



EASTERN PARTNERSHIP
Civil Society Forum



SEA and EIA legislations at national levels

Summary

Belarus, Republic of Moldova, Ukraine

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SEA and EIA legislations at national levels: legal framework, implementation, common features and problems, needs

*Summary of researches provided in the project countries:
Belarus, Republic of Moldova and Ukraine*

Prepared in the frame of project **Environmental Assessment Watch**
(Implementation of SEA and EIA: civil society monitoring).

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Cover photo: Mountain Amphitheater. Lake Dogyaska. View from mountain Gerishaska. The author — **Caira Fedir** (photo is created in the framework of photo competition for protection of mountains Svydovets and Borzhava, license CC BY-SA 4.0 unchanged). The Carpathian massif Svydovets is under the public watching because of the plans of building a huge ski resort.

In particular, the public is monitoring the process of environmental impact assessment here.

More information — in the publications of the project.



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Preface

Strategic Environmental Assessments (SEA) and Environmental Impact Assessments (EIA) legislations are listed among key priorities in the program document "Eastern Partnership — 20 deliverables for 2020". Implementation of SEA and EIA in accordance with EU legislation and standards, compliance with relevant Conventions (Espoo Convention and the SEA Protocol, Aarhus Convention) and applicability across all sectors is a very ambitious task.

Both procedures include requirements for assessing the impacts on environment from plans and programs (SEA) and from planned economic activities (EIA), thus contributing to improved governance for sustainable development.

The overall project's aim is to promote the environmental governance reforms in Ukraine, Republic of Moldova and Belarus through public monitoring and enforcement of implementation of environmental components of the Association Agreements, in particular — EIA and SEA.

The project team has analysed the progress of SEA and EIA implementation at national levels. It has to be noted that the SEA procedure is rather new experience for all 3 countries, as in Ukraine and Republic of Moldova it only came to force in March 2018 and in Ukraine in October 2018, while as in Belarus it has been in force since January 2017 but started working only since 2018.

Therefore, the analysis of SEA processes is rather limited. For this reason, Annex 5 has been added to present the SEA experience in Bulgaria.

The analysis was based on information from open sources as well as formal inquiries to official bodies of the countries. These country reports form a base for the a methodology for public monitoring of SEA and EIA procedures implementation.

This methodology is being developed and tested during the course of the project by the partners. The country reports were developed in accordance with the templates agreed by the partners and include the following items (the whole version of templates you may find in Annex 1), which create the summary report structure and supported by tables:

1. Legal framework — international obligations

2. Legal framework — national framework

- a. How SEA and EIA are reflected in national legal documents
- b. What kind of rules, procedures, problems are included into national legislation
- c. Which supporting documents (e.g. by-laws) still need to be developed at national level

3. What kind of methodology and tools are used in the country for assessment?

4. Practical implementation

5. Public participation

6. Access to justice

The summary countries report includes information from partner countries reports (common features, differences, problems, needs). Detailed reports from the partner countries are in annexes 2, 3, 4 for this publication; the Bulgarian report — annex 5.

The summary report presents analysis of SEA and EIA implementation progress in Eastern Partnership (EaP) countries in comparison with the EU and international experience and includes recommendation on future steps needed for effective use of SEA and EIA procedures in EaP countries.

International obligations

The international obligations of the three countries differ impacting the implementation status (please, see Table 1). While all three countries are a Party to both, Aarhus Convention and Espoo Conventions, Ukraine and Moldova further have obligations to adapt their national legislation to the EU standards according to the respective Association Agreement with EU.

Table 1. International obligations of Belarus, Republic of Moldova and Ukraine on EIA and SEA

	Belarus	Moldova	Ukraine
Aarhus Convention	In force since 30.10.2001	In force since 7.4.1999	In force since 18.11.1999
Espoo Convention	In force since 8.02.2006	In force since 4.1.2015	In force since 20.7.1999
SEA Protocol	Not a party	In force since 7.3.2018	In force since 2.12.2015
EU association	no	In force since 2.11.2013	In force since 1.9.2017

National legislation

All countries by now have managed to adapt national legislation according to the international obligations (please, see Table 2): Republic of Moldova and Ukraine — according to the Association Agreement and Belarus — according to Aarhus and Espoo Conventions, however, the procedures for the implementation require clarification and experts' evaluation.

Table 2. Adaptation of national legislation to the international obligations in Belarus, Republic of Moldova and Ukraine

	Belarus	Moldova	Ukraine
EIA	Act of the Republic of Belarus No. 399-Z of July 18, 2016 on the State Environmental Expert Review, Strategic Environmental Assessment and Environmental Impact Assessment	National law on EIA in force since 4.1.2015	National law on EIA in force since 18.12.2017
SEA		National law on SEA in force since 7.3.2018	National law on SEA in force since 12.10.2018
Other relevant	The Resolution of the Council of Ministers from 24.1.2017 and from 19.1.2017 on Certain Measures for the Implementation of the Act on State Environmental Expert Review, Strategic Environmental Assessment and Environmental Impact Assessment - regulate SEA and EIA procedures and procedures for public participation.	Two supporting documents on procedure: conduct/ evaluation/timeframe/ public hearings /reports/submitted papers for EIA process are submitted and published (expected approval date — end 2018)	Paper by Cabinet of Ministers that regulates the way public hearings are conducted and how the papers for EIA process are submitted and published.

Methodology

Assessment procedures within the countries partly follow international standards (please, see overview in Table 3), but many of former soviet practices are still in use bringing a contradiction between theory and practice. It results in difficulties in accessing information (technical problems, navigation, non-functioning website in Moldova), focusing on the formalities rather than content and lack of public interest.

Table 3. Overview of EIA/SEA procedures methodology used in Belarus, Republic of Moldova and Ukraine

	Belarus	Moldova	Ukraine
Rules/ approach	EIA — specifically design, SEA — more in accordance with international practice	The guidelines are elaborated according to EU methodology, however the recommendation/ methodology from previous national practices and legislation is still available and in use.	EU methodology adopted, however, it has been placed onto the previous national practices.
Information source	The organizers of public hearing must publish the relevant info on its website and mass-media as well as EIA and SEA reports once these are officially published.	The initiator should publish the information on its webpage and on official web page of Environmental Authorities in 5 days from the decision of SEA/EIA is taken; also, the Environmental report should be published on webpage and disseminated to NGOs for consultations.	The info is mainly provided and published by the company who plans the activity. Public adds information Sometimes substantiating it by experts' opinion.
Authorities involvement	The organizer of the EIA/SEA process might consult authorities.	The initiator of SEA/EIA process should consult environmental/ health and relevant authorities at national and local level.	EIA - relevant authorities (except the body that makes EIA ruling) are involved only if requested or only if there is a conflict of interests. SEA — the roles and terms of references for each player including relevant authorities are prescribed in SEA assignment.
EIA reports authors	Certified persons only listed in the special registry and have special training/ corresponding qualification in the field and at least 3 years of relevant professional experience.	The Law doesn't request the certification the authors. It is necessary to mention that for the EIA on construction projects, the experts should have the certification on construction and as results the EIA on building projects are assessed relatively well.	Any person/persons, however authors' relevant professional record, degrees and qualifications must be described in the report.
Alternatives considered	For EIA alternative options should be considered or the option of non- implementation ("zero alternative") is considered.	EIA — at least 2 technical alternatives or "zero" alternative.	EIA - at least 2 technical alternatives and 2 location alternatives. SEA — add alternatives and explain reasoning for the selection. SEA — as prescribed in the SEA assignment including the scenario when no changes are made.

Monitoring	A mandatory section of the EIA report is a description of local environmental monitoring programs and (if necessary) post-project analysis of the facility's activities.	In both cases the monitoring is a part of the final document (permit) issued by authority. In case of SEA — environmental opinion and for EIA environmental endorsement.	EIA report must contain the description of monitoring programs for the project implementation and if relevant — post-project monitoring. Monitoring options and emergency response actions can be prescribed in EIA ruling (in EIA report only some technical aspects on this usually mentioned).
EIA/SEA report adjustments	If substantial revision of the report needed/ the public hearings might be suspended until the report is amended.	The Environmental Report plan/program and project for economical activities are not endorsed until all recommendations and proposals are not taken in consideration or negotiated. the Environmental Notification (SEA) and Environmental Agreement (EIA) could be issued only if all comments and recommendations were taking in consideration.	Not possible without separate EIA process.

Practical implementation

The overview of practical implementation of the EIA/SEA legislation in Belarus, Republic of Moldova and Ukraine is presented in Table 4. It can be stated that the introduction of the new EIA/SEA legislation during last year in Ukraine brought significant progress, but there is still a need for improvement. For Moldova and Belarus the progress is halted due to lack of easy public access to the information resulting in low public participation.

Table 4. The overview of practical implementation of the EIA/SEA legislation in Belarus, Republic of Moldova and Ukraine

	Belarus	Moldova	Ukraine
Public access to information (open registry)\accessible database)	EIA/SEA reports and outcome of public hearings must be published.	EIA register is not functional yet. SEA is in force from 07.03.2018, no registry yet.	EIA register since 18.12.2017 (http://eia.menr.gov.ua , Ukrainian only) SEA in force since 12.10.2018, no registry yet
Searchability of the registry	na	na	Only by date and region

EIA reports content	Weak as it is done by experts trained for USSR's type Environmental Expertise, significant lack of qualified experts and ill-understood environmental and social risks posed by the project.		
Public attendance	People usually miss EIA stage and start to be active only when face the impact of the projects implementation.	No data on public participation and consultations recorded. No monitoring mechanism of the public involvement.	Over 25% of the EIA processes got comments from public on planned activities. Actually, Ministry of the Environment and Natural Resources published on YouTube all videos from EIA public hearings.

