



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



Expert meeting, public consultation, and round table meeting on SEA-related matters

12- 13 October 2016, Chisinau

EcoContact Office, 12 October, 15.30

Conference Room of the Ministry of Environment, 13 October, 9.00-13.00

Protocol Conference Room Ministry of Environment, 13 October, 14.00 – 17.00

Combined event Report

October, 2016

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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.

Since 2004 the UNECE secretariat has provided technical assistance and capacity building support to foster ratification of, and accession to, the Espoo Convention and its Protocol on SEA in the countries of Eastern Europe, Caucasus and Central Asia. The secretariat has a broad experience in assisting the countries in improving their legislative and institutional frameworks for the implementation of both treaties. The tailor-made training and pilot projects provided by the UNECE have proven to be efficient in building the necessary institutional and human capacities in countries for the effective application of EIA and SEA to their development projects, plans and programmes.

Moldova is a Party to the Protocol on SEA. To better prepare for implementation 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 the Guidelines and Secondary legislation for the implementation 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 Neighborhood' (EaP GREEN) in several phases. The actual phase is oriented to include further development of the national and secondary legislation on SEA and carrying out a national pilot SEA for the national level for environmental optimization and modifications of the National Green Economy Action Plan for the Republic of Moldova (Action Plan).

This Report summarizes the 2nd consultation event of SEA Draft law, as well the meeting with experts and central authorities on the elaboration of the SEA Guideline.

2. Event design

The combined event, which took place on 12 and 13 October 2016, constituted of expert meeting, public consultation, and round table meeting with officials was organized 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 event was to present to interested public the Draft Law on Strategic Environmental Assessment; to address the proposals to amend the horizontal legislation relevant to SEA and to discuss the scoping report of green economy national Road Map; to approve the design and structure of the SEA Guidelines;

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

The event consisted of three parts:

i. Expert meeting (0.5 day) that took place on 12 October 2016 and was attended by experts and consultants hired in frame of the SEA project. At the event participated also the international expert Michal Musil, who provided methodological guidance to the local experts, as well as offered consultancy on all relevant issues.

ii. Public consultation of SEA draft Law - the consultations meeting took place on October 13, and was opened by the Mrs. Inga Podoroghin, State Secretary, Ministry of Environment, and attended by the Mrs. Svetlana Zhekova, EU High Level Policy Adviser, and Mr. Michal Musil, UN ECE International consultant on SEA, and representatives of ministries, NGOs, and governmental agencies (36 participants in total).

iii. Round table kick-off meeting on development of the SEA Guidelines - The meeting took place on October 13, afternoon at the Ministry of Environment. This event invited national SEA experts and representatives of the Ministry of Environment. The key presentation was delivered by Mr. Michal Musil, UNECE international consultant on SEA. The participants discussed and agreed on the structure of the SEA Guidelines also taking note of examples from neighborhood countries, and countries where SEA process is a new instrument for all groups of the society.

3. Summary of main outcomes

There are following major outcomes and conclusions from the above indicated events:

Ad i) Expert meeting.

After a short introduction on the state of the project implementation, made by Ms. Rodica Iordanov and the state of the draft Scoping Report, draft Law on SEA, guidelines, Mr. Michal Musil presented in detail (using the Format of the report with explanations) the structure and chapters of the Environmental Report.

Revised outline of the SEA procedure was explained and discussed by national SEA experts.

The structure and methodology for the completion of the Pilot SEA Environmental Report discussed as well as specific questions related to evaluation of impacts in different sectors and common approach were addressed. The discussion was based on the two guiding documents, developed by the International consultant for the elaboration of the Environmental Report.

