



The practical application of the Draft Law on Strategic Environmental Assessment in Moldova through the Road Map on promoting green economy:



Training Workshop in Strategic Environmental Assessment

2-3 December 2015

Meeting Hall, hotel VisPas, str. Al. Lăpuşneanu 26, Chisinau, Republic of Moldova

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Report

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The EaP GREEN programme is funded by the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UNEP, UNECE and UNIDO.

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1. Background

Strategic Environmental Assessment (SEA) effectively promotes sustainable development by mainstreaming environment into economic development at a national and local level. SEA is a well-established, practical and efficient planning and environmental governance tool/system set out in the UNECE Protocol on SEA to the Convention on Environmental Impact Assessment (EIA) in a Transboundary Context. It ensures that development plans in key sectors such as energy, water and waste management with likely significant adverse environmental impacts are efficiently developed taking into account environmental (and health) considerations. SEA, in particular, will allow identification of the most sustainable and cost-effective strategic development alternatives in Moldova for attracting new investments and for improving its environment. SEA also helps strengthen the country's environmental governance through fostering transparency and consultation with relevant stakeholders and the public prior to the approval of plans and programmes. SEA in a transboundary context can also greatly facilitate regional cooperation on environmental matters.

Moldova is not yet a Party to the Protocol on SEA. To better prepare for the ratification and the implementation of the treaty, the country requires to undertake a number of steps and develop a national system to apply SEA procedures according to the provisions of the Protocol, including:

- (a) to further build institutional capacities and expertise to conduct SEA at the national level;
- (b) to clarify the roles and responsibilities of various national authorities in the SEA system
- (c) to provide recommendations for environmental optimization and modifications of the National Green Economy Action Plan for the Republic of Moldova (Action Plan), and
- (d) to support elaboration of the Guidelines and Secondary legislation for the implementation of the draft Law on SEA.

Since June 2013, the UNECE secretariat to the Convention on the Environmental Impact Assessment in the Transboundary Context (the Espoo Convention) assists the Ministry of Environment of the Republic of Moldova to prepare for the accession to the Protocol on Strategic Environmental Assessment (Protocol on SEA) to the Convention. The activities aim to develop a national environmental assessment system in line with the Protocol on SEA (European Union SEA Directive). They are implemented in the framework of the EU programme 'Greening Economies in the Eastern Neighbourhood' (EaP GREEN) in several phases, including:

Phase I (June 2013 to July 2014) focused on a revision of legislative and institutional frameworks for SEA and development of a new Law on SEA

Phase II (July 2014 – June 2015) aimed at testing the draft Law on SEA (developing during Phase I) through pilot SEA application for Orhei Town Master Plan

Phase III (August 2015 – December 2016) includes mainly implementation of the second pilot SEA for the Road Map on Green Economy (the focus of further support is currently – January 2016 discussed with the Government of Moldova).

This report is related to the Phase III that aims to carry out a national pilot SEA for environmental optimization and modifications of the National Green Economy Action Plan for the Republic of Moldova (Action Plan). The pilot project will

- Contribute to further introduction of SEA as a tool for greening the economy at the national level
- Contribute to further building of the institutional capacities and expertise to conduct SEA at the national level;
- Help clarifying the roles and responsibilities of various national authorities in the SEA system;
- Provide recommendations for environmental optimization of the Road Map on Green; and
- Support elaboration the Guidelines for the implementation the draft Law on SEA
- Assist in further development of the national and secondary legislation on SEA and.

The SEA pilot was launched by the initial training workshop on December 2 – 3, 2015, which focused on the initial SEA steps – scoping and baseline analysis, as well as provided opportunity to discuss the detailed SEA process and its integration in the Road Map elaboration. This Report summarizes the proceedings and results of this first training workshop.