Public participation and access to justice

The procedures for public participation in EIA/SEA processes have been defined in all three countries (please see Table 5). However, there is lack of public interest and, therefore, low participation level due to a difficulty of accessing information in Republic of Moldova and Belarus.

Table 5. The overview of public participation and access to justice in EIA/SEA procedures in Belarus, Republic of Moldova and Ukraine

	Belarus	Moldova	Ukraine
Addressing public comments (reaction on comments)	The comments are collected during public hearings and must be addressed within 10 days after the public hearings.	The public comments must be answered in EIA / SEA environmental permits/endorsement (opinion) — the table of deterrents on is a part of EIA / SEA environmental opinion document, which is attached to the entry after the permit has been passed	Public comments collected in written during 20 work days after the announcement and during public consultations stage and if not reflected in EIA report than can be put as environmental requirements into EIA ruling since EIA report cannot be corrected without separate EIA process.
Access to justice	By special law provisions public (citizens and legal entities) have a right to appeal EIA/SEA reports.	Anyone (individuals or legal bodies) can challenge the EIA ruling in a court of law on basis of unlawful ruling, incorrect procedures or not addressing public comments	Anyone (individuals or legal bodies) can challenge the EIA ruling in a court of law on basis of unlawful ruling, incorrect procedures or not addressing public comments

Common problems and needs

1. Lack of public attention

This comes for two main reasons — lack of interests due to unawareness of the danger/potential effect of a project/program or disbelief that the participation can make any difference or due to intentional manipulations by the project's company.

- In Belarus, for example, people usually miss the EIA stage, and start to be active only when they face the impact of the projects implementation. They theoretically have a right to participate earlier, but don't use it because of number of reasons.
- In many cases the information provided is insufficient or published in the mass media that do not have proper reach/coverage of the relevant target group. For instance, in Ukraine there is a number of projects which have no attendance of public during public hearings. In some cases the same company has non-attendance as a pattern for various similar projects in different locations (happened before the EIA procedure came to force).
- In Republic of Moldova trial SEA process showed that, in order to improve public attendance, an info-campaign prior the public consultations is needed and more time allowed for public to get acquainted with the information. Also, choice of locations for public hearing must be carefully analyzed on accessibility during the hours of the hearings.

2. Difficulties to follow the progress

The information, even if available, is rather difficult to trace or search.

- In Moldova, according to Association Agreement, the open EIA register was created, but it is a simple table that includes not a lot of information. For the eight months of 2018 — 15 requests have been submitted to Central Environmental Authorities. Unfortunately, from the register is not possible to identified the current status and if the public consultations have been initiated; there is no access to EIA cases, due to the fact that files are not available online, one of reason could be the fact that the official web page of Ministry of Environment was liquidate and the new one doesn't offers detailed information and access to documents.
- In Ukraine, the new EIA law has been in operation since December 18, 2017; the open EIA register is active and regularly updated with more than 1000 entries for now, but there is a problem to navigate all these entries. The amount of public activity here became rather high — over 25% got comments from public on planned activities.

3. Low quality of EIA/SEA reports

The EIA reports contents and expertise available are the weakest points for the process in all countries. There are mainly available only old system certified experts that lack the understanding of potential social and environmental risks.

Experience from EU

Bulgaria has developed a good system for EIA/SEA procedures based on the EU Directives and national legislation which transposes them into its legal order. Formally, it gives a broad access to public participation and access to information and justice. However, there are still problems to overcome like the obstacles to meaningful and inclusive public participation as exemplified by the review of the SEA system in Annex 5. Some of them relate to lack of public consultations at the screening state and the practice to bypass conducting of full SEAs for PPs with potential negative environmental impacts, or to not conducting of SEA at all.

There are serious obstacles for early involvement of the public already at the stage drafting of the SEA report — unclear rules for notification and consultations and for involvement of the public at a later stage — when the SEA report is ready — again because of the unclear rules for notification and access to the report.

Conclusion

The implementation of EIA/SEA is a complex issue that has similar set-backs everywhere. As shown in the Annex 5, Bulgaria as a EU member state still struggles to achieve a higher level of public participation in line with the standards for good environmental governance. For instance, there are reports on Kenya that describe the same issues in EIA procedures, like low public interest (see Mwenda, A.N., Bregt, A.K., Ligtenberg, A. and Kibutu, T.N, 2012. "Trends in consultation and public participation within environmental impact assessment in Kenya", *Impact Assessment and Project Appraisal*, v. 30, issue 2, June 2012, pp. 130–135) and inadequate quality of EIA reports (see Maarten Smies, 2018. "Summary report on Review and evaluation of environmental impact assessment reports for petrol station projects in Kenya", YoungProfsNet — Environmental and Social Development Practitioners).

Higher public interest and demand for more transparency of EIA/SEA will contribute in improvement of EIA reports quality and quality of the environment. It is like an explosion: the more public awareness and visibility of EA, the more attention to situation — run to better quality of the process itself and improve the environmental situation in general.

In order to broaden public involvement in the processes, a clear step-by-step guideline on monitoring EIA/SEA processes for the public is needed. Such guideline must include the description of general approach and principles of a public monitoring process, offer evaluation tools and criteria with relevant illustrations and practical examples.

All of that is a part of the methodology for public monitoring of EIA/SEA processes that is being developed within the framework of the project which must result in a simple and clear guideline for us in EaP countries with flexibility for adaptation to the situation in a specific country.

Templates for analyzing implementation of SEA and EIA legislations at national levels

1. Legal framework — international obligations

- a. Describe the Aarhus and Espoo conventions and SEA protocol statuses in country (signing, ratification etc.)
- b. Describe country obligations in accordance to AA

2. Legal framework — national framework

- a. How SEA and EIA reflected in national legal documents
- b. What kind of rules, procedures, problems are included into national legislation
- c. Which supporting documents (e.g. by-laws) still need to be developed at national level

3. What kind of methodology and tools are used in country for assessment?

4. Practical implementation

- a. Overview of main processes since January 2018
- b. Statistic data
- c. Examples of good practice and their role in improving of assessment
- d. Examples of bad practice and their role in improving of assessment

5. Public participation

- a. Overview of procedural stages where public participation is implemented
- b. To which extend the public access to information is implemented and on which stages?
- c. Is there a possibility for the project/plan, programme to be sent back for further improvement after the EIA/SEA decision is made.
- d. How the public opinion is taken into account for making EIA/SEA decision?
Is there a statutory obligation to take the results of the EIA/SEA into account in the decision-making?
- e. Whether a mechanism for monitoring of the implementation of EIA/SEA conclusions and recommendations is introduced?

6. Access to justice

Can the EIA/SEA decisions or the projects/plans/programs for which they were carried out be challenged by members of the public/NGOs?

SEA and EIA legislations at national levels: Belarus

Legal framework — international obligations

Aarhus Convention was signed by the Republic of Belarus on June 25, 1998 and adopted by Decree of the President of the Republic of Belarus No. 726 of December 14, 1999 on Adopting the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. Came into force for Belarus on October 30, 2001.

The Republic of Belarus signed the Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter Espoo Convention) on February 26, 1991 and adopted it on November 10, 2005 (Decree of the President of the Republic of Belarus No. 487 of October 20, 2005 on Adoption by the Republic of Belarus of the Convention on Environmental Impact Assessment in a Transboundary Context. The Convention came into force for the Republic of Belarus on February 8, 2006.

According to Act of the Republic of Belarus No. 421-Z of July 23, 2008 on Treaties of the Republic of Belarus, provisions of international treaties of the Republic of Belarus are part of the legislation which should apply on the whole territory of country and are subject of direct applicability and has a force of a domestic legal act by which this treaty was adopted or ratified. Regarding the Aarhus and Espoo Conventions, it is the Presidential Decree.

The Republic of Belarus is not a Party of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (SEA Protocol, Kyiv 2003), but there are some voluntary SEA provisions in national legislation. There are no country obligations in Belarus in accordance to appropriate assessment.

Legal framework — national framework

The foundations of the environmental impact assessment (EIA) and strategic environmental assessment (SEA) as legal institutions were laid by the Environmental Protection Act of the Republic of Belarus No. 1982-XII of November 26, 1992. Currently, the relevant legislative act in this area is represented by the Act of the Republic of Belarus No. 399-Z of July 18, 2016 on the State Environmental Expert Review, Strategic Environmental Assessment and Environmental Impact Assessment.

In the act, the environmental impact assessment is interpreted as "an evaluation during the process of preparation of the pre-project (pre-investment) or project documentation of the possible impact on the environment during the implementation of the project design, of the estimated changes in the environment, environmental state forecasting in order to make a decision about the feasibility or non-feasibility of the project designs, as well as identifying the necessary measures for the environmental protection and rational utilisation of natural resources".

In relation to the strategic environmental assessment the Act contains the following rule-definition: “an evaluation during the development of national, regional and sectoral strategy concepts or programmes (hereinafter — programmes), urban planning projects of possible environmental impacts (including transboundary) and environmental changes, which may occur during the implementation of programmes, urban planning projects with due regard to the introduced amendments and (or) additions”. The facilities for which SEA and EIA are conducted are listed in articles 6 and 7 respectively of Act No. 399-Z. The ultimate norms regarding the procedure for SEA and EIA are set forth in articles 18 and 19 respectively of Act No. 399-Z. The rights of parties to the relationship in the field of conducting SEA and EIA are listed in articles 20-22 and 24.

