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# Jerzy Jendroska

## Amended Law on EIA – main requirements, key stages of EIA procedure

Training Workshop on EIA in the Republic of Moldova  
28 February 2024

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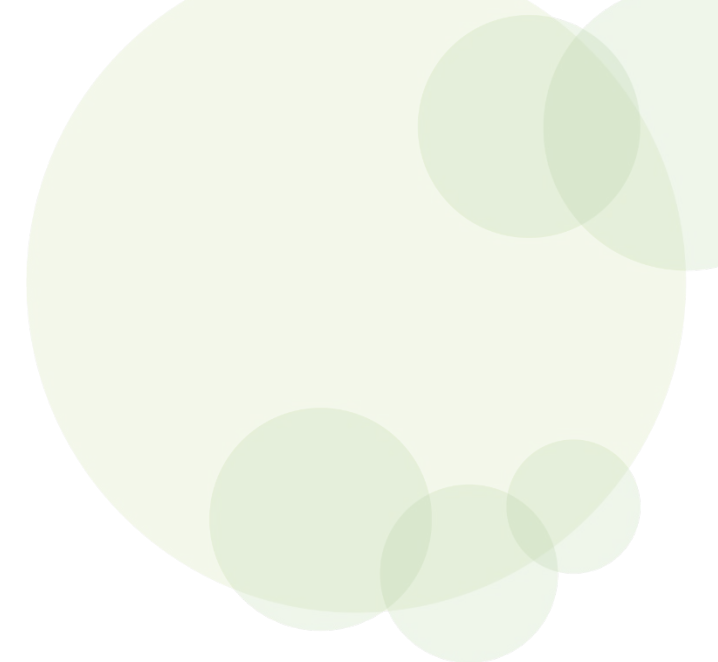


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# Content

- Need for and aims of the amendment
- Structure
- Key concepts
- Procedure step by step - graphs
- Public participation
- Transboundary procedure
- Environmental agreement

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# Need for and aims of the amendment

- Need for amendments - issues of concern
  - Misleading structure and overly complicated scheme
  - Unclear role of the Manual (Ghidul)
  - Not modern EIA scheme -resemblance of old Soviet-style „expertiza” law
  - Lack of biodiversity assessment and many important procedural details
  - Non compliance with international standards
  - Ineffective
- Aims
  - Less complicated and more effective
  - Full compliance with international standards

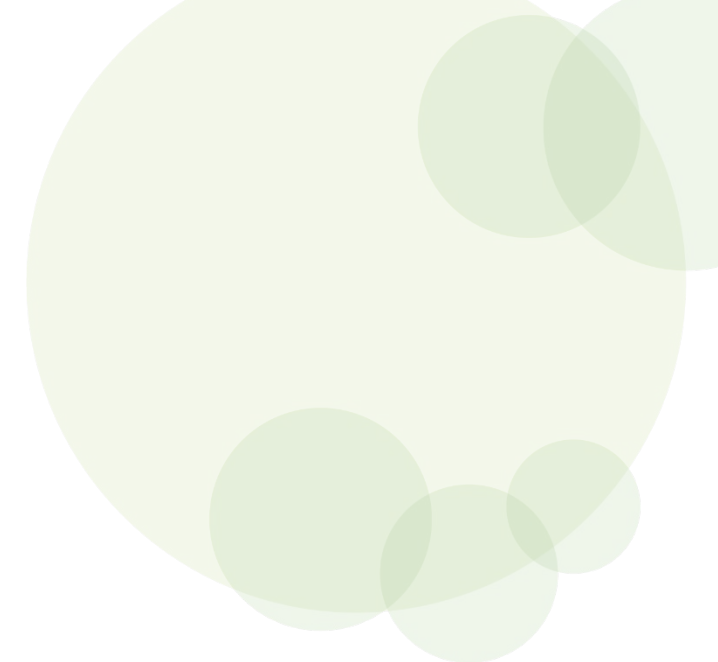


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# Structure

- Old structure
  - Typical for Soviet-style laws
  - Not reflecting clearly consecutive procedural steps
  - Misleading approach to transboundary procedure
  - No biodiversity assessment
- New structure
  - Designed as modern EIA laws
  - Separately covers (providing details):
    - Preliminary procedure (Chapter II)
    - Full EIA procedure (Chapter III)
    - Transboundary procedures (Chapters IV and V)
    - Biodiversity assessment (Chapter III-1)

