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Current situation and practical SEA aspects in Moldova

National regulatory framework on SEA, application experience, and challenges

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Regulatory framework on SEA

Law No. 156/2018 on Ratification of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in Transboundary Context (enforced on 07.09.2018);

Law No. 11/2017 on Strategic Environmental Assessment (enforced on 07.04.2018);

Order of MARDE on Approval of SEA Guideline No. 219 of 01.10.2018 (enforced on 12.11.2018);

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Law on SEA, No. 11 of 2017

- **Transposes:**

- **Directive 2001/42/EC** on Assessment of the Effects of Some Plans and Programs on the Environment, of 27 June 2001;
- **Protocol** on Strategic Environmental Assessment to Espoo Convention, on Environmental Impact Assessment in Transboundary Context;

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Law on SEA, No. 11 of 2017

Strategic Environmental Assessment (SEA) - assessment of possible effects on the environment, including on human health, which involves drafting a SEA report, conducting consultations with public authorities and the public interested in the effects of the plan/program implementation, as well as carrying out transboundary consultations, if needed, taking into consideration the SEA report conclusions and consultation results in the decision making process.

Plans and programs – plans and programs, including strategies that contain action plans for their implementation:

- a) are developed in line with the provisions of normative, regulatory or administrative acts;
- b) are to be developed **by a public authority and approved by Government or Parliament;**
- c) are to be developed and approved by a local public administration authority of level II;

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Law on SEA, No. 11 of 2017

Initiator – authority of **central and local public administration** which **initiates** a plan or a program and **is responsible** for drafting it;

Competent authority – central **environmental body** of public administration that provides **consultations to the Initiator** on the draft plan or program in the **screening stage**, examines the draft plan/program, and the SEA report and decides whether to issue or reject the issuance of the environmental permit at **different levels**:

- a) **central environmental body of public administration (MARDE)** – for plans and programs of national level, including sectoral and cross-sectoral ones, approved by Government or Parliament;
- b) administrative authority subordinated to the central environmental body (**Environmental Agency**) – for plans and programs of local level, approved by local public administration;

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Goal & Subject Matter

Draft **P/Ps developed at national and local levels**, which may have a significant impact on the environment in the Republic of Moldova or in other states.

Scope

P/Ps developed in **agriculture, forestry, fisheries, energy, industry, transport, waste management, water resource management, electronic communications, tourism, land use, urban and rural planning** (urban planning and spatial planning documentation, including national, regional, district land-use plans and general urban development plans), and those establishing the framework for the issuance of permits for implementing projects and carrying out activities provided for in Annexes 1 and 2 to Law No. 86/2014 on EIA.

P/P establishing the use of some small areas, at local level, as well as those envisioning minor amendments to the *P/Ps*;

P/Ps providing for the implementation of projects and activities listed in Annexes 1 and 2 to Law No. 86/2014 on SEA, and for which a permit is required.

Are subject to SEA

At the screening stage, based on criteria set in Annex No. 1 to SEA LAW



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Law on SEA No. 11 of 2017

Draft P/Ps – submitted to MARDE for SEA procedure, national level:

- National Action Plan on Energy Efficiency for 2019-2021 – Initiator MEI (2019)
- Flood Risk Management Plan for the Danube-Prut and Black Sea River Basin District – initiator MARDE (2020);
- Drought Management Plans in River Basin Districts - initiator MARDE (2020);
- Action Plan for the Implementation in 2021-2030 of the Program for Gradual Suppression of Halogenated Hydrochlorofluorocarbons for 2016-2040 - initiator MARDE (2020);
- National Air Transport Facilitation Program – author MEI (2021);

Notifications in transboundary context:

- National Mid- and Long-Term Strategy for the Safe Spent Nuclear Fuel and Radioactive Waste Management (Romania, 2021);
- National Natural Gas Transmission System Development Plan of 2021-2030 - (Romania, 2021 – in process);

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SEA stages

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Screening - determining the need for carrying out the SEA (Annex 1)