Let’s note the addition of article 24 to the statutory wording “The rights of citizens and legal bodies in the field of the state environmental expert review, strategic environmental assessment and environmental impact assessment”. Prior to the adoption of Act No. 399-Z, the public was not recognised as a party to the relationship in the field of EIA and did not have clearly defined rights (e.g. the right to judicial appeal against an EIA report).

There remains the problem of inconsistency between the List of Activities referred to in article 6, paragraph 1a of the Aarhus Convention and the List in article 7 of the Act on the State

Environmental Expert Review, Strategic Environmental Assessment and Environmental Impact Assessment. In some cases, the items on the lists demonstrate controversial approaches to production capacities of specific industries which, in practical terms, creates extraordinary difficulties.

Under the adopted in Belarus legal drafting methodology, statutory instruments (including acts) contain only the most basic provisions, which are then detailed at the level of regulations of the government, ministries and departments.

In furtherance of Act No. 399-Z the Resolution of the Council of Ministers of the Republic of Belarus No. 24 of January 13, 2017 amending Resolutions of the Council of Ministers of the Republic of Belarus No. 687 of June 1, 2011 and No. 458 of June 14, 2016 and Resolution of the Council of Ministers of the Republic of Belarus No. 47 of January 19, 2017 on Certain Measures for the Implementation of the Act of the Republic of Belarus of July 18, 2016 on State Environmental Expert Review, Strategic Environmental Assessment and Environmental Impact Assessment. These acts regulate in sufficient detail SEA and EIA procedures and procedures for public participation. However, some rules need to be amplified and specified.

Thus, the term “final decision” that allows for the implementation of a particular activity is still undefined in the Belarusian legislation for purposes of the Aarhus Convention.

The parties to the relationship in the field of SEA and EIA are citizens, public associations operating in the field of environmental protection, other legal bodies. In other words, there are no significant restrictions on the scope of persons.

The EIA report should include among other things t: a non-technical summary (as a separate section) containing brief information about the proposed activity and the impact on the environment, in a transboundary context in particular, and proposed measures to avoid, minimise or compensate for it, the results and findings of the EIA; a description of alternatives (spatial and (or) technological) for location

and (or) the implementation of the proposed activities, including the renunciation of the implementation (zero alternative); the results of the study of current profile, socio-economic and other conditions on the territory of the Republic of Belarus and of affected parties in the event of possible significant adverse transboundary impact from the proposed activity; the description of the main sources and possible impacts on the environment of each alternative for the location and (or) the implementation of the proposed activities; a forecast and an evaluation of the changes in current profile and socio-economic and other conditions as a result of implementing each of the alternatives for location and (or) implementation of the proposed activity (for this purpose are considered: existing impact sources in the impact zone of the proposed activity and characteristics of the environmental setting); a description of the measures to improve socio-economic conditions and to prevent, minimise or compensate for significant adverse environmental impacts as a result of the implementation of alternatives for the location and (or) implementation of the proposed activities; a forecast of the probability of emergencies and non-project accidents and the assessment of their consequences, a description of measures to prevent such situations, respond to them and eliminate damages caused by the accidents; the rationale for the selection of the preferred option of the location and (or) the implementation of the proposed activities out of all the alternatives. If alternative locations for the facility are unavailable, a renunciation of the implementation of planned intentions is considered as an alternative option for the facility location.

It should be noted that although the local executive-administrative bodies act as the organisers of public hearings*(public hearings, which include a meeting and 30 days to file proposals, comments and protests in written form) in all cases, the actual SEA and EIA procedures, as well as the procedures for public participation in them are governed by various rules and differ significantly.

The public hearing of the SEA environmental report consists of the following stages: ensuring access of citizens and legal bodies to the SEA environmental report; notification of citizens and legal bodies about the public hearings of the SEA environmental report; introduction of citizens and legal bodies to the SEA environmental report; the organisation and holding of a meeting to discuss the SEA environmental report in the event of interest on the part of citizens and legal bodies; the registration and analysis of comments and suggestions received from citizens and legal bodies in the course of public hearings of the SEA environmental report; informing citizens and legal bodies of the results of the public hearings of the SEA environmental report and the decision taken.

The meeting within the public hearing of the SEA environmental report is only held if the organiser of the public hearing receives a request for holding the meeting within 10 working days from the date of the start of the public hearing. Herewith, the request should be filed by "citizens and legal bodies of the respective administrative-territorial entity". Such an unspecific rule generates a number of problems in practice.

Firstly, the wording "legal body of the corresponding administrative-territorial entity" has no legally unambiguous interpretation. It is unclear whether it concerns the legal address, or of the area of activity of the legal body. Secondly, this narrowing of the scope of persons entitled to file requests to hold the meeting looks absolutely unjustified.

In our opinion, there are significant opportunities to enhance competence and neutrality of experts engaged in SEA and EIA. Currently, the SEA procedure is performed by the company developing the document (project) for which SEA is conducted.

The customer of the project documentation that is subject to EIA selects the organisation to conduct the EIA. These conditions do not fully contribute to the impartiality of the outcome documents: the EIA reports and SEA environmental reports.

Both EIA and SEA in the Belarusian legislation are treated as an administrative procedure and a formality in which public participation is reduced to the discussion of the report.

At the same time, both Aarhus and Espoo Conventions, as well as the SEA Protocol treats EIA and SEA as assessment processes including public participation at the earliest stage, not as a procedure resulting in some report. In the Belarusian legislation and practice, processes are secondary; the main thing is the report.

The implementation of the SEA procedure in the legislation of Belarus at the moment is half-way and does not fully get in line with the understanding of SEA in the SEA Protocol and the international practice. A substantial improvement of the legislation of Belarus in the field of SEA is critical.

Methodology and tools used in country for assessment

It should be pointed out that the EIA legislation in Belarus has been in place for around 10 years, whereas the SEA legislation only started to be modelled two years ago. This explains the significant difference in the progress and degree of the detailed elaboration of the rules of the above-mentioned legal institutions.

The Regulation on the Strategic Environmental Assessment Procedure, the Requirements to the Structure of the Environmental Report on the Strategic Environmental Assessment, the Requirements for Experts Carrying Out a Strategic Environmental Assessment and the Regulation on the Environmental Impact Assessment Procedure, the Requirements to the Structure of the Environmental Impact Assessment Report, Requirements for Specialists Carrying Out an Environmental Impact Assessment were adopted as presently in effect by the Resolution of the Council of Ministers of the Republic of Belarus No. 47 of January 19, 2017.

SEA and EIA are carried out by organisations that have specialists on their staff trained to conduct SEA (EIA) as part of studying the content of an educational programme of extended education of adults and which meet the following requirements: having a higher education or retraining at the level of higher education degrees in the field of environmental protection and rational utilisation of natural resources; not less than three years of relevant professional experience in the field of environmental protection and the rational utilisation of natural resources; possession of academic credentials confirming the completion of the training in SEA procedures.

The need for conducting an SEA is determined at the stage of the preliminary evaluation based on the following criteria: the existence of limitations to the implementation of advanced projects with due regard to the location of facilities, the nature of the impact on the environment, the operating conditions or distribution of natural resources' utilisation; feasibility of a programme or an urban planning project with due regard to existing urban planning projects programmes; the urgency of environmental protection and rational utilisation of natural resources' issues; addressed problems in the field of environmental protection and rational utilisation of natural resources; the degree of securing favourable environment; the probability, duration, frequency and reversibility of the impact on the environment;

the cumulative nature of the impact on the environment; the transboundary nature of the impact on the environment; risks to human health and (or) the environment caused by the consequences of the impact on the environment; spatial scale indicators of the impact on the environment (the administrative-territorial division and population potentially affected by programme projects, urban planning projects); indicators of the significance of the changes in the environmental components, on historical and cultural property sites, of the intensity of use of environmental components; the impact on natural areas subject to special protection, specially protected natural areas, including those with international status.

The SEA procedure includes: the determination of the scope (the study of the problems in the field of environmental protection and rational utilisation of natural resources that may arise during the implementation of a programme, an urban planning project, in order to determine the most preferable way of solving thereof with due regard to the impact on the health and safety of people, fauna, flora, land (including soils), mineral resources, atmospheric air, water resources, climate, landscape, historical and cultural property sites, while taking into account the conditions of socio-economic development); the preparation of the SEA environmental report; holding consultations with concerned state administration bodies; public hearing of the SEA environmental report; obtaining approval of the SEA environmental report with the Ministry of Natural Resources and Environmental Protection and, if necessary, with other concerned state administration bodies.

When determining the scope of the study, the following environmental components are subject to study: the atmospheric air (including statistical mode of air conditions specific to the locality depending on its geographical position); surface and ground waters; geological and environmental conditions (geological, hydrogeological and geotechnical conditions); the terrain, land (including soils); flora and fauna; specially protected natural areas; natural areas subject to special protection.

When determining the scope, alternative programme or urban planning project implementation variations should be considered. The alternative variations must be aligned with the possibilities of implementation under an appropriate organisational, scientific, technical development, and from the point of view of territorial belonging. It is not permitted to leverage alternative programme or urban planning project implementation variations that will invariably lead to adverse effect.

