

# ENHANCING ENVIRONMENTAL ASSESSMENT SYSTEMS IN SELECTED COUNTRIES OF EASTERN EUROPE AND THE CAUCASUS IN LINE WITH THE UNECE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

RESULTS AND LESSONS LEARNED FROM THE 2013-2018 CAPACITY-BUILDING ACTIVITIES  
IN ARMENIA, AZERBAIJAN, BELARUS, GEORGIA, THE REPUBLIC OF MOLDOVA AND UKRAINE

**GREENING ECONOMIES IN THE EASTERN NEIGHBOURHOOD PROGRAMME**

February 2019

## Disclaimer

This publication *Enhancing environmental assessment systems in selected countries of Eastern Europe and the Caucasus in line with the UNECE Protocol on Strategic Environmental Assessment - Results and lessons learned from the 2013-2018 capacity-building activities in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine* (hereinafter also ‘Lessons Learned Publication’) was prepared based on the results of the ‘Greening the Economies in the Eastern Neighbourhood’ programme (EaP GREEN) funded by the European Union. The views expressed herein are those of authors and can in no way be taken to reflect the official opinion of the EU, the United Nations Economic Commission for Europe or the other EaP GREEN implementing organizations.

## Acknowledgments

The lessons learned publication was prepared by the consultants to the UNECE secretariat to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) Martin Smutny, Maia Gachechiladze-Bozhesku, and Michal Musil under the guidance of and with substantial contributions by Elena Santer, the project manager of the EaP GREEN at the UNECE secretariat. UNECE consultants Marina Khotuleva and Matthew Cashmore provided valuable comments and inputs during the preparation of the publication.

## Preface

This publication was prepared by the consultants to the United Nations Economic Commission for Europe (UNECE) secretariat to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) with the support of the secretariat and with funding from the EU-funded “Greening Economies in the Eastern Neighbourhood” (EaP GREEN) programme. It responds to requests of the countries of Eastern Europe, the Caucasus and Central Asia to produce material documenting lessons learned from five-year capacity building activities for Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine under the EaP GREEN.

The publication is intended to address the authorities and donors, as well as the public and other stakeholders, in countries that are in the process of establishing national environmental impact assessment (EIA) and strategic environmental assessment (SEA) systems and/or promoting their systematic implementation. The countries and potential donors may find the publication useful in planning and carrying out further technical assistance and capacity building projects with the ultimate aim of acceding to the Protocol on SEA and the Espoo Convention (if not yet Parties) and effectively implementing them.

The publication briefly introduces the Convention and the Protocol and the procedures they set out. Activities carried out, their outcomes and achievements, remaining challenges and issues, lessons learned and recommendations for further development of SEA and EIA systems are presented on a country specific basis and for the sub-region as a whole. This structure of the document is intended to facilitate use of the information from the publication for planning and programming further technical assistance in each of the countries and in the sub-region.

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## I. INTRODUCTION

### A. ABOUT EAP GREEN

1. The 'Greening Economies in the Eastern Neighbourhood' (EaP GREEN) programme assisted six countries of the European Union Eastern Neighbourhood Partnership – Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine (see the picture below) – in progressing faster towards a green economy framework. The framework aims to foster decoupling economic growth from environmental degradation resulting in higher productivity and competitiveness, better natural capital management, enhanced environmental quality of life, and more resilient economies.



2. More specifically, the EaP GREEN aimed to:
  - (a) Promote the use of Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) as essential planning tools for environmentally sustainable economic development;
  - (b) Mainstream sustainable consumption and production (SCP) into national development plans, legislation and regulatory frameworks with a view to providing a sound legal basis for future policy development in line with the regional and international agreements and processes and consistent with existing EU acquis in the relevant policy areas, and

- (c) Achieve a shift to a green economy through the adoption of sustainable consumption and production practices in selected economic sectors (manufacturing, agriculture, construction, etc.).
3. The EaP GREEN was structured around three components:
    - (a) Governance and financing tools;
    - (b) SEA and EIA: accompanying SCP policy implementation; and
    - (c) Demonstration projects.
  4. The EaP GREEN supported the partner countries' commitments to move towards a green economy as stated in the Joint Declaration of the Warsaw Eastern Partnership Summit (29-30 September 2011) and in the Declaration of the Seventh "Environment for Europe" Ministerial Conference held in Astana (21-23 September 2011). Its objectives were consistent with the agreed vision in the outcome document of the Rio+20 Summit. It was implemented from January 2013 to April 2018 by the four implementing organizations: the Organisation for Economic Co-operation and Development (OECD), the United Nations Economic Commission for Europe (UNECE), the United Nations Environment Programme (UN Environment) and the United Nations Industrial Development Organization (UNIDO).

## B. ROLE OF UNECE

5. The UNECE secretariat to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment supported the beneficiary countries in developing and applying SEA and EIA legislation in accordance with the Protocol on SEA, the Espoo Convention, and the European Union SEA and EIA Directives, as required. The supported activities were linked to the workplans under the Convention and the Protocol, contributing to and focusing mostly on promoting the ratification and implementation of the Protocol on SEA. UNECE's assistance within the EaP GREEN addressed three main areas:
  - (a) Revision of the existing national regulatory and legislative frameworks, including legislative reviews of SEA and, as appropriate, of EIA, legal drafting for SEA legislation and sub-regional overview;
  - (b) Capacity building on practical application of SEA and, where relevant, EIA procedures, including national and sub-national level training on SEA, development of national guidance documents, coordination and experience-sharing events, and pilot SEAs;
  - (c) Strengthening of administrative capacities through the above-mentioned legislative reviews, training workshops, pilot projects and facilitation of a policy dialogue.

## C. ABOUT THE LESSONS LEARNED PUBLICATION

6. The objectives of this publication are to provide:
  - (a) An overview of SEA and EIA activities implemented by the UNECE within the EaP GREEN;
  - (b) Main outcomes and achievements of the project;
  - (c) Lessons learned identifying remaining challenges towards implementation of SEA and EIA schemes in full compliance with the Convention and the Protocol;

(d) Recommendations for further development and reinforcement of those systems in the beneficiary countries.

7. The publication is based on the views of the national counterparts provided during various EaP GREEN funded training and awareness-raising events and the opinions of national and international consultants involved in the EaP GREEN implementation. The recommendations for further development of national SEA and EIA systems in the six beneficiary countries reflect statements made by the representatives of those countries at the final dissemination events carried out from November 2017 to February 2018.<sup>1</sup> They also take into account considerations and actions integrated into the national capacity building strategies or roadmaps prepared by Armenia, Georgia, the Republic of Moldova, and Ukraine.

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<sup>1</sup> The information about the training workshops and awareness-raising and final dissemination events is available on the website of the Convention and the Protocol following the link: [https://www.unece.org/env/eia/about/eap\\_green.html](https://www.unece.org/env/eia/about/eap_green.html)

## II. STRATEGIC ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

### A. WHAT ARE STRATEGIC ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

8. **Strategic Environmental Assessment (SEA)** is internationally recognized as the key instrument for integrating environmental and health concerns into strategic planning and decision-making to prevent and mitigate possible damage from economic and regional development. It promotes sustainable development goals and principles and supports efforts towards the transition to a green economy. SEA should be applied during the preparation of government strategic documents<sup>2</sup> in order to ensure that the environmental and health implications of planned developments are analysed and considered early in decision-making processes, before decisions are made. In addition, relevant authorities and the public should be properly consulted in the process. As a result, SEA increases the legitimacy of planning and decision-making processes and their outcomes.
9. The UNECE Protocol on Strategic Environmental Assessment and the EU SEA Directive<sup>3</sup> define SEA as follows:

PROTOCOL ON SEA	EU SEA DIRECTIVE
“THE EVALUATION OF THE LIKELY ENVIRONMENTAL, INCLUDING HEALTH, EFFECTS, WHICH COMPRISES THE DETERMINATION OF THE SCOPE OF AN ENVIRONMENTAL REPORT AND ITS PREPARATION, THE CARRYING-OUT OF PUBLIC PARTICIPATION AND CONSULTATIONS, AND THE TAKING INTO ACCOUNT OF THE ENVIRONMENTAL REPORT AND THE RESULTS OF THE PUBLIC PARTICIPATION AND CONSULTATIONS IN A PLAN OR PROGRAMME” (ART. 2, PARA. 6).	“THE PREPARATION OF AN ENVIRONMENTAL REPORT, THE CARRYING OUT OF CONSULTATIONS, THE TAKING INTO ACCOUNT OF THE ENVIRONMENTAL REPORT AND THE RESULTS OF THE CONSULTATIONS IN DECISION-MAKING AND THE PROVISION OF INFORMATION ON THE DECISION IN ACCORDANCE WITH ARTICLES 4 TO 9” (ART. 2 (B)).

10. **Environmental impact assessment (EIA)** is a systematic process of identifying and assessing the likely environmental impacts of a project proposal and suggesting measures to avoid or minimise the potential adverse impacts. EIA provides an opportunity to identify key issues and stakeholders early in a project life and to inform decision-makers of the likely impacts of a proposed project before approval decisions are made, so that the findings of the EIA could be considered during the decision-making.

<sup>2</sup> “Strategic documents” refer to documents (and any modifications to them) required by legislative, regulatory or administrative provisions and subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government (cf. art. 2, para. 5, of the Protocol on SEA). Strategic documents that are subject to SEA according to the Protocol on SEA in different countries have various names, including plans, programmes, policies, concepts, conditions.

<sup>3</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. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32001L0042>.

11. The UNECE Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and the EU EIA Directive<sup>4</sup> define EIA as follows:

ESPOO CONVENTION	EU EIA DIRECTIVE
<p>“A NATIONAL PROCEDURE FOR EVALUATING THE LIKELY IMPACT OF A PROPOSED ACTIVITY ON THE ENVIRONMENT” (ART. 1.(VI))</p>	<p>“(G) “ENVIRONMENTAL IMPACT ASSESSMENT” MEANS A PROCESS CONSISTING OF:</p> <p>(I) THE PREPARATION OF AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT BY THE DEVELOPER, AS REFERRED TO IN ARTICLE 5(1) AND (2);</p> <p>(II) THE CARRYING OUT OF CONSULTATIONS AS REFERRED TO IN ARTICLE 6 AND, WHERE RELEVANT, ARTICLE 7;</p> <p>(III) THE EXAMINATION BY THE COMPETENT AUTHORITY OF THE INFORMATION PRESENTED IN THE EIA REPORT AND ANY SUPPLEMENTARY INFORMATION PROVIDED, WHERE NECESSARY, BY THE DEVELOPER IN ACCORDANCE WITH ARTICLE 5(3), AND ANY RELEVANT INFORMATION RECEIVED THROUGH THE CONSULTATIONS UNDER ARTICLES 6 AND 7;</p> <p>(IV) THE REASONED CONCLUSION BY THE COMPETENT AUTHORITY ON THE SIGNIFICANT EFFECTS OF THE PROJECT ON THE ENVIRONMENT, TAKING INTO ACCOUNT THE RESULTS OF THE EXAMINATION REFERRED TO IN POINT (III) AND, WHERE APPROPRIATE, ITS OWN SUPPLEMENTARY EXAMINATION; AND</p> <p>(V) THE INTEGRATION OF THE COMPETENT AUTHORITY’S REASONED CONCLUSION INTO ANY OF THE DECISIONS REFERRED TO IN ARTICLE 8A.” (ART.2.(B)).</p>

12. Procedural and substantive provisions contained in both instruments have to be reflected in the national EIA systems. To ensure they are in line with the Convention, these systems should also address a transboundary context.

