

Reporting format on the implementation of the Aarhus Convention in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

This report is submitted for the Republic of Moldova in accordance with Decisions I/8, II/10, and IV/4.

Name of the person responsible
for submitting the national report:

Nicolina Cramarenco

Minister of Environment

Sergiu Lazarencu

Signature:

Date: 13.06.2012

IMPLEMENTATION REPORT

Please provide details regarding the origin of this Report.

Party: REPUBLIC OF MOLDOVA

National Focal Point:

Full name of the institution: MINISTRY OF ENVIRONMENT

Name and position: Nicolina Cramarenco, Head of the Legal Section

Address: MD-2004, Chişinău, Ştefan cel Mare Boulevard, 162

Phone: +(373) 2220 4591; Fax:

E-mail: nicolina.cramarenco@mediu.gov.md

Contact person for the national report (if different):

Full name of the institution: MINISTRY OF ENVIRONMENT

Name and position: Sandra Nogai, Senior Consultant, Legal Section

Address: MD-2004, Chişinău, Ştefan cel Mare Boulevard, 162

Phone: +(373) 2220 4591; Fax:

E-mail: sandra.nogai@mediu.gov.md

I. The process through which the Report was prepared

Please provide brief information about the process of preparing this Report, including details about the types of public authorities that were consulted or contributed to the preparation of the Report, how the public was consulted, how the results of public discussions were taken into account, and the materials that served as the basis for preparing the Report.

Answer:

In the context of launching the seventh reporting cycle by the Parties to the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters, the preparation process, initiated by the Ministry, took place in several stages as follows:

- Starting with the publication of the announcement on April 2, 2025, on the official website of the Ministry (<https://mediu.gov.md/ro/content/proiecte-de-documente>, https://particip.gov.md/ro/document/stages/*/14236), which launched an invitation to central public administration authorities and their structural subdivisions, local public administration authorities, scientific and research institutions, the business community, and non-governmental organizations to provide available information regarding compliance with commitments related to ensuring access to public information. This invitation also extended to international, regional, and non-governmental organizations engaged in programs supporting the implementation of the Convention, requesting them to submit data on their activities and the results achieved;
- Sending official requests to the aforementioned entities after the announcement was published, with a detailed and simplified questionnaire (report format) aimed at obtaining concrete and comprehensive information on compliance with commitments related to ensuring access to public information, access to justice, and public participation in environmental decision-making;
- Synthesizing the obtained information and preparing the first draft of the Report (in Romanian), including ensuring its publication on May 7, 2025, on the official website of the Ministry (<https://mediu.gov.md/ro/content/proiecte-de-documente>, https://particip.gov.md/ro/document/stages/*/14434) to obtain comments from interested members of the public;
- Analyzing the received comments and finalizing the Report, including its re-publication, also in the English translated version.

II. Specific circumstances relevant to the understanding of the Report

Please present any specific circumstances relevant to the understanding of the report, such as whether there is a federal and/or decentralized decision-making structure,

whether the provisions of the Convention have direct effect from the date of its entry into force, or whether financial constraints are significant obstacles to implementation (optional).

Answer:

The Republic of Moldova ratified the Aarhus Convention through the Parliament Decision for the ratification of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters No. 346-XIV of April 7, 1999.

According to Article 8, paragraph (1) of the Constitution, the Republic of Moldova respects the Charter of the United Nations and the international treaties to which it is a party. Citizens of the Republic of Moldova benefit from the rights and freedoms enshrined in the Constitution and other laws and have the obligations provided therein. The provisions of the Convention facilitate ensuring the right of individuals to access any information of public interest; thus, public authorities, according to their respective competences, are obliged to properly inform citizens about public affairs and issues of personal interest.

Access to information is regulated by a number of normative acts:

- Law No. 148 of June 9, 2023, on access to public information, which establishes the principles of state policy in the field of access to official information;
- Law No. 227 of 2022 on industrial emissions. The purpose of this law is to establish the legal framework regarding the prevention of pollution caused by industrial and economic activities to reduce emissions into air, water, and soil, including waste generation, as well as environmental control, promotion, and application of the best available techniques to achieve a high level of environmental protection;
- Law No. 152/2022 on the regulation and control of genetically modified organisms. This law establishes the normative and institutional framework necessary for the obtaining, testing, use, commercialization of genetically modified organisms, and import/export operations thereof, respecting the precautionary principle to ensure human health and environmental protection, considering the socioeconomic interests of the population and the country. To ensure biosafety in the field of genetically modified organisms, the mentioned activities are subject to a special regime of regulation and authorization in accordance with the provisions of this law and the international treaties to which the Republic of Moldova is a party;
- Law No. 195/2024 on personal data protection. This law applies to the processing of personal data performed wholly or partly by automated means, as well as to processing by other means than automated of personal data forming part of a data record system or intended to form part of such a system;
- Government Decision No. 1467 of December 30, 2016, for the approval of the Regulation on public access to environmental information. This Regulation transposes Directive 2003/4/EC of the European Parliament and Council of January 28, 2003, on public access to environmental information and repealing

Council Directive 90/313/EEC published in the Official Journal of the European Union (OJ) No. L 41 of February 14, 2000. At the same time, this Regulation guarantees the right of access to environmental information held by or for public authorities and establishes the conditions, basic terms, and modalities for exercising this right;

- Law No. 239-XVI of November 13, 2008, on transparency in the decision-making process, which sets applicable norms to ensure transparency in decision-making within central and local public administration authorities, other public authorities, and regulates their relations with citizens, legally established associations, and other interested parties to facilitate participation in decision-making;
- Government Decision No. 967 of August 9, 2016, on the mechanism of public consultation with civil society in the decision-making process, establishing procedures to ensure transparency in the preparation and adoption of decisions;
- The Environmental Strategy approved by Government Decision No. 409 of June 12, 2024, aiming to guarantee the population of the Republic of Moldova the right to a sustainable, unpolluted, and healthy environment, in harmony with economic development and social well-being;
- Law No. 99 of April 26, 2013, on the ratification of the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters;
- Law No. 86 of May 29, 2014, on environmental impact assessment partially transposes Directive 2011/92/EU of the European Parliament and Council of December 13, 2011, on the assessment of the effects of certain public and private projects on the environment (codified text), published in the Official Journal of the European Union No. L 26 of January 1, 2012, and establishes the legal framework for the operation of the environmental impact assessment mechanism for certain public and private projects or types of planned activities, to ensure prevention or minimization, at early stages, of negative impacts on the environment and public health;
- Law No. 11 of March 2, 2017, on strategic environmental assessment, which establishes the legal framework for conducting strategic environmental assessment to ensure a high level of environmental protection, prevention, or reduction of negative effects of certain plans and programs on the environment, including public health;
- Law No. 160 of July 22, 2011, on regulating entrepreneurial activity through authorization;
- Access to justice is ensured by the Administrative Code of the Republic of Moldova No. 116 of July 19, 2018, which determines the legal status of participants in administrative relations, the responsibilities of administrative public authorities and courts competent to examine administrative disputes, and the rights and obligations of participants in administrative and contentious administrative procedures;
- Civil Procedure Code No. 225 of May 30, 2003 - the civil procedural legislation

establishes the procedure for adjudicating civil cases arising from civil, family, labor, housing, land, environmental legal relations, and other legal relations, cases with special or simplified procedures, as well as those related to the enforcement of court acts and other authorities' acts.

III. Legislation, regulations, and other measures implementing the general provisions of Article 3, paragraphs 2, 3, 4, 7, and 8.

List the legislation, regulations, and other measures implementing the general provisions of Article 3, paragraphs 2, 3, 4, 7, and 8, of the Convention. Explain how these paragraphs were implemented. In particular, describe:

(a) Regarding paragraph 2, the measures taken to ensure that officials and authorities support and guide the public;

Answer:

One of the main functions of the Environmental Agency (EA) is to monitor the quality of environmental factors in order to provide individuals and legal entities with information regarding environmental quality, as well as to create and manage special cadastres and registers, administer information and data systems for its activity fields, and ensure public access to environmental information. To this end, the EA has established subdivisions such as the Directorate for Integrated Environmental Information Management, the Environmental Information, Education, and Ecological Awareness Service, and the Media Information and Communication Service, and a person responsible for public access to information of public interest has been appointed within the EA. The Environmental Protection Inspectorate (EPI) manages the electronic platform for reporting environmental incidents—"Ecoalert," which is available to the public and through which citizens can report environmental problems to the EPI, track the problem-solving stages online, and receive notifications about the solution. Regarding public involvement in decision-making, the National Bureau of Statistics (NBS) has developed the "Regulation on Procedures for Consultation with Civil Society in the Decision-Making Process," which outlines the internal rules of the NBS.

Within the General Prosecutor's Office (GPO), by order of the Prosecutor General No. 12/3 of January 24, 2025, the "Section for Combating Environmental Crimes" was created to unify the practice in the field of exercising and managing criminal prosecution in cases concerning environmental protection and public interests.

The State Hydrometeorological Service (SHS), according to Article 24(1) of Law No. 368/2023 on meteorological and hydrological activity, "[...] publishes and disseminates meteorological and hydrological data and information in the public space, including data on weather, climate, as well as forecasts, warnings about dangerous meteorological and hydrological phenomena, natural environmental hazards, associated phenomena, specialized analyses and summaries." All relevant hydrometeorological information is regularly posted on the official website www.meteo.md in an accessible, transparent, user-friendly, and continuously updated format.

Information exchange with environmental protection bodies, local public administration, and the Hunters and Fishermen Society of Moldova within the Ministry of Internal Affairs (MIA) is ensured by the General Inspectorate of Police (GIP) of the MIA, based on a Mutual Cooperation Agreement regarding strengthening capacities and common commitments to prevent and combat offenses affecting the forest fund and wildlife, as well as based on the Plan for common measures to detect and counter offenses affecting the forest fund and wildlife, and other negative phenomena in the reference field. These are carried out through meetings, conferences, seminars, roundtables, working groups, etc. As the public authority responsible for training candidates for judicial and prosecutorial functions, sitting judges and prosecutors, as well as other legal specialists, the National Institute of Justice (NIJ) periodically includes activities related to environmental issues in its training plans. To ensure transparency in the decision-making process and facilitate access of all interested parties to information about the development and adoption of decisions, official websites of ministries, agencies, inspectorates, and other public authorities systematically publish for consultation information regarding draft normative acts initiated, developed, and submitted for public consultation.

(b) Regarding paragraph 3, the measures taken to promote education and awareness regarding the environment.

Answer:

To promote ecological education policies at the national education system level, the Ministry of Education and Research (MER) has undertaken the following actions:

- Developing ecological education in educational institutions in Moldova, oriented towards the directions: during mandatory classes, optional classes, and extracurricular activities;
- Promoting the optional discipline "Ecological Education" at all levels of general education as part of the optional subjects offered in the Framework Plan for primary, gymnasium, and high school education;
- Approving the Curriculum for the optional discipline, grades I-XII;
- MER, in collaboration with the Ministry of Environment (MoE), develops, disseminates, and posts informational materials on its website aimed at informing, sensitizing, and educating the public ecologically; organizes ecological lessons to develop in the young generation an appropriate attitude towards the rational use of natural resources, environmental improvement, biodiversity conservation for future generations, promotion of energy and alternative sources; organizes the Republican Ecology Olympiad and supports students' participation in the International Ecology Olympiad; supplements school, university, and public library funds with popular science books focused on ecological education of the younger generation.

To promote ecological training/education and raise public awareness/information on environmental issues, the Ministry of Environment and subordinate institutions have undertaken several measures and actions, such as:

- Designating a person responsible for access to public interest information within the

- Ministry of Environment by order;
- Approving and implementing a Scheme for disseminating information on the quality of environmental factors;
- Developing and implementing an Activity Plan regarding ecological education and awareness of the population.

On the EA website are posted:

- Daily bulletins regarding atmospheric air quality;
(<https://am.gov.md/ro/content/buletine-si-harti%C2%A0zilnice%C2%A0privind-calitatea-aerului-atmosferic>)
- Monthly bulletins on ambient environmental quality across the Republic of Moldova;
(<https://am.gov.md/ro/content/buletin-lunar-privind-calitatea-mediului-ambiant-pe-teritoriul-republicii-moldova>)
- Information about procedures for issuing permits and lists of permits issued by the Environmental Agency, updated permanently; (<https://am.gov.md/ro/node/656>)
- Other environmental information for the purpose of ecological education and awareness of citizens. (<https://www.am.gov.md/ro/content/educatie-si-constientizare-ecologica>)

To increase the public's awareness of the impact of environmental factors on health, the Ministry of Health (MoH), together with the National Public Health Agency (NPHA), annually organizes awareness and information campaigns, mobilizing society through various health events.

The process of public informing and education consists of:

- Developing and editing informational materials;
- Training various actors in environmental risk communication: local public authorities, mass media, NGOs, etc.;
- Publishing various reports on the quality of environmental factors (air, water, soil);
- Hygiene education of students in educational institutions;
- Organizing community actions involving the population (territory cleaning and tree planting).

In the context of raising awareness about the impact of climate change on the environment, the State Hydrometeorological Service (SHS) conducts and publishes studies based on data analysis within the entity, producing posters, climate maps, and recently developing climate scenarios (web applications) by staff. These scenarios are developed to provide a clear picture of the evolution of weather conditions, including temperature and precipitation changes.

(c) Regarding paragraph 4, measures taken to ensure the recognition and adequate support of associations, organizations, or groups promoting environmental protection (drawing contests, etc.).

