

**Draft**

**HAS THE AARHUS CONVENTION BECOME AN INSTRUMENT  
OF ENVIRONMENTAL DEMOCRACY IN THE REPUBLIC OF MOLDOVA?**  
*Progress, challenges in practical application and recommendations*

*Shadow report on implementation of the Aarhus Convention  
in the Republic of Moldova in 2021-2024*

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## **Logos??? Eco-Tiras, Arnika-CEPO**

### **List of abbreviations**

AC - Aarhus Convention

CoE - Council of Europe's

EIA - Environmental Impact Assessment

EA- Environmental Agency

EPI- Environmental Protection Inspectorate

MoE -Ministry of the Environment

EU – European Union

GD - Government Decision

LPA- Local public authorities

NDS - National Development Strategy

NGO - Non-Governmental Organization

PNIEC - National Integrated Energy and Climate Plans

RM – Republic of Moldova

SDG - Sustainable Development Goals

UN – United Nations

UNECE - United Nations Economic Commission for Europe

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## EXECUTIVE SUMMARY

Moldova's European integration process, which began in 2022 when Moldova was granted candidate status, continued in 2024 with a constitutional referendum confirming the country's European Union (EU) path and preparations for accession negotiations scheduled for 2025.

Significant progress has been made in raising awareness and engaging the general public in the country's afforestation process, as well as strengthening civic spirit to promote environmental protection policies under the slogan "Generation of the Forest"<sup>1</sup>. In 2021, the Moldovan Presidency officially announced the National Forest Extension and Rehabilitation Programme (NFERP) for the period 2023–2032, which sets out ambitious goals. This initiative has been very well received by the business community, institutions, and public authorities.

A notable achievement is the development of an environmental monitoring system by civil society, represented by the electronic service for reporting environmental issues in the Republic of Moldova, ECO ALERT.<sup>2</sup> The Environmental Protection Inspectorate (EPI) manages this system. The system is being developed by the National Environmental Centre NGO.

In recent years, progress has been made in digitizing the process of submitting applications for obtaining permissive acts, with the support of development partners. These advances have achieved through the implementation of one-stop shop solutions and electronic reporting on waste management.

However, challenges such as limited institutional capacity, a slow judiciary and the difficult implementation of anti-corruption reforms risk slowing down the progress achieved.

Despite the progress achieved, particularly in terms of a legal framework aligned with EU standards, the reality of implementing environmental rights and related guarantees differs significantly from the image portrayed in public policy documents and legislative provisions. These rights are often disregarded and inadequately protected, being supported by insufficient economic measures. Furthermore, procedural mechanisms for access to environmental information and public participation in decision-making are frequently neglected by public authorities. In addition, there is a low level of legal knowledge among both citizens and public officials (including high-ranking officials), as well as a high degree of corruption in the management of natural resources.

Despite the transposition of a significant of standards from the EU acquis, the shortcomings regarding access to public services provided by environmental institutions, as well as those related to integrity and transparency, identified in the 2021 Shadow Report<sup>3</sup>, continue to persist. These deficiencies have been exacerbated by weak institutional cooperation, lack of preparedness for implementing new administrative procedures and delays in regulating sanctioning mechanisms. Consequently, there has been an increase in non-compliance with legislation in areas such as water resource management, illegal deforestation, poaching and illegal fishing.

The institutional reform of the environmental sector, initiated through the Government's Action Plan for 2023, has not been completed due to a few factors, including external and internal challenges such as the energy crisis, insufficient financial resources, and the lack of cooperation among the institutions involved in the reform process, which have failed to reach consensus.

Deficiencies in the democratic functioning of public authorities, as well as their limited cooperation with civil society, led to the adoption of Decision VII/8N<sup>4</sup> at the seventh Meeting of the Parties to the Aarhus Convention, held in October 2021. Through this decision, it was established that the Republic of Moldova had failed to fulfil its obligations under Article 4(8) and Article 3(1) of the Convention, thereby violating the right of access to environmental information.

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<sup>1</sup> "Generation of the Forest". <https://mediu.gov.md/ro/content/lansare-campanie-genera%C8%9Biap%C4%83durii-2025>

<sup>2</sup> The EcoAlert platform. <https://ecoalert.md/>

<sup>3</sup> Shadow Implementation Report of the Aarhus Convention in the Republic of Moldova 2021.

<https://arnika.org/en/publications/aarhus-convention-shadow-implementation-report-21146-21146>

<sup>4</sup> Decision VII/8N. <https://unece.org/env/pp/cc/decision-vii8n-concerning-republic-of-moldova>

The subsequent process of remedying the situation highlighted additional legislative and institutional gaps, underlining persistent systemic problems in the implementation of the Convention. These deficiencies are evident throughout the entire process, from action planning to their sporadic implementation, dependent on available resources and lacking continuity. The inadequate application of open governance standards and the chronic discouragement of citizens from participating in decision-making not only undermine not only the implementation of international conventions, but also the entire European integration process of the Republic of Moldova.

The measures to implement the Aarhus Convention are not established in the key environmental public policy documents. The Action Plan for the implementation of the Aarhus Convention has remained at the level of intention and has not been approved.

It is important to note, on a positive side, that despite the absence of the report on the implementation of the Aarhus Convention for the period 2014–2017, mentioned in the 2021 Shadow Report, the Republic of Moldova submitted reports in 2021 and 2025, albeit with some delays. This development contributes to maintaining the continuity of the monitoring process.

However, the public consultation process was poorly organized and rushed, reflecting only partially the proposals put forward by civil society, which generated dissatisfaction. Furthermore, the report's content remains too general, preventing an objective assessment of progress in implementing measures, the identification of deficiencies, and the conduct of detailed analyses of persistent problems. These elements are essential for improving future implementation and addressing the identified shortcomings.

In addition, the absence of a clear system for monitoring planned actions and of a regular reporting mechanism prevents the preservation of institutional memory of progress made, hindering the development of a consolidated strategic approach to remedying identified deficiencies. This situation is further aggravated by the lack of integrated measures at the level of public authorities aimed at establishing clear sanctioning mechanisms for the improper application or non-application of instruments designed to protect environmental rights.

This deficiency was highlighted in case ECS-12/23<sup>5</sup>, through which the non-compliance of the Republic of Moldova was found to be in breach of its commitments to the Energy Community for the first time. This was particularly concerning regarding the obligation to align its national legal framework with the provisions of Directive 2004/35/EC on environmental liability, concerning the prevention and remedying of environmental damage.

The integrity and effectiveness of public consultation processes in the Republic of Moldova are under threat. The state of emergency, declared at the beginning of Russia's invasion of Ukraine and the subsequent energy crisis, has been extended dozens of times.

Most of the changes in the operating environment of non-governmental organizations (NGOs) during the period under review resulted from the implementation of measures set out in the conditions for opening EU accession negotiations, particularly the chapter on strengthening civil society participation in decision-making processes at all levels. At the same time, they continue to face difficulties stemming from the limited transparency of decision-making processes and the difficult access to alternative sources of funding.

The level of engagement of environmental NGOs remains low, largely due to a small number of organizations that monopolize activities and benefit from political support from the governing majority. This concentration of influence limits participation and diversity within the sector, generating indifference and a sense of detachment among other relevant stakeholders. Furthermore, the absence of effective monitoring mechanisms to evaluate the sustainability of funded activities exacerbates the problem, as there is no clear framework for hold NGOs accountable for the long-term impact of their projects.

The lack of accessible and comprehensive information regarding projects implemented with international support continues to make it difficult to assess the effectiveness of donor-funded

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<sup>5</sup> 2023/09/MC-EnC on the failure by the Republic of Moldova to comply with the Energy Community Treaty in Case ECS-12/23. [file:///Users/natalyamfir/Downloads/21st%20MC\\_DEC\\_09\\_Case%20ECS-12\\_23%20\(MD\).pdf](file:///Users/natalyamfir/Downloads/21st%20MC_DEC_09_Case%20ECS-12_23%20(MD).pdf)

activities in the environmental sector. Currently, there is no transparent record of the projects supported by public authorities, the results achieved, or the extent to which resources have been duplicated across different initiatives.

Despite repeated discussions about the plans, held during meetings between NGO representatives and the Ministry's administration, no center has been established to ensure continuous public information on environmental issues. Consequently, the dialogue between the authorities and the public remains challenging.

The courts in Moldova flagrantly ignore national mechanisms to ensure reasonable time limits both for the resolution of cases and for the enforcement of court decisions. In many cases, reasonable timeframes are not set for court hearings, and unjustified delays have become common practice.

According to the study "Perceptions of Human Rights in the Republic of Moldova"<sup>6</sup>, the right to a fair trial is perceived by respondents as one of the least respected rights.

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<sup>6</sup> Study "Perceptions of Human Rights in the Republic of Moldova" (Public Opinion Survey 2023). <https://ombudsman.md/studiu-perceptii-asupra-drepturilor-omului-in-republica-moldova-in-2023/>

## INTRODUCTION

The realization of the right to a healthy environment (and through it, other environmental rights) is ensured by recognizing and enforcing of guaranteed rights. These include:

- the right to environmental information,
- the right to participate in environmental decision-making, and
- the right to access to environmental justice.

Based on the fact that the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) of 25 June 1998 (Aarhus Convention) establishes minimum standards for the protection of human rights, it does not prevent states from granting more extensive regulation of certain rights or freedoms.

Given that accession to the EU represents one of the main strategic objectives of the Republic of Moldova, and taking into account the historic decision to open accession negotiations with the European Union in December 2023, the alignment of Moldova's legislative and regulatory framework with the EU acquis, which is harmonized with the provisions of the Aarhus Convention, becomes essential for the country to continue its European integration process.

The harmonization of national legislation with EU standards is in line with the Republic of Moldova's commitments to contribute to the achievement of the Sustainable Development Goals (SDGs), as outlined in the National Development Strategy "European Moldova 2030" (NDS), approved by Law No. 315/2022<sup>7</sup>. In particular, Goal 10 focuses on ensuring a healthy and safe environment.