13. EIA and SEA have been put at the forefront, in the light of the sustainability concept, as the key management tools for anticipatory environmental- and socially-conscious planning and development. Being practiced since the 1970s, EIA has become a widespread instrument and is part

<sup>4</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended by the Directive 2014/52/EU of 16 April 2014. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0092>.

of national legislations in more than 100 countries. SEA, as a more recent tool, is practiced in about 40 countries; however, it is being promoted and adopted in more countries and jurisdictions.

## B. ABOUT THE ESPOO CONVENTION AND ITS PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

14. The Espoo Convention sets out the obligations of Parties to assess the environmental impact of certain activities that are likely to produce significant transboundary impact at an early stage of planning, and to notify and consult each other. The Convention was adopted in 1991 and entered into force on 10 September 1997. It was amended twice — in 2001 and 2004 — and both amendments are in force (see ECE/MP.EIA/4, decision II/14 and ECE/MP.EIA/6, decision III/7). The Convention is in the process of becoming a global instrument. In general terms, the Convention provides a legal and procedural framework for transboundary procedures while allowing for differences between national environmental impact assessment systems and procedures.
15. The Protocol on SEA augments the Espoo Convention by ensuring that individual Parties integrate environmental, including health, considerations into their plans and programmes at early stages of their preparation. It also sets a non-mandatory framework for the assessment of policies and legislation. The Protocol on SEA was negotiated under the Espoo Convention to extend the scope of the Convention; however, it is a legally distinct instrument. It was signed in Kyiv in 2003 and entered into force on 11 July 2010. The Protocol is an international agreement that provides for legal obligations and a procedural framework for the implementation of SEA in countries that are Parties to it. It is open to all member States of the United Nations.
16. The Protocol on SEA is considered by its Parties as a key tool for sustainable development. Its implementation is expected to assist the countries in achieving Sustainable Development Goals and their targets as set out in the 2030 Agenda for Sustainable Development, which came into effect in January 2016 and will guide the decisions of the United Nations Member Governments over the next 15 years and beyond.
17. More information about the Espoo Convention and the Protocol on SEA can be found on the UNECE website.<sup>5</sup>

## C. STRATEGIC ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT IN THE EAP COUNTRIES IN 2013 – BEFORE THE EAP GREEN

18. In 2013 and 2014, at the outset of the EaP GREEN out of six beneficiary countries, only Armenia had specific legislation requiring and regulating the SEA procedure for strategic government documents. However, that system needed to be enhanced to fully comply with the provisions of the Protocol (and the Convention). In the other countries, except Georgia, certain categories of strategic documents, such as plans, programmes, urban and regional planning documentation along with

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<sup>5</sup> Espoo Convention: <https://www.unece.org/env/eia/eia.html> and Protocol on SEA: [https://www.unece.org/env/eia/sea\\_protocol.html](https://www.unece.org/env/eia/sea_protocol.html)

some development projects, were subject to state ecological expertise (SEE) that was usually regulated by a national law and a series of subordinate acts.<sup>6</sup>

19. SEE was an environmental part of the regulatory framework systems for development control that were common in the countries of Eastern Europe, the Caucasus and Central Asia. SEE was required for planned activities (mostly concrete development projects, but also to some extent plans and programmes) that were likely to have a significant effect or impact on the environment. It was conducted by competent environmental authorities or by external experts nominated by the competent environmental authorities. The procedure was finalized with the so-called 'expertise conclusion'. The activity could be implemented only if the conclusion was positive.
20. Additionally, activities which are considered to have a potentially significant adverse impact on the environment were subject to EIA/OVOS.<sup>7</sup> Each country had a list of activities which required SEE and/or OVOS. Until recently, the application of SEE/OVOS had been focused on the individual projects. Therefore, most of the beneficiary countries had executive regulations on OVOS regulating the details of project assessment, where the respective obligations rested mostly with the developers.
21. Although, according to the national OVOS/SEE legislation in Azerbaijan, Belarus, the Republic of Moldova and Ukraine, the SEE procedures had to be applied to certain plans, programmes, laws, and urban planning documentation, in practice, SEE for these strategic documents was rarely carried out and was often limited to the formal approval of the drafts of strategic documents. Only a few examples of the SEE for strategic documents could be found in Ukraine and Azerbaijan. Most of these examples are in the field of urban planning (Ukraine) and regional development programs, master plans and other urban planning strategic documents (Azerbaijan). SEE was not applied to plans and programmes in other economic areas. The main reasons for the limited application of OVOS/SEE to plans and programmes included the lack of institutional capacities, financial resources, and clear specific legal and procedural requirements for environmental assessment for strategic documents, as well as the lack of enforcement.

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<sup>6</sup> CE/MP.EIA/WG.2/2016/5/INF.6, para. 18, available online at:

[http://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.5\\_April2016/ece.mp.eia.wg.2.2016.INF.6\\_EN\\_draft\\_overview\\_of\\_legal\\_reforms\\_clean.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.5_April2016/ece.mp.eia.wg.2.2016.INF.6_EN_draft_overview_of_legal_reforms_clean.pdf)

<sup>7</sup> OVOS - an acronym which stands for literal translation of 'assessment of the impact upon the environment' from English into Russian. The Russian version of the abbreviation, e.g. OVOS is used in this publication to refer to the systems that were common in the countries of Eastern Europe, the Caucasus and Central Asia in 2013-2014 and that have significant differences with the EIA systems aligned with the Convention.

### III. OVERVIEW OF EAP GREEN ACTIVITIES IN THE BENEFICIARY COUNTRIES

22. As presented in the table below, the scope of the EaP GREEN activities to promote the application of SEA in line with the Protocol, and of EIA in line with the Convention in the six beneficiary countries was similar and included:

- (a) Revision of the existing national regulatory and legislative frameworks with a view to aligning them with the provisions of the two treaties;
- (b) Capacity-building on SEA and/or EIA procedures, including training of national officials and pilot applications of SEA to selected government plans and programmes;
- (c) Strengthening of administrative capacities and clarification of the roles of different stakeholders in SEA and EIA.

23. A series of sub-regional events were offered to support national activities and facilitate experience exchange among the beneficiary countries. It is important to emphasize that when designing a strategy and an approach to implement those activities in individual countries, UNECE carefully considered the national context and needs of each country. The details are described in the country-specific sections and the section on sub-regional activities.

**Overview of the main outputs from UNECE activities financed through the EaP GREEN**

						
	Armenia	Azerbaijan	Belarus	Georgia	Republic of Moldova	Ukraine
<b>Establishing legislative framework for SEA and EIA</b>						
Legislative review carried out	✓	✓	✓	✓	✓	✓
Support to drafting the legislation provided including awareness raising events to support adoption of the legislation	✓	✓	✓	✓	✓	✓
Draft legislation submitted for adoption		✓				
Legislation adopted	✓		✓	✓	✓	✓
<b>Implementing SEA/EIA pilots</b>						
SEA pilots conducted	✓	✓		✓	✓	
EIA pilot in a transboundary context conducted			✓			✓
<b>Preparing national SEA guidelines</b>						
National SEA guidelines prepared	✓	✓		✓	✓	✓
<b>Organizing trainings on SEA</b>						
The training manual prepared English and Russian as a background for future trainings and workshops in the countries	✓	✓	✓	✓	✓	✓
Training materials on SEA tailored to national and local conditions produced	✓	✓	✓	✓	✓	✓
Relevant governmental staff, experts, representatives of NGOs trained on SEA	✓	✓	✓	✓	✓	✓
Participation of the country representatives at the sub-regional events	✓	✓	✓	✓	✓	✓

## A. ARMENIA

### Activities carried out

24. Since becoming a Party to the Protocol on SEA in 2011, Armenia has been gradually introducing the required SEA elements into its planning and permitting systems. UNECE further supported this process. The first phase of the EaP GREEN activities was launched by UNECE in the format of a four-day training on SEA (November 2014) along with a review of the legal and institutional frameworks for SEA (October 2014). The findings and recommendations of the review covering, inter alia, the Law of Armenia *On environmental impact assessment and expertise* (August 2014) that regulated both SEA and EIA, concluded that the SEA system was not fully in line with the provisions of the Protocol on SEA and that the Law needed to be amended to align it with the Protocol. Based on the results of the review, UNECE supported a legal drafting process, including:
- (a) legal assistance to prepare draft amendments to the Law and draft secondary legislation;
  - (b) series of awareness-raising and training events to facilitate the acceptance of the outcomes among decision-makers and the public, namely:
    - i. one national roundtable (September 2014) to discuss the review's findings and to develop the workplan for enhancing the Law and developing by-laws,
    - ii. two workshops (March 2016 and February 2017) to get feedback from the stakeholders on the draft amended Law and the draft Government Decision on SEA.
25. During the drafting process, some elements of the EIA scheme were further aligned with the Convention. At the end of 2016, the draft Law was submitted to the Parliament for comments. In the course of 2017, based on the comments received at and after the workshop in February 2017, international and national experts to UNECE in cooperation with the Ministry of Nature Protection prepared the next draft that was subsequently submitted for intergovernmental consultations at the end of that year. In January-March 2018, with the help of the EaP GREEN, some additional elements – identified during an evaluation of the pilot SEA and preparation of the *Guidelines on Practical Application of SEA in Armenia* – were incorporated into the draft Government Decision on SEA by the Ministry. As of March 2018, the intergovernmental consultations on the draft amendments to the law and the draft Decision on SEA have not been concluded.
26. To demonstrate the opportunities linked to the practical application of the SEA procedure as per the amended law, as well as testing its provisions and those of the draft Government Decision on SEA, a pilot SEA was conducted for the *National Strategic Development Plan, Road Map and Long-Term Investment Plan for the Solid Waste Management Sector in Armenia* (2016 – 2017). The pilot SEA provided hands-on experience for the stakeholders to 'walk through' all SEA steps and analyses. The team of national experts and other participants attended one webinar and two training workshops (January, March and June 2016). Extensive consultations on the draft scoping and SEA reports were organized both in Yerevan and in five regional centres of Armenia in 2016-2017.
27. In March 2018, the *Guidelines on Practical Application of SEA in Armenia* were prepared, building on the experience gained during the pilot SEA. The Guidelines provided a step-by-step interpretation of the draft legal provisions complementing them, as feasible, with some practical examples. To further promote the application of SEA in Armenia and adoption of the amended legislation, UNECE helped

to develop a short leaflet, a comprehensive brochure and a video on the Protocol on SEA and its benefits in Armenian with the assistance of the EaP GREEN. Copies of the leaflet were distributed and the video was shown during numerous awareness-raising events. In 2018, the SEA and EIA capacity-building roadmap for Armenia was prepared to help the country plan and implement its short-term activities and a long-term capacity-building strategy to strengthen its SEA and EIA systems and practice.