EIA is conducted for the entire facility. Conducting of EIA for separate featured in the design documentation for the facility operational stages, phases of construction, start-up facilities is not permitted.

The EIA includes the following stages: working out and approval of the programme of conducting EIA; conducting EIA; undertaking international procedures in the event of a likely transboundary impact from the proposed activities; development of the EIA report; holding public hearing on the EIA report, particularly in the event of a likely transboundary impact from the proposed activities, with the participation of affected parties; in the event of possible transboundary impact from the proposed activity, holding sessions with affected parties addressing the received from them comments and suggestions on the EIA report; refinement of the EIA report, particularly addressing comments and suggestions, received in the course of the public hearing of the EIA report and from the affected parties, adoption of the EIA report by the customer including the conditions for designing the facility to ensure environmental safety of the proposed activity; submission to the state environmental expert review of the design documentation of the proposed activity and the adopted EIA report, documentation of the public hearing of the EIA report with due regard to international procedures.

Noteworthy, the list of conditions that require the revision of the EIA report is extremely limited. In our opinion, the provisions of the Regulation need improvement in this respect.

Methodological problems in conducting SEA and EIA are present, even at the level of laws and regulations. When comparing the text of the Regulation on the Strategic Environmental Assessment Procedure, the Requirements to the Structure of the Environmental Report on the Strategic Environmental Assessment, the Requirements for Experts Carrying Out a Strategic Environmental Assessment and the Regulation on the Environmental Impact Assessment Procedure, the Requirements to the Structure of the Environmental Impact Assessment Report, Requirements for Specialists Carrying Out an Environmental Impact Assessment, it becomes obvious that the legislator presents SEA as a specific instance of EIA, but in relation to the facilities (documentation) that are not subject to EIA.

However, this understanding is contrary to the essence of SEA in international practice. Moreover, the practice of conducting SEA in Belarus by the same organisation that developed the documentation subject to SEA raises many questions.

Practical implementation

The main objectives since January 2017 are:

- obligatory publishing the results of public hearings on SEA environmental report and EIA report
- regulations on persons who are authorized to conduct an SEA or EIA report — such persons have to be listed in special registries; to be on these lists they have to take a course and to be recognized by the Republican Centre of State Environmental Expert Review and upgrade training under Ministry of Natural Resources and Environmental Protection

Statistic data

In Belarus, there is no special data collecting on conducting SEA and EIA. There was a list of EIA reports for 2017 <https://oos.by/gosudarstvennaya-ekologicheskaya-ekspertiza/ovos/> (201 facilities) but no such data exists for 2018. More than 20 SEA reports can be found online starting from January 2018. No publicly available special lists exist for SEA reports or State Environmental Expert Review findings.

Examples of good practice and their role in improving of assessment

The legal provision of publishing all results of public hearings of SEA or EIA reports is a good practice itself because it lets the public know about the level of involvement in decision-making and level of considering comments and suggestions.

During the first half of 2018, a brief research on access to SEA and EIA reports was conducted by Eco-home NGO, and findings are that 85% of these reports are available online. The public participation in the decision-making is not so active and in most cases there are no comments and objections from the public. There are some cases from a previous period (three years ago) when the result of public hearings of EIA report was a recommendation to change the location of a pig farming factory near the city of Molodechno, but it happens not so often.

Examples of bad practice and their role in improving of assessment

The bad practice is the low level of public participation and as a result — taking unwanted decisions, like it was at the very end of 2016 — the construction of automotive storage plant near the city of Brest was planned and the public hearing of EIA report was announced, but nobody paid attention and the problem arose a year later — local public says that decision was made without taking into account their opinion. There were a lot of law violations during the announcement of the public hearing by the local authorities, but anyway, on the early stage, public participation was at zero.

On the other hand, we use this case as an example for the local public to encourage them for a more active participation in decision-making showing what can happen if they are not active on early stage.

Public participation

The procedure for participation of citizens and legal bodies in public hearings under the SEA and EIA procedures are regulated by the Regulations on the Procedure for Organising and Conducting Public Hearings of Drafts of Significant Environmental Decisions, Environmental Reports on Strategic Environmental Assessment, Environmental Impact Assessment Reports, Registration of the Taken Significant Environmental Decisions, which was adopted by the Resolution of the Council of Ministers of the Republic of Belarus No. 458 of June 14, 2016 (as amended by the Resolution of the Council of Ministers of the Republic of Belarus No. 24 of January 13, 2017).

The period of holding public hearings of SEA environmental reports and EIA reports is not less than 30 consecutive days. A notification about the beginning of public hearings is published in print media (mainly city and regional newspapers) and posted on the official website of the organiser of the public hearing.

The document under discussion (SEA environmental report and the EIA report) is published in electronic form on the official website of the organiser (at least for the period of the public hearing) and is placed in print form in the premises which are freely accessible to the public. There is a controversial practice of placing the printed version in the premises in the office of the executive-administrative body. The problem is the lack of access to such premises in the evenings and on weekends.

The procedure of holding a meeting to discuss an environmental report on SEA or an EIA report includes: the registration of the meeting participants; an introduction of the SEA environmental report (presentation), or a statement by the representative of the customer of the proposed business and other activities (oral report or presentation); the address of the representatives of the government agency that is going to design the documentation or an address of the representative of the customer of the proposed business and other activities (oral report or presentation) the address of the representatives of design organisations (presentation); questions and answers session, discussion on comments and suggestions; addresses of citizens and legal bodies; taking minutes of the meeting. If during the meeting there arise questions that require a background study, the answers are sent to the address specified by citizens and legal bodies during the registration within 10 consecutive days from the date of the meeting.

The organiser of public hearings of the EIA report, if necessary, may hold sessions with citizens and legal bodies. The organiser of public hearings, as well as the customer of the proposed activity, has the right to suspend the public hearing of the EIA report. It usually happens when the need for a substantial revision of the document under discussion is identified.

The matter of registration of comments and suggestions submitted by the public in the process of public hearings is important and controversial at the same time. The problem lies in the interpretation of the term “registration”. If “registration” is interpreted as “consideration”, then the current legislation requires to consider all comments and suggestions received from the public during a public hearing and to report the results of the consideration in the final minutes of the public hearing. Comments and suggestions can be accepted or rejected. In the latter case, it is required to specify the reasoning. However, the legislation in force does not contain clear criteria according to which certain comments and suggestions can be accepted or rejected.

There remain challenges in the legislation with respect to providing for “early public participation, when all options are open and effective public participation can take place”. In particular, public participation in the discussion of the EIA report is possible only at the stage when the phase of approval of the site for project development, and even the phase of choice of the alternatives (both for location and facility management) has passed. Public participation on these stages is impossible at this point.

Access to justice

Since the new Act on EIA and SEA came into force in 2017, part 1.4 was added to article 24 — “citizens and legal bodies” (meaning — the public, persons as well as NGOs) have the right to appeal an EIA report, SEA report and State Environmental Expert Review findings. In Belarusian judiciary law, the right to appeal belongs to administrative decisions. Since in country court system there are no administrative courts, such cases are considered under civil proceedings.

This kind of proceeding is applied for appealing decisions of local authorities (for example, a decision on authorising the constructing of a new factory), or an act or decision of any government agency that is violating someone’s rights. In this way, it is possible to change any decision, too, but in Belarusian legislation, neither EIA report, nor SEA report, nor State Environmental Expert Review findings are considered decisions.

They are just reports and findings. They are not permission for any activity and it cannot be contested in court in such a way because of the legal nature of proceedings. It should be written in the law that the public has the right to contest these reports and findings. Then it will be possible to file a suit against a government agency who prepared an EIA report or State Environmental Expert Review findings.

Since this opportunity appeared in 2017, only one case was brought to court — an appeal of the EIA report on automotive storage plant near Brest in 2018. The court refused to consider the case on grounds that the decision hasn’t been appealed tough a pre-trial process. According to law, it is not necessary to submit pre-trial appeals, but the court issued another order.

Anyway, there is another tool to challenge an EIA report, SEA report and State Environmental Expert Review findings — according to article 100 of the Environment Protection Act, the public (persons as well as NGOs) has the right to make a claim for prohibition, ban or termination of any activity which is not proceeding in accordance with the environment protection legislation. Also, EIA, SEA and State Environmental Expert Review regulations and laws are part of the environment protection legislation, so reports and findings can be contested in court in this way. More than 10 such cases have been brought to court in Belarus in the last ten years by NGOs.

SEA and EIA legislations

at national levels: Republic of Moldova

International obligations

Republic of Moldova has joined and ratified the relevant international acts:

- Aarhus Convention through the Parliament Decision on 07.04.1999, based on Moldavian Constitution of 1994 the Convention is directly applicable and is not necessary to be transposed through a specific legal act;
- Espoo Convention through the Parliament Decision on 23.06.93. This Convention is transposed through the Law of Environmental Impact Assessment adopted with no. 86 on 29.05.2014 and entered into force on 04.01.2015;
- Strategic Environmental Assessment Protocol (Kiev) it is in the last stage of ratification. However, the legal act for transposing was adopted by Parliament with no. 11 on 02.03.2017 and enters into force on 07.04.2018.

The EU-Moldova Association Agreement for the years 2017-2019 was signed on 27 June 2014 in Brussels, Belgium. The agreement was ratified by the Moldovan Parliament on 2 July 2014 and by the European Parliament on 13 November 2014.