The NDS "European Moldova 2030" is not a new policy document - it was already mentioned in the 2021 Shadow Report. At that time, it had only been approved at Government level, while in 2022 it was approved at Parliamentary level, with minor editorial changes (such as the addition of the word 'European' to the title).

The 2021 Shadow Report highlighted the absence of an implementation plan for the Aarhus Convention. This gap has a negative impact on establishing a clear and predictable approach for monitoring implementation measures and for adopting effective, systematic actions to remedy existing shortcomings.

In 2024, GD No. 409/2024 adopted the Environmental Strategy for 2024-2030<sup>8</sup>, which on page 5, emphasizes the need for an Action Plan to ensure effective environmental governance, in accordance with the provisions of the Aarhus Convention, to which the Republic of Moldova is a Party.

However, although the Strategy acknowledges on page 14 that the commitments regarding the implementation of the Aarhus Convention have not yet been fully met, there is currently no clarity on the development and adoption of a concrete plan in this regard. Furthermore, Chapter V, which sets out indicators of progress towards the Strategy's objectives, does not include a specific indicator relating to the development and adoption of the Action Plan for the implementation of the Aarhus Convention.

A positive progress can be observed in the promoting and monitoring the implementation of environmental rights within the Ombudsman institution's agenda. For the first time, environmental rights were included in the 2023 Annual Report on Human Rights and Freedoms in the Republic of Moldova<sup>9</sup>. In this context, the Ombudsman recommended that the Ministry of Environment should:

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<sup>7</sup> Official Gazette No. 409-410 of 21 December 2022.

[https://www.legis.md/cautare/getResults?doc\\_id=134582&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134582&lang=ro)

<sup>8</sup> Official Gazette No. 325-328 of 30 July 2024. [https://www.legis.md/cautare/getResults?doc\\_id=144295&lang=ro](https://www.legis.md/cautare/getResults?doc_id=144295&lang=ro)

<sup>9</sup> The Annual Report on Human Rights and Freedoms in the Republic of Moldova. <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2023/>



- monitor the implementation of the National Climate Change Adaptation Program, providing support to the implementing authorities;
- support the expansion of budgeting for climate change adaptation and resilience building, in line with Specific Objective 13;
- develop and publish monitoring reports on progress achieved in this area.

This Shadow Report analyzes both the actions undertaken, and the inactions observed in response to the recommendations made in the 2021 Report.

A major and persistent shortcoming lies in the absence of a centralized online portal that would ensure public access to environmental information, as well as the lack of interconnected electronic systems among environmental authorities. This gap is acknowledged in the Environmental Strategy for the period 2024–2030, which also highlights the need to align national legislation with the provisions of Regulation (EC) No 1367/2006 on the application of the Aarhus Convention to Community institutions and bodies, with regard to access to information, public participation in decision-making, and access to justice in environmental matters<sup>10</sup>.

Furthermore, the absence of an updated National Environmental State Report limits the ability to objectively monitor progress and shortcomings in the enforcement of environmental legislation, as well as a thorough assessment of its implementation. The most recent available report covers the period 2015–2018<sup>11</sup>, raising concerns about the timeliness and relevance of the data used to support evidence-based decision-making.

A major issue is the lack of a clear correlation between the planned actions in the Environmental Strategy for 2024-2030 and the actual challenges in this area. Without continuous and transparent data updates, it remains uncertain to what extent the proposed measures will achieve the objectives necessary for improving environmental quality.

This report provides an assessment of the Republic Moldova's compliance with the provisions of the Aarhus Convention up to September 2025, highlighting key gaps and offering recommendations for improvement the implementation framework.

The report is based on the analysis of legislation, public policy documents and reports from various relevant fields, as well as the results of questionnaires. The questionnaires were distributed to the following categories of respondents: relevant central government and subordinate institutions (in the fields of environment, agriculture, energy, infrastructure, health, education, and justice )<sup>12</sup>, local governments<sup>13</sup>, non-governmental organizations<sup>14</sup>, courts<sup>15</sup> and prosecutors' offices<sup>16</sup>.

The report was developed with the support of the Czech non-profit environmental organization Arnika, in close collaboration with the International Association of River Keepers “Eco-Tiras”, a non-governmental association from the Republic of Moldova.

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<sup>10</sup> JO L 264, 25.9.2006. <https://eur-lex.europa.eu/legal-content/RO/ALL/?uri=CELEX:32006R1367>

<sup>11</sup> National State of the Environment Report. <https://am.gov.md/ro/content/rapoarte-privind-starea-mediului>

<sup>12</sup> List of ministries within the Government of the Republic of Moldova. <https://gov.md/ro/ministere>; Central administrative authorities. <https://gov.md/ro/autoritati-administrative-centrale>

<sup>13</sup> The list of the local public authorities that are members of the Council of Local Authorities and through which the survey was conducted. <https://www.calm.md/lista-membrilor-calm/>

<sup>14</sup> The list of the environmental NGOs that were surveyed through these organizations' platform. <https://mediu.gov.md/ro/content/ong-uri-de-mediu>

<sup>15</sup> Court System Portal. <https://instante.justice.md/>

<sup>16</sup> The List of prosecutor's offices. <https://procuratura.md/contact/procuraturile-teritoriale>

# 1. CHANGES IN THE LEGAL FRAMEWORK FOR THE ENVIRONMENT

## 1.1. The main changes in the primary environmental regulatory framework

The Republic of Moldova, in the process of harmonising its national legislation with EU standards, has significantly improved the legal framework on access to information. In the 2021 Shadow Report, we analyzed the existing shortcomings in ensuring the minimum guarantees necessary for the exercise of the constitutional right of access to information, which had previously been regulated by Law No. 982/2000 on Access to Information, which was repealed on 9 June 2023 with the adoption of the new **Law No. 148/2023 on Access to Information of Public Interest**<sup>17</sup>.

The legislative initiative was justified by the need to align national legislation with European legal norms, in connection with the entry into force on 1 December 2020 of the Council of Europe Convention on Access to Official Documents adopted in Tromsø on 18 June 2009 (hereinafter referred to as the "Tromsø Convention"), which was ratified by the Parliament of the Republic of Moldova by Law No 217/2013.

In the explanatory note accompanying the draft law, the authors emphasized that Law No. 982/2000 had significant gaps and normative shortcomings which meant it failed to effectively guarantee the constitutional right of access to information of public interest. They supported their arguments with relevant data: according to the Right to Information Rating conducted by the Centre for Law and Democracy, Law No. 982/2000 scored 93 out of a possible 150 points.<sup>18</sup> This result placed Republic of Moldova 52<sup>nd</sup> out of 136 countries assessed in terms of the overall quality of their legal framework on access to information.

The new Law No. 148/2023 categorizes information providers as either public authorities and institutions or natural and legal entities that provide public services under legislation or state contracts. However, it has also expanded the range of entities required to provide public information to applicants to include political parties, professional legal associations, energy companies and private legal entities providing public services and others.

Previously, under Law No. 982/2000, information providers had 15 working days to respond to access requests, with the option of extending this period by a further five working days if the volume of information requested was substantial or if additional consultations were required to fulfil the request.

Under the new law, providers will have 10 calendar days to supply the information, with the possibility of a 7-day extension.

Proactive publication standards are crucial in ensuring transparency. Law No. 148/2023 requires public authorities to publish a range of information proactively, before it is requested by anyone. This includes data on the authority's budget and governance, annual reports, public procurement, business travel, decision-making processes, and more.

However, in certain situations, access to information may be restricted if disclosure of the data would undermine public security, international relations, the prevention or detection of criminal offences or infringements, the conduct of criminal investigations or administrative or judicial proceedings, or the protection of personal data, intellectual property rights or commercial secrets. All of these are legally protected social values derived from the Tromsø Convention.

On 16 July 2024, the Council of Europe's (CoE) Group of Experts on Access to Information analysed the new law regulating access to environmental information. The law only states that access to environmental information is granted in accordance with procedures established by the government. However, the experts noted that they did not have access to the Regulation on Public Access to Environmental Information, approved by Government Decision No. 1467/2016, to assess its compliance with the Convention's provisions. Furthermore, the experts emphasized that,

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<sup>17</sup> Official Gazette No. 234 of 08 July 2023. [https://www.legis.md/cautare/getResults?doc\\_id=137908&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro)

<sup>18</sup> Baseline Evaluation Report on the Implementation of the Council of Europe Convention on Access to Official Documents (CETS No. 205 – the Tromsø Convention) Republic of Moldova. <https://rm.coe.int/baseline-evaluation-report-moldova/1680b0f65c>

according to the Convention, any restrictions on access to environmental information must be established by law, rather than by government decisions (p. 52)<sup>19</sup>.

One of the recommendations made in the Shadow Report 2021 was the implementation of Directive (EU) 2019/1024 on open data and the re-use of public sector information.

**Law No. 109/2025 on open data and the reuse of public sector information** was adopted this year.<sup>20</sup> Although the adoption of the draft law is an important step forward, much remains to be done before the Republic of Moldova can benefit fully from an integrated and coherent open data system. Under the new legislation, public authorities will be required to play an active role in identifying high-value data sets, participating in the development of rules governing information disclosure and contributing to the creation of a unified data management framework. This framework should ensure consistency, accessibility, and standardization of procedures at the national level.

**Law No. 86/2014 on Environmental Impact Assessment**<sup>21</sup> and **Law No. 11/2017 on Strategic Environmental Assessment**<sup>22</sup> have been amended to address the regulatory gaps identified in the environmental impact assessment framework, including conflicting norms and outdated provisions that did not allow for clear application.

The updated Law No. 86/2014 on EIA provides for a reduction in the timeframe for the environmental assessment procedure to 30 working days, a revision of the list of planned activities requiring an environmental assessment, and the introduction of a fee for issuing the environmental agreement. The Environmental Agency (EA) will determine the amount of the fee for coordinating the environmental impact assessment procedure and issuing the environmental agreement in a separate document, based on the methodology for estimating administrative costs.

Currently, the legal framework does not regulate the collection of payments for public services provided by the EA during the EIA process or for the issuance of environmental permits. The amendments also provide for the establishment of a technical commission to ensure the quality of the EIA report. This commission will review the report considering the EA's conclusions, the report's compliance with the framework content, the results of public hearings and the presentation of alternatives considered.