### **Main results and achievements**

28. The legal assistance launched at Armenia's request, including the legislative review and drafting amendments to the Law and Government Decision on SEA further to the review recommendations, was an important step towards establishing a national legislative framework for SEA and EIA in line with the Convention and the Protocol.
29. The national draft Guidance spelling out practical application of the SEA procedure is another important pillar of a new national SEA system. It should be finalized further to the expected adoption of the amended Law and the Government Decision on SEA. The brochure and the video on the Protocol on SEA prepared in the Armenian language were considered to be an effective means to promote the benefits of SEA in the country. Both can be extensively used in the future to support the adoption of the new legislative framework.
30. Contributions of the pilot SEA to enhancing the national SEA system can be summarized as follows:
  - (a) The pilot SEA has revealed that:
    - i. The Law on Waste of Armenia should be amended to better incorporate the preventative principle and processes for waste reduction, sorting and recycling;
    - ii. Waste collection locations and criteria and standards for waste storage should be defined by the relevant by-law;
  - (b) The recommendations developed through the SEA pilot included among others:
    - i. A list of factors to be considered when taking a siting decision for a waste management facility, such as proximity of landfill sites to water protection sanitary zones, existing aquifers, environmental protection zones, flow formation zones, floods, and mudflows risks. Proposed locations need to be consulted with the Water Resources Management Agency, Hydrogeological Monitoring Center, and Hydro-meteorological Monitoring Center;
    - ii. A proposal to reduce waste collection fees for the rural communities and disadvantaged/vulnerable society groups, taking into consideration high unemployment rates in the rural regions;
    - iii. A list of specific recommendations and measures to be considered in further development of the solid waste sector, including project-level guidance on what to focus EIAs for specific projects on;
  - (c) The pilot SEA also contributed to:
    - i. enhancing communication among sectoral and environmental authorities with regard to improving the country's waste management legislative framework and practice;

- ii. raising awareness of waste management issues in the country and of the role of SEA in waste management planning among the regional environmental and health authorities in five regions of Armenia, particularly through scoping consultation meetings;
- iii. building capacities of 10 national officials and experts, including in terms of theoretical background and practical application of SEA;
- iv. raising awareness of SEA among national and regional government authorities and the general public;
- v. developing meaningful and more tailored amendments to the draft Law and the draft Government Decision on SEA.

31. The awareness-raising and capacity building events carried out during the project also delivered a number of positive outcomes, including:

- (a) Raised awareness of the key benefits of SEA among high-level decision-makers;
- (b) Raised awareness of and strengthened capacities in the practical application of SEA among:
  - i. central authorities responsible for environmental and health issues; and
  - ii. central authorities responsible for sectoral planning.
- (c) Constructive feedback on the draft amendments to the Law and the draft Government Decision on SEA from a wide range of stakeholders;
- (d) High visibility of the EaP GREEN funded events and easy accessibility of the prepared materials on SEA for users in Armenia, including the video and brochure on the Protocol on SEA in the Armenia language;
- (e) Participation of various stakeholders in identifying national priorities and needs to sustain the reforms and the further development of the SEA and EIA systems in the country and develop a road map to overcome the existing challenges in this process.

32. Overall, the EaP GREEN's extensive awareness-raising campaign, along with its workshops and consultation scheme, familiarized nearly a hundred and fifty participants in Armenia with the concept of SEA and its key principles, methods and tools to be applied.

### Challenges and issues

33. Although Armenia adopted the Law regulating both EIA and SEA in 2014, so far no regular practice of applying SEA has been established. The institutional, human and financial capacities need to be further systematically and carefully developed for the effective implementation of the Law. While preparation of strategic documents, including plans and programmes, has been planned through workplans of individual state agencies, no funding for SEA has been envisioned in the budgets of these agencies. These remain among the main obstacles to the wide use of SEA as set out in the existing national legislation of Armenia.

34. When carrying out a SEA procedure, the SEA practitioners faced several obstacles, such as:

- (a) no funding for SEA envisioned in the work plans and budgets of government agencies;

- (b) lack of effective monitoring systems at the country level and of databases on certain types of environmental and health information that can be used for the purposes of SEA;
- (c) lack of understanding of the key gaps in the health datasets and how the available health information can be used for SEA.

35. Consultancy companies and practitioners have been in the process of developing their capacities to meet the demand for an increased number of SEAs and EIAs. However, pending the adoption of the enhanced EIA and SEA legislative and institutional frameworks aligned with the Convention and the Protocol, the progress remains slow.

### Lessons learned

36. The following lessons were learned as a result of the implementation of the EaP GREEN funded SEA activities in Armenia:

- (a) Workshops and training events linked to a pilot SEA have been found to be more efficient and enabling more learning than those based on hypothetical SEA cases.
- (b) Effectiveness of legislative drafting processes increases if supported by an extensive awareness-raising and advocacy campaign on SEA, EIA and their benefits among the key decision-makers.
- (c) SEA for plans and programmes may lead not only to suggestions to improve environmental performance at the project level for a specific economic sector. It can also facilitate legislative reforms in that sector (in this particular case, the waste sector) by, for example, outlining necessary improvements to the existing legislation.
- (d) Preparation of the SEA Guidance after the completion of the pilot SEA becomes more effective and more tailored to the national context when lessons learned from the pilot SEA are thoroughly considered in the guidance development process.

### Recommendations for further development of SEA and EIA systems in Armenia

37. Further development of the environmental assessment system in Armenia in line with the Protocol and the Convention and other international standards requires, first and foremost, the adoption of the revised Law on EIA and Expertise aligned with these treaties. It should be followed by:

- (a) enacting the Government Decision on SEA and other secondary legislation on SEA and EIA;
- (b) finalizing the SEA Guidance and its distribution among all planning authorities responsible for the preparation of strategic documents;
- (c) dedicated capacity-building workshops and consultations led by the Ministry of Natural Protection of Armenia with the aim of clarifying individual steps of the SEA procedure – as set out in the new legislation and the Guidance – for the key target groups, i.e. planning agencies, environmental and health authorities, environmental assessment experts, practitioners and consultants;
- (d) awareness raising on SEA benefits and the importance of public participation among decision-makers and the public, respectively. Capacity-building and awareness-raising activities can be linked with additional pilot SEAs to ensure more sustainable and effective learning.

### Activities carried out

38. The first block of the EaP GREEN funded activities in Azerbaijan was focused on reviewing and revising national legislative and institutional frameworks vis-à-vis the Protocol on SEA and the Convention. The legislative review on the application of SEA and EIA was carried out from May to October 2014. It revealed that compliance with the provisions of the Convention, the Protocol and the relevant EU legislation would require several changes and amendments to the existing legislation. This issue was addressed at the first round-table to discuss the existing environmental assessment legislation of Azerbaijan organized in Baku in August 2014. At the follow-up legal drafting meeting in October 2014, UNECE presented to the Ministry of Ecology and Natural Resources of Azerbaijan a concept for amending the draft Law on EIA that at the time was under preparation by the Government. Following the extensive work of the Ministry representatives and the UNECE consultants, the draft amended Law on EIA was presented and discussed at the second roundtable in Baku in March 2015.
39. In late 2016, Azerbaijan finalized the draft Law on EIA that provided a significantly improved legal framework for EIA and SEA although certain gaps vis-à-vis the provisions of the Protocol and the Convention still remained. The draft Law was submitted to an internal governmental consultation procedure in June 2016 and was later revised to integrate the conclusions of the internal consultation. Unfortunately, these further revisions resulted in excluding certain detailed inputs provided previously by the consultants to UNECE and the revised draft Law submitted to the Cabinet of Ministers in February 2016 contained some deficiencies precluding proper implementation of the Convention and the Protocol. At the end of February 2017, the draft Law was subsequently submitted to the Presidential Office that introduced further changes to the draft. The revised version was submitted to the Parliament in February 2018, passed the first reading in April 2018 and entered into force in July 2018. In September 2018, the Government started the process of preparing six pieces of secondary legislation to implement the Law and address some deficiencies in the Law and some discrepancies between the Law, the Convention and the Protocol. The secondary legislation would cover, inter alia, regulations on state ecological expertise, strategic environmental assessment, environmental impact assessment, transboundary environmental impact assessment and the procedure for certification of consultants on strategic environmental assessment and environmental impact assessment.
40. The other block of the EaP GREEN funded activities in Azerbaijan was focused on fostering the application of SEA in the country. In early 2015, the pilot SEA of the *2015-2020 National Strategy of Azerbaijan on the Use of Alternative and Renewable Energy Sources* was launched. It aimed to build capacities for application of SEA procedures and to raise awareness of the benefits of SEA. The SEA pilot was jointly coordinated by the Ministry of Ecology and Natural Resources, the State Agency on Alternative and Renewable Energy Sources, and the UNECE secretariat. The environmental report was finalized in September 2016, outlining the SEA findings and recommendations for the strategy implementation. The results of the pilot project were disseminated during the 7<sup>th</sup> International Forum on Energy for Sustainable Development (Baku, 21 October 2016).

41. Experience from the pilot SEA was considered in the draft *Recommendations on Implementation of the National SEA Procedure* developed by the national experts in cooperation with UNECE consultants from September 2017 to March 2018. The Recommendations aimed to support the implementation of the SEA procedure as set out by the draft legislation on SEA, taking into account the provisions of the Protocol.
42. An additional training event on application of SEA and a final EaP GREEN event to disseminate the results of the SEA and EIA related activities in the country were organized in April 2018. They provided an opportunity to discuss practical aspects of SEA implementation in accordance with the draft new legislation and to outline deficiencies of that legislation vis-à-vis the Convention and the Protocol. The participants also considered the priorities for and pragmatic steps needed to further enhance the environmental assessment system in line with the two treaties.
43. Through the EaP GREEN funded extensive training and awareness-raising scheme, combined with the pilot SEA and the legislative reform, around one hundred government officials and representatives of the public were familiarized with the key principles of SEA, its methods, and tools to be applied. The events provided an opportunity to identify and discuss potential bottlenecks for carrying out the SEA procedures as outlined in the draft national legislation. Besides, the video and the brochure on the Protocol on SEA prepared in the Azerbaijani language, explaining main SEA steps, and widely distributed through social media, proved to be a very effective means for promoting the benefits of SEA.

