

**Format for the Aarhus Convention implementation report
in line with Decision IV / 4
ECE/MP.PP/2011/2/Add.1)**

**The following report is submitted on behalf of REPUBLIC of
MOLDOVA
in accordance with decisions I/8, II/10 and IV/4.**

Name of the person responsible for
submitting the national report:

Dumitru GORELCO

Signature:

Date:

IMPLEMENTATION REPORT

Please provide details on the origin of this Report

Party: REPUBLIC OF MOLDOVA

National Focal Point:

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I. The process by which the Report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

In the context of commencement of the VIth cycle of reporting, by the parties, the provisions of the Convention regarding the access to information, justice and public participation in the adoption of environmental decisions, the elaboration process was carried out at the initiative of the Ministry in several stages, as follows:

starting with the notice published on the official web-site of the Ministry, by which it was launched the invitation of the central public administration authorities and their structural subdivisions, local public administration authorities, scientific and research institutions, business sector and non-governmental organizations to provide the information available related to observance of commitments related to the provision of access to public information, including international, regional and non-governmental organizations engaged in programs that provide support in the implementation of Convention, to provide data on the activities carried out and the results obtained;

transmission of official actions to the aforementioned entities, after the publication of the notice, through which the questionnaire (Report format) was detailed and simplified for the purpose of obtaining concrete and as comprehensive as possible information on compliance with commitments related to provision of access to public information, justice and participation of the public in the adoption of environmental related decisions;

make a synthesis of information obtained and elaborate the first draft of the Report (in Romanian), including publication on the official website of the Ministry, for obtaining comments from the interested public;

analysis of the comments obtained and finalization of the Report and publish it repeatedly, including in the version translated into English.

II. Particular circumstances relevant for understanding of the Report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

By Parliament Decision, the Republic of Moldova has ratified the Aarhus Convention for

ratifying the Convention on access to information, justice and participation of the public in environmental related decisions no.346-XIV as of 07.04.1999.

Under art. 8 para. (1) of the Constitution the Republic of Moldova commits to observe the Charter of the United Nations and the treaties to which it is a party. The citizens of the Republic of Moldova benefit from the rights and freedoms enshrined in the Constitution and other laws and have the obligations provided for by them. The provisions of the Convention facilitate the ensurance of the right of persons to have access to any information of public interest, thus the public authorities, under their competences, are obliged to ensure the proper briefing of citizens regarding the public affairs and matters of personal interest.

Ensurance of access to information is regulated by a number of normative acts:

Law no. 982 as of 11-05-2000 on access to information that establishes the principles of state policy in the field of access to official information;

Government decision no. 1467 as of 30-12-2016 on approval of the Regulation regarding the access of the public to environmental information. This Regulation transposes the Directive 2003/4/EC of the European Parliament and of the Council as of 28 January 2003 on public access to environmental information and repealing of Directive 90/313 / EEC of the Council published in the Official Journal of the European Union (OJ) no. L 41 as of 14 February 2000. At the same time, this Regulation ensures the right of access to environmental information held by public authorities or for public authorities and establishes the conditions, basic terms and modalities of exercising this right;

Law no. 239-XVI as of November 13, 2008 on transparency in the decision-making process, which lays down the rules applicable for ensuring transparency in the decision-making process within local and central public administration authorities, other public authorities, and to regulate their relations with the citizens, with associations established according to the law, with other stakeholders for participating in the decision-making process;

Government Decision no. 967 as of 09.08.2016 on the mechanism of public consultation with civil society in the decision-making process, establishes the procedures and ensurance of transparency in the process of drafting and adopting decisions;

Environmental strategy approved by Government Decision no. 301 as of 24.04.2014 for guaranteeing to the population of the Republic of Moldova the right to an unpolluted and healthy sustainable environment, in harmony with economic development and social well-being.

Law no. 99 as of 26.04.2013 for the ratification of the Protocol on emissions registries and transfer of pollutants to the Convention on Access to information, justice and public participation in the adoption environmental decisions;

Law no. 86 of 29-05-2014 on environmental impact assessment transposes partially the Directive 2011/92/EU of the European Parliament and of the Council as of 13 December 2011 on the assessment of effects of certain public and private projects on the environment (codified text), published in the Official Journal of the European Union no. L 26 as of 1st of January 2012, and establishes the legal framework of operation of

the mechanism assessing the impact on the environment of certain public and private projects or of certain types of activities planned, for ensuring the prevention or minimisation, at early stages, of the negative impact on the environment and health of the population;

Law no. 11 as of 02.03.2017 on strategic environmental assessment which establishes the legal framework on conducting the strategic environmental assessment, for ensuring a high level of protection of the environment, prevention or mitigation of negative effects of certain plans and programmes on the environment, including on the health of population.

Law no. 160 as of 22-07-2011 on the regulating the authorization of entrepreneurial activity.

The access to justice is ensured by the Administrative Code of the Republic of Moldova no. 116 as of 19.07.2018 which determines the legal status of participants in administrative relations, powers of administrative public authorities and of competent courts for examining administrative litigation disputes, rights and obligations of participants in the administrative and administrative litigation procedure.

Civil Procedure Code no. 225 as of 30.05.2003-Civil procedural legislation establishes the method of adjudicating the cases in civil actions arising from civil, family, labour, housing, land, environmental and other legal relations, cases with special procedure and with order procedure (simplified), as well as those arising in connection with the execution of acts of courts and of other authorities.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8.

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

(a) with respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;

Answer:

One of the basic functions of the Environment Agency (EA) is to monitor the quality of environmental factors for providing the natural and legal persons the information related to the quality of the environment, but also creation and administration of Cadastre and special registers, administration of information and data systems for its fields of activity and ensuring public access to environmental information. For this purpose, within the EA there were created subdivisions such as the Environmental Integration Information Management Division, Environmental Information, Education and Environmental Awareness Service and the Information and Communication with Media Service, it was appointed a person responsible for the access to information of public interest within EA. The Inspectorate for the Protection of Environment (IPE) manages the electronic platform of reporting environmental incidents - "Ecoalert",

available to the public, through which the citizens report environmental problems to IPE, with the possibility of following online the stage of problem settlement and receive notifications about the solution. Regarding the involvement of the public in the elaboration and adoption of decisions in the statistical field, the National Bureau of Statistics (NBS) has developed the "Regulation on the procedures of consultation with civil society in the decision-making process" which describes the internal rules of NBS. Within the General Prosecutor's Office (GPO) the Section Investigating Environmental Frauds and those of Public Interests was created; its purpose is to unify the practice of exercising and conducting criminal prosecution in the cases related to the protection of public interests and environment. PG also pays attention to the examination of requests related to environmental issues, here number of petitions is constantly increasing: 2017 - 52 calls, 2018 - 65 calls, 2019 - 75 calls, 2020 – 137 calls.

The exchange of information with environmental protection bodies, local public administration and Society of Hunters and Fishermen of Moldova within MIA is ensured by the GPI of MIA, based on the Mutual Collaboration Agreement on strengthening the capacities and common commitments of prevention and fight against crimes affecting the forest fund and the animal kingdom, as well as on the basis of the Plan regarding the joint efforts of detecting and combatting crimes that affect the forest fund and the animal kingdom, as well as other negative phenomena in the field of reference, carried out at meetings, conferences, seminars, round-table discussions, working groups, etc.

As a public authority responsible for the training of candidates for the positions of judge and prosecutor, judges and prosecutors in office, as well as other specialists in the legal field, the National Institute of Justice (NIJ) includes regularly in the training plans activities which are related to environmental issues.

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In order to ensure transparency in the decision-making process and facilitation of access, for all stakeholders, to the information regarding the process of development and decision-making, the information regarding the draft of normative legal acts initiated, developed and subjected to public consultation is published systematically on the official websites of the relevant ministries, agencies, inspectorates and other public authorities to the section dedicated to the decision-making transparency, for consultation.

(b) With respect to paragraph 3, measures taken to promote education and environmental awareness.

Answer:

In order to promote policies on ecological education at the level of national system in the general education, the Ministry of Education and Research (MER) has undertaken the following actions:

#development of ecological education in educational institutions of the Republic of Moldova, oriented in three directions: during compulsory classes, optional classes and in extracurricular activities;

promotion of the optional class Ecological Education at all stages of general education in the list of optional classes from the educational offer of the Framework Plan for primary, secondary and high school education;

approval of the curriculum for the optional class, grades I-XII;

The MER in collaboration with the Ministry of Environment (ME) develops/disseminates, and places on the page informational materials meant to inform, raise awareness and environmentally educate the population, organizes eco-development classes for the younger generation for having a proper attitude to the rational use of natural resources, improvement of environment, conservation of biodiversity for future generations, promotion of alternative and energy sources; organization of Republican Ecology Olympiads and support participation of students at the International Olympiad on Ecology, fill in the public funds of libraries, schools, universities with books popularizing the science, oriented to raise environmental awareness and educate the younger generation.

To promote environmental training/education and raise the level of awareness/information of the public in environmental issues the Ministry of Environment and subordinated institutions have undertaken a number of measures and actions, such as:

Development and approval of Communication Strategy of Environmental Information for the years 2020-2022, by Order No. 65 as of 30.12.2019.

Assignment of the person responsible for access to information of public interest within the Environment Agency, by Order No. 28 as of 14 July 2020.

Elaboration of the list of information of public interest.

Approval and implementation of the Scheme of dissemination of information on the quality of environmental factors.

Elaboration and implementation of the Plan of activities on education and environmental awareness of the population.

On the web page of EA were published:

- daily newsletters on atmospheric air quality;

- monthly newsletters on Environmental Quality on the territory of the Republic of Moldova;

- information on the procedures of issuing permissive acts and lists of permissive acts issued by the Environment Agency, which shall be continuously updated;

- other environmental information for the purpose of education and environmental awareness of citizens.

For increasing the level of awareness of the population regarding the influence of

environmental factors on health, the Ministry of Health (MS) jointly with the National Agency for Public Health (ANSP) organize annually activities of raising awareness and public information, society mobilization, in the form of different health oriented events. The process of informing and educating the public consists in:

- elaboration and editing of information materials;*
- training of various actors in environmental risk communication issues: LPA, media, NGOs, etc.*
- publication of various reports regarding the quality of environmental factors (air, water, soil);*
- hygienic education of pupils in educational institutions;*
- Organization of actions in the community with the involvement of the population (sanitation of the territory, planting trees, drawing competitions, etc.).*

With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

Answer:

The Constitution of the Republic of Moldova guarantees the following:

To art. 34- Right to information. Thus,

(1) the right of the person to have access to any information of public interest shall not be restricted.

(2) public authorities, according to their powers, are obliged to ensure that citizens are properly informed about public affairs and matters of personal interest.

Law no. 982 as of 11-05-2000 on access to information establishes to art. 4. Principles of state policy in the field of access to official information, thus, anyone, under the conditions of this law, has the right to seek, receive and make known official information.

According to the provisions of the Regulation on public access to Environmental Information, approved by GD no. 1467 as of 30.12.2016, "Environmental Information is progressively disseminated and, in particular, used in Information Technology and electronic communications".

The GD no. 967 as of 09-08-2016 on the mechanism of public consultation with civil society in the decision-making process provides that "The public authority shall ensure access to the draft of the decisions and related materials by publishing them on a mandatory basis on the official website of the public authority, as well as on the web page www.particip.gov.md".

At the same time, the Superior Council of Magistracy (SCM) and the courts collaborate permanently with civil society and the media for the purpose of informing the public about the activity of the judicial system, constantly updating the information on their official websites, by publishing important Decisions and announcements. The communication, public relations and media Service is always available to the litigants through the prism of legal competences.

Within the SCM, there were created several working groups on various areas (issues)

within the judicial system, in which both judges and representatives of civil society and other national legal institutions take part.

In 2019 the National Institute of Justice organized a summer school "Strengthening the capacities of Environmental Journalists" with trainers of NIJ and representatives of the national legal system. During the event several topics in the field of environmental justice were addressed, in particular the delimitation of ecological crimes from misdemeanours, the methodological peculiarities on the investigation of ecological crimes, sampling procedures.

