



COUNTRY REVIEW

Capacity Building Needs Assessment for the Implementation of the UNECE Strategic Environmental Assessment Protocol

Republic of Moldova

2004 (draft 1)

DISCLAIMER

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Table of contents

Table of contents.....	3
I. Identification of plans and programs that fall under the scope of the SEA Protocol	4
II. Analysis of current environmental assessment provisions in Moldova	8
II.1. Overview of the existing environmental assessment procedures in the country	8
II.1.1. Assessment of Environmental Impacts.....	8
II.1.2. Public participation provisions	9
II.2. Possible future changes in the existing legal framework.....	10
II.3. Strengths and weaknesses of the current assessment system.....	10
III. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol	11
IV. Key players in SEA reforms	12
IV.1 Key institutions responsible for SEA process.....	12
IV.2 Key stakeholders, networks and academic programmes promoting the SEA/EIA reforms in Moldova.....	12
V. Past, ongoing and planned initiatives to build SEA capacity in the country.	13
VI. Recommendations for the most effective focus of the UNDP and REC project	13
Annex : List and contact of national or local NGOs.....	14

I. Identification of plans and programs that fall under the scope of the SEA Protocol

Terms ‘plan’ and ‘programme’ are not applied in the Moldavian environmental assessment legislation.

The Table 1 below lists the strategic initiatives approved by the Parliament or by the Government of Republic of Moldova.

Table 1. National and regional strategic documents in Moldova falling under the scope of the SEA Protocol

Sector	Strategic documents	Major characteristics Current or planned changes in the legislation
Agriculture	Program of Sustainable Development in Agriculture Sector (not approved)	
	Program for Land Cultivation and Soil Fertility Enhancement (2003 – 2010), approved by the Government Resolution in 2003	The objectives of the programme are: protection of soils against erosion, amelioration of degraded land, and cultivation of highly degraded land. The underlying principle of the land protection strategy against degradation is to set up protection framework, including forestation of the country’s territory and setting the forest zones, hydraulic facilities, and anti-erosion measures; Related legislation is planned to be amended.
Forestry	National Strategy of the National Forestry Sustainable Development, approved by the Parliamentary Decree in 2001.	The key challenges in the forestry sector are: <ul style="list-style-type: none"> • Preservation of forest biodiversity • Rational utilization of forest resources • Expansion of areas covered by forests • Forests protection and safety • Finalization of legislative framework and strengthening of • Institutional structure • Research support • Personnel training and capacity building • Related legislation is planned to be amended.
	The State Program of Forest Restoration and Forestation of the Forest Fund Land (2003-2020), approved by the Government Resolution in 2003.	Developed to support implementation of the National Strategy of Forestry Sustainable Development; it provides for measures to restore and increase the living potential of forests. Related legislation is planned to be amended.

Sector	Strategic documents	Major characteristics Current or planned changes in the legislation
	National Strategy and Action Plan for Biodiversity Preservation, approved by the Parliamentary Decree in 2001.	Addresses the following key activity areas: <ul style="list-style-type: none"> • Scientific foundation improvement for biodiversity preservation; • Proper management and expansion of the national state-protected areas, endangered animal and plant species protection; • Structural and functional restoration of degraded ecosystems; • Setting up a national environmental network to provide basis for landscape and ecosystems stabilization and biodiversity protection; • Reduction of negative impact of human activities on biodiversity and ecosystems; • Integration of environment protection requirements into sector policies; • Improvement of both legislative and institutional framework and management of biodiversity protection; • Information and environmental education of citizens, involving them in decision-making process regarding biodiversity protection and its wise utilization.
Energy	Energy Strategy of Republic of Moldova (up to 2010); approved by the Government Resolution in 2000.	The strategic goals are: <ul style="list-style-type: none"> • Completion of the energy sector privatization, • Energy efficiency and energy conservation improvement, • Energy safety ensurence • Environment protection • Amendment of the legislation on development and implementation of state standards and norms in harmonized with the EU ones
	Program of Gas Supply Provision of Republic of Moldova (up to 2005), approved by the Government Resolution in 2002.	Program draws on the main principles of the Energy Strategy. The major goal is to develop and implement new, high priority objectives of gas supply to the year of 2005 by de-monopolization of the gas sector.
Industry	Concept of Industrial Policy; approved by the Government Resolution in 1996.	The strategic goal is to form a multi-sectoral, high technology based and competitive - by EU standards - industrial complex (IC), which ensures sustainable development and economic independence, provides for sufficient income to the population and the country's integration into the global economic relations. Short-term goal is to overcome the crisis and support industrial growth by taking into account the requirements of the overall national economic strategy, and European practices. Related legislation is planned to be amended.

