



NATIONAL STRATEGY

for Implementation of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context in the Republic of Moldova

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DISCLAIMER

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The views expressed in this document are those of the authors and do not necessarily represent those of the United Nations, its Member States, UNDP or the REC.

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List of Terms and Abbreviations

EIA	Environmental Impact Assessment is a formal process used to predict the environmental consequences of any development project. EIA thus ensures that the potential problems are identified and addressed at an early stage in the project's planning and design.
EECCA	Eastern Europe, the Caucasus and Central Asia
Environmental assessment	Environmental assessment is the process of systematic analysis and assessment of environmental, social or other consequences of planned activity, as well as taking into consideration the results of this analysis until the decision on of the activity is adopted.
Espoo Convention	UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)
MoENR	Ministry of Ecology and Natural Resources of the Republic of Moldova
MoHSP	Ministry of Health and Social Protection of the Republic of Moldova
MoEYS	Ministry of Education, Youth and Sports of the Republic of Moldova
NGO	Non-Governmental Organization
REC	Regional Environmental Center for Central and Eastern Europe
REC Moldova	Regional Environmental Center, Republic of Moldova
RM	Republic of Moldova
SEA	Strategic Environmental Assessment
SEA Directive	European Parliament and Council Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
Protocol	UNECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kiev, 2003)
SER	State Environmental Review – process that comprises a preliminary assessment of the environmental impact of an economic activity and establishing the compliance of this activity with existing legislative and regulatory acts.
Strategic documents	Strategies, plans, programmes on social, economical and territorial development of the Republic of Moldova, approved by the Government
UNDP	United Nations Development Programme
UNDP RBEC	UNDP Regional Center for Europe and CIS
UNECE	United Nations Economic Commission for Europe

Introduction

Background of the Strategy

The Protocol on Strategic Environmental Assessment (hereinafter SEA Protocol) was elaborated under the auspices of United Nations Economic Commission for Europe (UNECE) as a supplement to the Convention on Environmental Impact Assessment in the Transboundary Context (the Espoo Convention). This convention was signed in Espoo (Finland) on 25 February 1991 and the Republic of Moldova ratified it in 1994.

The SEA Protocol was signed by 36 signatories, including the Republic of Moldova, at the Extraordinary Meeting of the Parties to the Espoo Convention, during the ‘Environment for Europe’ Ministerial Conference that was held in Kiev (Ukraine) on 21 May 2003.

For the countries of Eastern Europe, the Caucasus and Central Asia (EECCA) that signed the Protocol, UNDP in collaboration with the Regional Environmental Centre of Eastern and Central Europe (the REC) and with support from the UNECE secretariat, has offered substantial support for capacity building for implementation of the SEA Protocol. They have organized seminars and supported elaboration of the Guide for the Implementation of Strategic Environmental Assessment, which was largely based on the Draft Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment (UNECE and the REC, 2006).¹

The Third Meeting of the Parties to the Espoo Convention (Cavtat, 1-4 June 2004) adopted a workplan (decision III/9, ECE/MP.EIA/6, annex IX), in which the signatory EECCA countries committed to prepare capacity-building strategies for the implementation of the SEA Protocol. These capacity development strategies must be based on assessments of country-specific needs for the implementation of the SEA Protocol and should be elaborated in cooperation with non-governmental organizations (NGOs) and the private sector.

The Meeting of the Parties to the Espoo Convention consequently provided financial assistance for the elaboration of this national strategy. The strategy was elaborated under the auspices of MoENR of the Republic of Moldova by a team of Moldavian experts, with assistance from the Regional Environmental Centre for Central and Eastern Europe (the REC, the implementing agency), UNDP Regional Centre for Europe and CIS (UNDP RBEC) and the UNECE Secretariat to the SEA Protocol.

The strategy suggests a focused stage-by-stage implementation of the SEA Protocol.

The strategy is supplemented by a detailed national capacity needs assessment “Country Review: Capacity Building Needs Assessment for the implementation of the UN/ECE Strategic Environmental Assessment Protocol, Republic of Moldova” carried out in 2004. This document has been elaborated by national experts within the project, “SEA Promotion and Capacity Development” that was jointly implemented by the UNDP, REC (implementing agency) and UNECE.²

¹ To be made available in English and in Russian on the website on the Espoo Convention (at <http://www.unece.org/env/sea>) and elsewhere.

² Funded by the UNDP and the Environment and Security Initiative.