At the same time, the trainers emphasized the jurisprudence of the International Court of Justice and the European Court of Human Rights, the provisions of the Aarhus Convention, as well as the analysis of legal amendments in the field of Environmental Protection, carried out in the context of Association Agreement Republic of Moldova - European Union implementation. The theoretical nature of the summer school is alternated with the practical one and provided the opportunity for participants to analyse and interpret various case studies, including simulation of a trial based on a case.

In 2020, there were conducted 9 seminars where 176 NIJ beneficiaries were trained. They referred to the practical applicability and legal effects of the environmental assessment, particularities of dispute examination, Environmental Authorisation System, application of the national legal framework in the field etc..

For engaging the public in the decision-making process, within the State Hydro Meteorological Service (SHS), the Strategic Council was created. It is composed of representatives of non-governmental organizations from the field of Environmental Protection, educational institutions, academic and environmental administrative authorities.

d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally; including:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

Answer:

During the reference period, the employees of MIA subdivisions were informed about the implementation of the Convention on access to information, justice and participation of the public in environmental-related decisions.

At the same time, during the reporting period, at the international level, 3 training activities were organized, where 4 police employees were trained, as follows:

- 13-19.01.2019-training course with the generic "Criminal prosecution of environmental crimes", organized in Budapest, Hungary, within the International Law Enforcement Academy (ILEA), with the support of the US Embassy in Chisinau (2 employees);

- 14.09.-07.12.2019 - training program on "Adapting the methods used in traditional forensics to a nuclear forensics environment", organized in the Federal Republic of Germany, (1 employee);
- 12-23.04. 2021-training course with the generic "Crimes against the environment", conducted in online format, by the National Advanced Center for the Prevention of organized crime in Caserta, Italy (1 employee).
Also, 2 international events were organized, which were attended by 2 police employees, as follows:
- 03-06.04.2017 - Regional Conference on environmental harm reduction, organized by the Eurasian Harm Reduction Network (EHRN), Vilnius, Lithuania (1 employee);
- 04-06. 04. 2017-the 7th Meeting of the operational group on crimes related to the environment and nature, an event organized by the Southeast European Law Enforcement Center (SELEC), Bucharest, Romania (1 employee).

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

Answer:

Access to national level information on international forums and reports regarding participation are submitted to the leadership of the delegating authorities and the reports/results of participation are published on the web page and Facebook page after each event. The employees, based on the instructions regarding the management of business trips abroad, according to the areas of competence, participate at the international/national events, resulting from the invitations / messages received.

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

Answer:

On May 23, 2019 the National Round Table was organised. Its purpose was to identify concrete measures necessary to be implemented by the Republic of Moldova for improving the process of sharing and dissemination of environmental information both at national and regional levels, thus respecting the provisions of the Aarhus Convention. The participants and invitees of the event were a number of members of non-governmental organizations.

During the event there were presented the key initiatives and good practices applied in the country and in the EU, there were also shown up and consulted publicly the National Report on the state of evolution of open data related to the environment and

the roadmap for improving the process of sharing and interoperability of environmental data through initiatives and existing E - governance services

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

Answer:

In order to facilitate the access of persons to hydro meteorological information, since 2020 the procedures of requesting and providing information have been transferred virtually, so that physical presence at the SHS headquarters is no longer mandatory for obtaining the requested information.

Within the NBS, one of the most important tools for disseminating information is the database. With the help of this tool there can be created own selections and saved in different file formats; of major importance is the information about statistical data presented in the sub-heading "Reference metadata", created in accordance with European standards. A significant section with statistical data is the Special Data Dissemination Standard (SDDS) and the national summary data page (NSDP).

(e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Answer:

According to art. 34, para. 5 of the Constitution of the Republic of Moldova the public media shall not be subject to censorship. The authorities are obliged to ensure that public opinion is properly informed. Thus, the access to public information is ensured unhindered, being inadmissible penalization, persecution, harassment or any form of limitation of access to public information.

At the same time, in the process of information dissemination, the access to personal information is given with the provisions of Law No. 133/2011 on the protection of personal data.

In accordance with the provisions of the administrative Code, in case the provision of information is not within the competence of the authority, or the institution does not have the required information, the applicant will be informed about it within 5 working days, indicating the public authority or the institution which holds that information. The statistical information developed in addition to the PLS provisions, at the order of the users is provided against payment in accordance with the Decision of the Government of the Republic of Moldova no. 1403 as of 30 December 2005 On the approval of the nomenclature and tariffs of paid services and the Regulation on the way of formation and use of special means arising from the provision of paid services by the NBS and its territorial subdivisions. The rates for paid services are established

on non-profit principles, ensuring coverage of expenses related to the collection, processing, systematization of statistical information and other unfunded costs from the state budget. For the provision of information services according to the requests of beneficiaries, the cost of services is determined according to the time expenses necessary for the realization of the works.

For making more efficient the process of informing the population and control of public authorities and public institutions' activities carried out by the citizens, the information and required documents are made available to the applicant as soon as it is available to be delivered, but no later than 15 business days from the date of registration of the request of getting access to information.

IV. Obstacles encountered in the implementation of article 3

Obstacles:

- turnover of employees responsible for informing the public about the state of the environment;*
- insufficient financial resources for the modernization and maintenance of the website according to the new requirements in the field of information technologies;*
- insufficient capacity of ensuring with technical equipment that would process environmental information (scanners, PC, drones, cameras, etc.)*
- insufficient staff with legal background in environmental field;*
- lack of financial resources in the case of art. 3, paragraph 3.*

V. Further information on the practical application of the general provisions of article 3 of the Convention

Provide further information on the practical application of the general provisions of article 3.

Answer:

Implementation of general provisions is ensured by the application of the following normative acts:

Law on Environmental Protection no. 1515 as of 16.06.1993;

Law no. 982 as of 11-05-2000 on access to information;

Government Decision no. 1467 as of 30.12.2016 for approval of Regulation on public access to environmental information;

Law no. 99 as of 26.04.2013 for the ratification of the Protocol on the registries of emissions and transfer of pollutants to the Convention on access to information, justice and participation of the public at the adoption of environmental decisions;

Law no. 239 as of 13.11.2008 on transparency in the decision-making process;

Law no. 86 as of 29-05-2014 on the environmental impact assessment.

Law no. 11 as of 02.03.2017 on strategic environmental assessment;

Law no. 160 as of 22-07-2011 on regulation of authorization of entrepreneurial activity.

Law no. 86 as of 29-05-2014 on environmental impact assessment that transposes partially the Directive 2011/92 / EU of the European Parliament and of the Council as of 13 December 2011 on assessment of effects of certain public and private projects on the environment (codified text), published in the Official Journal of the European Union no. L 26 as of 1 January 2012 and establishes the legal framework of functioning of the mechanism of environmental impact assessment of certain public and private projects or of some types of activities planned for ensuring the prevention, or minimisation, at early stages, of the negative impact on the environment and health of the population;

Law no. 11 as of 02.03.2017 on strategic environmental assessment which establishes the legal framework on conducting the strategic environmental assessment, for ensuring a high level of protection of the environment, prevention or mitigation of negative effects of certain plans and programmes on the environment, including on the health of population.

The access to justice is ensured by the Administrative Code of the Republic of Moldova no. 116 as of 19.07.2018;

The Environmental Agency initiated the elaboration of the draft Government Decision on the approval of the Regulation on the management of environmental data, for the practical implementation of the general provisions of Article 3 of the Convention

VI. Website addresses relevant to the implementation of article 3

Answer:

www.meteo.md

moldstat@statistica.gov.md

www.statistica.md

www.mecc.gov.md

www.msmps.gov.md

www.ansp.md

www.ipm.gov.md

www.am.gov.md

www.competition.md

www.procuratura.md

www.agrm.gov.md

www.mai.gov.md www.politia.md

www.inj.md

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4.

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

The Aarhus Convention became part of national legislation following ratification by Parliament Decision no.346-XIV as of 07.04.1999 for the ratification of the Convention on access to information, justice and public participation in adoption of decisions in the field of environment. Thus, according the provisions of the Regulation on public access to Environmental information, approved by Government Decision No. 1467 as of 30.12.2016 the right of access to information on the Environment held by or for public authorities is ensured and it established the conditions, basic terms and modalities of exercising this right. It transposes the terms "information held by a public authority, environmental information, public, applicant". It also stipulated that environmental protection authorities guarantee access to information, public participation in decision-making process and access to justice in environmental matters in accordance with the Aarhus Convention.

The requirement of non-discrimination was included in point 3 by the definition of the term "applicant" (irrespective of citizenship, nationality or domicile)," any applicant " in point 6, 32 of GD1467/2016.

This Regulation sets out what the environmental information, made available to the public, includes, the mechanism and terms for meeting the request for environmental information, the public authority holding the single electronic register on environmental information and the mechanism for disseminating environmental information.

Government Decision no. 1467 as of 30.12.2016 is the normative act complementary to the Law No. 982 as of 11.05.2000 on access to information that establishes the principles of state policy in the field of access to official information and has as objectives:

- a) creation of the general regulatory framework for access to official information;*
- b) make more efficient the process of informing the population and the control carried out by citizens on the activity of public authorities and public institutions;*
- C) stimulate the formation of opinions and active participation of the population in the decision-making process in a democratic spirit.*

Also, and in particular, describe:

(a) With respect to paragraph 1, measures taken to ensure that:

(i) Any person may have access to information without having to state an interest;

Point 6 of the Regulation on public access to environmental information stipulates that " public authorities are obliged to make available to any applicant, upon their request, the environmental information held by them or on their behalf, without

justifying the purpose for which this information was requested”.

According to the provisions of art. 12 of Law No. 982 as of 11.05.2000 on access to information, for an applicant to receive an answer to his request, it must contain:

- a) sufficient and conclusive details for identifying the requested information (a part or parts thereof);*
- b) the acceptable method of receiving the requested information;*
- c) data identifying the applicant*

At the same time, according to point 5 of the Regulation, the "environmental information will be made public, including on the official website of the central administrative authorities and on the governmental open data portal www.date.gov.md. In case this is not found on the Web page or portal, the requests for information on the environment and the provision of answers are made through the specialized information and public relations subdivisions of the public authorities”.

(ii) Copies of the actual documentation containing or comprising the requested information are supplied;

According to art. 13, para. (2) of Law No. 982/2000,, The extracts from registers, documents, information (some parts thereof), in accordance with the request of the applicant, may be made available to therein person, in a reasonable and acceptable form for him/her, in order to be:

- a) examined at the premises of the institution;*
- (b) typed, photocopied or otherwise copied to ensure the integrity of the original version;*
- c) entries on an electronic carrier, printed on videotapes, audio, other carrier resulting from technical progress.*

(iii) The information is supplied in the form requested;

Art. 12, para. (4) of Law No. 982/2000 provides that "the request may be submitted orally in cases where a positive response is possible, with the immediate satisfaction of the request to provide the information. In case the provider intends to refuse access to the requested information, he will inform the applicant about it and the possibility of submitting a written request”. Art. 15 of the same Law establishes that "Written requests regarding access to information will be registered in accordance with the legislation on registers and petitioning. Those requests will be reviewed and satisfied by the public officials responsible for providing the information. The decisions, taken in accordance with this law, will be communicated to the applicant in a way that would guarantee their reception and awareness. Within the framework of meeting the request of access to information, providers will take all necessary measures to non-disclosure of information with limited access, to protect

the integrity of the information and to exclude unsanctioned access to it”.

(b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;

Point 7 of the Regulation on public access to environmental information establishes that "Environmental Information available at the institution shall be made available to the applicant from the moment it is available, but not later than 15 business days from the date of registration of the request for access to information. In case the volume and complexity of the requested information is so large that 15 working days period referred to in point 7 cannot be respected, the environmental information shall be made available to the applicant within 20 working days from the date of receipt of the request by the public authority. In such cases, the applicant shall be informed, as soon as possible and not later than 5 days before the expiry of the original deadline, about the extension of the reply deadline and the reasons for this extension."

According to the provisions of Article 33 of the Administrative Code of the Republic of Moldova no. 116 as of 19.07.2018, inter-institutional communication and communication with participants or the public within the administrative procedure is done by any means (verbal, mail, telephone, fax, electronic mail, etc.), giving priority to the means that ensure greater efficiency, speed and cost savings.