Regarding the Association Agreement, the Republic of Moldova still has to transpose the 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 and 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, even if the laws already entered in force, such are: the Law on Strategic Environmental Assessment no. 11 of 02.03.2017, entered in force 07.04.2018 and Law on Environmental Impact Assessment no. 86 of 29.05.2014, in force 04.01.2015.

National Legislation

As was mentioned above the legislation on both EIA and SEA recently entered in force the Law on Strategic Environmental Assessment no. 11 of 02.03.2017, entered in force 07.04.2018 and Law on Environmental Impact Assessment no. 86 of 29.05.2014, in force 04.01.2015 — both Laws are partly corresponding with EU regulations.

The process of ensuring the access to information, public involvement and access to justice are regulated by the corresponding laws: such are

- The Law on access to information, no. 982-XIV of 11.05.2000;
- The Law on transparency in decision-making, no. 239-XVI of 13.11.2008;
- The Administrative Code of the Republic of Moldova, no. 116 of 19.07.2018, will enter in force on 01.04.2019; the last one will replace the Law on petitions no. 190-XIII of 19.07.94 and Law on administrative litigation, no. 793-XIV of 10.02.2000;
- The Governmental Decision on approval the Regulation on the public access to environmental information, no. 1467 of 30.12.2016, in force 24.07.2017;
- The Governmental Decision on approval the Regulation on the public engagement regulation in the development and adoption of environmental decisions, no. 72 of 25.01.2000.

At this moment is under elaboration two supportive documents on implementing the EIA and SEA, it is expected that both documents will be approved till end on 2018. Both draft documents will regulate the procedure for conducting evaluation, timeframe, the way public hearings are conducted and how the papers for EIA process are submitted and published.

According to legislation, both physical and legal entities, SCOs or groups of citizens, local public authorities and central public authorities are subjects of environmental assessment, for the EIA additional subject could be the initiator (entrepreneur). Both laws recommend that environmental reports will be elaborated by the experts. The laws describe the way the relevant announcements are published (both in local and national media and on the web page of initiator and central public authorities responsible for conducting the environmental assessments, and time provided for collecting public comments.

There two ways for public opinions / comments to be submitted: (1) written communications on electronic or land mail during at least 10 days (SEA) / 30 days (EIA) since the initial announcement on planned activity and (2) during public hearings, that are announced after the EIA report is released and last 30 days — here written communications are supported by oral communications at public hearings. All comments collected are added than in a table / table of divergences/, where the feedback on the comments is described. This table, together with List of Participants is a part of the Public

Consultations Report and later added to the EIA report. The EIA report also contains the environmental alternatives on the planned activity and reporting and monitoring requirements. For transparency all relevant papers, reports, announcements and the EIA ruling are placed at the open EIA registry. For SEA separate registry is to be created.

National legislation offers possibilities that EIA process and report is conducted by national or international experts. However, the content of reports and expertise available are quite weak in Moldova, as national experts are still used the same people for EIA reports development that used to do environmental expertise assessment under previous legislation. The EIA experts are not certificate,

also for SEA process the Law doesn't request the certification of experts. Nevertheless, the specialists on the area still lack relevant knowledge on EIA and expertise on environmental and social impacts, especially long-term and cumulative effects on eco-systems, wildlife and human health. It is necessary to mention that for the EIA on construction projects, the experts should have the certification on construction and as a result the EIA on building projects are assessed relatively well.

The supporting documents (e.g. by-laws) that still need to be developed at national level should be determined, based on the two Guidelines (one for EIA and another for SEA) that will be approved during the last month of 2018.

Methodology

Based on general evaluation the guidelines on EIA and on SEA are elaborated according with EU methodology, however the recommendation / methodology from previous national practices and legislation is still available and used.

National legislation doesn't provide any standard tools that could be used for conducting SEA or EIA.

Practical implementation

The new Law on SEA is not functional yet. But the Law on EIA has been in operation since January 04, 2015. The open EIA register (<http://www.madrm.gov.md/ro/content/registrul-evalu%C4%83rii-prealabile-activit%C4%83%C8%9Bii-planificate>) is active and regularly updated. However, the register is a simple table that includes few columns: ordinary number, application number (number that is offered at the moment of application to the authority), name of applicant, information about request, notification. The register doesn't include the status of the entry indicated or tags for advanced search. Which makes it very difficult to navigate.

For the eight months of 2018 — 15 requests have been submitted to Central Environmental Authorities. Unfortunately, from the register it is not possible to identify the current statute and if the public consultations have been initiated. Also no one is keeping evidence of the public involvement during EIA process, only as was mentioned above, in the last phase of elaborating the EIA Report. As a conclusion the statistic of public participation on EIA process is not possible to deduce, based on open data at initial stages. The complete EIA reports are not available online.

Similar research was conducted for the previous years, 2015-2017 and results are similar, only the preliminary data without any concrete and exact information.

Examples of active public participation with improving EIA report

We do not have access to EIA cases, due to the fact that files are not available online, one of the reasons could be the fact that the official web page of the Ministry of Environment was liquidated and the new one doesn't offer detailed information and access to documents. However, the request to the ministry to have access to cases was not yet satisfied, and we are promising that in the near future the cases will be uploaded online. As a conclusion, at this moment it is not possible to identify the good and bad examples on EIA. Although, the Law on SEA entered into force recently in the period of its elaboration, EcoContact conducted a test of SEA process.

SEA for the Master Plan of Orhei town

The Government of Moldova selected the Master Plan of Orhei Town as a strategic document for a pilot application of SEA procedure. The development of the plan extends from the end of June 2014 to the end of May 2015. The information presented within this SEA Environmental Report were collected within the whole SEA process, including initial scoping consultations (July 2014), SEA Scoping Report development, SEA Scoping public consultations (17 December 2014), during several working meetings in Orhei city with major stakeholders, and eventually during the joint public consultations of the draft Master Plan (as of April 2015) and draft SEA Environmental Report (13 May 2015).

The Environmental Report presents the major environmental problems of the city, examines the way they are reflected in the Master Plan development process, identifies potential environmental effects and proposes recommendations for actions and alternatives and measures, that need to be taken to prevent, minimize or mitigate potential negative impacts associated with the Master Plan implementation. It also outlines principles and indicators for the monitoring of these effects.

Problems encountered in conducting the SEA, value added and lessons learned

The pilot application of the strategic environmental assessment has naturally encountered number of obstacles and difficulties resulting from the lack of legislative and institutional arrangements as well as from lack of practical experience with such complex process among all involved stakeholders.

Major problems in conducting the pilot SEA:

- Lack or limited availability of disaggregated data at the city level for the major sectors of concern (environmental protection, health, transport, social, industry, green areas) due to the national/rayon level set up of collection of statistical data and rayon-structured environmental and health authorities. Developed tables or requests for data remained partially uncompleted, especially for the health sector;
- Lack of knowledge and experience on which environmental factors to consider, what the potential environmental impacts are, and how to achieve integrated policy-making.
- Institutional and organizational difficulties-need for effective coordination among and within authorities departments.
- Public involvement is limited.
- Lack of clear accountability for application and the policy EA process.

Added value of the SEA process

The SEA team has made significant effort to deliver added value not only from the point of view of conduction of the SEA process in line with the established international standards and producing high quality deliverables such as the SEA Report, but also to effectively contribute to the high quality of the planning (i.e. Master Plan development) process itself. The following aspects of the SEA process can be listed in this context:

- The SEA process provided support to the Master Plan development team in the identification of the major environmental problems and in obtaining new data, necessary for the environmental chapter and environment related maps of the Master Plan (e.g. new maps and borders of the natural monument, river basin protection zones, data on businesses in the territory).
- SEA facilitated the dialogue between local authorities and municipal services in the city, environmental and health authorities have participated on the Master Plan development and environmental problems evaluation through the SEA-initiated consultations;
- The local priority environmental problems were highlighted and will be presented at the national level, where solutions could be found, actions planned or funds made available or mobilized from internal or external sources;
- Local authorities identified some gaps in their agenda (e.g. lack of clear division of responsibilities on certain issues), in the field of environment and urban planning, which partially were already reflected during the Master Plan and SEA process. Other identified issues will be likely solved through the development of the Local Environmental Action Plan or integration of the main issues (landfill, highway) in the sectorial development plans at the national/regional level;
- Data gaps identified during the evaluation helped to formulate the needs to change/upgrade the data collection schemes for rayon and national statistical reporting, as well as the internal/departmental and administrative needs for specific data which have not been subject of regular statistics. The absence of data on level of noise and impact of the stone mines operations on the surrounding urban areas can be an example;
- Measures and indicators for the monitoring of the performance of the new Master Plan from environmental point of view were developed in the framework of the SEA (see chapter 9).
- Cooperation between central environmental authorities and local public authorities was enlarged;
- Central environmental authorities learned more about particular problems of the rayon centre/ Orhei city, which face similar problems in its development and environmental protection as many other localities, but have its specific;
- The SEA facilitated identification of potential for improvement in the existing draft Law on SEA in Moldova, namely in aspects concerning scoping phase of SEA process, system of monitoring and evaluation, the roles of the environmental inspection in providing control and monitoring of the implementation of the recommendations stipulated in the SEA Report, financial issues, institutional system on SEA at local authorities, public consultations and awareness campaign, data sources availability, etc:

Lessons learned

- Local authorities (the mayor and his office) recognized the importance and supported the SEA process, but could not influence all stakeholders or solve all problems, which need significant funding or decision making at Government/Parliament level.
- The SEA process have to be accompanied with a well-structured and funded information and awareness campaign, focused on the major target groups, vulnerable people, gender, etc.
- The SEA process should be based on cooperation approach between LPA, SEA team and the program / plan elaboration team; such approach will bring to the sustainable decision.

