

Enhancing environmental assessment systems in selected countries of Eastern Europe and the Caucasus in line with the UNECE Protocol on Strategic Environmental Assessment

Results and lessons learned from the 2013-2018 capacity-building activities in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine

Greening Economies in the Eastern Neighbourhood programme

Draft, January 2019

Disclaimer

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

Acknowledgments

The lessons learned report was prepared at the initiate of the secretariat of the Espoo Convention to consolidate the experience gained during the implementation of the UNECE component of EaP GREEN programme. It was drafted by the consultants to the secretariat Martin Smutny, Maia Gachechiladze-Bozhesku, Michal Musil under the guidance of and substantial contributions by Elena Santer, the manager of EaP GREEN at the Espoo Convention secretariat. [Tea Aulavuo, the secretary to the Convention and the Protocol on SEA ensured quality control of the document.] UNECE consultants Marina Khotuleva and Matthew Cashmore provided valuable comments and inputs during preparation of the report.

Preface

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

The publication is intended to address the authorities and donors, but also the public and other stakeholders, in countries that are in the process of establishing national environmental impact assessment (EIA) and strategic environmental assessment systems (SEA) and/or promoting their systematic implementation. The countries and their potential donors may find the document useful in planning and carrying out further technical assistance and capacity building projects with the ultimate aim of preparing for joining and implementing the Protocol on SEA and the Convention (as relevant).

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

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I. Introduction

A. About EaP GREEN

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



More specifically, the EaP GREEN aimed to:

(a) Promote the use of Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) as essential planning tools for environmentally sustainable economic development;

(b) Mainstream sustainable consumption and production into national development plans, legislation and regulatory frameworks with a view to providing a sound legal basis for future policy development in line with the regional and international agreements and processes and consistent with existing EU acquis in the relevant policy areas, and

(c) Achieve a shift to a green economy through the adoption of sustainable consumption and production practices in selected economic sectors (manufacturing, agriculture, construction, etc.).

2. The EaP GREEN was structured around three components:

(a) Governance and financing tools;

(b) SEA and EIA: accompanying SCP policy implementation; and

(c) Demonstration projects.

3. EaP GREEN supported the partner countries' commitments to move towards a green economy as stated in the Joint Declaration of the Warsaw Eastern Partnership Summit and in the Declaration of the Seventh "Environment for Europe" Ministerial Conference held in Astana (September 2011). Its objectives were consistent with the agreed vision in the outcome document of the Rio+20 Summit. It was implemented from January 2013 to April 2018 by four Implementing Partners: the Organisation for Economic Co-operation and Development (OECD), the United Nations Economic Commission for Europe (UNECE), the United Nations Environment Programme (UN Environment) and the United Nations Industrial Development Organization (UNIDO).

B. Role of UNECE

4. United Nations Economic Commission for Europe (UNECE) secretariat to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on SEA supported the participating countries in developing and applying SEA and EIA legislation in accordance with the Protocol on SEA, the Espoo Convention, and the European Union SEA and EIA Directives as required. The supported activities were linked to the workplans under the Convention and the Protocol contributing to and focusing mostly on promoting the ratification and implementation of the Protocol on SEA. The UNECE's assistance within the EaP GREEN addressed three main areas:

(a) Revision of the existing national regulatory and legislative frameworks, including legislative review of SEA and, as appropriate, of EIA, legal drafting for SEA legislation and sub-regional overview;

(b) Capacity building on practical application of SEA and where relevant EIA procedures, including national and sub-national level training on SEA, development of national guidance documents, coordination and experience-sharing events, and pilot SEAs;

(c) Strengthening of administrative capacities through above mentioned legislative reviews, training workshops, pilot projects and facilitation of a policy dialogue.

C. About the Lessons Learned Report

5. The objectives of this report *Enhancing environmental assessment systems in selected countries of Eastern Europe and the Caucasus in line with the UNECE Protocol on Strategic Environmental Assessment– Results and lessons learned from the 2013-2018 capacity-building activities in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.* are to provide:

- (a) An overview of SEA and EIA activities coordinated by the UNECE within the EaP GREEN;
- (b) Main outcomes and achievements of the project;
- (c) Lessons learned identifying remaining challenges towards implementation of SEA and EIA schemes in full compliance with the Convention and the Protocol;
- (d) Formulate recommendations for further development and reinforcement of those systems in the beneficiary countries.

6. The report is based on the views of the national counterparts provided during various EaP GREEN training and awareness raising events and the opinions of national and international consultants involved in the EaP GREEN implementation. The recommendations for further development of national SEA and EIA systems in the six beneficiary countries reflect statements made by the representatives of those countries at the final dissemination events carried out from November 2017 to February 2018 in those countries¹. They also take into account considerations and actions integrated into national capacity building strategies or roadmaps prepared by Armenia, Georgia, the Republic of Moldova, and Ukraine.

II. Chapter 1. Strategic Environmental Assessment and Environmental Impact Assessment

A. What are strategic environmental assessment and environmental impact assessment

7. **Strategic Environmental Assessment** (SEA) is internationally recognized as the key instrument for integrating environmental and health concerns into strategic planning and decision-making to prevent and mitigate possible damage from

¹ The information about the training workshops and awareness raising and final dissemination events is available at the website of the Convention and the Protocol following the link: <http://www.unece.org/environmental-policy/conventions/environmental-assessment/meetings-and-events.html#/>

economic and regional development. It promotes sustainable development goals and principles and supports efforts towards the transition to a green economy. SEA should be applied during the preparation of governmental strategic documents² in order to ensure that the environmental and health implications of planned developments are analysed and considered early in decision-making processes, before the decisions are made. In addition, relevant authorities and the public should be properly consulted in the process. As a result, SEA increases the legitimacy of planning and decision-making processes and their outcomes.

8. The UNECE Protocol on Strategic Environmental Assessment and the EU SEA Directive³ define SEA as follows:

Protocol on SEA	EU SEA Directive
“the evaluation of the likely environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the carrying-out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme” (art. 2, para. 6).	“the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9” (art.2.(b)).

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

10. The major international legal instruments regulating EIA are the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and the EU EIA Directive⁴ define it as follows:

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

³ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32001L0042>.

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

Espoo Convention	EU EIA Directive
“a national procedure for evaluating the likely impact of a proposed activity on the environment” (art. 1.(vi))	<p data-bbox="815 338 1412 416">“(g) “environmental impact assessment” means a process consisting of:</p> <p data-bbox="815 423 1412 580">(i) the preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);</p> <p data-bbox="815 586 1412 696">(ii) the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;</p> <p data-bbox="815 703 1412 1016">(iii) the examination by the competent authority of the information presented in the EIA report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;</p> <p data-bbox="815 1023 1412 1301">(iv) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and</p> <p data-bbox="815 1308 1412 1462">(v) the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a.” (art.2.(b)).</p>

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

12. EIA and SEA have been put at the forefront, in the light of the sustainability concept, as the key management tools for anticipatory environmental- and socially-conscious planning and development. Being practiced since the 1970s, EIA has become widespread instrument and is part of national legislations in more than 100 countries. SEA, as a more recent tool, is practiced in about 40 countries, however it is being promoted and adopted in more countries and jurisdictions.

B. About the Espoo Convention and its Protocol on strategic environmental assessment

13. The Espoo Convention sets out the obligations of Parties to assess the environmental impact of certain activities at an early stage of planning. In particular, it lays down the general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries. The Convention was adopted in 1991 and entered into force on 10 September 1997. It was amended twice — in 2001 and 2004 — and both amendments are in force (see ECE/MP.EIA/4, decision II/14 and ECE/MP.EIA/6, decision III/7). The Convention is in the process of becoming a global instrument. In general terms, the Convention provides a legal and procedural framework for transboundary procedures while allowing for differences between national environmental impact assessment systems and procedures.

14. The Protocol on SEA augments the Espoo Convention by ensuring that individual Parties integrate environmental, including health, considerations assessment into their plans and programmes at early stages of their preparation as well as sets a non-mandatory framework for the assessment of policies and legislation. The Protocol on SEA was negotiated under the Espoo Convention to extend the scope of the Convention, however it is a legally distinct instrument. It was signed in Kiev in 2003 and entered into force on 11 July 2010. The Protocol on SEA is an international agreement that provides for legal obligations and a procedural framework for the implementation of SEA in countries that are Parties to it. The Protocol on SEA is open to all member States of the United Nations.

15. The Protocol on SEA is considered by its Parties as the key tool for facilitating sustainable development. Its implementation is expected to assist the countries in achieving Sustainable Development Goals and their targets as set out in the 2030 Agenda for Sustainable Development, which came into effect in January 2016 and will guide the decisions of the United Nations Member Governments over the next 15 years and beyond.