At the same time, it was emphasized that, in accordance with the provisions of points 43 and 44 of the Regulation on public access to environmental information, approved by Government Decision No. 1467/2016, the access to public registers and lists drawn up and maintained, to information held in electronic format and consultation on the spot of the requested information are free of charge.

In case where for certain pieces of information considered to be environmental tariffs are applied, the public authorities shall make available to applicants a scale of those tariffs.

(c) With respect to paragraphs 3 and 4, measures taken to:

(i) Provide for exemptions from requests;

The legal framework for these exemptions from the obligation to provide information of public interest is established by Law no. 982/2000 on access to information and GD no. 1467/2016 on the approval of the Regulation on public access to environmental information,

Art. 19 of Law No. 982/2000 provided that the "Refusal to provide a piece of information, an official document shall be made in writing, specifying the date of the refusal and the name of the person in charge, the reason for the refusal, with the mandatory reference to the legislative act (title, number, date of adoption, source of official publication), the refusal is based on as well as the procedure of appeal of refusal, including the statute of limitations. The information providers may not be

obliged to provide evidence on the absence of undocumented information.

(ii) Ensure that the public interest test at the end of paragraph 4 is applied;

Point 24 of the Regulation on public access to environmental information provides that,, public authorities may refuse a request for environmental information, if:

a) the requested information is not held by or for the public authority to which the request was submitted. In such case, if the public authority is aware that the information is held by or for another public authority, it shall forward the request to that authority as soon as possible, but not later than 3 working days from the date of receipt of the request, and inform the applicant thereof;

b) the application is obviously unsolvable;

(c) the application was formulated in a too general manner, taking into account the provisions of point 9;

d) the application provides for materials in progress or documents or unfinished data;

e) the application provides for internal communication of institution's collaborators, taking into account the satisfaction of the public interest by providing information;

f) the application provides for information attributed to state secrecy.

At the same time, art. 21 of Law 982/2000 established that:

Para. (1) the Person who considers that one of its rights or legitimate interests were injured by the information provider may appeal its actions both extra judicially and directly at the competent administrative court.

Para. (2) the Person may also apply for the defense of its legitimate rights and interests to the Ombudsman.

Para. (3) the Person who considers that one of its rights or legitimate interests were injured, may challenge any action or inaction of the person responsible for receiving and examining applications of access to information, but in particular with regard to:

a) unjustified refusal to accept and register the request;

b) refusal to provide free and unconditional access to the public records held by the

information provider;

c) violation of terms and procedures of responding to an information-access request;

d) failure to provide adequately, or not providing at all the requested information;

e) groundless refusal to provide the requested information;

f) groundless classification of information as state secret, trade secret or as other official information with limited access;

g) unjustified declaration of some information secret;

h) the establishment of a fee and its amount for the provided information;

I) causing of material and/or moral damages through the illegal actions of the information provider

Para. (4) In resolving the disputes regarding access to information, the competent bodies will take measures to protect the rights of all persons whose interests can be achieved through the disclosure of information, including ensuring their participation in the process as a third party

Para. (5) During the examination of disputes the court shall take all reasonable and sufficient precautionary measures, including the convening of closed meetings, in order to avoid disclosure of information, the limited access of which may be justified“.

To art.19 of Law no. 86 as of 29-05-2014 on environmental impact assessment it was established that „for assessing the impact of the planned activity on the environment at national level, the initiator shall draw up the Program for carrying out the environmental impact assessment, that follows to be coordinated with the competent authority. At the same time, the initiator shall inform the public and offer it and the interested public authorities the possibility to submit written comments on the programme. The initiator shall publish, at least in a national newspaper and a local one, brief information about the planned activity, indicating its official website and/or another address to which the application and the draft of the environmental impact assessment Programme can be accessed, as well as the deadlines for submitting the comments. The comments shall be presented to the initiator, and the copy of the comments – to the competent authority. For coordination, the initiator shall submit to the competent authority the draft of the

environmental impact assessment Programme, together with the materials attesting to the public information (copy of the publication, notice). The competent authority shall examine the programme within 30 days of receipt and deliver an opinion. The programme shall be deemed to be coordinated if the competent authority has delivered a positive opinion. In case of a negative opinion, the draft programme shall be returned to the initiator for finalisation. After finalisation, the programme may be delivered to the competent authority for review."

(d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

In case the public authority to which the application was addressed does not hold the requested information, it shall forward the request to another authority, pursuant to art. 74 Administrative Code. In this sense the art. 17 of Law no. 982/2000 established that,, the request for the provision of information may be re-addressed to another supplier and to inform the applicant, on a mandatory basis, within 3 working days from the moment of receipt of the request and with the consent of the applicant, in the following cases:

- a) the referred supplier does not hold the information requested;*
- b) the requested information held by another supplier would satisfy more fully the applicant's interest in the information.*

VII. Obstacles encountered in the implementation of article 4

Describe any obstacles encountered in the implementation of any of the paragraphs of article 4

Answer:

- Lack of national regulations on charges that may be applied, situations where the charges may be waived, as well as the situations where the provision of information is conditioned by the payment in advance;*
- The obstacles encountered in some cases relate to the confidentiality of personal data.*

IX. Further information on the practical application of the provisions of article 4

Provide further information on the practical application of the provisions on access to information in article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?

Answer:

The information of public interest, relevant to the activity, is published on the official and Facebook pages (if any) of public authorities.

Each authority shall have a public relations department which shall ensure communication and information to the general public.

The access to environmental information within EA is ensured through:

1. the official website and the Facebook page of the EA, where the environmental information

of public interest is published daily;

2. replies to the request for environmental information in written form, by e-mail,

Facebook page; <http://mediu.gov.md/>

3. institutional hotline, telephone of agency specialists;

4. automated information systems used by the Environment Agency as holder or registrar, <http://mediu.gov.md/ro>

5. Governmental portal date.gov.md

6. <https://date.gov.md/ckan/ro/dataset?organization=2898-agentia-de-mediu&q=Agentia+de+Mediu>

7. Governmental portal servicii.gov.md;

8. <https://servicii.gov.md/CategoryDetails.aspx?cid=0f11dc67-6dd2-4264-8776-57269706ab23>

9. Website of the Project ENI SEIS - implementation of the shared environmental information system principles.

The person responsible for providing information within EA shall keep a manual register for requesting information at Agency level and shall report on a quarterly basis the records of requests, which shall then be published in the EA's Annual Activity Report.

According to data from the electronic document management system "E-managementul documentelor", during the years 2016-2020, the General Inspectorate of Police of MIA has recorded 14 materials related to the environmental field, 5 of them being petitions/requests.

Regarding the applications formulated, it shall be noted that during the mentioned period the GPI has received and examined 5 applications/petitions from citizens (one re-addressed for consideration by the Parliament of the Republic of Moldova) related to environmental pollution and interference in green spaces contrary to the legal provisions.

In addition, the proceedings of the parliamentary commission of inquiry for environmental protection (with reference to the "Micauti" quarry) were examined; Also, the Environmental Protection Inspectorate requested the participation of the police officers, jointly with the district inspections for environmental protection, at the activities of prevention and detection of contraventions.

Environmental protection authorities have their own statistics on the number of applications received, the number of refusals and the reasons for them. Each authority in the territory has its own web page.

The areas covered by the requests for information were:

- *state of environmental factors: air, water, soil, biodiversity;*
- *activities affecting or likely to affect environmental factors: management/generation of waste and chemicals;*
- *effects of environmental pollution on population health;*
- *legislative measures, plans, projects;*
- *regulatory acts issued by environmental protection authorities.*

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

- *www.mediu.gov.md*
- *www.am.gov.md*
- *www.ipm.gov.md*
- *See more in the Section. VI.*

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on collection and dissemination of environmental information from art. 5

Explain how each paragraph of article 5 has been implemented Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a)** With respect to **paragraph 1**, measures taken to ensure that:
 - (i)** Public authorities possess and update environmental information;

Answer:

In the Republic of Moldova, the participation of the public in the environmental decision-making process includes involvement of the public in the evaluation of projects, plans and programs, as well as in the evaluation of activities. The Regulation approved by GD no.1467/2016 ensures the right of access to information on environment held by or for public authorities and establishes the conditions, basic terms and modalities of exercising this right. The relevant terms and expressions are provided in point 3 of this Regulation and the requirement of non-

discrimination has been included in the definition of "any applicant" in point 3; 6 and 32 of the same Regulation.

Currently the Environment Agency as a provider of environmental information uses the following automated information systems, each of which holds registers and archives in different fields:

1. The automated information system "Waste Management" (AIS "WM"), as information holder and registrar of information, in accordance with the provisions of Government Decision no. 682 as of 11.07.2018 on the approval of the AIS "WM" concept".

2. The automated information system for the management and issuance of permissive documents (AIS MIPD), as registrar, in accordance with the provisions of Government Decision No. 550/2018.

3. The automated information system " National Register of emissions and transfer of pollutants "(AIS" NRETP"), as holder of the National Register, established by Law no. 71-XVI as of 22 March 2007 on registers. The national register of emissions and transfer of pollutants was approved by Government Decision No. 373 as of 24.04.2018.

4. Automated information system "e-Pescuit", a software for issuing permits for sport fishing, amateur and recreational fishing, which was purchased by the Environment Agency.

5. Automated information system "Document Management", a software of circulation of documents within the Environment Agency, which was purchased by the Environment Agency.

The environmental violations are not examined by the General Police Inspectorate (GPI), but according to the provisions of art. 400 of the Contravention Code, can be found and submitted for examination, according to the competence, to the Environmental Protection Inspectorate, based on art. 405 Contravention Code.

During the years 2017-2020, the Police ascertained 1592 violations in the field of environmental protection (2017-178; 2018-240; 2019-500; 2020-674), of which 1561 were forwarded according to competence to the appropriate bodies, fines were applied (by the Police) in 947 cases (2017- 20; 2018-115; 2019-349; 2020-463).

The exchange of information between GPI, environmental protection bodies, local public administration and Society of Hunters and Fishermen of Moldova is ensured

based on the Mutual Collaboration Agreement on strengthening the capacities and common commitments of prevention and fight against crimes affecting the forest fund and the animal kingdom, as well as on the basis of the Plan regarding the joint efforts of detecting and combatting crimes affecting the forest fund and the animal kingdom, as well as other negative phenomena in the field of reference, which is carried out in the framework of meetings, conferences, seminars, round-table discussions, working groups, etc.

At the same time, information on the measures taken and the results obtained following the common measures of detecting and counteracting crimes which affect the forest fund and the animal kingdom are regularly published on the official page of the GPI.

The GPI provides the NBS the total number of registered offenses, including on each article of the Contravention Code, as well as the amount of fines applied and paid.

(ii) There is an adequate flow of information to public authorities;

In order to guarantee the flow of information inside and outside of institution, IEP initiates and maintains collaboration relationships, implementing point 6 of GD 548/2018, through collaboration agreements with central and local public authorities, scientific, educational institutions, media, national, regional and international environmental non-governmental organizations.

Under provisions of art. 33 Administrative Code of the Republic of Moldova no. 116 /2018 the inter-institutional communication and communication with participants or the public within the administrative procedure is done by any means (verbal, mail, telephone, fax, electronic mail, etc.), giving priority to the means that ensure greater efficiency, rapidity and cost savings.

The authorities have the Electronic Document Management System "e-managementul documentelor" that ensures and guarantees the management of documents flow related to the subject, to himself and other public authorities.

In case of any emergencies caused by epidemics, outbreaks, disasters and other natural disasters, which pose a threat to human health or the environment, the members of the association potentially affected by the threat, shall be informed, without delay, about the extent of the danger, and the next steps to be taken in order to avoid or minimize the consequences and the impact on human health and the environment, as well as the actions that are taken by the competent authorities that manifest responsibility and interact effectively in the elimination of outbreaks

and consequences.

The information shall be communicated through all media, as well as by contacting directly the population, as appropriate.

In the process of informing the population, all competent authorities from the field of reference are involved, together with the local public administration and volunteers.

In case of emergency, within the Environment Agency, the dissemination of information is carried out according to the schemes of dissemination of information related to the environmental quality.