Public participation

The consultation framework may specify the venue where the information can be consulted, public information modality (ensured by the initiator), and how can comments be made. The initiator also has the possibility to explore modern consultation models (for e.g., debates on the Internet), if these do not exclude certain categories of the public, by their nature.

During the SEA procedure, the initiator adopts concrete schemes on how the public will be involved. The initiator can recommend a varied public participation plan for each strategic assessment phase. In such case, the elements taken into consideration include the scope of decisions, their character and “stakeholders” who are to be involved. For example, a transnational transport development plan will differ from a local action plan for environment protection by public participation degree and details.

The initiator decides on how consultations will be organized, but the mandatory condition is that the stakeholders should receive the draft documents in electronic form and have time to study them, form their opinion and forward comments. Organizing consultation events is not prohibited, provided that minutes are prepared and agreed upon by the participants by the end of such events. The participation in consultative events does not release the authorities from the obligation to prepare an opinion/ endorsement.

Civil society representatives are informed by the competent authority, after posting the information on its webpage. The competent authority has a list of contact data of environmental NGOs and informs them electronically about the posting of documents for consultation, consultation timeframe, contact data of the initiator, and of the developer, if needed.

Environmental NGOs involved in the consultation process of the draft plan or program and SEA Report can prepare a single review, including their comments for both documents.

The opinion of consulted stakeholders includes comments, opinions and proposals on both the draft plan or program or project, and the draft SEA / EIA Report. The review is delivered to the initiator, as well as to the competent authority.

Depending on the complexity of documents subject to public consultations or debates, the initiator can establish a deadline for submitting opinions of at least 15 working days. This period can be extended, depending on the need and upon request.

Is there a possibility for the project/plan, program to be sent back for further improvement after the EIA/SEA decision is made?

After the completion of SEA Report by including all comments and opinions, the initiator submits final version to the competent authority to analyse its quality.

The competent authority shall analyze the SEA Report quality, by considering the following aspects:

- a) observance of the framework-content of SEA Report provided for in Annex 2, taking into consideration the scope of the latter;
- b) presentation of technical, procedural and other difficulties and explanation of any uncertainties;
- c) presentation of the studied alternatives, reasons for choosing one of them, the extent to which the environmental considerations have been integrated in the draft plan or program, as well as the
- d) draft finalization process as a result of information obtained during the Strategic Environment Assessment;
- e) detailed argumentation of the reasons based on which certain aspects were eliminated;
- f) extent to which the aspects pointed out in the process of consultation with other interested authority and with the public have been taken into consideration;
- g) presentation of graphic information: maps, schemes, sketches, diagrams;
- h) availability of a proper program for monitoring the impacts of the plan or program on environment.

How the public opinion is taken into account for making EIA/SEA decision? Is there a statutory obligation to take the results of the EIA/SEA into account in the decision-making?

- Yes, the public comments must be answered in EIA / SEA environmental permits/endorsement (opinion) — the table of deterrents on is a part of EIA / SEA environmental opinion document, which is attached to the entry after the permit has been passed.

Whether a mechanism for monitoring of the implementation of EIA/SEA conclusions and recommendations is introduced?

- In both cases the monitoring is part of final document (permit) issued by authority. In case of SEA — environmental opinion and for EIA environmental endorsement.

Access to justice

Anyone (individuals or legal bodies) can challenge the EIA / SEA environmental endorsement / opinion in a court of litigation on basis of unlawful act, incorrect procedures or not taking into account public comments.

SEA and EIA legislations at national levels: **Ukraine**

International obligations

Ukraine has joined and ratified all of the three international agreements: Aarhus Convention — in force since 18.11.1999; Espoo Convention — in force since 20.7.1999, and the SEA protocol — in force since 2.12.2015). Also Ukraine has signed the EU association agreement (in effect since 1/09/2017)

National Legislation

New legislation on both EIA and SEA has been recently introduced in Ukraine: the Law on EIA in effect since 18/12/2017 and it is very close to corresponding EU Directive. The Law on SEA has been adopted and will come into effect on 20/10/2018 — also very close to the corresponding EU Directive.

The ways of informing the public and public participation and access to justice are regulated by the corresponding laws and there is a separate paper by the Cabinet of Ministers that clarifies the way public hearings are conducted and how the papers (announcements, reports etc.) for EIA process are submitted and published.

Anyone can participate in public discussion within EIA and SEA processes: submit comments to the scope of an EIA report and participate in public hearing procedure — both physical and legal persons, SCOs or groups of citizens, local councils or even governmental bodies. The law describes the way the relevant announcements are published (both in local and national media and as locally placed physical ads in most relevant public spaces) and time provided for collecting public comments.

There are two ways for public comments to be submitted: written communications (electronic and post) during at least 20 work days since the initial announcement on planned activity (where any comments on planned activity itself and on EIA report content can be expressed) and during public consultations, that are announced after the EIA report is released and last 25-35 work days — here written communications are supported by oral communications at public hearings (once again, any comments can be submitted with no need to substantiate them).

All comments collected are added than in a table, where the reaction on the comments is described. This table is a part of the Public Consultations Report and later added to the EIA ruling issued by the relevant authority (either environmental department of a regional state or Ministry of Ecology and Natural Resources — depending where the EIA request was directed initially).

The EIA ruling also contains the environmental requirements on the planned activity and reporting and monitoring requirements. For SEA the ruling may list the necessary amendments or further research to clarify the effect of the program/policy. For transparency all relevant papers, reports, announcements

and the EIA ruling are placed at the open EIA registry (<http://eia.menr.gov.ua> — Ukrainian only!). For SEA separate registry is to be created.

The EIA reports content and expertise available are the weakest points for the process currently. Despite the fact that new law does not require certification for authoring the EIA/SEA reports, only proof of necessary qualification, Ukraine still uses the same people for EIA reports development that used to do environmental expertise assessment under previous legislation. Although they have been certified under previous legislation requirements by Ministry of Ecology and Natural Resources, these people lack relevant knowledge on EIA and expertise on environmental and social impacts, especially long-term and cumulative effects on eco-systems, wildlife and human health, which is very clear when reading the EIA reports available: often the technical understanding of the planned activity impact is the insufficient, while construction process is assessed relatively well. Unfortunately, there are scarcely any other experts available in Ukraine.

So far, very few efforts have been put by the government to improve expertise for both, officials and public on the EIA and SEA. However, relevant NGOs have been putting a lot of efforts ever since the EIA law came into force to inform and educate the public on EIA process.

Which supporting documents (e.g. by-laws) still need to be developed at national level — since the EIA has been in operation less than a year and SEA just came into force, there is insufficient data to assess the need for supporting documents.

Methodology

Basically, the EU methodology is adopted, however it has been placed onto the previous national practices. The information is mainly provided by the company who plans the activity. Public adds information, sometimes substantiating it by experts' opinion. Very often many important aspects are overlooked — for instance there are a number of cases when planned activity is based on the nature sensitive areas — like Emerald Network sites or in close proximity of nature reserves and the EIA reports have no even mentioning (not yet impact assessment) of these.

For EIA relevant local authorities (except the body that makes EIA ruling — environmental department of a regional state or Ministry of Ecology and National Resources) are involved only if requested or only if there is a conflict of interests. Instead for SEA the roles and scope for each player including relevant authorities are prescribed in SEA assignment.

The alternatives are included: for EIA at least 2 technical alternatives and 2 location alternatives; for SEA — as prescribed in the SEA assignment including the scenario when no changes are made. Public participation is taken into account by incorporating to the EIA report the collected during initial comments collection 20 work days stage. The comments collected during public consultations stage are addressed and can be put as environmental requirements into EIA ruling since EIA report cannot be corrected without separate EIA process.

Monitoring options and emergency response actions can be prescribed in EIA ruling (in EIA report only some technical aspects on this usually mentioned).

Practical implementation

The new EIA law has been in operation since December 18, 2017. The open EIA register (eia.menr.gov.ua) is active and regularly updated. We analyze here the situation for August 2018 with a number of entries close to 1000. The entries have number, date of the entry, entry's title and location and the person in charge. There is no status of the entry indicated or tags for advanced search. Which makes it very difficult to navigate.

For the purpose this study only 353 entries have been checked from 8 out of 25 administrative units of Ukraine. Please note, in the past 8 months only 5 entries (1,5%) have been processed to the end with public hearings completed and EIA ruling passed, however the amount of public activity in EIA process is rather high — 89 entries (over 25%) got comments from public on planned activities and depth of EIA research needed for it. The statistics are summarized in the Table 1.