- examines the information submitted within 10 working days,
- conducts consultations with the healthcare authority,
- takes into consideration the public opinion received
- issues the prior assessment opinion,
- posts it on the official webpage within 5 working days from the date of issuance.

a) Scoping - determines the scope of SEA Report (Annex 2);

- the initiator establishes the proportions and level of detail of the information to be included in the SEA Report -Annex 2;
- conducts consultations with the competent authority and healthcare authority;
- may request additional information from the initiator;
- involves the public in the SEA procedure as early as possible;
- the competent authority notifies the Initiator in writing about the **issuance or refusal to issue the environmental permit** for the P/P;

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b) Drafting the SEA Report;

- is based on the mutually agreed information, identified in the scoping process (stage a));
- SEA Report **identifies, describes, and assesses the possible significant effects on environment**, including on **human health**, that the P/P implementation may produce, as well as the **reasonable alternatives**, taking into account **the objectives and geographic area** covered by the P/P.
- there should exist a national-local, and local-national correlation between the developed P/Ps;

c) Conducting SEA Report consultations with public authorities, interested public, and, if needed, conducting transboundary consultations;

- Consultations with central and local authorities are conducted depending on the level of the documentation (national or local);
- Consultations on the P/P and the SEA Report are conducted in parallel;
- Competent authority checks the quality of SEA Report;
- The Initiator, jointly with the competent authority insures public information and participation in the SEA process;
- The deadline for submitting proposals is 10 calendar days;
- All the information at any stage is posted on the webpage of the Initiator and of the Competent Authority;

d) Issuance of the environmental permit.

- The decision of the competent authority may be: to issue the environmental permit or return the P/P and SEA Report for completion, indicating the measures to be taken;
- The deadline for examination is 45 days, repeated examination may be carried out within 20 working days;

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SEA Report conclusions , environmental permit, objections and proposals received from consultations with the public and the central and local authorities, and the transboundary consultation results are taken into consideration while deciding upon P/P approval.



Following the P/P approval, the following is posted on the official webpage:

Environmental Permit,

The P/P in approved version;

Information on the procedure for integrating the **environmental problems, P/P impact on environment, including on human health in the P/P;**

Information on the consultation of the public and central and local public authorities, and transboundary consultation results.





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Monitoring

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The Initiator – monitors the significant effects of the P/P implementation on environment, including on human health

Monitoring Plan;

in order to identify
unforeseen adverse
effects at an early stage;
and

take appropriate
remedial measures.

submits monitoring
results to the competent
authority and makes
them public;

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	Strategic Environmental Assessment (plan/programs)	Environmental Impact Assessment (projects)
Scope	National, regional, and local plans and programs	Economic projects, mostly of local level
Legal basis	Law No. 11 of 2 March 2017 on Strategic Environmental Assessment	Law No. 86 of 29 May 2014 on Environmental Impact Assessment
Level	At a higher and more complex level, the content of SEA Report is not technically detailed	The EIA documentation is technically detailed, precise, and contains technical data
Data	A combination of descriptive and quantitative data	Mostly quantitative data
Goal	Assess large and lasting (positive or negative) environmental implications of a big number of initiatives (plans and programs), which may vary depending on the area.	Identify, to the extent possible, the specific impact on the environment in quantitative terms. This is a tool that helps the authorities determine if a certain economic project will have or not a negative impact on the environment.

Identified solutions	These are often discussed at the level of overall policy alternatives.	Solutions for the compensation and diminishing of negative effects gain importance and are taken into account upon issuance of the environmental permit
Alternatives	<i>E.g.</i> , a more efficient use of the current infrastructure, fiscal measures, spatial balance of the location, etc.	<i>E.g.</i> location, technical versions, design versions, etc.
Methods for impact prevention	Simple (often matrix-based, using expert opinions) with a high degree of inaccuracy	Complex (and often based on quantitative data)
Results	General	Detailed
Extended problems	On large geographic areas, focused on strategic impact	Focused largely on a certain economic project in a concrete locality
Timeline	The SEA for plans and programs is carried out first	Afterwards, the EIA for economic projects is performed



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