Answer:

The Constitution of the Republic of Moldova guarantees the following:

Article 34 – Right to Information. Thus,

- (1) The right of a person to have access to any information of public interest cannot be restricted.
- (2) Public authorities, according to their competencies, are obliged to ensure the correct information of citizens about public affairs and matters of personal interest.

Law no. 148 of 08-01-2023 regarding access to information establishes in Article 3:

Principles of access to information of public interest

Access to information of public interest is based on the following principles:

- a) The principle of providing public interest information – all information held by information providers is presumed to be public;
- b) The principle of obligation to publish public interest information – information providers must publish and proactively disseminate all information of public interest;
- c) The principle of promoting open governance – public authorities must promote a culture of transparency and openness among public agents and promote the right to information among the population;
- d) The principle of facilitating access to information of public interest – information providers must assist applicants, especially those with special needs, in submitting requests, receiving, and understanding responses. Requests must be examined and resolved quickly and fairly;
- e) The principle of transparency of meetings – meetings of public authorities must be open to the public and allow documentation of information regarding the decision-making process.

According to the provisions of the Regulation on public access to environmental information, approved by Government Decision no. 1467 of 30.12.2016, "Environmental information is disseminated progressively and, in particular, electronic information and communication technologies are used."

Government Decision no. 967 of 09-08-2016 regarding the public consultation mechanism with civil society in the decision-making process establishes that "The public authority ensures access to draft decisions and related materials by mandatory publication on the official website of the public authority, as well as on the website <https://particip.gov.md/ro> . "

Also, the Superior Council of Magistracy (CSM) and courts continuously cooperate with civil society and the media to inform the public about the judiciary's activities, constantly updating information on their official websites by publishing important decisions and announcements.

The Communication, Public Relations, and Media Service is always available to justice beneficiaries within its legal competencies.

Several working groups on various issues within the judiciary system have been created within the CSM, including judges and representatives of civil society and other national legal institutions. The National Institute of Justice (INJ) organized in 2019 a summer school "Strengthening the capacities of environmental journalists" with trainers from the INJ and representatives of the national legal system. The event covered several topics in environmental justice, especially distinguishing environmental crimes from misdemeanors, methodological particularities regarding the investigation of environmental crimes, and procedures for evidence collection.

The trainers emphasized the jurisprudence of the International Court of Justice and the European Court of Human Rights, the provisions of the Aarhus Convention, and analyzed legislative amendments in environmental protection made in the context of implementing the Moldova-European Union Association Agreement.

The theoretical aspect of the summer school alternated with practical sessions, offering

participants the opportunity to analyze and interpret various case studies, including simulating a court trial based on a case.

From 2020 to 2024, 10 seminars were held in the field, training 592 INJ beneficiaries. These seminars dealt with the practical applicability and legal effects of environmental assessment, litigation specifics, environmental authorization systems, and application of national legal frameworks, among others.

The Ministry of Environment, together with the National Office for Environmental Project Implementation (ONIPM), launched a call for project proposals financed by the National Environmental Fund, with a budget of 125 million MDL. The competition targets initiatives from mayors and civil society in environmental protection, focusing on two main directions: integrated water resources management and integrated waste management. (<https://mediu.gov.md/ro/content/5149>)

To involve the public in decision-making, the State Hydrometeorological Service (SHS) has a Technical-Scientific Council including specialists from SHS main subdivisions, representatives of central administrative authorities with environmental and hydrometeorological competencies, and representatives from academia and civil society. (https://www.meteor.md/images/uploads/arch_intern/ordin/ordin_2022/Ordin_18_2022_22F)

- (a) Regarding paragraph 7, measures taken to promote internationally the principles of the Convention, including:
 - (i) Measures taken to coordinate, within and between ministries, informing officials involved in other relevant international forums about Article 3, paragraph 7 of the Convention and the Almaty Guidelines, indicating whether coordination measures are ongoing.

Answer:

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

- (ii) Measures taken to ensure national access to information regarding international forums, including the stages at which access was provided.

Answer:

National access to information regarding international forums and participation reports are presented to the management of the delegated authorities, and reports/results of participation are published on the official websites and Facebook pages after each event. Employees participate in international/national events based on instructions regarding official travel abroad, according to their competencies and invitations/messages received.

- (iii) Measures taken to promote and allow public participation nationally regarding international forums (e.g., inviting NGOs to participate in Party delegations during international environmental negotiations or involving NGOs in forming official Party positions for such negotiations), including the stages at which access was provided.

Answer:

Under Government Decision no. 967/2016 regarding the public consultation mechanism with civil society in decision-making and Law no. 239/2008 on transparency in decision-making, the Ministry of Environment does not restrict the participation and involvement of NGOs in international environmental negotiations.

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

Answer:

To promote the principles of the Convention, two Aarhus Centers operate in the Republic of Moldova. The first, AO EcoContact, was established in 2012 in Chişinău. In 2013, the Public Ecological Center was opened in Bender on the left bank of the Dniester River. Activities of these Aarhus Centers include ensuring access to environmental information, conducting ecological research, and raising public awareness about the Aarhus Convention.

(v) Measures taken to promote the principles of the Convention in work programs, projects, decisions, and other decisions of other international forums.

Answer:

To facilitate access to hydrometeorological information, since 2020 the procedures for requesting and providing information have been virtualized, making physical presence at SHS headquarters unnecessary to obtain requested information.

At the National Bureau of Statistics (BNS), one of the main tools for information dissemination is the Database. Using this tool, users can create their own selections and save them in various file formats. Of major importance is statistical data presented in the "Reference Metadata" subsection, created in accordance with European standards. A significant statistical data category is the Special Data Dissemination Standard (SDDS) and the National Summary Data Page (NSDP). (<https://statistica.gov.md/ro/banca-de-date-statistice-78.html>)

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

Answer:

According to Article 34, paragraph 5 of the Constitution of the Republic of Moldova, mass media are not subject to censorship. Authorities are obliged to ensure correct information of the public opinion. Thus, access to public information is ensured without hindrance; penalizing, persecuting, harassing, or any form of limiting access to public information is inadmissible.

At the same time, during information dissemination, access to personal data is governed by Law no. 133/2011 on personal data protection.

According to the Administrative Code, if providing information is beyond the authority's competence or the institution does not hold the requested information, the applicant is informed within 5 working days, including the indication of the public authority or institution holding the respective information. Statistical information elaborated additionally to PLS provisions is provided on a paid basis according to Government Decision no. 1403 of December 30, 2005, regarding the approval of the nomenclature and tariffs for paid services and regulations on the formation and use of special funds from the provision of paid services by BNS and its territorial subdivisions. Tariffs for paid services are set on a non-profit basis, covering costs related to collection, processing, systematization of statistical information, and other costs not funded from the state budget. The cost of informational services is determined according to the time expenses required for carrying out the work.

To enhance the population's information process and citizen control over public authorities' and institutions' activities, requested information and documents are made available from the moment they are available but no later than 10 working days from the registration date of the access to information request.

IV. Describe obstacles encountered in implementing Article 3

Obstacles:

- Fluctuations of personnel responsible for informing the public about the state of the environment;
- Insufficient financial resources for modernizing and maintaining the website according to new IT requirements;
- Insufficient capacity to provide environmental information processing equipment (scanners, PCs, drones, cameras, etc.);
- Insufficient legally trained personnel within environmental authorities;
- Lack of financial resources in the case of Article 3, paragraph 3.

V. Other information regarding the general implementation of Article 3 of the Convention.

Provide information regarding the implementation of the general provisions of Article 3 of the Convention.

Answer:

The implementation of the general provisions is ensured through the application of the following normative acts:

- Law on Environmental Protection No. 1515 of 16.06.1993;
- Law No. 148 of 08.01.2023 on Access to Public Interest Information;
- Government Decision No. 1467 of 30.12.2016 approving the Regulation on Public Access to Environmental Information;
- Law No. 99 of 26.04.2013 ratifying the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters;

- Law No. 239 of 13.11.2008 on Transparency in the Decision-Making Process;
- Law No. 86 of 29.05.2014 on Environmental Impact Assessment;
- Law No. 11 of 02.03.2017 on Strategic Environmental Assessment;
- Law No. 160 of 22.07.2011 on Regulating Entrepreneurial Activity by Authorization;
- Law No. 86 of 29.05.2014 on Environmental Impact Assessment, which partially transposes Directive 2011/92/EU of the European Parliament and Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codified text), published in the Official Journal of the European Union No. L 26 of 1 January 2012, establishing the legal framework for the operation of the environmental impact assessment mechanism for certain public and private projects or types of planned activities to ensure prevention or minimization at initial stages of negative impacts on the environment and public health
- Law No. 368/2023 on Meteorological and Hydrological Activity;
- Law No. 11 of 02.03.2017 on Strategic Environmental Assessment, establishing the legal framework for carrying out strategic environmental assessment to ensure a high level of environmental protection, preventing or reducing the negative effects of certain plans and programs on the environment, including public health.

Access to justice is ensured by the Administrative Code of the Republic of Moldova No. 116 of 19.07.2018.

The Ministry of Environment has initiated the procedure for drafting the Government Decision approving the Regulation on public access to information, justice, and participation in environmental decision-making to practically implement the general provisions of Article 3 of the Convention, which is currently under consultation.

VI. Web links relevant for the implementation of Article 3

Answer:

www.mediu.gov.md
www.meteo.md
moldstat@statistica.gov.md
www.statistica.md
www.mecc.gov.md
<https://ms.gov.md>
<https://social.gov.md>
<https://ansp.md>
www.ipm.gov.md
www.am.gov.md
www.competition.md
www.procuratura.md
www.agrm.gov.md
<https://mai.gov.md/ro>
www.politia.md
www.inj.md

VII. Legislative, Regulatory and Other Measures Implementing the Provisions Regarding Access to Environmental Information under Article 4

List the legislative, regulatory, and other measures implementing the provisions on access to environmental information under Article 4. Explain how each paragraph of Article 4 has been implemented. Describe the transposition of relevant definitions from Article 2 and the non-discrimination requirement of Article 3, paragraph 9.

Answer:

The Aarhus Convention became part of national legislation following ratification by Parliament Decision No. 346-XIV of 07.04.1999 on ratifying the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters. Accordingly, the provisions of the Regulation on public access to environmental information, approved by Government Decision No. 1467 of 30.12.2016, ensure the right of access to environmental information held by or for public authorities and establish the basic conditions, terms, and modalities of exercising this right. It transposes terms such as "information held by a public authority," "environmental information," "public," and "applicant." Furthermore, it stipulates that environmental protection authorities guarantee access to information, public participation in decision-making, and access to justice on environmental matters in accordance with the Aarhus Convention.

The non-discrimination requirement was included in point 3 through the definition of "applicant" (regardless of citizenship, nationality, or residence), "any applicant" in points 6 and 32 of Government Decision 1467/2016.

This Regulation establishes what constitutes environmental information made available to the public, the mechanism and terms for satisfying requests for environmental information, the public authority holding the single electronic registry with environmental information, and the mechanism for disseminating environmental information.

Government Decision No. 1467 of 30.12.2016 is a complementary normative act to Law No. 148 of 09.06.2023 on Access to Public Interest Information, which sets out the principles of state policy on access to official information and its objectives. This law regulates:

- The method of exercising and defending the right to access public interest information;
- The obligations of information providers in ensuring access to public interest information;
- Legal liability for violation of provisions regarding access to public interest information;
- The mechanism for monitoring and controlling the implementation of the law.
- The law does not affect special regulations on access to public interest information contained in other laws.

Access to environmental information is realized in the manner established by the Government. Therefore, the Ministry of Environment has initiated the process of adjusting the normative framework, namely to approve a new regulation on public access to information, justice, and participation in environmental decision-making, as the existing legal framework is already outdated.
(<https://particip.gov.md/ru/document/stages/name/13583>)

Please describe specifically:

(a) Regarding measures taken to ensure (paragraph 1) that:

(i) Each person has access to information without having to declare an interest;

Point 6 of the Regulation on public access to environmental information states that "Public authorities are obliged to provide any applicant, upon request, with information regarding the environment held by them or on their behalf, without justifying the purpose for which the information was requested."

According to Article 16 of Law No. 148 of 09.06.2023 on Access to Public Interest Information, for a requester to receive a response, the request must contain:

(1) Mandatory elements of the request:

- a) The name and surname or designation of the applicant;
- b) The postal address of the applicant, as well as the email address if the response is requested by this means;
- c) The name of the information provider;
- d) Specification of the public interest information requested, with sufficient and conclusive details allowing identification by the information provider.

(2) The applicant may indicate the preferred method of communication according to art. 20 para. (1).

(3) The applicant is not obliged to justify or motivate the request.

(4) Handwritten or electronic signature of the request is not mandatory.

Provision of responses is carried out through subdivisions.

(ii) Copies of documents containing or constituting the requested information are available;

Article 14 of Law No. 148/2023 establishes that submission of requests:

(1) Requests may be:

- a) transmitted electronically;
- b) submitted in writing or sent by mail;
- c) addressed verbally (directly or by phone).

(2) Electronic requests do not require compliance with legal requirements for electronic documents.

Measures taken to ensure deadlines in paragraph 2 are respected;

Point 7 of the Regulation states that "Environmental information available in the institution shall be made available to the applicant as soon as it is available, but no later than 15 working days from the date of registration of the access request. If the volume and complexity of the requested information are such that the 15 working days cannot be respected, the information shall be provided within 20 working days from receipt of the request by the public authority. In such cases, the applicant shall be informed as soon as possible and no later than 5 days before the expiration of the initial deadline about the extension and the reasons for it."

According to Article 33 of the Administrative Code of Moldova No. 116 of 19.07.2018, inter-institutional communication and communication with participants or the public during administrative procedures may be done by any means (verbal, mail, phone, fax, email, etc.), prioritizing methods ensuring higher efficiency, speed, and cost-effectiveness.

