  The draft law on amendments to ensure implementation of the Law on EIA (drafted in December 2015), and the supplementary legislation to adjust the existing legal and normative base to the requirements of the new Law on SEA (drafted in December 2016), are planned to be jointly submitted to the Government after adoption of the Law on SEA.

<sup>a</sup> The mapping exercise is a simplified version of the review of the existing environmental assessment systems. Compared to the review it does not provide justification for amending the legislation, but rather aims at preparing various options for the legislative drafting.

**2. Capacity-building on SEA and EIA procedures and strengthening administrative capacities and clarifying the roles of different stakeholders in SEA and EIA**

*Workplan activity: promoting ratification and application of the Protocol on SEA (3 (a), (b), (d), (e) and (g))*

13. In the period 2014–2016, several training events on SEA in Azerbaijan, Armenia, Georgia and the Republic of Moldova were carried out in conjunction with the pilot SEAs. This approach enabled the participants at the training events to apply the skills and knowledge they obtained in practice. In Belarus and Ukraine, the capacity-building workshops built on the outcomes of the legislative reforms.

14. Certain changes to the planning of the training activities were introduced to take into account the needs for more comprehensive legislative assistance in the beneficiary countries. Table 2 provides an overview of the changes to the workplan in this respect and indicates the status of the implementation of the training workshops.

Table 2

**Overview of activities to promote ratification and application of the Protocol and changes to original workplan items 3 (a), (b), (d), (e) and (g)**

<i>Country</i>	<i>Workplan 2014–2017</i>	<i>Revised schedule of events</i>	<i>Status of implementation<sup>a</sup></i>
Armenia	One national training event, one local training event	One national training event (in two sessions) within the pilot project.	Organized in 2016 within SEA pilot project.
		One-day awareness-raising training for sectoral ministries.	Two-day seminar for sectoral authorities on SEA application (Yerevan, 23–24 March 2015).
		One final event to train the authorities in the new SEA procedure based on the amended law.	Event will be organized after completion of the pilot and the finalization of amendments to the law, tentatively in October 2017.
Azerbaijan	Two national training events, two local training events	One national-level awareness-raising event on the EIA and SEA legislation.	Awareness-raising workshop on implementing the Espoo Convention and its Protocol on SEA in the national legislation of Azerbaijan (Baku, 2 March 2015).
		One national-level training event (in two sessions) within the pilot project and one final training event for dissemination of the results of the SEA pilot in 2016.	National training workshop within SEA pilot project: Part I: Introduction to SEA (Baku, 3–4 March 2015) Part II: Impact assessment and scoping consultations (Baku, 11–12 May 2015).
		One awareness-raising event for high-level officials of line ministries to promote adoption of the draft law and to discuss the role of the planning	Tentatively scheduled for September 2017. In addition, it is planned to hold a workshop on SEA procedure for the



<i>Country</i>	<i>Workplan 2014–2017</i>	<i>Revised schedule of events</i>	<i>Status of implementation<sup>a</sup></i>
		authorities in SEA.	planning authorities and environmental authorities back to back with the awareness-raising event.
Belarus	One national training event	Training workshops and drafting sessions on developing a legislative framework for the EIA and SEA	In-depth trainings on EIA (Minsk, 19 September 2016) and SEA (Minsk, 20 September 2016);  A drafting group meetings on EIA (Minsk, 21 September 2016) and SEA (Minsk, 22 September 2016).
Georgia	Two national training events, two local training events	One national-level and two local-level training events cancelled (in September 2013) in order to redirect the funds to:  (a) Raise awareness of various stakeholders on the benefits of SEA and EIA (in May 2015 the request was further amended and the training activities restored);  (b) Provide international expertise to build capacities on quality control of EIA documentation, in particular for small-scale hydropower plants (in February 2016 this request was withdrawn).	Awareness-raising event on SEA procedure and SEA benefits for high-level officials (Kakheti, 11 December 2015).  National-level training events within SEA pilot:  Part I: Webinar to introduce SEA methodology (Tbilisi, 5 August, 2015);  Part II: practical application of SEA (Tbilisi, 21–22 September 2015).  Dedicated workshops on the role of environmental authorities in SEA with regard to scoping (Tbilisi, 19 April 2016) and quality control (Tbilisi, 28 November 2016).  SEA awareness-raising workshop for planning authorities and consultants (Tbilisi, 30 November–1 December 2016).