The 2021 Shadow Report highlighted the lack of an integrated approach to the permitting process. Although **Law No. 227 on Industrial Emissions**<sup>23</sup> was adopted in 2022, modifying the existing mechanism, it proved to be ineffective and required an intervention to simplify both the permitting system and the related procedures.

Law No. 227/2022 on Industrial Emissions significantly restructured the existing permit system, which required separate permits for each activity involving the use of natural resources (e.g. air, water, soil and waste). Two types of permits were introduced: the integrated environmental permit and the environmental permit, which is issued based on the level of environmental impact. However, the secondary legislation required to implement these new provisions has yet to be drafted and adopted.

The process of issuing permits in accordance with the new law's provisions is currently stalled due to a lack of clear regulations governing the permitting procedure. While the law includes provisions for developing the necessary secondary legal framework for its implementation, this approach is problematic. Administrative procedures and restrictive measures

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<sup>19</sup> Baseline Evaluation Report on the Implementation of the Council of Europe Convention on Access to Official Documents (CETS No. 205 – the Tromsø Convention) Republic of Moldova. <https://rm.coe.int/baseline-evaluation-report-moldova/1680b0f65c>

<sup>20</sup> Official Gazette No. 317–319 of 16 June 2025.

[https://www.legis.md/cautare/getResults?doc\\_id=148946&lang=ro](https://www.legis.md/cautare/getResults?doc_id=148946&lang=ro)

<sup>21</sup> Official Gazette No. 414–417 of 08 November 2023.

[https://www.legis.md/cautare/getResults?doc\\_id=139828&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=139828&lang=ro#)

<sup>22</sup> Official Gazette No. 109–118 of 07 April 2017.

[https://www.legis.md/cautare/getResults?doc\\_id=144643&lang=ro](https://www.legis.md/cautare/getResults?doc_id=144643&lang=ro)

<sup>23</sup> Official Gazette No. 326–333 of 21 October 2022.

[https://www.legis.md/cautare/getResults?doc\\_id=147012&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=147012&lang=ro#)

arising from an administrative act, such as an environmental permit, cannot be regulated through secondary legislation in line with national legislative drafting standards. This failure to implement demonstrates that legislative progress is meaningless without the administrative capacity and resources necessary to enforce it. This creates institutional inertia that hinders reform in practice.

In 2023, **Law No. 368/2023 on Meteorological and Hydrological Activities**<sup>24</sup> was passed to establish the legal framework necessary for implementing these activities and supporting the country's sustainable socio-economic development. The new law provides for the establishment of the National Fund for Hydrometeorological Data, through which the public will have free access to meteorological and hydrological data and information, as well as the opportunity to receive specialized information. Additionally, the law regulates the state registration process for producers of meteorological and hydrological data and information, thereby ensuring greater transparency and improved management of these resources.

The provision in Article 24(2) of the Law No. 368/2023 does not clearly define which data will be offered free of charge, only stating that the data included in the National Fund for Meteorological and Hydrological Data and those personally selected will be accessible for free. However, regarding paid data, the law refers to a mechanism to be determined by the Government. The notion of “specialized information,” regulated under Article 23 letter b), refers to meteorological and hydrological information that does not fall within the category of primary information and is provided upon request, which inherently implies a fee-based provision. This is because, as previously mentioned, free access is granted only in the case of personally selected data, logically excluding from this category any data obtained free of charge based on a formal request.

We believe that, as in the case of Law No. 148/2023 on Access to Information of Public Interest, any restrictions on access to information should be established by law rather than by GD. This approach ensures legal predictability and compliance with the principles of transparency.

Following a breach of commitments to the Energy Community (case ECS-12/23) regarding the obligation to align the national legal framework with Directive 2004/35/EC on environmental liability for the prevention and remediation of environmental damage, the Republic of Moldova adopted **Law No. 107/2025 on Environmental Liability for the Prevention and Remediation of Environmental Damage**<sup>25</sup>, due to enter into force in June 2027.

This law establishes a legal framework dedicated to regulating environmental liability based on the 'polluter pays' principle, with the aim of preventing and remedying environmental damage.

However, we regret to note that the recently adopted draft law lacks clear provisions regarding the institution responsible for informing the public, including in cases where environmental damage has been identified. While Article 24 para (1) of does designate a competent authority and provides a timeframe for notifying another affected state, it does not explicitly regulate a national procedure for informing the public. The methodology for calculating environmental damage is to be approved by a GD.

The existing legal framework, in particular **Law No. 1515/1993 on Environmental Protection**<sup>26</sup>, recognizes the responsibility of all natural and legal persons for environmental damage. However, there is no clear mechanism for the financial implementation of liability or the material measures necessary for ecological restoration.

Although **Law No. 1540/1998 on environmental pollution charges** was amended by Law No. 283 on 5 December 2024, the mechanism for collecting these charges is still outdated in some areas and does not align with the new provisions regarding air quality and industrial emissions.

The current legal framework is outdated and incomplete and uses obsolete methods to calculate damages. The compensation amounts are insufficient compared to the extent of the

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<sup>24</sup> Official Gazette No. 510–513 of 29 December 2023.

[https://www.legis.md/cautare/getResults?doc\\_id=140969&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140969&lang=ro)

<sup>25</sup> Official Gazette No. 328 of 20 June 2025 [https://www.legis.md/cautare/getResults?doc\\_id=149082&lang=ro](https://www.legis.md/cautare/getResults?doc_id=149082&lang=ro)

<sup>26</sup> Official Gazette No. 10 of 30 October 1993. [https://www.legis.md/cautare/getResults?doc\\_id=88192&lang=ro](https://www.legis.md/cautare/getResults?doc_id=88192&lang=ro)

environmental damage caused, which significantly reduces the impact of sanctions on those responsible and contributes to ecological imbalances.

Additionally, the current level of pollution charges is negligible and does not reflect the actual cost of environmental restoration. The existing system of environmental taxes and charges is ineffective in meeting the needs of environmental protection and restoration.

## 1.2 The mechanism of energy governance and climate actions

The Energy Governance and Climate Action Mechanism has been established in Moldova for the first time.

On 14 November 2023, amendments to **Law No. 174/2017 on Energy**<sup>27</sup> were published, introducing provisions for the development and approval of the main components of the Mechanism: These are the National Integrated Energy and Climate Plans (PNIECs), the Long-Term Strategy for the Reduction of Greenhouse Gas Emissions (Long-Term Strategy), and the National Integrated Energy and Climate Reports (RNIECs).

PNIECs must ensure the stability, transparency and predictability of national policies and measures for planning and monitoring energy and climate change actions. Designed as long-term strategies with a perspective of at least 30 years, they contribute to fulfilling commitments under the UNFCCC and the Paris Agreement.

They should be developed in an open and transparent manner, with effective opportunities for public participation in the decision-making process.

The new **Law No. 74/2024 on Climate Action**<sup>28</sup> regulates the need to align the objectives of the long-term strategy with the PNIEC.

The PNIEC addresses the five dimensions of the Energy Union governance mechanism:

- dimension 1: Decarbonisation
- dimension 2: Energy Efficiency
- dimension 3: Energy Security
- dimension 4: Internal Energy Market
- dimension 5: Research, Innovation and Competitiveness

Article 55 of the Law No. 74/2024 on Climate Action introduces the concept of multi-level dialogue and cooperation, requiring the Ministry of the Environment to facilitate an open and inclusive dialogue on climate action. Within this framework, local public administrations, civil society, the academic and business sectors, investors, other stakeholders and the general public can actively participate in discussions on climate neutrality targets, projected policy scenarios, including long-term policies and the evaluation of progress made.

To ensure transparency, information of public interest will be made available to citizens free of charge through accessible media channels and will also be published on the official website of the Ministry of the Environment or agencies that are subordinate in accordance with the legislation on access to public information.

***The first PNIEC was recently adopted on 26 February 2025<sup>29</sup>.***

*It is important to note that the consultation process for the development of this plan was highly complex, involving a multi-level dialogue, including inter-ministerial discussions and engagement with the public.*

*The PNIEC has been developed through a high-level consultation process involving central and local government, national and international experts, civil society, and the private sector.*

*An inter-ministerial working group was established to coordinate scenarios, assumptions, and proposed actions from 2020. Regular meetings were held with modelling teams and experts to facilitate information exchange and policy adjustments.*

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<sup>27</sup> Official Gazette No. 480–482 of 15 December 2023.

[https://www.legis.md/cautare/getResults?doc\\_id=147876&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=147876&lang=ro#)

<sup>28</sup> Official Gazette No. 209–212 of 16 May 2024. [https://www.legis.md/cautare/getResults?doc\\_id=143228&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143228&lang=ro)

<sup>29</sup> Government Decision No. 86 of 26 February 2025. Official Gazette No. 151–153 of 25 March 2025. [https://www.legis.md/cautare/getResults?doc\\_id=147685&lang=ro](https://www.legis.md/cautare/getResults?doc_id=147685&lang=ro)



*Workshops and seminars were organized to train and involve relevant stakeholders.  
Public consultations included analysis and integration of feedback from interested parties.  
A Strategic Environmental Assessment (SEA) was carried out and subjected to the consultation and review process.*

*This transparent and inclusive approach ensured the coherence, effectiveness and sustainability of the measures included in the PNIEC.*

### 1.3 Changes in the secondary environmental regulatory framework

The right of access to environmental information held by public authorities is regulated by the **Regulation on Public Access to Environmental Information, approved by Government Decision No. 1467/2016**<sup>30</sup>. This Regulation partially implements Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Directive 90/313/EEC<sup>31</sup>.

However, certain key provisions have not been transposed, including:

- provisions on information held by public authorities;
- rules on the confidentiality of procedures carried out by public authorities;
- clear criteria to be established by public authorities for handling requests for access to information.

In order to ensure the alignment of national legislation with EU standards, the Ministry has developed a new secondary legislative act **the Regulation on Public Access to Information, Justice and Participation in Environmental Decision-making**, which was submitted for public consultation on 18 December 2024.