#### **Main results and achievements**

44. Although the Law on EIA has a number of deficiencies as compared to the provisions of the Convention and the Protocol, its adoption and entry into force can be considered as an important step towards establishing a national legislative framework for EIA and SEA systems. In addition, the drafting process enhanced an understanding of the importance of SEA as a tool for greening economy and attaining sustainable development goals among the key decision-makers, including the Cabinet of Ministers, Presidential Office, and representatives of the Parliament.
45. The benefits of the pilot SEA can be summarized as follows:
  - (a) The SEA procedure allowed addressing environmental and health impacts of the renewable energy sector at the strategic level and outlined related opportunities to enhance environmental and health protection;
  - (b) Potential conflicts between renewable energy and mining were analysed;
  - (c) Recommendations and measures to be considered in the context of renewable energy development (including guidance for project-level assessments) were formulated;
  - (d) Communication among energy, environmental and health authorities was improved with regard to the integration of environmental and health considerations into energy planning and programming;
  - (e) More than 10 people gained both theoretical knowledge of and practical experience on SEA and the awareness of SEA among government authorities increased;
  - (f) Furthermore, experience gained in the SEA pilot constituted an additional substantive basis for developing the draft *Recommendations on Implementation of the National SEA*

*Procedure* that were to be finalised based on the adopted Law and the expected secondary legislation.

46. The awareness-raising materials available in the Azerbaijani language can be used to further disseminate information about SEA among the key stakeholders.

### Challenges and issues

47. Although the EaP GREEN funded legislative support for developing the national legislation on SEA and EIA has been long and comprehensive, bringing the draft Law on EIA closer to the provisions of the Convention and the Protocol, the adopted Law contains significant gaps as compared to the provisions of the two treaties. This may indicate some lack of awareness and political support with regard to the country's commitments to implement the Convention and its willingness to accede to the Protocol. At the same time, the adoption of the Law on EIA that introduces requirements to carry out SEA for plans and programmes can be considered a step forward.
48. There is a lack of national capacities to support the drafting of national legislation. For example, national independent legal consultants that were identified to support the drafting process lacked the knowledge of the national environmental assessment system and obligations under the Convention, the Protocol, and relevant EU Directives. Therefore, legislative assistance in Azerbaijan, including revising the draft Law before its submission to the inter-governmental consultations, was arranged and coordinated directly by the National Focal Point under the Espoo Convention.
49. The SEA pilot has revealed that whereas SEA provides useful substantive inputs to the planning process, its implementation may be challenging due to frequent changes in responsible government structures and unclear decision-making processes.

### Lessons learned

50. The following lessons were learned as a result of the implementation of the EaP GREEN funded SEA activities in Azerbaijan:
  - (a) The legislative drafting process is more effective when supported by an extensive awareness-raising and advocacy campaign for key decision-makers with a focus on SEA and EIA benefits and procedures. This may include high-level events and preparation of advocacy materials;
  - (b) A pilot SEA requires intensive involvement of the representatives of a planning agency – the outputs in the key stages (scoping, draft SEA report) should be communicated to and agreed with the high-level officials from the planning agency;
  - (c) At the beginning of an SEA procedure, it is important to clarify an administrative procedure for adopting the plan or programme and to make an agreement with the planning agency on how SEA outcomes are to be taken into account in the decision-making.

## Recommendations for further development of SEA and EIA systems in Azerbaijan

51. Despite the progress described above, further efforts are needed to establish national SEA and EIA systems (a) in line with the Convention and the Protocol; (b) enabling SEA and EIA procedures to be used as standard tools for preparing relevant plans, programmes, and projects:
- (a) Addressing the gaps of the Law vis-à-vis the Convention and the Protocol and adoption of the secondary legislation on EIA and SEA that is fully aligned with the two treaties is the top priority;
  - (b) After establishing the legislative framework, the SEA Recommendations need to be finalized and distributed among the planning agencies to clarify specific details of the proposed SEA procedure. Recommendations on carrying out EIA might also prove useful;
  - (c) Further capacity building on coordination and carrying out of SEA procedures for environmental and health authorities, planning agencies, as well as experts and practitioners as key target groups is important. This would optimally be linked to pilot application of SEAs.

## C. BELARUS

### Activities carried out

52. The EaP GREEN funded work in Belarus started in May 2013 with an initial review of the legislative and institutional frameworks for SEA and EIA. The conclusions of the review and proposed alternatives of further steps were presented and discussed with relevant stakeholders in September 2013. Further to the review results, Belarus with the support of the EaP GREEN drafted the new Law on State Ecological Expertise, SEA and EIA, which was adopted in July 2016. Although the Law provided an improved legal framework for SEA, certain gaps vis-à-vis the provisions of the Protocol and the Convention remained. Belarus succeeded in addressing only some of the gaps through secondary legislation on EIA, SEA, and state ecological expertise adopted in January 2017. To align its legislative framework for environmental assessment with the Convention and the Protocol, further amendments to the Law and the secondary implementing legislation are required. In general, UNECE legislative assistance comprised in-depth training activities on SEA and EIA that allowed representatives of the planning and environmental authorities and the legislative drafting team to increase their understanding of the main provisions of the Convention and the Protocol and to discuss possibilities of their transposition into the national system. These training events helped to provide numerous comments to various drafts of the Law and draft secondary legislation.
53. Besides the legislative assistance, three regional-level training workshops on SEA were organized in Gomel, Brest, and Grodno in 2013. Fifty-four experts from regional authorities, municipalities, NGOs, and other organizations were familiarized with the concept and use of SEA, which was illustrated through a case study. A national-level training on SEA was conducted in December 2017 to support the implementation of the national legislation on SEA.
54. A joint pilot project between Belarus and Ukraine was focused on the EIA post-project analysis in a transboundary context of the exploitation of the Khotislavskoye quarry and was carried out in 2013-2014. The outcomes of the project – the report by the bilateral working group, as well as the draft recommendations on improving post-project analysis – were presented and discussed at a sub-

regional conference in April 2014. The conference was organized in the framework of “*Managing Environmental Security Risks with EIA and SEA*”, a joint UNECE-UNEP-UNDP project financed through the Environment and Security Initiative (ENVSEC). The event was attended by more than sixty participants representing national authorities, research institutes, NGOs, and the private sector from Belarus and Ukraine. Furthermore, experts from Armenia, Azerbaijan, Georgia, Lithuania, Poland, the Republic of Moldova, the Russian Federation, Slovenia and representatives of several international organizations took part in the conference. The participants confirmed the recommendations formulated by the pilot project regarding the transboundary EIA procedure to determine clear steps and to set conditions for the participation of the affected Party in the EIA process conducted by the Party of origin.

55. The final national event on the SEA and EIA component was organized in December 2017 to present the outcomes and results regarding SEA and EIA achieved within the EaP GREEN in the country and to discuss priorities and needs regarding further development of the national SEA and EIA systems.

### **Main results and achievements**

56. Despite the existing gaps vis-à-vis the Protocol, the adopted legislative framework for SEA, including the Law and the corresponding secondary legislation, represents an important step towards the country’s accession to the Protocol.
57. The joint pilot EIA in a transboundary context provided the following main results:
- (a) The bilateral Working Group on environmental monitoring of the Khotislavskoye quarry was established to facilitate a dialogue on the post-project analysis between experts of Belarus and Ukraine;
  - (b) Data on the Khotislavskoye quarry was collected and analysed, and
  - (c) Recommendations for improving the transboundary EIA procedure and post-project analysis in Belarus and Ukraine were prepared and discussed.
58. Additionally, the pilot project formulated recommendations on how to address existing weaknesses and gaps in the national EIA systems, with a focus on post-project analysis, which were accepted by both countries.

### **Challenges and issues**

59. There is limited awareness of the need to systematically apply SEA among the regional and local authorities, which may prevent implementation of SEA procedures at the sub-national level.
60. Adoption of the new legislative framework and available technical expert capacities with experience from EIA/OVOS fields are not sufficient to initiate and support the development of SEA practice in the country. The efficient SEA system requires the appropriate institutional structure, cooperation between planning and environmental professionals, practical experience, and willingness to involve environmental professionals in the planning processes at early stages.

## Lessons learned

61. A pilot SEA is one of the key capacity-building elements. No SEA pilot within the EaP GREEN in Belarus resulted in a lack of experience that could have been beneficial for drafting the new legislative framework for SEA. The pilot could also have provided a case example to be considered in training events on SEA. On the other hand, the joint pilot project on a post-project analysis provided a unique opportunity to discuss the challenges related to the post-project analysis and to uncover some issues associated with transboundary consultations in EIA. Therefore, further pilots – both on SEA and EIA – with transboundary aspects should be considered within further technical assistance.

## Recommendations for further development of SEA and EIA systems in Belarus

62. Further development of the SEA and EIA systems in Belarus requires continued capacity building to coordinate and carry out SEA and EIA procedures. Environmental and health authorities, planning agencies, as well as experts and practitioners, are to be considered as key target groups for these activities. The following specific issues could also be considered:
- (a) A pilot SEA in the energy sector (optimally, with transboundary aspects, and linked to the Belt and Road Initiative), which may provide an opportunity for the relevant stakeholders to acquire hands-on experience. It can be efficiently combined with trainings and workshops. In the case of likely transboundary impacts, interaction with the Russian Federation could be considered;
  - (b) Additional pilot SEAs for urban development, spatial plans and economic development plans prepared under the responsibility of the Ministry of Economy;
  - (c) Consideration of issues related to budgetary needs for SEA is of particular importance. To this end, the Ministry of Natural Resources and Environmental Protection should further communicate with the planning agencies at the national and the local levels to ensure that appropriate funds are allocated in respective budgetary documents for SEAs of plans and programmes under development;
  - (d) The existing training scheme on SEA and EIA would need to be further developed and enhanced to meet the demand for SEA and EIA specialists;
  - (e) The training scheme can be linked to a certification scheme (i.e., after successfully passing a training scheme and a test, a trainee would be awarded a certificate that he/she has completed a training course on SEA or EIA);
  - (f) National guidance (methodology) providing a detailed step-by-step guide on how to carry out SEA procedures could prove useful for sectoral authorities and national planning agencies;
  - (g) A database of SEA/EIA procedures containing relevant documents and information can help monitor these procedures and ensure the availability of information to the public.