16. More information about the Espoo Convention and the Protocol on SEA can be found at the UNECE websites <https://www.unece.org/env/eia/eia.html> and https://www.unece.org/env/eia/sea_protocol.html.

C. Strategic environmental assessment and environmental impact assessment in the EaP countries in 2013 – before the EaP-GREEN

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

development projects, were subject to the state ecological expertise (SEE) that was usually regulated by a national law and a series of subordinate acts⁵.

18. The SEE was an environmental part of the regulatory framework systems for development control that were common in the countries of Eastern Europe, the Caucasus and Central Asia. The SEE was required for planned activities (mostly concrete development projects, but also to some extent to plans, programmes) that were likely to have a significant effect or impact on environment. It was conducted by the competent environmental authorities or by external experts nominated by the competent environmental authorities. The procedure was finalized with the so-called 'expertise conclusion'. The activity could be implemented only if the conclusion was positive.

19. Additionally, activities which are considered to have a potentially significant adverse impact on the environment were subject to EIA/OVOS⁶. Each country had a list of activities which required the SEE and/or OVOS. Until recently, the application of SEE/OVOS had been focused on the individual projects. Therefore, most beneficiary countries had executive regulations on OVOS regulating the details of the project assessment, where the respective obligations laid mostly with the developers.

20. Although according to the national OVOS/SEE legislation in Azerbaijan, Belarus, the Republic of Moldova and Ukraine, the SEE procedures had to be applied to certain plans, programmes, laws, and urban planning documentation, in practice the SEE for these strategic documents was rarely carried out and was often limited to the formal approval of the drafts of strategic documents. Only few examples of the SEE for strategic documents could be found in Ukraine and Azerbaijan. Most of these examples are in the field of urban planning (Ukraine) and regional development programs, master plans and other urban planning strategic documents (Azerbaijan). The SEE was not applied for plans and programmes in other economic areas. The main reasons for the limited application of OVOS/SEE to plans and programmes included the lack of institutional capacities, financial resources, and clear specific legal and procedural requirements for environmental assessment for strategic documents, as well as the lack of enforcement.

⁵ CE/MP.EIA/WG.2/2016/5/INF.6, para. 18, online available at: [http://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.5_April2016/ece.mp.eia.wg.2.2016.INF.6 EN draft overview of legal reforms clean.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.5_April2016/ece.mp.eia.wg.2.2016.INF.6_EN_draft_overview_of_legal_reforms_clean.pdf)

⁶ OVOS - an acronym which stands for literal translation of 'assessment of the impact upon the environment' from English into Russian. The Russian version of the abbreviation, e.g. OVOS is used in this report to refer to the systems that were common in the countries of Eastern Europe, the Caucasus and Central Asia in 2013-2014 and that have significant differences with the EIA systems aligned with the Convention.

III. Chapter 2. Overview of EaP Green activities in the beneficiary countries

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

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

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

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

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

A. Armenia

Activities carried out

23. Since becoming a Party to the Protocol on SEA in 2011, Armenia has been gradually introducing the required SEA elements into its planning and permitting systems. To support this, the first phase EaP GREEN activities was launched in the format of a four-day training on SEA (November 2014) and a review of the SEA legal and institutional framework (October 2014). The findings and recommendations of the review covering *inter alia* the Law of Armenia *On environmental impact assessment and expertise* (August 2014) that regulated both SEA and EIA, included that the SEA system was not fully in line with the provisions of the Protocol on SEA and that the Law needed to be amended to align it with the Protocol. Based on the results of the review EaP GREEN supported a legal drafting process, including:

(a) legal assistance to prepare draft amendments to the Law and subsidiary regulations;

(b) series of awareness-raising and training events to facilitate the acceptance of the outcomes among the decision-makers and the public, namely:

(i) one national roundtable (September 2014) to discuss the review's findings and to develop the work-plan for enhancing the Law and developing by-laws,

(ii) two workshops (March 2016 and February 2017) to get feedback from the stakeholders on the draft amended Law and the draft Governmental Decision on SEA.

25. During the drafting process some elements of the EIA scheme were further aligned with the Convention. At the end of 2016 the draft Law was submitted to the Parliament for comments. In the course of 2017, based on the comments received at and after the workshop in February 2017, international and national experts in cooperation with the Ministry of Nature Protection prepared the next draft that was subsequently submitted for intergovernmental consultations at the end of that year. In January-March 2018, with the help of the EaP GREEN some additional elements – identified during evaluation of the pilot SEA and preparation of the Guidance on practical application of SEA in Armenia – were incorporated into the draft Government Decision on SEA by the Ministry. As of March 2018, the intergovernmental consultations on the drafts amendments to the law and the draft Decision on SEA have not been concluded.

26. To demonstrate the opportunities linked to the practical application of SEA procedure as per the amended Law, as well as to test its provisions and those of the draft Governmental Decision on SEA, a pilot SEA was conducted on the *National Strategic Development Plan, Road Map and Long Term Investment Plan for the Solid Waste Management Sector in Armenia* (2016 – 2017). The pilot SEA provided hand-on experience for the stakeholders to 'walk through' all SEA steps and analyses. The team of the national experts and other participants attended one webinar and two training workshops (January, March and June 2016). Extensive consultations on the draft scoping and SEA reports were organized both in Yerevan and in five regional centres of Armenia in the course of 2016 and 2017.

27. In March 2018 Guidelines on practical application of SEA were prepared reflecting the experience gained during the pilot SEA. The Guidance provided a step by step interpretation of the draft legal provisions complementing them as feasible with some practical examples. To further promote application of SEA in Armenia and support adoption of the amended legislation the EAP GREEN prepared a short leaflet, a comprehensive brochure and a video on the Protocol on SEA and its benefits in the Armenian language. The copies of the leaflet were distributed and the video was demonstrated during numerous awareness raising events. In 2018, a SEA and EIA capacity-building roadmap for Armenia was prepared to help the country to plan and implement its short-term activities and long-term capacity-building strategy to strengthen its SEA and EIA system and practice.

Main results and achievements

28. The legal assistance launched at Armenia's request, including the review of legislation and drafting amendments to the Law and Government Decision on SEA further to the review recommendations, was an important step towards establishing a national legislative framework on SEA and EIA in line with the Convention and the Protocol.

29. The national draft Guidance providing details on practical application of the SEA procedure is another important pillar of a new national SEA system. It should be finalized further to the expected adoption of the revised Law and the Governmental Decision on SEA. The brochure and the video on the Protocol on SEA prepared in the Armenian language were considered to be effective means to promote the benefits of SEA in the country and can be continuously used in the future to support adoption of the new legislative framework.

30. The contributions of the pilot SEA to the enhancing the national SEA system can be summarized as follows:

- (a) The pilot SEA revealed that:
 - (i) Law on Waste of Armenia should be amended to better incorporate the principles of preventions and processes for waste reduction, sorting and recycling;
 - (ii) Waste collection locations and criteria and standards on waste storage should be defined by the relevant by-law;
- (b) The recommendations developed through the SEA pilot included among others:
 - (i) A list of factors to be considered when taking a siting decision for a waste management facility such as a proximity of landfill sites to water protection sanitary zones, existing aquifers, environmental protection zones, flow formation zones, floods, and mudflows risks. The proposed locations need to be consulted with the Water Resources Management Agency, Hydrogeological Monitoring Center, and Hydro-meteorological Monitoring Center;
 - (ii) A proposal to reduce waste collection fees for the rural communities and disadvantaged/vulnerable society groups taking into consideration a high unemployment rates in the rural regions;

(iii) A list of specific recommendations and measures to be considered in further development of the solid waste sector, including guidance for project level what to focus EIAs for specific projects on;

(c) The pilot SEA also contributed to:

(i) enhancing communication among sectoral and environmental governmental authorities with regard to improving waste management legislative framework and practice in the country

(ii) Raising awareness about waste management issues in the country and about the role of SEA in planning for waste management among the regional environmental and health authorities in five regions of Armenia, in particular via scoping consultation meetings;

(iii) building capacities of 10 national officials and experts, including on theoretical background and practical application of SEA;

(iv) raising awareness on SEA among national and regional governmental authorities and the general public;

(v) developing meaningful and tailored amendments to the draft Law and the draft Governmental Decision on SEA.

31. The awareness raising and capacity building events carried out during the project also brought a number of positive outcomes, such as:

(a) Raised awareness on the key benefits of SEA among high-level decision-makers;

(b) Raised awareness on and strengthened capacities in practical application of SEA among

(i) central authorities responsible for environmental and health issues; and

(ii) central authorities responsible for sectoral planning.