Sector	Strategic documents	Major characteristics Current or planned changes in the legislation
	The Investment Strategy of Republic of Moldova, approved by the Government Resolution in 2002.	<p>The overall is sustainable economic development of Republic of Moldova by ensuring high investment growth rate, including direct foreign investment flow, with aim to achieving higher living standards and employment rate. The major goals of the strategy are:</p> <ul style="list-style-type: none"> • To increase the volume of investment in order to provide jobs; • To increase the volume of investment into innovative technologies, research and education. • To increase the volume of investment in social and economic development of the regions; • <u>To increase investment for environment protection, improve efficiency of natural resources utilization and reduce negative environmental effect of economic activities</u> • To orient the national production factors at mobilizing productive potential from abroad and at producing goods for external markets. <p>Related legislation is planned to be amended.</p>
Transport	Concept of Establishment and Development of the National Network as parts of the International Transport Corridors, approved by the Government Resolution in 2002.	<p>Identifies the main principles of establishment and development of national system of roads and highways of major international importance (up to 2015) with view to integrating it into the European transport system.</p> <p>The Concept contains the chapter “Environmental Issues”, with objectives of environment protection and identifying environmental safety of the transport sector as the state’s top-priority issue regarding the respective concept.</p> <p>Related legislation is planned to be amended.</p>
	The Program of Reducing Atmospheric Air Pollution coming from Motor Vehicles, approved by the Government Resolution in 2001.	Identifies measures for reducing the atmospheric air pollution, calls for efficient use of motor vehicles in compliance with the national and international standards, technical and environmental regulations. The measures should be implemented at the level of central and local governments, physical and legal persons, as well as all government and non-government agencies, involved both directly and indirectly in environment protection.
Regional Development	Concept of Sustainable Development of Towns and Villages of Republic of Moldova, approved by the Government Resolution in 2001.	Identifies the areas of implementation of the principles of sustainable development and provides a basis for developing a national development plan. One of the major goals is to involve general public into city planning and decision-making, national development and related environmental issues.
	State Program of Providing Towns and Municipalities with Instructions for Territorial Plans and City Master Plans Development; Stage I (2002-2004)	Contains step-by-step schedule of developing legislative framework, territorial and city plans;
	Program of Water Supply	Developed to restore and develop water supply and

Sector	Strategic documents	Major characteristics Current or planned changes in the legislation
	and Wastewater Disposal Systems of Towns and Municipalities of Republic of Moldova (up to 2006), approved by the Government Resolution in 2002.	wastewater disposal systems in towns and municipalities, to supply consumers with good quality drinking water, to provide for efficient use of water resources and ensure environment protection. Related legislation is planned to be amended.
Waste management	National Programme of Industrial and Municipal Waste Utilization, approved by the Government Resolution in 2001.	Objectives of the programme are: reclamation and neutralization of the existing waste, minimization of waste generation, use of toxic raw materials elimination, and implementation of municipal waste separation. Related legislation is planned to be amended.
Water management	Water Policy Conception in the Area of Water Resources (2003-2010), approved by the Parliament in 2003,	Major following tasks are identified: Implementation of sustainable water management, creation of healthy and safe conditions for people's life. The major goals of the Concept are rational use and preservation of water resources, improvement of water quality, sufficient supply of water to meet the needs of the population and the economy, restoration of water ecosystems. Related legislation is planned to be amended.
Tourism	Strategy of Sustainable Tourism Development in Republic of Moldova (2003-2005), approved by the Government Resolution in 2003.	Goals of the strategy are: establishment of adequate foundation for integrated, well-balanced and sustainable development of domestic and international tourism that will provide significant cultural, social and economic benefits to the country and its communities.
Other National Documents	Program of Government Activities from 2001 to 2005 "Restoration of Economy – Restoration of the Country", approved	Identifies main directions and measures to reach economic stabilization and improve economic and social status of the country. Related legislation is planned to be amended.
	Strategy of Social and Economic Development of Republic of Moldova (up to 2005), approved by the Government Resolution in 2001.	Identifies the goals and priorities of social and economic development, as well as measures to implement them. Related legislation is planned to be amended.