Strategic environmental assessment and its benefits

SEA is a systematic process for evaluating the significant environmental effects of proposed policy, plan or programme initiatives in order to ensure that those effects are appropriately addressed at the earliest stage of decision-making on par with economic and social considerations³.

SEA is essentially a tool that helps to decrease negative environmental consequences of proposed strategic actions, and is viewed as one of the necessary contributing mechanisms for sustainable development. It also enhances plan and programme making processes, improves efficiency of decision-making and strengthens governance⁴.

The Ministry of Environment and Natural Resources (MoENR) considers SEA as a tool which, allows the integration of environmental protection within the national decision-making system, creates a favourable environment and ensures environmental security in the Republic of Moldova. The main expected benefits of future introduction of SEA in the Republic of Moldova include:

- Inclusion of environmental goals, with due regard for protection of health, in the elaboration of sector and branch strategies, programmes and plans, and so contributing to the principles of sustainable development.
- Adoption of balanced decisions at a macroeconomic level that will promote environmental and public health protection, as well as public participation in the decision-making process, so contributing to the principle of sustainable development.
- Ensuring that environmental (including health) concerns are taken into account in a variety of territorial and sectoral strategies, plans and programmes.
- Recognition of responsibility for preservation of the environment and expansion of international cooperation in the assessment of transboundary effects of proposed strategic decisions and creating a basis for international collaboration in this regard.

To implement the requirements of the SEA Protocol in the Republic of Moldova, the MoENR plans to put into effect a series of step-by-step measures elaborated in this strategy.

The main requirements of the SEA Protocol⁵

The SEA Protocol defines SEA as an ‘evaluation of the likely environmental, including health, effects that comprises the determination of the scope of an environmental report and its preparation, the carrying out of public participation and consultations, and taking into account the environmental report and the results of public participation and consultations in a plan or programme’. The SEA Protocol requirements are similar to those of the Directive 2001/42/EC, of the European Parliament and Council on the assessment of the effects of certain plans and programmes on the environment, adopted in June 2001 (hereinafter SEA Directive).

The SEA Protocol requires SEA to be undertaken for specifically defined plans and programmes that are likely to have significant environmental and health effects. Determining whether SEA is required or not (screening) can be done through either a) a preliminary case-by-case examination, b) list of specified types of plans or programmes, or c) by a combination of both approaches.

³ Sadler B and Verheem R, *Strategic Environmental Assessment*, Ministry of Housing, Spatial Planning and the Environment of the Netherlands, The Hague, 1996.

⁴ Dusik J., et al Benefits of a Strategic Environmental Assessment (2003) by UNDP and the REC.

⁵ This is a summary of the key elements of the Protocol, therefore for the concrete requirements the full text of the Protocol should be consulted.

The Protocol requires determination of the scope and level of detail (scoping) for each SEA that is implemented. Scoping helps to determine the content of the environmental report by defining environmental impacts and alternatives that should be assessed, the methods to be used in the assessment, and the detailed structure and contents of the environmental report.

The Protocol also requires preparation of the environmental report, which will specify, describe and assess the proposed plan or programme and its likely significant environmental and health effects.

According to the requirements of the Protocol, the draft plan or programme has to be presented to environmental and health authorities. It is required to take into account their opinion on the draft plan or programme and the environmental report. Consultations at all stages of SEA are recommended to be implemented although the Protocol stipulates that consultations with environmental and health authorities are at least required (a) during scoping and (b) on the draft plan or programme and environmental report.

The Protocol also stipulates public participation requirements during the SEA. The public has to be provided with information on, and timely opportunities for participation in the SEA of plans and programmes, at the stage when it is possible to choose from alternatives. The concerned public has to be given access to and an opportunity to express its opinion on both the draft plan or programme and the environmental report. Comments of the concerned public on the draft plan or programme and the environmental report must be taken into account during decision-making.

Taking a decision on plan or programme approval is done by taking into consideration the content of the environmental report, measures on prevention, reduction or mitigation of any significant adverse effects and comments by the public and environmental and health authorities. After adoption of the plan or programme, the public and the environmental and health authorities have to be informed about the decision.

The final stage of the SEA provides for monitoring of the effects of the implementation of the adopted plan or programme.

If a Party to the Protocol considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects on another Party to the Protocol (or if that second Party so considers), the Protocol requires transboundary notification and, as appropriate, consultations and an opportunity for the participation of the concerned public.