(b) Regarding measures provided in paragraphs 3 and 4 taken to:

(i) Establish exceptions to the obligation to respond to requests;

The legal framework for exceptions from the obligation to provide public interest information is set by Law No. 148/2023 on Access to Public Interest Information and Government Decision No. 1467/2016 on approving the Regulation on public access to environmental information.

Article 24 of Law No. 148/2023 provides:

"(1) Communication of public interest information is refused, in whole or in part, if the requested information constitutes information with limited accessibility according to Article 8.

(2) Refusal shall be in writing and must contain:

- a) Name of the information provider;
- b) Name and surname or designation of the applicant;
- c) Date of refusal issuance;

- d) Grounds and motivation of refusal according to Article 8;
- e) Method of contesting refusal (name and address of the court and the deadline for contestation);
- f) Name, surname, and handwritten/electronic signature of the head of the information provider or other authorized person.

(3) In the case when only part of the requested information constitutes information with limited accessibility, the information provider partially refuses to communicate the information, according to paragraphs (1) and (2), and is obliged to communicate the information to which access cannot be limited.

(4) Information providers cannot refuse to communicate public interest information on the grounds that the requested information is found in different documents or on different storage media or on the grounds that the requested information is not systematized.

Ensure that the public interest from the end of paragraph 4 is applied;

Point 24 of the Regulation on public access to environmental information establishes that "Public authorities may refuse a request for environmental information in the case that:

- a) the requested information is not held by or for the public authority to which the request was submitted. In this case, if the public authority knows that the information is held by or for another public authority, it forwards the request to that authority as soon as possible, but no later than 3 working days from the date of receiving the request, and informs the requester about this;
- b) the request is clearly unsolvable;
- c) the request is formulated too generally, considering the provisions of point 9;
- d) the request concerns materials in the process of being completed or unfinished documents or data;
- e) the request concerns internal communication of the institution's collaborators, considering the satisfaction of public interest by providing the information;
- f) the request concerns information classified as state secret.

At the same time, Article 25 of Law 148/2023 establishes the method of contestation:

(1) Any person claiming the right to access public interest information may contest in court any action or inaction of information providers by which the provisions of this law have been violated.

(2) Contesting the actions or inactions of information providers is done by filing an administrative litigation action, which is submitted and examined according to the provisions of the Administrative Code, without prior procedure, except for the exceptions and completions established by this law. Regarding the administrative litigation procedure, all information providers are assimilated to public authorities.

(3) The administrative litigation action is submitted within 30 days from the date of communication of the response by the information provider. If the information provider does not resolve the request within the deadline stipulated in Article 19, the administrative litigation action may be submitted within one year from the expiry date of the deadline.

Article 10¹ of Law no. 86 of 29.05.2014 on environmental impact assessment establishes that, Article 10¹. Program for implementing environmental impact assessment:

(1) The program for implementing the environmental impact assessment is developed to establish the degree of detail of the information to be included in the environmental impact assessment report.

(2) The program for implementing the environmental impact assessment forms part, as appropriate, of the decision on preliminary assessment and is developed by the Environmental Agency within the term provided in Article 9 paragraph (3), based on the application submitted by the initiator according to Article 7 paragraph (1).

(3) During the preparation of the program for implementing the environmental impact assessment, the Environmental Agency may request additional information from the initiator.

(4) The program for implementing the environmental impact assessment is developed considering the particularities of the planned activity and the comments and proposals of the interested public and of the interested central and local public administration authorities, received in accordance with Article 7 paragraphs (4) and (6).

(5) The program for implementing the environmental impact assessment includes determining:

a) motivated and feasible alternative options regarding the planned activity that need to be considered;

b) the environmental impact on various environmental factors that must be described in the environmental impact assessment report;

c) the scope and methods of assessment;

d) the required qualification level for the experts involved in preparing the environmental impact assessment report;

e) preventive measures that must be considered;

f) reference studies necessary to characterize the existing environment.

(6) For the planned activities mentioned in Article 10 paragraph (2) letter c) that require biodiversity assessment, the program for implementing the environmental impact assessment also establishes the scope of biodiversity assessment, considering the provisions of Article 1010 paragraph (6).

(7) The program for implementing the environmental impact assessment is valid for 2 years from the date of issuance by the Environmental Agency. If, upon expiry of this term, the initiator does not submit the environmental impact assessment report to the Environmental Agency, they are obliged to restart the preliminary assessment procedure, beginning with the submission of the application in accordance with Article 7.

In the case where the public authority to which the request was addressed does not hold the requested information, it forwards the request to another authority under Article 74 of the Administrative Code. In this regard, Article 23 paragraph (3) of Law no. 148/2023 establishes that "In the case that it does not hold the requested information, the information provider who registered the request will forward the request, in whole or in

part, to another information provider if it knows that the requested information is held by them. In this case, the original or copy of the request is sent for examination to the relevant information provider within 5 working days from the date of registration of the request, about which the requester is informed."

VIII. Obstacles encountered in the implementation of Article 4

Describe the obstacles encountered in implementing the paragraphs of Article 4.

Answer:

- The requested fees are excessive in relation to the provisions of national regulations regarding the amount of applicable fees, the cases in which the collection of such fees can be waived, as well as the situations where information provision is permitted only with advance payment of the fee;
- The obstacles encountered in some cases concern the confidentiality of personal data;
- The websites of public authorities generally provide fragmented and general information, without following a clear concept of data organization to facilitate public access to environmental information;
- There is a lack of an integrated national system for environmental information.

IX. Information regarding the practical application of the provisions of Article 4

Provide additional information regarding the practical application of the provisions on access to information from Article 4, for example, if there are statistics available related to the number of requests, number of refusals, and reasons for these?

Answer:

On the official websites and Facebook pages (if any) of public authorities, all public interest information relevant to the activity is posted.

Each authority has a public relations department that ensures communication and informing the general public.

Access to environmental information within the Environmental Agency is ensured through:

- the official website of the Environmental Agency and Facebook page, where environmental information of public interest is posted daily;
- responses to requests for environmental information in written form, by email, via the Facebook page;
- the institutional hotline, the phone numbers of specialists within the Agency;
- automated information systems used by the Environmental Agency as holder or registrar;
- the government portal date.gov.md (<https://date.gov.md>);
- the government services portal [servicii.gov.md](https://servicii.gov.md/ro) (<https://servicii.gov.md/ro>);
- the website of the ENI SEIS project - implementation of the Shared Environmental Information System principles. (<https://eni-seis.eionet.europa.eu/east/countries/moldova>)

The person responsible for providing information within the Environmental Agency keeps a manual register for information requests at the Agency level and reports quarterly on the record of requests, which are then made public in the Agency's annual activity report.

According to data from the electronic document management system „E-managementul documentelor” (E-document management) the General Police Inspectorate of the Ministry of Internal Affairs.

Also, the Environmental Protection Inspectorate requested the participation of Police employees jointly in district environmental protection inspections for prevention and contravention detection activities.

Environmental protection authorities have their own statistics regarding the number of requests received, the number of refusals, and the reasons for these. Each authority in the territory has its own website.

The domains to which the information requests referred were:

- the state of environmental factors: air, water, soil, biodiversity;
- activities that affect or may affect environmental factors: waste and chemical substances management/generation;
- effects of environmental pollution on public health;
- legislative measures, plans, projects;
- regulatory acts issued by environmental protection authorities.

X. Relevant website addresses for the implementation of Article 4

List, if applicable, relevant websites:

- www.mediu.gov.md
- www.am.gov.md
- www.jpm.gov.md
- More listed in point VI

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

List the legislative, regulatory, and other measures implementing the provisions regarding the collection and dissemination of environmental information from Article 5.

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

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

(i) public authorities hold and update environmental information;

Answer:

In the Republic of Moldova, public participation in the environmental decision-making process includes public involvement in the evaluation of projects, plans, and programs, as well as in activity evaluations. The Regulation approved by Government Decision no. 1467/2016 ensures the right of access to environmental information held by or for public authorities and establishes the conditions, basic terms, and ways to exercise this right. Relevant terms and expressions are provided in point 3 of this Regulation, and the non-discrimination requirement was included in the definition of "any applicant" in points 3, 6, and 32 of the same Regulation.

Currently, the Environmental Agency, as an environmental information provider, uses the following automated information systems, each holding registers and archives on different domains:

1. Automated Information System „Managementul deșeurilor” (“Waste Management”) (SIA „MD”), as an informational holder and registrar of information, according to Government Decision no. 682 of 11.07.2018 regarding approval of the concept SIA „MD”. (<https://siamd.gov.md>)
2. The Automated Information System for the management and issuance of permissive acts (SIA GEAP), acting as a registrar, in accordance with the provisions of Government Decision No. 550/2018. (<https://actpermisiv.gov.md/#/home>)
3. The Automated Information System "National Register of Pollutant Emissions and Transfers" (SIA "RETP"), acting as the holder of the National Register, established by Law No. 71-XVI of March 22, 2007 on registers. The National Register of Pollutant Emissions and Transfers was approved by Government Decision No. 373 of April 24, 2018. (<https://retp.gov.md/#/>)
4. The Automated Information System "e-Fishing", a software for the issuance of recreational, amateur, and sport fishing permits, which was procured by the Environmental Agency. (<https://e-pescuit.mediu.gov.md>)
5. The Automated Information System "Document Management", a software for document circulation within the Environmental Agency, which was procured by the Environmental Agency.

Environmental misdemeanors are not examined by the General Police Inspectorate (GPI), but according to the provisions of Article 400 of the Contravention Code, they may be recorded and referred for examination, according to jurisdiction, to the Environmental Protection Inspectorate, based on Article 405 of the Contravention Code.

Moreover, the exchange of information between the GPI, environmental protection

bodies, local public authorities, and the Society of Hunters and Fishermen of Moldova is ensured based on the Mutual Cooperation Agreement on strengthening joint capacities and commitments to prevent and combat offenses affecting the forest fund and wildlife. It is also supported by the Action Plan on joint measures to detect and counter offenses affecting the forest fund and wildlife, as well as other negative phenomena in the relevant field, conducted through meetings, conferences, seminars, round tables, working groups, etc.

At the initiative of the Ministry of Environment, the #CleanForest campaign was carried out in all districts of the Republic of Moldova, aiming to promote respect for forests and environmental protection. The ministry's team actively participated in cleaning the Durlești forest, where the first signs for tourist trails were also installed. The campaign involved both the Environmental Protection Inspectorate, which cleaned forests managed by local authorities, and the 24 Forestry Enterprises, which acted in the forests managed by the "Moldsilva" Agency. (<https://www.mediul.gov.md/ro/content/5359>)

The Ministry of Environment and the "Moldsilva" Agency officially launched the national afforestation campaign for autumn 2025 in the locality of Măleșești, Orhei district. The planting of over 26 million seedlings (oak, ash, acacia, maple), grown in "Moldsilva" nurseries, was planned. (<https://www.mediul.gov.md/ro/content/5143>)

At the same time, the official website of the GPI periodically publishes information regarding the measures taken and the results obtained following joint efforts to detect and counter offenses affecting the forest fund and wildlife.

The GPI reports to the National Bureau of Statistics the total number of registered contraventions, including by each article of the Contravention Code, as well as the amount of fines applied and paid.

In addition, representatives of the General Police Inspectorate were trained in the field of combating environmental crimes during a study visit held in the city of Verona, Italy.

<https://politia.md/ro/content/combaterea-infractiunilor-impotriva-mediului-subiectul-unei-vizite-de-studiu>

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

To ensure both intra- and inter-institutional information flow, the Environmental Protection Inspectorate (EPI) initiates and maintains collaboration relationships,

implementing item 6 of Government Decision No. 548/2018 through cooperation agreements with central and local public authorities, scientific and educational institutions, media outlets, and environmental NGOs at the national, regional, and international levels. (<https://ipm.gov.md/ro/news>, <https://www.chisinau.md/ro/comunicate-de-presa-20292.html>, etc.)

According to Article 33 of the Administrative Code of the Republic of Moldova No. 116/2018, inter-institutional communication and communication with participants or the public during administrative procedures can be conducted through any means (verbal, post, telephone, fax, email, etc.), with priority given to methods that ensure greater efficiency, speed, and cost-effectiveness.

Authorities use the electronic document management system "E-document management," which ensures and guarantees the flow of documents related to the subject matter between and within public authorities.

In emergencies caused by epidemics, epizootics, natural disasters, or other phenomena that pose a risk to human health or the environment, potentially affected members of society are immediately informed about the degree of danger and the measures to be taken to prevent or minimize the consequences and impacts on human health and the environment. Authorities act responsibly and interact efficiently to eliminate outbreaks and mitigate consequences.

Information is disseminated through all mass media channels and, where appropriate, through direct contact with the population. All relevant authorities, including local public administrations and volunteers, are involved in the information process.

At the Environmental Agency, emergency information dissemination is carried out based on established dissemination schemes concerning environmental quality:

- High Air Pollution Warning Dissemination Scheme
- Emergency Radiation Warning Dissemination Scheme
- Monthly Bulletin Dissemination Scheme
- Alert Bulletin Dissemination Scheme
- Daily Bulletin Dissemination Scheme

<https://am.gov.md/ro/node/217>

By order of the Director of the State Hydrometeorological Service (SHS), the composition and competences of the SHS Crisis Center were approved in 2020, along with procedures and dissemination schemes for relevant information to public authorities responsible for crisis management. Additionally, necessary procedures for hazardous natural phenomena were established, and staff responsibilities were

described.

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

In cases of major environmental accidents, the EPI disseminates information without delay via media publications or interviews about the causes of pollution and the damage to environmental components.