- *Scheme of distribution of high air pollution warning*
- *Scheme of distribution of Radiation Urgent warning*
- *Scheme of distribution of the Monthly Bulletin*
- *Scheme of distribution of the Alert Bulletin*
- *Scheme of distribution of Daily Bulletin.*

<http://mediu.gov.md/ro/node/604>

In 2020, by Order of the Director of the State Hydrometeorological Service, the composition and competences of the Crisis Centre within SHS were approved, the procedures and schemes of distribution of relevant information to the public authorities responsible for crisis management were established. At the same time, in the event of dangerous natural phenomena, the necessary procedures to be followed were established and the duties of SHS employees in such situations were described.

(iii) In emergencies, appropriate information is disseminated immediately and without delay;

In the case of major accidents with significant environmental impact, the IEP shall, without delay disseminate the information, through publications/interviews for the media on the pollution cases and damages caused to the environmental components.

(b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is

transparent and that environmental information is effectively accessible;

Through the information synthesis and Public Relations Service the Inspectorate for Environmental Protection ensures an optimal and transparent information process in relations with the population interested in environmental problems by communicating and publishing them in the media, etc.

The Environment Agency has initiated the development of a new mechanism for the implementation of art. 5, para. (2) of the Convention – Regulation on the process of management of environmental data, which will oblige public authorities, holding data and environmental information, to make them available in a transparent and accessible manner.

Other measures are:

updating of the list of permissive acts issued by the Agency, placing announcements, communications on education and environmental awareness, activity reports, ensuring the functionality of the web page.

The Competition Council implements the transparency requirements provided for by the Administrative Code no. 116/2018, Competition Law No. 183/2012, Law on state aid no. 138/2012.

All relevant information is made available to the public in a transparent and unrestricted manner, by the subdivisions of the Ministry of Internal Affairs.

For example, on January 04, 2021, the General Police Inspectorate of MIA, has published on its official page an informative notice, by which it was announced the entry into force of the new amendments to art. 20 of Law No. 231/2010 on internal trade. According to the new regulations, the article was supplemented with paragraph 4 with the following content: "the use/marketing of plates, glasses, other accessories of table services and disposable sticks made of plastic, except biodegradable, shall be prohibited as of 1st of January 2021".

Consequently, the company was informed about the importance of complying with the pre-cited article, the aim of which is to protect the environment, as well as about the contravention penalties applicable under the rigors of the Contravention code no. 218/2008.

Also, in the context of implementation of art. 20 of the Law on internal trade, the analytical article "Aspects related to finding the infringements and application of sanctions in the field of consumer's rights protection" was drawn up and soon

follows to be published on the official website of the "Stefan cel Mare" Academy of the Ministry of Internal Affairs, in the section Materials of the Conference "National regulations and international legal standards in the field of consumer's rights protection". The subject of the article is to identify the main measures of the state aimed at protecting consumer's from the invasion of plastic products on the Moldavian market, which represent a real threat against the environment.

With regard to the involvement of the public interested in the decision-making process in matters of environmental/milieu policies, according to the provisions of Law No. 239/2008 on transparency in the decision-making process, the public authorities shall consult the citizens, associations established according to the law and other interested parties, about the draft normative, administrative acts that may have social, economic, environmental impact (on the lifestyle and human rights, on culture, health and social protection, on local communities, public services).

Therefore, the involvement of citizens in the decision - making process is ensured in accordance with the technical-normative mechanism established by the cited law, namely by: publication of the notice concerning the initiation of decision development (art. 9), publication of the notice on the organization of public consultations and related materials on consultation, creation of working groups, in which civil society representatives are also involved, public consultations (art. 11), drawing up the file on elaboration of the draft decision accessible to all citizens (art. 12 para. (4) etc.

Announcements related to the decision - making process are published on the web page of authorities, in the "Transparency" compartment " public consultations" sub-compartment.

Although MIA does not directly have responsibilities in the field of environment protection, the transparency and accessibility of mass-media staff and citizens' to information on environmental crimes and other negative phenomena in the field of reference is fully ensured, except the information which is the object of the prosecution, and may not be disclosed until it is complete.

Thus, during the years 2017-2020, on the official page of the GPI (politia.md) and the page of the police on social networks, 8 releases were published, as follows:

- 1. <https://politia.md/ro/content/daca-esti-pasionat-de-vanatoare-trebuie-sa-stii-si-prevederile-legale-0>*
- 2. <https://politia.md/ro/content/daca-esti-pasionat-de-vanatoare-trebuie-sa-stii->*

si-prevederile-legale

3. <https://politia.md/ro/content/vanatoare-siguranta-politia-si-agentiile-ecologice-teritoriale-intreprind-actiuni-comune-de>

4. <https://politia.md/ro/content/start-sezonului-de-vanatoare>

5. <https://politia.md/ro/search/node/vanatoare>

6. <https://politia.md/ro/content/important-pentru-vanatori-inceput-sezonul-de-vanatoare-la-pasarile-acvapalustre>

7. <https://politia.md/ro/content/actiuni-de-contracarare-braconajului-efectuate-de-politie>

8. <https://politia.md/ro/content/razii-de-prevenire-si-contracarare-pescuitului-ilicit-perioada-de-prohibitie>.

(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

IEP issues, in monographic format, the annual report on state control, which will form the basis of the National Report on the state of the environment.

EA concluded maintenance contracts for the website and Automated Information systems owned to ensure a gradual increase of the volume of ecology information in the electronic databases of authorities.

The authorities and economic operators dispatched letters requesting information on the annual submission of data on waste management or on the inventory of greenhouse gas emissions in order to supplement those databases. Also, in the process of preparing the national report on the state of environment in the Republic of Moldova for the years 2015-2018, there were sent forms of environmental indicators analysed in the Report, to the institutions holding relevant data for the environmental assessment, in order to fill in the data series and to develop the evolution and trends in certain environmental and economic sectors.

(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;

For the implementation of provisions laid down in point. 5 para. (4) of the Regulation on organization and operation of the Environment Agency, approved by

Government Decision No. 549 as of 13.06.2018 on the establishment, organization and operation of the Environment Agency and for ensuring the preparation of the National Report on the state of environment, the EA issued the Order No. 36 as of 31.07.2019, by which:

- *the nominal composition of the Working Group responsible for the preparation of the National Report on the state of environment 2020 was approved;*
- *the Action Plan for the preparation of the National Report on the state of the environment was developed and approved;*
- *the list of indicators and the structure of the report were developed and approved;*
- *the template of the assessment sheets for each environmental indicator from the List was developed, there were identified the persons responsible for evaluation of data and filling out of sheets, their training on the manner of filling out the sheets;*
- *the assessment sheets for each environmental indicator from the list were filled in, analysed and evaluated;*
- *there were organized public consultations on the indicators and the preliminary version of the report, with the relevant institutions,*
- *based on the opinions and recommendations received, following the consultations, the Report was finalised;*
- *the national Report on the state of environment of the Republic of Moldova was published;*

<https://drive.google.com/file/d/1YD6esULO-JNJGhTmN1P8U2Ft228B8hGH/view>

At the same time, the EA has developed the draft Government decision on the approval of the regulation on the process of data collection and evaluation of data for the creation of environmental indicators and preparation of the national Report on the state of the environment 2020

(e) Measures taken to disseminate the information referred to in **paragraph 5;**

In accordance with point 37 of GD no. 1467 as of 30.12.2016 through electronic portals gov.md., the environmental information is made available to the public and is actively disseminated, it is also constantly updated and includes national

legislative acts, international Conventions, Reports on the activity of institutions, opinions, agreements and authorisations for the activities with an impact on the environment.

The studies regarding the impact on the environment and the risk assessments concerning environmental elements or the indication of the place where such information may be requested or found, the data or summaries of data resulted from the monitoring of activities that affect or may affect the environment.

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

In the framework of planned and unannounced checks, the environmental inspectors shall inform the operators/economic agents about the obligation to immediately notify the environmental authorities about accidental pollution.

According to the normative acts in force, for some permissive acts, to the application it is necessary to attach the proof that there were conducted public consultations regarding the activity that follows to be carried out. For example, the Law no.11/2014 on environmental impact assessment (EIA) provides the phase of public consultation and submission, upon the request of conducting the EAI, of the Report on public participation and notification in the decision-making process.

In the permissive acts issued in the field of environmental protection, as a condition there are specified the measures of informing the public about the activities carried out during the operation based on the permissive act, if such a requirement is established in the corresponding normative acts.

Moreover, the Environment Agency publishes the permissive acts issued to economic operators, and the interested public can always ask from them information regarding their activity and the impact on the environment.

(g) Measures taken to publish and provide information as required in **paragraph 7**;

The reports on the activity of the Environment Agency are published regularly (weekly, quarterly, annually) <http://www.mediu.gov.md/ro/content/rapoarte-de-activitate>

as well as information on permissive acts issued by the Environment Agency, as well

as any information of public interest:

- <http://www.mediu.gov.md/ro/content/acte-permisiive>

In cases where within the scope of competence, the MIA subdivisions hold information on environmental policy issues, therein shall be provided to the public through the mass-media, press conferences, briefings, TV and radio broadcasts, individual interviews, seminars, meetings or by publishing press releases on the website.

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

Through the EU4environment programme AO EcoContact implements the project on the transposition of EC Regulation 66/2010 and the creation of the eco-labelling mechanism in the Republic of Moldova.

According to the provisions of point 36 of the technical Regulation "The organic agro-food production and labelling of organic agro-food products", approved by GD no. 1078 as of 22-09-2008 in cases where the organic agricultural raw material was grown in the Republic of Moldova the products bear the emblem "Organic Agriculture Republic of Moldova".

According to point 40 "The emblem of the Republic of Moldova for organic production can be used for labelling, presentation and promotion of products that meet the requirements set forth in this technical Regulation"

The national legal framework for awarding the eco-labels includes:

- *Law on organic agro-food production*
- *GD no. 149 as of February 10, 2006 for the implementation of the Law on organic agro-food production*
- *GD no. 1078 as of 22-09-2008 on the approval of the technical Regulation "Organic agro-food production and labelling of organic agro-food products".*

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

The Environment Agency does not have, at the moment, the capacity to ensure a unified inventory system, but with the support of development partners, in some technical assistance projects it carries out the tasks established by the normative

acts with reference to:

- 1) inventory of greenhouse gas emissions (according to GD no. 1277/2018);*
- 2) inventory of emissions of pollutants into the atmosphere (according to GD no. 549/2018);*
- 3) inventory of equipment containing biphenylpolychloride (according to GD no. 81/2009).*

With its own forces the Agency has initiated the process of data collection on management of wastes-inventory of wastes - through AIS management of wastes (according to GD no.501/2018) and follows to initiate the implementation of the National Register of emissions and transfer of pollutants – AIS RETP (according to GD no. 373/2018).

The Environment Agency considers it necessary to create and develop the Integrated Environmental Information System – a common platform with environmental data and information, a project of the concept of which was developed by the Ministry of Environment.

XII. Obstacles encountered in the implementation of article 5.

Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

The economic operators do not pay sufficient attention to environmental reporting requirements, in particular on electronic platforms such as RETP, SIAMD. Lack of financial resources for the creation and development of the Integrated Environmental Information System and insufficient institutional capacities.

XII. Further information on the practical application of the provisions of article 5

*Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in **article 5**, e.g., are there any statistics available on the information published?*

Answer:

On its website, the Environment Agency has a list of environmental information of public interest. This list is updated annually. It was mentioned above that EA collects

information on waste management through AIS MD and makes public the generalized data, collects statistical reports 1-AER, validates them and submits them to the National Bureau of Statistics, conducts GHG emissions inventory and publishes data on these emissions, collected information within 39 environmental indicators and published data strings for these indicators.

Annually, the National Bureau of Statistics, issues „Statistical Yearbook,“ which contains a chapter on the natural environment with the following information: municipal wastes, the formation and use of wastes from enterprises, the land fund and the forest fund, protection of atmospheric air and use of water resources.

According to the provisions of art. 33 Administrative Code of the Republic of Moldova no. 116/2018, the inter-institutional communication and communication with participants or the public within the administrative procedure is done by any means (verbally, mail, telephone, fax, electronic mail, etc.), giving priority to means that ensure greater efficiency, speed and cost savings.