(c) Constructive feedback on the draft amendments to the Law and the Draft Governmental decision on SEA from a wide range of stakeholders;

(d) A high visibility of the EaP GREEN events and easy accessibility of the prepared materials on SEA for the users in Armenia, including also the video and brochure on the Protocol on SEA in the Armenia language;

(e) Participation of various stakeholders in identifying national priorities and needs to sustain the existing reforms and the further development of SEA and EIA systems in the country and developing a road map on how to overcome the existing challenges in this process.

32. Overall, the EaP GREEN's extensive awareness raising campaign along with its workshops' and consultations' scheme in Armenia introduced up to one hundred and fifty participants to the SEA concept and the key principles, methods and tools to be applied.

Challenges and issues

33. Although Armenia adopted the Law regulating both EIA and SEA in 2014, so far no regular practice in application of SEA has been established. The institutional, human and financial capacities need to be further systematically and carefully developed for the effective implementation of the Law. Preparation of strategic

documents, including plans and programmes, has been planned through workplans of individual state agencies, no funding for SEA has been envisioned in the budget of these agencies. These remain among the main obstacles to wide use of SEA as set out in the existing national legislation of Armenia.

34. When carrying out an SEA procedure the SEA practitioners also experienced several obstacles such as:

(a) Within the work plan of separate state agencies and no funding for SEA is envisioned in the budget of these agencies. Lack of effective monitoring systems at the country level and databases on certain types of environmental and health information that can be used for SEA purposes

(b) Lack of understanding of the key gaps in the health datasets and how the available health information can be used for SEA.

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

Lessons learned

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

(a) Workshops and training events linked to a pilot SEA have been found to be more efficient and learning-enabling than those based on hypothetical SEA cases.

(b) Effectiveness of legislative drafting processes increases if supported by an extensive awareness raising and advocacy campaign on SEA, EIA and their benefits among the key decision-makers.

(c) SEA for plans and programmes may lead not only to suggestions to improve environmental performance at a project level of a certain economic sector. It can also facilitate legislative reforms in that economic sector by, for example, outlining the necessary improvements to the existing legislation in the waste sector.

(d) Preparation of the SEA Guidance after the completion of the pilot SEA becomes more effective and more oriented to the national context, in particular, when lessons learned from the pilot SEA are thoroughly considered in the Guidance development process.

Recommendations for further development of SEA and EIA systems in Armenia

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

(a) Enacting the Governmental Decision on SEA and other secondary legislation on SEA and EIA;

(b) Finalising the SEA Guidance and its distribution among all planning authorities responsible for the preparation of the strategic documents;

(c) Dedicated capacity-building workshops and consultations led also by the Ministry of Natural Protection of Armenia with the aim to clarify individual steps of the SEA procedure – as set out in the new legislation and the Guidance – for the key target groups, i.e. planning agencies, environmental and health authorities, environmental assessment experts, practitioners and consultants;

(d) Awareness raising on SEA benefits and the importance of public participation among decision-makers and the public, respectively. Capacity-building and awareness raising activities can be linked with additional pilot SEAs to ensure more sustainable and effective learning.

B. Azerbaijan

Activities carried out

38. The first block of the EaP GREEN activities in Azerbaijan was focused on reviewing and revising the national legislative and institutional framework vis-à-vis the Protocol on SEA, but also the Convention. The legislative review on the application of SEA and EIA was carried out from May to October 2014 and revealed that in order to comply with the provisions of the Convention, the Protocol and the relevant EU legislation, several changes and amendments to the existing legislation were required. This issue was addressed at the first round-table to discuss the existing environmental assessment legislation of Azerbaijan organized in Baku in August 2014. At the follow-up legal drafting meeting in October 2014, UNECE presented to the Ministry a concept for amending the draft Law on EIA that it the time had been under preparation by the Government. Further to the extensive work of the Ministry representatives and the UNECE consultants the draft amended Law on EIA was presented and discussed at the second roundtable in Baku in March 2015. In late 2016,

39. Azerbaijan finalized the draft Law on EIA that provided a significantly improved legal framework for EIA and SEA although with certain gaps vis-à-vis the provisions of the Protocol and the Convention still remaining. The draft Law was submitted to internal governmental consultation procedure in June 2016, and later revised to integrate the conclusions of internal consultation. Unfortunately, these further revisions, resulted in excluding certain detailed inputs provided previously by the consultants to UNECE and the revised draft Law submitted to the Cabinet of Ministers in February 2016 contained some deficiencies precluding proper implementation of the Convention and the Protocol. At the end of February 2017, the draft Law was subsequently submitted to the Presidential Office that introduced further changes to the draft. The revised version was submitted to the Parliament in February 2018, passed the first reading in April 2018 and entered into force in July 2018. In September 2018 the Government started the process of preparing six pieces of secondary legislation to implement the Law and address some deficiencies in the Law and some discrepancies between the Law, the Convention and the Protocol. The secondary legislation would cover, among others, regulations on state ecological expertise, strategic environmental assessment, environmental impact assessment,

transboundary environmental impact assessment and the procedure for certification of consultants on strategic environmental assessment and environmental impact assessment.

40. The other block of the EaP GREEN activities in Azerbaijan was focused on fostering the applications on SEA in the country. In early 2015, the pilot SEA of the 2015–2020 National Strategy of Azerbaijan on the Use of Alternative and Renewable Energy Sources was launched aiming to build capacities in the country for application of SEA procedures and to raise awareness on the benefits of SEA. The SEA pilot was jointly coordinated by Azerbaijan's Ministry of Ecology and Natural Resources, the State Agency on Alternative and Renewable Energy Sources, and the secretariat. The environmental report was finalized in September 2016 outlining the SEA findings and recommendations on the Strategy's implementation. The results of the pilot project were disseminated during the 7th International Forum on Energy for Sustainable Development (Baku, 21 October 2016).

41. Experience from the pilot SEA was considered in the draft Recommendations on implementation of the national SEA procedure developed from September 2017 to March 2018 by the national experts in cooperation with UNECE consultants, in order to support implementation of the SEA procedure as set out by the draft legislation on SEA and taking into account the provisions of the Protocol.

42. An additional training on application of SEA and the final EaP GREEN event to disseminate the results of the SEA and EIA related activities in the country was carried out in April 2018. They provided an opportunity to discuss practical aspects of SEA implementation in accordance with the draft new legislation and outline deficiencies of that legislation vis-à-vis the Convention and the Protocol. The participants also considered the priorities for and pragmatic steps needed to further enhance environmental assessment system in the country in line with the two treaties.

43. Through the EaP GREEN extensive training and awareness raising scheme, combined with the pilot SEA and legislative reform, around one hundred representatives of governmental officials and the public were introduced to the key principles of SEA, methods, and tools to be applied. The events also provided opportunity to identify and discuss potential bottlenecks for carrying-out the SEA procedures as outlined in the draft national legislation. Also, the video and the brochure on the Protocol on SEA prepared in the Azerbaijani language, explaining main SEA steps, and widely distributed through social media, has proven to be a very effective means for promoting SEA benefits.

Main results and achievements

44. Although the Law on EIA has a number of deficiencies as compared to the Provisions of the Convention and the Protocol its adoption and entering into force can be considered as an important step towards establishing a national legislative framework for EIA and SEA systems. In addition, the drafting process enhanced the understanding of importance of SEA as a tool for greening economy and attaining

sustainable development goals among the key decision-makers, including the Cabinet of the Ministers, Presidential Office, and representatives of the Parliament.

45. The benefits of the pilot SEA can be summarized as follows:

(a) The SEA procedure allowed to address environmental and health impacts of renewable energy sector at the strategic level and to outline related opportunities to enhance environmental and health protection;

(b) Potential conflicts between renewable energy and mining were analysed;

(c) Recommendations and measures to be considered in further renewable energy development (including guidance for project level assessment) were formulated;

(d) Communication among energy, environmental and health authorities was improved with regard to integration of environmental and health considerations into energy planning and programming;

(e) More than 10 people gained theoretical knowledge and practical experience on SEA and awareness of SEA among governmental authorities was raised;

(f) In addition, experience gained in SEA pilot constituted an additional substantive basis for developing the draft Recommendations on implementation of the national SEA procedure that are to be finalised based on the adopted Law and the expected secondary legislation.