In situations involving imminent threats to the environment caused by meteorological or hydrological phenomena, the SHS ensures the immediate and prompt dissemination of warnings related to hazardous weather and hydrological phenomena, as soon as the risk is identified. The aim is to allow potentially affected individuals to take preventive measures or mitigate negative consequences.

(b) Regarding **Article 2**, measures taken to ensure that the manner in which public authorities make environmental information available to the public is transparent and that such information is effectively accessible;

Through its Public Relations and Information Synthesis Service, the EPI ensures an optimal and transparent communication process with the population interested in environmental issues by communicating and publishing information in the media, etc.

The Environmental Agency initiated the development of a new mechanism for implementing Art. 5(2) of the Convention – the Regulation on the Environmental Data Management Process, which will oblige public authorities holding environmental data and information to make them available in a transparent and accessible manner.

Additional measures include: updating the list of permissive acts issued by the Agency, publishing announcements and communications on ecological education and awareness, publishing activity reports, ensuring the functionality of the website.

The Competition Council implements transparency requirements as per Administrative Code No. 116/2018, the Competition Law No. 183/2012, and the State Aid Law No. 139/2012.

All relevant information held by subdivisions of the Ministry of Internal Affairs (MAI) is made available to the public in a transparent and unrestricted manner. For instance, on January 4, 2021, the General Police Inspectorate (GPI) of the MAI published an informational notice on its official website regarding the enforcement of new amendments to Article 20 of Law No. 231/2010 on domestic trade. The article was supplemented with paragraph (4), which states: "The use/sale of single-use plastic plates, cups, other tableware accessories, and straws, except for biodegradable ones, is prohibited as of January 1, 2021."

As a result, the public was informed about the importance of complying with this article, which aims to protect the environment, and about the applicable contravention sanctions under the Contravention Code No. 218/2008.

Moreover, in the context of implementing Art. 20 of the Law on domestic trade, an analytical article titled "Issues concerning the identification of contraventions and the application of sanctions in the field of consumer rights protection" was developed and will soon be published on the official website of the "Ștefan cel Mare" Academy of the MAI, under the section Conference Materials of "National regulations and international legal standards in consumer protection."

With regard to public participation in environmental decision-making, this is carried out in accordance with Law No. 239/2008 on transparency in the decision-making process. Public authorities must consult citizens, legally established associations, and other stakeholders on draft normative and administrative acts that may have social, economic, or environmental impacts.

Public involvement is ensured through the technical-normative mechanism set out in the cited law, namely:

- publication of announcements regarding the initiation of decision-making (Art. 9);
- publication of announcements and related materials for public consultations;
- creation of working groups with the participation of civil society representatives;
- organization of public consultations (Art. 11);
- compilation of the decision-making file accessible to all citizens (Art. 12 para. (4)).

Decision-making announcements are published on the websites of authorities under the "Transparency" section, sub-section "Public Consultations."

Although the MAI has no direct responsibilities in environmental protection, full transparency and access to information regarding environmental offenses and related phenomena is ensured for the media and the public, except for information related to ongoing criminal proceedings. Between 2017–2020, eight press releases on environmental topics were published on the GPI website (<https://politia.md/ro>) and social media pages:

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

3. <https://politia.md/ro/search/node/vanatoare>
4. <https://politia.md/ro/content/important-pentru-vanatori-inceput-sezonul-de-vanatoare-la-pasarile-acvapalustre>
5. <https://politia.md/ro/content/actiuni-de-contracara-braconajului-efectuate-de-politie>
6. <https://politia.md/ro/content/raii-de-prevenire-si-contracara-pescuitului-ilicit-perioada-de-prohibitie>

SHS also updated and published on its official website the legal and internal normative frameworks applicable to environmental issues so that the interested public can access data transparently and efficiently. On the same website, activity plans and reports, procurement plans, announcements, news, internal control activities, and other public interest information can also be consulted.

(c) Regarding Article 3, measures taken to ensure that environmental information becomes progressively available in electronic databases easily accessible to the public through public telecommunication networks

The EPI publishes an annual monographic report on state environmental control, which forms the basis for the National Report on the State of the Environment.

The Environmental Agency has signed maintenance contracts for its website and Automated Information Systems to ensure a gradual increase in the volume of environmental data in its electronic databases.

Letters were sent to public authorities and economic agents requesting annual data on waste management and greenhouse gas emissions to complete the respective databases. During the drafting of the National Environmental Report for 2015–2018, relevant institutions were asked to complete environmental indicator forms, allowing for data series to be compiled and trends to be analyzed.

(d) Regarding Article 4, Measures taken to publish and disseminate national reports on the state of the environment;

To implement item 5 para. (4) of the Regulation on the organization and operation of the Environmental Agency, approved by Government Decision No. 549 of 13.06.2018, the Environmental Agency issued Order No. 36 of 31.07.2019, through which it:

- approved the nominal composition of the Working Group responsible for preparing the 2020 National Environmental Report;
- developed and approved the Action Plan for the Report;
- elaborated and approved the list of environmental indicators and report structure;
- created and approved evaluation sheet templates for each indicator, identifying those responsible and training them;

- completed and analyzed the evaluation sheets;
- organized public consultations on the indicators and draft report with relevant institutions; (<https://am.gov.md/sites/default/files/document/attachments/ANUNT%20ghid.pdf>)
- finalized the Report based on feedback
- published the National Environmental Report.

As the national focal point for the UN Convention to Combat Desertification (UNCCD), SHS, in collaboration with responsible institutions, approved the working group composition, developed and approved the action plan, and published the Fourth National Report on the implementation of the UNCCD in Moldova: (<https://www.meteo.md/index.php/transparenta/consiliul-tehnic-tinific/>).

SHS also conducts scientific research and periodically publishes climate studies in the context of climate change and global warming: (<https://www.meteo.md/index.php/clima/cercetari-climatice/>)

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

In accordance with point 37 of Government Decision No. 1467 of 30.12.2016, through the electronic portal <https://am.gov.md/ro> , environmental information made available to the public and disseminated proactively is continuously updated and includes national legislative acts, international conventions, institutional activity reports, opinions, agreements, and permits for activities with environmental impact.

This includes environmental impact assessments and risk evaluations regarding environmental elements, or the indication of where such information may be requested or found. It also includes data or summaries of data resulting from monitoring activities that affect or may affect the environment.

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

During both scheduled and unscheduled inspections, environmental inspectors inform operators/economic agents of their obligation to immediately notify environmental authorities about accidental pollution incidents.

According to applicable legal acts, certain permitting procedures require the submission of evidence of public consultations related to the intended activity. For example, Law No. 11/2014 on Environmental Impact Assessment (EIA) stipulates a public consultation stage

and the presentation, when requesting an EIA, of a report on informing and involving the public in the decision-making process.

Environmental protection permits may include, as a condition, measures to inform the public about the activities carried out under the permit, if such a requirement is established by the relevant normative acts.

Furthermore, the Environmental Agency publishes the permits issued to economic agents, and the interested public may request information at any time about these activities and their environmental impact.

Additionally, economic agents inform the interested public about the possibility to consult the Environmental Impact Assessment documentation (<https://www.lafarge.md/ro/clone-proiectul-programului-de-realizare-evaluarii-impactului-ambiant-ului-pentru-activitatea>).

(g) Measures taken to publish and provide information according to the requirements of **paragraph 7**;

Reports on the activity of the Environmental Agency are regularly published (weekly, quarterly, annually): <https://am.gov.md/ro/content/rapoarte-de-activitate> as well as information on the environmental permits issued by the Environmental Agency and any other public interest information: <https://am.gov.md/ro/content/acte-permisiive>

When, within their competencies, subdivisions of the Ministry of Internal Affairs hold information on environmental policy matters, this is provided to the public through mass media channels—press conferences, briefings, TV and radio shows, individual interviews, seminars, meetings—or by posting press releases on their website.

(h) Regarding **paragraph 8**, measures taken to develop mechanisms to ensure that sufficient product information is made available to the public;

The NGO EcoContact, through the EU4Environment program, is implementing a project on the transposition of EC Regulation No. 66/2010 and the creation of an eco-labeling mechanism in the Republic of Moldova.

According to point 36 of the Technical Regulation "Organic agri-food production and labeling of organic agri-food products," approved by Government Decision No. 1078 of 22-09-2008, if the organic agricultural raw material was grown in the Republic of Moldova, the products bear the logo "Organic Agriculture Republic of Moldova."

According to point 40, "The logo of the Republic of Moldova for organic production

may be used for labeling, presenting, and promoting products that meet the requirements outlined in this Technical Regulation."

The national legal framework for granting eco-labels includes:

- The Law on Organic Agri-Food Production
- Government Decision No. 149 of 10 February 2006 for implementing the Law on Organic Agri-Food Production
- Government Decision No. 1078 of 22-09-2008 on the approval of the Technical Regulation "Organic agri-food production and labeling of organic agri-food products"

(i) Regarding **paragraph 9**, measures taken to establish a national system of pollution registers and inventories;

The Environmental Agency currently lacks the capacity to ensure a unified inventory system, but with the support of development partners, within technical assistance projects, it carries out tasks established by normative acts regarding:

Inventory of greenhouse gas emissions (according to Government Decision No. 1277/2018);

Inventory of air pollutant emissions (according to Government Decision No. 549/2018);

Inventory of equipment containing polychlorinated biphenyls (according to Government Decision No. 81/2009).

With its own resources, the Agency has initiated the process of data collection regarding waste management—waste inventory—through the Waste Management Information System (according to Government Decision No. 501/2018) and is set to initiate the implementation of the National Pollutant Release and Transfer Register – PRTR Information System (according to Government Decision No. 373/2018).

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

XII. Obstacles encountered in implementing the paragraphs of Article 5.

Describe the obstacles encountered in implementing the paragraphs of Article 5.

Answer:

Economic operators do not pay sufficient attention to the environmental reporting requirements, especially on electronic platforms such as RETP and SIAMD.

There is a lack of financial resources for the creation and development of the Integrated Environmental Information System, as well as insufficient institutional capacities.

XIII. Provide information on the practical application of the provisions of Article 5

Provide information on the practical application of the provisions regarding the collection and dissemination of environmental information from Article 5, e.g. are there available statistics regarding the published information?

Answer:

The Environment Agency has published on its official website a list of public interest environmental information held by the institution. This list is updated annually. As previously mentioned, the Environment Agency collects information on waste management via the Environmental Information Automated Management System (SIAMD) and publishes aggregated data, collects and validates statistical reports 1-AER and submits them to the National Bureau of Statistics, carries out GHG emissions inventory, and publishes emission data, as well as having collected and published time series data for 39 environmental indicators.

Annually, the National Bureau of Statistics issues the "Statistical Yearbook", which contains a dedicated chapter on the environment, including information on: municipal waste, generation and use of waste by enterprises, land and forestry fund, air protection, and water resource usage.

According to the provisions of Article 33 of the Administrative Code of the Republic of Moldova no. 116/2018, inter-institutional communication and communication with participants or the public in the administrative procedure can be conducted by any means (verbally, post, phone, fax, email, etc.), with preference for means ensuring greater efficiency, speed, and cost savings.

The exchange of information between the Police, environmental protection bodies, local public administration authorities, and the Moldovan Society of Hunters and Fishermen is ensured based on the Mutual Collaboration Agreement on strengthening capacities and joint commitments to prevent and combat offenses affecting forest resources and wildlife, as well as based on the Action Plan for joint measures to detect and counter offenses affecting forestry resources, wildlife, and other related negative phenomena.

The Meteorological Forecast Centre annually provides the National Bureau of Statistics with meteorological data on: air temperature (monthly and annual averages), maximum and minimum absolute air temperatures (monthly and annual), atmospheric precipitation

(monthly and annual amounts, number of days with precipitation ≥ 0.1 mm), relative humidity, wind speed, and sunshine duration (in hours). All these data are systematized and processed based on primary data recorded at the Briceni, Chişinău, and Cahul meteorological stations, as well as national averages.

XIV. Relevant website addresses for the implementation of Article 5

Provide relevant website addresses, if available:

Answer:

See Chapter VI.

XV. Legislative, regulatory, and other measures implementing the provisions on public participation in decision-making regarding specific activities according to Article 6

List the legislative, regulatory, and other measures implementing the provisions on public participation in decision-making regarding specific activities according to Article 6.

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

Answer:

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

1. Law no. 239 of 13-11-2008 on Transparency in the Decision-Making Process.

Article 7 of this law establishes the following obligations for public authorities:

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

a) dissemination of information on annual programs (plans) of activity by posting them on the authority's official website, displaying them at the authority's headquarters in a publicly accessible space and/or broadcasting them in the central or local media, as appropriate;

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

c) institutionalizing mechanisms of cooperation and partnership with society;

d) receiving and examining recommendations from citizens, associations established according to law, and other interested parties for use in the drafting of decisions;

e) consulting the opinions of all interested parties regarding the draft decisions according to this law.

According to Article 8 of the same law, the main stages for ensuring transparency in the decision-making process are:

- a) informing the public regarding the initiation of drafting a decision;
- b) making available to interested parties the draft decision and related materials;
- c) consulting citizens, associations, and other interested parties;
- d) examining recommendations from citizens, associations, and other interested parties in the drafting of decision projects;
- e) informing the public about the adopted decisions.