2. Workshop design

The workshop was organised by the P.A. EcoContact in partnership with Ministry of Environment of Republic of Moldova (hereinafter also 'MoE'), Ministry of Economy of Republic of Moldova (hereinafter also 'MoEc') and the United Nations Economic Commission for Europe (UNECE). The logistical support for the event was provided by the P.A. EcoContact.

The general objective of the training workshop was to present the phases of the SEA process and to train participants in application of the scoping and baseline analyses within the SEA steps.

The event was targeted at practitioners who will help develop the SEA system in the Republic of Moldova, environmental experts, economic experts, energy and industry planners and representatives of the other relevant stakeholders including NGOs and academia.

The training meeting (2 days) was attended by representatives from the national authorities of the Republic of Moldova, that are responsible for economic and industrial development, energy, transport, agriculture, tourism and health, as well as representatives from civil society and environmental and economic authorities. The national focal points for the EaP GREEN Programme representing the Ministries of Economy and the Ministries of Environment from Moldova were also invited to take part in the training.

The SEA workshop aimed at getting the participants familiar with the SEA as a tool for improving sectoral planning and promoting sustainable development. Roles of different sectoral ministries and authorities in the SEA process were addressed. The MoE shared its experience in drafting and promotion of the SEA legislation and implementation of the first ever pilot SEA for the Master Plan of the Orhei Town. Participants also had possibilities to learn about the experience and lessons learned from the practical application of the UNECE Protocol on SEA and the EU SEA Directive in various economic sectors presented by the international trainer Mr. Michal Musil.



The presentations were delivered by the International SEA Experts Mr. Michal Musil and two local consultants Mrs. Iordanca-Rodica Iordanov and Mr. Andrei Isac. To support the SEA theory, a number of case examples and practical tools were introduced in order to facilitate discussions on how shall be the relevant SEA tasks practically implemented within the SEA pilot. It was also illustrated how the SEA requirements outlined in the Draft SEA Law and recommendations obtained during the implementation of the previous SEA pilot project (SEA

for Orhei municipality Master Plan) might be reflected in the current process, as one of the aim of Pilot Project is considered to apply and test the national draft law on SEA during the implementation of Pilot Project. During training workshop participants were involved in different practical exercises, most accent are putted on scoping and baseline issues.

During the final part of the workshop opportunities for environmental optimization and modifications of the National Green Economy Action Plan for the Republic of Moldova (Action Plan) as a result of the SEA Pilot were discussed. Initial presentations were followed by detailed presentations of the key issues identified during the scoping exercise organized within the training and possible approaches to baseline analyses were discussed.

3. Summary of main outcomes

There are following major outcomes from the workshop:

i. Introduction of the SEA and the pilot project to key stakeholders

The official opening of the meeting has been made by Mrs. Inga Podoroghin, the Focal point of the ESPOO Convention in Moldova; she welcomed the participants and highlighted the importance of the event, so as the implementation of the new instruments and mechanisms as SEA that will lead to the environmental security and sustainable development. The Deputy Minister mentioned that during the event will be discussed the current situation of the SEA in RM and main challenges of the system, and what measures need to be taken in the close future in order to ensure the functioning of this system.

Mr. Michal Musil, the international expert of UNECE emphasized that the pilot SEA is intended to demonstrate how the SEA directive can be applied to national plans, what are the benefits for those responsible for the implementation of the plans and for the citizens.

After the opening, Mrs. Rodica Iordanov conducted the first session on presenting participants and their expectations. All collected expectations were grouped in the following way:

- Understanding SEA road map in promoting green economy
- Achieving supplementary abilities in SEA
- Efficient understanding of SEA road map
- Achieving knowledge about applying in practice of SEA
- Gain better understanding of the road map on Green Economy planning process
- Gain some interesting things of strategic policies in Moldova
- Gain more knowledge about SEA and Green Economy
- What are the reasons about implementation of SEA, and what are the methods of implementation of road map of Green Economy
- What is the process of application of SEA
- Gain some general knowledge about mechanism, partners and sources
- Maximum to use the participants and experts' potential
- to clarify some of aspects concerning SEA
- Consolidation of knowledge about SEA, and what are the best mechanisms to inform people and for control performance

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ii. Presentation of the National Pilot project and of the SEA process (scoping and baseline)

Representatives of relevant Ministries, institutions, agencies, university and other stakeholders, NGOs and consultants were invited to take part in the event.

