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Training Workshop on Quality Control of SEA and EIA Documentation in the Republic of Moldova

24 May 2023, Chisinau

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Meeting objectives, expected outputs and outcomes

- To promote sound application of the SEA and EIA (including transboundary EIA) in the Republic of Moldova in line with the European Union's Directives on SEA and on EIA, the Espoo Convention and the UNECE Protocol on SEA
- To provide initial training on the envisaged quality control mechanisms for SEA and EIA
- To leverage discussion on the application of the amended Law on EIA and of the amended Law on SEA in relation to the Quality Control
- To introduce the complete draft Guidelines for Quality Control and receive inputs for their finalization

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Typical / Generic Environmental Assessment Steps

0. Screening: to determine if EIA is required for the specific project

1. Scoping / Baseline Analysis

Determination of key issues that should be considered within the EIA process

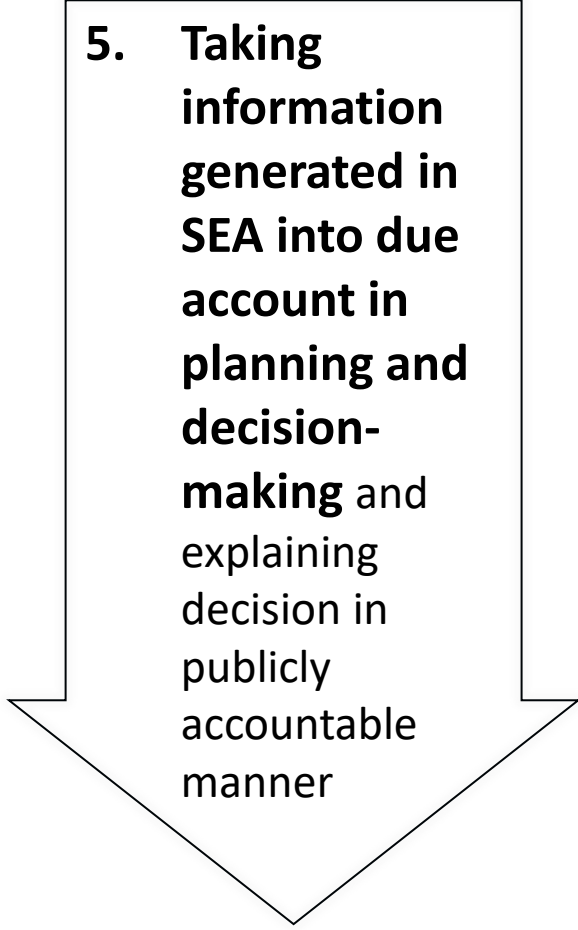
Analysis of key issues i.e. past evolution, current situation and likely future evolution if the project is not implemented

2. Assessment of effects of the project on the key issues and development of mitigation measures (including monitoring scheme)

3. Compilation of the EIA Report and its submission for consultations with environmental and health authorities and the public



4. Consultations



5. Taking information generated in SEA into due account in planning and decision-making and explaining decision in publicly accountable manner



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Step back: What is the purpose of EIA/SEA?

- Good EIA/SEA results in:
 - A good reliable report
 - Proper participatory process
 - Scientifically sound predictions of impacts
 - Improvement of the project/plan under assessment
- Two objects of quality assurance/quality control can be distinguished, i.e.:
 - the Report; or
 - the entire process
- Responsibilities
 - Who?
 - When?
 - What? (a report or a process? – false dilemma)
 - How? – setting out criteria and defining the tools

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Guidelines on Quality Control of EIA Documentation (EIA QC Guidelines) for the Republic of Moldova Including Guidance for Transboundary EIA process

- to support effective application of the existing EIA-related legal framework (national and international)
- to complement existing Guidance documents (such as the Handbook for the execution of the procedures of Environmental Impact Assessment, published through Order No 1 dated 04/01/2019 of the Minister of Agriculture, Regional Development and Environment).