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

Challenges and issues

47. Although the EaP GREEN legislative support regarding developing the national legislation on SEA and EIA has been long and comprehensive bringing the draft Law on EIA closer to the provisions Convention and the Protocol, the adopted Law contains significant gaps as compared to the provisions of the two treaties. It may indicate a certain lack of awareness and political support with regard to country's commitments to implement the Convention and its willingness to join the Protocol. At the same time, adoption of the Law on EIA that introduces requirements to carry out an SEA for plans and programmes can be considered as a step forward.

48. There is a lack of national capacities to support drafting of national legislation. For example, national independent legal consultants that were identified to support the drafting process lacked knowledge of the national environmental assessment system and obligations under the Convention and the Protocol and relevant EU Directives. Therefore, legislative assistance in Azerbaijan, including revising the draft Law before its submission to the inter-governmental consultations was arranged and coordinated directly by the National Focal Point to the Espoo Convention.

49. The SEA pilot revealed that although SEA provides useful substantive inputs to the planning process, its implementation may be challenging due to frequent changes in responsible governmental structures and unclear decision-making process.

Lessons learned

50. The following lessons were learned as a result of the implementation of the EaP GREEN in SEA activities in Azerbaijan:

(a) The legislative drafting process is more effective when supported by an extensive awareness raising and advocacy campaign for key decision-makers on SEA and EIA benefits and procedures. This may include high-level events and preparation of advocacy materials;

(b) The pilot SEA requires intensive involvement of the representatives of the planning agency – the outputs in the key stages (scoping, draft SEA report) should be communicated to and agreed with the high-level officials from the planning agency;

(c) At the beginning of an SEA procedure, it is important to clarify an administrative procedure for adopting the plan or programme and to make an agreement with the planning agency on how SEA outcomes are to be taken into account in the decision-making;

Recommendations for further development of SEA and EIA systems in Azerbaijan

51. Despite the progress described above, further efforts are needed to establish national SEA and EIA systems (a) in line with the Convention and the Protocol; (b) enabling use of SEA and EIA procedures as standard tools for preparing relevant plans, programmes, and projects.

(a) Addressing the gaps of the Law vis-à-vis the Convention and the Protocol and adoption of the secondary legislation on EIA and SEA that is fully in line with the two treaties is the key priority;

(b) After establishing the legislative framework, the SEA Recommendations needed to be finalized and distributed among the planning agencies to clarify specific details of the proposed SEA procedure. Recommendations on carrying out EIA might also prove useful;

(c) Further capacity building on coordination and carrying out SEA procedures for environmental and health authorities, planning agencies, as well as experts and practitioners as the key target groups is important. This would optimally be linked to pilot application of SEAs.

C. Belarus

Activities carried out

52. The EaP Green work in Belarus started in May 2013 with an initial review of the legislative and institutional frameworks for SEA and EIA. The conclusions of the review and proposed alternatives of further steps were presented and discussed with relevant stakeholders in September 2013. Further to the review results Belarus with the support of the EaP GREEN drafted the new Law on state ecological expertise, SEA and EIA, which was adopted in July 2016. Although the Law provided an improved legal framework on SEA, certain gaps vis-à-vis the provisions of the

Protocol and the Convention remained. Belarus succeeded to address only some of gaps through subsidiary regulations on EIA, SEA, and state ecological expertise adopted in January 2017. To align the Belarus' environmental assessment legislative framework with the Convention and the Protocol further amendments to the Law and the subsidiary regulations are required. In general, UNECE legislative assistance constituted of in-depth trainings on SEA and EIA that allowed representatives of the planning and environmental authorities and the legislative drafting team to increase their understanding of the main provisions of the Convention and the Protocol and discuss possibilities of their transposition of the national system, and provision of numerous comments to various draft of the Law and secondary legislation.

53. Besides legislative assistance, three regional level training workshops on SEA were organized in Gomel, Brest, and Grodno in 2013. Fifty four experts from regional authorities, municipalities, NGOs, and other organisations were introduced by the concept and use of SEA, which was illustrate through a case study. The national level training on SEA was conducted in December 2017 to support implementation of the national legislation on SEA.

54. A joint pilot project between Belarus and Ukraine on the EIA post-project analysis in a transboundary context of the exploitation of the Khotislavskoye quarry was carried out in 2013 and 2014. The outcomes of the project – the report by the bilateral Working Group, as well as the draft recommendations on improving post-project analysis – were presented and discussed at a subregional conference (April 2014), organized in the framework of the “Managing Environmental Security Risks with EIA and SEA”, a joint project between UNECE, UNEP and UNDP, financed through the Environment and Security Initiative. The event attended more than sixty participants from the national authorities, research institutes, representatives of NGOs, and private sector from Belarus and Ukraine. Also, experts from Armenia, Azerbaijan, Georgia, Lithuania, Poland, the Republic of Moldova, the Russian Federation, Slovenia and representatives of international organisations took part. The participants of the conference confirmed recommendations formulated by the pilot project regarding transboundary EIA procedure to determine clear steps and set conditions for participation of the affected Party in the EIA process conducted by the Party of origin.

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

Main results and achievements

56. Despite the existing gaps vis-à-vis the Protocol, the adopted legislative framework on SEA, including the Law and the corresponding regulation, represents an important step towards the country's accession to the Protocol.

57. Joint pilot EIA in a transboundary context provided following main results:

(a) A bilateral Working Group for the environmental monitoring of the Khotislavskoye quarry was established facilitating a dialogue on the post-project analysis between experts of Belarus and Ukraine;

(b) Data on the Khotislavskoye quarry was collected and analysed, and

(c) Recommendations for improving the transboundary EIA procedure and post-project analysis in Belarus and Ukraine were prepared and discussed.

58. Also, the pilot project formulated recommendations on how to address existing weaknesses and gaps in the national EIA systems, with emphasis on the post-project analysis, which were accepted by both countries involved.

Challenges and issues

59. There is limited awareness on a need to systematically apply SEA in particular among the regional and local level authorities, which may prevent from implementation of SEA procedures at sub-national level.

Adoption of the new legislative framework and available technical expert capacities with experience from EIA/OVOS fields are not sufficient to initiate and support development of SEA practice in the country. Efficient SEA system requires a proper institutional structure, cooperation between planning and environmental professionals, practical experience of and willingness to involving environmental professionals into the planning processes at early stages.

Lessons learned

60. A pilot SEA is one of the key capacity building elements. An absence of its implementation within the EaP GREEN in Belarus resulted in a lack of experience that could have been beneficial for drafting the new legislative framework on SEA, and could have provided a case example to be considered in SEA trainings. On the other hand, the joint pilot project on post-project analysis provided a unique opportunity to discuss the challenges related to post-project analysis and uncover some issues related to the transboundary EIA consultations. Therefore, further pilot – both on SEA and EIA – with a transboundary aspects should be considered within further technical assistance.

Recommendations for further development of SEA and EIA systems in Belarus

61. Further development of the SEA and EIA systems in Belarus requires continuation of capacity building to coordinate and carry out SEA and EIA procedures. Environmental and health authorities, planning agencies, as well as experts and practitioners are be considered as the key target groups for these activities. Following specific issues could also be considered:

(a) A pilot SEA in energy sector (optimally with transboundary aspect, and linked to Silk Road initiative), which may provide opportunity for hands-on experience for the relevant stakeholders and can be efficiently combined with trainings and workshops. In case of likely transboundary impacts, interaction with the Russian Federation could be considered;

(b) Additional pilot SEAs for urban development, spatial plans and economic development plans prepared under responsibility of the Ministry of Economy;

(c) Consideration of issues related to budgetary needs for SEA is of a particular importance. To this end, it is vital that the Ministry of Natural Resources and Environmental Protection further communicates with the planning agencies at the national and the local level to ensure that appropriate funds are allocated in respective budgetary documents for SEAs of plans and programmes under development;

(d) Existing training scheme on SEA and EIA would need to be further developed and enhanced to cover the demand for SEA and EIA specialists;

(e) The training scheme can be linked to a certification scheme i.e. after successfully passing the training scheme and a test, a trainee would be awarded a certificate that he/she has completed a training course on SEA or EIA;

(f) A national guidance (methodology) providing detailed step-by-step guide to carry out SEA procedure could prove useful for sectoral authorities and national planning agencies;

(g) A database of SEA/EIA procedures containing relevant documents and information can help to in monitoring these procedures and ensuring availability of information to the public.

D. Georgia

Activities carried out

62. EaP GREEN also assisted Georgia in developing its national legislation on SEA. In this process, Georgia ensured that the new legislation is generally in line with the provisions of the Protocol to which Georgia signed in 2003 and the EU SEA Directive. The assistance consisted of a number of activities, including:

(a) An in-depth review of the existing legal frameworks for introducing SEA system and enhancing EIA systems in line with the Protocol and the Convention conducted in 2013;

(b) An analysis of the existing elements and gaps in the institutional setting for EIA and SEA application conducted at the later date to inform further actions;

(c) A preparation of the new Environmental Assessment Code initiated in September 2014 the Ministry of Environment and Natural Resources Protection of Georgia further to the review results.

