

MINISTERUL
AGRICULTURII,
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AL REPUBLICII MOLDOVA



MINISTRY
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At no. _____ from 17 April 2019

To **Mr. Romas SVEDAS**
Chair, Implementation Committee
under Convention on Environmental Impact
Assessment in a Transboundary Context and its
Protocol on Strategic Environmental Assessment

The Ministry of Agriculture, Regional Development and Environment of the Republic of Moldova has examined the request of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (*Espoo Convention*), referring to the Fifth Review of Implementation of the Convention (ECE/MP.EIA/2017/9) and presents the following clarifications regarding public involvement in the environmental impact assessment procedure under articles 3 (8) and 4 (2) of the Convention.

In accordance with the *Law No. 86/2014 on Environmental Impact Assessment*, the provisions of environmental impact assessment procedure in a transboundary context for the Party of origin are included in the Chapter IV, and the EIA procedure for the affected Party – in Chapter V of the *same Law*.

Provisions related to public involvement in the environmental impact assessment procedure in a transboundary context for the affected Party are included in the article 18, paragraphs (1) and (3) of the Law No. 86/2014 as follows:

(1) The competent authority of the affected Party, where necessary, organizes consultations with interested institutions and the public and initiates consultations with the competent authority of the Party of origin, in the process of examining the environmental impact assessment documentation,

(3) The affected Party can participate in the public debates on the territory of the Party of origin, in accordance with the joint agreement of the competent authorities of the Parties. The participation of affected Party in the public debates is done on their own expense. The competent authority of the affected Party publishes the information about conducting public debates on its official website. The affected Party informs in this regard the local public authorities from the potential affected territory about transboundary impact, informs the public through mass-media and the Internet about the date and location of public debates.

Also, the public participation in elaboration of the response to the notification as an affected Party is regulated by article 16, paragraph (2) of the *Law No. 86/2014 on EIA*, which provides that: “Within the deadline established in the notification, which will be up to 30 days, the competent authority of the affected Party decides on its participation or non-participation in the environmental impact assessment procedure, taking into account the opinion of the interested central public administration authorities, of the local public administration authorities in the areas likely to be affected by transboundary impact, as well as of the public. For this purpose, within 5 working days, the competent authority:

a) Publishes the notification on its website, indicating the period for submission of the opinion on the planned activity;

b) Presents the notification to specialized national authorities, local public administration authorities from the potential affected territory, as well as the public, indicating the deadlines for comments”.

The *Guideline of the EIA procedures* approved by Order No. 1 of Minister of agriculture, regional development and environment from 04.01.2019, point no. 98 includes following provisions: „The competent authority of the Party of origin shall inform the competent authority of the affected Party, who ensures that the public from the possible affected areas is informed within two weeks of receipt of the notification and is given the opportunity to comment or submit objections, either directly to the competent authority of the Party of origin, either through the competent authority of the affected Party, if no other way is provided for in bilateral agreements or following discussions held in accordance with the Guidelines”.

Regarding the presentation and dissemination of EIA documentation, this is regulated by article 17, paragraphs (3) and (4) from the *Law No. 86/2014 on EIA*, as follows:

(3) Within 5 working days, the competent authority shall publish on its official website the environmental impact assessment documentation and submit it to the local public authorities of the first level of the potential affected territory and to national authorities in the field, indicating the deadlines for comments. The local public administration authorities publish, within 5 working days, the environmental impact assessment information in a publicly accessible place and inform the public and the competent authority of the affected Party about this.

(4) The state institutions and other institutions of the affected Party involved in the examination process of environmental impact assessment documentation and the interested public, submit their comments within the prescribed deadlines to the competent authority which develops the opinion.

Also, point no. 105 from *Guideline of the EIA procedures*, provides that: “The received documentation from the Party of origin is distributed to authorities and public from the possible affected areas, under the responsibility of the competent authority of the affected Party, which sends the comments and

observations received from the public and interested authorities to the Party of origin”.

Considering the above-mentioned, we assume that we have managed to clarify the question of the Espoo Convention Implementation Committee regarding the provisions on public involvement in the environmental impact assessment procedure in the transboundary context in our national legislation. However, if further clarifications are required, we remain at your disposal.

Please accept the assurances of my highest consideration.

Sincerely,

State Secretary



Valentina TAPIȘ