## D. GEORGIA

### Activities carried out

63. The EaP GREEN funded assistance supported Georgia in developing its national legislation on SEA. In this process, Georgia ensured that the new legislation is generally in line with the provisions of the

Protocol, which Georgia signed in 2003, and the EU SEA Directive. The assistance comprised a number of activities, including:

- (a) An in-depth review of the existing legal frameworks for introducing SEA system and enhancing EIA system in line with the Protocol and the Convention conducted in 2013;
- (b) An analysis of the existing elements and gaps in the institutional framework for EIA and SEA undertaken at a later date to inform further actions;
- (c) Preparation of the new Environmental Assessment Code initiated in September 2014 by the Ministry of Environment and Natural Resources Protection of Georgia, further to the review results.
- (d) Awareness-raising and consultation events to support the legislative review and the drafting process, including a national round-table on legal implementation of the Espoo Convention in November 2013, followed by an additional workshop in August 2014, public hearing on the draft Code in May 2015 and a final round-table meeting in September 2015.

64. To support the adoption of the Code, a high-level round-table was organized by UNECE, the Ministry of Environment and Natural Resources Protection in cooperation with the Netherlands Commission on Environmental Assessment in December 2015. More than 30 participants from sectoral ministries and other government agencies became familiar with the benefits of introducing a modern SEA system. Another 20 participants attended an awareness-raising workshop on SEA for planning authorities and consultants in December 2016. In addition, a video on the Protocol on SEA, dubbed in Georgian, proved to be a very effective means for promoting the key messages regarding SEA.

65. Following a participatory drafting process, as well as consultations with relevant stakeholders, the Code was adopted by the Georgian Parliament on 1 June 2017 (the Code partially entered into force in January 2018).

66. A pilot SEA was carried out in the context of preparing Georgia's National Waste Management Strategy and Action Plan in 2015. The pilot SEA focused on testing the provisions of the draft legislation on SEA. It produced recommendations for environmental optimisation and modifications to the National Waste Management Strategy and Action Plan and further contributed to improving draft legislative and institutional frameworks for SEA in the country. Within the pilot project, a number of working meetings, workshops, and public consultations took place in Tbilisi in 2015 - 2016. It brought together selected local experts, international experts of the project, representatives of relevant departments of the Ministry of Environment and Natural Resources Protection, and other stakeholders. Besides, in March and November 2016, two focused workshops for the experts from the Ministry of Environment and Natural Resources Protection and the Ministry of Labour, Health and Social Affairs were held to address the scoping and quality control in the SEA procedure.

67. The draft *Guidelines on Practical Application of SEA in Georgia*<sup>8</sup> were prepared in 2016. The drafting process was informed by the experience gained during the pilot SEA and was used as another means

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<sup>8</sup> [https://www.unece.org/fileadmin/DAM/env/eia/documents/EaP\\_GREEN/1\\_Homepage/Georgia/Final\\_SEA\\_Guidelines\\_ENG.pdf](https://www.unece.org/fileadmin/DAM/env/eia/documents/EaP_GREEN/1_Homepage/Georgia/Final_SEA_Guidelines_ENG.pdf)

of capacity building – a working group on the Guidelines consisted of representatives of the Ministry of Environment and Natural Resource Protection, and the Ministry of Labour, Health and Social Affairs, as well as the national and international experts. They played a key role in preparing the Guidelines. The Guidelines contain detailed instructions on how to implement the SEA procedure, including forms/templates to use in its various steps, recommended consultations, and guiding questions to consider when checking the quality of SEA reports.

### Main results and achievements

68. The adoption of the Environmental Assessment Code in 2017 can be considered a key step towards Georgia's accession to the Convention and the Protocol and establishing national EIA and SEA systems in line with both treaties.
69. The pilot SEA demonstrated the applicability of the SEA process in the Georgian national context. It identified the key environmental and health issues related to waste management, and based on the evaluation of likely effects, formulated a number of recommendations on further enhancement of the waste management sector. These recommendations were largely integrated into the final version of the National Waste Management Strategy and its Action Plan. In this manner, a significant number of key stakeholders, including decision-makers and planners beyond the Ministry of Environment and Natural Resources Protection, had the opportunity to gain experience and insight in SEA.
70. The further effect in this regard was also generated by the development of the Guidelines on Practical Application of SEA in Georgia, (and the corresponding *Guidelines on Practical Application of EIA in Georgia*<sup>9</sup>), where the respective working groups bringing together different stakeholders contributed to raising awareness of SEA and EIA as tools for greening economy.
71. In response to the lessons learned from the activities under the EaP GREEN, and observed challenges, the capacity building strategy on SEA and EIA in Georgia was prepared in 2017 to steer future capacity development efforts and guide donor assistance.

### Challenges and issues

72. Despite considerable progress achieved with the entry into force of the Environmental Assessment Code, the inadequate overall institutional capacity remains a key impediment to the efficient application of SEA and EIA in the country. The recent institutional reform, including the creation of the new Ministry of Environmental Protection and Agriculture, and staff rotation, poses further challenges to sustaining institutional memory necessary for the application of SEA and EIA. In addition, the allocation of appropriate funds by the planning agencies to allow for performing SEAs in practice, as envisaged by the new legislation, remains uncertain.
73. Further impediments to the efficient proliferation of EIA and SEA practice in Georgia include:

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<sup>9</sup> [https://www.unece.org/fileadmin/DAM/env/eia/documents/EaP\\_GREEN/1\\_Homepage/Georgia/Final\\_EIA\\_Guidelines\\_ENG.pdf](https://www.unece.org/fileadmin/DAM/env/eia/documents/EaP_GREEN/1_Homepage/Georgia/Final_EIA_Guidelines_ENG.pdf)

- (a) Lack of awareness of SEA among planning authorities (especially local self-governments);
- (b) Lack of information on new EIA procedures among project developers;
- (c) Lack of awareness of the differences and links between SEA and EIA;
- (d) Lack of data, particularly spatial/GIS data, and information about the state of the environment and the population's health;
- (e) Inadequate system of quality control in SEA and quality control and post-project analysis in EIA;
- (f) Low capacity of the Ministry of Labour, Health and Social Affairs, as well as the national health authority to get efficiently involved in SEA and EIA procedures;
- (g) Low level of competence of consultancy companies and practitioners.

### Lessons learned

74. The following lessons were learned as a result of the implementation of the EaP GREEN funded SEA and EIA activities in Georgia:

- (a) Attention and support of the relevant decision-makers is a critical factor for effective application of SEA. They are needed to ensure cooperation and responsiveness of the planners responsible for the preparation of the strategic documents, plans and programmes during the entire SEA process;
- (b) The selection of experts comprising an SEA team is of critical importance. The ability of the leading local experts to engage with the decision-makers and planners and to facilitate productive discussions and feedback on SEA analyses cannot be offset by the participation and communication skills of international SEA experts supporting the SEA pilots;
- (c) Lack of available examples of international good practice or detailed guidance for evaluating impacts on the (public) health in SEA is difficult to overcome in the SEA pilot.

### Recommendations for further development of SEA and EIA systems in Georgia

75. The above-mentioned capacity-building strategy on SEA and EIA put forth a comprehensive set of recommendations. In particular, the following priorities can be highlighted:

- (a) Further elaboration of the national legislative framework, particularly the preparation of secondary legislation and guidance documents to support practical application of SEA and EIA;
- (b) Building capacities of the responsible Ministry to ensure the overall management of SEA and EIA systems in the country, including quality control in the SEA and EIA processes. This is a vital factor for the efficient and effective operation of any SEA and/or EIA system;
- (c) Ensuring appropriate financial allocations in the budgets of government planning agencies to cover costs for carrying out SEAs of relevant strategic documents. While external donor funding is expected to continue playing a support role, this must be understood as only a temporary measure. It is a state responsibility to ensure the application of and budgets for SEA in line with the adopted legislation;
- (d) Increasing capacities of other relevant authorities to perform their role in the SEA and EIA processes, particularly the Ministry of Labour, Health and Social Affairs, should be supported to ensure that the health aspects are appropriately addressed in SEAs;

- (e) Enhancing consulting companies and practitioners' expertise to conduct SEA and EIA to an appropriate quality standard, namely through further capacity-building activities and pilot projects involving international experts.

## E. REPUBLIC OF MOLDOVA

### Activities carried out

76. Despite having adopted its first EIA regulation (Law on Impact Assessment and Ecological Expertise) already in 1996 and having signed the Protocol on SEA in 2003, in 2013 Moldova's regulatory framework and practice did not yet meet standards set out by the Convention, the Protocol and the EU EIA and SEA Directives.
77. Therefore, based on the request of the Ministry of Environment of the Republic of Moldova, UNECE within the EaP GREEN supported the Republic of Moldova in developing the new laws on EIA and SEA to introduce the respective environmental assessment procedures in accordance with the Espoo Convention, its Protocol on SEA and relevant EU legislation. This assistance included a review of legislative and institutional frameworks concluded by a round-table meeting on 3 September 2013. Based on the results of the review, the Ministry requested UNECE to provide further assistance for the development of national legislation. The draft Law on SEA was prepared from January to July in 2014 and was subject to consultations with the national stakeholders on 29 July 2014, with a public hearing on the draft Law held in June 2015. Despite the protracted process affected by election-related delays, the new legislation was successfully enacted: Law on EIA on 29 May 2014 (in force from 4 January 2015), and Law on SEA on 2 March 2017 (in force since 7 March 2018). In addition to the targeted priorities concerning SEA, and based on the Ministry's request, the Republic of Moldova was further assisted in developing bylaws for application of the EIA procedure in accordance with the Espoo Convention and relevant EU legislation. This assistance resulted in the adoption of the provisions relating to the first and second amendments to the Espoo Convention by the Republic of Moldova in its Law on EIA.
78. The process for developing new legislative and institutional frameworks was assisted by a number of capacity-building and awareness-raising activities concentrated around two SEA pilot projects. The pilot projects were conducted by the teams of national experts operating under the guidance of international consultants. The first pilot was the SEA for the Master plan of Orhei town and was conducted from June 2014 to June 2015. The SEA focused on producing feedback to spatial planners preparing an update of the existing Orhei town Master plan. It facilitated consideration of potential environmental and public health effects associated with different planned developments, as well as an evaluation of different spatial and functional alternatives. The pilot also fostered consultation processes, including public participation, that reached out beyond the limited circle of stakeholders typically engaged in the Master plan development. Training workshops on the practical application of the draft Law on SEA to urban plans and programmes in July and December 2014, two public consultation meetings in December 2014 and February 2015 respectively, and a final event in June 2015 further marked the progress of the process.