(d) Awareness-raising and consultation events to support the legislative review and the drafting process, including a national round-table on legal implementation of the Espoo Convention in November 2013, followed by an additional workshop in August 2014, public hearing on the draft Code in May 2015 and final round-table meeting in September 2015.

63. In order to support the adoption of the Code, a high-level round-table was organized by the EaP GREEN in cooperation with the Netherlands Commission on Environmental Assessment in December 2015. More than 30 participants from sectoral ministries and other governmental agencies got familiar with the benefits of introducing a modern SEA system. Another 20 participants attended a SEA

awareness raising workshop for planning authorities and consultants in December 2016. In addition, a video on the Protocol on SEA, prepared in Georgian, have proven to be a very effective mean for promoting the key messages regarding SEA.

The participatory drafting process as well as consultations with relevant stakeholders, resulted in the adoption of the Code by the Parliament on 1 June 2017 (the Code partially entered into force in January 2018).

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

65. Reflecting on the experience gained during the pilot SEA the draft Guidelines on Practical Application of SEA in Georgia were prepared in 2016. The drafting process was used as another mean of capacity building – a working group consisted of representatives from the Ministry of Environment and Natural Resource Protection, and the Ministry of Labour, Health and Social Affairs, as well as the national and international experts, who played a key role in preparing the Guidelines. They contain detailed instructions on how to implement SEA procedure including forms/templates to be used in various SEA steps, recommended consultations, or guiding questions to be considered when reviewing the quality of SEA report.

Main results and achievements

66. The adoption of the Environmental Assessment Code in 2017 can be considered as key step towards Georgia's accession to the Convention and the Protocol and establishing a national EIA and SEA systems in line with both treaties.

67. The pilot SEA demonstrated the applicability of the SEA process in the Georgian national context. It identified the key environmental and health issues related to the waste management, and based on the evaluation of likely effects, it formulated a number of recommendations on further enhancement of the waste management sector, which were to a large extent integrated in the final version of the Strategy and Action Plan. In this manner a significant number of key stakeholders, including decision-makers and planners beyond the Ministry of Environment and Natural Resources Protection, had opportunity to gain experience and insight in the SEA.

68. Further effect in this regard was generated also by the process of the development of the Guidelines on Practical Application of SEA in Georgia, (and the corresponding Guidelines on EIA), where established working groups bringing together different stakeholders contributed to the overall awareness rising on SEA and EIA as tools for greening economy.

69. In response to the lessons learned from the activities conducted under the EaP GREEN, and observed challenges a Capacity building strategy on SEA and EIA was prepared in 2017 to steer future capacity development effort and guide the donor assistance.

Challenges and issues

70. The inadequate overall institutional capacity remains a key obstacle for efficient application of SEA and EIA in the country despite a considerable progress achieved by the entering into force of the Environmental Assessment Code. The recent institutional reform, including the creation of the new Ministry of Environmental Protection and Agriculture, including staff rotation, poses further challenges to sustaining institutional memory relevant for SEA and EIA application. In addition, allocation of appropriate funds by the planning agencies to allow for performing SEAs in practice that were envisaged by the new legislation remains uncertain.

71. Further impediments to efficient proliferation of EIA and SEA practice in Georgia include:

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

Lessons learned

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

- (a) Attention and support of the relevant decision-makers is a critical factor for effective application of SEA. They are needed to ensure cooperation and

responsiveness of the planners responsible preparation of the strategic documents, plans and programmes during the entire SEA process;

(b) Selection of experts comprising the SEA team is of critical importance. Ability of the leading local experts to engage with the decision makers and planners and facilitate productive debate and feedback on SEA analyses cannot be offset by the participation and communication skills of international SEA experts supporting the SEA pilots;

(c) Lack of available examples on international good practice or detailed guidance for evaluation of impacts on the (public) health within SEA is difficult to overcome in the SEA pilot.

Recommendations for further development of SEA and EIA systems in Georgia

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

(a) Further elaboration of the national legislative framework, in particular preparation of the secondary legislation; and guiding documents to support practical application of SEA and EIA;

(b) Building capacities of the responsible Ministry to ensure overall management of SEA and EIA system in the country, including with regard to quality control in SEA and EIA processes. This is a vital factor for efficient and effective operation of any SEA and EIA system;

(c) Ensuring appropriate financial allocation in the budgets of governmental planning agencies to cover costs for carrying out SEAs on relevant strategic documents. While external donor funding is expected to continue playing a support role, this must be understood as only temporary. It is a state responsibility to ensure application of and budgets for the SEA in line with adopted legislation;

(d) Increasing capacities of other relevant authorities to perform their role in SEA and EIA processes, in particular the Ministry of Labour, Health and Social Affairs should be supported to ensure that the health aspects are properly addressed in SEAs;

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

E. Republic of Moldova

Activities carried out

74. Despite having adopted its first EIA regulation (Law on Impact Assessment and Ecological Expertise) already in 1996 and having signed the SEA Protocol in 2003, in 2013 Moldova's regulatory framework and practice did yet not meet standards set out by the Convention, the Protocol and the EU EIA and SEA Directives.

75. Therefore, based on the request of the Ministry of Environment, the UNECE within EaP GREEN supported the Republic of Moldova in developing the new Laws on EIA and SEA to introduce respective procedures in accordance with the Espoo

Convention and relevant EU legislation. The assistance included a review of legislative and institutional frameworks concluded by the round-table meeting of 3 September 2013. Based on the results of the review, the Ministry requested UNECE to provide further assistance for the development of national legislation. The draft Law on SEA was prepared from January to July in 2014 and underwent consultations with the national stakeholders on 29 July 2014, and a public hearing on the draft Law on SEA (June 2015). Despite the protracted process affected by the elections-related delays the new legislation was successfully enacted: Law on EIA on 29 May 2014 (in force from 4 January 2015), and Law on SEA on 2 March 2017 (in force since 7 March 2018). In addition to the targeted priorities concerning SEA, the EaP GREEN based on the request of the Ministry of Environment supported the Republic of Moldova in developing bylaws for application of EIA procedure in accordance with the Espoo Convention and relevant EU legislation. This assistance resulted in adoption of the provisions related to the first and second amendment of the Espoo Convention by the Republic of Moldova in its EIA Law.

76. The legislation and institutional framework development process was assisted by a number of capacity building and awareness raising activities concentrated around two SEA pilot projects conducted by the teams of national experts operating under the guidance of international consultants. First pilot was the SEA for Master plan of Orhei town, conducted from June 2014 to June 2015. The SEA focused on producing feedback to spatial planners preparing an update of the existing Orhei town Master plan. It concentrated on facilitating consideration of potential environmental and public health effects associated with different planned developments, as well as facilitating evaluation of different spatial and functional alternatives. It also fostered consultation processes, including public participation, that reached out beyond the limited circle of stakeholders typically engaged in the Master plan development. Training workshops on practical application of the draft Law on SEA to urban plans and programmes in July and December 2014, a public consultation meetings in December 2014 and February 2015, and a final event in June 2015 marked the progress of the process.

77. Second pilot SEA took place in the context of the development of the national Green Economy Road Map, and the associated action plan for its implementation. In this case, in a rarely experienced setting the SEA facilitated and advanced the elaboration of the substantive content of the Green Economy Road Map. Capacities of experts of the SEA team were used not only to comment and provide feedback to the planners, but also to significantly contribute to the development of this strategic document, subject of the approval of the Government of the Republic of Moldova. Training workshop and public consultations in April 2016 and a final public event taking stock of the results of the whole EaP Green program in Moldova in December 2017 helped to facilitate involvement of large number of stakeholders including high-level decision-makers.

78. Reflecting on the experience gained during the pilot SEAs and expert discussions a Guidelines on Practical Application of SEA in Moldova were drafted. The guidance development process was launched through a workshop in October 2016 and

involved among others extensive consultations with key stakeholders. The final approval of the Guidance was delayed due to ongoing governmental reforms, including significant structural changes in the institutional underpinning of the environmental agenda. Nevertheless, the importance of the environmental assessment has been recognized, which is reflected in the Roadmap on capacity building on SEA and EIA in the Republic of Moldova prepared within EaP GREEN by a dedicated working group of national experts and representatives of relevant ministries supported by the EaP GREEN and finalized in early 2018.