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Guidance structure

1. Guidance on evaluating the quality of the EIA Report, including generic EIA Quality Control checklist to identify and address potential deficiencies in submitted EIA Reports.
2. Guidance on implementing key EIA procedural steps in a transboundary context, including references to relevant international standards, summary of the steps and actions required from key stakeholders, and practical advice on the application of the legal provisions and meeting typical challenges such as:
 - communication with a project developer/initiator preparing project with potential transboundary impacts
 - conducting analyses and gathering environmental data in a transboundary context (including communication and consultation with relevant environmental authorities in the likely affected country)
 - public consultations in a transboundary context
 - transboundary consultations among concerned parties

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Quality assessment of the EIA Report

- The task of the EIA Report quality control is according to the law on EIA entrusted to the “Technical Committee” established through the internal order of the Minister of the Environment to prepare an expert opinion on the quality of the EIA Report (in addition to other tasks).
- To perform this task effectively it is recommended to carry out the quality control in two steps:
 1. quick formal compliance check
 2. substantial quality review

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Formal compliance check

- Compliance with the requirements under Article 10(2) for the content of the environmental impact assessment report;
- Compliance of the EIA Report with the respective environmental impact assessment program (i.e. with the results of scoping)
- Other considerations (e.g. previous procedural omission)

(See the full template)

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Substantial EIA Report quality review

- carried out by the Technical Committee,
- takes into account also:
 - the content of the respective environmental assessment program (i.e. results of the previous scoping), and
 - comments and proposals received from the public concerned (including in a transboundary context where relevant).

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Substantial EIA Report quality review

Organized in seven sections, each of which contains numbered review questions:

- Description of the project,
- Description of the environmental and social factors likely to be affected by the project,
- Description of the likely significant effects of the project,
- Consideration of alternatives,
- Description of mitigating measures,
- Description of monitoring measures, and
- Quality of presentation and non-technical summary.

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Typical issues – insufficient project description

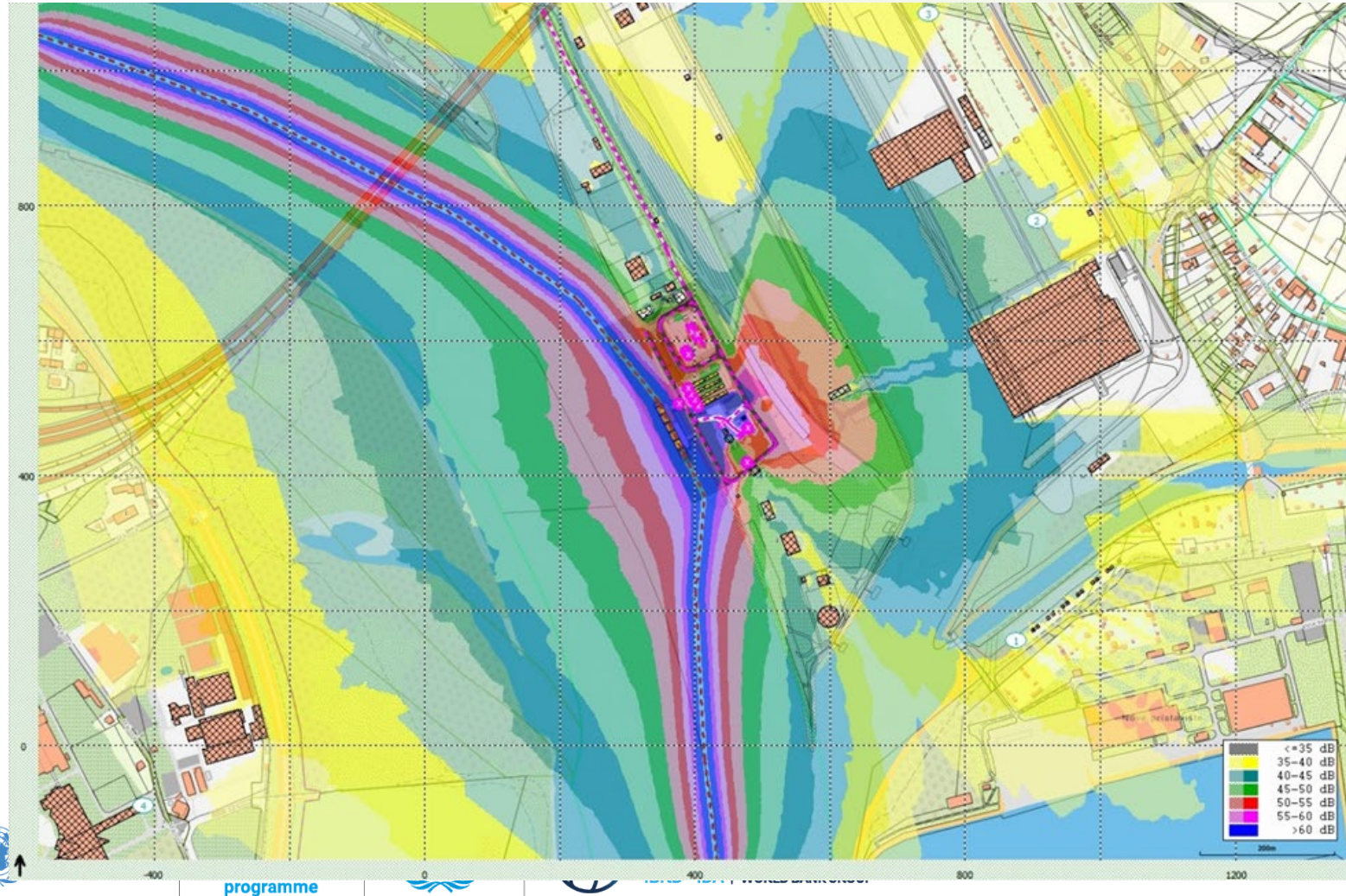
- Has the ‘whole Project’ been described, e.g., including all associated/ancillary works?
- Has the area of land required temporarily for construction been quantified and mapped?
- Is the reinstatement and after-use of the land occupied temporarily for the operation of the Project described? (e.g., land used for mining or quarrying)
- Have any of the risks associated with the Project been discussed?
 - risks from handling of hazardous materials;
 - risks from spills, fire, explosion;
 - risks of traffic accidents;
 - risks from breakdown or failure of processes or facilities;
 - risks from exposure of the Project to natural disasters (flood, landslide, etc.).