Sector	Strategic documents	Major characteristics Current or planned changes in the legislation
	National Action Plan on Environmental Hygiene, approved by the Government Resolution in 2001.	Identifies series of tasks, e.g.: <ul style="list-style-type: none"> • To improve the quality of data on environmental factors affecting health - both for the development and assessment of the national health policy, and for research purposes; • To provide permanent dissemination of information and research data to environmentalists and public health experts, to decision-makers and to the general public; • To support and encourage financial investment in environment and health protection by means of an efficient tax system; • To harmonize step-by-step water legislation (regarding ground, surface and mineral water) in line with the principles and recommendations of the WHO and EU directives Related legislation is planned to be amended
	Concept of the Establishment and Functioning of Social Hygiene Monitoring in Republic of Moldova, approved by the Government Resolution in 2002.	Calls for meeting the need to mobilize integrated government effort and measures to control deterioration of public health.
	National Environmental Safety Programme, approved by the Government Resolution in 2003.	Includes also the action plan to ensure environmental safety, which requires development of legislation and regulations, implementation of organizational and administrative, as well as environmental safety measures. Related legislation is planned to be amended

II. Analysis of current environmental assessment provisions in Moldova

II.1. Overview of the existing environmental assessment procedures in the country

II.1.1. Assessment of Environmental Impacts

Environmental assessment is regulated by the *Law of Republic of Moldova on Environmental Evaluation and Environmental Impact Assessment* (# 851), from 1996 (further referred to as the Law). The Law, including its changes and amendments says that “the state environmental evaluation is mandatory for new projects, programs, plans, schemes, strategies and concepts” (Article 6.2). The Law also states that OVOS (Assessment of Environmental Impacts) procedure – upon decision of the central agency for natural resources and environment protection – is mandatory for strategic documents addressing national economy, and for projects and activities, depending on the expected level of their environmental impact” (Article 16.2).

This law does not provide for procedures and requirements for realization of environmental impact assessment of strategic initiatives therefore the short description of the current OVOS procedure refers to the assessment of projects-type of activities. The steps of the OVOS process are as follows:

- *Preparation of OVOS documentation;* The proponent who is responsible for the OVOS documentation preparation subcontracts certified agency to prepare such documentation. OVOS documentation content is specified in the legislation.
- *Statement on OVOS;* After the OVOS documentation is completed proponent formulates a statement on environmental impact (SEI), which presents the summary and analysis of all related materials, calculations and studies elaborated within the process of OVOS documentation preparation. The structure of the SEI is specified by the legislation.
- *The review of materials;* Proponent submits the SEI to the respective ministries, departments and local government agencies. Local governments organize public environmental expertise and public hearings. Representatives of the different ministries, departments and local governments submit their comments to the proponent within the set time schedule and send copy of those comments to the central agency for natural resources and environment protection. Proponent sends the final version of the SEI to the central agency for natural resources and environment protection for this to perform the state environmental review (SER).
- *Decision-making;* Referring to the facts above, state environmental review (SER) of OVOS documentation shall be made on the basis of documents submitted by proponent, which has already taken into account comments from public hearings and from local governments, respective ministries and departments (paragraph 24). Based on the results of both state environmental expertise, as well as the public environmental expertise SEE report shall be prepared (paragraph 26). The central agency for natural resources and environment protection is required to inform the public on the results of environmental expertise through mass media within 10 days from the approval of OVOS documentation (paragraph 29).