Major discussion points highlighted during the meeting were as follow:

- Instructions on the report outline: presentation of the Environmental Report chapters in a coherent and clear way with a focus on the difference from the Scoping report etc.
- An important moment in the development of the Environmental Report was the aspect of critical thinking in elaboration of recommendations for various sectors, such as environment and energy.
- From the beginning, should be identified the potential conflicts, in this way the objectives and recommendations will be developed accordingly;
- Environmental experts proposed that the tourism area – to be covered through cultural and biodiversity field.
- Sectors, which are in addition in the Road map – could be evaluated with the description of the impact on environment, but not on the development of the specific economic sector
- Recommendations to expand the scope of the Road Map, as the SEA Environmental Report will be in the approval process together with the GE Road Map.
- Alternatives: could be proposed the most optimal environmental alternative, in case if the Road Map did not have alternatives
- Special indication of faced problems, data limits

It was agreed during the closing session that the next working meeting of the local consultant's team will take place on October 21, at 16.00, at EcoContact office to discuss the draft Road Map and next steps in the development of the SEA Environmental Report.

Total number of participants – 10 persons (the scanned list of participants is provided as separate annex to this Report)

Ad ii) Public Consultation on the Draft Law on SEA

The consultation was built on the presentation of the draft Law on SEA, which is currently examined by the Parliament in order to be approved.

The agenda included three main presentations:

- Draft Law on SEA (Ms. Rodica Iordanov, EcoContact)
- Draft proposals for the changes in the existing laws and governmental decision, in order to adjust them to the provisions of the draft Law on SEA (Ms Tatiana Plesco, local consultant UN ECE)
- Testing of the draft law on SEA based on two pilot projects (local – Orhei Master Plan, national – Road Map on Green Economy)

During the consultation a set of aspects/issues/themes were addressed and highlighted in order to explain to participants all the concerns and questions arise. Thus, the following comments and viewpoints were particularly discussed:

Q: By whom will be coordinated the SEA development at local level? (Natalia Zamfir). **A:** The coordination has to be done by and with competent authority – the central authority for environment. If in the future, the Environmental Protection Agency will be established with regional branches – this will be the institution, responsible for coordination of SEA at the local level. EPA shall have a division on SEA with regional representatives.

Q: How the process will be developed, if there are already approved strategies with specific objects/projects? (Veronica Josu). **A:** The existing projects will be subject of Environmental Impact Assessment, meaning the already approved programmes or plans will be not subject for SEA.

R: Should be included all SEA reports carried out in the country – as NGO BIOS conducted 6 SEA reports in 2008-2009 for a number of plans for villages at local level for community development (Valentin Ciubotaru)

Q: Would the process of administrative decentralization be affected by the new SEA legislation? (Ministry of regional Development). **A:** No, as the environmental activities at regional level have to be coordinated and plans have to be approved.

R: As draft Law on SEA and its amendments of horizontal legislation is conducted, representatives of Parliament have to be present, as well (Ilya Trombitsky, International Association Eco-Tiras)

Q: If the Ministry of Environment and State Inspectorate do not have enough personal and structures to implement SEA, especially at the local level, how that process will be promoted and implemented? (Dumitru Osipov, SEI). **A:** The establishment of the Environmental Agency will be the solution. The Law on SEA will enter into force in one year after its adoption, so, there will be time for the adoption of horizontal legislation and adjustment of institutional structures.

Q: What happens If a program or plan will not pass the SEA procedure? **A:** It will be proposed not to approve it, as the Ministry of Environment have to issue the endorsement letter.

Q: What happens in case if the author of the strategic document is the Ministry of Environment? (Dumitru Gorelco). **A:** In this case the SEA process should be conducted by an independent body.

R: The SEA Guidelines, with clear division and guidance on each stage application should be developed and published, so all the institutions could be aware of the process itself. **A:** The project in frame of which SEA draft Law is elaborated will elaborate as well a Guideline on SEA procedure;

R: Clear procedure on the inclusion of the necessary budget for the conducting of SEA procedures in the budget of the ministries and local authorities, linked with the midterm budgetary framework.

At the end of event, to all the participants were shared info where they could find the draft law on SEA and the scoping report so that in each moment they could come back with a feedback or some recommendations. Majority of the participants showed interested in further development of SEA and its application in Republic of Moldova as useful and applicable instrument in environmental promotion and economy greening.