1. Current framework for the future implementation of the SEA Protocol in the Republic of Moldova

This section presents an analysis of the current basis for environmental assessment and public participation in the Republic of Moldova and overview of key stakeholders in this process.

1.1 Legislative and regulatory basis for carrying out environmental assessment

The Republic of Moldova does not have an SEA system that would meet the requirements of the SEA Protocol and SEA Directive. The existing system of environmental assessment is comprised of: state environmental review (SER) and environmental impact assessment (EIA).

SER is mandatory for plans' and project documentation of objects and types of planned economic activities that have, or are likely to have, environmental impact and that envisage the use of natural resources, irrespective of their purpose, location, type of ownership and departmental subordination of these objects or activities.

Several departments of the MoENR and its subordinated organizations carry out SER. It depends on the complexity of the object and the level of its influence upon the environment which department carries out the SER.

The public may also be involved in the process of analysis, as NGOs may undertake a parallel Public Environmental Review. Other ministries may also carry out SER. Results of these analyses are only recommendations until the MoENR approves them.

SER takes into consideration the conclusions of the state sanitary-epidemiological inspection service and other state bodies that have supervisory and control functions.

New objects and types of activities that are likely to have significant environmental effects have to have EIA documentation and are subject to SER. The current legislation determines the objects and activities for which EIA documentation is necessary. The EIA documentation is prepared at the first stage of planning and represents a compulsory component of plan and project documentation.

The main EIA procedures are to carry out the assessment, examination and coordination of the documents, SER and decision-making. The law requires public participation in the EIA. State authorities, as well as NGOs, planning institutes, other specialized organizations and independent experts are also involved in the process of analysis.

Amendments to the national legislation on the SER of plans, programmes and strategies were introduced in 2003.

Thus, in the **Law on Environmental Protection**, Article 23(1) stipulates that 'Analysis is mandatory for new programmes and projects on economic and social development of the Republic, development zoning programmes, and programmes of districts, municipalities, towns and communes (villages); re-construction programmes of municipalities, towns and communes (villages); projects for water, gas and energy supply; development projects of sewerage networks and systems in settlements; and housing and territorial development programmes'.

Article 23(2) provides that ‘The Statement of programmes and the projects stipulated by sub-items a) - j) parts (1), their financing and implementation are allowed only with a positive examination conclusion and under the condition of the observance of its recommendations’.

Article 6(2) of the **Law on state environmental review and environmental impact assessment**, No. 851, dated 29 May 1996, with further changes and amendments, says that ‘state environmental review is mandatory for: c) new projects, programmes, plans, schemes, strategies and concepts’.

Article 16(2) of the Law also provides that ‘Upon the decision of central authority for natural resources and environmental protection, the EIA procedure is mandatory for strategic documents on the development of the national economy and other objects and activities depending on the expected level of environmental impact.’ This Law stipulates that ‘Public environmental review shall also be carried out’.

In practice, in Republic of Moldova has never carried out a SEA of plans, programmes and strategies. The MoENR and other ministries and departments analyse and issue examination conclusions on these documents.

The procedure for coordination of draft laws and regulations is established by the following legislation:

- Government Decision no. 1104 dated 28 November 1997 ‘on the procedure for legal assessment and state registration of regulations of the departments’;
- Government Decision no. 128 dated 5 February 1998 ‘on approval of the rules for developing regulations’;
- Law No. 317-XV dated 18 July 2003 ‘on Government and other central and local public authorities’ regulatory acts’.

The Governmental Decision no. 1104 states that: ‘The interested bodies and departments, to which the draft statutory act is presented for coordination, send to the proponent of the draft the conclusion with substantiated remarks and recommendations...’ (Article 40). Article 41 (2) says: ‘by the decision of the body that has prepared the draft statutory act, as well as the body responsible for its’ editing, the draft is ready for financial, economic, environmental and other kinds of examination. Foreign experts and international organizations, the organizations and the citizens, who did not participate directly in preparation of the project, can act as experts’.