II.1.2. Public participation provisions

National legislation that includes requirements for public participation in environmental impact assessment of projects, as well of legislation and regulations (draft laws, national programs, etc) is listed below:

Law on Environmental Expertise and Environmental Impact Assessment regulates the process of public environmental expertise (including the citizens' rights in the process), and the process of public involvement in the OVOS process;

Regulation on Public Participation in Decision-Making Process in Environmental Matters, approved by the Government Resolution # 72 in 2000, sets the obligation to involve public in decision-making process related to development of projects, socio-economic programmes, which involve use of natural resources and have significant impact on environment, as well as to development of laws, regulations and projects with transboundary impact. Central agency for natural resources and environment protection is obliged to:

- Inform the general public - by means of mass media – on the initiation of the respective document development;
- Establish working groups, including both NGO and general public representatives, to conduct public surveys;
- Hold sociological surveys regarding the importance and need for particular regulation or other type of document, if considered necessary;
- Invite mass media to working groups' meetings thus providing for openness and transparency;
- Submit draft documents to NGOs and competent agencies for signing;
- Hold press conferences, round-tables, TV and radio presentations in order to present the main idea behind the developed document;
- Consider requests, relevant suggestions, which would lead to necessary changes in the content of document under development;
- Hold various events (e.g. press-conferences, roundtables, briefings, etc.) to inform public on the final approval of the documents after it was given by competent authority and /or it was published in the official bulletin "Monitorul Oficial" of Republic of Moldova.

Regulation on Consultations with Public in the Territorial and City Master Plans Development and Approval Process, approved by the Government Resolution # 951 in 1997. Regulation requires consultations to be held on case-by-case basis, depending on the scale and relevance of the territorial and city master plan. In particular, it is required to organize consultations to receive public comments in terms of intention to develop the plan, proposed suggestions and decisions taken. Moreover, decision taken should be based on the sociological survey related to the city plan development.

Referring to the facts above it can be concluded that SEA of plans, programs and strategies is not applied in practice in Moldova. Assessment of strategic documents is done through the process of the documentation review and approval by the Ministry of Ecology and Natural Resources, other ministries and organs.

As for the development and adoption of laws and regulations, the process is regulated by the Government Resolution # 1104 from 1997 *On the Procedure of Legal Expertise and State Registration of Regulations*, by the Government Resolution # 128 from 1998 *On the Rules Applied in the Process of Regulations' Development*, and by the *Law on Regulations Set by Government or other Central and Local Public Authorities* (# 317-XV, 2003). Following this law, concerned agencies and institutions, which are to review draft regulation, shall send their conclusions with justified suggestions and comments to the body, which developed the regulation. Based on the decision of both the agency that has developed a draft regulation and the agency authorized to adopt it, this regulation shall be subject to financial, economic, and environmental assessment. Evaluation can be done by organizations and citizens not involved in the regulation development, international experts or institutions.

II.2. Possible future changes in the existing legal framework

Current legislation in Republic of Moldova does not fully reflect the requirements of strategic environmental assessment and environmental impact assessment in a trans-boundary context. The amended *Law on Environmental Expertise and Environmental Impact Assessment* (in 2003) requires environmental expertise and environmental impact assessment of plans, programmes and other strategic initiatives but it is not accompanied with necessary mechanism and procedures for their realization. Instead of setting its own OVOS procedures, the law refers to the Espoo Convention in cases when planned activity has a transboundary character.

It is planned to develop a national programme for the SEA Protocol implementation, setting step-by-step measures and timelines for their implementation. Some of the planned measures are listed below:

- Elaboration of a proposal to amend the *Law on Environmental Expertise and Environmental Impact Assessment*, the *Regulation on Public Participation in Decision-Making Process in Environmental Matters* and other legislation;
- Development of new laws and regulations on SEA and EIA in a trans-boundary context;
- Development of guidelines for practical implementation of SEA; (methodological guidance).