<i>Country</i>	<i>Workplan 2014–2017</i>	<i>Revised schedule of events</i>	<i>Status of implementation<sup>a</sup></i>
Republic of Moldova	Two national training events, two local training events	Replace two local-level training events by a second SEA pilot project at the national level and organize a final national-level event to disseminate results and outputs of SEA activities.	Second pilot SEA of the Green Economy Road Map initiated in December 2015.  Two national SEA trainings organized (December 2015 and April 2016).  The final event to disseminate results and outputs of SEA activities within EaP GREEN programme planned for autumn 2017.
Ukraine	One national training event, two local training events	Replace one local-level training event by three back-to-back events:  (a) A one-day awareness-raising event to promote SEA benefits among officials of the sectoral ministries;  (b) A one-day training workshop for environmental authorities on their role in SEA;  (c) A one-day round-table discussion for high-level officials to promote SEA benefits and adoption of the law on SEA.	Training and awareness-raising events organized on:  Benefits of SEA and the role of sectoral authorities in the SEA process (10 June 2015);  Practical application of SEA: Role of the environmental authorities in SEA process (12 June 2015);  High-level round table on benefits of SEA and the role of sectoral authorities in the SEA process (11 June 2015);  In addition, two workshops and high-level round table were organized:  Training workshop on practical application of SEA for representatives of local authorities (25–26 October 2016);  High-level round table to promote application of SEA (28 February 2017);  Training workshop on the role of environmental authorities in SEA (15–16 March 2017).  (All the events were held in Kyiv.)

<sup>a</sup> More details on the country-specific activities can be found on the ECE EaP GREEN website: <https://www.unece.org/environmental-policy/greening-the-economy-in-the-pan-european-region/eap-green.html>.

### 3. Pilot projects

*Workplan activity: promoting ratification and application of the Protocol on SEA (5)*

15. To facilitate identification and implementation of the pilot projects in the beneficiary countries, the secretariat developed a list of selection criteria<sup>11</sup> and organized special training sessions at the subregional events that took place in Minsk (April 2014) and Prague (December 2014). Table 3 presents an overview and a status of implementation of the pilot projects.

Table 3  
**Strategic environmental assessment pilot projects and their implementation progress**

Country	Pilot project	Status of implementation
Armenia	SEA of the Strategic Development Plan, Road Map and Long Term Investment Plan for the Solid Waste Management Sector in Armenia	Initiated: December 2015. National team hired, scoping report drafted and consulted in five regions in August 2016. SEA report under preparation. Expected completion date: March 2017.
Azerbaijan	SEA of the National Strategy of Azerbaijan on the Use of Alternative and Renewable Energy Sources 2015–2020	Completed: March 2015–October 2016. The results of the pilot project were disseminated through a dedicated session at the Seventh International Forum on Energy for Sustainable Development (Baku, 21 October 2016).
Georgia	SEA of the National Waste Management Strategy and Action Plan	Completed: July 2015–April 2016. Final SEA report produced and published on the ECE EaP GREEN website. Results disseminated at a side event on SEA and green economy at the Eighth Environment for Europe Ministerial Conference (Batumi, Georgia, 9 June 2016).
Republic of Moldova	SEA of Orhei Town Master Plan	Completed: July 2014–June 2015 Results disseminated at the final high-level event (Chisinau, 17 June 2015).
	SEA of the National Green Economy Road Map	Initiated: December 2015 National team hired, scoping report prepared and scoping consultations organized. SEA report under preparation. Expected completion date: March 2017.

16. Ukraine indicated to the ECE secretariat in 2015 that it was not ready to initiate an SEA pilot project. Subsequently, after the Law on SEA was adopted on 4 October 2016,<sup>12</sup>

<sup>11</sup> Available (in Russian only) from [http://www.unece.org/fileadmin/DAM/env/eia/documents/EnvSec/Minsk\\_April\\_14/Selection\\_of\\_SEA\\_pilot\\_RUS.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/EnvSec/Minsk_April_14/Selection_of_SEA_pilot_RUS.pdf) (accessed on 10 April 2017).

<sup>12</sup> The President of Ukraine subsequently vetoed the text of the law on 31 October 2016. In March 2017, a revised draft law was resubmitted to the parliament for its consideration and adoption.

Ukraine reiterated its earlier request for carrying out the SEA pilot project for the National Waste Management Action Plan. The activity has been incorporated on the waiting list of the 2017-2020 workplan,<sup>13</sup> expected to be adopted by the Meetings of the Parties to the Convention and the Protocol at their seventh and third sessions, respectively.