Main results and achievements

79. The adoption of the Law on EIA and the Law on SEA in 2014 and 2017 respectively are the most apparent landmarks of the progress towards the application of EIA and SEA in line with the Espoo Convention, the Protocol and the relevant EU regulations.

80. The two successfully completed pilot SEAs demonstrated an added value of SEA for integrating environmental considerations in the economic development and improving the strategic planning process itself. The pilot SEAs also facilitated a dialogue between relevant authorities and other stakeholders, allowed to identify priority environmental problems and potential solutions or possibilities for improvement. Data gaps identified during the analytical SEA-related works helped to formulate the needs to change or upgrade the data collection schemes and national statistical reporting. The SEA for the Roadmap also delivered significant inputs in the national level strategic planning, ensuring the integration of the national objectives from Batumi – BIG-E in the Green Economy Program of the Republic of Moldova.

81. The Roadmap on capacity building on SEA and EIA in the Republic of Moldova that has been undergoing further consultations with relevant sectorial ministries and other stakeholders is a mile stone to ensure effective and continual progress for further EIA and SEA implementation.

Challenges and issues

82. The inadequate overall institutional capacity remains a key obstacle for efficient application of SEA and EIA in the country despite a considerable progress achieved by the entering into force of the relevant legislation. The recent institutional reform, including the creation of the new Ministry of Agriculture, Regional Development and Environment of Moldova, accompanied with establishment of the Environment Protection Agency with departments in charge of EIA/SEA, brings about substantial challenges in terms of institutional environment, stability of expert staff and institutional memory relevant for the SEA and EIA application.

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

Lessons learned

84. The following lessons were learned as a result of the implementation of the EaP GREEN in SEA activities in the Republic of Moldova:

(a) Ensuring cooperation and responsiveness of the planner responsible for the development of the strategic document (plan or programme) is a critical factor for effective application of SEA.

(b) Synergy between two EaP GREEN components – planning for a green economy implemented with the help of the UN Environment and SEA carried out by UNECE contributed to the success of the SEA pilot at the national level;

(c) Capacity building and awareness raising on SEA at the national level was efficient and practical as it was based on pilot application of SEAs that allowed a large number of national officials, consultant and representatives of the public to observe and study interlinkages between policy making and SEA, and experience real consultations and visibility stages of the SEA process;

(d) Limited financial resources in the country is an impediment to the efficient application of SEA. SEA process has to be covered by budgetary planning in order to ensure the future implementation of the Law on SEA. The EIA and SEA department of the Ministry responsible for environment has to be enlarged to allow for timely and quality inputs by the Ministry in consultations on environmental report and other SEA stages;

(e) Selection of experts comprising the SEA team is of critical importance. Ability of the leading local experts to engage with the decision makers and planners and facilitate productive debate and feedback on SEA analyses cannot be offset by the participation and skills of international SEA experts supporting the pilots.

(f) Lack of the available examples of international good practice or detailed guidance for evaluation of impacts on the (public) health within SEA is difficult to overcome in the SEA pilot.

Recommendations for further development of SEA and EIA systems

85. Building both administrative and expert capacity of the staff of the planned Environmental Protection Agency (to be established in 2018) will be crucial for further proliferation of EIA and SEA practice in the country. Capacity building on proper application of EIA and SEA for central and local planning authorities and NGOs and awareness raising on their benefits is also desirable.

86. The above mentioned EIA and SEA capacity development Road map prepared with the EaP Green support put forth the following recommendations:

(a) Establishing a specialized subdivision within the Ministry responsible for environment. This subdivision or department should employ at least 5 persons, with another 5-10 persons involved in SEA and EIA-related process and implementation matters at the relevant department of the Environmental Agency);

(b) Creating special funds for SEA and EIA at the national level and introduce necessary budgetary provisions by the planning agencies, otherwise there is a risk that the tools will not be implemented and authorities will avoid applying them.

Besides funding SEA and EIA application, the financial resources should also be allocated to promotion and awareness raising;

(c) Enhance involvement of NGOs in SEA and EIA through providing timely information, training opportunities and other relevant means;

(d) Establishing a permanent training scheme for relevant practitioners, governmental experts, experts from universities and NGOs.

F. Ukraine

Overview of activities

87. Since 2013, the secretariat collaborated with the Ministry of Ecology and Natural Resources of Ukraine and other partners involved in developing a national SEA system in line with the Protocol on SEA and EU SEA Directive. A new legislation on EIA and SEA has been developed within the framework of the EU-funded projects ‘Support to Ukraine in approximation of the EU environmental acquis (APENA)⁷’ and ‘Complementary Support to the Ministry of Ecology and Natural Resources of Ukraine for the Sector Budget Support Implementation’. EaP GREEN complimented that legal drafting by extensive awareness-raising and capacity-building activities. In particular, in October 2013, EaP GREEN organised a four-day training workshop providing a step-by-step guidance on application of the SEA. In 2015, the EaP GREEN organised a series of seminars devoted to raising awareness in SEA for sectoral ministries on 10 June, high-level officials on 11 June, and environment authorities on 12 June. It also organised a number of awareness-raising and training events to support adoption and implementation of the Law on SEA in the course of 2016 and 2017.

88. With that same purpose, in early autumn 2016 within the framework of the EaP GREEN, the Ukrainian version of the UNECE SEA brochure ‘Protocol on SEA: facts and benefits’⁸ was prepared and widely disseminated. A video on SEA was voiced in Ukrainian and run at all training and awareness raising events.

89. Further, a two-day training workshop on practical application of SEA in Ukraine was delivered in October 2016 by the representatives of the Ministry of Ecology and Natural Resources of Ukraine trained as trainers by the EaP GREEN training scheme. The activity was implemented with support of the UNECE international consultants and in cooperation with the project "Partnership for Local Economic Development and Democratic Governance" (PLEDDG), which is a technical assistance project funded by the Global Affairs Canada.

⁷ The EU-funded project ‘Support to Ukraine in approximation of the EU environmental acquis’ was launched in October 2015 and is ongoing (<http://env-approx.org/index.php/en/>).

⁸

http://www.unece.org/fileadmin/DAM/env/eia/Publications/2016/Protocol_on_SEA/%D0%91%D0%A0%D0%9E%D0%A8%D0%A3%D0%A0%D0%90%D0%9F%D0%A0%D0%9E%D0%A2%D0%9E%D0%9A%D0%9E%D0%9B%D0%94%D1%80%D1%83%D0%BA%D0%B4%D0%BB%D1%8F%D1%81%D0%B0%D0%B9%D1%82%D1%83%D0%904.pdf

90. A high-level round table for the officials from sectoral ministries to promote the benefits of efficient application of SEA took place on 28 February 2017. The second training workshop on practical application of SEA for representatives of central and regional executive authorities in Ukraine was organized in March 2017. The final national events - ‘Environmental assessment system in Ukraine: the benefits and way forward’ and ‘Implementation of Strategic Environmental Assessment in the context of Ukraine's international obligations’ were conducted in December 2017 and April 2018, respectively.

91. As a result of the collaborative efforts, the Law on EIA and the Law on SEA were adopted by the Parliament of Ukraine on 4 October 2016. The President of Ukraine, however, vetoed the Laws in October 2016. On 23 May 2017, the revised Law on EIA was adopted by the Parliament and subsequently signed by the President. Afterwards, on 29 March 2018, the revised Law on SEA was adopted by the Parliament and signed by the President of Ukraine in April 2018.

92. In spring 2016, the EaP GREEN at the request of and collaboration with the Ministry of Ecology and Natural Resources of Ukraine initiated the preparation of the national Recommendations on practical application of SEA that was finalised in April 2018 further to the adoption by the Parliament of the law on SEA.

93. Ukraine was also involved in a joint pilot project between Ukraine and Belarus on the EIA post-project analysis in a transboundary context of the exploitation of the Khotislavskoye quarry (the details are provided in the section on Belarus above).

94. EaP GREEN due to its limited resources was not able to support the pilot SEA application in Ukraine. However, pilot SEAs for the Development Strategies of Lviv and Dnipropetrovsk Oblasts’ and the development of a Practical guide on application of SEA in Ukraine were supported by the Canadian project to improve local governance in 2015-2016. In the course of 2017 and 2018 several municipal and city urban planning SEAs have being implemented by the PLEDDG project. EaP GREEN trained some of the PLEDDG project staff in practical application of SEA in line with the Convention and the Protocol allowing to create synergies between the two projects and achieve greater results.

95. In early 2018, the EaP GREEN finalised the SEA and EIA capacity-building roadmap that could prove useful for Ukraine, in particular, when planning and implementing its short-term and long-term capacity-building activities to strengthen the SEA and EIA system and practice.