However, as mentioned above, CoE experts have emphasized that access to environmental information should be regulated by law rather than by government decisions.<sup>32</sup> The Ministry of Environment has planned the adoption of the Regulation on Public Access to Information, Justice and Participation in Environmental Decision-Making for 2025 as part of the National Programme for the Accession of the Republic of Moldova to the European Union for the years 2025–2029<sup>33</sup>.

The provisions of the draft Regulation also align with the legal requirements of the Aarhus Convention, which stipulates that public authorities must disseminate information on public rights.

Experts emphasised that, according to the Tromsø Convention, any restrictions on access to environmental information must be established by law and not by government decision. However, the Ministry is promoting such regulations through secondary legislation.

In this regard, Section IV of Chapter III of the Regulation, entitled "Exceptions to Access to Environmental Information", defines cases in which requests for environmental information may be partially or totally denied, which is contrary to the principles of the Convention.

We support the view of CoE experts that access to environmental information should be regulated by law, as the mandatory nature of such provisions would contribute to their effective implementation in practice. Furthermore, Law No. 148/2023 on Access to Public Interest Information expressly states in Article 2 para (2) that it does not affect any specific provisions on access to public interest information set out in other laws. This clearly indicates that access to specialized information must be regulated through primary legislation.

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<sup>30</sup> Official Gazette No. 60–66 of 24 February 2017.

[https://www.legis.md/cautare/getResults?doc\\_id=97333&lang=ro](https://www.legis.md/cautare/getResults?doc_id=97333&lang=ro)

<sup>31</sup> JO L 41, 14.2.2003. <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32003L0004>

<sup>32</sup> Baseline Evaluation Report on the Implementation of the Council of Europe Convention on Access to Official Documents (CETS No. 205 – the Tromsø Convention) Republic of Moldova. <https://rm.coe.int/baseline-evaluation-report-moldova/1680b0f65c>

<sup>33</sup> Government Decision No. 306 of 28 May 2025. Official Gazette No. 269–288 of 02 June 2025.

[https://www.legis.md/cautare/getResults?doc\\_id=148720&lang=ro](https://www.legis.md/cautare/getResults?doc_id=148720&lang=ro)

The provisions of the Regulation contradict national legislative techniques, which prohibit the transfer of new competences to central public administration authorities from other sectors or local public administration authorities through a secondary regulatory act.

In accordance with Article 16 para. (1) of of Law **No. 71/2007 on Registers**<sup>34</sup>, the provisions on the establishment of environmental information registers cannot be regulated by a secondary act, as the primary state registers and the departmental registers must be established by the Government or another public authority authorized by law.

**Government Decision No. 494/2023 on the approval of the methodology for calculating service tariffs and the nomenclature and tariffs for services provided for a fee, as well as the regulation on the formation and use of revenues collected by the State Hydrometeorological Service**, which approves the methodology for calculating fees for provided services, the nomenclature and the tariffs for fee-based services, as well as the regulation on the formation and use of revenues collected by the State Hydrometeorological Service, has not resolved the issue of ensuring free access to environmental information.

Point 4 of Annex 3 to GD 494/2023, which approves the Regulation on the Formation and Use of Revenues Collected by the State Hydrometeorological Service, continues to violate the right to free access to environmental information in a manner like that permitted under Article 24 para. 2 of of Law 368/2023 on Meteorological and Hydrological Activities.

Point 4 provides the following:

'In the case of personal selection of information, access to meteorological, hydrological and agrometeorological information listed in Chapter I of Annex No. 2, published on the official website of the State Hydrometeorological Service and included in the National Fund of Meteorological Data, is free of charge.'

However, this wording implies that any formal request for access to information other than personal selection is not granted free of charge. This clearly contradicts the principles and provisions of Article 4 of the Aarhus Convention. Furthermore, the legislation does not stipulate how the website should be structured, including how metadata and aggregated data should be presented in a user-friendly format over a period of years, which results in requests for information.

To remedy the deficiencies identified and confirmed by the Convention Secretariat through Decision VII/8n, the Ministry of Environment published proposals to amend Government Decision No. 494/2023 on 22 August 2025. Having analyzed this draft, we conclude once again that it does not resolve the identified deficiencies. This is because amending a secondary normative act without amending Law No. 368/2023 on meteorological and hydrological activity will not have the required legal effect or correct the problems in applying the normative provisions.

Moreover, the draft introduces a new provision that worsens the existing situation and creates grounds for a new violation of Article 4(1) (a) of the Aarhus Convention. According to this article, public authorities are obliged to make environmental information held by them available, without requiring the demonstration of any particular interest.

The amendment to Government Decision No. 494/2023 states: 'The reciprocal exchange of specific data and information between the State Hydrometeorological Service and other entities, carried out exclusively for the purpose of fulfilling national and international obligations provided for by the applicable legal framework or administrative acts, shall not be considered fee-based services.'

This provision establishes mandatory rules that extend the application of Law No. 368/2023, which is inadmissible since, under national legislative drafting rules, a secondary normative act cannot extend the provisions of a law. Furthermore, it should be noted that this draft was not discussed within the recently established working group, established by Ministerial Order No. 39 on 13 March 2025 to address the issue of non-compliance.

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<sup>34</sup> Official Gazette No. 70–73 of 25 May 2007. [https://www.legis.md/cautare/getResults?doc\\_id=140170&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140170&lang=ro)

## 2. AARHUS CONVENTION PILLARS APPLICATION

### 2.1 Assessment of the level of implementation of the Aarhus Convention

#### **2.1.1 Assessment of the 2025 National Report on Implementation of the Aarhus Convention** **Consultation procedure**

The 2025 edition of the National Report on the Implementation of the Aarhus Convention was not submitted by the recommended deadline of 1 February 2025<sup>35</sup>.

The drafting process for the report was completed in approximately one month, which is significantly shorter than the 5–6 months recommended by the Convention Secretariat.

According to the methodological guidelines, the public consultation process should take place in two stages:

The first stage involves providing a period of three months for public consultation on the report's content.

The second stage involves consultation on the preliminary version of the report for a period of one to two months.

In the case of the 2025 National Report, however, these recommendations were applied incorrectly, and a different procedure was used. On 2 April 2025, an announcement was published addressing public authorities and civil society, requesting the submission of relevant information regarding fulfilment of obligations relating to access to public information.<sup>36</sup> The first draft of the report was subsequently published on 7 May 2025, with the initial consultation period set to end on 13 May. This was later extended to 6 June, effectively allowing a minimum consultation period of one month.

The final version of the report, which was revised following the public consultation, was not subjected to an additional round of discussions. Furthermore, no summary of the recommendations received was presented, nor was it clarified to what extent they were considered.

Summaries of recommendations are a common feature of public consultation processes for policy documents and normative acts, in accordance with the provisions of **Law No. 239/2008 on transparency in the decision-making process**<sup>37</sup>. They could be usefully applied to facilitate public consultations.

#### ***Evaluation of the quality, coherence, and degree of compliance of the report's content with methodological requirements and the international commitments undertaken***

Upon analyzing the report's content, it becomes evident that it was prepared hastily. Some sections are filled with general information and lack clear findings, or a detailed analysis of the deficiencies identified in the implementation process. Concrete planned actions for addressing these deficiencies are also absent.

The generalized information presented in the report further highlights the absence of concrete planned measures for implementing the provisions of the Convention, despite the introduction mentioning the need to develop an action plan. Without a structured planning framework, the implementation of the Convention cannot be effectively monitored, which has a negative effect on the reporting process, which should enable thorough evaluation and clear identification of shortcomings.

Consequently, the report largely limits itself to providing a simple description of the legislative framework. In some sections, it fails to adequately respond to specific requirements (for example, point 2 requests the presentation of special circumstances relevant to understanding the report).

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<sup>35</sup> 2025 Reporting Cycle. <https://unece.org/environmental-policy/public-participation/2025-reporting-cycle>

<sup>36</sup> Aarhus reporting mechanism, Moldova. [https://aarhusclearinghouse.unece.org/national-reports/reports?field\\_nr\\_report\\_language\\_aux\\_2\\_value=en&field\\_nr\\_report\\_language\\_aux\\_value=en&field\\_nr\\_part\\_y\\_target\\_id\\_verf%5B%5D=17500&combine=](https://aarhusclearinghouse.unece.org/national-reports/reports?field_nr_report_language_aux_2_value=en&field_nr_report_language_aux_value=en&field_nr_part_y_target_id_verf%5B%5D=17500&combine=)

<sup>37</sup> Official Gazette No. 215–217 of 05 December 2008.  
[https://www.legis.md/cautare/getResults?doc\\_id=106638&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106638&lang=ro)



In its opinion submitted on 26 May 2025 regarding point 2, the International Association of River Keepers 'Eco-TIRAS' recommended excluding general information and extensive analyses of the existing legislation as these were considered irrelevant to the requested context. Instead, they proposed providing a concise and clear description of the significant changes and developments in the legislative and institutional framework that had occurred since the previous report. This recommendation was not considered, and the included information does not correspond to the requirement formulated for point 2.

The opinion also recommended completing letter a) of point 3, which relates to legislative, regulatory and other measures implementing the general provisions in Article 3, paragraphs (2), (3), (4), (7) and (8), with information on measures to ensure the State Hydrometeorological Service's support in guiding the public, particularly in the context of implementing Decision VII/8n, adopted in October 2021. However, the final report makes no mention of this decision. Without this information, it is unclear how the authorities plan to address the identified deficiencies and implement concrete measures to remedy them.

Only approximately 30% of the recommendations were accepted, with the remaining 70% being ignored. In many cases, although links were provided, a concise description of public awareness and information actions was requested, along with examples of NGO representation in government delegations, and specific references to, and concrete examples of, public consultation within environmental impact assessment (EIA) procedures. However, these details were not included in the report.

Such a superficial approach does not allow for an in-depth analysis of issues related to the application of legislative provisions, and consequently does not enable appropriate solutions to be identified.

