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Amendments to the legislation – Law 11/2017 on Strategic Environment Assessment

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Essential amendments:

- **Expert Commission** – new mechanism introduced for the evaluation of the quality of SEA. The technical commission shall guide by the Manual/Guideline for SEA Report Quality Assessment, approved by Order of the Minister of Environment.
- **Analysis of the quality of SEA Report** - If the quality of the strategic environment impact assessment is not appropriate, the competent authority shall issue within 10 working days from the date of receipt of the Expert Commission opinion a conclusion on the SEA Report quality and indicate the elements of the report considered inappropriate

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Essential amendments:

- **Biodiversity assessment** – a new mechanism for the assessment of the policy or planning documents (PPD) that could have a significant impact on Emerald sites.

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Preliminary assessment:

- (1) A preliminary assessment shall be performed for policy and planning documents based on criteria listed in Annex No. 1 to determine if the latter could have significant effects on the environment, including on public health.
- The documents sent by the Initiator shall be posted for public consultation with the central and local authorities, the Ministry of Health – these being identified and public authorities concerned.

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Preliminary assessment:

- (23) The Initiator shall inform the public concerned in compliance with Art. 10, par. (4). The public concerned may submit their comments and suggestions to the competent authorities within 10 days from the date on which they were informed.
- (3) The competent authority shall make a decision on the preliminary assessment within 20 working days from the date of receiving the information provided by the Initiator in compliance with par. (2), taking into account the opinion of the public authorities concerned, as well as the comments and suggestions received in compliance with par. (23), and shall post it on its official webpage and at their office within 5 working days from the date of issuance.

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Determining the scope of SEA Report

- The Initiator shall request from the competent authority to determine the scope of SEA Report.
- (12) Within 5 working days from the date of filing the request, the competent authority and the initiator shall post respective information on their official webpages.
- (4) Upon determination of the scope of SEA Report, the initiator shall inform the public concerned in compliance with Art.10, par. (4). The public concerned may submit their comments and suggestions to the competent authority within 10 days from the date they were informed.
- Depending on the nature and content of the policy and planning document and on the hierarchical level, as well as taking into account the opinions of the Ministry of Health and of other public authorities concerned and comments of the public concerned, the competent authority shall issue a decision on the scope of SEA Report within 30 working days from the date of receipt of the SEA scoping request, in compliance with par. (11).

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Preparation of SEA Report

- The Initiator shall be responsible for drafting the Strategic Environment Assessment Report before the approval of the policy and planning document, based on the information included in the SEA scoping decision. The SEA Report shall identify, describe and assess the likely significant effects that the policy and planning document implementation could have on the environment, including on public health, including reasonable alternatives, taking into account the objectives and geographic area covered by the policy or planning document; a) population and human health;

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APPROVAL OF THE POLICY OR PLANNING DOCUMENT

The Initiator shall submit the documents provided for in the current legislation, including the environmental opinion for the approval of the policy or planning document.

(3) Following the approval of the policy or planning document in compliance with the procedure set in the current legislation, the Initiator shall post the environmental opinion on its official webpage, as well as shall inform the public concerned and the public authorities concerned about it, making it available, as well as:

- a) the policy or planning documents in the approved form;
- b) Information on the manner in which the environmental problems, the impact of the policy or planning document on environment, including on the public health have been integrated in the policy or planning document;
- c) information on the consultation of the public concerned and public authorities concerned, results of consultations in transboundary context, in compliance with the provisions of Articles 101–112.





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