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

This normative act establishes that:

"The public authority shall ensure access to draft decisions and related materials by mandatory publishing them on its official website, as well as on the website: www.particip.gov.md "

According to points 6-8 of this Regulation:

Public authorities approve internal rules regarding the procedures for drafting, informing, consulting, participation, and adopting decisions in accordance with the legislation in force. The person responsible for coordinating the public consultation process prepares a general list of interested parties, drawn up at the initiative of the authority's subdivisions, other public authorities, or upon proposal from interested parties, which will be informed as a priority about the authority's decision-making process. The list is updated semi-annually, including the interested parties (citizens' names and surnames, names of associations established in accordance with the law, other interested parties, and their contact information) who have requested in writing to be informed about the authority's decision-making process.

a. Regarding paragraph 1, measures taken to ensure that:

(i) The provisions of Article 6 apply to decisions on proposed activities listed in Annex I to the Convention;

According to the provisions of Government Decision no. 967 of 09-08-2016 on the public consultation mechanism with civil society in the decision-making process:

"The public authority ensures access to draft decisions and related materials by mandatory publishing them on the official website of the authority, as well as on the website www.particip.gov.md "

Measures ensuring public participation in environmental decision-making are implemented according to the provisions of Law no. 11/2014 on Environmental Impact Assessment (EIA).

When issuing permitting documents (except for the Environmental Agreement following the EIA procedure), public participation is not organized in the decision-making process, since special normative acts regulating the procedures for issuing such permits do not provide for the public consultation stage of the decision project.

According to the Law on Transparency in the Decision-Making Process (no. 239/2008), the initiation of decision drafting is made public within a maximum of 15 working days from the registration of the application, and recommendations are submitted within 10 working days. Thus, when a permitting document must be issued within 10 days, the transparency process under this law cannot be accommodated within that timeframe (which requires a maximum of 25 working days).

(ii) The provisions of Article 6 apply to decisions on proposed activities other than those listed in Annex I and which may have a significant environmental effect;

Regarding the involvement of interested public in the decision-making process on ecological/environmental policy matters, according to Article 3, paragraph (4) of Law no. 239/2008 on Transparency in the Decision-Making Process, public authorities shall consult citizens, associations established according to law, and other interested parties on draft normative and administrative acts that may have social, economic, and environmental impact (on lifestyle and human rights, culture, health, social protection, local communities, and public services).

Thus, citizens' involvement in the decision-making process is ensured in accordance with the technical and normative mechanism set out by the abovementioned law, namely through: publication of the announcement regarding the initiation of decision drafting (Article 9), publication of the announcement regarding public consultations and related materials, creation of working groups with civil society representatives, public consultations (Article 11), preparation of the decision-making project file accessible to all citizens (Article 12, paragraph 4, etc.).

Regarding deadlines, according to Article 9 of the same act, after initiating the decision drafting process, the public authority shall post, within a maximum of 15 working days, the respective announcement on its official website, immediately send it via email to interested parties, display it at its headquarters in a publicly accessible space, and/or disseminate it in central or local media, as appropriate. According to Article 11 paragraph (22), "The announcement regarding the organization of public consultations and related materials shall be made public at least 15 working days before finalizing the draft decision." Article 12 paragraph (2) states: "The recommendations of citizens, associations established according to law, and other interested parties shall be received by the public authority responsible for drafting the decision project in the following manner."

Decision-making process announcements are published on the authorities' websites under the "Transparency" section, sub-section "Public Consultations."

In the last four years, the Ministry of Environment underwent institutional reform according to Government Decision no. 117/2021. Considering the high staff turnover within the ministry, working group activity instability was observed. Thus, in 2025, by Order of the Ministry of Environment no. 39 of March 13, 2025, the working group for the implementation of the Aarhus Convention was established.

(ii) The provisions of Article 6 apply to decisions regarding proposed activities, other than those listed in Annex I, which may have a significant effect on the environment.

Regarding the involvement of the interested public in the decision-making process on environmental policy matters according to Article 3, paragraph (4) of Law No. 239/2008 on Transparency in the Decision-Making Process, public authorities shall consult citizens, legally established associations, and other interested parties on draft normative and administrative acts that may have social, economic, and environmental impact (on the way of life and human rights, culture, health and social protection, local communities, and public services).

Thus, the involvement of citizens in the decision-making process of authorities is ensured in accordance with the technical-normative mechanism established by the aforementioned law, namely through: publication of an announcement regarding the initiation of the decision elaboration (Art. 9), publication of an announcement on the organization of public consultations and related materials, creation of working groups including representatives of civil society, public consultations (Art. 11), compilation of a file on the elaboration of the draft decision accessible to all citizens (Art. 12 para. (4), etc.).

Regarding the deadlines, according to Article 9 of the same act, after initiating the decision elaboration process, the public authority shall post the respective announcement within no more than 15 working days on its official website, immediately send it by e-mail to interested parties, display it at its headquarters in a publicly accessible area, and/or disseminate it through central or local media, as appropriate. According to Article 11 para. (22) "The announcement regarding the organization of public consultations and the related materials shall be made public at least 15 working days before the finalization of the draft decision." According to Article 12 para. (2), "The recommendations of citizens, legally established associations, and other interested parties shall be received by the public authority responsible for elaborating the draft decision as follows."

Announcements related to the decision-making process are published on the authorities' websites under the "Transparency" section, subsection "Public Consultations."

In the past four years, the Ministry of Environment has undergone institutional reform according to Government Decision No. 117/2021. Considering the high employee turnover within the ministry, instability of the working group's activity was noted. Therefore, in 2025, based on Order of the Ministry of Environment No. 39 of March 13, 2025, a working group for the implementation of the Aarhus Convention was established.

- b.** Measures taken to ensure that the interested public is informed, in a timely, appropriate, and effective manner, during the environmental decision-making procedure, about the matters mentioned in paragraph 2;

The local public administration authority, within 5 days of receiving the environmental impact assessment documentation, shall place the documentation in a location accessible to the public, inform the initiator, the competent authority, and the public, and communicate the details of the person providing support to the initiator in organizing the

public debates.

The national-level environmental impact assessment is carried out in accordance with the provisions of Chapter VI of Law No. 86/2014, and in the case of projects with 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 a Transboundary Context (hereinafter - the Espoo Convention), adopted in Espoo, Finland, on February 25, 1991, and ratified by Parliament Decision No. 1546/1993.

Article 19 of Law No. 86/2014 establishes the environmental impact assessment program implementation process, namely:

- para. (2) For carrying out the national-level environmental impact assessment of the planned activity, the initiator (a natural or legal person, including public and administrative-territorial units, requesting the right to carry out the planned activity) shall develop the Environmental Impact Assessment Program, coordinated with the competent authority. At the same time, the initiator ensures public information and provides the public and interested public authorities with the opportunity to submit written comments on the program.
- para. (3) The initiator shall publish, in at least one national and one local newspaper, a brief description of the planned activity, mandatorily indicating its official website and/or another address where the application and the draft Environmental Impact Assessment Program can be accessed, as well as the deadlines for submitting comments. Comments shall be submitted to the initiator, and a copy of the comments to the competent authority.
- para. (4) The initiator shall submit to the competent authority, for coordination, the draft Environmental Impact Assessment Program, accompanied by materials proving public notification (copy of the publication, announcement).
And according to Article 24, paras. (1) and (2) of the same law: "The local or central public administration authority that has issued the permitting act for carrying out the planned activity for which an environmental agreement has been issued shall inform the competent authority in writing about the issuance of the permitting act within 10 days from the date of its issuance. The competent authority shall post a copy of the permitting act on its official website. The initiator, within 10 days, shall inform the public about the receipt of the permitting act by publishing announcements in the media and posting them on its official website."

- c. Measures taken to ensure that the timeframes of public participation procedures comply with the requirements of paragraph 3;

The Competition Council adopts 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 and Law No. 183/2012 may be challenged by interested parties in court. The operative part of the decisions of the Competition Council adopted under Law No. 139/2012 is 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 or commercial secrets.

And in Article 22 of Law No. 86/2014, the public debate procedure is regulated, namely:

para. (1) Public debates regarding the environmental impact assessment documentation shall be organized for:

- a) ensuring the public's right to participate in debates and in making important environmental decisions;
- b) considering the objections and proposals of the public regarding the environmental impact assessment documentation and adopting decisions related to the planned activity's implementation;
- c) finding mutually acceptable solutions for the initiator and the public to prevent and minimize negative environmental impacts resulting from the implementation of the planned activity.

para. (2) Public debates shall be held in the territory of the local public administration authority where the planned activity is to be carried out. After the submission of the environmental impact assessment documentation, the initiator, together with the local public administration authority, shall establish the venue, date, and time for the public debates.

para. (3) The initiator shall inform the public about the organization of public debates by publishing announcements in the media and posting them on its official website. The local public administration authority shall also post the announcement regarding the organization of public debates on its website, at its headquarters, and in other public places. The announcement shall be posted at least 10 days before the public debates.

para. (4) The results of the public debates shall be recorded in minutes, indicating the total number of participants, the list of questions, objections, and proposals received during the public debates on the environmental impact assessment documentation. The minutes shall be prepared within 3 days from the date of the public debates and signed by the chairperson of the public debate meeting.

para. (5) If during the public debates on the environmental impact assessment documentation, no answers were provided to the formulated questions, the initiator (the holder of the environmental impact assessment documentation) shall send the answers within 15 days from the date of the public debates to the authors of the questions at the postal and electronic addresses indicated during registration.

para. (6) The deadline for submitting 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. Regarding paragraph 4, measures taken to ensure early public participation

According to the provisions of Article 10 of Law No. 11 of 02-03-2010 on Strategic Environmental Assessment, "The initiator, in agreement with the competent authority, ensures the information and participation of the public in the strategic environmental assessment of the plan or program through the following actions:

- (a) identifying the segments of the public that could be affected by the implementation of the plan or program or are interested in decision-making, including environmental NGOs;
- (b) establishing methods for informing the public, such as public announcements in the media and information published on official web pages;
- (c) determining the means of public consultation: written information, public debates, etc.;
- (d) establishing reasonable deadlines to allow the public to participate effectively and in due time at all stages of the strategic environmental assessment;
- (e) informing about the possibility of public participation in the context of transboundary consultations."

According to Article 22(1) of Law No. 86/2014 and other legal provisions, the public's right to participate in debates and in the adoption of important environmental decisions is ensured. Additionally, according to Article 10(4) of Law No. 11/2017, "At the stages of the preliminary assessment and determination of the scope of the strategic environmental assessment report, the initiator informs the public in accordance with the provisions of Law No. 239/2008 on transparency in the decision-making process about the conduct of the preliminary assessment and the determination of the scope of the report, about the preparation of the plan or program, and about the information to be included in the strategic environmental assessment report. The initiator ensures the public's opportunity to express opinions on the potential environmental impact of the plan or program during the preliminary assessment stage and on the information to be included in the report at the stage of determining the scope of the report. The public submits its objections and proposals to the initiator and the competent authority within a maximum of 10 calendar days from the date of notification."

e. Regarding paragraph 5, measures taken to encourage potential applicants to identify the interested public, enter into dialogue, and provide information about the objectives of their request before seeking a decision;

Such measures are applied only within the Environmental Impact Assessment (EIA) procedure, when coordinating the EIA Program, where the stakeholders that must be consulted regarding the planned activity are recommended. These measures do not apply in other permitting activities.

According to point 43 of the Guidelines on the Implementation of Environmental Impact Assessment Procedures, approved by Order of the Ministry of Agriculture, Regional Development and Environment No. 1 of 04.01.2019, "Objections, proposals

(recommendations) from the interested public regarding the approval of the program implementation are received within 10 days from the date of publication on the official website of the issuing competent authority in the regulatory procedure section."

f. Regarding paragraph 6, measures taken to ensure that:

(i) the competent public authority makes available to the interested public all relevant information for the decision-making process referred to in Article 6 that is available at the time of public participation

According to Article 23(2) of Law No. 86/2014, "The competent authority issues the environmental permit if the environmental impact assessment documentation has been prepared in accordance with the requirements of this law and the negative environmental impact has been minimized. The environmental permit shall contain at least:

(i) the reasoning for the decision;

(ii) mandatory measures proposed to prevent or reduce the negative environmental impact;

(iii) information on the public participation process."

(ii) in particular, the competent public authority makes available to the interested public the information listed in this paragraph;

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

According to Article 24(2) of Law No. 86/2014, "The competent authority shall publish on its official website a copy of the environmental permit for the planned activity.

The initiator, within 10 days, shall inform the public about the receipt of the permit by publishing announcements in the media and placing them on its official website."

The public participation report contains 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, phone and fax numbers)
3. The holder of the EIA documentation (name, legal, postal and electronic address, phone and fax numbers)
4. The authority responsible for public notification and/or for distributing the EIA documentation
5. The authority responsible for organizing the public participation process and receiving

- public comments (if different from the one mentioned above)
6. Methods for informing the public, location, time, and form of public debates
 7. List of information provided to the public at all EIA stages
 8. Minutes of public consultations, including the list of participants, indicating the organization's name (if applicable), subjects discussed
 9. List of objections and proposals to the EIA documentation received in writing
- g.** Regarding **paragraph 7**, measures taken to ensure that public participation procedures allow the public to submit comments, information, analyses, or opinions that it considers relevant to the proposed activity

The public may participate in public debates and express opinions it considers relevant regarding the proposed activity.

According to Article 23 of Law No. 86/2014, the competent authority approves one of the decisions based on the examination of the environmental impact assessment documentation, the opinions of central and local public authorities, other interested institutions, as well as considering the comments submitted by the public in writing and the results of public consultations.

In this regard, the competent authority collects all recommendations submitted regarding the consulted draft decision, analyzes them, prepares a recommendation analysis table with appropriate justifications for accepting or rejecting them, and ensures its publication on its official website.

