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Amended Law on SEA – main requirements, key stages of SEA procedure including transboundary procedure

Training Workshop on SEA in the Republic of Moldova

29 February 2024

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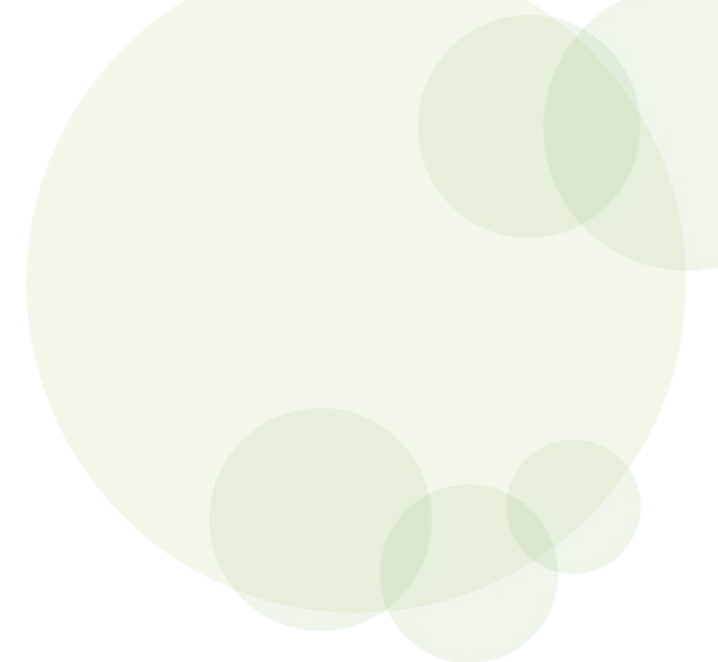


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Content

- Need for and aims of the amendment
- Key concepts
- Scope of application
- Procedure step by step - graphs
- Public participation
- Transboundary procedure
- Approval of the document

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Need for and aims of the amendment

- Need for amendments - issues of concern
 - Not fully clear structure
 - Resemblance of old Soviet-style „expertiza” law (permitting role of environmental authorities)
 - Lack of biodiversity assessment and of some important procedural details
 - Ineffective
- Aims
 - Less complicated and more effective
 - Full compliance with international standards

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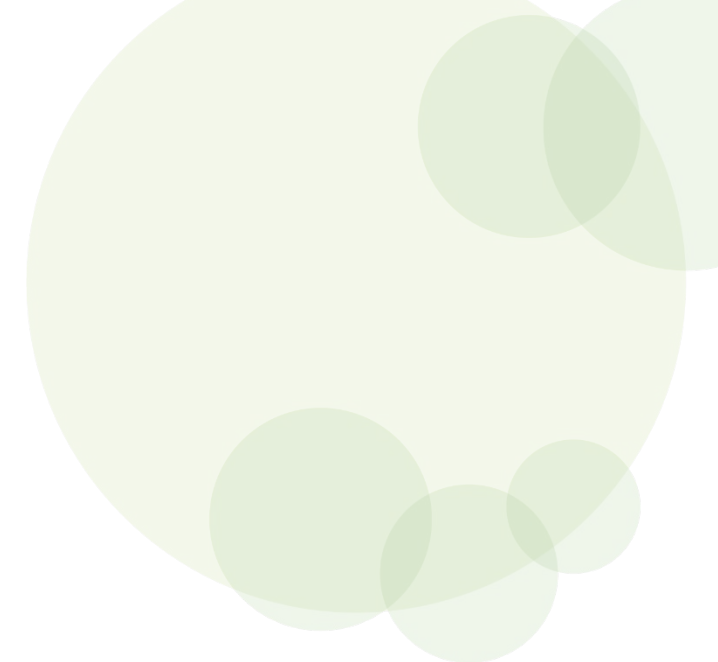


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Key concepts

- Strategic environmental assessment
- Environmental opinion
- Initiator
- Biodiversity assessment
- Public concerned
- Affected party

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Scope of application

- SEA applies only to activities of public authorities (not to private persons)
- Initiators responsible for performing SEA
- Mandatory application to policy and planning documents in art. 3 para 1
- Approach to screening in art.3 paras 2 and 3 as compared
 - with EIA scheme
 - With the previous SEA scheme

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Public participation

- Mandatory obligation of initiators - under the guidance of environmental authorities
- More than just consulting the public!
- Written comments at preliminary assessment
- Hearing (public debate) not mandatory
- 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 of initiator to take due account of comments and preparing justification
 - Informing about the approval of the document

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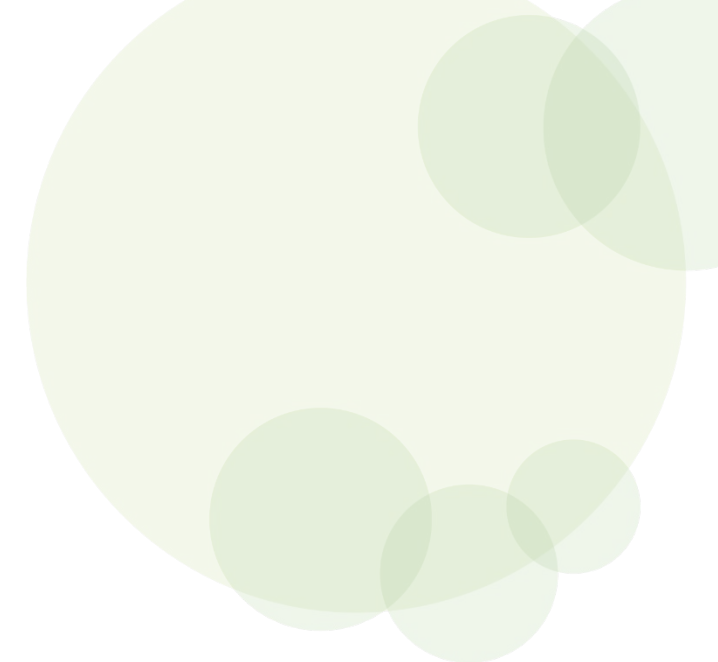


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Transboundary procedure

- Two procedures and roles of various actors
- Procedure as party of origin –art.11
 - Early identification and initiation
 - Notification and its results
 - Transboundary procedure
 - Consequences for the decision
- Procedure as affected party – art.12

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Approval of the document

- Approval by the initiator
- Obligation to take into account results of SEA –art. 14 para 1
- Binding nature of – art.14 para 1
 - Conclusion on quality of SEA report
 - Environmental opinion including conclusion of the biodiversity assessment (art.8-5 para 2)
 - Results of intergovernmental consultations
- Obligation –art.14 para 3
 - To provide justification
 - to inform

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