17. Ukraine receives substantial support from various donors to further develop its national SEA system, including for implementation of the SEA pilot projects. One of the key initiatives is a five-year project, “Partnership for Local Economic Development and Democratic Governance” funded by the Canadian Government, which started in October 2015. The ECE secretariat established cooperation with Partnership and national experts associated with the Partnership attended the EaP GREEN training-of-trainers workshop in November 2015. In October 2016, to support the Partnership’s SEA pilot projects, ECE in cooperation with the Ministry of Ecology and Natural Resources of Ukraine organized a training workshop on SEA in urban planning for selected local authorities (see table 2).

#### 4. Development of national guidelines

18. National guidelines on SEA procedures are being developed based on the experience gained during the legal drafting and the implementation of the pilot projects. Georgia also requested support in the preparation of a national guidance document on EIA. Table 4 provides an overview of progress in the preparation of national guidance for the beneficiary countries.

Table 4  
**Progress in the preparation of national guidance documents**

<i>Country</i>	<i>Focus of the guidance</i>	<i>Status of implementation</i>
Armenia	Guidance on the practical application of SEA procedure according to the SEA regulation	Planned for April-October 2017 after the regulation on SEA is drafted.
Azerbaijan	Recommendations on implementation of the national SEA procedure	Initiated in September 2016. Preparatory meeting (21 September 2016). First meeting to prepare the concept and structure for the recommendations (22 October 2016). Expected completion date: October 2017.
Belarus	Guidance on practical application of SEA procedure according to the SEA regulation in Belarus	Need for assistance to be confirmed with the relevant ministry.

<sup>13</sup> See ECE/MP.EIA/2017/1-ECE/MP.EIA/SEA/2017/1.

<i>Country</i>	<i>Focus of the guidance</i>	<i>Status of implementation</i>
Georgia	Guidelines on practical application of SEA in Georgia	<p>Initiated in March 2016.</p> <p>Four working group meetings for development of the guidelines organized in March-August 2016.</p> <p>The guidelines were presented to the national stakeholders during the trainings for sectoral authorities (30 November-1 December 2016).</p> <p>Final draft produced in December 2016.</p>
	Guidelines on the practical application of EIA in Georgia	<p>Initiated in August 2016.</p> <p>Prepared in cooperation with a European Union project to support the approximation of Georgian legislation with European Union law.</p> <p>A national expert hired to support production of the guidelines and to coordinate the working group.</p> <p>Final draft produced in December 2016.</p>
Republic of Moldova	Guidelines for the implementation of the SEA Law	<p>Initiated in July 2016.</p> <p>First draft developed (in Romanian) in October 2016.</p> <p>Expected completion date: March 2017.</p>
Ukraine	Methodological recommendations on application of SEA for the national planning documents	<p>Initiated in June 2016.</p> <p>National team hired and the first draft discussed with the Ministry of Ecology and Natural Resources of Ukraine in September 2016.</p> <p>Second draft produced in October 2016 and discussed with the local planning authorities at the training workshop on 25 October 2016.</p> <p>Expected completion date: March 2017.</p>

## 5. Subregional coordination and experience-sharing events

*Workplan activity: subregional cooperation and capacity-building to strengthen contacts between the Parties and others, including States outside the ECE region (4 and 4 (a))*

19. A study tour looking at the application of SEA at the national level in the field of urban planning, waste management, agriculture and the energy sector was organized from 1 to 5 December 2014 in Czechia for 32 representatives from EaP GREEN countries. The tour provided participants with an opportunity to meet the main actors of the SEA system, become familiar with an SEA system, including the legislation, institutional structure and procedures, and study existing SEA practice in various planning schemes.

20. The subregional conference “Lessons learned from national and subregional reviews of legal and institutional frameworks for application of EIA and SEA” (including a

training-of-trainers workshop on the practical application of SEA) took place from 2 to 6 November 2015 in Georgia. Thirty-five participants from Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine studied various approaches to enhance their legal and institutional frameworks for SEA.<sup>14</sup> The training-of-trainers workshop focused on questions related to the practical implementation of SEA. Participants enhanced their knowledge about SEA and learned about various techniques for designing and delivering effective capacity-building events. A manual on SEA for trainers was prepared for the workshop, which provides a substantial theoretical background on SEA and also practical training tips.