- h.** Regarding **paragraph 8**, measures taken to ensure that public participation results are taken into account in a decision

The legislation in force stipulates that the competent authority must consider the results of public participation in the decision-making process. The principle of public participation in the development and adoption of environmental decisions within the regulatory procedure is implemented according to the provisions of Law No. 239 of 13 November 2008 on transparency in the decision-making process and the Regulation on Public Participation in the Development and Adoption of Environmental Decisions, approved by Government Decision No. 72 of 25 January 2000.

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

The documentation package for decision approval includes the recommendation analysis table resulting from public consultations. According to the applicable legislation, the public is informed about the adopted decision through announcements posted on the official websites of the public authority and the project initiator. The announcements include the decision text, including the main reasons and considerations on which it is based.

- j. Regarding **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity mentioned in paragraph 1, the provisions of paragraphs 2–9 apply, making the necessary changes where appropriate;

According to point 140 of the Guidelines on the Implementation of Environmental Impact Assessment Procedures, approved by Order of the Ministry of Agriculture, Regional Development and Environment No. 1 of 04.01.2019, "The review and updating of the preliminary assessment decision, program coordination opinion, or environmental permit, as the case may be, is carried out by the issuing competent authority upon the request of the planned activity initiator and/or documentation holder, as well as of the interested public."

Point 142 of the same Guidelines provides that: "The issuing competent authority, within 10 days of approving the review decision, ensures the following procedural stages:

1. reviews the information recorded in the project's personalized file alongside the newly received information, evaluates and consults the appeal of the issued act with the members of the technical analysis group previously involved, who submitted their views for its issuance;
2. enters notes and/or modifies the content of the act or refuses the request;
3. publishes the decision on its official website, under the regulatory procedure section, within 5 working days from approval;
4. informs in writing the planned activity initiator and/or documentation holder, as well as the local public administration authority in whose territory the project is proposed for implementation, for them to publish, within 3 days, the public announcement prepared according to Annex 19 of the guidelines; on their official websites, at their headquarters, and, when applicable, on the investment identification panel installed at the site;
5. analyzes the substantiated points of view of the interested public submitted within 10 days from the publication of the revised final decision;
6. justified comments and observations of the interested public may be rejected or, if considered and leading to a new review, the competent authority shall inform the initiator or documentation holder, and the local public administration authority within 5 working days, and republish accordingly through the means provided in the guidelines;
7. sends the revised act or, where applicable, the refusal decision to the planned activity initiator or documentation holder, and the local public administration authority where the project is planned."

- k. Regarding **paragraph 11**, measures taken to apply the provisions of Article 6 to decisions on the authorization of the deliberate release of genetically modified organisms (GMOs) into the environment.

According to the provisions of Law No. 152/2022 on the Regulation and Control of Genetically Modified Organisms, after receiving the notification, the National Commission for Biological Safety is required to inform and consult the public regarding the notification received.

Law No. 152/2022 provides that public notification shall be made within 10 days of receiving the notification, and the public has the right to express views within 30 days, which must be considered by the National Commission when deciding on the proposed activity authorization. Depending on the comments received, public debates may be organized on any aspects concerning biosafety.

Between 2020–2024, the National Commission for Biological Safety examined 33 applications and notifications from economic operators concerning the authorization of imported soybean meal obtained from genetically modified soy. The applications and notifications were published on the Ministry of Environment's website for public information and consultation.

(<https://mediu.gov.md/ro/content/comisia-nationala-pentru-securitate-biologica-2022?utm=>)

For the purpose of harmonizing 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 was developed. The draft law contains mandatory provisions on transparency, information, and public consultation in the decision-making process regarding the release of GMOs and products derived therefrom.

The draft law was consulted with relevant institutions and civil society and published on the Ministry of Environment's official website (www.mediu.gov.md) in the Decision-making Transparency section and on the governmental portal:

<https://particip.gov.md/ro>

<https://mediu.gov.md/ro/search/node/securitate>

XVI. Obstacles encountered in the implementation of Article 6

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

Answer:

The lack of consistency between the provisions of Law No. 239/2008 on ensuring transparency in the decision-making process regarding the transparency of decision-making on the issuance of permitting acts, and the provisions of the special environmental laws regulating the procedures for issuing permitting acts, particularly concerning the organization of public consultations in the process of issuing permitting acts and the inclusion of the period for organizing public consultations within the time limits set for issuing the permitting act.

The public's perception of the import and use of genetically modified organisms or products is negative, but usually, the public rarely reacts to notifications submitted by economic agents regarding the import of genetically modified feed.

XVII. Provide additional information on the practical application of the provisions of Article 6

Provide additional information on the **practical application of the provisions regarding public participation in decision-making on specific activities under 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 this article to proposed activities for national defense purposes.

Answer:

The environmental impact assessment (EIA) procedure derives from the provisions of the applicable regulatory framework and involves carrying out the following procedural stages:

1. Preliminary environmental impact assessment of the planned activity;
2. Conducting the environmental impact assessment, according to the following stages:
 - a) the stage of drafting and coordinating the Environmental Impact Assessment Programme, during which public consultation of the interested public is ensured and proven;
 - b) conducting the environmental impact study in accordance with the previously coordinated content of the Environmental Impact Assessment Programme;
 - c) completing the environmental impact study and preparing the environmental impact assessment documentation;
 - d) examining and analyzing the quality of the environmental impact assessment documentation and ensuring public consultation on its content;
 - e) organizing a public debate on the environmental impact assessment documentation for the planned activity and preparing the report on public participation;
 - f) examining, discussing, and holding consultations on the environmental impact assessment documentation between the competent environmental authority and the initiator of the planned activity or the holder of the environmental impact assessment

documentation;

g) finalizing the environmental impact assessment documentation and reviewing the supplementary information;

h) approving the decision to issue the environmental permit or refusing its issuance.

6) In order to assess potential adverse effects on environmental factors, the EIA procedure may also include other specific environmental protection requirements provided by national, European Union, and international legislation 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 permitting acts in the environmental field, in accordance with the provisions of Article 291 of Law No. 1515 of 16 June 1993 on environmental protection, as amended, Article 5 of Law No. 86/2014 on environmental impact assessment, as amended, Law No. 160 of 22 July 2011 on the regulation by authorization of entrepreneurial activity, as amended, as well as the provisions of this Guide.

8) Public debate is mandatory in the EIA procedure for projects and programmes. These debates are organized by the Environment Agency with the support of the initiator/permit holder.

9) To promote public participation in decision-making processes, the provisions of current environmental legislation are observed regarding the procedures for issuing regulatory acts: public announcements in mass media, on the websites of institutions, on the permit holder's website, posting at the town hall and permit holder's office, and public debates.

XVIII. Relevant internet addresses in the implementation of Article 6

www.ami.gov.md

<https://www.medi.gov.md>

www.mai.md,

www.politia.md

www.dse.md

<https://www.carabinier.gov.md>

XIX. Appropriate practices and/or other provisions established for public participation in the development of environmental plans and programmes in accordance with Article 7

List the appropriate practices and/or other provisions established for public participation in the development of environmental plans and programmes, according to Article 7. Describe the transposition of relevant definitions from Article 2 and the non-discrimination requirement from Article 3, paragraph 9.

Public participation during the development of environmental plans and programmes has been established through the Regulation on Public Involvement in the Development and Adoption of Environmental Decisions, approved by Government Decision (GD) No. 72 of 25 January 2000; Law No. 86 of 29 May 2014 on Environmental Impact Assessment. This law partially transposes Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codified text), published in the Official Journal of the European Union No. 26 of 1 January 2012; Law No. 1515-XII of 16 June 1993 on Environmental Protection; GD No. 967 of 09 August 2016 on the mechanism for public consultation with civil society in the decision-making process; and the Guide on Implementing Procedures for Environmental Impact Assessment, approved by Order of the Ministry of Agriculture, Regional Development and Environment (MADRM) No. 1 of 04 January 2019, whose legal successor is the Ministry of Environment.

The Regulation on Public Involvement in the Development and Adoption of Environmental Decisions was drawn up to implement the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters, ratified by Parliament Decision No. 346-XIV of 7 April 1999, and the Law on Environmental Protection No. 1515-XII of 16 June 1993. This Regulation establishes the requirements for the central environmental authority to involve the public in the development or draft laws, regulations, programmes, and other normative acts, the public's involvement in decision-making on economic activities with environmental impact at the local level, in the development of economic and social development projects and programmes, as well as the procedure for involving the public.

Law No. 86/2014 in Article 2 includes and defines the following notions:

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

GD No. 967 of 09 August 2016 on the mechanism for public consultation with civil society in the decision-making process defines the following notions:

- stakeholder;
- decision-making process.

At the same time, certain non-discrimination requirements are set out in Article 6 of Law No. 148 of 09 June 2023 on Access to Public Interest Information:

- (1) Any natural or legal person has the right to access public interest information, under the forms and conditions provided by law.
- (2) Information providers are obliged to ensure access to public interest information, under the forms and conditions provided by law.

According to Article 19, paragraphs (2) and (3) of Law No. 86/2014, for conducting an environmental impact assessment at the national level of the planned activity, the initiator draws up the Environmental Impact Assessment Programme, which must be coordinated with the competent authority. The initiator also ensures public information and provides the opportunity for both the public and interested public authorities to submit written comments on the programme. The initiator must publish, in at least one national and one local newspaper, concise information about the planned activity, indicating their official website and/or another address where the application and draft Environmental Impact Assessment Programme can be accessed, as well as the deadlines for submitting comments. Comments are submitted to the initiator, and copies of the comments to the competent authority.

According to the Guide mentioned above, point 5 describes the Environmental Impact Assessment procedure, derived from the applicable regulatory framework and involving the following procedural stages: evaluarea prealabilă a impactului asupra mediului a activității planificate;

1. Preliminary environmental impact assessment of the planned activity;
2. Conducting the environmental impact assessment, according to the following stages:
 - a) the stage of drafting and coordinating the Environmental Impact Assessment Programme, during which public consultation of the interested public is ensured and proven;
 - b) conducting the environmental impact study in accordance with the previously coordinated content of the Environmental Impact Assessment Programme;
 - c) completing the environmental impact study and preparing the environmental impact assessment documentation;
 - d) examining and analyzing the quality of the environmental impact assessment documentation and ensuring public consultation on its content;
 - e) organizing a public debate on the environmental impact assessment documentation for the planned activity and preparing the report on public participation;
 - f) examining, discussing, and holding consultations on the environmental impact assessment documentation between the competent environmental authority and the initiator of the planned activity or the holder of the environmental impact assessment documentation;
 - g) finalizing the environmental impact assessment documentation and reviewing the supplementary information;
 - h) approving the decision to issue the environmental permit or refusing its issuance.

XX. Opportunities for public participation in the development of environmental policies, under Article 7.

Explain what opportunities exist for public participation in the development of environmental policies, under Article 7.

Answer:

According to point 28 of the Regulation on Public Involvement in the Development and Adoption of Environmental Decisions, "The central environmental authority and local public administration authorities shall inform the public about the approved environmental documentation through press announcements, communications via radio and television, by

posters displayed at the headquarters of prefectures, district councils, municipal, town, and village (commune) halls. The approved documentation may be made available to interested natural and legal persons from among the involved public."

At the same time, disputes that may arise in the application of environmental decisions between local public administration authorities, beneficiaries, and the population will be settled by the central environmental authority, within 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:

Public unawareness of environmental issues, for various reasons: standard of living, access to information, age, education, professional interest, etc.

XXII. Additional information regarding the practical application of the provisions of Article 7

Provide information on the practical application of the provisions of Article 7.

Answer:

According to point 8 of the Guide on Implementing Procedures for Environmental Impact Assessment, approved by Order of the Ministry of Agriculture, Regional Development and Environment (MADRM) No. 1 of 04 January 2019, the environmental impact assessment also establishes the framework for ensuring:

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 of 30 December 2016;
2. Requesting and providing information related to the regulatory procedure, in accordance with the provisions of Law No. 148 of 09 June 2023 on Access to Public Interest Information;
3. Consultation of the interested public, public administration authorities responsible for environmental protection, environmental NGOs, and groups with responsibilities in environmental protection, established according to national legislation and the provisions of the Regulation on Public Consultation Procedures with Civil Society in the Decision-Making Process, approved by Government Decision No. 967 of 09 August 2016; including,
4. Participation of the interested public in the process of developing and adopting environmental decisions related to the regulatory procedure, in accordance with the provisions of Law No. 239 of 13 November 2008 on Transparency in the Decision-

Making Process and the Regulation on Public Involvement in the Development and Adoption of Environmental Decisions, approved by Government Decision No. 72 of 25 January 2000.

XXIII. Relevant Website Addresses for the Implementation of Article 7

Provide relevant website addresses for the implementation of Article 7, if available.

See Chapter VI.

XXIV. Efforts Made to Promote Public Participation in the Development of Regulations That May Have a Significant Environmental Impact, According to Article 8

Describe the efforts made to promote effective public participation in the development of regulations by public authorities and other generally applicable legal norms that may have a significant environmental impact, according to Article 8. Describe the transposition of relevant definitions from Article 2 and the non-discrimination requirement from Article 3, paragraph 9.

Answer:

Chapter II of the Regulation on Public Involvement in the Development and Adoption of Environmental Decisions establishes measures for creating conditions for public participation in the process of drafting laws, regulations, programs, and other normative acts.

Thus, the public authority is obliged to announce the start of drafting the mentioned acts, to indicate the deadline for possible public participation, to create working groups for drafting the projects, which may include representatives of NGOs, other structures, or the general public, and the public will be given the opportunity to present their observations directly or through other means.

a) Public involvement is carried out in a differentiated manner, according to national consultation procedures to determine public attitude towards the intentions to draft documentation of special importance for the population of the Republic (laws, national programs, other normative acts);

b) Environmental sociological studies reflecting more accurately the public attitude towards the drafted projects. Public participation will be ensured already at the initial stage to give the opportunity to engage in examining various options.