The exchange of information between the Police, environment protection bodies, local public administration and the Society of Hunters and Fishermen of Moldova, is ensured on the basis of the Mutual Collaboration Agreement on strengthening the capacities and common commitments in preventing and combating crimes that affect the forest fund and the animal kingdom, as well as on the basis of the Plan relating on the joint efforts of detecting and combating crimes that affect the forest fund and the animal kingdom, as well as any other negative phenomena in the field.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

See chap. VI.

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

Answer:

In the Republic of Moldova the participation of the public in the decision-making process is ensured by the following normative acts:

1) Law no. 239 as of 13-11-2008 on transparency in the decision-making process.

Art. 7 of this law establishes the following obligations of public authorities:

para. (1) the public authorities are obliged, as appropriate, to take the necessary measures to ensure the participation of citizens, associations established in accordance with the law, other interested parties in the decision-making process, including through:

a) dissemination of information on the annual activity programmes (plans) by publishing them on the official website of the public authority, by displaying them at its headquarters in a space accessible to the public and/or by dissemination in central or local media, as appropriate;

b) notification, in the established manner, about the organization of the decision-making process;

c) institutionalization of cooperation and partnership mechanisms with society;

d) receipt and examination of citizens' recommendations, associations established in accordance with the law, other interested parties for the purpose of their use in the elaboration of draft decisions;

e) consultation of the opinion of all parties interested in the examination of draft decisions, in accordance with this law.

And according to art. 8 of the law, the main stages of ensuring the transparency of the decision-making process are:

a) inform the public about the initiation of the development of the decision;

b) make available the draft decision and its materials to interested parties;

c) consult the citizens, associations established in accordance with the law, other interested parties;

d) examine the recommendations of citizens, associations established in accordance with the law, other interested parties in the process of drawing up draft decisions;

(e) inform the public on the decisions taken.

2) The Regulation on public consultation procedures with civil society, approved by GD no. 967 as of August 9, 2016 in the decision-making process.

This normative act establishes that " the public authority shall ensure access to the draft decisions and related materials by publishing them on a mandatory basis on the official website of the public authority, as well as on the following website:

www.particip.gov.md

According to point 6-8 of this Regulation „public authorities shall approve the internal rules related to the procedures of drafting, informing, consulting, participation and adoption of decisions, in accordance with the legislation in force.

The person responsible for the coordination of the public consultation process shall prepare a general list of stakeholders, drawn up upon the initiative of public authority's subdivisions, other public authorities or on the proposal of interested parties, that shall be informed as a matter of priority about the decision-making process of the authority concerned. The list shall be updated every six months, with indication of the interested parties (name and surname of citizens, names of associations established in accordance with the law, other interested parties, their contact information), who have requested in writing information about the decision-

making process of the public authority”.

a. With respect to **paragraph 1**, measures taken to ensure that:

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

Under GD no. 967 as of 09-08-2016 on the mechanism of public consultation with civil society in the decision-making process the "Public authority shall ensure access to the draft of decisions and related materials by publishing them on a mandatory basis on the official website of the public authority, as well as on the web page www.particip.gov.md".

Measures on ensuring the participation of the public at the environmental decision-making, according to the provisions of Law No. 11/2014 on environmental impact assessment.

In the decision making process, regarding the issuance of permissive acts (except the environmental agreement following the EIA procedure), no participation of the public in the decision-making process is organised, given that the special normative acts, that regulate the procedure of issuing the permissive acts, does not provide the phase of consulting publicly the draft decision. According to the Law on transparency in decision-making process (no. 239/2008) the initiation of decision elaboration shall be made publicly no later than 15 working days from the registration of the application and the recommendations shall be submitted within 10 working days. Respectively, in case a permissive act is required to be issued within 10 days, organization of decisional transparency according to the Law does not fall within this period (which requires maximum 25 working days).

(ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

With regard to the involvement of the public interested in the decision-making process in matters of environmental/milieu policies, according to art. 3 para. (4) of the Law no. 239/2008 on transparency in the decision-making process, the public authorities shall consult the citizens, associations established according to the law and other interested parties, about the draft normative, administrative acts that may have social, economic, environmental impact (on the lifestyle and human rights, on culture, health and social protection, on local communities, public services).

Therefore, the involvement of citizens in the decision-making process of the authorities is ensured in accordance with the technical-normative mechanism established by the aforementioned law, namely by: publishing the announcement regarding the development of the decision (art. 9), publication of the announcement on the organization of public consultations and related materials on consultation, creation of working groups, in which civil society representatives are also involved, public consultations (art. 11), development of the file on the elaboration of the draft decision accessible to all citizens (art. 12, para. (4) etc.

Announcements related to the decision-making process shall be published on the

website of authorities under the "Transparency" compartment, the "Public consultations" sub-compartment.

b. Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;

The authority of the local public administration shall, within 5 days of receipt of the environmental impact assessment documentation, put therein documentation in a place accessible to the public, shall inform the initiator about that, the competent authority and the public shall communicate the data about the person providing support to the initiator in the organization of public debates.

The impact assessment at national level is carried out in accordance with the provisions of Chapter VI of Law No. 86/2014, and in the case of drafts that have a potential transboundary impact, according to the provisions of Chapters IV and V of Law No. 86/2014 and the requirements of the Convention on environmental impact assessment in transboundary context areas (hereinafter-the Espoo Convention), adopted at Espoo, Finland on 25 February 1991, ratified by Parliament Decision no. 1546/1993

Law no. 86/2014 to art.19 sets out the programme for carrying out the Environmental Impact Assessment, namely:

- para. (2) for carrying out the environmental impact assessment at national level of the planned activity, the initiator (natural or legal person, including the public and administrative-territorial units, requesting the right to carry out the planned activity) shall draw up the Programme of carrying out the environmental impact assessment, coordinated with the competent authority. At the same time, the initiator shall inform the public and offer it and the interested public authorities the possibility to submit written comments on the programme.

- art. (3) the initiator shall publish, at least in a national newspaper and a local one, brief information about the activity planned, providing, on a mandatory basis, its official website and/or another address to which the application and the draft of the environmental impact assessment Programme can be accessed, as well as the deadlines for submitting the comments. The comments shall be presented to the initiator, and the copy of the comments – to the competent authority.

- para. (4) The initiator shall submit to the competent authority the draft of the environmental impact assessment Programme, together with the materials that attest that the public is informed (copy of the publication, notice), for coordination purpose.

According to the provisions of art. 24, para. (1) and (2) of the same Law "the local or central public administration authority that issued the permissive act of conducting the activity planned, for which it has been issued an environmental agreement, shall inform in writing the competent authority about the issuance of the permissive act, within 10 days from the date of issue. The competent authority shall publish on its official website a copy of the permissive act for conducting the planned

activity. Within 10 days, the initiator shall inform the public about the receipt of the permissive act by publishing announcements in the mass-media and on the official website”.

c. Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;

The Competition Council shall adopt decisions in accordance with the provisions of the Competition Law No. 183/2012 and Law No. 139/2012 on state aid. The decisions of the Competition Council adopted under Law no. 139/2012, Law no. 183/2012 may be appealed by the person concerned at the court. The operative part of the decisions of the Competition Council adopted under Law no. 139/2012 shall be published in the Official Gazette of the Republic of Moldova, taking into account the interests of the parties and ensuring the protection of information constituting state secret or trade secret.

And in art. 22 of law 86/2014 it is regulated the procedure of conducting public debates, namely:

Para. (1) public debates on environmental impact assessment documentation shall be conducted for:

a) exercising the right of the public to participate at debates and to take important environmental decisions;

b) taking into account the objections and proposals of the public regarding the documentation on environmental impact assessment and adoption of decisions related to the implementation of the planned activity;

c) finding mutually acceptable solutions for the initiator and public for preventing and minimizing the negative impact on the environment following the implementation of the planned activity.

Para. (2) the public debates shall be held on the territory of the local public administration authority where the planned activity will be carried out. After presentation of documentation on the environmental impact assessment, the initiator, together with the local public administration authority, shall determine the place, date and time of the public debates.

Para. (3) The initiator shall inform the public about the conduct of public debates by publishing announcements in the mass-media and its official website. The local public administration authority shall also publish announcement about the conduct of public debates on its website, its premises and other public places. The announcement shall be published at least 10 days before the public debate starts.

Para. (4) The results of the public debates shall be spread on the records, with details on the total number of participants, list of questions, objections and proposals received in the process of conducting the public debates regarding environmental impact assessment documentation. The minutes shall be drawn up within 3 days from the date the public debates were conducted and shall be signed by the chairman of the public debate session.

Para. (5) In case during the public debates related to the documentation for the

assessment of the impact on the environment did not provide answers to the questions formulated, the initiator (the holder of the documents on environmental impact assessment) shall dispatch the answers to the authors of the questions, within 15 days from the date the public debates are conducted, by post or e-mail provided during the registration process.

Para.(6) The deadline for submission of objections and proposals from the public, established by the initiator, shall be at least 15 working days from the date of publication of the information specified in para. (5).

d. With respect to **paragraph 4**, measures taken to ensure that there is early public participation;

According to provisions of art.10 of Law No. 11 as of 02-03-2010 on strategic environmental assessment " the initiator, by mutual agreement with the competent authority, shall ensure the notification and participation of the public at the strategic environmental assessment of the plan or programme through the following actions:

a) identification of the public segments that could be affected following the implementation of the plan or program or that are interested in the decision-making process, including public environmental associations;

b) establish the ways of informing the public, such as: public announcements in the mass-media, information published on the official web pages;

c) determination of the manner of consulting the public: written information, public debates, etc.;

d) establish reasonable timelines that would allow the public to participate effectively and in a timely manner at all stages of the strategic environmental assessment;

e) inform about the possibility of participation of the public in cross-border consultations

By art. 22, para. (1) of Law 86/2014 and other legal provisions, the right of the public to participate at debates and to make important environmental decisions is achieved;

At the same time, according to art. 10, para. (4) of Law 11/ 2017 „the initiator, at the stages of preliminary assessment and determination of the scope of the report on strategic environmental assessment, shall inform the public, in accordance with the requirements of Law no. 239/2008 about transparency in the decision - making process, about the prior assessment and setting of the scope of the report, about development of the plan or programme and the information that follows to be included in the report on strategic environmental assessment. The initiator shall give the public the possibility to express the opinion regarding the possible environmental impact of the plan or programme at the stage of the pre-assessment and the information that follows to be included in the environmental strategic assessment report at the stage of establishing the scope of the report. The public shall transmit its objections and proposals to the initiator and the competent authority no later than 10 calendar days from the date on which it was informed".

e. With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;

Only at the environmental impact assessment procedure, when the EIA programme is coordinated, there are recommended the stakeholders that should be consulted on the activity planned. For the other authorization activities no such measures shall be applied.

According to point (a). 43 of the Guide on the execution of environmental impact assessment procedures, approved by the Order of the Ministry of Agriculture, Regional Development and Environment no. 1 as of 04.01.2019 the "Objections, proposals (recommendations) of the interested public regarding the coordination notice to the implementation program shall be received within 10 days from the date of publication on the official website of the issuing competent authority, in the field of the regulatory procedure".

f. With respect to **paragraph 6**, measures taken to ensure that:

(i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;

According to the provisions of art. 23, para. (2) of Law 86/2014 „the Competent Authority shall issue the environmental agreement if the documentation on the environmental impact assessment has been drawn up in accordance with the requirements established by this law and the negative impact on the environment has been minimized. The environmental agreement shall contain at least:

a) argumentation of the decision;

(b) mandatory measures envisaged to prevent or reduce the negative impact on the environment;

c) information on the conduct of the public participation process".

(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

As mentioned above, the competent public authorities shall make available to the public concerned all relevant information on the decision-making process. The documentation available to the interested public shall contain information about the proposed location, the non-technical summary, the significant potential effects of the proposed activity on the environment, the alternatives studied, etc.

According to art. 24, para. (2) of Law No.86/2014 „the Competent Authority shall publish on its official web page the copy of the permissive act for carrying out the activity planned. The initiator, within 10 days, shall inform the public about the receipt of the permissive act by publishing announcements in the mass-media and its

official webpage”.

