



Action funded by  
the European Union

# EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

## SEA and transboundary EIA in the Republic of Moldova

*Subregional Workshop on the Practical Application of SEA and Transboundary EIA,  
26 – 27 October 2020*

Action implemented by:





Action funded by  
the European Union

## General information

### National legal framework:

- *Law No. 86/2014 on Environmental Impact Assessment;*
- *Law No. 11/2017 on Strategic Environmental Assessment;*
- *Guideline of the EIA procedures*, approved by Order No. 1 of Minister of agriculture, regional development and environment of 04.01.2019;
- *Guideline of the SEA procedures*, approved by Order No. 219 of Minister of agriculture, regional development and environment of 01.10.2018.

### Competent authority:

- *Ministry of Agriculture, Regional Development and Environment* – responsible for developing the national legal framework on EIA/SEA and coordinates the transboundary EIA/SEA procedures;
- *Environmental Agency* – responsible for ensures the national legislation on EIA/SEA and applying the EIA and SEA procedures.



Action funded by  
the European Union

# EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

## The progress achieved

- Started the process of develop and enforce changes in EIA and SEA legislation (with EU4Environment Support);
- The following legal reports were developed by UNECE experts:
  - 1) Legal Report *“Compliance gap analysis and recommendations to address the gaps in the primary law of the Republic of Moldova vis-à-vis provisions of the UNECE Espoo Convention and EU EIA Directive”*.

**General conclusion:** The EIA Law does not correspond to the amendments to Directive 2011/92/EU brought by Directive 2014/52/EU of 16 April 2014. Also, the provisions of the EIA Law and the Guideline of the EIA procedures shall be consistent at the internal level and shall be in accordance with internationally recognized standards and practices.

- 2) Legal Report *“Compliance gap analysis and recommendations to address the gaps in the primary law of the Republic of Moldova vis-à-vis provisions of the UNECE SEA Protocol and EU SEA Directive”*.

**General conclusion:** The SEA Law provides quite a developed legal framework which, despite some deficiencies, properly transposes the UNECE SEA Protocol and the Directive 2001/42/EC. However, legislative changes are needed to ensure full compliance with international standards.

- Establishment of the WG on the development of amendments to the EIA/SEA legislation (July 2020).



Action funded by  
the European Union

# EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

## The progress achieved

- Environmental Agency started to apply/implement the EIA/SEA procedures, according to the national legislation; The register of environmental impact assessments and strategic environmental assessments on its website is functional;
- In the period April 2018 – until now, at the national level were examined 28 requests regarding the determination of the need to carry out the strategic environmental assessment for the projects of the plans or programs and 25 preliminary assessment opinions were issued;
- Improvement and strengthening of the institutional capacity of the central governmental authority (central body of MARDE and Environmental Agency), responsible for SEA for proper SEA process conduction (Workshop on 01.11.2019, EU4Environment, UNECE);
- Improvement the capacities of the ministries and governmental agencies and experts in SEA procedures at national and local level (Workshop on 01.11.2019, EU4Environment, UNECE);
- Possibility to establish permanent training scheme for relevant persons (e.g. practitioners, governmental experts, experts from universities, etc.) shall be established.



Action funded by  
the European Union

# EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

## Existing challenges

- Transmission of documents/process on EIA from the central body of the ministry to the Environment Agency (which have a limited human capacity for SEA/EIA (3 persons) and need of capacity building;
- Limited information on EIA and SEA among the authorities/decision makers and project developers and at local level (2/3 of persons/public servants trained during EaP GREEN (2015-2017) – left their positions after governmental reforms/institutional changes) (partially re-covered by the national awareness workshop on 01.11.2019);
- There is limited capacity of consultancy companies, authorities and practitioners to carry out SEA and EIA;
- Lack experience in SEA/EIA documentation quality control;
- Weak monitoring and post-project analysis schemes (i.e. no control process in place on how SEA/EIA conclusions are implemented in practice);
- Limited capacities and experience in the country to conduct EIA/SEA in transboundary context.



Action funded by  
the European Union

# EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

## Priorities for future

- Development and promote amendments in the EIA and SEA legislation and related national laws (with EU4Environment support);
- Development and improvement of the procedure of application of secondary legislation (Guidelines on EIA/SEA);
- To promote including the procedures and costs for SEA in the Technical assistance projects for developing policy documents at all levels;
- Preparing Guiding documents on specific topics (e.g. methods and tools for evaluating the impacts, quality control, how to consider climate change, ecosystem services, territorial development/planning in EIA/SEA, etc.) or procedural aspects (e.g. screening, public participation, etc.);
- Institutional changes for EIA/SEA promotion and implementation (Environmental Agency, Department on EIA/SEA);
- The training scheme on SEA for environmental and health authorities and the practitioners should be developed.