Table 1 — Type of the EIA projects submitted to the EIA registry by August 2018 (data analyzed and systematized by authors)

Type of the project	Number of entries/% from total	Got comments from public	EIA report ready	Public hearings finished	EIA process ruling
Gas pumping stations	21/6%	3	1	0	0
Wind power plants	10/3%	1	1	0	0
Extraction of raw materials	44/12%	9	2	1	1
Hydro power plants	26/7%	12	0	0	0
City's development	3/1%	1	0	0	0
Infrastructure development	6/2%	2	0	0	0
Irrigation	8/2%	1	0	0	0
Extraction of gas and oil	56/16%	12	5	0	0
Waste water treatment	22/6%	4	2	0	0
Extraction of underground water	29/8%	1	1	0	0
Waste management	12/3%	3	0	0	0
Reconstruction of water object	33/9%	10	10	0	0
Industrial development/reconstruction	42/12%	24	12	4	4
Forest cutting	15/4%	0	0	0	0
Agriculture – husbandry	24/7%	6	5	0	0
Other	2/1%	0	0	0	0

Also, to be noted, 69 entries have notification on planned activity only, and further 29 have letters of authorities in incorrectness of the notification or on stopping the procedure (due to the incorrectness, procedures violations or upon requests from the applicant. A few entries have files that do not open (3 cases), in some cases the EIA report attached to the entry is one for another project completely (1 case) and there are 18 entries with no public comments and no letter from authorized body about absence of such comments but with open public hearing/discussion process and in some cases with EIA report provided already.

Examples of active public participation with improving EIA report

We do not have completed EIA cases with active public involvement yet due to the short time the new legislation has been in power. However there are quite a few interesting EIA processes ongoing:

- Construction of mini hydropower plant on Latoritsa River in Mukachevo (entry submitted on April 24th). The public participation is very active — there are 4 letters with comments submitted with quite a number of objections and propositions for the EIA report, substantiated by experts, regular public meeting on the issue held with involvement of experts and even public protests against the project. There is quite extensive regional and local media coverage, with some national media as well, the activists have created a group in FB "Latorista ne dlya miniGES!" (Latoritsa River not for mini hydropower plant! <https://www.facebook.com/groups/269019113681488/permalink/274568106459922/>).
The latest meeting was on July 20th in Mukachevo, involving experts from Institute of ecology of Carpathians, Uzhhorod University, local experts and environmentalists and local community members and non-environmental CSO's (6 NGOs) and political parties members (7 parties). As a result of the meeting was a ruling to get a transborder EIA as the river continues to the neighboring countries. The decision has been supported by the majority of the local council members and submitted to the Ministry of The Environment. The EIA process still continues. The officially public discussion on it has not been announced yet.
- The construction of wind power plant on Borzhava ridge of Carpathian mountains (entry submitted on April 23rd). The reaction on public was overwhelmingly negative with a large number of locals, SCOs (beside environmental NGOs also National Federation of Paragliding Sport and Regional Ornithological Society) and scientists submitting their objections to the project (Borzhava Ridge is a part of International Emerald Network and is surrounded by nature protected areas) and propositions on EIA report content.
The public discussion has been already announced and there is quite extensive regional media coverage and there were already public protests against it. The EIA report is attached to the entry; however, it is a report for another WPP in a different location. The EIA process still ongoing on this project.

Examples of bad practice in EIA processes

- Some companies keep submitting new entries for the same projects (changing minor details) as one can suspect in a hope to mislead the public with many entries and get the project through EIA process unnoticed by public.
- Some companies skip EIA altogether using the ignorance of local authorities — the case found by Ukrainian NGO EPL (<http://epl.org.ua/announces/dabi-ta-derzhvodagenstvo-ignoruyut-zakon-pro-otsinku-vplyvu-na-dovkillya>) — on how national authorities on Water Management and Architecture and Construction ignoring the legislative requirements for EIA to certain kind of projects produce permits for water body renovations. If it was not for EPL monitoring the EIA register entries these violations would not have been noticed.

Public participation

- The information on the project and all relevant documents are to be placed in the corresponding entry in the open EIA registry. From there the documents can be downloaded, copied, printed without limitation by any member of public.
- The announcement of the planned activity, beginning of public discussion, all public hearing and summary of the final ruling must be placed in mass media and made available on local level via public announcements.
- During 20 days since the official announcement the public has possibility to supply the relevant comments, propositions and objections. These comments collected by the authorized body and shall be sent to the project's owner to be compulsorily reflected in the report.
- Once the report is issued it must be made available to public on conditions specified in the announcement of the start of the public discussion, which lasts from 25 to 35 working days. Compulsory part of the public discussion is public hearings and collection of written comments. The results of the public discussion is a corresponding report, which must be made available to the public and attached to the EIA registry.

Is there a possibility for the project/plan, program to be sent back for further improvement after the EIA/SEA decision is made?

- No, the legislation in Ukraine does not allow such thing for EIA. For SEA the ruling may list the necessary amendments to SEA report or request for further research to clarify the effect of the program/policy.

How the public opinion is taken into account for making EIA/SEA decision?

Is there a statutory obligation to take the results of the EIA/SEA into account in the decision-making?

- Yes, the public comments must be answered in EIA ruling paper — the table of comments and reactions on them (accepting/declining and way and level of taking into account or resolved) is a part of EIA ruling document, which is attached to the entry after the ruling has been passed.

Whether a mechanism for monitoring of the implementation of EIA/SEA conclusions and recommendations is introduced?

- It can be added as a condition in the EIA ruling (when positive).

Access to justice

Anyone (individuals or legal bodies) can challenge the EIA/SEA ruling in a court of law on basis of unlawful ruling, incorrect procedures or not taking into account public comments.

Implementation of the environmental assessments in Bulgaria

with a focus on SEA Directive

International obligations

Aarhus Convention: Bulgaria signed the Convention June 25, 1998 and ratified it on December 17, 2003. Espoo Convention: Bulgaria signed the Convention on February 26, 1991 and ratified it on May 12, 1995. SEA Protocol: Bulgaria signed the SEA Protocol on May 21, 2003 and ratified it on January 25, 2007. Bulgaria became a member of the European Union on January 1, 2007 and the EIA and SEA Directives are part of the EU acquis.

Scope

Description of the scope of the SEA regulation in the national law (i.e. in which cases does the law require a plan or program to undergo an SEA, are SEAs mandatory for land-use plans and at which level, are there exemptions)

The main legal provisions regulating the SEA in Bulgaria are in the Environmental Protection Act (EPA), chapter VI, Sections I and II and in a by-law — the SEA Ordinance (SEA-O). The EPA states that “SEA shall be conducted of plans or programmes which are in a process of preparation and/or approval by central or local executive authorities, bodies of local self-government and the National Assembly.” SEA is mandatory for plans and programmes (PP) in the areas of agriculture, forestry, fisheries, transport, energy, waste management, water resources management, and industry, including extraction of subsurface resources, electronic communications, tourism, spatial planning and land use, where the said plans and programmes set the framework for future development of any development proposals listed in Annexes 1 and 2 to the EPA. The screening of other plans and programmes whether they are subject to SEA is conducted by the Minister of Environment and Water or by the Director the competent Regional Inspectorate for Environment and Waters (RIEW) after evaluation of the need of environmental assessment of a plan or programme or modification of any such plan or programme according to the procedure established by the SEA ordinance, in conformity with the criteria, listed in the EPA, Art.85, para.4, for determining the likely significance of the effects.

The approach of SEA Ordinance is to list PP in two Annexes (Annex 1 and Annex 2 of the SEA-O), first the PPs subject to mandatory SEA and those to screening procedure. At the same time SEA-O states in Art.2, para.2.4 of SEA-O that all other PPs, not included in the Annexes, but that are likely to have significant impact on environment and human health, should undergo screening.

This dual way of defining PP subject to SEA — by the law setting quality conditions and by a by-law listing concrete PP according to sectors and sectoral laws could lead to some confusion as to which PP should undergo SEA and to exclusion of PP which are not in the Annexes to the SEA ordinance. There is no any indication that the SEA Ordinance will be revised in this regard since it has been amended 7 times and the number of PP in both annexes have been reduced and not a single type of PP added although in the meanwhile the legislative and strategic framework has been developed.

There is a practice in place that for sectoral PP there is no coordination procedure related to SEA, including no screening. This practice is rooted in the fact that the legislation does not contain explicit texts linking the obligations for screening and SEA with the consequences of not complying with such obligations — e.g. that such plans or programmes will be null and void. Besides there is no clear obligation for the competent environmental authorities to exercise control over PP adopted without SEA and this issue is left at the discretion of the authority.

Public participation

Brief description of the rules on public participation in the SEA process, including:

a. Who can participate

The EPA and the SEA Ordinance define very broadly the persons who could participate in the SEA process first as “the public” and secondly, as any “third part likely to be affected by the plan or the programme”. The public is defined by EPA as “one or more natural or legal persons and the associations, organizations or groups thereof, established in accordance with national legislation.”

b. At which stage of the procedure

The stage of the screening excludes totally the public consultations according to the EPA и SEA-O. The only consultation procedure is with the health authorities or at the discretion of the competent authority to the local authorities and other specialized authorities. The competent authority is obliged only to publish its decisions on Internet. In addition, there is an established practice, not based on legal obligations, the competent authority to publish the documentation of the screening procedure. Once the SEA is decided to be conducted, the general rule is that the public and any third party could be involved from the very beginning of the procedure and during the whole procedure by different options to express an interest to be involved in the consultations. The initiator of the PP is organizing consultations with the public, competent authorities and third parties likely to be affected by the plan or the programme throughout the different stages of the preparation of the PP, respectively of the SEA (Art. 19, para. 1 of the SEA Ordinance). The consultations are conducted by a scheme developed by the initiator of the PP including information how the planning process is combined with the main stages of SEA.

c. How is the public notified

According to Art. 20, para 1 of the SEA Ordinance, consultations on the SEA report include the publication of a notice for consultations, access to the SEA documentation and the draft PP, providing an expert or a person from the planning team with the necessary qualifications to give additional oral explanations on the spot, and means to accept the expressed opinions within a time limit. However there are no clear obligations and rules where and how this publications should be made. The developer decides where and how to make this publication. Lack of clear rules for notifying the public is a serious obstacle for public participation. Moreover, often the developers make these notifications

in a way that is not transparent and accessible for a larger audience of potentially interested persons, without at the same time to breach the formal legal rules.

d. How are the opinions gathered/replied to (only written consultation or hearings too, is there an obligation to reply to opinions)

Art. 20, para 2 of the SEA Ordinance states that consultations with the public, interested authorities and third parties may be carried out by one or more of the following ways:

- Sending messages to the central and local executive authorities and municipal councils;
- Preparation and distribution of a leaflet or brochure with brief information about the plan/program;
- Organizing expert or public groups on the scope of the assessment
- Sending by mail or via the Internet comments, suggestions, opinions and recommendations to the team of the EA report and to the contracting authority;
- Public hearings.