Ad iii) Kick-off meeting on the SEA Recommendations (Guidelines) preparation

During the meeting the participants had an opportunity to improve their knowledge and skills on general methodological aspects on the development of the SEA Guidelines for the implementation of SEA Law provisions. These proposals, the proposed structure and format of the SEA Guidelines were introduced by Mr. Michal Musil, international consultant.

The main discussion points were as follow:

- The general structure and content of the guidelines (presented by the international consultant), but with highlight towards compliance of country specific legislation (noting the examples from Georgia, and Armenia) – the copy of the proposed structure of the guidelines will be sent to all participants as well as the examples of SEA Guidelines from other countries
- Reference to the manual on SEA, developed in 2006-2008 by the local participants
- The volume of the text has to accommodate a need for instructions for practical application of SEA procedural provisions set out in the legislation
- The status of the document – its approval through Order of the minister (as more general and focused to the law application) might require a preparation of a separate publication with examples, case studies, and description of the background of the SEA),
- Methodologies for the evaluation of the quality of the environmental report (for screening, for the environmental report, procedures to be respected and the quality of the text). Quality control procedures, structure and criteria, which could be followed and checked.
- The focus should be on the procedural aspects, in order to build the capacities of the authorities to perform SEA

- The draft Guidelines should be developed and continuously consulted with working group, in order to approve the guidelines before the approval of the Law on SEA and its entering into force

Next steps: all documents mentioned and the format of the report to be circulated next week, commented, if necessary by WG members: proposed structure of guidelines, existing Guidelines from countries in the region. Working group members are invited to provide comments on structure and national team leader will elaborate the first draft.

Annex 1 Agenda Expert meeting

Meeting Room, EcoContact office

Serghei Lazo 4 street

Wednesday, 12 October 2016, Expert meeting

15.30 – 16.00	Structure of Environmental Report. Addressing each component separately and its methodology	Michal Musil International Expert
16.00-17.00	Scoping report and SEA DRAFT Law presentation	Rodica Iordanov <i>Team Leader,</i>
17.00 – 18.00	SEA Report Outline: Q&A	Michal Musil International Expert

Annex 2 Agenda Public Consultation SEA draft Law

Thursday, 13 October: Information and consultation workshop

9.30 – 10.00	Registration of participants, coffee break	Natalia Guranda
10.00-10.10	Opening	<i>Inga Podoroghin, State Secretary,</i>
	Workshop objectives	Rodica Iordanov <i>National Consultant</i>
		Michal Musil <i>International Expert</i>
10.10-10.25	Draft Law on SEA <i>presentation</i>	Rodica Iordanov <i>National Consultant</i>
10.25 – 10.35	Moderated discussions	
10.35 – 10.50	Proposal to amend horizontal legislation relevant to the SEA <i>presentation</i>	Tatiana Pleşco <i>National Consultant</i>
10.50-11.10	Moderated discussions	
11.10-11.30	Pilot testing of the draft Law on SEA <i>Examples from the</i>	Andrei Isac <i>Local Consultant EaP GREEN</i>
11.30-11.50	Moderated discussions	
11.50-12.00	<i>Conclusions / Closure</i>	

Annex 3 Agenda Round Table Guidelines outline

Meeting Room, Ministry of Environment

Thursday, 13 October 2016, Working Group meeting

14.00 – 14.30	Presentation of Outline structure based on experience of Georgia and Armenia	Michal Musil International Expert
14.30-15.00	Methodological aspect of SEA Guideline development	Rodica Iordanov <i>Team Leader,</i>
15.00 – 15.30	Practical aspect introduced in the Guidelines	Michal Musil International Expert
15.30 – 16. 00	Informative brochures for general public on SEA procedure and benefits	Michal Musil International Expert
16.00 – 16.40	Q&A; Structure approval	Ministry of Environment