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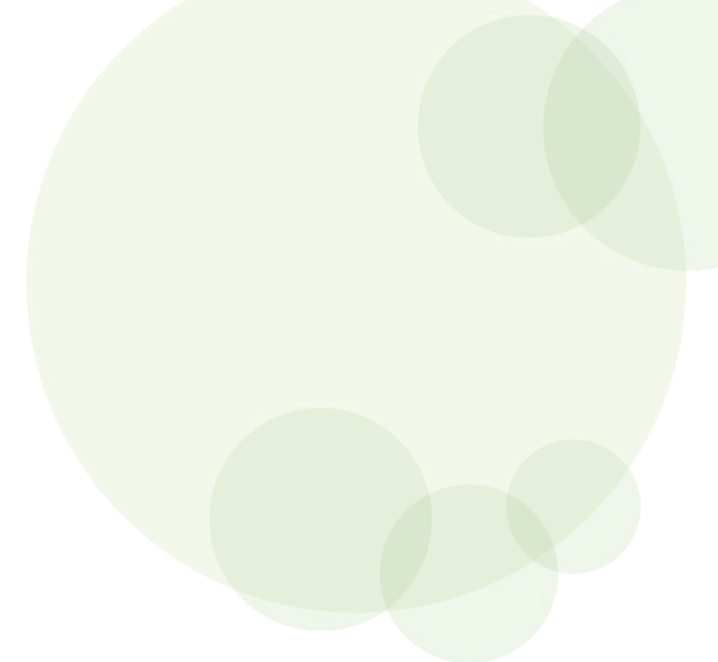


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# Key concepts

- Environmental impact assessment
- Planned activity
- Environmental agreement
- Development consent (approval)
- Project developer (initiator)
- Biodiversity assessment
- Public concerned
- Central and local authorities concerned
- Affected party

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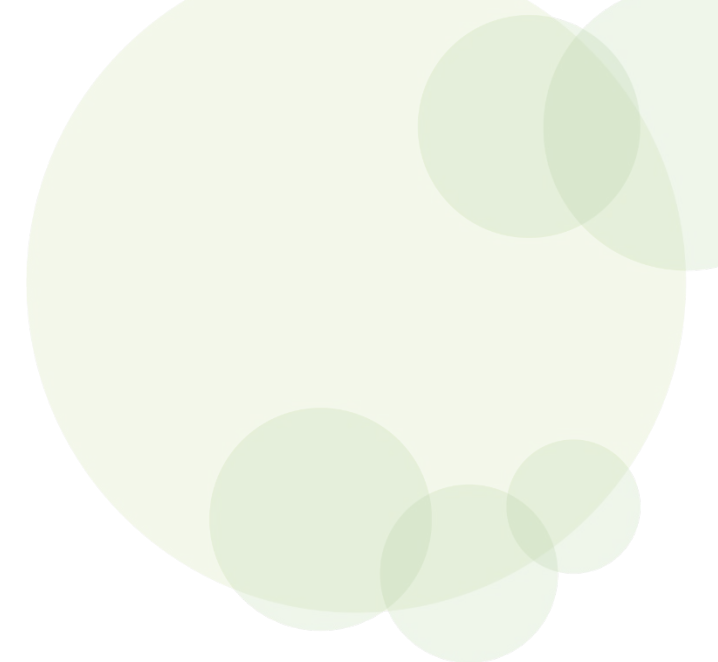