Main results and achievements

96. The adoption of the Laws on EIA and on SEA is an important step towards establishing a national legislative frameworks EIA and SEA in line with the Convention, the Protocol and the relevant EUA Directives. The EaP GREEN information, awareness-raising and capacity-building events established a firm foundation for enacting and implementing the Laws. There is an enhanced

understanding of importance of adopting the SEA legislation and relevant subsidiary regulations among the key decision-makers, including the Cabinet of the Ministers, the Presidential Office, representatives of the Parliament, and the central and regional executive authorities. The national SEA Recommendations provide details on step-by-step practical application of the SEA procedure.

97. The awareness raising and capacity building events delivered in the course of the EaP GREEN along with the participatory process established to prepare the SEA recommendations provided following main results:

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

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

Challenges and issues

99. Development of the national EIA and SEA legislation aligned with the Protocol on SEA and the EU SEA Directive has taken about five years. This long process

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

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

Lessons learned

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

(a) Collaboration and coordination across various projects having similar goals proved to be effective in creating synergies and leading to greater achievements. For example, EaP GREEN organized the SEA workshops for the planning authorities engaged in the SEAs under the PLEDDG project and supported adoption of the laws prepared by the other EU project by its extensive information and awareness raising campaign;

(b) When planning a capacity-building event on SEA application it is more effective to design it for one or several target groups at the same level of the planning and decision-making hierarchy, rather than to have mixed groups across the planning hierarchy. Participants from differing decision-making and planning levels usually have different expectations, mandates and authorities that is not always possible to accommodate in one workshop. Target groups should be defined carefully, programmes of the planned events should reflect the needs and expectations of the participants;

(c) An extensive awareness raising and advocacy campaign for the key decision-makers facilitates adoption of the developed draft laws. This is even more so in a situation of a frequent and significant turn-over of staff observed in the central executive authorities and structures that underwent through several reforms during the past several years.

Recommendations for further development of SEA and EIA systems in Ukraine

102. Despite the progress described above, further efforts are needed to establish an effective SEA and EIA systems in Ukraine and, subsequently, to proliferate wide and regular application of SEA and EIA procedure, including.

(a) The adoption of the subsidiary regulations to support implementation of the Law on SEA;

(b) Further capacity-building on coordination and carrying out SEA procedures for environmental and health authorities, planning agencies at various

planning levels, and experts and practitioners. This can optimally be linked to a pilot application of SEA, possibly in coordination and cooperation with other ongoing technical assistance projects in Ukraine.

G. Sub-regional activities

103. In addition to the country-level support, several sub-regional activities were implemented.

104. Two documents focusing on legislation were drafted to assist the countries in the legislative and institutional reforms on SEA, including

(a) Practical Guidance on reforming legal and institutional structures with regard to the application of SEA procedure in accordance with the UNECE Protocol on SEA, and

(b) Overview of legislative and administrative reforms for implementing strategic environmental assessment in Eastern Europe and the Caucasus.

105. In order to support legislative reforms in the beneficiary countries several awareness raising materials were prepared with assistance of the highly experienced communication consultants in the English and Russian. These included the brochure and the video introducing the Protocol on SEA and its benefits that were further adapted to national languages of the beneficiary countries as described above.

106. A study tour demonstrating the application of SEA at the national level in the fields of urban planning, waste management, agriculture and the energy sector was organized in December 2014 in the Czech Republic for 32 representatives from the beneficiary countries. The tour provided the participants with an opportunity to meet the main actors of the SEA system, to become familiar with the practical functioning of the SEA system, including the legislation, institutional structure and procedures, and to study the existing SEA practice in various planning schemes.

107. The sub-regional conference “*Lessons learned from national and subregional reviews of legal and institutional frameworks for application of EIA and SEA*” (including a training-of-trainers workshop on the practical application of SEA) took place from 2 to 6 November 2015 in Georgia. Thirty five participants from Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine studied various approaches to enhance their legal and institutional frameworks for SEA. The training-of-trainers workshop focused on questions related to the practical implementation of SEA. Participants enhanced their knowledge about SEA and learned about various techniques for designing and delivering effective capacity-building events. A manual for trainers on the application of the Protocol on SEA was prepared for the workshop, which provides a substantial theoretical background on SEA, as well as practical training tips and extensive training and reference materials. In early 2018, the manual was updated and finalized based on experience from the EaP GREEN national training events.

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

(a) To share the experiences of the beneficiary country on reforming since 2013 their national environmental assessment systems with a view to aligning them with the Espoo Convention and its Protocol on SEA and the relevant EU legislation on SEA and EIA; and

(b) To further enhance participants’ knowledge on SEA and their abilities to independently conduct SEA training events in their own countries.

109. On the last day of the conference a joint session with the representatives of Central Asian countries was conducted to discuss the lessons learned from the SEA and EIA-related legislative reforms carried out in Eastern Europe and the Caucasus and to disseminate the results of EaP GREEN to other countries and region.

IV. Chapter 3. Lessons learned and the way forward

A. Summary of lessons learned

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

(a) General lessons;

(b) Lessons gained through supporting legislative and institutional reforms;

(c) Lessons learned from pilot SEAs;

(d) Lessons learned when preparing SEA guidance documents, and

(e) Lessons learned from implementing training schemes.

General lessons

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

(a) Ensuring interlinkages between various project activities leads to synergies and increased efficiency of each intervention, sub-activity and the project as a whole:

(b) Training activities incorporated into the pilot SEAs provided hands-on opportunities to relevant stakeholders to get familiar with practical aspects of the SEA procedures. This approach was found to be more efficient and learning-enabling than those based only on class-room theoretical learning and hypothetical SEA cases-studies;

(c) Pilot SEAs can enhance drafting the legislation and guiding documents on practical application of SEA by testing the proposed SEA schemes or by providing inputs on details of a step-by-step SEA procedure adjusted to the national context.

Vice versa even initial draft legislation, before its submission for adoption, can provide a ‘non-binding’ legislative framework for pilot SEA procedure;

(d) Preparation of SEA guiding documents enables elaboration of more specific procedural details of SEA provisions set out by new legislative frameworks.

(e) There is a high complementarity between activities at the national and subregional levels. In particular, sub-regional events enable accelerated learning where participants share country-specific experience, identify common challenges, jointly formulate ways and approaches to overcome them. In this way the participants also motivate each other to proceed with the progress despite the challenges and setbacks. Subregional meetings also facilitate informal networking among the countries that may positively affect the practice and outcomes of future transboundary consultations under a real SEA procedure.

(f) The transfer of experience from the EU countries, Parties of the Protocol, to the beneficiary countries provides an opportunity for a valuable know-how from those countries to be used when developing legislation on SEA and EIA and establishing SEA and EIA practice in the beneficiary countries, in order also to avoid possible pitfalls and costly mistakes. The study tour to the Czech Republic carried out in 2015 was often mentioned in subsequent discussions with administrators and decision makers of the participating countries. The experience gained by the participants during the study-tour was considered as a key to facilitating their understanding of the SEA institutional and practical arrangements. It also gave a strong impulse to participants to rethink approaches and ways for introducing an SEA system in their own countries.

(g) Awareness raising materials, including a video and a brochure on the Protocol and its benefits, developed for the sub-region have proven to be very useful tools to raise awareness at national levels through specific national versions of these materials. These materials were also used to promote the SEA and the Protocol beyond the ENECE region;

(h) Collaboration and coordination across various projects having similar goals proved to be effective and led to synergies and greater achievements. For example, UNECE helped with training of the PLEDDG project staff as trainers. It also organized training workshops of SEA procedure for the planning authorities of Ukraine engaged in the SEAs under that project. With the knowledge gained the planning authorities were able to be involved in the pilot SEA under the PLEDDG project more efficiently.

Lessons gained through supporting legislative and institutional reforms

112. Efficient implementation of all technical assistance activities, in particular activities related to legislative drafting and law enforcement, require a strong political commitment of the government to developing and introducing SEA and EIA schemes in line with the two treaties. Activities carried out at the expert or technical level only are also crucial, but they will not be sufficient to ensure revision and adoption of new legislative frameworks.

113. The legislative drafting process becomes more effective if it is supported by an extensive awareness raising and advocacy campaigns promoting benefits of SEA

and EIA among the key decision-makers and members of parliaments. It is also important to integrate a capacity-building elements – such as high-level events and roundtable on SEA and EIA –into the legislative drafting process. Without a proper understanding of the objectives and logic of SEA and EIA procedures, national experts and governmental officials cannot provide necessary inputs that may in turn result in insufficient legislative framework for full implementation of the Convention and the Protocol.