## 6. Awareness-raising and advocacy materials

21. The brochure, *Protocol on SEA: Fact and Benefits*, was prepared in the English and Russian languages.<sup>15</sup>

22. The *Simplified Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment*<sup>16</sup> was translated from English into the two other official ECE languages, French and Russian, and is also available in informal translations in the Armenian and Azerbaijani languages on the ECE website.<sup>17</sup>

## 7. Challenges for the implementation of the workplan activities

23. Sectoral planning authorities have limited awareness of their role in SEA procedures, which resulted in a certain reluctance on their part to attend the EaP GREEN training and awareness-raising events or to participate in the SEA pilot projects, because they perceive SEA as the responsibility of the environmental authorities only. In 2015, the ECE Environment Division engaged with the ECE Housing and Land Management and Energy Divisions to raise the awareness of sectoral ministries regarding SEA and to facilitate their participation in EaP GREEN events. As a result, the attendance of non-environmental authorities at EaP GREEN events increased in 2015 and 2016.

24. Environmental authorities are also not fully aware of their role in ensuring the quality of SEA documentation. To address this gap and develop a training methodology, targeted training events were offered in 2016 to the environmental authorities in Georgia and Ukraine.

25. There has been both an increased demand for trainings, with Armenia, Azerbaijan, Belarus, Georgia and the Republic of Moldova requesting extended legislative assistance, and a decrease in the available financial resources for this purpose owing to the change in the currency exchange rates from December 2014 to December 2016. Consequently, there is a lack of resources to carry out the remaining training events for sectoral authorities at the national and local levels. ECE has been communicating with beneficiary countries to clarify national priorities and amend the plans. The countries confirmed that the national or subnational training events are important for further awareness-raising among sectoral authorities and promotion of the SEA systems at the national and local levels; they also consider the final subregional conference on SEA lessons learned as highly important to discuss experience gained and further steps. Following discussions between the secretariat

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<sup>14</sup> The secretariat's subregional activities link various activities envisioned in the workplan. In 2015, representatives from Kazakhstan and the Russian Federation were able to attend the subregional conference and the training-of-trainers events planned under the EaP GREEN programme.

<sup>15</sup> Published May 2016. Available also in Ukrainian from <http://www.unece.org/env/eia/publications.html>.

<sup>16</sup> ECE/MP.EIA/18.

<sup>17</sup> See <http://www.unece.org/env/eia/publications.html>.

and OECD, as the EaP GREEN project lead partner, additional funds have been provided to enable the completion of planned events.

26. ECE, with funding from EaP GREEN, initiated legislative and institutional reforms of the environmental assessment systems in Armenia, Azerbaijan, Belarus, Georgia and the Republic of Moldova. The project also raised awareness of the national planning and environmental authorities about SEA. Competing priorities for limited governmental budgets is a major obstacle hindering adoption of the proposed legislation and approval of the suggested institutional reforms. Further awareness-raising campaigns and pilot projects on the practical application of SEA in various economic sectors are needed to prove the benefits of SEA. The EaP GREEN programme has been extended until December 2017 and efforts should be made to obtain additional funding to sustain the initiated reform process beyond 2017.

## **II. Technical assistance to Kyrgyzstan (2014–2015)**

### **A. Background**

27. The 2014-2017 workplan provided for technical advice and support to Kyrgyzstan in 2014 to improve its legislation and the institutional framework to implement the Convention. The project, financed by Switzerland, was undertaken by an external consultant and a national expert group on EIA.

### **B. Activities implemented**

28. Preliminary negotiations about the scope of the proposed assistance took place between the secretariat and the Government of Kyrgyzstan in the course of 2014, followed by a workplan with concrete activities, deadlines and responsibilities in early 2015.

29. In the meantime, a representative of the Government engaged in impact assessment participated in the study tour to Czechia in December 2014 (see para. 19).

30. An international expert together with a national consultant conducted an analysis of the existing legislative framework and identified needs so as to provide customized assistance for further legislative development. At that stage, the Government explained that, following the adoption of a detailed EIA regulation in January 2015, its objective was to develop a framework law on EIA that would also consider SEA aspects, at no additional cost. That request was in accordance with the Government's wish to align the provisions on EIA and SEA in the national legislation with the Convention and the Protocol.

31. A national expert group was established under the direction of the national focal point to accompany the drafting process and provide feedback. The group consisted, inter alia, of representatives of the State Agency for Environmental Protection and Forestry, the State Inspectorate for Ecological and Technical Safety and the Ministry of Health.