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# Public participation

- Mandatory obligation of competent authorities
- More than just consulting the public!
- Written comments at preliminary assessment
- Hearing (public debate) mandatory at full assessment stage
- Steps
  - Identification of the public concerned at the early stage
  - Guidance to initiators how to effectively inform the public concerned
  - Making all relevant information available
  - Possibility to submit comments
  - Obligation to take due account of comments and preparing justification
  - Informing about the decision

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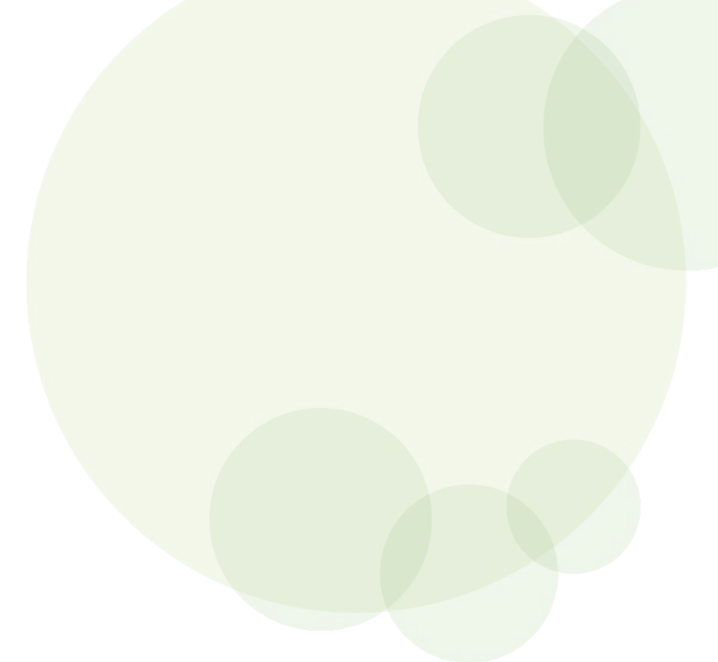


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# Transboundary procedure

- Two procedures and roles of various actors
- Procedure as party of origin –Chapter IV
  - Early identification and initiation
  - Notification and its results
  - Transboundary procedure
  - Consequences for the decision
- Procedure as affected party – Chapter V

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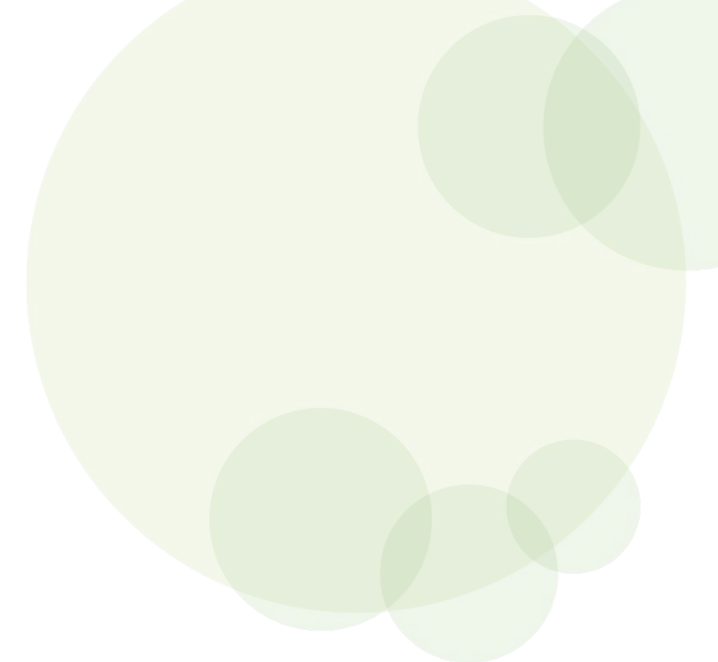


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# Environmental agreement

- Permitting nature
- Issued
  - After preliminary assessment (when full EIA is not needed)
  - After full EIA
- Obligation to take into account results of EIA – art.10-5 para 1
- Content –art.10-5
- Obligation to inform
- Relation to final development

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