XXV. Obstacles Encountered in Implementing Article 8

Answer:

Insufficient personnel with legal training within public institutions. Lack of public interest in the

procedures for drafting normative acts.

XXVI. Additional Information Regarding the Practical Application of the Provisions on Public Participation According to Article 8

Provide additional information regarding the practical application of the provisions on public participation according to Article 8

Answer:

Chapter V of the Regulation on Public Involvement in the Development and Adoption of Environmental Decisions regulates the Public Involvement Procedure as follows:

Point 20. In the case of public involvement in the process of drafting laws, regulations, and decisions regarding projects at the national level, projects with cross-border impact, and other legislative and normative acts, the central environmental authority:

- a) will inform the public through the mass media about the initiation of the drafting processes of the above-mentioned acts;
- b) will form working groups (public investigation teams), including representatives of NGOs and the public;
- c) will organize, if necessary, sociological surveys on the relevance and provisions of the normative act to be drafted;
- d) will invite media representatives to the working group meetings, thus ensuring transparency of their activities;
- e) will send the draft acts to NGOs and other interested bodies for review;
- f) will organize press conferences, round tables, television and radio programs to present the essence of these acts;
- g) will consider requests and proposals received, modifying, if necessary, the content of the draft documents under development;
- h) after approval by higher authorities or publication in the Official Gazette of the Republic of Moldova, will organize various public activities to familiarize the population with them (press conferences, round tables, briefings, etc.).

Point 21. In the case of public involvement in drafting decisions regarding projects at the national level and those with cross-border impact, the procedure will be similar to that stipulated in point 20 of this regulation.

Point 22. In the case of public involvement in drafting decisions regarding economic activities with environmental impact at the local level, local public administration bodies:

- a) will inform the population about the initiation of the documentation drafting processes;
- b) at the verbal or written request of NGO representatives and the public, will establish groups to conduct surveys to determine the possible impact of the proposed project. These groups will be constituted on a parity basis from representatives of the interested parties (local public administration, NGOs, and the public).

Point 23. In the case of public involvement in drafting decisions regarding projects at the national level and those with cross-border impact, the procedure will be similar to that stipulated in point 20 of this regulation.

authority, beneficiary, population). Point 23. Depending on the degree of complexity, consultation will be conducted through environmental sociological surveys with specific methods and techniques for information and consultation. Point 24. The duration of surveys is up to 30 days, depending on the category of acts to be approved. If necessary, depending on the complexity, the survey can be extended up to 60 days.

Point 25. The beneficiary:

- XXVII
- organizes public debates on the projects submitted for examination;
 - submits the results of public debates to the state environmental expertise for review;
 - is responsible for implementing the conclusions of the public audit confirmed by the state environmental expertise;
 - covers all expenses related to the procedure of public involvement in the respective activities.

Point 25. Public involvement will be considered completed upon publication of the decision adopted following the public consultation on the respective projects.

XXVII. Relevant Website Addresses for the Implementation of Article 8, If Available

Provide the relevant website addresses, if available:

www.mediu.gov.md, www.am.gov.md

XXVIII. Legislation, Regulations, and Other Measures Implementing the Provisions on Access to Justice from Article 9

List the legislation, regulations, and other measures implementing the provisions on access to justice from Article 9.

Explain how each paragraph of Article 9 has been implemented. Describe the transposition of relevant definitions from 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 criminal prosecution system, the Prosecutor General's Office (PGO), the Ministry of Justice (MJ), and selected independent and executive-level entities providing ancillary services to the courts.

The legislative measures implementing the provisions on access to justice are: the Constitution of the Republic of Moldova, the Administrative Code, the Civil Procedure Code, Law no. 148/2023 on Access to Public Interest Information, Government Decision no. 1467/2016 approving the Regulation on Public Access to Environmental Information, etc. Article 20 of the Constitution of the Republic of Moldova guarantees free access to justice

as follows:

- (1) Everyone has the right to effective satisfaction from competent courts against acts that violate their rights, freedoms, and legitimate interests.
- (2) No law may restrict access to justice.

Article 34 of the Constitution establishes the following:

- (1) The right of a person to access any information of public interest cannot be restricted.
- (2) Public authorities, according to their competencies, are obliged to ensure correct information of citizens on public affairs and matters of personal interest.
- (3) The right to information must not prejudice measures for citizen protection or national security.
- (4) Public, state, or private media are obliged to ensure correct information of public opinion.
- (5) Media are not subject to censorship.

The Administrative Code, at Article 39, paragraph (2), states that any person claiming a right violated by a public authority or due to failure to resolve a request within the legal term may apply to the competent court. Article 68 establishes that public authorities are obliged to ensure:

- a) proper organization and conduct of the administrative procedure;
- b) receipt, registration, and resolution of petitions submitted, as well as the legality of decisions and their communication within the legal term;
- c) application of provisions regarding administrative transparency and access to public information.

Law no. 148/2023 aims to ensure transparency of public sector activities. Article 6, paragraph (1) of this law regulates that "Any natural or legal person has the right to access public interest information, in the forms and conditions provided by law."

Additionally, the Law on Access to Public Interest Information stipulates that refusal to provide such information must be in writing, stating the name of the information provider, the name and surname or designation of the requester, the date of refusal, the basis and motivation for refusal, the means to contest the refusal, and the handwritten or electronic signature of the head of the provider.

The law also sets strict deadlines for processing information access requests (no later than 10 working days).

The Regulation on Public Access to Environmental Information contains provisions on access to justice related to environmental information (Pillar One) as follows: according to point 32, any applicant who considers that their request for environmental information was unjustifiably refused, partially or entirely, ignored, or answered inappropriately by a public authority, or that access to information was denied, may submit a preliminary request to the head of the respective public authority or the superior hierarchical body requesting reconsideration of the acts or omissions.

If the applicant considers themselves aggrieved after applying point 32 or has not received a response within the legal term, they may file a lawsuit in accordance with the provisions of Administrative Code no. 116/2018.

Civil Procedure Code no. 225/2003, at Article 5, regulates:

- (1) Any interested person has the right to apply to the court, as established by law, to defend their violated or contested rights, freedoms, and legitimate interests.
- (2) No one shall be denied judicial defense due to the non-existence, imperfection, conflict, or obscurity of legislation in force.
- (3) The waiver of the right to apply to court through a prior agreement has no legal effect, except for cases of arbitration agreements concluded under the law.

According to Article 162, paragraph (2) of the Administrative Code, "if the public authority does not resolve the petition within the terms provided by this Code, the affected person has the right to submit a preliminary request within 30 days from the communication or notification of the individual administrative act or rejection of the petition, as established in Article 165, paragraph (1) of this Code.

Also, if the public authority fails to resolve the request within the provided term, the preliminary request may be submitted within one year after the expiration of the term.

Also, specifically describe:

(a) According to **paragraph 1**, measures taken to ensure that:

(i) any person who considers that their request for information, pursuant to Article 4, was ignored, wrongly refused, partially or entirely, or who considers that they received an inadequate response or that their request was not considered according to Article 4, has access to a recourse procedure before a court or another independent and impartial body provided by law.

According to Article 25 of Law 148/2023:

1. Any person claiming the right of access to public interest information may challenge in court any action or inaction by information providers that violate the provisions of this law.
2. Challenges against actions or inactions of information providers are carried out by filing an administrative contentious action, which is submitted and examined according to the Administrative Code, without observing the prior procedure, except for exceptions and completions provided by this law. Regarding administrative contentious procedure, all information providers are assimilated to public authorities.
3. The administrative contentious action must be submitted within 30 days from the communication of the information provider's response. If the provider does not resolve the request within the term provided in Article 19, the action may be submitted within one year from the expiration of the term.

(ii) In case a party ensures such recourse before a court, it shall ensure that such a person also has access to a substantive procedure established by law, which shall be free or not

excessively costly, in case of reconsideration of the request by a public authority or review by an independent and impartial body other than a court;

(iii) The final decision taken in accordance with the provisions of point 1 must be binding on the public authority holding the information. Reasons must be declared in writing, at least in cases where the information is refused pursuant to the provisions of this point;

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

(c) In accordance with paragraph 3, each party shall ensure that, when all criteria are met, if provided by national legislation, members of the public have access to administrative or judicial procedures to challenge acts or omissions of private persons and public authorities that contravene the provisions of national environmental legislation;

XXIX. Obstacles encountered in implementing Article 9

Describe any obstacle encountered in implementing any paragraph of Article 9.

Answer:

Insufficient legal staff within the environmental protection authorities.
The reorganization of courts and other effective efforts must strengthen and not jeopardize access to justice services for the local population, especially in environmental matters.
Reduced mobility among the rural population, combined with longer travel distances and poor transport conditions, may raise concerns regarding access to justice services. This is particularly relevant in remote and rural areas, where 57 percent of the citizens of the Republic of Moldova live – and which represent 84 percent of the poor in the Republic of Moldova.

XXX. Additional information regarding the practical application of the provisions of Article 9

Provide additional information on the practical application of the provisions concerning access to justice under Article 9, for example, are there statistics available on access to justice in environmental matters, and are there mechanisms for removing or reducing financial and other barriers to access to justice?

Answer:

Law no. 148/2023 on Access to Public Interest Information regulates the mechanisms for
54
reduced mobility among the rural population, combined with longer travel distances and poor transport conditions, may raise concerns regarding access to justice services. This is particularly relevant in remote and rural areas, where 57 percent of the citizens of the Republic of Moldova live – and which represent 84 percent of the poor in the Republic of Moldova.

XXX. Additional information regarding the practical application of the provisions of Article 9

XXXI. General comments regarding the purpose of the Convention

protecting the right of access to justice through the courts. Practically, access to justice under this law refers to the possibility of any person to challenge before a court the refusal, delay, or omission by public authorities and other information providers to communicate the requested information. According to Article 25 paragraph (1) of the law, any person who considers that their right of access to public interest information has been violated may challenge the action or inaction of the information provider before the court.

XXXI. Relevant website addresses for the implementation of Article 9

Answer:

See Chapter VI

XXXII. General comments regarding the purpose of the Convention

If you consider it appropriate, show how the implementation of the Convention contributes to the protection of the right of any person, of present and future generations, to live in an environment adequate to 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 Matters, adopted in Aarhus, Denmark, on 25 June 1998, creates a general legislative framework that ensures sustainable development and environmental protection by taking into account that better access to information and public participation in the decision-making process improve the quality of public authorities' decisions, contribute to public awareness on environmental issues, and promote ecological education aimed at a deeper understanding of environmental problems. Thus, the implementation of the Convention ensures better access to information and public participation in decision-making, which leads to improved quality of decisions by public authorities.

XXXIII. Legislative, regulatory, and other measures to implement provisions regarding genetically modified organisms in accordance with Article 6 bis and Annex I bis

Describe the legislative, regulatory, and other measures to implement provisions regarding public participation in decision-making on the deliberate release into the environment and placing on the market of genetically modified organisms as per **Article 6 bis**.

Answer:

Article 3 of Law no. 152/2022, Basic principles of state policy in the field of activities regarding the deliberate release into the environment and placing on the market of genetically modified organisms. The state policy in the field of activities concerning the deliberate release into the environment and placing on the market of genetically modified organisms is based on the following principles:

- a) The precautionary principle, according to which the deliberate release into the environment of genetically modified organisms and placing on the market of products containing or consisting of genetically modified organisms is allowed only when there is no direct or indirect, immediate or long-term action causing cumulative adverse effects on human health and the environment, as established through risk assessment in a transparent manner, based on reliable scientific methods and available scientific and technical data;
- b) The principle of safety of operations related to creation, maintenance, burial, testing, commercial use, and transboundary movement of genetically modified organisms and products consisting of genetically modified organisms, as products themselves or components of products;
- c) The principle of priority of protecting human health and the environment over economic benefits generated by the use of genetically modified organisms;
- d) The principle of transparency towards consumers, ensuring public availability of information regarding potential risks generated by the use of genetically modified organisms and the actual situation concerning the spread of genetically modified organisms in the Republic of Moldova.

According to Article 12, the National Commission for Biological Safety

- (1) The National Commission for Biological Safety (hereinafter – the Commission) is an interdepartmental body without legal personality, having the following competences:
 - a) examines notifications in terms of ecological risk assessment for human health and the environment, risk management, emergency intervention measures, monitoring plans, and detection and identification methods of genetically modified organisms for the first request for deliberate release or placing on the market of a genetically modified organism or a combination of genetically modified organisms as a product itself or a component of a genetically modified product on the territory of the Republic of Moldova;
 - b) issues an evaluation report within the deadline established by the procedure described in Chapter III. The evaluation report and minutes of meetings are submitted to the Environmental Protection Agency both on paper and electronically;
 - c) coordinates the list of institutions and accepted experts for preparing environmental risk assessments;
 - d) cooperates with the Environmental Protection Agency, the Ministry of Environment, and control bodies to establish necessary measures in case of major risks or for the application of safeguard clauses;
 - e) requests information from the notifier and authorities involved in implementing this law;
 - f) cooperates with the Ministry of Environment and the Environmental Protection Agency in drafting the normative framework related to this law;
 - g) issues an evaluation report on genetically modified food and feed for their registration by the National Food Safety Agency in the State Register of genetically modified food and feed products.