The presentations and associated discussions focused on introduction of the key steps in SEA with a particular attention paid to the elements of scoping and baseline (data collection, analyses and interpretation). Among the practical examples, the experience and lesson learned within the first pilot SEA Project in Republic of Moldova (SEA for Orhei municipality Master Plan) were also presented.



In order to provide broader context of the SEA implementation in Republic of Moldova, Mrs Iordanca-Rodica Iordanov, P.A. EcoContact introduced the EaP Green activities in supporting the implementation of the SEA Protocol of the Espoo Convention, Moldova's achievements in the field of environmental assessment, analysis of the legal framework and what are the next steps in establishing SEA system in Republic of Moldova.

The introduction to the SEA process and Pilot project background were presented by the key international expert Michal Musil. Mr. Musil emphasized what are the guiding principles for SEA application, the typical SEA steps, and possible challenges of the Pilot SEA for green Economy Action Plan. Also, Mr. Musil made a presentation on main principles of efficient practice and potential benefits of SEA as a tool for greening the economy. The benefits of SEA in terms of its capacity to ensure, address and support good quality planning documents, economic planning

and strategic decision-making; As conclusion Mr. Musil mentioned that SEA can improve competitiveness and potentially reduces costs, increase transparency and reduce risk for investors since SEA can also facilitate better decisions at the project level;

The introduction for the Green Economy Action Plan was made by the expert, Mr. Andrei Isac which highlighted the importance of SEA elaboration for the Green Economy Action Plan, as well as the necessity to apply SEA in other areas/ sectors, being key instrument ensuring development of the national policy documents without negative impact on environment. The SEA will contribute to the Green Economy Action Plan development through identification of priority environmental problems and optimize data collection; facilitation of the dialogue with key stakeholders and general public; help to integrate national goals into the sectoral planning process, also it highlights neglected problems that need a solution at national level, and in the identification of the alternatives.

The Introduction on the planning process and expected results on Green Economy Action Plan and its findings were presented by Mr. Andrei Isac, local consultant. The key area of intervention on green economy, key environmental problems connected with respective area of intervention, recommended measures, alternatives, monitoring indicators, process of elaboration etc. were presented and discussed.

Training was very interactive with question and answer session and with set of group exercises focused on scoping and baseline steps. Participants, divided in groups, filled in tables facilitating the identification of key relevant problems (preliminary scoping) in the selected fields relevant to the Green Economy Action Plan: energy efficiency, transport, water management, agriculture etc.

Presentations of examples of indicators for Baseline analysis for transport (Transport Strategy) and agriculture were delivered by the international consultant in order to introduce the topic and facilitate participation in the following practical exercise.

In a group exercise, participants completed pre-prepared tables with Baseline analyses environmental indicators for selected issues. *Three* were presented: indicators for green economy promotion, water quality and water resources. Participants discussed the presented indicators, sources of data and possible problems with their collection.

At the end of the event it was allocated time to discuss the public participation as an element of SEA and experiences from the conducted consultations for the SEA Orhei conducted in parallel with the consultations of the draft Master Plan were shared.

During the concluding session the participants selected the best participant of the training, who received a symbolic gift.

During final concluding session was raised the question, if any of the expectations of the participants, voiced during the opening session and presentation, were not covered – and the entire group indicated, that this is not the case – all expectations were achieved.