For instance, Article 28 of **Law No. LP152/2022 on the Regulation and Control of GMOs**<sup>38</sup> stipulates that the main notification materials regarding the intention to place a specific GMO on the market or release it into the environment must be published on the EA's website. This grants the public a period in which to submit comments. However, this provision has remained unenforced since 2022, thereby preventing the public from being informed and participating in the relevant decision-making process.

Furthermore, despite the objection being raised in the opinion, the requested information was not included in the final version of the national report.

## **2.1.2 Analysis of results obtained from questionnaire responses**

### ***Survey of environmental NGOs***

There is a low level of participation of environmental NGOs in the questionnaire process, even though the forms were distributed through the common platform of environmental NGOs (which includes 53 NGOs<sup>39</sup>). As a result, only two responses were received, indicating a negligible level of participation in consultations related to the development of normative acts.

The fact that none of the respondents reported participating in the Environmental Impact Assessment (EIA) procedure raises concerns about the level of involvement of civil society in this process. This suggests a low level of interest in public consultations.

### ***Survey of prosecution services***

Questionnaires were sent to 55 subdivisions of the prosecution service, but only 13 of them replied.

Among the responses received:

-only one response confirmed the investigation of environmental cases, stating that one case per year was investigated.

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<sup>38</sup> Official Gazette No. 208–216 of 15 July 2022. [https://www.legis.md/cautare/getResults?doc\\_id=132105&lang=ro](https://www.legis.md/cautare/getResults?doc_id=132105&lang=ro)

<sup>39</sup> List of environmental NGOs. <https://am.gov.md/ro/node/72>

-two replies indicated that they were unable to provide the requested information and stated that any similar request should be addressed to the General Prosecutor's Office of the Republic of Moldova.

However, the General Prosecutor's Office provided a general response stating that

*"The Automated Information System (AIS) "Prosecution: E-Dosar", managed by the General Prosecutor's Office, does not contain disaggregated information in the requested format. In addition, the Prosecutor General's Office has assessed the situation regarding environmental protection and the study conducted shows that most criminal cases in the category of environmental offences concern illegal logging of forest vegetation, poaching and illegal fishing. A detailed analysis is reflected in the activity reports of the Prosecutor's Office, which are publicly available at [www.procuratura.md](http://www.procuratura.md)".*

When analyzing these reports, we found that there is no clear record of environmental crimes, indicating a lack of systematic monitoring of such cases.

### **Survey of courts**

Out of a total of 25 national courts at different levels, only 15 responses were received.

Among them: one court of first instance refused to provide the information requested, arguing that such an obligation did not fall within its functional competence, and the Supreme Court gave a negative reply.

*Notably, the Supreme Court did not answer the questions posed, but recommended that the Superior Council of the Magistracy be asked to approve the courts' involvement in completing the questionnaire.*

*It is important to note that the Council is responsible for matters such as the careers, discipline and ethics of judges, the education and training of judges and court personnel, and the administration of courts, as well as other responsibilities related to the organisation and functioning of the judiciary. In this case, however, the transparency and willingness of the judicial institutions to provide relevant information is called into question.*

Analysis of the data from the responses received indicates a high number of pending cases, suggesting a crisis in the judicial system. This conclusion is further supported by data from the Environmental Strategy, which reveals a substantial discrepancy between the fines calculated and those actually paid.

For example, in 2023, the total amount calculated for fines was 1,629,287.8 MDL, while the amount actually paid was only 720,768.4 MDL.<sup>40</sup> This situation reflects serious problems in the enforcement and collection mechanisms of penalties, undermining the effectiveness of environmental protection measures and the credibility of the responsible institutions.

Legislative gaps are the cause of the inadequate implementation of the sanctioning mechanism in the field of environmental pollution, which fails to deter violations of environmental legislation. We believe that fines would be considerably higher if certain institutions properly regulated their mandates and applied the prescribed sanctions.

*In this regard, we can mention the letter sent to the Ministry of Environment by the International Association of River Keepers, 'Eco-TIRAS', in March 2025. This letter drew attention to the inadequate implementation of the Contravention Code in numerous cases of illegal trade in endangered or Red Book species.*

*This situation arises from para (3) of Article 114 of Contravention Code No. 218/2008, which states that contraventions relating to the transport or trade of fishery products or other aquatic organisms without the legally required documentation are the responsibility of the National Food Safety Agency. However, the EPI's powers are limited and do not extend to sanctioning the trade of valuable fish species. Pursuant to para (4) of Article 114 of the Contravention Code No. 218/2008, the Inspectorate may only sanction actions related to fishing*

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<sup>40</sup> Environmental Strategy for the years 2024–2030, p.14.  
[https://www.legis.md/cautare/getResults?doc\\_id=144295&lang=ro](https://www.legis.md/cautare/getResults?doc_id=144295&lang=ro)

or the destruction of valuable fish species, aquatic plants, or other representatives of aquatic fauna and flora.

*The fact that the EPI is not directly responsible for sanctioning the illegal trade of valuable fish species has a direct impact on the effective implementation of the legal framework, particularly the provisions of Law No. 149/2006 on the fishery fund, fishing, and aquaculture. While this law stipulates that the Inspectorate is responsible for controlling the application of its provisions, the institution cannot fully exercise its responsibilities in the absence of clear competences regarding sanctioning and recovering damages resulting from the illegal trade of fishery resources.*

*Consequently, damages to the fishery fund cannot be recovered effectively, and the environmental authority lacks the necessary legal instruments to intervene appropriately in such situations.*

### **Survey of Public Authorities**

Questionnaires were sent to 18 public institutions. We received replies from 13 of them, but we did not receive replies from authorities not directly involved in environmental protection, such as the Ministry of Health, the Ministry of Education and Research or the National Bureau of Statistics.

The Ministry of the Environment, the EA, and the State Hydrometeorological Service received the highest number of requests for access to environmental information. Worryingly, the Ministry of the Environment and the State Hydrometeorological Service reported no refused or contested requests, whereas the EA reported that between 5% and 8% of requests were refused.

We assume that there is no clear record of rejected or contested cases.

*For example, on January 15, 2025, the International Association of River Keepers "Eco-TIRAS" requested the State Hydrometeorological Service to provide, in electronic format (if such files are available in the SHS Data Fund), data on the daily discharge volume of the Dniester River (in m<sup>3</sup>/s) at the stations Soroca, Hrușca, Dubăsari, Grigoriopol, Bender, Olănești, as well as water temperature (Bender) for the period 2009-2019.*

*Instead of the requested information, Eco-TIRAS received only a payment invoice amounting to 39,163.98 MDL (approximately 2,027 EUR). This fee was calculated in accordance with the methodology introduced by Government Decision No. 494/2023, which approved the methodology for calculating fees for services provided, as well as the nomenclature and tariffs for fee-based services. In this case, however, the requested information had already been 'aggregated' into two files and was available from the State Hydrometeorological Service of the Republic of Moldova. The Eco-TIRAS organization notes that the same data was recently obtained from another institution upon request. This situation once again highlights the deficiencies of the regulatory framework, which permits data collected from publicly funded sources to be commercialized for the benefit of the institution itself, simulating efforts for its aggregation.*

*This document cannot be considered a response to the request, and evidently, this situation should be recorded among the rejected requests.*

### **Survey of LPAs**

Local public authorities were surveyed through the platform of the Congress of Local Public Authorities, which includes over 800 institutions at the local level. However, despite this significant number, only four responses were received, indicating an extremely low level of engagement. Furthermore, the number of requests reviewed regarding access to environmental information was negligible, reflecting a limited concern for transparency and the availability of such data at the local level.

Overall, respondents' right to participate in decision-making at the level of local public administration within the municipality is moderately guaranteed. One factor contributing to this is citizens' lack of interest in getting involved; a third of respondents acknowledged this regarding

themselves. However, there were also significant shortcomings in public administrations' willingness to involve citizens.

## **2.2 Access to information: description and analysis of the current state, evaluation of the compliance with AC**

The main document guiding environmental policy in the Republic of Moldova is the Environmental Strategy for 2014-2030, approved by GD No.209/2024. It includes a specific chapter on ensuring the human right to a clean environment, with clear priorities and indicators.

Among the priority actions under General Objective 1 - Development of a transparent, efficient, inclusive and sustainable environmental governance system in line with environmental protection requirements - is Priority Direction 1.8, which provides for:

- the creation of an electronic register of public environmental information, integrated and accessible on a single platform, developed and fully functional to ensure access to environmental information.

- the targets are to have 50% of the platform completed by 2026 and 100% operational by 2030.

The report, 'The System for Ensuring Compliance with Environmental Legislation in the Republic of Moldova'<sup>41</sup>, which was developed as part of the EU4Environment – European Union Action for the Environment project, noted improvements in access to information on the activities of key environmental protection institutions. However, statistical data indicate the need for continuous improvement in the quantity and quality of information published on the websites of the EPI and the EA.

According to this OECD study;

67% of respondents from the private sector and 65% of NGO representatives considered the information published on the website of the EPI to be insufficient or relatively insufficient.

73% of NGO respondents were positive about the information available on the EA's website. However, the private sector perceived the information on the EPI's website as poor.

A significant proportion of respondents from both the private sector (44%) and NGOs (46%) highlighted the need for greater transparency regarding the results of environmental inspections and identified this as an area for improvement.

In conclusion, the authors of the report recommend that Moldova introduce indicators to measure the usefulness of the information published on the websites of the EPI and the EA to ensure better alignment with the needs of end-users. In addition, an analysis of the level of detail provided in inspection reports is needed to determine whether it effectively meets users' needs.

There is a significant lack of official information on the environment, as well as data on the monitoring of compliance with environmental legislation. This problem is further highlighted by the lack of an updated State of the Environment Report.

The most recent report on the state of the environment on the EA's website covers the period 2015-2018, which does not provide a clear perspective on progress or shortcomings in ensuring environmental quality. Although the platform includes various thematic reports, such as the greenhouse gas emissions inventory report and reports submitted to the Secretariat of the Convention on Climate Change, as well as statistical yearbooks from the National Bureau of Statistics, these are not presented in an accessible, understandable format for the average user.

To ensure greater transparency and accessibility of information, it is necessary to update and consolidate the data into a comprehensive State of the Environment Report that reflects recent developments and is easily accessible to the public.