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Typical issues – data and methods

- Where data collection have not been practicable for any reason, are the reasons explained, and have proposals been set out for the surveys to be undertaken at a later stage?
- Were the methods used appropriately for the purpose?





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Typical issues – description of impacts

- Have the cumulative impacts on the environment of the Project, together with other existing or planned developments in the locality, been described?
- Is the significance or importance of each predicted effect clearly explained with reference to legal or policy requirements, other standards, and the number, importance, and sensitivity of people, resources or other receptors affected?

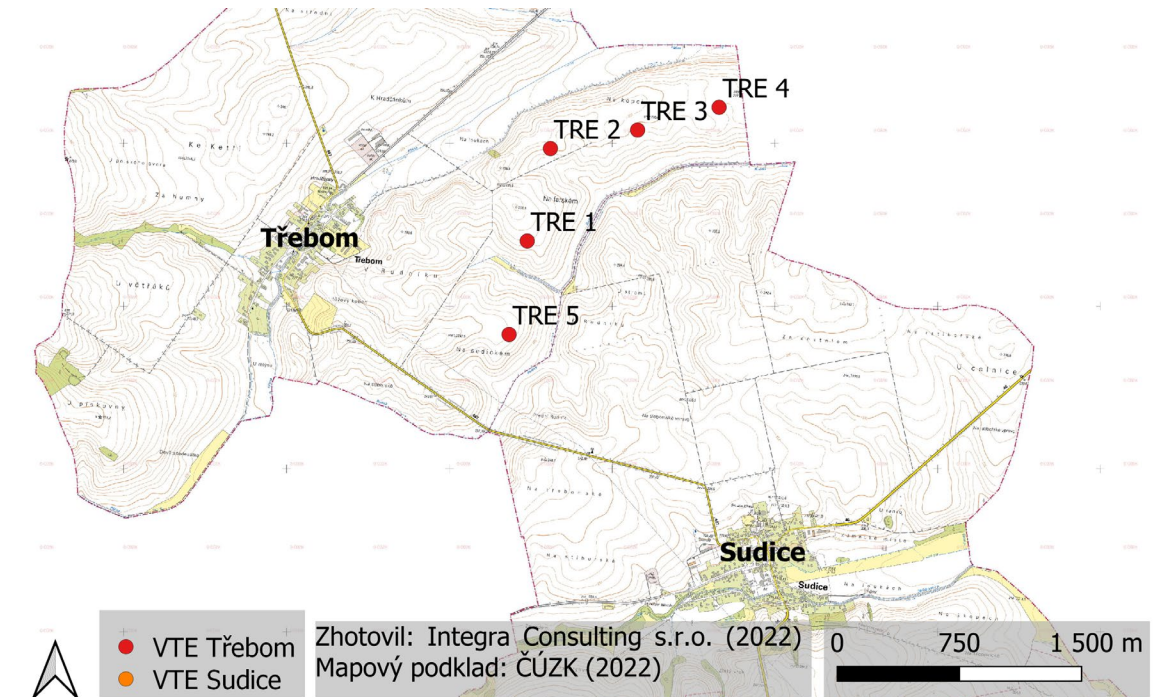
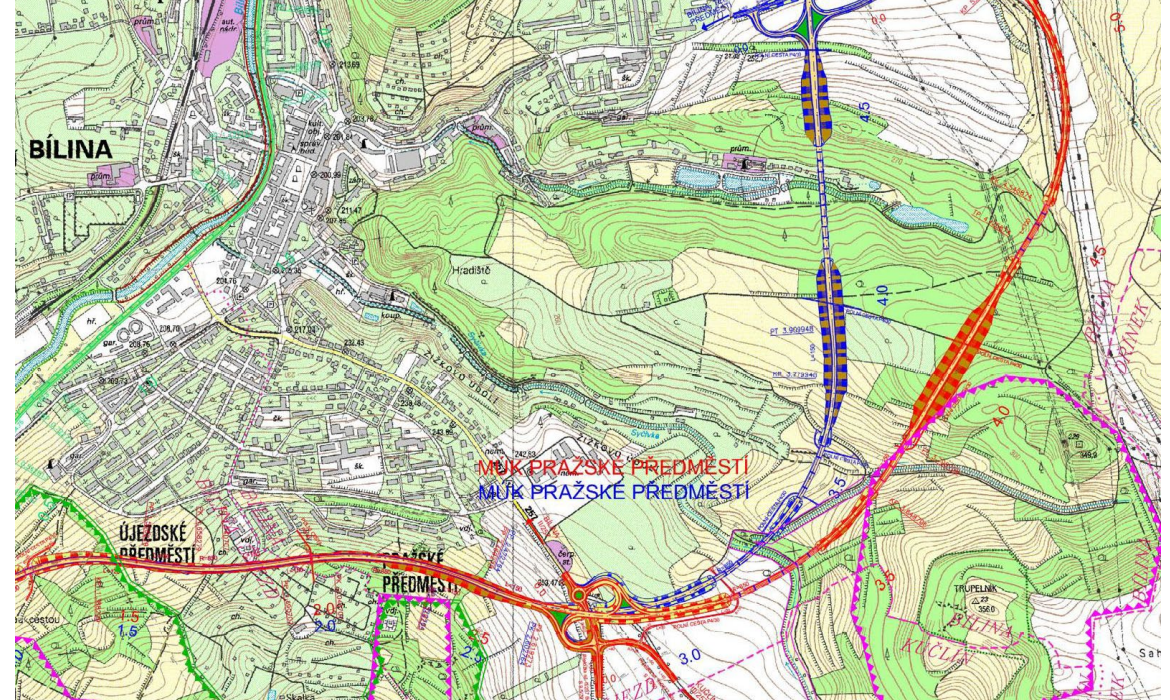
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Typical issues -alternatives

- Has the Baseline situation in the 'do-nothing' scenario been described?
- Are the alternatives realistic and genuine Alternatives to the Project?