The experts involved in the conducting of the training workshop answered all the questions of the participants and remarks that have occurred after the presentation of the national SEA pilot project that can be seen in the table below:

Nr.	Question/Remark	Expositor
1	<p><i>Question from Mr. P. Bacal, Institute of Ecology</i></p> <p><i>What is the statute the Draft Law on SEA and what is possibility to promote it?</i></p>	<p>At this moment the draft Law is under the coordination of MoE. Based on the results of the local pilot project the set of recommendations for the Draft Law has been elaborated and passed to MoE, which took them in consideration. But taking in consideration that till now MD does not have the functional Government the draft law was not passed to the Government for approval, according with legal procedure. <i>(Rodica Iordanov, national consultant)</i></p>
2	<p><i>Questions from Mr. I. Malai from Ministry of Regional Development and Constructions on the application of the SEA for the already existing strategic documents, clarification of the difference of SEA and EIA for regional development investments.</i></p>	<p>According to the national legislation the policy documents are approved by Parliament or Government through the Decision. In the new Law will be the Transitory Chapter, usually is stipulated that Government during 6 months from approval should provide modification /approval of all secondary or primary legislation in accordance with new Law. After the Law on SEA will enter into the force the Central authorities will be responsible to elaborate the SEA for all policy documents approved before the Law on SEA.</p> <p>According to the principle of national legislation the retroactivity is a legal rule that a law applies only to situations which arise after its adoption, and not previous situations, past. Therefore the decision on methodology, the general legislation</p>

		<p>will be changed/modified, but not the policy documents themselves. <i>(Rodica Iordanov, national consultant)</i></p> <p>To distinguish SEA and EIA only because SEA applies to policies, plans and programmes, and EIA applies to projects in not enough anymore. SEA can also focus on assessing the effects of the environment on planned development. Namely in the context of climate change the SEA should also assess whether environmental conditions are being properly considered in planning processes. <i>(Michal Musil, international expert)</i></p>
3	<i>Question from the Ministry of Economy on the status of Road map and level of appropriate approach to use SEA.</i>	<p>The level of the document will be decided by the Inter-ministerial Working Group at its meeting mid December 2015. The SEA for the Road map is to test the SEA procedures at the national level and conduct a national pilot, as agreed at EaP GREEN NFPs, UN ECE and UNEP. <i>(Michal Musil and Andrei Isac)</i></p>
4	Is there a risk that the law on SEA process will delay the adoption of the policy documents?	<p>The SEA should be initiated as early as possible in the planning process, ideally along with establishment of strategic objectives, before strategic options are identified, and before proposals of actions are put forward. The SEA should be conducted in parallel with the elaboration of the strategic plan/programme. In such case the delay is usually not significant <i>(Michal Mussil, international expert)</i></p>
5	What are the benefits of SEA	<p>The main benefits could be:</p> <ul style="list-style-type: none"> • to achieve environmentally sound and sustainable development, • to strengthen policy, plan and programme making processes, • to save time and money by avoiding costly mistakes, • to improve good governance and build public trust and confidence in decision-making. <p><i>(Michal Musil, international expert)</i></p>

Evaluation forms were filled in by participants. The results of the evaluations are indicated below.

4. Summary of participants' evaluation of the event

With the intention to evaluate and receive a feedback from participants regarding the content and information provided during the training, an evaluation form was distributed at the end of the event. The participants had the opportunity to assess the clarity of subjects discussed during the event, their interaction in working groups as well as administrative and logistic organization of the event. Moreover, the participants had the possibility to evaluate the trainer, moderators and give the overall rating to the event.

Methodology: the instrument used for the collection of the information was the anonymous questionnaire. The questionnaire had been composed from 2 blocks, containing open- and close-ended questions.