The ratification of the Aarhus Convention's Protocol on Pollutant Release and Transfer Registers (PRTR) in 2013 led to the creation of a national register. Although the Automated Information System 'Register of Pollutant Emissions and Transfers', approved by Government

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<sup>41</sup> The report, 'The System for Ensuring Compliance with Environmental Legislation in the Republic of Moldova'. <https://www.eu4environment.org/app/uploads/2022/03/Environmental-compliance-assurance-system-in-the-Republic-of-Moldova.pdf>

Decision No. 373/2018, has been created, it is not yet operational. Furthermore, the current version of the register created is ineffective as it has not been updated in accordance with the latest provisions introduced by Law 227/2022 on industrial emissions and the Law No. 74/2024 on climate action, which set out the process for monitoring greenhouse gas (GHG) emissions. Integrating the register with other information systems via the MConnect interoperability platform is planned to ensure more efficient management and improved data accessibility.

### ***Improve monitoring of environmental issues***

*The new EcoAlert application, developed by the NGO National Environmental Centre, is a remarkable example of cooperation between the EPI and civil society.*

*On 9 November 2021, the national platform Eco Alert ([www.ecoalert.md](http://www.ecoalert.md)) was launched, an electronic service that enables citizens to report environmental issues. It is designed to enable citizens to quickly inform the EPI of such issues in the Republic of Moldova. At the same time, many cases of notifying the authorities about emissions have received an inadequate response. This is because such emissions usually occur on Friday evenings and are not investigated until Monday, by which time the pollution can no longer be detected. Neither the EA nor the EPI has a hotline that operates 24/7 for an immediate response to emergency environmental law violations.*

### ***Analysis of Moldova's progress on MOP Decision VII/8n (Aarhus Convention)***

At the seventh meeting of the Parties to the Aarhus Convention in October 2021, Decision VII/8n was adopted concerning the Republic of Moldova's non-compliance with its obligations under Article 4, para. 8 and Article 3, para. 1 of the Convention.<sup>42</sup>

This decision followed a complaint filed by the NGO Eco-TIRAS regarding non-compliance with the provisions of the Convention, as detailed in the 2021 Shadow Report.

The Communications Committee (ACCC/C/2017/147) found that the Republic of Moldova had violated its obligations under the Convention. This was due to the country continuing to apply a fee system that did not comply with the requirement for any fee charged for providing information to not exceed a reasonable amount. The country was also found to have failed to establish and implement a clear, transparent and consistent structure for calculating these fees.

Decision VII/8n requires the adoption of the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent system of charges for providing hydrometeorological information on request, in accordance with Article 4(8) of the Convention. This includes defining the methodology for calculating fees, ensuring that all fees are reasonable and justified, and clearly defining general fees. (Section 2, lit. a, of Decision VII/8n). Additionally, relevant training must be provided to public officials responsible for processing requests for access to hydrometeorological information (Section 2, lit. b of the Decision).

Section 3 of the Decision sets out specific measures to ensure compliance with these obligations, including:

subsection a): Republic of Moldova was required to submit *an action plan* for the implementation of the provisions of the Decision by 1 July 2022.

subsection b): Republic of Moldova must submit detailed *progress reports* to the Committee on the implementation of the action plan and the implementation of the recommendations by 1 October 2023 and 1 October 2024. These reports must include information on the measures taken and the results achieved.

Section 3 also requires the submission of any additional information requested by the Committee and participation (in person or virtually) in Committee meetings.

### ***Update of factual situation***

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<sup>42</sup> 2023/09/MC-EnC on the failure by the Republic of Moldova to comply with the Energy Community Treaty in Case ECS-12/23. <https://www.energy-community.org/enc-lex/cases/registry/2023/case1223ML.html>

The *action plan* was submitted by the Republic of Moldova on 4 July 2022, with a slight delay. Subsequently, on 3 December 2022, the Secretariat informed the Republic of Moldova that, following the review of the plan, the Committee had concluded that it was only partially compliant.

On 15 December 2002, the Republic of Moldova submitted the revised Action Plan in accordance with the observations received by the Secretariat. This document contained the proposed actions and the deadlines for their implementation.

The Republic of Moldova submitted its first progress report late on 11 October 2023, to which it received a response from the Secretariat on 26 June 2024. In this response, the Secretariat noted that the requirements set out in para. 2 lit.a) and lit.b) of the Decision VII/8n had not been met and reiterated the obligation, in accordance with the Decision, to submit the final progress report by 1 October 2024.

Despite the report mentioning the adoption of Law No. 368/2023 on meteorological and hydrological activities in November 2023, the issue of ensuring free access to information without unreasonable costs has not been resolved. This is demonstrated by the case of the invoice received by Eco-TIRAS in response to a request submitted in January 2025, as detailed in subparagraph 2.1.2. These dangerous precedents, in which the public authority unilaterally decides which information is available free of charge and which is provided for a fee, continue to exist under the new law in force. This contravenes the principles of transparency and the guaranteed right of access to environmental information.

### *Conclusions*

It can be concluded that the finalized plan submitted by Republic of Moldova on 15 December 2022 is general and does not provide clarity on how the identified non-compliance will be addressed. The action plan appears to be disconnected from the specific case that led to this Decision VII/8N.

Without clearly identifying the causal link between the breach found in this case and the national provisions that facilitate such breaches, it will not be possible to prevent the recurrence of new breaches relating to access to environmental information. This issue is further evidenced by the failure to respond to a new request submitted by Eco-TIRAS on 15 January 2025, which the Secretariat was informed of on 10 February 2025<sup>43</sup>. The Secretariat has already confirmed that the request has been accepted for examination.

The final progress report submitted by Republic of Moldova once again highlights a complete lack of commitment to address the root cause that led to the adoption of the Decision VII/8n. Despite some significant efforts, the underlying issue that triggered the entire non-compliance process has not been addressed.

It is important to emphasize that the failure to resolve the identified non-compliance is largely due to a lack of transparency in the decision-making process. The report was not subject to public consultations, even within the working group established under the Ministry of Environment by the Order from June 13, 2022.

Furthermore, the right of access to environmental information continues to be restricted by national legislation, contrary to the spirit of Article 4 para. (1) of the Aarhus Convention, which guarantees the right to request and obtain environmental information from public authorities.

The newly adopted **Law No. 368/2023 on Meteorological and Hydrological Activity**, in Article 24 (2), explicitly states that only data included in the National Fund for Meteorological and Hydrological Data and personally selected information shall be provided free of charge. This provision implicitly establishes that any other request for information from public authorities is subject to a fee, thereby restricting free access to environmental information.

Furthermore, this provision contradicts Article 4(8) of the Aarhus Convention, which permits public authorities to charge a fee for providing information only in exceptional

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<sup>43</sup> Communication form ACCC/C/2017/147 of 10 February 2025. <https://unece.org/env/pp/cc/decision-vii8n-concerning-republic-of-moldova>

circumstances and provided that the fee is reasonable. However, as it is currently drafted, Law No. 368/2023 makes all requested information subject to a fee, providing free access only to pre-published and personally selected data.

### **2.3 Public participation: description and analysis of the current state**

One of the objectives of the Aarhus Convention is to ensure the public's right to participate in environmental decision-making, thereby contributing to the protection of everyone's right to live in an environment adequate for health and well-being.

Articles 6, 7 and 8 of the Aarhus Convention outline procedures for public participation in decision-making processes relating to specific activities, as well as the preparation of environmental plans, programmes and policies, and administrative regulations and/or legally binding normative instruments of general application.

Significant normative deficiencies and practical challenges are particularly evident in the implementation of the right to public participation in environmental decision-making.

Of the three levels of participation set out in the Aarhus Convention and the Regulation on Public Participation in the Preparation and Adoption of Environmental Decisions, as adopted by the Government of the Republic of Moldova in Decision No. 72 of 25 January 2000, achieving public participation in the legislative drafting process<sup>44</sup>, including laws, regulations, programmes, and other normative acts, has become increasingly difficult.

As a result, the effective implementation of the public participation mechanism provided for in Article 30(b) of the Law on Environmental Protection through the Regulation is hampered.

Thus, according to point 7 of the Regulation, public participation in the process of drafting laws, regulations, programmes and other normative acts shall be ensured by informing the public about the commencement of these activities by the central environmental authority, which shall bear all the related costs.

Public information may be provided through the mass media, as well as on an individual basis. The Central Environmental Authority (MoE) shall create the necessary conditions to enable the public to participate in these activities.

Participation shall be differentiated in accordance with the procedures set out in this Regulation and shall include Consultations at the national level to assess public opinion on the development of key documents of significant importance for the population of the country (laws, national programmes and other normative acts).

The Regulation contains no provisions for public participation in the drafting and adoption of legislative proposals by Parliament, when these proposals are initiated or authored by parliamentary groups, committees, or individual deputies.

*The disregard of the petition of the platform of environmental NGOs against the construction projects that are incompatible with the protected areas.*

*Certain deviations from existing legislation on public participation in environmental decision-making can be noted in the procedure for promoting the draft law amending certain normative acts (L 86/2023), a legislative initiative of the parliamentary majority party deputies. In particular, deviations can be noted in the drafting and adoption of normative acts (Article 8 of the Aarhus Convention). Specifically, the amendments concern Law No. 440-XIII of 27 April 1995 on protection zones and buffer strips of rivers and water basins, and Law No. 591 of 23 September 1999 on green areas in urban and rural areas (Article 20).*

*The legislative initiative launched by deputies proposes to amend two legal acts by introducing exceptions to Article 20(2) of Law No. 591/1999 on green areas in urban and rural localities.<sup>45</sup> The law prohibits the construction and/or placement of incompatible structures in*

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<sup>44</sup> Official Gazette No. 12–13 of 3 February 2000. [https://www.legis.md/cautare/getResults?doc\\_id=11496&lang=ro](https://www.legis.md/cautare/getResults?doc_id=11496&lang=ro)

<sup>45</sup> Draft law amending and supplementing Law No. 591/1999 regarding green spaces in urban and rural areas. <https://www.eap-csf.md/aviz-la-proiectul-de-lege-priind-modificarea-unor-acte-normative-legea-nr-591-1999-cu-privire-la-spatiile-verzi-ale-localitatilor-urbane-si-rurale-legea-nr-440-1995-cu-privire-la-zonele-si-fisiile/>



green areas, allowing only facilities for sports, games and recreation, socio-cultural purposes and mobile commercial units.