79. The second pilot SEA took place in the context of the development of the National Green Economy Road Map of the Republic of Moldova, and the action plan for its implementation. In this case, the SEA facilitated and advanced the elaboration of the substantive content of the Green Economy Road Map. Capacities of experts of the SEA team were used not only to comment and provide feedback to the planners, but also to significantly contribute to the development of this strategic document, subject to the approval by the Government of the Republic of Moldova. A training workshop and public consultations in April 2016 and a final public event to take stock of the results of the entire EaP GREEN programme in Moldova in December 2017 helped to facilitate the involvement of a large number of stakeholders, including high-level decision-makers.
80. The *Guidelines on Practical Application of SEA in Moldova* were drafted. The process for developing the guidance was launched through a workshop in October 2016 and it built on extensive consultations with key stakeholders, the experience gained during the pilot SEAs and expert discussions. The final approval of the guidance was delayed due to the ongoing government reforms, including significant structural changes in the institutional underpinning of the environmental agenda. Nevertheless, the importance of environmental assessment has been recognized, which is reflected in the Roadmap on Capacity Building on SEA and EIA in the Republic of Moldova prepared by a dedicated working group of national experts and representatives of relevant ministries within the EaP GREEN and finalized in early 2018.

### Main results and achievements

81. The adoption of the Law on EIA and the Law on SEA in 2014 and 2017 respectively are the most apparent milestones in the country's progress towards the application of EIA and SEA in line with the Espoo Convention, the Protocol on SEA, and the relevant EU Directives.
82. The two successfully completed pilot SEAs demonstrated an added value of SEA for integrating environmental considerations in economic development and improving the strategic planning process itself. The pilot SEAs facilitated a dialogue between relevant authorities and other stakeholders and allowed identification of priority environmental problems and potential solutions, or possibilities for improvement. Data gaps identified during the analytical SEA-related work helped to formulate the needs to change or upgrade the data collection schemes and national statistical reporting. The SEA for the Roadmap also delivered significant inputs to the national level strategic planning, ensuring the integration of the national objectives from the Batumi Initiative on Green Economy (BIG-E) in the Green Economy Programme of the Republic of Moldova.
83. The Roadmap on Capacity Building on SEA and EIA in the Republic of Moldova that has been subject to further consultations with relevant sectoral ministries and other stakeholders is a milestone to ensure effective and continued progress towards further EIA and SEA implementation.

### Challenges and issues

84. Despite considerable progress achieved with the entry into force of the new legislation, the inadequate overall institutional capacity remains a key impediment to the efficient application of SEA and EIA in the country. The recent institutional reform, including the creation of the new Ministry of

Agriculture, Regional Development and Environment of the Republic of Moldova, accompanied by the establishment of the Environment Agency with departments in charge of EIA/SEA, brings about substantial challenges in terms of the institutional environment, stability of expert staff and institutional memory required for the SEA and EIA application.

85. This also holds true for health and sectoral planning authorities, which are not yet sufficiently aware of their role in implementing SEA and EIA procedures. The so far limited application of SEA in practice also means that the country lacks expert capacities to carry out SEA.

### **Lessons learned**

86. The following lessons were learned from the implementation of the EaP GREEN funded SEA activities in the Republic of Moldova:
- (a) Ensuring cooperation and responsiveness of the planner responsible for the development of a strategic document (plan or programme) is a critical factor for the effective application of SEA;
  - (b) Ensuring synergy between two EaP GREEN components (planning for a green economy implemented with the assistance of the UN Environment and SEA carried out by UNECE) contributed to the success of the respective SEA pilot at the national level;
  - (c) Capacity building and awareness raising relating to SEA at the national level was efficient and practical as it was based on the pilot application of SEAs. This allowed a large number of national officials, consultants and representatives of the public to observe and study interlinkages between policy making and SEA, and to experience real consultations and visibility stages of the SEA process;
  - (d) Limited financial resources in the country impede the efficient application of SEA. The SEA process has to be covered by budgetary planning to ensure the future implementation of the Law on SEA. The EIA and SEA department of the Ministry responsible for environment has to be enlarged to allow for its timely and quality inputs to consultations on the environmental report and other SEA stages;
  - (e) The selection of experts comprising an SEA team is of critical importance. The ability of the leading local experts to engage with the decision-makers and planners and to facilitate productive discussions and feedback on SEA analyses cannot be offset by the participation and skills of international SEA experts supporting the pilots;
  - (f) Lack of available examples of international good practice or detailed guidance for evaluating impacts on the (public) health in SEA is difficult to overcome in a SEA pilot.

### **Recommendations for further development of SEA and EIA systems**

87. Building both administrative and expert capacities of the staff of the Environment Agency (established in 2018) will be crucial for the further proliferation of EIA and SEA practice in the country. Capacity building on the appropriate application of EIA and SEA for central and local planning authorities and NGOs and awareness raising about their benefits are also desirable.
88. The above-mentioned capacity building road map on EIA and SEA prepared with the support of the EaP GREEN put forth the following recommendations:



- (a) Establish a specialized subdivision within the Ministry responsible for environment staffed with at least five persons, and complemented with additional 5-10 persons involved in SEA and EIA-related processes at the respective department of the Environment Agency;
- (b) Create special funds for SEA and EIA at the national level and introduce necessary budgetary provisions by planning agencies to prevent situations when authorities tend to avoid applying these tools. Besides funding the application of SEA and EIA, financial resources should also be allocated to promote and raise awareness of SEA and EIA;
- (c) Enhance the involvement of NGOs in SEA and EIA through providing timely information, training opportunities, and other relevant means;
- (d) Establish a permanent training scheme for practitioners, government experts, experts from universities, and NGOs.

## F. UKRAINE

### Overview of activities

89. Since 2013, the UNECE secretariat collaborated with the Ministry of Ecology and Natural Resources of Ukraine and other partners involved in developing a national SEA system in line with the Protocol on SEA, and the EU SEA Directive. New legislation on EIA and SEA was developed within the framework of the EU-funded projects '*Support to Ukraine in approximation of the EU environmental acquis (APENA)*'<sup>10</sup> and '*Complementary Support to the Ministry of Ecology and Natural Resources of Ukraine for the Sector Budget Support Implementation*'. The EaP GREEN complemented this legal drafting with extensive awareness-raising and capacity-building activities. In particular, in October 2013, UNECE organized a four-day training workshop providing step-by-step guidance on the application of SEA. In 2015, UNECE organized a series of seminars dedicated to raising awareness of SEA for sectoral ministries on 10 June, high-level officials on 11 June, and environment authorities on 12 June. There were also a number of awareness-raising and training events organized with the assistance of the EaP GREEN to support the adoption and implementation of the Law on SEA in 2016-2017.
90. In early autumn 2016, within the framework of the EaP GREEN, the Ukrainian version of the UNECE brochure '*Protocol on Strategic Environmental Assessment: Facts and Benefits*'<sup>11</sup> was prepared and widely disseminated. A video on SEA was dubbed in Ukrainian and shown at all training and awareness-raising events.
91. Furthermore, a two-day training workshop on the practical application of SEA in Ukraine was delivered in October 2016 by the staff of the Ministry of Ecology and Natural Resources who had been trained as trainers under the EaP GREEN training scheme. The activity was implemented with the support of UNECE international consultants and in cooperation with "*Partnership for Local*

<sup>10</sup> The EU-funded project '*Support to Ukraine in approximation of the EU environmental acquis*' was launched in October 2015 (<http://env-approx.org/index.php/en/>).

<sup>11</sup> [http://www.unece.org/fileadmin/DAM/env/eia/Publications/2016/Protocol\\_on\\_SEA/БРОШУРА\\_ПРОТОКОЛ\\_Друк\\_для\\_сайту\\_A4\\_.pdf](http://www.unece.org/fileadmin/DAM/env/eia/Publications/2016/Protocol_on_SEA/БРОШУРА_ПРОТОКОЛ_Друк_для_сайту_A4_.pdf)

*Economic Development and Democratic Governance*" (PLEDDG), a technical assistance project funded by Global Affairs Canada.

92. A high-level round table for officials from sectoral ministries to promote the benefits of efficient application of SEA took place on 28 February 2017. The second training workshop on the practical application of SEA for representatives of central and regional executive authorities in Ukraine was organized in March 2017. The final national events, "Environmental assessment system in Ukraine: the benefits and way forward" and "Implementation of Strategic Environmental Assessment in the context of Ukraine's international obligations", were conducted in December 2017 and April 2018, respectively.
93. As a result of collaborative efforts, the Law on EIA and the Law on SEA were adopted by the Parliament of Ukraine on 4 October 2016. The President of Ukraine, however, vetoed the Laws in October 2016. On 23 May 2017, the revised Law on EIA was adopted by the Parliament and subsequently signed into law by the President. Finally, on 29 March 2018, the revised Law on SEA was passed by the Parliament and signed into law by the President of Ukraine in April 2018.
94. In spring 2016, the EaP GREEN, at the request of and in collaboration with the Ministry of Ecology and Natural Resources, initiated the preparation of the national *Recommendations on Practical Application of SEA* that were finalized in April 2018, further to the adoption of the Law on SEA by the Parliament.
95. Ukraine was also involved in a joint pilot project between Ukraine and Belarus, which focused on the EIA post-project analysis in a transboundary context of the exploitation of the Khotislavskoye quarry (details are provided in the section on Belarus above).
96. The EaP GREEN, due to its limited resources, was not able to support a pilot SEA in Ukraine. However, pilot SEAs for the Development Strategies of Lviv and Dnipropetrovsk Oblasts and the development of practical guidance on application of SEA in Ukraine were supported by the Canadian PLEDDG project in 2015-2016. In 2017-2018, several municipal and city urban planning SEAs were implemented by this project. With the assistance of the EaP GREEN, some of the PLEDDG project staff were trained in the practical application of SEA in line with the Convention and the Protocol, creating synergies between the two projects and achieving more significant results.
97. In early 2018, the SEA and EIA capacity-building roadmap was prepared and finalized with the assistance of the EaP GREEN. It could prove useful for Ukraine, in particular, when planning and implementing its short-term and long-term capacity-building activities to strengthen the SEA and EIA systems and practice.

## **Main results and achievements**

98. The adoption of the Laws on EIA and SEA is an important step towards establishing national legislative frameworks for EIA and SEA in line with the Convention, the Protocol, and the relevant EU Directives.



The EaP GREEN funded information, awareness-raising, and capacity-building events established a solid foundation for enacting and implementing the Laws. There is an enhanced understanding of the importance of adopting the SEA legislation and relevant subsidiary regulations among key decision-makers, including the Cabinet of Ministers, the Presidential Office, representatives of the Parliament, and central and regional executive authorities. The national SEA Recommendations provide details on a step-by-step practical application of the SEA procedure.