32. Subsequently, the following activities were implemented in 2015:

(a) In May a first draft of the law<sup>18</sup> and a list of legal acts to be amended was developed, and shared with members of the national working group;

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<sup>18</sup> The drafts were made available on the website of the State Agency on Environment Protection and Forestry.

- (b) The national round table was organized on 13 May in Bishkek to discuss the draft law and the list of amendments;
- (c) In June consolidated comments were provided by the Government on the draft framework law;
- (d) In July a list of suggested activities to strengthen the capacity of Kyrgyzstan to implement and comply with its obligations under the Convention and to accede to the Protocol was developed;
- (e) In the period July-September consultations with the Government were held to review the draft comments from other stakeholders, e.g., civil society;
- (f) In October the following texts were prepared:
  - (i) A revised draft framework law, including detailed provisions for transboundary EIA and SEA;
  - (ii) Detailed amendments to the Law on State Ecological Expertise (1999) to align it to the new framework law, in particular with regard to SEA;
  - (iii) National guidelines on the practical application of the transboundary EIA procedure.

### **C. Current status**

33. In August 2016, the Government of Kyrgyzstan assigned the State Agency of Environment Protection and Forestry to elaborate a draft ecological code. The main provisions of the draft law on environment assessment developed in 2015 are included in the code in a separate section, “Environmental Assessment”, addressing SEA, EIA, transboundary EIA procedure, ecological expertise and public participation. A revised draft code is expected to be submitted to the Government in May 2017.

34. The existing Law on Strategic Planning also includes provisions on SEA.

## **III. Technical assistance to the Russian Federation (2014–2016)**

### **A. Background**

35. The 2014-2017 workplan provided for the delivery of technical advice to the Russian Federation in 2015 on improving implementation of the Convention and the Protocol. The project, financed by Sweden, aimed to assist the country in its efforts to develop a national system to apply impact assessment, in particular SEA procedures, according to the provisions of the Protocol, including:

- (a) Improving its legislative and institutional framework to fully comply with the Protocol;
- (b) Defining the roles and responsibilities of various authorities in the SEA process;
- (c) Building national and local capacities, and developing practical experience and national guidelines on the application of the SEA procedures in line with the Protocol;
- (d) Raising awareness and common understanding of the benefits of SEA at the national and local levels and in different sectors, including the benefits of public participation and the consultation of relevant authorities in the process.



36. The project was undertaken by external consultants and the World Wide Fund for Nature Russia (WWF Russia), under ECE guidance and in collaboration with the Ministry of Natural Resources and Environment.

## **B. Activities implemented**

37. Based on the request from the Ministry, and with support from the Swedish Environmental Protection Agency, the secretariat provided expert support to the Russian Federation to review relevant draft laws and decrees vis-à-vis the provisions of the Protocol.

38. In December 2014, five representatives of the Russian Federation participated in the SEA study tour to Czechia (see para. 19).

39. In January 2015, a round table on “Major legislative dilemmas for implementing the Espoo Convention and its Protocol on SEA in the ECE region and ways to address them in national legislation” was organized.

40. In January-February 2015, the secretariat in collaboration with the Ministry of Natural Resources and Environment and WWF Russia, prepared a proposal for the pilot application of SEA for the “Strategy for socioeconomic development of the Zabaykalsky Krai until 2030”, which WWF Russia used to raise funds for SEA awareness-raising and capacity-building from the United Nations Development Programme (UNDP) Office in the Russian Federation.

41. In August 2015, the secretariat obtained limited funds from the ECE Regular Programme of Technical Cooperation to organize two training events to support the pilot project and prepare a draft overview on the practical application of environmental assessment, including guidelines on the practical application of SEA, in the Russian Federation. However, owing to the tax regulations for ECE grants, the funds were returned.

42. In September 2015, the implementation of the SEA pilot project was initiated. Two training events on SEA methodology were carried out in September and November 2015 in Chita, Zabaykalsky Krai. During these events the ECE consultants assisted the national partner (WWF Russia) in organizing efficient public participation and consultations with the relevant authorities. In March 2016 the national counterparts produced the first draft SEA report, which was reviewed by the ECE consultants.

43. In November 2015, one representatives of the Russian Federation participated in the subregional conference on SEA legal reforms and training-of-trainers workshop on the practical application of SEA (see para. 20).

44. From February to August 2016, the ECE consultants provided support for the preparation of the guidelines on the practical application of SEA in the Russian Federation. The guidelines are expected to be finalized by WWF Russia by May 2017.