1.2 Public participation

National legislation foresees public participation in the decision-making process and in the process of developing laws, regulations and national programmes, etc. regarding environmental protection issues. The main legislative acts are:

- The Regulation on public participation in the decision-making process regarding environment protection issues, approved by Government Decision No. 72 from 25 January 2000:
 - Chapter II ‘Public proceeding in the decision-making process regarding the development of laws, programmes and other regulatory statements’;
 - Chapter IV, item 17 ‘Public participation in the process of development of national projects and programmes related to social-economic development, that foresees use of natural resources that have a significant impact on the environment, mandatory’;

- Chapter V, item 20, ‘Public participation in the process of developing the laws, regulations and decision making for national projects, projects with transboundary effects and other laws and regulations.’
- The Regulation on public consultation in the process of development and approval of territorial development and housing documentation approved by Government Decision no. 951 dated 14 October 1997
- The Law ‘on “Environmental review and environmental impact assessment’ No. 851, dated 29 May 1996 (Chapter III ‘Public environmental review’ Art. 9–12, Section VI. Participation in EIA of NGOs and temporary public associations for solving problems).

Based on above mentioned legislative and regulatory documents, it is possible to conclude that current legislation already incorporates some basis for SEA implementation and the Republic of Moldova has the potential for its further development.

However, for the practical implementation of SEA it is necessary to make essential additions to:

- The existing legislation concerning mechanisms and procedures for carrying out SEA consultations with necessary bodies;
- Mechanisms for public involvement in the development of SEA for national plans and programmes;
- Mechanisms for consultations, notification, monitoring;
- Methodological guidance in transboundary cases.

1.3 Key Stakeholders in SEA in Moldova

There are five main groups of relevant stakeholders interested and involved in the process of SEA implementation in the Republic of Moldova:

- Proponents and developers of the strategies, plans or programmes;
- Competent authorities;
- Environmental and health authorities;
- The public;
- Experts conducting the SEA.

A proponent of the Strategy, Programme or Plan is the organization responsible for the elaboration of the plan or programme and its formal submission to decision-making. Sometimes, the actual elaboration of the plan or programme can be commissioned by another governmental body, expert group, NGO, etc. Irrespective of the actual set-up, these **developers** of a plan or programme are expected to play a major role in the practical application of the SEA Protocol within their respective plan or programme-making processes.

The competent authorities are the Government and/or Parliament or other public authorities that are responsible for taking the decision on the plan or programme.

The environmental and health authorities can be central and/or local authorities, responsible for environmental protection and health issues. They need to be provided with timely and effective opportunities to express their opinion on the proposed scope of the SEA and on the Environmental report.

The public means one or more persons or legal entities, including associations, organizations and groups (NGOs). Public participation is also a component part of SEA. The Protocol and the SEA Directive require an opportunity is given to the public to participate in SEA procedures, in particular by being able to comment on environmental reports and draft plans and programmes, and

to have those comments taken into account in the decision-making, and encourages public participation when determining when a plan or programme is to be subject to SEA and when determining the scope of SEA.

The **experts** are those involved in carrying out the SEA. The expert group can be comprised of independent experts or specialists from environmental and health authorities.

2. Strategy for implementation of SEA Protocol

2.1. Rationale

The current state of environmental assessment and the perceived needs for developing capacity in SEA (as described in section 1 above) indicate the need for a strategy to build up capacities for the application of the SEA Protocol. Such a strategy is important in order to:

- Have a focused and stage-by-stage introduction and implementation of the SEA Directive and of the SEA Protocol;
- Enable a harmonized introduction of environmental assessment for strategic documents into the national legislation in the context of approximation with European Union *acquis* and by taking into consideration the requirements of international conventions and agreements.

This section presents the strategy on implementation of SEA, beginning with a definition of the aim and objectives of the strategy, outlining medium-term and short-term actions to achieve these objectives and concluding with three priority projects for national and international funding. The strategy then discusses implementation, emphasizes the need for on-going collaboration with international organizations and concludes with the proposed monitoring mechanisms for the strategy.

The strategy is devised for the period to the end of 2010. At the end of the 2010 the MoENR will carry out a review of the strategy and effectiveness of its actions. The review will provide recommendations for further practical implementation of SEA in the Republic of Moldova.

2.2 Objectives

The national strategy for the implementation of the SEA Protocol in the Republic of Moldova aims to create a complete SEA system that will include legislative, regulatory, methodological and institutional aspects of taking into consideration environmental factors in the process of elaborating strategic documents for the country's social-economic development.