II.3. Strengths and weaknesses of the current assessment system

As already mentioned Republic of Moldova does not have the SEA system, which would meet the SEA Protocol requirements, and the current legislation only provides very vague framework for such a system.

However there is a great potential for the SEA system development considering the human and institutional potential that can be improved and built on. There is a potential within the ministries and its affiliated institutions: National Institute of Ecology, State Environmental Inspection, environment agencies, National Water Management Concern *Apele Moldovei*, State Geological Survey Agency *AgeoM*, State Hydrometeorological Institute *Hidrometeo*, State association "Moldsilva", and other environmental agencies. In other words Republic of Moldova has a sufficient potential in the area of research or administration of environment protection and natural sources. National or local NGOs are envisaged to participate in the

process since they have experience in involving public into decision-making process related to the strategic documents adoption.

III. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol

Table 2. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol

How to effectively:	Note: 2 – high priority 1 – important 0 –not relevant	Which are the specific issues where assistance would be helpful
Undertake SEA in plan and program-making process in accordance with the definition of SEA in Article 2.6 (e.g.: how to link SEA to the decision-making process, etc.)	1	
Undertake SEA screening in accordance with Articles 4 and 5 (e.g. how to combine mandatory and exclusion lists and when to apply case-by-case examinations, etc.)	1	
Organize SEA scoping in accordance with Article 6 (e.g.: when to undertake scoping, how to select suitable methods for consultations with public and authorities how to write terms of reference for SEA, etc.)	1	Organizing workshops on SEA screening and evaluation methods, and on writing terms of reference.
Elaborate environmental baselines studies in SEA (in accordance with Annex IV – items 2, 3 and 4)	1	
Use environmental objectives in SEA (in accordance with Annex IV – item 5)	1	
Analyze the likely significant environmental, including health, effects (in accordance with Annex IV – item 6)	1	No study of negative <i>dose – reaction</i> environmental effect on human health was made so far.
Compare alternatives of the plan or program (in accordance with Annex IV paragraph 8)	1	
Prepare post-SEA monitoring plan to meet requirement of Article 12 and Annex IV – item 9		
Analyze trans-boundary effect (in accordance with Annex IV –item 10)	1	
Organize public review of the SEA in accordance with Article 8 (e.g.: how to identify public concerned, how to inform public and collect feedback, how to review public comments, etc.)	1	
Organize consultations with environmental and health authorities in accordance with Article 9 (e.g.: how to identify concerned authorities, how to effectively consult	1	

How to effectively:	Note: 2 – high priority 1 – important 0 –not relevant	Which are the specific issues where assistance would be helpful
with them during SEA, etc.)		
Undertake trans-boundary consultations in accordance with Article 10 (e.g.: when to notify, what level of documents should be exchanged, how to organize effective trans-boundary consultations)	1	
Explain costs and benefits of SEA to decision-makers	1	
Apply SEA to policies and legislation in accordance with Article 13	1	
Draft the law and /or regulations to implement the SEA Protocol	2	

It is necessary to point out that since Republic of Moldova is at the very beginning of the SEA system development, the assistance is needed in actions related to all SEA stages. As for the workshops and training it is necessary to focus on SEA procedures, SEA related legislation and different assessment methods while bringing the experience from practical SEA applications in other countries.

IV. Key players in SEA reforms

IV.1 Key institutions responsible for SEA process

The Ministry of Ecology and Natural Resources is responsible for the SEA Protocol implementation. The future SEA related legislation should specify responsibilities of different stakeholders in the SEA process.

The Ministry of Ecology and Natural Resources very closely cooperates with the Ministry of Health in the area of environment protection, including environmental assessment. They organize common meetings and seminars, work together on the reports, programmes and plans preparation. They mutually control and monitor the sources of environmental pollution. In 2000, the cooperation agreement between both ministers was signed and respective working group established. In 2001, the government has adopted the National Action Plan on Environmental Hygiene with aim to create healthy environment, and which calls for mutual cooperation of health and environment authorities in the plan realization.