45. On 25 October 2016, ECE, in cooperation with the Ministry of Natural Resources and Environment, the UNDP project “Mainstreaming biodiversity conservation into Russia’s energy sector policies and operations” and WWF Russia, organized a national conference on the practical application of SEA. There were about 100 participants, including national experts from federal and regional planning and environmental authorities and representatives of business and civil society.

46. In January 2017, the ECE consultants provided initial feedback on the quality of the pre-final draft SEA report produced in the pilot project.

### **C. Next steps**

47. The next step for this activity will be a final quality review of the updated SEA report.

## **IV. Update of the Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries (2016–2017)**

### **A. Background**

48. At its third session (Cavtat, Croatia, 1-4 June 2004), the Meeting of the Parties to the Convention requested the development of guidance on the practical application of the Convention in the Eastern Europe, the Caucasus and Central Asia subregion.<sup>19</sup> Guidelines for Central Asia were initially developed in 2005 by the Regional Environmental Centre for Central Asia with financial support from Switzerland, and were later revised in 2007. The Meeting of the Parties took note of these Guidelines at its fourth session (Bucharest, 19–21 May 2008).

49. The 2014-2017 workplan mandated the update of the Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries, in conjunction with efforts to raise the awareness of national officials in Central Asian countries with regard to transboundary EIA. A project to update the Guidelines, taking into account national legal and institutional developments and international practice, is being financed by Switzerland. Kyrgyzstan is the lead country for the activity.

50. Designated national governmental experts are responsible for providing the required materials, taking an active role in the development of the Guidelines, and providing organizational support for planned events. Technical advice is provided by international legal experts to ECE, who work in cooperation with the lead country expert and in close consultation with the experts designated by the four other Governments. The secretariat is responsible for the overall supervision of the implementation of the activity.

### **B. Activities implemented**

51. An initial subregional workshop (Almaty, 9 February 2017) was organized to: (a) summarize lessons learned from the application of the Guidelines; (b) review legislative and institutional developments; (c) consider the experience of inter-State transboundary consultations over the past 10 years; and (d) identify gaps or shortcomings in the existing Guidelines.

52. Based on the outcomes of the initial event, the lead country and the ECE consultants, in close cooperation with the experts designated by Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan, developed an updated draft version of the Guidelines. The text was drafted in Russian and was made available for public comments on the websites of the competent ministries and Government agencies.

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<sup>19</sup> See ECE/MP.EIA/6, decision III/9.

## **C. Planned activities**

53. A subregional workshop (Bishkek, April 2017) will be held<sup>20</sup> to discuss and further comment the draft Guidelines, with the participation of governmental experts from the beneficiary countries, non-governmental organizations, the private sector and project developers, the secretariat and the donor country.

54. Originally, the updated Guidelines were to be submitted for adoption by the Meeting of the Parties to the Convention in June 2017. However, the activity was initiated only in late 2016 and, consequently, the implementation timeline had to be extended until August 2017.

## **V. Technical advice to Kazakhstan (2015–2018)**

### **A. Background**

55. The 2014-2017 workplan foresaw the provision of technical advice and support to Kazakhstan to improve its legislation to implement the Protocol. The activity is implemented by the Ministry of Energy of Kazakhstan, with the support of the international and national consultants, within the framework of the European Union-funded project “Supporting Kazakhstan’s Transition to a Green Economy Model”. The activity includes the following components: (a) a review of the national environmental assessment and sectoral development frameworks; (b) recommendations on necessary legislative adjustments; (c) drafting of SEA legislation; and (c) capacity-building for national stakeholders on the practical application of the SEA procedure.

### **B. Activities implemented**

56. In September and October 2016 a desk review of the existing legislation and institutional framework for environmental assessment of strategic documents in Kazakhstan was conducted by the international and national consultants based on materials provided by the Ministry of Energy.

57. On 14 November 2016 an initial round table on the development of the SEA system in Kazakhstan was organized to raise awareness of the national stakeholders about the ECE Protocol and its benefits and to brief the national environmental, sectoral and local authorities on the necessary steps to be taken by the Government to establish a national SEA system in line with the Protocol.

58. In November 2016 the international consultant made a fact-finding mission to the country to conduct the interviews with the national environmental and sectoral authorities, and to discuss the preliminary findings of the review with the Ministry of Energy.

59. In the period November 2016 to January 2017 a draft review report was prepared, including an assessment of the existing legislative and institutional framework, recommendations regarding possible amendments to the current law and proposals for new legislation.