The primary objectives of the strategy are:

- Raising awareness among the governmental authorities, the public and NGOs of SEA procedures and stages, and of SEA advantages and the international legal basis of SEA implementation;
- Development of a national policy and creation of a complete legal and regulatory system for effective implementation of SEA aimed at assessment of significant environmental effects of strategies, plans and programmes;
- Creation and strengthening of institutional capacity to manage and carry out SEA;

- Increasing human capacity in terms of SEA methodology based on good international practice in carrying out SEA;
- Development of international cooperation in the field of SEA.

The strategy is comprised of mutually interlinked medium and short-term actions. The Government of RM has mentioned the strategy and the actions in the National Action Plan of Republic of Moldova for EU integration RM-UE approved by decision Nr. 356 of 22 April 2005. Also, based on consultations with the DG Environment on the Approximation plan of national environmental legislation with EU Directives (elaborated during March – May 2006), 3 (out of 8 proposed) negotiation chapters have been identified as priorities i.e. Horizontal Legislation, EIA, and Public Access to Environmental Information. The issues dealt with in those chapters are directly related to requirements of the Protocol and the SEA Directive. Implementation of the Strategy will contribute to realization of the above-mentioned plan.

2.3 Medium-term actions

The effective and efficient introduction of SEA is impossible without a complete legislative, normative and methodological base. Therefore, the main medium-term action pursued by the strategy is the **elaboration of the legislative and regulatory base for implementation of the SEA Protocol and SEA Directive**.

This action should be implemented by 2010 and should involve the following tasks:

- Assessment of the compliance of the national legislation with the requirements of the Protocol and the SEA Directive;
- Elaboration of a detailed plan for reforming the current legislation and elaboration of the new legislative documents and regulatory acts;
- Elaboration or introduction of changes or amendments to legislative acts;
- Elaboration of the regulatory base (instructions, decisions);
- Carrying out an assessment of the costs for Protocol implementation, coordination with competent bodies and ensuring the necessary funding from the State budget.

The proposed creation of a legislative and regulatory base will involve a set of laws, instructions and governmental decisions, having as a common issue the process of SEA, with due regard to the requirements of SEA Protocol, SEA Directive, international conventions and other agreements to which the Republic of Moldova is party. This set of documents will allow the more efficient consideration of the requirements of corresponding documents within national legislation and avoiding contradictions between different legislative acts. The documents will also provide a framework for coordination of activities related to carrying out the SEA during the elaboration of strategic documents and other activities and procedures in the field of environmental protection.

During preparation of the set of documents, a detailed analysis of existing legislation will be carried out, including an assessment of the national legislative system compliance with requirements of the SEA Protocol, the SEA Directive, and other international agreements. A logical structure of national legislation will be developed and this set of laws should then be coordinated and approved.

The legislative set of proposals will contain draft laws and regulatory acts related to the initiation, elaboration and approval of strategies, plans, programmes, and regulation and monitoring of economic activity. The proposed amendments will address: criteria for the determination of the types or categories of plans, programmes and other kinds of economic activity to be subject to environmental assessment, mechanisms and coordination procedures with environmental bodies and

Transboundary consultations. These acts should create a viable internal system for SEA implementation.

In addition, a second set of documents is foreseen, having a regulatory and methodological character including: instructions, regulations, training materials on SEA, methods, procedures, international good practices in carrying out SEA and other supplementary documents necessary for effective implementation of SEA.

The legislative and regulatory acts must reflect the regulating mechanisms of SEA implementation, especially:

- The criteria for determining the types of plans and programmes subject to SEA (screening provision);
- An SEA procedure;
- A mechanism for public participation in SEA;
- Scoping criteria;
- A procedure for consultation with environmental and health authorities;
- A procedure for transboundary consultations;
- A decision-making procedure enabling taking into account SEA recommendations and conclusions;
- Monitoring of implementation of SEA and of impacts of plans and programmes on the environment.

2.4 Short-term actions

Short-term actions aim to create a solid basis for the legislative reforms outlined in the mid-term action. They are proposed for the period till the end of 2007 and focus on 3 main axes: **awareness raising, institutional capacity strengthening and expert capacity development**.