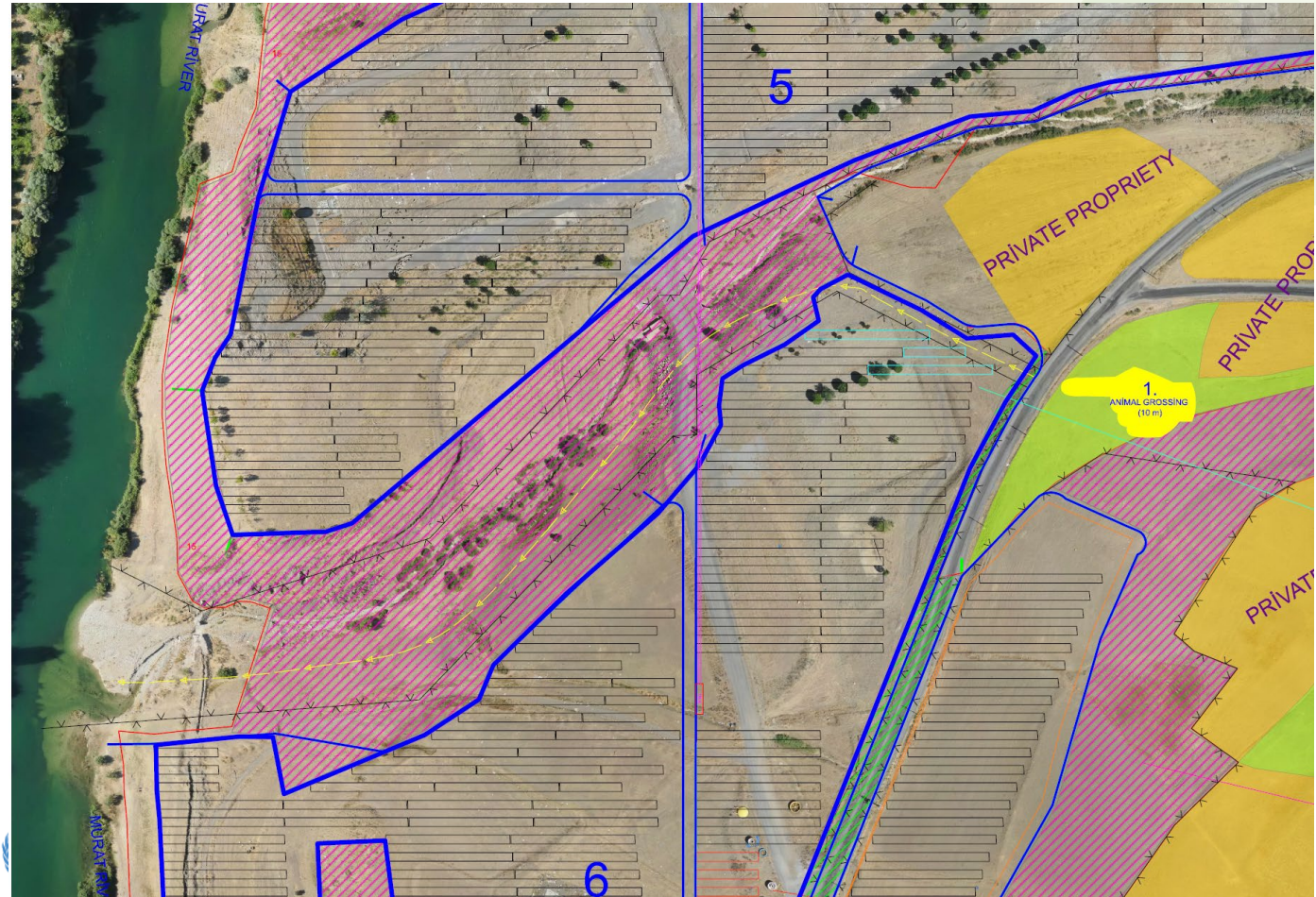




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Typical issues – mitigation and monitoring

- Have any proposed mitigation strategy's negative impacts been described?
- Is it clear if the Initiator has made a binding commitment to implement the mitigation proposed or acknowledged that the Mitigation Measures are just suggestions or recommendations?
- Have the responsibilities for the implementation of mitigation, including roles, responsibilities, and resources, been clearly defined?





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Quality review summary

- Preparation of the reasoned opinion regarding the quality of the environmental impact assessment report
- Committee takes in line with the provisions of the Article 10(4) of the EIA law into account:
 - (a) The content of the environmental impact assessment program;
 - (b) Comments and suggestions received from the public concerned;
 - (c) Compliance with the requirements under Article 10(2) for the content of the environmental impact assessment report;
 - (d) The results of public discussions, including in a transboundary context, as appropriate;
 - (e) Presentation of the alternatives studied and the reasons underlying the choice of one of them;
 - (f) Presentation of graphic information: maps, figures and diagrams;
 - (g) The need for post-project analysis or not.

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Summary evaluation

<p>Quality aspect</p>	<p>Overall scoring</p> <ul style="list-style-type: none"> • <i>Completely covered/satisfactory</i> • <i>Partially covered/acceptable</i> • <i>Completely missing/unacceptable</i> • <i>Cannot be evaluated due to lack of information/need for clarification</i> • <i>Not relevant (a quality aspect is not relevant for the case)</i> 	<p>Comments</p> <p><i>(e.g. indication of pass/fail score for a given quality aspect, indication of needs for further improvement)</i></p>
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2. Application of EIA in a Transboundary Context

- Transboundary EIA inherent challenges:

- Definition of “significant” impact

It is advised that the transboundary impacts that meet any of the following criteria should always be considered significant and thus lead to the notification of an affected country:

- (i) The magnitude of the expected impact in a transboundary area exceeds environmental objectives or safety and health standards of the affected country;
 - (ii) The expected impact leads to an adverse change in a protected area in the affected country; or
 - (iii) Impacts that are due to accidents and that may meet any of the criteria above (i)-(ii).