60. On 25 January 2017 a national round table was held to present and discuss the draft report.

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<sup>20</sup> Since the time of writing, this activity was implemented.

### **C. Planned activities**

61. The international consultant will finalize the review report by end March 2017 considering the feedback from the round-table discussion.

62. On 6 April 2017<sup>21</sup> a high-level round table will be held under the auspices of the parliament of Kazakhstan to discuss the feasibility of the development of the national SEA system and select priorities and components for further action.

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<sup>21</sup> Since the time of writing the workshop has subsequently been held.

## Annex

### **List of the activities financed by the European Union<sup>22</sup> by country and subregional events that were implemented in the period from January 2013 until mid-March 2017<sup>23</sup>**

#### **Armenia**

1. National training workshop on SEA (Yerevan, 26–29 November 2013).
2. Assessment of the draft law on EIA and expertise (July 2014).
3. Review of the national legislative and institutional framework on SEA (October 2014).
4. National round table on the legal implementation of the Protocol on SEA in Armenia (Yerevan, 26 September 2014).
5. Seminar for sectoral authorities on SEA application (Yerevan, 23–24 March 2015).
6. Planning meeting for preparation of the amendments to the Law on EIA and Expertise (Yerevan, 24 March 2015).
7. Pilot SEA of the Strategic Development Plan, Road Map and Long Term Investment Plan for the Solid Waste Management Sector in Armenia (December 2015–March 2017).
8. Round table on integration of the SEA procedure into the national legal framework (Yerevan, 11 March 2016).
9. Training workshop on practical application of SEA, Part I. (Yerevan, 9–10 March 2016) and Part II. (Yerevan, 23–24 June 2016).
10. Round table on developing the national legal framework on SEA (Yerevan, 16 February 2017).

#### **Azerbaijan**

11. Review of the national legislative and institutional framework on SEA (October 2014).
12. Assessment of the draft law on EIA (July 2014).
13. National round table on the legal implementation of the Protocol on SEA in Azerbaijan (Baku, 28 August 2014).
14. Expert mission to assist Azerbaijan in developing its legislation on EIA and SEA (Baku, 28 October 2014).
15. Awareness-raising workshop on implementing the Espoo Convention and its Protocol on SEA in the national legislation (Baku, 2 March 2015).
16. Pilot SEA of the National Strategy of Azerbaijan on the Use of Alternative and Renewable Energy Sources 2015–2020 (March 2015–October 2016).

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<sup>22</sup> Through the EaP GREEN programme.

<sup>23</sup> The present annex is being submitted for publication without formal editing.

17. National training workshop on practical application of the SEA, Part I. (Baku, 3–4 March 2015) and Part II. (Baku, 11–12 May 2015).
18. SEA expert group meeting on the scoping report (Baku, 27–28 August 2015).
19. Public consultation workshop on the draft SEA report (Baku, 9 December 2015).
20. Sub-Session “The role of SEA in renewable energy planning” at the Seventh International Forum on Energy for Sustainable Development (Baku, 21 October 2016).
21. Producing the video on SEA and its benefits in Azerbaijani language (January 2017).

## **Belarus**

22. Joint pilot project between Belarus and Ukraine on the EIA post-project analysis for Khotislavskoye quarry (April 2013–April 2014).
23. National round table on the legal implementation of the Protocol on SEA in Belarus (5 September 2013).
24. Three local-level training workshops on SEA (Gomel, 7–9 October 2013, Brest, 21–23 October 2013, Grodno).
25. Review of the national legislative and institutional framework on SEA (December 2013).
26. Round table on the amendments to the Law on State Ecological Expertise (Minsk, 29–30 April 2015).
27. Two training workshops and two drafting sessions on developing a legislative framework for the EIA and SEA (Minsk, 19–22 September 2016).

## **Georgia**

28. Review of the national legislative and institutional framework on SEA (January 2013).
29. National round table on the legal implementation of the Espoo Convention in Georgia (Tbilisi, 4 November 2013).
30. Report on analysis of the existing elements and gaps in the national legislation of Georgia related to implementation of the Protocol on SEA (October 2014).
31. Start-up workshop for development of a new environmental assessment code (Tbilisi, 25–26 August 2014).
32. Drafting workshop to support development of a new environmental assessment code (Tbilisi, 18–19 November 2014).
33. Advisory mission to supervise preparation of the draft environmental assessment code (Tbilisi, 29 January 2015).
34. National round table to discuss the draft environmental assessment code (Tbilisi, 19 May 2015).
35. Public hearing on the draft environmental assessment code (Tbilisi, 20 May 2015).
36. Pilot SEA of the National Waste Management Strategy and Action Plan (July 2015–April 2016).