99. The awareness-raising and capacity-building events delivered under the EaP GREEN along with the participatory process established to prepare the SEA recommendations provided the following main results:

- (a) Raised awareness of the key benefits of SEA among the high-level decision-makers, including representatives of the Parliament and its commissions;
- (b) Raised awareness of SEA and strengthened capacities in its practical application among
  - i. central executive authorities responsible for environmental and health issues;
  - ii. central executive authorities responsible for sectoral planning; and
  - iii. regional environmental and health authorities, and regional and local planning authorities from 14 Oblasts (administrative regions) of Ukraine;
- (c) Established an effective dialogue with and obtained constructive feedback from national stakeholders concerning the initial and final versions of the draft SEA Recommendations;
- (d) Improved communication among
  - i. central executive authorities responsible for sectoral planning;
  - ii. central and regional executive authorities responsible environmental and health issues; and
  - iii. the other government agencies, potential stakeholders in SEA, and regional and local planning and self-governing authorities.
- (e) High visibility of the EaP GREEN funded events and easy accessibility of the prepared materials on SEA for users in Ukraine. In particular, the video and the brochure on the Protocol on SEA prepared in the Ukrainian language were widely distributed through social media. They proved to be an effective means for promoting SEA and its benefits and can be used further to disseminate information about SEA among the key stakeholders;
- (f) Effective involvement of various stakeholders in identifying ways to overcome the existing challenges for the new EIA and SEA systems, as well as priorities and needs for further development of SEA and EIA capacities and practice in Ukraine.

100. The EaP GREEN funded an extensive awareness-raising and training workshop scheme. It introduced the concept of SEA, principles, methods, and tools to about two hundred representatives of national, local environmental and sectoral authorities, parliamentarians, project and programme developers, the public, environmental experts, and consultants.

## Challenges and issues

101. Development of the national environmental assessment legislation aligned with the Protocol on SEA and the EU SEA Directive has taken about five years. This lengthy process indicated the need

to overcome limited awareness about the benefits of modern SEA and EIA systems and the need for a high-level political commitment to reforming the outdated SEE/OVOS system.

102. Ukraine acknowledges its limited institutional, human, and financial capacities for effectively implementing the Law on EIA and, in particular, the Law on SEA. The lack of effective national monitoring systems and databases for environmental and health information to be used in SEA is another impediment to the efficient application of SEA. Although consultancy companies and practitioners are in the process of developing their capacities to meet the demand for an increased number of SEAs and EIAs, relevant national authorities should also consider increasing the number of staff members involved in SEA and EIA.

### Lessons learned

103. The following lessons were learned as a result of the implementation of the EaP GREEN funded SEA activities in Ukraine:
- (a) Collaboration and coordination across various projects having similar goals proved to be effective in creating synergies and leading to more significant achievements. For example, under the EaP GREEN, UNECE organized SEA workshops for the planning authorities engaged in the SEAs under the PLEDDG project and the EaP GREEN funded extensive information and awareness-raising campaign served to support the adoption of the laws prepared by another EU-funded project;
  - (b) When planning a capacity-building event on SEA application, it is more effective to design it for one or several target groups at the same level of the planning and decision-making hierarchy, rather than to mix groups across the planning hierarchy. Participants representing differing decision-making and planning levels tend to have different expectations, mandates and authorities, which are not always possible for one workshop to accommodate. Target groups should be defined carefully, programmes of the planned events should reflect the needs and expectations of the participants;
  - (c) An extensive awareness-raising and advocacy campaign for the key decision-makers facilitates the adoption of the draft laws that have been developed. This is even more applicable in a situation when central executive authorities have frequent and significant staff turn-over and institutions have been subject to several reforms over the past several years.

### Recommendations for further development of SEA and EIA systems in Ukraine

104. Despite the progress described above, further efforts are needed to establish effective SEA and EIA systems in Ukraine and, subsequently, to ensure the proliferation of wide and regular application of SEA and EIA procedures, including:
- (a) the adoption of secondary legislation to support the implementation of the Law on SEA;
  - (b) further capacity-building on coordination and carrying out of SEA procedures for environmental and health authorities, planning agencies at various planning levels, and experts and practitioners. This can optimally be linked to the pilot application of SEA, possibly in coordination and cooperation with other ongoing technical assistance projects in Ukraine.

## G. SUB-REGIONAL ACTIVITIES

105. In addition to country-level assistance, several sub-regional activities have been implemented.
106. Two documents focusing on legislation were drafted to assist the countries in the legislative and institutional reforms on SEA, including:
- (a) *Practical Guidance on reforming legal and institutional structures with regard to the application of the Protocol on Strategic Environmental Assessment*<sup>12</sup>, and
  - (b) *Overview of legislative and administrative reforms for implementing strategic environmental assessment in Eastern Europe and the Caucasus*<sup>13</sup>.
107. To support legislative reforms in the beneficiary countries, several awareness-raising materials were prepared with the assistance of the highly experienced communication consultants in English and Russian. These included the brochure and the video introducing the Protocol on SEA and its benefits. As described above, the brochure and the video were further translated into national languages of the beneficiary countries.
108. A study tour to the Czech Republic was organized for 32 representatives of the beneficiary countries in December 2014. It demonstrated the application of SEA at the national level in the fields of urban planning, waste management, agriculture, and the energy sector. The tour provided its participants with an opportunity to meet the main actors of the SEA system, to become familiar with the SEA system's practical functioning, including the country's legislation, institutional structure, and procedures, and to study the existing SEA practice in various planning schemes.
109. The sub-regional conference "*Developing legislative framework for the strategic environmental assessment in line with the Protocol on SEA*" (including a training-of-trainers workshop on the practical application of SEA) took place in Georgia on 2- 6 November 2015. 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. The training-of-trainers workshop focused on questions related to the practical implementation of SEA. Participants strengthened their knowledge of SEA and learned various techniques of designing and delivering effective capacity-building events. A manual for trainers on the application of the Protocol on SEA was prepared for the workshop. In early 2018, it was updated and finalized based on experience from the EaP GREEN funded national training events. The *Manual for Trainers on Application of the Protocol on Strategic Environmental Assessment*<sup>14</sup> provides a

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12 [https://www.unece.org/fileadmin/DAM/env/eia/documents/Guidance\\_on\\_SEA\\_legal\\_drafting/ece.mp.eia.wg.2.2016.INF.9\\_EN\\_draft\\_practical\\_guidance\\_on\\_reforms\\_FINAL\\_rev\\_LAY\\_OUT\\_27.05.pdf](https://www.unece.org/fileadmin/DAM/env/eia/documents/Guidance_on_SEA_legal_drafting/ece.mp.eia.wg.2.2016.INF.9_EN_draft_practical_guidance_on_reforms_FINAL_rev_LAY_OUT_27.05.pdf)

13 [https://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.5\\_April2016/ece.mp.eia.wg.2.2016.INF.6\\_EN\\_draft\\_overview\\_of\\_legal\\_reforms\\_clean.pdf](https://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.5_April2016/ece.mp.eia.wg.2.2016.INF.6_EN_draft_overview_of_legal_reforms_clean.pdf)

14 <https://www.unece.org/environmental-policy/conventions/environmental-assessment/enveiapublications/official-publicationsguidance/2018/manual-for-trainers-on-application-of-the-protocol-on-strategic-environmental-assessment/doc.html>

substantial theoretical background on SEA, as well as practical training tips and extensive training and reference materials.

110. The second sub-regional conference “*Sharing experience with introducing SEA and EIA in selected countries of Eastern Europe and the Caucasus*” was held in Ukraine on 31 October – 2 November 2017, hosting 23 participants from the beneficiary countries. The key objectives of the conference were:

- (a) To share the beneficiary countries’ experience in reforming since 2013 their national environmental assessment systems with a view to aligning them with the Espoo Convention, its Protocol on SEA, and the relevant EU legislation on SEA and EIA; and
- (b) To further enhance the participants’ knowledge of SEA and their abilities to conduct SEA training events in their own countries independently.

111. The last day of the conference included a joint session with the representatives of Central Asian countries to discuss the lessons learned from the SEA and EIA-related legislative reforms in Eastern Europe and the Caucasus and to disseminate the results of the EaP GREEN to other countries and regions.

## IV. LESSONS LEARNED AND THE WAY FORWARD

### A. SUMMARY OF LESSONS LEARNED

112. Experience gained, and the lessons learned by the beneficiary counties through implementing the EaP GREEN funded national-level activities to enhance their national EIA and SEA systems are mostly similar. To allow for easy and efficient use of these lessons when designing and implementing future capacity building and technical assistance projects, they are clustered in several groups:

- (a) General lessons learned;
- (b) Lessons learned from supporting legislative and institutional reforms;
- (c) Lessons learned from pilot SEAs;
- (d) Lessons learned when preparing SEA guidance documents, and
- (e) Lessons learned from implementing training schemes.

#### General lessons learned

113. When assessing the overall efficiency of the EaP GREEN funded interventions, the following key lessons learned can be highlighted:

- (a) Ensuring interlinkages between various project activities leads to synergies and increased efficiency of each intervention, sub-activity, and the project as a whole;
- (b) Training activities incorporated into the pilot SEAs provided hands-on opportunities to relevant stakeholders to become familiar with practical aspects of the SEA procedures. This approach was found to be more efficient and enabling more learning than those based only on classroom theoretical learning and hypothetical SEA case-studies;
- (c) Pilot SEAs can enhance drafting the legislation and guidance documents on the practical application of SEA by testing proposed SEA schemes or by providing inputs on details of a step-by-step SEA procedure adjusted to the national context. Vice versa, even initial draft legislation, before its submission for adoption, can provide a 'non-binding' legislative framework for a pilot SEA procedure;
- (d) Preparation of SEA guidance documents enables the elaboration of more specific procedural details of SEA provisions set out by new legislative frameworks.
- (e) There is a high level of complementarity between activities at the national and sub-regional levels. In particular, learning can be accelerated through sub-regional events where participants share country-specific experience, identify common challenges, jointly formulate ways and approaches to overcome them. In this way, the participants also motivate each other to progress despite the challenges and setbacks. Sub-regional meetings also facilitate informal networking among the countries that may positively affect the practice and outcomes of future transboundary consultations under real-life SEA procedures.
- (f) The transfer of experience from the EU countries, Parties to the Protocol on SEA, to the beneficiary countries provides an opportunity for valuable know-hows from those countries to be used when developing legislation on SEA and EIA and establishing SEA and EIA practice in the beneficiary countries. It also helps to avoid possible pitfalls and costly mistakes in the process. The study tour to the Czech Republic in 2015 was often

referenced in subsequent discussions with administrators and decision-makers of the beneficiary countries. The experience gained by its participants was considered key to deepening their understanding of the SEA institutional and practical arrangements. It also gave the participants a strong impulse to rethink approaches to and ways to introduce SEA systems in their own countries.

- (g) Awareness-raising materials, including the video and the brochure on the Protocol and its benefits, developed for the sub-region proved to be very useful tools to raise awareness at the national level through specific domestic versions of these materials. These materials were also used to promote the SEA and the Protocol beyond the UNECE region;
- (h) Collaboration and coordination across various projects having similar goals proved to be effective and led to synergies and more significant achievements. For example, UNECE helped to train the PLEDDG project staff as trainers. It also organized training workshops on the SEA procedure for the planning authorities in Ukraine engaged in the SEAs under that project. With the knowledge gained, the planning authorities were able to be involved in the pilot SEA under the PLEDDG project more efficiently.