Health authorities' representatives are aware and interested in the process of the SEA Protocol implementation. They plan to cooperate with environmental authorities also on the development of new legislative framework for environmental assessment.

IV.2 Key stakeholders, networks and academic programmes promoting the SEA/EIA reforms in Moldova

The key stakeholders promoting the SEA and EIA reform are: the Regional Environment Centre Moldova, National Institute of Ecology, planning institutions such as *Acvaproiect*, *Incercom*, *Urbanproiect*,. The process is also supported by a number of NGOs: *Environment Movement of Moldova*, *Biotica*, *Eco-Tiros* and by the press: *Mediul Ambient* journal and the *Natura* newspaper. There are about 300 environmental NGOs in the country.

The courses on OVOS are part of curricula at the institutions of higher education such as: the State University of Moldova, the Technical University, Ecology College, etc.

V. Past, ongoing and planned initiatives to build SEA capacity in the country.

After evaluating assistance needs for building capacity to implement the SEA Protocol, and drawing up recommendations, it is planned to develop national legislation, to work on the training materials development and to conduct training itself.

Republic of Moldova has not been so far a beneficiary of SEA-related projects or programs supported by international donors. The UNDP AND REC capacity building project that is currently being implemented is the first one of that kind.

VI. Recommendations for the most effective focus of the UNDP and REC project

The following capacity building activities were identified and prioritised (listed in the descending order):

- Comprehensive case study; development of training materials; workshops and training; training manuals – with due consideration of international experience - adapted to the national systems and existing expertise in SEA;
- Development of national guidelines (specifying the SEA approach, recommendations, and assessment methodologies);
- Pilot project supporting the preparation of the national SEA system development plan;

Annex : List and contact of national or local NGOs

1. *Environmental Movement of Moldova*; Address: 13, Sergey Lazo, MD –2004, Chisinau, Tel.: (+373 2) 237149, Fax: (+373 2) 237157; E-mail: renitsa@eco.moldnet.md; www.ppnatura.org
2. Chisinau branch of the *Environmental Movement of Moldova*; Address: 1, Eminescu Street, MD 2009, Chisinau; tel/fax (+373 2) 22 27 71, E-mail: chbemm@moldnet.md; <http://www.chbemm.ngo.md>;
3. *BIOTICA*, Address: 6, Kosmonavtov, MD- 2005, Chisinau, Tel: (+373 2) 243717, Fax: (+373 2) 243274, E-mail: biotica@biotica-moldova.org; www.biotica-moldova.org
4. *Viitorul Verde*; Address: 11, Jon Nikultche, Chisinau, Tel.: (+373 2) 582508, Fax: (+373 2) 222771, E-mail: viitorul_verde@mail.md; www.ournet.md/~viitorul_verde
5. *Environmnet and Health*; Address: 24, Moscov bul., Tel/Fax. (+373 2) 322345, E-mail: emi77md@yahoo.com
6. *INQUA-MOLDOVA*, Address: 3, Academic str., MD –2028, Chisinau, Tel. (+373 2) 739248, Fax (+373 2) 766855, E-mail: inqua@mail.md
7. Public advocacy center *Eco-Lex*; Адрес: 29/7, Mateievitch, MD –2005, Chisinau, Tel/Fax. (+373 2) 220416, E-mail: pzamfir@eco-lex.dnt.md; www.iatp.md/eco-lex
8. Youth environmental organization *SalvaEco*, Address: 13, Ozernaia str., Chisinau, Tel/ Fax: (+373 2) 481104, E-mail: salvaeco@salvaeco.org; www.salvaeco.org
9. *Geological Society of Republic of Moldova*, Address: 199, str. Grenoblia, Chisinau, Tel. (+373 2) 767835, 238842, E-mail: sgm@moldnet.md; www.geo.dnt.md
10. Society for study and protection of biodiversity *Fauna*, Address:: 65a, Kogylnichianu str., Chisinau, Tel: (+373 2) 577809, E-mail: andreev@usm.md; www.fauna.ngo.md.