114. In some countries, a lack of capacities within governmental structures to ensure expert inputs to the legislative drafting could be observed. These together with the changes in governmental structures may significantly slow down adoption and implementation of relevant legal framework as well as the development of SEA and EIA national practice.

Lessons learned from pilot SEAs

115. A careful selection of a plan, programme or a project for a pilot application of SEA or EIA is crucial for success of that pilot and illustration of SEA or EIA benefits and inputs to decision-making processes. For example, the SEA of the municipal master plan in the Republic of Moldova provided more tangible outputs compared to SEA pilots of rather general and pro-environmental national waste management documents in Armenia and Georgia. This is to a large extent a logical result related to the content of the strategic document itself. A local level plan provides more details on proposed development as compared to visionary national level documents. It is, therefore, recommended to selected for the purposes of pilot application of SEA specific development proposals rather than on wide strategies and policies. In addition, when selecting a pilot it is important to ensure ownership of SEA process by the planners. A stronger ownership was observed for the plans and programmes and the relevant SEA prepared directly under coordination of relevant national planning agencies than those prepared within donor initiatives.

116. Intensive communication between an SEA team, a relevant environmental ministry and the planning agency responsible for the preparation of the plan or programme is essential to achieve efficient contribution of SEA to the decision-making on the plan or the programme;

117. At the initial stage of a pilot SEA it is particularly crucial to ensure that the planning and the SEA procedures are clearly outlined for and clarified with all main actors involved, including regarding how SEA inputs and recommendations are to be taken into account in the plan or the programme during its preparation and/or its adoption.

118. Selection of experts comprising the SEA team is of critical importance. Ability of the leading local experts to engage with the decision makers and planners and facilitate productive debate and feedback on SEA analyses cannot be offset by the participation and skills of international SEA experts supporting the pilots.

119. Synergies between the EaP GREEN component on SEA lead by UNECE and the EaP GREEN component mainstreaming sustainable consumption and production into national development plans, legislation and regulatory frameworks led by UN Environment contributed to effective and efficient implementation of both

components and additional positive value of the pilot SEA for the green economy planning the Republic of Moldova. SEA methodology was used to foster the planning process itself, in particular for generation of green economy options and alternatives.

120. Regular application of SEA in the beneficiary countries should be funded first and foremost from the national budgets. To this end it is important to estimate the costs of an average SEA at a national level as an indication for budgeting. Costs for specific SEAs will most probably be lower than those for pilot SEAs supported by the EaP GREEN – fees of national consultants are usually lower than those of international consultants supporting the pilots. In addition, with the experience gained the costs for training of national officials by international consultants can be altogether excluded from the budgetary requirements.

121. Lack of funding for SEAs after the adoption of new legislation on SEA can hinder development of a proper SEA practice and procedural routines. It is, therefore, essential to carefully screen the strategic documents, and allocate the available resources for carrying out SEAs on those that address key decisions in important economic sectors (i.e. with a strong decision-making power and likely significant environmental effects in contrast with others nominally relevant strategic documents with little weight in terms of actual environmental impact).

Lessons learned from preparing guidance documents on SEA

122. The focus of the guidance document needs to be discussed and confirmed before launching its preparation as it may influence the entire drafting process as well as a content of expert inputs. Preparation of a guiding document on procedural aspects of SEA will require different approaches and involvement of different experts than the preparation of such a document on methods and tools to be used in SEA and EIA.

123. Similarly to a legislative drafting, the preparation of guidance documents on SEA should be established as a process supported by capacity-building element(s). It should be linked to the legislative drafting since the details discussed in the guidelines may reveal certain gaps or uncertainties in the procedure stipulated in the (draft) legislation.

Lessons learned from implementing training schemes

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

B. Recommendations on further development of SEA and EIA systems

125. The recommendation presented below can be used for guiding further capacity-building and technical assistance programme in Eastern Europe and the Caucasus. They are presented in priority order and fully complimentary to those provided in country-specific sections of this document above.

Ensure finalisation of legislative reforms and support enforcement of the new legislation

126. Finalizing legislative reforms, including drafting and adoption of necessary amendments to primary and subsidiary legislation, with a view to establishing national legislative frameworks in line with the Espoo Convention, the Protocol on SEA and the relevant EU Directives is of key importance for further development of SEA and EIA systems. Although adoption of legislation on SEA and EIA itself cannot fully guarantee its regular and proper implementation, without such legislation environmental assessment procedures and, in particular, SEA will only remain at the level of their pilot application.

127. Once the new legislation is adopted, it is recommended to support its enforcement with capacity-building and awareness raising activities for the key stakeholders, in particular, for planning agencies and governmental institutions responsible for licensing and permitting of development projects. It is important to bare in mind that after entering into force of the new legislation it still may take several years to establish SEA and EIA as a standard and regular practice. To support development of such practice, in particular in the first few years, governments may consider carrying out reviews of implementation on a proactive basis. Further to the results of the review and audits of national practices they may provide additional support to developers of the plans, programmes and projects along with environmental and health authorities, including through additional

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

Finalise draft guiding documents on practical application of SEA further to adoption of the legislation on SEA

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

Continue capacity-building and awareness raising on SEA and EIA

129. While the EaP GREEN capacity-building activities focused mainly on the governmental officials from sectoral and environmental authorities, in next stages of establishment of national SEA and EIA systems it is also essential to increase capacity of environmental practitioners who should be able to ensure overall management of SEA and EIA procedures, to carry out relevant analyses, and to compile scoping and SEA and EIA reports.

130. Addressing health aspects in SEA and EIA is a challenge in all beneficiary countries. Therefore, further assistance to relevant health authorities and practitioners is needed. That might include trainings, preparation of the relevant guidelines and pilot projects with specific focus on considering health issues in SEA or EIA. Cooperation with the World Health Organisation in this regard might prove useful.

131. In the countries with the adopted legislative framework, the training activities may be focused on establishing a permanent training scheme that would allow practitioners and all other interested stakeholders to apply for the training course on SEA and EIA. Such a scheme could be developed in cooperation with universities or training centres for governmental officials.

132. Participation of the public in SEA and EIA can be enhanced through building capacity of civil society representatives. It is important for them to be well familiar with the logics of the procedures, be able to identify ‘windows of opportunity’ that SEA and EIA can offer and ensure their timely substantive inputs of a good quality.

133. As mentioned above, integrating training schemes for SEA and EIA into the relevant pilot projects is one of the most efficient capacity-building approaches. Therefore, it is recommended to continue applying this approach in the future considering the following aspects:

(a) Selecting a proper plan, programme or project for a pilot SEA or EIA procedure is particularly important and requires special attention. It is recommended that the selected plan or programme for a pilot SEA is linked to a ‘standard’ planning procedure under the national legislation and is not just a ‘product’ of donor activities with limited ownership by national counterparts;

(b) Selection of a plan, programme or a project should be confirmed by both environmental ministry and the planning agency or project developer to ensure their ownership of and support to the project;

(c) It is important to ensure that SEA and EIA pilot procedures employ methods and tools that can be used in further SEA and EIA practice relying on national budgets. In other words, financially demanding analyses or those requiring, for example, specific expensive software should be avoided.

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

134. As mentioned in paragraphs 103-109 above, sub-regional products and events provided ample opportunities for the representatives of the beneficiary

countries to exchange experience among themselves and with other countries - Parties of the Convention and the Protocol. They significantly contributed to developing SEA and EIA systems at the national level. It is, thus, recommended to further facilitate dialogue on legal and practical implementation of SEA and EIA procedures at the sub-regional level. Besides study tours and training events, further assistance can include organising sub-regional conferences with involvement of the countries beyond the sub-region and/or establishing an EaP branch of International Association for Impact Assessment (IAIA).

135. At the national level growing SEA and EIA practice will generate a broad experience. Therefore, a networking between relevant institutions, organisations and individuals involved in environmental assessment should be supported e.g. by organizing regular (biannual) national workshops or conferences on SEA and EIA to present and discuss recent development, case examples, challenges, opportunities and further steps. The countries that recently adopted its legislation on SEA and EIA may consider establishing SEA and EIA electronic database(s) that would enable them to record ongoing procedures and provide information to relevant stakeholders, including relevant reports, information about public workshops. International organisations, including EU and UN organizations, and international financial institutions may also play an important role in promoting SEA and EIA in the beneficiary countries by requiring that SEA and EIA are systematically conducted for initiatives and projects financially supported by them and that relevant SEA and EIA strategies, policies and guidelines are developed as needed for supported sectors of economy.