However, the draft law had sought to allow the construction and development of structures incompatible with the purpose of public green areas, including industrial and residential buildings and petrol stations, in recreational areas surrounding water basins of national importance.

This measure contradicts the stated purpose of the law, as allowing such construction in green areas poses a significant risk, increasing the likelihood of deterioration, pollution and destruction.

**The initiative, which was registered in Parliament on 20 March 2024, was approved at first reading on 30 March 2024, meaning that it was adopted in just 10 days.** Approval in a single reading is an exceptional practice, usually reserved for non-essential amendments that receive positive opinions.

Five opinions were received:

Two positives (from the Parliament's Committee on Agriculture and the Committee on National Security, Defence and Public Order),

Three with suggestions for amendments and further consultation (opinions from the National Anti-Corruption Centre (CNA), the Parliament's Legal Department and the Government).

Although the initiative amends two basic environmental laws, the Government's opinion was co-signed only by the Ministry of Infrastructure and Regional Development and the Ministry of Justice and not by the Ministry of the Environment.

Members of Working Group 3 of the National Platform of the Eastern Partnership Civil Society Forum submitted a negative opinion on the legislative initiative and called for additional consultations. However, the opinion signed by environmental NGOs was ignored.

This example clearly shows that the right to a healthy environment cannot be guaranteed or implemented effectively if the decision-making process is not transparent, the public is not informed about the initiation of the drafting process, sufficient time is not provided for consideration of the draft law/other normative act and the opinions of other authorities and interested parties (including environmental NGOs) are not sought, the participation procedure is not announced (including practical details of the consultation process) and the public's opinion on the draft law/other normative act is ignored without justification.

A recent example of non-compliance with the public consultation procedure is the agreement between the government of the Republic of Moldova and the cabinet of ministers of Ukraine on the implementation of the convention on environmental impact assessment in a transboundary context, signed in Odessa in August 2002<sup>46</sup>. Although this agreement was approved by a government decision, it was not subject to public consultation, despite this being a mandatory procedure.

The Promo-LEX association's report on the monitoring of parliamentary activity<sup>47</sup> highlighted that the absolute political control of the governing party, combined with the state of emergency declared in the Republic of Moldova since the beginning of the Russian aggression in Ukraine, has had a negative impact on consultative processes. Between 2021 and 2022, approximately 83% of the 602 total draft normative acts (including 414 draft laws) were not published on the Parliament's website within the legally mandated five-day period following their inclusion in the legislative process.

According to Article 12(2) of Law No. 239/2008 on transparency in the decision-making process, the minimum period of 10 working days starts from the date of publication of the notice on the initiation of the decision-making process or from the date of publication of the notice on the organization of public consultations.

In this respect, the report states that, of the 411 drafts examined, 137 (33%) were published less than the legally required time before the first reading vote.

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<sup>46</sup> <https://www.mediu.gov.md/ro/content/5012>

<sup>47</sup> Monitoring report of parliamentary activity. <https://promolex.md/en/report-monitoring-the-activity-of-the-parliament-of-the-11th-legislature-august-2023-july-2024/>

## 2.4 Access to justice: description and analysis of the current state

Moldova remains one of the top performers in the latest editions of Transparency International's Corruption Perceptions Index<sup>48</sup>, with an increase of 10 points between 2019 and 2024, jumping from 120th to 76th place in 2024.

The report states that although Moldova continues to improve its ranking, much remains to be done to ensure the integrity of elected officials. The report also highlights the influence of lobbying by various interest groups, stressing that “the country needs to better protect the policy-making process from undue influence”.

In previous Shadow Report, we highlighted the limited access to justice in environmental cases, which is due to the lengthy review periods and the high costs of gathering evidence for damage assessments. In an attempt to ensure the integrity of the judicial system, a preliminary screening process for judges was introduced. This led to a major judicial crisis in 2023, resulting in collective resignations. In the Supreme Court, for instance, 90% of judges left the system. This crisis further hindered access to justice in environmental cases.

In addition to the aforementioned obstacles, another impediment to access to justice in environmental cases has emerged. The new **Law No. 213/2023 on state fees**<sup>49</sup> introduces a court fee for filing claims. Although the amount is low (Eur 10), petitioners' lack of trust in the judicial system, the current crisis in the justice system and the perception that it is an additional payment mean that this fee could discourage the use of mechanisms to challenge actions that violate environmental rights.

It is important to note that, in accordance with point 1.1.7 of Annex 2, the law provides for exemption from the payment of state and court fees only in limited cases, particularly in actions seeking compensation for damage caused by environmental pollution or the irrational use of natural resources. Therefore, in cases of environmental rights violations, including those guaranteed by the Aarhus Convention, this exemption will not apply.

### *The prolonged examination of cases*

*In this context, we revisit the case of the residents of Sergiu Rădăuțeanu Street vs. Chișinău City Hall regarding the annulment of the Mayor's order, as described in the 2021 Shadow Report.*

*The lawsuit was filed in 2020, and the residents paid double the cost to expedite the expert evaluation, the results of which they did not receive until autumn 2024. The reason given by the State Judicial Expertise Centre for the delay was a lack of specialists, although the same experts carry out assessments for private companies in a much shorter time. The court has scheduled the first hearing for 24 April 2025.*

As mentioned in the previous report, environmental cases are free of charge under current legislation. However, free access does not guarantee the full resolution of submitted claims, as such litigation requires evidence to be gathered, which is costly.

### *A pending case against Moldova at the ECHR*

*On 16 May 2018, two citizens filed a lawsuit against the condominium owners' association, requesting that it be obliged to reduce the noise level generated by the boiler room.*

*In support of their claim, the plaintiffs argued that, according to the response of the Public Health Centre of Chișinău and the noise and vibration measurement report, the noise level in their apartment exceeded the permitted limit by 2 dBA, negatively affecting their living conditions and health. Although these circumstances had been identified three years earlier, the management of the condominium association had not taken any measures to remedy the situation.*

*One of the plaintiffs claimed that she had developed hearing problems as a result of the constant high noise levels, especially at night.*

*On 7 July 2021, the Court of Appeal upheld the plaintiffs' claim, recognizing the violation of their rights and ordering the condominium owners' association to reduce the noise level*

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<sup>48</sup> Corruption Perceptions Index. <https://www.transparency.org/en/cpi/2024>

<sup>49</sup> Official Gazette No. 306–309 of 11 August 2023.

[https://www.legis.md/cautare/getResults?doc\\_id=149713&lang=ro](https://www.legis.md/cautare/getResults?doc_id=149713&lang=ro)

generated by the boiler room. In addition, the court ordered partial compensation for material and moral damages, as well as reimbursement of legal costs.

The final decision did not come until 15 January 2025, when the Supreme Court of Justice (SCJ) dismissed the condominium association's appeal.

The case is currently pending before the European Court of Human Rights (ECHR), as the appellants claim that their right of access to justice has been violated and that the material and moral damages have not been fully compensated.

This case highlights the excessive length of the review process, given the 2018-2025 timeframe, which strongly discourages potential environmental rights defenders from pursuing legal action in national courts.

Although the court proceedings in the case below showed that the access-to-information legislation is effective, the incompetence and negligence of public authority employees in correctly applying its provisions leads to lengthy judicial processes that consume significant time and financial resources for both parties.

*The case of Vasilciuc v. EPI regarding the refusal to provide information*

On 15 June 2022, Vasile Vasilciuc submitted a request to the EPI in Chişinău for the release of information regarding an inspection carried out by environmental protection authorities on a privately owned plot of land. The request included a total of 19 documents. This included a copy of the report assessing damages amounting to 3,288,342 lei, which were allegedly caused to the public interest by the deforestation of vegetation on land located outside the built-up area of the Stăuceni commune in the Chişinău municipality.

According to information provided by Stăuceni Town Hall and the Moldsilva Agency, the claimant's land is not part of the state forest fund and is not classified as forest vegetation outside the forest fund. It is also not included in the forestry management plans prepared by the State Enterprise 'Chişinău Forestry Enterprise' and, at the time it was included in the commune's built-up area, it was classified as degraded land (marsh or pond) with no registered forest vegetation.

The EPI refused to provide the requested information, including copies of the documents, on the grounds that it constituted the secrecy of a criminal investigation. They referred to a criminal case initiated by the Chişinău Municipal Prosecutor's Office concerning the unauthorised deforestation of forest vegetation on the land in question and also stated that the request contained personal data.

Vasile Vasilciuc filed a prior complaint with the EPI's Dispute Resolution Council, disagreeing with the response. The Dispute Resolution Council is the body competent under point 17 of Government Decision No. 380/2018<sup>50</sup> to examine pre-litigation appeals submitted by persons subject to inspections. However, the reply was not issued by the Council, but by the EPI's Deputy Head. The reasons given for the refusal were different: the inspection had been initiated on 27 January 2022 against SRL 'Forestil' concerning the land in question; and the claimant did not have the status of a controlled person. This meant that the requested information could not be provided, and the Council could not examine the appeal.

Consequently, Vasile Vasilciuc took the matter to court, seeking an order to compel the EPI to provide the information. He argued that, as the holder of the data, the EPI bears the legal obligation to supply it. He claimed that the responses received were not properly reasoned, failed to demonstrate the necessity of the restriction and vaguely referred to the Law on Personal Data Protection. They also violated administrative procedure by:

- a) failing to state the reasons for the individual administrative act;
- b) omitting to indicate the available appeal procedures;
- c) failing to provide information on how the decision could be challenged.

Thus, the EPI violated the provisions of Articles 120(1) and 124 of the Administrative Code.

On 23 November 2023, the Chişinău Court, Râşcani, ruled in favour of Vasile Vasilciuc's action against the EPI regarding access to information and ordered the EPI to provide the

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<sup>50</sup> Official Gazette No. 133–141 of 27 April 2018.