Design and organization of the sea workshop

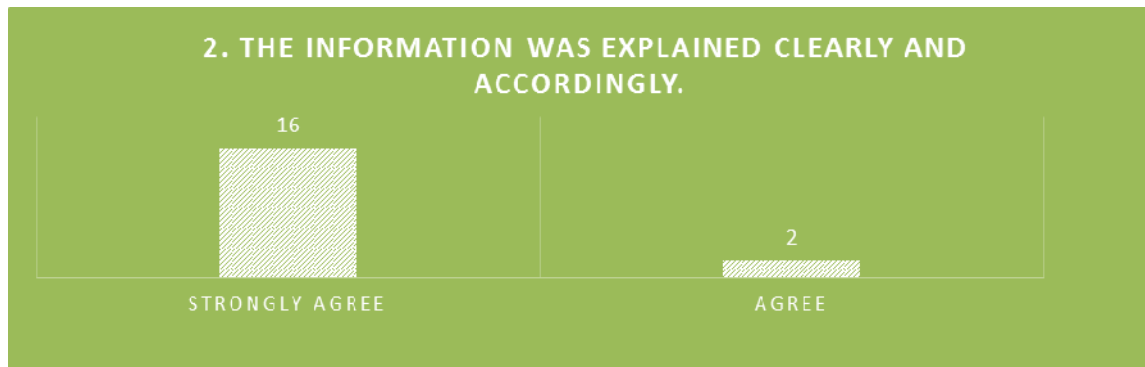
1. *The topic was important for myself.*

The first question was about the importance of the topic, and relevancy of the training to participants' job. The majority of participants (13) mentioned that they are strongly agree with this aspect, some of the participants (5) stated that they agree with the fact that event is in line and relevant to the job.



2. *The information was explained clearly and accordingly.*

Regarding if the subject was adequately covered in frame of the event, the participants stated they are *strongly agree* with the affirmation (16). Only a small part of participants (2) mentioned that they merely *agree* with the statement.



3. What part of the workshop was considered as the most useful?

In this case, the participants shared different opinions but it was highlighted that the practical examples brought during the workshop are the most valuable for such a new topic for Moldovan society. Moreover, it was stated that international experience on how such instrument is implemented is a good start in understanding the SEA methodology. During the workshop a particular attention was given to the following topics:

- a) Scoping Exercise
- b) Screening
- c) SEA of Orhei Master Plan
- d) EU/Czech experience
- e) The benefits of SEA application
- f) Data collection
- g) Public Information
- h) Public involvement etc

4. What other instruments/techniques will you recommend for scoping to make the ESM more efficient?

- a) Focus group
- b) Discussions
- c) Brainstorming etc.

5. Other themes to be covered in the future.

Above all, the participants were asked to share their opinion on the future themes and issues that they would like to be covered, so that mostly opted on the practical application of the SEA (11 answers), public involvement in the process of strategic planning (10 answers) so as strategic planning (7 answers). Some participants highlighted the importance of the topics as SEA legislation and application of ESM for national strategies.



6. Please specify your recommendation towards the improving of the similar workshops?

1.	Elaboration of study cases on the local development strategies
2.	More group discussion/work More dynamic exercises
3.	More practical experience/simulations of SEA
4.	More time for the topic coverage
5.	More time for practical exercises More active interaction between participants

In the final analysis can be highlighted that the participants' expectation have been met and the information has been received with interest. More than that, the participants showed an interest in deepening the knowledge in the field by requiring more similar events in the future.

5. Next steps

Following the results of the training workshop (especially the SEA process presentation), following next steps and tasks can be defined in order to further proceed with the national SEA pilot project implementation:

- Finalizing the building of the national team of experts for conducting SEA on Green Economy Action Plan
- Finalizing the SEA Scoping Report of Green Economy Action Plan by the national experts (both Eng and Rom versions)
- Distributing the publications& training materials among participants, placement on the websites. Overall training workshop agenda and report

Annex 1: Workshop agenda

AGENDA

**The practical application of the Draft Law on Strategic Environmental Assessment
in Moldova through the Road Map on promoting green economy:**

Training Workshop in Strategic Environmental Assessment

2-3 December 2015, Chisinau

Conference Room of the VisPas Hotel ,str. Al. Lăpuşneanu 26.