Short-term capacity development axis #1: Awareness raising

The process of formation of the national policy in the field of environmental assessment and the impact of environmental assessment on the quality of adopted decisions and implementation processes depends primarily on the awareness and comprehension among employees of environmental bodies and the public of the essence of environmental assessment and influence of environmental factors on sustainable development. It will allow to adequately establish environmental assessment practice area within environmental policy and to take necessary implementation measures

Awareness among key governmental authorities, experts and NGOs on SEA procedures and benefits as well as the international legal basis for SEA implementation may be strengthened through:

- Campaigns on issues related to environmental assessment, as well as promotion of good international practices;
- Information materials (bulletins, booklets, etc.) on SEA Protocol aimed at different target groups and dissemination through stakeholders;
- SEA methodological materials presented in specialized environmental publications (magazines, newspapers, etc.);
- Training seminars involving different stakeholders in the SEA process;
- Specialized lectures and discussion (called "environment hours") on this subject in environmental authorities, educational institutions, etc;
- SEA pilot project of a planned programme or plan;

- Dedicated SEA page on the MoENR's website which would provide updated information and links to other websites related to SEA;
- Creation of a specialized library on SEA within the MoENR.

Information materials *inter alia* should contain a description of the SEA process, importance and benefits of SEA implementation, the role of the public, methodology and international good practices of SEA implementation.

The above-mentioned activities could be carried out in collaboration with all stakeholders of the SEA process including scientific and international organizations.

Short-term capacity development axis #2: **Strengthening institutional capacity**

Institutional capacities for the implementation of the SEA Protocol may be strengthened through the following actions:

- Creation of special structures or appointment of the persons responsible for SEA implementation within governmental environmental authorities and health authorities. Responsibilities of those new structures and personnel should be fixed by corresponding legal documents. (For example: within environmental authorities this structure can be the SEA Division with responsibility to carry out SEA or to review the quality of SEA before submission to a decision making body);
- Creation of structures within relevant scientific bodies responsible for methodological support;
- Assistance to NGOs in raising awareness on SEA and development of capacity for effective participation in the process;
- Increasing the professional level of experts representing state authorities and participating in the SEA process by carrying out seminars, training courses (attracting or involving national and international experts), specialized courses for improvement of professional skills and internships.

SEA regulatory and legislative acts will clearly specify the role of each participant in SEA. The procedure of interaction with the proponents of plans and programmes and the procedure of consultation with stakeholders, including the public should also be determined and the requirements of the SEA Protocol must be observed in the new proposed regulations.

Short-term capacity development axis #3: **Strengthening capacity of national SEA experts**

Capacities of national SEA experts may be strengthened through the following actions:

- Implementation of SEA pilot projects;
- Introduction in higher education institutions of a lecture course on SEA;
- Preparation of SEA manuals and guidance;
- Carrying out seminars and training courses on SEA;
- Studying international legislation and good practices on SEA.

The training of national experts will be achieved by carrying out seminars and special courses for training experts on SEA theory, as well as by their gaining experience from carrying out SEA pilot projects. It is expected that there will be training of national experts by international experts who have practical experience in carrying out SEA, and by national experts who have been trained in specialized organizations abroad. Training of national experts must be reflected in the National Programme 'Education for all' (approved by Governmental Decision no. 410 at 04.04.03), which should be complemented by the new activities and linked with the activities of this strategy.

3. Implementation arrangements for the strategy

3.1 Priority projects for the implementation of strategy

In order to support the objectives of the strategy and implementation of proposed medium-term and short-term actions, three (3) crosscutting capacity development projects have been selected as top priorities for the targeted use of national and international resources:

- Practical SEA demonstration (SEA pilot project),
- Raising the awareness on SEA benefits and enhancing experts' capacity in SEA,
- Establishment of the legal system for SEA.

Details of these projects are outlined in project fiches 1-3 contained in Annex 1 to this strategy.

3.2 Cooperation among national authorities and international organizations

It is planned that implementation of the Strategy will be financed by National and Local Ecological Funds, state budget, fundraising with key donors and technical support from international SEA expert centers and organizations.

For the effective implementation of SEA Protocol requirements, it is necessary to enhance **coordination between ministries** in the Republic of Moldova. In this context MoENR will invite all key sectoral ministries concerned with the implementation of the SEA Protocol into the national Working Group for implementation of Espoo Convention and SEA Protocol.

Collaboration with international organizations regarding SEA could occur as part of both the short and long-term actions. Activities within the framework of the Espoo Convention and the SEA Protocol provide a basis for the development of international cooperation in SEA, the improvement of the systems and methods of SEA and interaction between countries. In this context, the Meetings of the Parties to the Espoo Convention and the SEA Protocol, the Working Groups and Task Forces are organized in the framework where national experts have the opportunity to take part in seminars and training courses, and the carrying out of joint projects. For SEA of plans and programmes that are likely to have significant transboundary environmental effects, it is necessary to develop existing bilateral and multilateral agreements or to include the new provisions for implementation of the requirements of the Protocol.