- Sovereignty and obtaining information

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Application of EIA in a Transboundary Context

International legal framework Espoo Convention

- Determination of whether a transboundary EIA is required (Article 2.2, 2.5 / Appendix I and III)
- Notification (Article 3.1)
- Confirmation of Participation by the affected Party (Article 3.3)
- Transmittal of Information by the Party of origin (Articles 3.5 and 3.6)
- Preparation of EIA Documentation (Article 4 / App. II)
- Distribution of the EIA Documentation to authorities and the public of the affected Party in the areas likely to be affected for their comments (Article 4.2)
- Consultations between Parties (Article 5)
- Final Decision (Article 6.1)
- Transmittal of Final Decision Documentation (Article 6.2)
- Actions in case information emerge that can materially affect the decision (Article 6.3)
- Post-project Analysis (Article 7.1 / App. V) – optional.

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Transboundary EIA Guidance structure

- Determination of whether a Transboundary EIA is Required
- Notification
- Conducting the EIA and preparation of the EIA Report
- EIA Report dissemination and Consultations between concerned Parties
- Taking EIA results into account in decision making
- Post project analysis and monitoring
- Post project analysis

For each of the steps (phases) following sections:

- International Reference
- National Requirements
 - Initiator
 - Environmental Agency
 - Other stakeholders
- Practical Advice

Moldova as a Country of Origin

Moldova as a Potentially Affected Party

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Transboundary EIA: practical perspective

- Carrying out the assessment of the environmental impacts and compiling the related EIA Report is guided by the national legislation and accompanying guiding materials of the Country of Origin. On the technical-expert level it does not make any difference whether a given EIA process is carried out in a transboundary context or as an entirely domestic exercise.
- Baseline analysis is covering adequately whole potentially affected territory, including the areas located in the Affected Country.
- Taking into account relevant reference documents (defining environmental objectives and standards) not only of the Country of Origin but also of the Affected Country.
- Proposed mitigation and monitoring measures can be realistically implemented in the Affected Country.

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Transboundary EIA Report dissemination and Consultations

- **Initiator**

1. Submits the EIA Report to the Environmental Agency for evaluation of the quality
2. Arranges for translation of relevant parts of the EIA Report concerning transboundary impacts to the language agreed with the Affected Party.
3. In coordination with Environmental Agency, organize Public hearing (s) in accordance with Article 10 of the EIA Law, which shall take place on the territory of the local public administration authority on whose territory the planned activity is expected to be carried out.
4. Ensure appropriate interpretation services during Public hearings if foreign citizens are participating in the public hearings.

- **Environmental Agency and Ministry of Environment**

1. Facilitates the transmission of the translated EIA Report (relevant parts) to the Competent Authority of the Affected Party for comments
2. Initiates transboundary consultation with the Competent Authority of the Affected Party to
 - a. consult on the basis of the EIA Report the potential transboundary impacts of the planned activity and measures for their prevention or mitigation;
 - b. agree on a detailed arrangement for public consultations, including public hearing(s).
- a. Coordinate with Initiator in the organization of Public hearing(s) with respect to the possible participation of the representatives of the Affected Party.

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Moldova as Party of Origin

- Moldova is not obliged to fully accept the proposals, requests, or comments received from an affected party. However, the authorities in Moldova should treat them equally, irrespective of national boundaries, and demonstrate that it has taken those comments into consideration when formulating Environmental Agreement.
- Both the Environmental Agreement by the Environmental Agency and final development approval of the planned activity (i.e., permit, license) by the respective approving authority shall be communicated to the Competent Authority of the Affected Party.

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Moldova as Affected Party

- The Transboundary EIA does not grant Moldova as an Affected Country any authority related to the decision-making on a project located in the Country of Origin. However, Moldova has the right to be informed whether and when the concerned project was given final development approval (e.g., construction permit), and how the results of the transboundary EIA were taken into account.
- If the TEIA resulted in agreement on a post-project analysis (i.e. follow-up monitoring of certain environmental indicators) on the Moldova territory, any such arrangement should also include agreement on sharing the costs.

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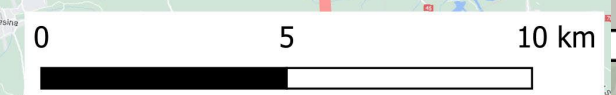


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Legend

-  Area of Interest
-  Project Area
-  Czech republic - Poland border





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Thank you for your attention.

Q&C

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