The public participation report shall contain at least the following information:

- 1. The planned activity (name, type of activity)*
- 2. The initiator of the planned activity (name, legal postal and electronic address, telephone and fax numbers.*
- 3. The holder of EIA documentation (name, legal, postal and electronic address, telephone and fax numbers).*
- 4. The authority responsible for notifying the public and/or distributing EIA documentation.*
- 5. The authority responsible for carrying out the public participation process and for receiving comments (objections) from the public, if it is other than the one mentioned above.*
- 6. Methods of informing the public, place, time and manner of conducting public debates.*
- 7. List of information that has been sent to the public at all stages of the EIA.*
- 8. The minutes of public consultations, including the list of participants, indicating the name of the organization (if they are representatives of the organizations), the topics discussed by the participants at the debates.*
- 9. List of objections and proposals to the EIA documentation submitted in writing.*

g. With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

The public can participate at the public debate and express the opinions it considers relevant to the proposed activity.

According to the provisions of art. 23 of Law 86/2014 the competent authority (AM) shall approve one of the decisions based on the results of examination of the environmental impact assessment documentation, the opinions of the central and local public administration authorities, other interested institutions, as well as taking into account the comments submitted by the public in written form and the results of public consultations.

In this regard, AM collects all the recommendations received on the consulted draft decision, analyses them, elaborates the table of analysis of the recommendations with the rigorous arguments regarding their acceptance or non-acceptance and ensures its publication on the official website.

h. With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

The legislation in force stipulates that the competent authority must take into account the results of public participation in the decision-making process. The principle of public participation in the process of elaboration and adoption of environmental decisions related to the regulatory procedure, is carried out in

accordance with the provisions of Law No. 239 as of November 13, 2008 on transparency in the decision-making process and the Regulation on involvement of the public in the elaboration and adoption of environmental decisions, approved by Government Decision No. 72 as of January 25, 2000.

i. With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

The table with the analysis of recommendations received as a result of the public consultations is attached to the package of promotional documents for decision approval. According to the legislation in force, the public shall be informed about the decision taken through announcements published on the website of the public authority and of the project initiator. The announcements shall contain the text of the decision, including the main reasons and considerations on which it is based.

j. With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

According to the provisions of point. 140 of the Guide on the execution of environmental impact assessment procedures, approved by MARDE order no. 1 as of 04.01.2019, the "Revision and updating of the prior assessment decision, coordination notice to the implementation program, environmental agreement, depending on the case, shall be carried out by the issuing competent authority upon the request of the initiator of the planned activity and/or the holder of the documentation, as well as the interested public".

And to the point. 142 of the Guide it was established that „The issuing competent authority, shall ensure that the following procedural steps are carried out within 10 days since the approval of the review decision (reconsideration):

1) reviews the information recorded in the personalized project file in parallel with the information received, depending on the case, evaluates and consults the appeal of the issued act, together with the members of the Technical Analysis Group previously involved in the meetings, that transmitted their point of view in order to issue it;

2) enter mentions and/or amendments to the original content of the document issued by the competent authority or refusal of the request;

3) publish on the official website the decision taken, column of regulatory

procedure, within 5 working days from the date of approval;

4) inform in writing about the decision taken by the initiator of the activity planned and/or holder of the documentation, as well as the authority / authorities of the local public administration on the territory of which the implementation of the project is proposed, in order to publish within 3 days, the public notice drawn up according to the model provided in Annex no. 19 to this guide, on their official web pages, display at their premises, as well as in situations where appropriate, on the investment identification panel mounted on the site;

5) analyse the justified opinions of the public concerned submitted to the competent authority within 10 days since the publication of the revised final decision;

6) justified comments and observations of the public may be rejected, or if they are taken into account and lead to repeated review of the decision, the competent authority shall inform the initiator about the planned activity or the holder of the documentation and the local public administration authority within 5 working days and shall publish it repeatedly by the means provided;

7) forward the revised act or, where appropriate, the decision to refuse the request to the initiator of the planned activity or holder of the documentation, and to the local public administration authority on the territory of which the implementation of the project was planned.”

k. With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

According to provisions of letter (a), para. (1) art.20 of Law No. 755/2001 on biological security after receipt of notification , on the basis of the information contained in the notification, the National Commission for Biological security is obliged to inform and consult the public about the notification received.

Para. (2) of art. 39 of Law 755/2001 provides that the public shall be informed within 10 days since the notification is received, and the public is entitled to give an opinion within 30 days and follows to be taken into account by the National Commission when making the decision of authorizing the activity proposed. Depending on the comments received, there could be held public debates on any biosecurity issues.

During the years 2017-2020 the National Commission for Biological Security had

examined 31 applications and notifications from economic operators related to authorization of importing genetically modified cake from soya beans. The applications and notifications have been placed on the website of the Ministry of Agriculture, Regional Development and Environment for public information and consultation.

In order to harmonise the national legislation with Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms, a new draft law on genetically modified organisms has been drafted. The draft law contains mandatory provisions on transparency, information and consultation of the public in the process of making decisions on introduction of GMOs and products resulting from them.

The draft law was consulted with the institutions involved and civil society by publishing it on the website of MARDE www.madrm.gov.md upon the decisional transparency Directory and on the government portal

www.particip.gov.md

(<https://www.madrm.gov.md/ro/content/anun%C8%9B-privind-ini%C8%9Biereaelabor%C4%83rii-proiectului-legii-privind-organismele-modificate-genetic>

https://cancelaria.gov.md/sites/default/files/document/attachments/proiectul_515.pdf

<https://particip.gov.md/ro/document/stages/anunt-despre-consultari-publice-la-proiectul-legii-privind-organismele-modificate-genetic-numar-unic-515madrm2020/7542>

At the same time, the draft law was presented to civil society in the framework of two seminars organized within the project "Increasing the competitiveness of the agro-food sector by integrating it into domestic and global value chains, especially in the soybean sector"

XVI. Obstacles encountered in the implementation of article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Lack of correspondence between the provisions of Law No. 239/2008 on transparency in the decision-making process, with reference to the transparency of the decision-making process on issuance of permissive acts and of special environmental legal provisions which regulate the procedures of issuing the permissive acts, with reference to the organization of public consultations in the process of issuing the permissive acts and take into account the term of organising the public consultations upon determination of the term necessary for issuing the permissive act.

The perception of the public upon import and use of organisms or genetically modified products is negative, but usually the public rarely reacts to notifications filed by the economic operators for the import of genetically modified fodder.

XVI. Further information on the practical application of the provisions of article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Answer:

The environmental impact assessment procedure, derives from the provisions of the normative framework in force and involves carrying out the procedural steps, as follows:

- 1) prior assessment of the environmental impact of the planned activity;*
- 2) carry out the environmental impact assessment according to the following steps:*
 - a) stage of elaboration and coordination of the project of the Environmental Impact Assessment Program, for which the consultation of the interested public is ensured and proved;*
 - b) stage of carrying out the impact assessment study in accordance with the content of the previously coordinated environmental impact assessment programme;*
 - c) phase of completion of the assessment study and development of environmental impact assessment documentation;*
 - d) examination, analysis of the quality of the environmental impact assessment documentation and ensure the consultation with the interested public on its content;*
 - e) Organization of public debate on documentation related to the environmental impact assessment of the planned activity and preparation of the report on the participation of the interested public;*
 - f) examination, discussion and consultation of environmental impact assessment documentation between the competent environmental protection authority and the initiator of the planned activity or the holder of the environmental impact*

assessment documentation;

g) finalisation of environmental impact assessment documentation and examination of supplementary information;

h) approval of the decision to issue the environmental agreement or refusal to issue.

6. For the purpose of assessing the potentially negative effects on environmental factors and undertaking precautionary measures at the early planning stage, the completion of the environmental impact assessment procedure may include other specific environmental protection requirements provided for in the national legislation, of the European Union and international one to which the Republic of Moldova is a party.

7. The environmental impact assessment procedure is conducted by the competent authority - the issuing body of permissive environmental acts, in accordance with the provisions of art. 291 of Law No. 1515 as of June 16, 1993 on Environmental Protection, with subsequent additions, art. 5 of Law No. 86/2014 on environmental impact assessment, with subsequent additions, Law no. 160 as of July 22, 2011 on the regulation by authorization of entrepreneurial activity, with subsequent additions, and in accordance with the provisions of this guide.

The public debate is mandatory in the EIA procedure for projects and programmes. These debates shall be organised by the Environment Agency with the support of the initiator/holder.

In order to promote public participation in decision-making processes, the provisions of the environmental legislation in force, on the procedure of issuing regulatory acts are respected: public announcements in the mass-media, website of the institutions, webpage of the holder, displaying at the headquarters of the city hall, the premises of the holder, public debates.

XVIII. Website addresses relevant to the implementation of article 6

www.am.gov.md

<https://www.madrm.gov.md/ro/content/comisia-na%C8%9Bional%C4%83-pentru-securitate-biologic%C4%83-2021>

www.mai.md,

www.poliția.md

www.dse.md

www.igc.md

XIX . Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Public participation in the development of environmental plans and programs was established by the Regulation on involvement of the public in the development and adoption of environmental decisions, approved by GD no. 72 as of 25 January 2000; Law no. 86 as of 29-05-2014 on environmental impact assessment. This law partially transposes the Directive 2011/92 / EU of the European Parliament and of the Council as of 13 December 2011 on the assessment of effects of certain public and private projects on the environment (codified text), published in the Official Journal of the European Union no. 26 as of 1 January 2012; Law no. 1515-XII as of 16 June 1993 on Environmental Protection; GD no. 967 as of 09-08-2016 on the mechanism of public consultation with civil society in the decision-making process; Guide on the execution of environmental impact assessment procedures, approved by MARDE by Order no. 1 as of 04-01-2019.

The regulation on involvement of the public in the elaboration and adoption of environmental decisions is developed for the purpose of implementing the Convention on access to Information, justice and public participation in the adoption of environmental decisions, ratified by the decision of the Parliament of the Republic of Moldova no. 346-XIV as of 7 April 1999, having as foundation the provisions of Chapter III of the Law on ecological expertise and environmental impact assessment no.851-XIII as of 29 May 1996 and Articles 3 and 30 of the Law on Environmental Protection no.1515-XII as of June 16, 1993. Thus, this Regulation establishes the requirements for the central environmental authority on involvement of the public in the process of developing the draft laws, regulations, programs and other normative acts, involvement of the public in decision making process on economic activities with environmental impact at local level, involvement of the public in the process of developing economic and social development projects and programs, as well as the procedure of public involvement.

In law no. 86/2014 to art. 2 the following notions were included and defined:

- competent authority;*
- environmental impact;*
- public;*
- publicly interested.*

GD no. 967 as of 09-08-2016 on the mechanism of public consultation with civil society in the decision-making process defined the following notions:

- interested party;*
- decision-making process;*

At the same time, some non-discrimination requirements are established in art. 4,

para. (1) of Law No. 982 as of 11-05-2000 on access to information through: "anyone, under the conditions of this law, has the right to seek, receive and make known official information", and in para. 3. Exercising the rights provided for in para. (1) of this article shall in no case entail discrimination based of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin.

According to provisions of art. 19, para. (2) and (3) of Law 86/2014 „for conducting the environmental impact assessment of the planned activity, at the national level, the initiator shall draw up the Program of conducting the environmental impact assessment, that follows to be coordinated with the competent authority. At the same time, the initiator shall inform the public and offer it and the interested public authorities the possibility to submit written comments on the programme. The initiator shall publish, at least in a national newspaper and a local one, brief information about the planned activity, indicating its official website and/or another address to which the application and the draft of the environmental impact assessment Programme can be accessed, as well as the deadlines for submitting the comments. The comments shall be provided to the initiator, and the copy of the comments – to the competent authority.