*requested information. The EPI lodged an appeal, which was dismissed by the Chişinău Court of Appeal, on 12 February 2025, thereby upholding the initial decision.*

## **CONCLUSIONS AND RECOMMENDATIONS**

Accelerating reforms in the implementation of EU legislation is essential to strengthen the Republic of Moldova's EU membership aspiration.

In recent years, considerable progress has been made regarding the protection of human rights in the environmental field, particularly with regard to the legal framework, which is in line with EU legislation. However, ensuring the effective enforcement of human rights protection remains a major challenge and requires considerable efforts to strengthen the rule of law and reform the justice system.

The constitutional recognition and guarantee of the right to a healthy environment generate multiple implications, including: strengthening the obligations of public authorities to protect the environment; enhancing the protection of individual environmental rights; and providing a solid legal basis for holding those responsible accountable and granting compensation for environmental damage.

To ensure real progress in the European integration process, it is essential to strengthen the capacities of public authorities through adequate remuneration system and the implementation of effective good governance mechanisms. At the same time, the state must significantly improve the way it involves civil society in the decision-making process. Without substantial reforms in these two key areas, European integration will remain a slow process, marked by missed opportunities and structural limitations.

A major issue lies in the lack of a clear correlation between the actions planned in the Environmental Strategy for 2024-2030 and the actual challenges in this area. For example, the strategy does not provide for actions related to the pre-designation of sites to be included in the Natura 2000 network. Without continuous and transparent updating of the National Environmental Status Report, it remains uncertain to what extent the proposed measures will effectively contribute to improving the quality of the environment.

The preparation of the National State of the Environment Report in the Republic of Moldova by the EA is a mandatory legal requirement regulated by Article 29<sup>1</sup> (2) lit.(d) of Law No. 1515/1993 on Environmental Protection. Ensuring the regular publication of this report is essential for transparency, effective monitoring and decision-making based on concrete data.

We recommend developing and adopting an action plan to implement the Aarhus Convention. This plan, based on the Convention's clear mechanisms, will ensure equitable access to environmental information and support the establishment of inclusive, participatory, and transparent decision-making processes accessible to all citizens at every level of public administration. The plan will directly contribute to achieving General Objective 1 of the Environmental Strategy - developing a transparent, efficient, inclusive and sustainable environmental governance system. It will also ensure compliance with environmental protection requirements and provide clear direction through concrete implementation measures.

The main challenges addressed in the Action Plan include:

- aligning national legislation with EU standards to ensure compliance with international requirements and the effectiveness of regulatory mechanisms;
- identifying legislative gaps and shortcomings in the implementation of the Aarhus Convention, in order to improve transparency and access to environmental information;
- assessing institutional capacity and clear allocation of responsibilities to ensure an efficient distribution of tasks and coherent implementation of environmental legislation;
- identify deficiencies in database management and developing solutions to optimize and adapt electronic registers to support decision-making and compliance monitoring;
- addressing the lack of structured training for representatives of central and local authorities and other beneficiary groups, which limits the effective implementation of environmental policies;

- tackling curricular challenges in environmental education, including the need to update curricula and introduce specific modules on environmental protection and sustainability.

These challenges require concrete solutions and coordinated actions to ensure effective implementation of environmental policies and alignment with European standards.

In order to ensure compliance with the Decision VII/8n and to prevent the identification of a new infringement, it is recommended that a new Action Plan be developed as a matter of urgency, based on the issues identified in the case that led to the adoption of the decision. The implementation of the measures outlined in this plan must be agreed with the members of the new Working Group for the Implementation of the Aarhus Convention. This group was established by Ministerial Order No. 39 on 13 March 2025. The Order assigns this group, among other tasks, the development of an Action Plan for the 2025–2027 period regarding the implementation of the Convention. Unfortunately, no meetings of the group have taken place yet, and the end of the year is approaching.

This Plan should include:

- urgent amendments to Law No. 368/2023 on Meteorological and Hydrological Activities and Government Decision No. 494/2023 to address the identified gaps;

- planning of training sessions for representatives of the State Hydrometeorological Service, with clear identification of training topics and specific objectives;

- draft of an internal circular, approved by Ministerial Order, to regulate the correct application of national legislation in accordance with the provisions of the Aarhus Convention. The circular should take immediate applicable effect, aiming to remedy deficiencies in the enforcement of national legislation and to ensure the direct application of international norms until national legislation is amended, in accordance with Article 4(2) of the Constitution of the Republic of Moldova;

- consultation on the planned measures within this new Working Group, in order to ensure transparency and efficiency in the implementation process of the Aarhus Convention.

The implementation of these measures will contribute to prevent further findings of non-compliance and strengthen national mechanisms to ensure compliance with the provisions of the Aarhus Convention.

#### *Improvements to the legislative framework*

- In order to properly align national legislation with the provisions of the Regulation (EC) No 1367/2006 and Directive 2003/4/EC on public access to environmental information, it is recommended that the promotion of the Regulation on public access to information, justice and participation in environmental decision-making be withdrawn and that EU standards be transposed by law instead. This approach would help to avoid the shortcomings identified in the report.
- Optimizing the permitting process could be an effective way of promoting environmentally friendly practices and encouraging compliance with environmental standards. Although Law No. 227/2022 on industrial emissions was developed in line with European Union requirements, the current system for granting permits remains outdated, fragmented and inefficient. It requires the submission of separate applications for each environmental component. This fragmentation leads to excessive bureaucracy, slows down the compliance process and reduces the effectiveness of environmental protection regulations. Furthermore, implementation of the new law has stalled due to a lack of clear provisions regarding the permitting procedure. While the law allows for the development and adoption of secondary legislation to implement the permitting system, this approach is flawed and ineffective. According to national legislative drafting standards, administrative procedures, and restrictive measures, such as those relating to environmental permits, must be regulated by law, not by secondary normative acts. Therefore, urgent amendments to Law No. 227/2022 are imperative to ensure the effective implementation of the integrated environmental permitting system and to establish a clear mechanism for calculating permit issuance costs. This legislative intervention is essential to avoid discrepancies between the

legal framework and its practical application. Furthermore, these amendments are crucial in the context of the adoption of Directive (EU) 2024/1785 of 24 April 2024, which amends Directive 2010/75/EU on industrial emissions, as transposed into national law, and requires national legislation to be adapted to meet new European requirements.

- To ensure effective environmental protection and fair enforcement of environmental liability, it is necessary to update the legal framework, introduce a coherent system of sanctions and compensation based on the real costs of environmental damage, and strengthen monitoring and enforcement mechanisms.
- We emphasize the need to amend Law No. 107/2025 on environmental liability for the prevention and remediation of environmental damage, which transposes Directive 2004/35/EC, in order to introduce clear provisions for ensuring public access to information. In its current form, the legal act does not explicitly define which public authority is responsible for informing the public, the procedure to be followed, or the timeframe for providing information at the national level in cases where environmental damage has been identified. This lack of regulation undermines transparency in the decision-making process, the effective application of the 'polluter pays' principle and restricts the public's right to be informed.
- Law No. 1540/1998 on environmental pollution charges requires substantial amendment and reconceptualization. The current payment collection mechanism is outdated and some of its provisions do not align with the new air quality and industrial emissions regulations. This mechanism will not enable the effective implementation of the norms transposed from EU legislation.
- We propose amending point 1.1.7 of Annex No. 2 to Law No. 213/2023 on the state duty, to include exemptions from paying the state duty and court stamp duty for actions concerning the protection of environmental rights. Currently, these exemptions only apply to actions seeking compensation for environmental pollution or the irrational use of natural resources.
- Given the low level of implementation of the Aarhus Convention's principles by public authorities, we propose including explicit provisions in each piece of legislation that regulates matters with an environmental impact to ensure access to information and public participation in the decision-making process, as well as clearly allocating institutional responsibilities in this regard.
- The recommendation made in the 2021 Shadow Report on the implementation of Directive (EU) 2019/1024 on open data and the re-use of public sector information remains valid. The recently adopted Law No.109/2025 on open data and the reuse of public sector information has not yet been aligned with the Commission Implementing Regulation (EU) 2023/138 of 21 December 2022, which establishes the list of high-value datasets and the modalities for their publication and reuse.
- It is necessary to establish a verification mechanism for PRTR reports by independent verifiers accredited by a competent agency, in accordance with EU standards. This system will ensure comparison of reported information with data from permits, inspections reports and other official sources, thus guaranteeing the transparency, accuracy, and compliance of reported data.

## ABOUT US

Arnika – Citizens Support Centre (Czechia) Established in 1996, Citizens Support Centre has long experience promoting access to information, supporting public participation in decision-making, and enforcing environmental justice. Its experts assist various civil society organizations, municipalities, and individuals in solving cases related to industrial pollution, rivers and waters, landscape protection, urban planning and right to the local communities to live in healthy environment. Arnika works in international projects together with its partners in Central and

Eastern Europe, Caucasus, and several countries of Asia. Arnika is a member of the Association of environmental NGOs of Czechia – Green Circle, European Environmental Bureau, European ECO Forum, International Pollution Network, and International Rivers Network.

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Eco-TIRAS International Association of River Keepers (registered in Moldova) was established as an international non-profit nongovernmental association of registered NGOs from the Dniester River Basin (Moldova and Ukraine) in 1999, with a scope with the aim to unite efforts of NGOs for promotion of sustainable development and public participation in transboundary Dniester River basin. Currently it has 52 NGOs-members with about equal membership from Moldova, its Transnistrian region, and Ukraine. The main goal is the support of the integrated river basin management, involvement of all stakeholders to environmental decision-making, and promotion of transboundary cooperation. Eco-TIRAS was the main lobbyist of the Dniester River basin treaty (Rome, 2012), and now presented in the Dniester River commission and its working groups. It is also from the beginning involved in promotion of the Aarhus Convention and initiated two cases dealing with access to environmental information in the Compliance Committee (ACCC30/2008 and ACCC147/2017). Eco-TIRAS is a member of the European ECO Forum, European Environmental Bureau, INBO, EaP Civil Society Forum, and represented in National Biological Safety Commission.

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