Wednesday, 2 December: Training Workshop in Strategic Environmental Assessment

9.00 – 9.30	Workshop objective Introduction of participants	Mrs. Inga Podoroghin <i>Ministry of Environment</i> Mrs. Rodica Iordanov <i>Team Leader</i>
9:30 – 9.45	EaP Green activities in supporting the implementation of the SEA Protocol of the Espoo Convention in Moldova <i>Introduction of the pilot project on the application of the SEA Draft Law in the process of preparing the roadmap for promoting green economy</i>	Mrs. Rodica Iordanov <i>Team Leader</i> Mr. Michal Musil <i>International expert</i>
9:45 – 10.15	SEA benefits and key procedural steps <i>Introduction, SEA process in practice</i>	Mr. Michal Musil <i>International expert</i>
10.15 – 10.45	Case Study: SEA for Orhei Master Plan	Mrs. Rodica Iordanov <i>Team Leader</i>
10.45- 11.00	Coffee Break	
11.00-11.30	Introduction on the planning process and expected results <i>Roadmap nature: planning techniques and tools; investment decisions; alternatives data etc</i>	Mr. Andrei Isac <i>Local Consultant</i>
11:30 – 11.50	What is Scoping and why we do it? <i>The role of the SEA scoping, techniques and approaches</i>	Mr. Michal Musil <i>International expert</i>

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11.50- 12.30	SEA Scoping: Practical Examples	Mr. Michal Musil <i>International expert</i>
12:30 -14.00	Lunch	
14:00 - 14.20	SEA Scoping <i>General Discussion</i>	Mrs. Rodica Iordanov <i>Team Leader,</i> Mr. Michal Musil <i>International expert</i>
14:20 - 16.20	Exercise on Scoping (<i>Group work</i>):	Mrs. Rodica Iordanov <i>Team Leader,</i> Mr. Michal Musil <i>International expert</i>
Flexible	Coffee Break	
16:20 – 17.15	Presenting the results of the group work <i>Summary of Results</i>	Mr. Andrei Isac <i>Local Consultant</i>
17:15 – 17.30	Conclusions and end of day	

Thursday, 3 December: Training Workshop in Strategic Environmental Assessment

9:00 – 9.30	Considerations on the results of the first day <i>Discussion on the application of the principles of Scoping and possible difficulties</i>	Mr. Andrei Isac <i>Local Consultant</i>
9:30 – 10.30	SEA application: Baseline analysis. <i>The connection with the Scoping; challenges; practical examples</i>	Mr. Michal Musil <i>International expert</i>
	SEA application: The baseline analysis in the SEA for the Master Plan of Orhei town <i>Sharing experience from the first pilot SEA in Moldova</i>	Mr. Andrei Isac <i>Local Consultant</i> Mrs. Rodica Iordanov <i>Team Leader,</i>
10:30 -11.00	Coffee Break	
11:00 – 13.00	SEA of the Roadmap for promoting Green Economy: possible approaches <i>Discussion on the use of analytical methods and indicators in the context of SEA</i>	Mr. Andrei Isac <i>Local Consultant</i> Mr. Michal Musil <i>International expert</i>
13:00 - 14.00	Lunch	
14:15 – 14.45	Exercise on Scoping and Baseline analysis: selection of suitable environmental indicators (<i>Group work</i>):	Mr. Andrei Isac <i>Local Consultant</i> Mr. Michal Musil <i>International expert</i>

14:45 -16.15	Public Participation as a ESM tool <i>Content Outline Scoping report, time and planning official public consultations</i>	Mrs. Rodica Iordanov <i>Team Leader,</i>
Flexible	Coffee Break	
16:15 – 17.20	Next steps, Q&A, Conclusions	Mrs. Rodica Iordanov <i>Team Leader</i>