### **Lessons learned from supporting legislative and institutional reforms**

- 114. The efficient implementation of all technical assistance activities, particularly activities related to legislative drafting and enforcement of laws, requires a strong political commitment of the government to developing and introducing SEA and EIA schemes in line with the two treaties. Activities carried out at the expert or technical levels only are also crucial, but they will not be sufficient to ensure revision and adoption of new legislative frameworks.
- 115. The legislative drafting process becomes more effective if supported by extensive awareness-raising and advocacy campaigns promoting the benefits of SEA and EIA among the key decision-makers and members of parliaments. It is also important to integrate capacity-building elements – such as high-level events and roundtables on SEA and EIA – into the legislative drafting process. Without a proper understanding of the objectives and logic of SEA and EIA procedures, national experts and government officials cannot provide necessary inputs. This may, in its turn, result in the inadequate legislative framework for full implementation of the Convention and the Protocol.
- 116. In some countries, a lack of capacities in government structures to ensure expert inputs to the legislative drafting could be observed. Together with the changes in government structures, it may significantly slow down the adoption and implementation of the relevant legal framework, as well as the development of SEA and EIA national practice.

### **Lessons learned from pilot SEAs**

- 117. A careful selection of a plan, programme or project for a pilot application of SEA or EIA is crucial for the success of that pilot and illustration of SEA or EIA benefits and inputs to decision-making processes. For example, the SEA of the municipal master plan in the Republic of Moldova provided more tangible outputs compared to the SEA pilots of rather general and pro-environmental national waste management documents in Armenia and Georgia. This is, to a large extent, a logical result related to the content of the strategic document itself. A local-level plan provides more details on a proposed development as compared to visionary national-level documents. Therefore, it is



recommended to select for the purposes of SEA pilots specific development proposals rather than broad strategies and policies. In addition, when selecting a pilot, it is important to ensure ownership of the SEA process by the planners. Stronger ownership was observed for the plans and programmes, and the relevant SEA prepared directly under the coordination of relevant national planning agencies than those developed within donor initiatives.

118. Intensive communication between an SEA team, a relevant environment ministry and a planning agency responsible for the preparation of a plan or programme is essential to achieve efficient contribution of SEA to the decision-making on the plan or programme.
119. At the initial stage of a pilot SEA, it is particularly crucial to ensure that the planning and the SEA procedures are clearly outlined for and clarified with all main actors involved. This includes how SEA inputs and recommendations are to be taken into account in the plan or the programme during its preparation and/or its adoption.
120. The selection of experts comprising an SEA team is of critical importance. The ability of the leading local experts to engage with the decision-makers and planners and to facilitate productive discussions and feedback on SEA analyses cannot be offset by the participation and skills of international SEA experts supporting the pilots.
121. Synergies between the EaP GREEN component on SEA led by UNECE and the EaP GREEN component on mainstreaming sustainable consumption and production into national development plans, legislation and regulatory frameworks led by UN Environment contributed to the effective and efficient implementation of both components and ensured the pilot SEA added value to the green economy planning of the Republic of Moldova. SEA methodology was used to foster the planning process itself, particularly for the generation of green economy options and alternatives.
122. The regular application of SEA in the beneficiary countries should be funded, first and foremost, from the national budgets. To this end, it is important to estimate the average costs of an SEA at national level as an indication for budgeting. Costs for domestically-run SEAs will most likely be lower than those for the pilot SEAs supported by the EaP GREEN – fees of national consultants are usually lower than those of international consultants supporting the pilots. With the experience gained, the costs for training national officials by international consultants can be altogether excluded from the budgetary requirements.
123. A lack of funding for SEAs after the adoption of new legislation on SEA can hinder the development of proper SEA practice and procedural routines. It is, therefore, essential to carefully screen the strategic documents, and to allocate the available resources for carrying out SEAs to those that address key decisions in important economic sectors (i.e. with strong decision-making powers and likely significant environmental effects in contrast with other nominally relevant strategic documents that have little weight in terms of actual environmental impact).

## Lessons learned from preparing guidance documents on SEA

124. The focus of a guidance document needs to be discussed and confirmed before launching its preparation, as it may influence the entire drafting process and the content of expert inputs. Development of guidance documents on procedural aspects of SEA will require different approaches and different experts' involvement than the preparation of guidance on methods and tools to be used in SEA and EIA.
125. Similarly to legislative drafting, the development of guidance documents on SEA should be established as a process supported by the capacity-building element(s). It should be linked to the legislative drafting since the details discussed in the guidelines may reveal gaps or uncertainties in the procedure stipulated in the (draft) legislation.

## Lessons learned from implementing training schemes

126. A target group for each event should be carefully identified prior to the training. A training programme should be prepared well in advance, reflecting the needs and expectations of its participants. A capacity-building event is more effective when designed and delivered for one or several target groups representing the same level of the planning and decision-making hierarchy than when targeted for a mixed group of professionals representing different levels of that hierarchy. Participants representing different decision-making and planning levels usually have different mandates and authorities, as well as different training needs and expectations. These are not always possible to accommodate in one workshop.

## B. RECOMMENDATIONS FOR FURTHER DEVELOPMENT OF SEA AND EIA SYSTEMS

127. The recommendations below can be used for guiding further capacity-building and technical assistance programmes in Eastern Europe and the Caucasus. They are presented in the order of their priority and fully complementary to the recommendations in the country-specific sections of this document above.

## Ensure finalization of legislative reforms and support enforcement of the new legislation

128. Finalizing legislative reforms, including drafting and adoption of necessary amendments to primary and secondary implementing legislation, with a view to establishing national legislative frameworks in line with the Espoo Convention, the Protocol on SEA and the relevant EU Directives is critical to further development of SEA and EIA systems. Although the adoption of legislation on SEA and EIA per se cannot fully guarantee its regular and proper implementation, without such legislation environmental assessment procedures and, in particular, SEA will only remain at the stage of their pilot application.
129. Once the new legislation has been adopted, it is recommended to support its enforcement with capacity-building and awareness-raising activities for the key stakeholders, particularly planning agencies and government institutions responsible for licensing and granting permits to development projects. It is important to bear in mind that following the entry into force of the new legislation, it may still take several years to establish SEA and EIA as a standard and regular practice. To support the development of such practice, particularly in the first few years, governments may consider

carrying out reviews of implementation on a proactive basis. Based on the results of the review and audits of national practices, they may wish to provide additional support to developers of the plans, programmes and projects along with environmental and health authorities, including through additional

- (a) training workshops to further clarify the procedures, and
- (b) roundtables to discuss existing challenges, to identify ways to overcome them, and to set priorities for the next steps.

#### **Finalize draft guidance documents on practical application of SEA further to adoption of the legislation on SEA**

130. For those beneficiary countries that had not adopted their legislation on SEA by the end of the EaP GREEN in March 2018, it is recommended to revise the draft guidelines, and recommendations on SEA produced under the EaP GREEN after the adoption of that legislation with a view to fully aligning the draft guidelines and recommendations with the adopted legislative provisions. In addition, in support of national SEA and EIA systems, it would be beneficial to prepare, as needed, some dedicated guidance documents. These could focus on either specific aspects of SEA and EIA procedures - such as, for example, scoping, and quality control, - or public participation, or methods and tools to be used in SEA and EIA.

#### **Continue capacity-building and awareness raising on SEA and EIA**

131. While the EaP GREEN funded capacity-building activities focused mainly on the government officials from sectoral and environmental authorities, in the next stages of establishing national SEA and EIA systems, it is also essential to increase the capacity of environmental practitioners. This will enable them to ensure the overall management of SEA and EIA procedures, carry out relevant analyses, and compile scoping, SEA, and EIA reports.
132. Addressing health aspects in SEA and EIA is a challenge in all the beneficiary countries. Therefore, further assistance to relevant health authorities and practitioners is needed. It might include training activities, preparation of the relevant guidelines and pilot projects with a specific focus on considering health issues in SEA or EIA. Cooperation with the World Health Organization might prove useful in this regard.
133. In the countries with the adopted legislative framework, the training activities may focus on establishing a permanent training scheme to allow practitioners and all other interested stakeholders to apply for training courses on SEA and EIA. Such schemes could be developed in cooperation with universities or training centres for government officials.
134. Public participation in SEA and EIA can be enhanced through building the capacity of civil society representatives. It is important for them to be well familiar with the logic of the procedures and be able to identify “windows of opportunity” that SEA and EIA can offer and ensure their timely substantive inputs of good quality.
135. As mentioned above, integrating training schemes for SEA and EIA into the relevant pilot projects is one of the most efficient capacity-building approaches. Therefore, it is recommended to continue applying this approach in the future considering the following aspects:

- (a) The careful selection of a proper plan, programme or project for a pilot SEA or EIA procedure is particularly important and requires special attention. It is recommended that the selected plan or programme for a pilot SEA be linked to a “standard” planning procedure under the national legislation. This will preclude the possibility of the pilot SEA becoming just a “product” of donor activities and its limited ownership by national counterparts;
- (b) The selection of a plan, programme or project should be confirmed by both an environment ministry and a planning agency or project developer to ensure their ownership of and support for the pilot project;
- (c) It is important to ensure that SEA and EIA pilot procedures employ methods and tools that can be used in further SEA and EIA practice relying on national budgets. In other words, financially demanding analyses or those requiring, for example, specific expensive software should be avoided.

**Provide opportunities for networking and exchange of experiences at sub-regional and national levels**

136. As mentioned in paragraphs 105-111 above, sub-regional products and events provided ample opportunities for the beneficiary countries to exchange experience with each other and with the other countries that are Parties to the Convention and the Protocol. They significantly contributed to developing SEA and EIA systems at the national level. Therefore, it is recommended to continue facilitating a dialogue on the legal and practical aspects of the implementation of SEA and EIA procedures at the sub-regional level. Besides study tours and training events, further assistance can include organizing sub-regional conferences with the involvement of countries outside the sub-region and/or establishing an EaP branch of the International Association for Impact Assessment (IAIA).

137. At the national level, the growing SEA and EIA practice will generate a broad experience. Therefore, networking between relevant institutions, organizations and individuals involved in environmental assessment should be supported. This could include, for instance, organizing regular (biannual) national workshops or conferences on SEA and EIA to present and discuss recent developments, case examples, challenges, opportunities, and further steps. The countries that have recently adopted their legislation on SEA and EIA may consider establishing SEA and EIA electronic database(s) to enable recording ongoing procedures and providing information to stakeholders, including relevant reports, and information about public workshops. International organizations, including the EU and the UN organizations, and international financial institutions may play an important role in promoting SEA and EIA in the beneficiary countries by requiring the systematic application of SEA and EIA to initiatives and projects funded by them, together with the development of relevant SEA and EIA strategies, policies and guidelines, as needed, for the economic sectors they support.

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