3.3 Monitoring and assessment of strategy implementation

Gradual establishment of a national SEA system should be established through actions outlined above. Progress made in this capacity development process can be monitored and assessed with the help of indicators listed in Annex 2.

Monitoring will help to identify problems that could arise during the implementation of the Strategy and will allow making changes and forecasts for the future.

The MoENR should prepare an annual report on implementation of the Strategy and assessment of the progress in establishment of a SEA system. The MoENR should also organize a meeting of the

national Working Group for implementation of Espoo Convention and SEA Protocol, and meetings with stakeholders to discuss these documents.

The MoENR will coordinate, monitor and assess implementation of the Strategy. Implementation of the Strategy within other ministries and departments will be reported to MoENR, in accordance with specific monitoring arrangements that are yet to be determined.

Annex 1. Fiches for priority projects

Fiche 1. Implementation of SEA pilot-project

Term: 24 months

Executing Agency: Ministry of Environment and Natural Resources

Stakeholders:

Institute for protection of water management systems “Acvaproject”, environmental and health bodies, national and international experts on SEA, institutes for scientific research, NGOs/public.

Beneficiary: Ministry of Environment and Natural Resources

Goals:

The main purpose of the project is to contribute to improving the process of decision-making on strategic planning by raising awareness and enhancing the national potential through practical implementation of SEA.

Tasks:

- Carrying out SEA for the Strategy for sustainable use of water resources in Republic of Moldova
- Determining the weaknesses of the current system of environmental assessment
- Taking into consideration the experience gained during practical implementation of SEA, to elaborate the recommendations for: SEA procedures, preparation of the environmental report and SEA methods
- Informing stakeholders about the benefits of SEA
- Training of SEA experts.

Project Description:

The pilot project will be carried out simultaneously with elaborating the draft Strategy of sustainable use of water resources in the Republic of Moldova.

The pilot project will serve as a practical example of SEA implementation and will allow testing of the Guidelines for carrying out SEA, elaborate recommendations for SEA procedures and elaboration of further environmental reports. Experience gained during the practical implementation of SEA will allow for determining the weaknesses and strengths of the current system of environmental assessment, gaining of experience in SEA implementation for all participants in the process, and building of capacity of national experts, including specialists in environmental and health bodies.

The main activities are:

- Carry out a preparatory seminar with interested participants in the SEA process
- Elaborate the Terms of Reference for SEA procedures, including elaboration of the report and public participation
- Carrying out the SEA including necessary consultations with all relevant stakeholders
- Elaboration of the recommendation on SEA procedures, including elaboration of report and public participation
- Prepare the conclusions about SEA implementation (what were the obstacles, difficulties, and uncertainties during the process of SEA, the lessons learned from the process)

- Carry out a meeting of SEA national experts with environmental and health bodies and public to discuss SEA implementation
- Carry out a seminar on results of the project implementation with participation of the state bodies, scientific institutions and public
- Publication of the final SEA documents

Results:

- Completed SEA
- Revised strategy on sustainable use of water resources in Republic of Moldova, taking into consideration the SEA results
- Recommendations for SEA procedures and preparation of the environmental report
- Raised awareness of participants in the SEA process
- Experience in SEA gained by national experts.

Tentative budget: 30 000 USD

Fiche 2. Raising stakeholder awareness of SEA benefits and enhancing experts capacity on SEA

Term: 24 months

Executing Agency: Ministry of Environment and Natural Resources

Stakeholders:

Ministry of Environment and Natural Resources, and other governmental institutions, institutes for scientific research, NGOs and the public.

Beneficiary: Ministry of Environment and Natural Resources.

Goals:

The main goal of the project is to contribute to the improvement of the decision-making process on strategic planning through raising awareness among the public and decision-making bodies and enhancing expert capacity in SEA.