The described forms of consultations encompass all the phases of the SEA. However, there is a level of legal uncertainty which prevents the early involvement of the public in the preparation of SEA. In reality, the forms of consultations are decided by the initiator of the PP according to a scheme prepared by him (Art. 19, para. 3 of the SEA Ordinance). This could lead to limiting of the rights of the public. If the representative of the public has overcome the obstacles for notification about the upcoming SEA despite of the unclear notification, the next hurdle could be that the preferred form of consultation for him is not included in the scheme of the initiator. It should be noted that the SEA in practice allows the consultation scheme to contain only distribution of information from the initiator to third parties (the second bullet of Art. 20, para 2 of the SEA Ordinance).

Art. 20, para 1 of the SEA Ordinance provides for some obligatory parameters of the consultation procedure at a late stage or on the draft SEA report. They include the following obligations for the initiator of the PP:

- To publish a notification at this stage of the consultation
- To provide access of the interested public to the SEA report, without further detailing of the modalities of carrying out of the obligation
- To guarantee means and time for expressing the opinions of the public and accepting them if duly presented. The consultations procedure lacks however listing of concrete methods, place and means for fulfilling of these obligations of the initiator and allows for non-transparent and limited access of the public to the notifications and the SEA documentation.

Art. 21, para 1 of the SEA Ordinance lists the cases when the public hearing of the SEA report is obligatory and the relevant procedures thereof. According to it if there are 2 or more negative opinions in the process of consulting of the SEA report or some alternatives have not been considered, the public hearing is obligatory. The initiator is obliged to inform about the hearing all persons who have submitted written opinions. There is another limitation in the SEA Ordinance for the early involvement of the public. Art. 21, para 5 and 6 of the SEA Ordinance states that when an Appropriate Assessment (AA) for compatibility of the PP with Natura 2000 the consultation procedures with the public start only after the AA report is ready and approved by the competent authority. As much as the preparation of the SEA and AA reports is carried out according to the procedures in parallel, and most of the PPs are submitted both to SEA and AA these paragraphs exclude in reality the early involvement of the public in the consultation processes in SEA.

e. What are the statutory deadlines for consulting the public?

According to art. 20, para 1, item 1, letter b of the SEA Ordinance, the deadline for expressing opinions cannot be less than 30 days after the publication of the notice and providing access to documentation.

Important obstacles to public participation in the SEA based on the practice in Bulgaria

If we need to summarize the obstacles to public participation: On the whole, lack of application of any SEA (neither screening, not full SEA) to a number of sectoral PPs.

- Lack of public consultations at the screening state and the practice to bypass the conducting of full SEAs for PPs with potential negative environmental impacts. The latest case in this regard is the adoption of updated management plan for the National Park Pirin which foresees construction in the national park of a nature of a General Master Plan. Despite the fact that the planned construction was in a park under the protection of IUCN и UNESCO as territory with highest value, the competent authority decided that the plan should not undergo a SEA. Another example is the common practice not to conduct SEA for forest management plans.
- Not conducting of SEA at all. Such cases are not isolated and an example in this respect is the adoption of a National action plan for energy from forest biomass 2018-2027 г." adopted by the state authorities for forest management without SEA.
- Serious obstacles for early involvement of the public already at the stage of the drafting of the SEA report — unclear rules for notification and consultations, limitation of the participation for all PPs undergoing AA (Natura 2000 assessments). In reality the cases of early consultations are rare and we could not point such a good case.
- Serious obstacles for involvement of the public at a later stage — when the SEA report is ready — again because of the unclear rules for notification and access to the report, as well as conditioning of the public hearing by existence of already filed opinions of the public. As a result, there are cases when the obstacles for notification of the public and access to the reports are significant
- And as last but not least, SEA serves as a way to bypass the rules related to the EIA procedures.

For the EIA the public hearing is obligatory. In Art. 91, para 2 of the EPA it's stated that "where a separate plan or programme under Article 85 (1) and (2) herein is required for any development proposal included in Annex 1 or 2 hereto, the competent environment authority could decide to conduct only one of the assessments– SEA или EIA. The developers take advantage of the fact that for the SEA there are no obligatory public hearings, there is for projects to conduct SEA but not EIA using the weaknesses to bypass as a whole the public consultations. This is a common practice for construction projects requiring Detailed Master Plan. However, by their nature these are projects, not plans in the meaning of the SEA and don't have strategic character — they often undergo screening for SEA and the decision could be that there is no need for full SEA. In this way EIA is not conducted either and the public participation is eliminated completely.

Some of the obstacles to effective public participation is the lack of capacity and knowledge in the public of the planning process and the SEA procedures. This is coupled with the very general and abstract scope of the PP which does not resonate with the concrete problems on the ground. Sometimes the formality of the process could be also a problem as well as the administrative culture of the environmental authorities which are not very susceptible to openness and dialogue.

Experts

Statutory requirements regarding qualification and objectivity of the SEA experts

The SEA assessments are commissioned by the initiator of the PP to a team of experts with a team leader. The team leader and the members of the team may be Bulgarian and foreign natural persons holding a Master's educational and qualification degree.

The members of the team and the team leader must sign a declaration that they are not personally interested in the implementation of the respective PP, they are familiar with the requirements of the effective Bulgarian and European statutory framework regulating the environment and that they will refer to and comply with these requirements and with applicable methodological documents in the course of their work on the assessments. The members of the SEA expert team and their leader shall be guided in their work by the principles of human health hazard prevention and ensuring sustainable development in accordance with the effective environmental quality values in the country.

Issues regarding qualification and objectivity of the experts in practice, describe them in a few sentences. The quality of the SEA depends on the team composition and competences and sometimes SEAs are conducted by 2 or 3 experts instead of at least 10 in different environmental components and this leads to superficial assessments. Some SEA experts claim that such SEA are proceeded quickly and without objections because they are led by former RIEW directors and have some backing.

Follow-up

Statutory obligation to take the results of the SEA into account in the decision-making — important good/bad practices.

The results of the consultations shall be reflected into the SEA report and shall be taken into account in the opinion of the Minister of Environment and Water or the competent RIEW Director (Art. 81, para 2 of the EPA). In the SEA decision taken by the commission or expert council the compliance with the public consultations requirements is considered. The SEA decision is based also on the documentation with the results of the public consultations with the public, interested authorities and third parties, incl. a note with the motives for acceptance or non-acceptance of the collected opinions and suggestions and with motives for acceptance or rejection of assignment for supplementing or extension of the consultations.

Provisions on monitoring/ex-post evaluation of the SEAs

As part of the SEA report and the SEA screening information, the initiator of PP is obliged to identify environmental monitoring measures and indicators. At the stage of consultation on the SEA report or the stage of submitting to the screening information, the competent environmental authority propose to the initiator other monitoring measures to be included if these proposed by the developer are not adequate or insufficient. After agreement between the competent environmental authority and the initiator, these monitoring measures become part of the overall monitoring arrangements for the plan/programme implementation. The initiator is obliged to submit periodical monitoring reports to the competent

environmental authority. After adoption these reports are made public available by the developer. Provisions on which measures to take in case of unintended impacts or if impacts exceed the level assessed. SEA should assess the likely significant effects of PP, including on biological diversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural and historical heritage, including architectural and archaeological heritage, landscape and the inter-relationship between the above factors. The impacts must cover any secondary, cumulative, simultaneous, short, medium and long-term, permanent and temporary, positive and negative effects. The SEA decision includes grounds for selecting of the preferred environmental alternative and for the measures related to monitoring and control of the plan or programme implementation. The measures are agreed in consultation between the Minister of Environment and Water or an official empowered thereby or the competent RIEW Director and the authority responsible for the implementation of the plan or programme.

Access to Justice

Challenging by members of the public of SEA Decisions or plans/programs for which they were carried out. Key limitations to access to justice. The interested persons could appeal the opinion (negative screening decision) or decision on the SEA full procedure pursuant to Administrative Procedure Code within 14 days after the notification. According the latest amendments in the EPA there has been introduced one-instance court review for strategic developments, incl. for SEA of PP, which is a substantial limitation to access to justice. The decisions of the first-instance court are final for realizations of objects designated as objects of national importance with an act of the Council of Ministers and are of strategic importance. The court is hearing the appeals on such case within 6 months after being filed and pronounces its decision within a month after the end of the hearings.



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The overall amount for the 2018 call for proposals is 250.000 EUR. Grants are available for CSOs from the Eastern Partnership and EU countries. Key areas of support are democracy and human rights, economic integration, environment and energy, contacts between people, social and labour policies.



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