According to the Guide indicated above in point 5, the environmental impact assessment procedure, which derives from the provisions of the normative framework in force is described and it involves the conduct of procedural steps, as follows:

- 1) prior assessment of the environmental impact of the planned activity;*
- 2) carry out the environmental impact assessment according to the following steps:*
 - a) stage of elaboration and coordination of the project of the Environmental Impact Assessment Program, for which the consultation of the interested public is ensured and proved;*
 - b) stage of carrying out the impact assessment study in accordance with the content of the previously coordinated environmental impact assessment programme;*
 - c) phase of completion of the assessment study and development of environmental impact assessment documentation;*
 - d) examination, analysis of the quality of the environmental impact assessment documentation and ensure the consultation with the interested public on its content;*
 - e) Organization of public debate on documentation related to the environmental impact assessment of the planned activity and preparation of the report on the participation of the interested public;*
 - f) examination, discussion and consultation of environmental impact assessment documentation between the competent environmental protection authority and the initiator of the planned activity or the holder of the environmental impact assessment documentation;*
 - g) finalisation of environmental impact assessment documentation and examination of supplementary information;*
 - h) approval of the decision to issue the environmental agreement or refusal to*

issue.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

According to point 28 of the Regulation related to the involvement of the public in the preparation and adoption of environmental decisions, the central environmental Body and the local public administration authorities shall inform the public about environmental documentation approved by publishing announcements in the media, radio and tv communications, posters displayed at the headquarters of the prefect's office, district councils, town's halls of municipalities, towns, villages. The approved documentation can be presented to interested individuals and legal entities from among the trained public.

At the same time, the disputes that may arise in the process of applying environmental decisions between local public administration authorities, beneficiaries and population shall be resolved by the central authority for the environment, within the limits of its competence, or by the courts.

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

The public is unconscious of the environmental issues, for various reasons: standard of living, means of information, age, education, professional interest, etc.

XXI. Further information on the practical application of the provisions of article 7.

Provide further information on the practical application of the provisions of article 7.

Answer:

According to point 8 of the Guide on the execution of environmental impact assessment procedures, approved by MARDE by Order no. 1 as of 04-01-2019 environmental impact assessment established also the framework of insurance:

- 1) access to environmental information, related to the regulatory procedure, in accordance with the provisions of the Regulation on public access to environmental information, approved by Government Decision No. 1467 as of 30 December 2016;*
- 2) request and provision of information related to the regulatory procedure, in accordance with the provisions of Law No. 982 as of 11 May 2000 on access to information; and*
- 3) consultation with the interested public, public administration authorities with responsibilities in the field of environmental protection, ecologist public associations, groups with responsibilities in the field of environmental protection, established in accordance with the provisions of the national legislation and in accordance with the provisions of the Regulation on the procedures of public consultation with civil society in the decision-making process, approved by the Government Decision no. 967 as of 09 august 2016; including,*
- 4) participation of the public interested in the process of elaboration and adoption of environmental decisions related to the regulatory procedure, in accordance with the provisions of Law No. 239 as of November 13, 2008 on transparency in the decision-making process and the Regulation on involvement of the public in the development and adoption of environmental decisions, approved by Government Decision No. 72 as of January 25, 2000.*

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

See Chapter VI.

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

In Chapter II of the Regulation on involvement of the public in the development and adoption of environmental decisions, measures are established to create conditions for public participation in the process of drawing up draft laws, regulations, programs and other normative acts.

As such, the public authority is obliged to announce the beginning of the development of the mentioned documents, to indicate the date of the possible participation of the public, to set up working groups for the development of the projects of which there may be included representatives from NGOs, other agencies or the general public, and the public will be given the possibility to comment, directly or through any other means.

The involvement of the public shall be differentiated, in accordance with the procedures determined by this regulation, and shall include:

a) consultations at national level in order to determine the public's attitude towards the intentions of developing documentation of particular importance for the population of the Republic (laws, national programs, other normative acts);

b) sociological environmental studies, which to a greater extent reflect the public's attitude to the developed projects. The participation of the public already at the early stage will be ensured, in order to give them the possibility to engage in the examination of the various variants.

The costs for involvement of the public in decision-making related to the development of laws, regulations, programs and other normative acts are covered by the National Ecological Fund.

XXV. Obstacles encountered in the implementation of article 8

Insufficient staff within public institutions with legal qualification.

Lack of public interest in the procedures of drafting normative acts.

XXVI. Further information on the practical application of the provisions of article 8

Provide further information on the practical application of provisions on public participation in the field covered by article 8

Answer:

Chapter V of the Regulation on involvement of the public in the elaboration and

adoption of environmental decisions is regulated by the Procedure of involvement of the public, namely:

Point 20. In case of involving the public in the process of drafting laws, regulations and decisions on projects at national level, projects with transboundary impact and other legislative and normative acts, the central authority for the environment:

a) shall inform the public through the media about the initiation of the processes of elaboration of the aforementioned acts;

b) shall set up working groups(public inquiry partnerships), including representatives of NGOs and the public;

c) shall organize, if necessary, sociological surveys on the timeliness and stipulations of the normative act to be elaborated;

d) shall invite representatives of the media to the meetings of the working groups, thus ensuring the transparency of their work;

e) shall forward the draft acts to NGOs, other interested bodies for approval;

f) shall organize press conferences, round tables, television and radio broadcasts, in which the essence of these acts will be displayed;

g) shall take note of the complaints, proposals received, modifying, if necessary, the content of the draft documents which are in the process of preparation;

h) after the approval by the higher courts of the prepared documents or their publication in the Official Gazette of the Republic of Moldova, shall organize various public activities for familiarizing the population with them (press conferences, round tables, briefings, etc.)

point 21. In the case of public involvement in the development of decisions related to projects at national level and those with cross-border impact, the procedure shall be similar to that set out in point 20 of this regulation.

Point 22. In the case of public involvement in the development of decisions related to economic activities with an impact on the environment at the local level, the local public administration bodies:

a) shall inform the population about the initiation of documentation development processes;

b) upon verbal or written request of representatives of NGOs and the public, shall set up groups to conduct surveys in order to determine the possible impact of the intended object. These groups shall be formed on a parity basis by representatives of stakeholders (local public authority, beneficiary, population).

Point 23. Depending on the degree of complexity, the consultation will be done through environmental sociological surveys with specific methods and techniques of information and consultation.

Point 24. The duration of the surveys is up to 30 days, depending on the category of documents to be approved. If necessary, depending on the degree of complexity, the survey can be extended up to 60 days.

Point 25 Beneficiary:

- shall organize public debates on the projects submitted for examination;

- shall present the results of public debates to the state ecological expertise;

- shall bear responsibility for the conclusions of the public audit, confirmed by the

state environmental expertise;

- shall pay all costs related to the procedure of involvement of the public in those activities.

Point 26. Involvement of the public will be considered completed when the decision adopted, following the consultation of the public on the projects concerned, is published.

XXVI. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

www.mediu.gov.md,

www.am.gov.md

<http://www.mediu.gov.md/ro/content/transparen%C8%9B%C4%83-decizional%C4%83>

<https://www.madrm.gov.md/ro/content/anun%C8%9B-privind-ini%C8%9Biereaelabor%C4%83rii-proiectului-legii-privind-organismele-modificate-genetic>

<https://www.madrm.gov.md/ro/content/anun%C8%9B-privind-ini%C8%9Biereaelabor%C4%83rii-proiectului-legii-privind-utilizarea-%C3%AEn-condi%C8%9Bii-de>

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

The justice sector of the Republic of Moldova includes the courts, the Superior Council

of Magistracy (SCM), the system of criminal prosecution, the General Prosecutor's Office (GPO), the Ministry of Justice (MJ) and selected independent and executive-level entities that provide related services to the courts. The legislative measures implementing the provisions on access to justice are: Constitution of the Republic of Moldova, Administrative Code, Civil Procedure Code, Law 982/2000 on access to information, GD 1467/2016 for the approval of the Regulation on public access to environmental information; etc.

Constitution of Moldova at art. 20 guarantees free access to justice, namely:

(1) Any individual is entitled to effective satisfaction from the part of competent courts of law against actions infringing upon his/her legitimate rights, freedoms and interests.

(2) No law may restrict the access to justice.

In art. 34 of the Constitution the following are established:

(1) The right of a person to have access to any kind of information of public interest shall not be curtailed.

(2) Public authorities, according to their as-signed competence, shall be committed to en-sure that citizens are correctly informed both on public affairs and issues of personal interest.

(3) The right of access to information shall not prejudice neither the measures taken to protect the citizens nor the national security.

(4) The State and private public media shall be bound to provide the correct information of the public opinion.

(5) The public media shall not be subject to censorship. "The Administrative Code provides in art. 39, para. (2) that (2) any person whose right is violated by a public authority or dissatisfaction of the statement in the time established by the law, can address to the competent court of law. and art. 68. Established that "the public authorities are obliged to ensure:

a) proper organization and conduct of the administrative procedure;

b) receipt, registration and settlement of petitions submitted, as well as the legality of decisions and their communication within the legal period;

a) application of the provisions on transparency of administration and access to public information.

Law 982/2000 aims to create the general normative framework of access to official information, classification and protection of information with limited accessibility, enhance the efficiency of the process of informing the population and control regarding the activity of authorities and public institutions carried out by citizens, as well as stimulate the formation of opinions and active participation of the population at the decision-making process in a democratic spirit.

In art. 4, para. (1) and (2) of this Law it was regulated that, „Anyone, under the conditions of this law, has the right to seek, receive and make known official information. Exercise of the rights provided for in paragraph 1 of this article may be subject to restrictions for specific reasons, consistent with the principles of international law, including for the protection of national security or the private life of

the person.”

At the same time, the Law on access to information stated that the refusal of providing such information shall be made in writing, specifying the date of the refusal, the name of the person in charge, the reason of refusal, with a mandatory reference to the legislative act (title, number, date of adoption, the source of the official publication), the refusal was based on. The Law also stipulates strict deadlines for processing requests of access to information (no later than 15 working days).

Art. 22. Regulates the procedure for the out-of-court appeal of the actions of information providers, namely:

(1) When the party believes that his/her rights and legitimate interests to access information have been violated, he/she may contest the actions of the information provider to the top management and/or hierarchically superior body of the information provider, during a 30-day period from the date when he or she found out or was supposed to find out about the violation

(2) The management of the information provider and/or its senior hierarchical body shall examine the appeals of the information seekers within 5 working days and shall compulsorily inform the petitioner about the results of the examination within 3 working days.

(3) The referrals, by which the actions or inaction of organizations that have no superior bodies are contested, shall be addressed directly to the competent administrative court.

The regulation regarding the access of the public to environmental information contains provisions on access to justice related to environmental information (pillar one), as follows: under p. 32 anyone who considers that his request for the provision of environmental information has been wrongly rejected, partially or totally, has been ignored or settled with an inadequate response on behalf of a public authority, or that the access to environmental information was not ensured and the access to it was denied, he may file a prior request to the headman of therein public authority, or to the hierarchically superior body, requesting for a reconsideration of the acts and omissions. The applicant who, as a result of the provisions of point 32, considers that one of its rights provided for by this Regulation or other legislative act was violated, or who has not received a response to its prior request within the established legal period may file an action for summons, in accordance with the provisions of the Administrative Code no. 116/2018.

The Civil Procedure Code no. 225/2003 in art. 5 regulates the following:

(1) Any interested person shall have the right to address the court in a manner as determined by the law in order to protect its infringed or disputed rights, freedoms and legitimate interests.

(2) No person can be refused of judicial protection on a ground of absence of the

relevant legislation or because of imperfect, conflicting or unclear character of the existing legislation.

(3) Refusal of one of the parties to go to the court of law made in a form of a preliminary agreement shall have no legal effect, except for the cases when the parties have agreed in accordance to the effective legal provisions to submit the case for a resolution by an arbitration tribunal.

According to provisions of art. 162, para. (2) of the Administrative Code "if the public authority fails to settle the petition within the time-limits provided for in this code, the person affected is entitled to submit the prior application within a period of 30 days from the notification of the administrative act or rejection of the petition, as set out in art. 165, para. (1) of this Code. At the same time, if the public authority does not settle the application within the time limit provided for in this code, the prior application may be submitted within one year of the expiry of the time limit.

Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that

(i) Any person who considers that his or her request for information, under provisions of **article 4** has been ignored, wrongly refused, partially or totally, or considers that he or she received an inadequate answer, or that its request was not regarded according to provisions of art. 4, of having access to a recourse procedure before a court of law or any other independent and impartial body established by law;

According to Article 21 of Law 982/2000

Para. (1) When a person deems that one of his/her legitimate rights or interests has been violated by the information providers, he/she may contest these acts extra-judicially and directly in the competent administrative court.

(2) The person can address to the Ombudsman for protection of his or her legal rights and interests.

(3) When the party requesting information believes that his/her rights and legitimate interests have been violated, he/she may contest the actions of the person in charge of receiving and examining requests for access to information, and especially in matters regarding:

a) unjustified refusal to accept and register the request;

b) refusal to provide free and unconditional access to the public records held by the information provider;

c) violation of terms and procedures of responding to an information-access request;

d) failure to provide adequately, or not providing at all the requested information;

e) groundless refusal to provide the requested information;

f) groundless classification of information as state secret, trade secret or as other official information with limited access;

- g) unjustified declaration of some information secret;*
- h) the establishment of a fee and its amount for the provided information;*
- i) causing of material and/or moral damages by an illegal deed of the information provider*

(4) During dispute-solving concerning access to information, the competent bodies shall undertake necessary measures for the protection of the rights of all interested persons that can possibly be violated by means of information disclosure, including the assuring of the participation of those in the proceedings as third party.

(5) The judicial institution, during the dispute settlement concerning access to information, will undertake all reasonable and sufficient measures for precaution, including, if necessary, the organization of closed meetings, for not disclosing information, limited access to which can be justified.

Art. 22 of the Law on access to information regulates the procedure for extrajudicial appeal against the information provider's actions by the following:

(1) When the party believes that his/her rights and legitimate interests to access information have been violated, he/she may contest the actions of the information provider to the top management and/or hierarchically superior body of the information provider, during a 30-day period from the date when he or she found out or was supposed to find out about the violation

(2) The top management of the information provider or/and the hierarchically superior body shall examine the contestations of information seeker's within 5 working days and shall inform the petitioner about the results of examination within 3 working days.

(3) The referrals, by which the actions or inaction of organizations that have no superior bodies are contested, shall be addressed directly to the competent administrative court.

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under the provisions of p.1 are binding on the public authority holding the information; The reasons must be stated in writing, at least if the information is refused according to the provisions of this point;

(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to

administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

XXIX. Obstacles encountered in the implementation of article 9

Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

*Insufficient staff with legal background in environmental field;
Reorganization of courts and other effective efforts will have to strengthen and not endanger the access to justice services for the local population, especially in environmental matters.
Reduction of mobility among the rural population, in tandem with longer travel distances and poor transport conditions, may raise concerns about the access to services in the justice sector. This is particularly relevant in remote and rural areas, where 57 percent of the citizens of the Republic of Moldova live – and which represents 84 percent of the poor of the Republic of Moldova.*

XXX. Further information on the practical application of the provisions of article 9

Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

XXXI. Website addresses relevant to the implementation of article 9.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

The implementation of the Convention on access to information, public participation in decision-making and access to justice in environmental issues, adopted at Aarhus, Denmark on 25th of June 1998, creates a general legislative framework, which ensures the sustainable development and protection of the environment, by taking into account the fact that a better access to information and public participation in decision-making enhance the quality of decisions of public authorities, contribute to raising the public awareness on environmental issues and promote environmental education for a greater understanding of the environmental issues.

Thus, the implementation of the Convention ensures better access to information and public participation in decision-making, which leads to an improvement in the quality of public authorities ' decisions.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in **article 6 bis**, describe:

Answer:

Law no. 755/2001 on on biosecurity regulates the activities related to the obtaining, testing, production, use and trade of genetically modified organisms through modern biotechnology techniques. The human organism is not subjected to genetic modification.

According to provisions of letter (a), para. (1) art.20 of Law No. 755/2001 on biological security after receipt of notification , on the basis of the information contained in the notification, the National Commission for Biological security is obliged to inform and consult the public about the notification received.

Para. (2) of art. 39 of Law 755/2001 provides that the public shall be informed within 10 days since the notification is received, and the public is entitled to give an opinion within 30 days and follows to be taken into account by the National Commission when making the decision of authorizing the activity proposed. Depending on the comments received, there could be held public debates on any biosecurity issues.

The applications and notifications have been published on the website of the Ministry of Environment for public information and consultation.

In order to harmonise the national legislation with Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms, a new draft law on genetically modified organisms has been drafted. The draft Law contains

mandatory provisions on transparency, information and consultation of the public in the process of making decisions on introduction of GMOs and products resulting from them.

Another normative act is the Regulation on the authorization of activities related to obtaining, testing, use and trading of genetically modified organisms, approved by GD no. 1153 as of 25-09-2003, which establishes the procedure of issuing the authorizations for the activities of obtaining, testing, use and trading of genetically modified organisms through the modern biotechnology techniques and products resulting from them.

a. With respect to **paragraph 1 article 6** bis and:

(i) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

Thus, in the case of deliberate introduction into the environment of genetically modified organisms according to the provisions of art.19, para. (1) any natural or legal person, before introducing into the environment a genetically modified organism or a combination of such organisms, for the purpose of research, testing, development and/or for any other purpose, except production for placing on the market, shall submit a notification to the National Commission.

According to point 18 of the Regulation on the authorisation of activities related to the acquisition, testing, use and trading of genetically modified organisms for authorizing the activities that view the deliberate introduction of genetically modified organisms in the environment, it shall be taken into account that:

a) the genetically modified organisms appear by using the techniques indicated in point.8 lit.(a) of this Regulation;

b) the techniques that are not considered to generate genetic changes are indicated in point 8 lit.(b) this Regulation.

Point 22 sets out the list of documents submitted by economic operators to the National Commission for authorisation of activities that view the deliberate introduction on the market of genetically modified organisms and products resulted from them.

(ii) Paragraph 2 of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;

(iii) Paragraph 3 of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;

Art. 39, para.(1) of Law No. 755/2001 stipulates that within 10 days from the date of receipt of the notification, the National Commission shall inform the public about it,

specifying the ways in which the information may be obtained.

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(iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
The Competent Authority shall consult and inform the public in the decision-making process, in compliance with the legislation in force on public access to information and on confidentiality.

Art.11 (1) of Law No. 755/2001 on biological safety in the notification sent to the National Commission, the notifier may indicate the information that will be considered confidential, also providing the necessary justifications, and according to para. (2) of this article, the decision on the information that will be deemed as confidential, shall be taken by the National Commission, after consultations with the notifier and shall bring it to his attention.

According to art. 11 para. (2) the following information cannot be considered confidential:

(a) general characteristics of genetically micro-organisms/genetically modified organisms, name and address of the notifier, purpose and place of use;

(b) the risk class where the use in isolated conditions and containment measures are included;

c) conclusions of human health and environmental risk assessment studies;

d) monitoring methods and plans, as well as measures that may be taken in the event of an accident.

If, for any reason, the notifier withdraws his notification, the National Commission shall respect the confidentiality of the information received, a regulation established in art. 11 paragraph (5) of the same Law.

(v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

a. The nature of possible decisions;

In such case the decision shall refer to the issuance of authorisation of deliberate introduction in the environment or to the agreement of import, of the decision to renew the authorisation or suspend or cancel as appropriate.

b. The public authority responsible for making the decision;

Competent National Authority - National Commission for Biological Security.

c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;

Law no. 755/2001 on Biological Safety lays down the procedure of public consultation

in case of the procedure of authorising the deliberate introduction of genetically modified organisms into the environment.

Within 10 days from the date of receipt of the notification, the National Commission shall inform the public about it, specifying the ways in which the information may be obtained. The comments of the public shall be received within 30 days from the date of their notification and are taken into account by the National Commission when making the decision to authorize the proposed activity. Depending on the comments received, there could be held public debates on any biosecurity issues.

d. An indication of the public authority from which relevant information can be obtained;

National Commission for Biological security-the Competent Authority has the task to consult and inform the public in the decision-making process, in compliance with the legislation in force on public access to information.

Thus, the Competent Authority shall publish on the website of the Ministry of the environment under the heading "National Commission for Biological Security " the notification and the set attached to the application.

e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

According to the provisions of art. 39 para. (3) of Law No. 755/2001 the comments of the public shall be received within 30 days from the date of their notification and are taken into account by the National Commission when making the decision of authorizing the proposed activity. Depending on the comments received, there could be held public debates on any biosecurity issues.

(vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

During the authorization procedure of deliberate introduction in the environment, for testing purposes, the observations of the public are taken into account.

Thus, according to the provisions of art. 39 para. (3) of Law No. 755/2001 the comments of the public shall be received within 30 days from the date of their notification and shall be taken into account by the National Commission when making the decision of authorizing the proposed activity. Depending on the comments received, there could be held public debates on any biosecurity issues.

At the same time, according to the provisions of point. 29 of the Regulation on the authorisation of activities related to the obtaining, testing, use and trading of genetically modified organisms, the National Commission shall inform the notifier within maximum 90 days about the receipt of the notification, noting that:

- a) the notification received is in accordance with the provisions of the legislation in force;*
- b) the notifier shall submit additional information;*
- (c) the proposed activity does not meet the requirements of the Biosafety Law and this Regulation and the notification is rejected; or*
- d) the proposed activity is not subjected to the provisions of the Law on biological security and this Regulation.*

According to the provisions of art. 39 Law No. 755/2001, the National Commission shall inform the public, specifying the ways in which the information can be obtained. During the consultation, the public shall forward its comments to the National Commission.

(viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

Art. 39 para. (4) of Law No. 755/2001, the National Commission shall ensure the public participation in the decision-making process related to the authorization of activities regulated by this law in accordance with the provisions of national legislation and international legal acts to which the Republic of Moldova is a party.

(b) Regarding **paragraph 2** of article 6 bis, the manner in which the the requirements made in accordance with the provisions of Annex 1 bis are complementary and support mutually the national framework on biosecurity of the Party and are consistent with the objectives of the Cartagena Protocol on biosecurity to the Convention on biodiversity

The Republic of Moldova has ratified the Cartagena Protocol on biosecurity at the Convention on Biological Diversity by Law no. 1381 as of 11-10-2002.

Thus, the Republic of Moldova, as a party, by provisions of the normative acts provides that the production, handling, transportation, use, transfer and introduction of any genetically modified organism shall be carried out in a manner that prevents or reduces the risks to biological diversity, taking also into account risks to human health.

The legislation provides that the National Commission for Biological Safety - the Competent Authority has the task to consult and inform the public in the decision-

making process, in compliance with the legislation in force on public access to information.

The procedure of authorisation of activities related to the acquisition, testing, use and trading of genetically modified organisms is governed by the Regulation on the authorisation of activities related to the acquisition, testing, use and trading of genetically modified organisms, approved by GD no.1153 as of September 25, 2003.

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Answer:

Public perception on the import and use of genetically modified organisms or products is negative, but usually the public rarely reacts to notifications filed by economic operators for the import of genetically modified fodder.

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

Answer:

According to point 21 of the Regulation on the authorisation of activities related to obtaining, testing, use and trading of genetically modified organisms for the approval of activities related to the deliberate introduction into the environment of genetically modified organisms, the National Commission may apply, as appropriate, the rules

and criteria of simplified procedures, provided that:

- the taxonomic position and biology of genetically modified organisms is well known and has information on risk assessment involving plant species and other organisms in the experimental ecosystem;*
- there is scientific data resulting from the experimental introduction into the environment of genetically modified plants belonging to the same species of receiving plants;*
- the inserted sequences with the result of their expression are safe for human health and environment under the conditions of experimental introduction;*
- the inserted sequences are well characterized and integrated into the nuclear genome of the plant.*

And in point 27, (e) it is established that, when taking decisions on the activity requested in the notification, the National Commission shall take into account the comments of the public, which are of an advisory nature and are received within 30 days from the date of its information. Depending on the comments received, may hold public hearings on all aspects of the issues examined.

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms

Ministry of Environment formerly Ministry of Agriculture, Regional Development and Environment.

<https://www.madrm.gov.md/ro/content/comisia-na%C8%9Bional%C4%83-pentru-securitate-biologic%C4%83-2021>

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.