Tasks:

- Raising awareness among the public on SEA benefits
- Raising awareness among decision-makers on SEA benefits
- Building of expert capacity in SEA

Project description:

The main actions to be carried out during the project implementation are the following:

- Elaboration of information materials/guides about SEA, their publication and dissemination
- Placing SEA information on the ministry's website
- Carrying out seminars and training courses for employees of governmental authorities, including environmental and health bodies and other interested stakeholders
- Carrying out seminars and training courses for representatives of NGOs.
- Organization of training for a small group of national experts at international SEA expert centres in Europe;
- Organization of seminars and communication of national experts with experts from countries that have already implemented SEA processes
- Elaboration of a register of national experts on SEA and entry of data
- Participation of national experts at international conferences related to SEA

Results:

- National experts trained in carrying out SEA
- Increased stakeholder awareness of SEA benefits and its necessity

Tentative budget: 70 000 USD

Fiche 3. Creation of a legal system for implementation of Strategic Environmental Assessment in the Republic of Moldova

Term: 36 months

Executing Agency: Ministry of Environment and Natural Resources

Stakeholders:

Ministry of Environment and Natural Resources and other governmental institutions, institutes for scientific researches, NGOs/the public.

Beneficiary: Ministry of Environment and Natural Resources.

Goals:

The purpose of the project is to assist the Republic of Moldova to improve the process of decision-making on strategic planning through establishment of a national system on SEA (legal mechanism for SEA implementation).

Tasks:

- Elaboration of the recommendations for reforming the national legislation, aiming at implementation of SEA
- Creation of the normative base for carrying out SEA (instructions, methodological guides/indications)

Project description:

The main components of the work are:

- Preparation of the analytical table of concordance between the national legal provisions and requirements of the SEA Protocol and SEA Directive
- Elaboration of the recommendations on introduction of necessary amendments and changes in existing legislation and elaboration of the new legislative acts related to SEA implementation;
- Carrying out a seminar on results of analysis of the above-mentioned table of concordance and recommendations (involving all stakeholders of the SEA process)
- Elaboration of draft instructions and methodological recommendations on procedures, methodology and participation of the interested parties (involving international experts)
- Preparation of the normative document for public participation in SEA process
- Organization of seminars and round tables with the scope of discussion on the draft normative documents (involving all stakeholders)
- Introduction of changes within normative documents according to results of the seminars and round tables
- Elaboration of a draft Law on ratification of the Protocol for SEA

Results:

- Drafts legislative and normative acts for SEA implementation will be elaborated
- Responsibilities of the stakeholders
- Legal framework for SEA implementation
- Legislative base for ratification of the Protocol for SEA

Tentative budget: 50 000 USD

Annex 2. The main monitoring indicators of the National strategy on implementation of the Protocol

Tasks	Indicators
Creation of the legal and regulatory base for implementation of the SEA Protocol	A detailed Plan on developing legislative documents and normative acts related to SEA, which include the requirements of the SEA Protocol is prepared
	A new chapter on SEA within Law on environmental protection is developed
	A new law on SEA implementation is developed with addendums and amendments within existing laws related to SEA implementation
	A Law on ratification of the SEA Protocol is prepared and passed
	Instructions on SEA are developed and adopted
	Instructions on public involvement in the SEA process are developed and adopted.
	Textbooks and completed guidance for SEA are prepared and distributed to stakeholders.
Awareness raising on SEA Protocol of the governmental authorities and the public.	Information materials about SEA are prepared and distributed
	Materials for lectures and discussions on SEA within “Environmental hour” in education institutions are prepared and used
	Information about the SEA Protocol placed on the Ministry's website, dedicated SEA page is created on a website
	Seminars on SEA are prepared and held
Creating and consolidating of capacity building and training of national SEA experts	Working groups within MoENR and MHSP are organized; Responsible persons for SEA implementation within other governmental bodies and scientific institutions are appointed.
	A new chapter related to implementation and coordination of the SEA activity between environmental and health authorities is developed and adopted (within inter-ministerial agreement between MENR and MHSP)
	Training courses for raising SEA qualification is designed and launched
	Lecture course on SEA is prepared and launched in corresponding higher educational institutions or corresponding faculties
	Number of training courses and seminars for participants in the SEA process
	The number of experts, which have been trained on SEA, inclusively at international level
	Register of National experts on SEA implementation is prepared

Tasks	Indicators
National and international cooperation in the field of SEA	Addendum on SEA requirements implementation in the Agreement on cooperation between the Ministry of Ecology and Natural Resources of the Republic of Moldova and Ministry of Environment and Water Management of Romania.
	The chapters on SEA and EIA amended agreement of cooperation with Ministry of Environment of Ukraine.
	Number of experts trained in international courses on SEA
	Number of projects carried out with the support of international organizations in the field of SEA