37. Final round table on development of the environmental assessment code (Tbilisi, 23–24 September 2015).
38. National-level training events within SEA pilot: Part I: Webinar to introduce SEA methodology (Tbilisi, 5 August, 2015); Part II: practical application of SEA (Tbilisi, 21–22 September 2015).
39. Public consultations meetings within SEA pilot: scoping (Tbilisi, 22 September 2015) and the draft SEA report (Tbilisi, 30 October 2015).
40. Awareness-raising event on SEA procedure and SEA benefits for high-level officials (Kakheti, 11 December 2015).
41. Preparing “Guidelines on practical application of SEA in Georgia” (March 2016–December 2016) and “Guidelines on practical application of EIA in Georgia (August 2016–December 2016).
42. Producing the video on SEA and its benefits in Georgian language (April 2016).
43. Workshop on the role of environmental authorities in SEA with regard to scoping (Tbilisi, 19 April 2016) and quality control (Tbilisi, 28 November 2016).
44. SEA awareness-raising workshop planning authorities and consultants (Tbilisi, 30 November–1 December 2016).

### **The Republic of Moldova**

45. Review of the national legislative and institutional framework on SEA (October 2013).
46. National round table on the legal implementation of the Protocol on SEA (Chisinau, 3 September 2013).
47. National round table meeting on the draft law on SEA and its pilot application to urban plans and programmes (Chisinau, 29 July 2014).
48. Pilot SEA of Orhei Town Master Plan (July 2014–June 2015).
49. Training workshops within SEA pilot: scoping and baseline analysis (Chisinau, 30–31 July 2014) and impact assessment (Chisinau, 16–17 December 2014).
50. Public consultation meeting on pilot SEA (Orhei, 17 December 2014).
51. Advisory mission to supervise the implementation of the pilot SEA (Chisinau, 12–13 February 2015).
52. Final high-level event on SEA pilot (Chisinau, 17 June 2015).
53. Pilot SEA of the National Green Economy Road Map (December 2015– March 2017).
54. Training workshops within SEA pilot: approach to SEA (Chisinau, 2–3 December 2015) and drafting the SEA report (Chisinau, 21–22 April 2016).
55. Initial public consultations on the SEA pilot (Chisinau, 22 April 2016).
56. Preparing “Guidelines for the implementation of the SEA Law” (July 2016–March 2017).
57. Working meeting and the public consultations on the draft SEA report (Chisinau, 12–13 October 2016).

## Ukraine

58. Joint pilot project between Belarus and Ukraine on the EIA post-project analysis for Khotislavskoye quarry (April 2013–April 2014).
59. National training workshop on SEA (Kyiv, 1–4 October 2013).
60. Benefits of SEA and the role of sectoral authorities in the SEA process (Kyiv, 10 June 2015).
61. High-level round table on benefits of SEA and the role of sectoral authorities in the SEA process (Kyiv, 11 June 2015).
62. Practical application of SEA: Role of the environmental authorities in the SEA process (Kyiv, 12 June 2015).
63. Preparing “Methodological recommendations on application of SEA for the national planning documents” (June 2016–March 2017).
64. Training workshop on practical application of SEA for representatives of local authorities (Kyiv, 25–26 October 2016).
65. Producing the video on SEA and its benefits in Ukrainian language (January 2017).
66. High-level round table to promote application of SEA (Kyiv, 28 February 2017).
67. Training workshop on the role of environmental authorities in SEA (Kyiv, 15–16 March 2017).

## Subregional level

68. Subregional conference on the results of post-project EIA analysis pilot project (Minsk, Belarus, 15–16 April 2014).
  69. Study tour to Czechia on application of SEA at the national level in the field of urban planning, waste management, agriculture and energy sector (Prague–Ostrava, 1–5 December 2014).
  70. Subregional conference on developing legislative framework for SEA in line with the Protocol on SEA and a training-of-trainers workshop on the practical application of SEA (Kakheti, Georgia, 2–6 November 2015).
  71. “Overview of legislative and administrative reforms for implementing SEA in Eastern Europe and the Caucasus” (draft version, October 2015).
  72. “Practical Guidance on reforming legal and institutional structure with regard to application of SEA procedure in accordance with the UNECE Protocol on SEA” (draft version, September 2015)
  73. “Manual on SEA for trainers” (March 2017).
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