Article 28 of Law no. 152/2022, Public Information and Participation

- (1) The consultation and public participation procedure in decision-making starts from the date of notification submission to the Commission and lasts 30 days.
- (2) On the date set in paragraph (1), the Environmental Protection Agency publishes on its official website the notification and public information according to Annex no. 7.
- (3) The public may submit objections and proposals to the Environmental Protection Agency by e-mail or by mail.
- (4) Depending on the comments received, the Environmental Protection Agency is entitled to organize public debates regarding all aspects of the subject under discussion.
- (5) Within 10 working days from the end of the public consultation, the Environmental Protection Agency prepares a synthesis of the comments and posts it on its official website.
- (6) Without prejudice to the provisions of Article 31, the Environmental Protection Agency informs the public and publishes on its official website, no later than 10 days after making a decision, the following information:

- a) the evaluation report of the Commission;
- b) the authorization issued under the provisions of Chapters III or IV.

- (7) The Environmental Protection Agency updates and maintains on its official website the register provided for in Article 30.

For the purpose of harmonizing 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 developed. The draft law contains mandatory provisions regarding transparency, informing, and consulting the public in the decision-making process concerning the introduction of GMOs and products derived from them.

Article 15, Authorization for activities with genetically modified organisms for the purpose of deliberate release into the environment

- (1) The authorization form for activities with genetically modified organisms for deliberate release into the environment is approved by the Government.
- (2) The authorization is drafted in Romanian and must contain:

- e) the issuer of the authorization;
- f) the name/designation, address/seat of the notifier, contact person details;
- g) unique identification code;
- h) description of the genetic modification;
- i) validity term of the authorization;
- j) purpose of the release;
- k) country of origin;
- l) exporting country;
- m) approved locations with exact areas for testing;
- n) labeling requirements, if applicable;
- o) requirements for monitoring and reporting results;
- p) obligations of the notifier.

- (3) The authorization is issued by the Environmental Protection Agency within 10 working days from the date of receipt of the Commission's evaluation report containing the recommendation for issuing the authorization and only upon presentation of proof of payment of the fee according to paragraph (8).
- (4) The Environmental Protection Agency publishes the authorization on its official website.
- (5) The notifier may begin deliberate release into the environment only after receiving the authorization.
- (6) The validity of the authorization may not exceed 5 years.
- (7) The authorization cannot be transferred to third parties.
- (8) The notifier pays the fee provided in Annex no. 8 for the authorization of activities with genetically modified organisms for deliberate release into the environment. The fee is transferred to the state budget (environmental pollution payments).

a. Regarding **paragraph 1** of **Article 6** bis and:

(i) Paragraph 1 of Annex 1 bis, arrangements regarding the regulatory framework of the Parties to ensure effective information and public participation in decisions subject to the provisions of Article 6 bis;

Thus, in the case of deliberate release into the environment of genetically modified organisms pursuant to the provisions of Article 18 paragraph (1), any natural or legal person intending to place on the market a genetically modified organism or a combination of such organisms, approved for use by the European Union, either as products themselves or components of products, must submit in advance a notification to the Environmental Agency in order to obtain the authorization provided for in Article 5 paragraph (6).

According to point 18 of the Regulation on the authorization of activities related to the obtaining, testing, use, and marketing of genetically modified organisms for the authorization of activities concerning the deliberate release into the environment of genetically modified organisms, the following shall be considered:

- a) genetically modified organisms arise from the use of the techniques indicated in point 8 letter (a) of this Regulation;
- b) techniques that are not considered to generate genetic modifications are indicated in point 8 letter (b) of this Regulation.

At point 22, the list of documents that economic agents must submit to the National Commission for the Authorization of Activities concerning the Deliberate Release onto the Market of Genetically Modified Organisms and Products Derived Therefrom is established.

(ii) Paragraph 2 of Annex I bis, any exceptions provided in the regulatory framework of the Parties to the public participation procedure provided in Annex I bis and the criteria for such an 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 submitted to obtain

authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report, if available;

(iv) **Paragraph 4** of Annex I bis, measures taken to ensure that under no circumstances the information provided in that paragraph is considered confidential; the Competent Authority consults and informs the public in the decision-making process, respecting the legislation in force regarding public access to information and confidentiality.

Article 13 of Law no. 152/2022, obligations of the notifier

(1) Under this law, the notifier who conducts activities of deliberate release into the environment or placing on the market, import, export, transit, storage, handling, transportation of a genetically modified organism or a combination of genetically modified organisms, as a product itself or a component of a product, shall undertake measures to ensure that the activities performed do not produce adverse effects on human health and the environment, being obliged to:

a) allow access to the authorities responsible for carrying out controls in the premises where activities with genetically modified organisms, as products themselves or components of products, are conducted, cooperate with them, and present documents proving the nature of the products used regarding genetic modification, for verifying their compliance with the conditions of the authorization issued by the Environmental Agency or to establish the legality of the activity;

b) allow sampling from the genetically modified organism, as a product itself or a component of a product, by the legal representative of the National Food Safety Agency or an accredited laboratory;

c) provide the authorities responsible for controls with documents establishing the mode of transportation of genetically modified organisms, as products themselves or components of products, safety measures for transportation, the place and manner of storage, information on labeling, packaging, and waste management;

d) keep records of activities carried out with genetically modified organisms for 10 years from the end of the release into the environment or placing on the market;

e) take measures to ensure that the activities carried out do not cause adverse effects on the environment, human health, and animals.

(2) The notifier who submits a notification under the provisions of Chapters III and IV must, prior to this, ensure the performance of an ecological risk assessment.

(3) Upon the emergence of new information regarding risks posed by genetically modified organisms, as products themselves or components of products, to human health or the environment, the notifier is obliged to:

a) inform the Environmental Agency immediately upon becoming aware of any changes or new information;

b) take necessary measures to protect human health and the environment;

c) immediately inform the Environmental Agency in case of accidents involving genetically modified organisms following transboundary movements.

Article 31, confidentiality of data

- (1) The Environmental Agency, the Commission, and the Ministry of Environment shall not disclose to third parties any confidential information notified or subject to information exchange under this law and shall protect intellectual property rights related to the received data, except as provided by law.
- (2) The notifier shall specify the information in the submitted notification whose disclosure could affect its competitive position and which, therefore, must be treated as confidential.
- (3) The Environmental Agency and the Commission may grant confidential treatment only regarding the following information, based on verifiable justifications, if the notifier has demonstrated that disclosure of such information could significantly harm its interests:

a) the manufacturing or production process, including the method and its innovative aspects, as well as other technical and industrial specifications inherent in the process or method, except information relevant to safety assessment;

b) commercial relationships between a manufacturer or importer and the applicant or authorization holder, as applicable;

c) commercial information revealing sources, market shares, or commercial strategy of the applicant;

d) information concerning DNA sequences, except sequences used for detection, identification, and quantification of the transformation event;

e) models and reproduction strategies.

(4) The Environmental Agency has the right to disclose the information mentioned in paragraph (3) if it is essential to adopt urgent measures for protecting human health, animal health, or the environment.

(5) Before making an official decision regarding a request for confidential treatment, the Environmental Agency shall inform the notifier in writing about its intention to disclose the information and the reasons underlying it. If the notifier disagrees with the assessment of the Environmental Agency, it may express its opinion or withdraw the request within two weeks from the date it was notified of the authority's position.

(6) Information intended for the public provided in Annex no. 7 shall not be considered confidential.

(7) If for certain reasons the notifier withdraws the notification, the Environmental Agency, the Commission, and other authorities involved in the notification and authorization procedure shall respect the confidentiality of the received information.

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

a. The nature of possible decisions;

In this case, the decision refers to the issuance of the authorization for deliberate release into the environment or the import consent, the decision to renew the authorization, or its suspension or cancellation, as applicable.

b. The public authority responsible for the decision;

The national competent authority – the National Commission for Biological Safety.

c. The modalities of public participation established in accordance with paragraph 1 of Annex I bis.

Law no. 152/2022 on the regulation and control of genetically modified organisms establishes the procedure for public consultation in the authorization process of the deliberate release of genetically modified organisms into the environment.

Article 14 para. (5) If the submitted documentation package is incomplete, the notifier is obliged to complete the missing information within no more than 20 days. Otherwise, the authorization procedure ceases without prejudice to the notifier's right to submit a new notification.

(6) Within 5 working days from the date of registration of the notification, the Environmental Agency transmits it electronically to the Commission for examination, informing the notifier accordingly.

(7) The Commission examines the notification within 30 working days and issues an evaluation report, which it submits to the Environmental Agency.

Article 23, Renewed Authorization

(1) Within 30 working days from the date of receipt of the notification, the Environmental Agency issues the renewed authorization regarding the placing on the market of genetically modified organisms, as such or as components of products.

(2) The Environmental Agency issues the authorization upon presentation of proof of payment of the fee provided in Annex no. 8.

(3) The validity period of the renewed authorization shall not exceed 5 years.

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

The National Commission for Biological Safety – the competent authority is tasked with consulting and informing the public in the decision-making process, respecting the applicable legislation on public access to information.

Thus, the competent authority publishes on the website of the Ministry of Environment under the section "National Commission for Biological Safety" the notification and the annexed set of documents to the application.

An indication of the public authority to which comments can be sent and the timetable for submitting comments;

Article 28, Public Information and Participation

(1) The consultation and public participation procedure in decision-making starts from the date of submission of the notification to the Commission and lasts 30 days.

(2) On the date set in para. (1), the Environmental Agency publishes on its official website the notification and information intended for the public, in accordance with Annex no. 7.

(3) The public may submit objections and proposals to the Environmental Agency by e-mail or by mail.

(4) Depending on the comments received, the Environmental Agency may organize public debates on all aspects of the subject under discussion.

(5) Within 10 working days from the end of the public consultation, the Environmental Agency prepares a summary of the comments and posts it on its official website.

(6) Without prejudice to the provisions of Article 31, the Environmental Agency ensures public information and publishes on its official website, within no more than 10 days from taking a decision, the following information:

a) the Commission's evaluation report;

b) the authorization issued pursuant to the provisions of Chapters III or IV.

(7) The Environmental Agency updates and maintains on its official website the register provided in Article 30.30.

(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 an appropriate manner, any comments, information, analyses, or opinions they consider relevant to the proposed deliberate release or placing on the market.

(7) Without prejudice to the provisions of Article 31, the Environmental Agency ensures public information and publishes on its official website, within no more than 10 days from taking a decision, the following information:

(vi) -- **Paragraph 7** of Annex I bis, measures taken to ensure that the results of public participation procedures organized in accordance with paragraph 1 of Annex I bis are taken into account;

Within the authorization procedure for the deliberate release into the environment for testing purposes, public comments are taken into consideration.

Thus, in accordance with the provisions of Article 28 of Law no. 152/2022, public comments are accepted within 30 days from the date of informing the public and will be taken into account by the National Commission when making the authorization decision for the proposed activity. Depending on the comments received, public debates may be organized on any aspects regarding the field regulated by this law.

At the same time, pursuant to point 29 of the Regulation on the authorization of activities related to the obtaining, testing, use, and marketing of genetically modified organisms, the National Commission informs the notifier within a maximum of 90 days about the receipt of the notification, mentioning that:

- a) the notification received complies with the provisions of the legislation in force;
- b) the notifier must provide additional information;
- c) the proposed activity does not meet the conditions of the Biological Safety Law and of this Regulation and the notification is rejected; or
- d) the proposed activity is not subject to the provisions of the Biological Safety Law and this Regulation.

According to the provisions of Law no. 152/2022, the National Commission informs the public, specifying the ways in which information can be obtained. The public submits its observations to the National Commission during the consultation period.

(vii) **Paragraph 8** of Annex I bis, measures taken to ensure that the texts of decisions subject to the provisions of Annex I bis, adopted by a public authority, are made available to the public together with the reasons and considerations on which they are based.

Law no. 152/2022, the National Commission ensures public participation in decision-making regarding the authorization of activities regulated by this law, in accordance with the provisions of national legislation and the international legal acts to which the Republic of Moldova is a party.

(b) Regarding **paragraph 2** of Article 6 bis, how the requirements carried out in accordance with the provisions of Annex I bis are complementary and mutually supportive of the national biosafety framework of the Party and are consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

The Republic of Moldova ratified the Cartagena Protocol on Biosafety to the Convention on Biological Diversity by Law no. 1381 dated 11-10-2002.

Thus, the Republic of Moldova, as a Party, through normative acts provisions, ensures that the production, handling, transport, use, transfer, and release of any genetically modified organism is conducted in a manner that prevents or reduces risks to biological diversity, while also taking into account risks to human health.

The legislation provides that the National Commission for Biological Safety — the competent authority — has the responsibility to consult and inform the public in the decision-making process, respecting the legislation in force regarding public access to information.

The authorization procedure for activities related to the development, testing, use, and commercialization of genetically modified organisms is regulated by the Regulation on the authorization of activities related to the development, testing, use, and commercialization of genetically modified organisms, approved by Government Decision no. 1153 dated September 25, 2003.

XXXIV. Obstacles encountered in the implementation of Article 6 bis and Annex I bis

Describe any obstacles encountered in implementing Article 6 bis and Annex I bis.

Answer:

Public perception of the import and use of genetically modified organisms or products is negative, but usually, the public rarely reacts to notifications submitted by economic agents for the import of genetically modified feed.

XXXV. Additional information regarding the practical application of the provisions of Article 6 bis and Annex I bis

Provide additional information regarding the practical application of provisions related to public participation in decision-making regarding the deliberate release into the environment and placing on the market of genetically modified organisms according to Article 6 bis; for example, whether there are statistics or other information available regarding public participation in such decisions or regarding decisions made under paragraph 2 of Annex I bis considered exceptions to the public participation procedures in the annex

Answer:

According to point 21 of the Regulation on the authorization of activities related to the development, testing, use, and commercialization of genetically modified organisms, for the approval of activities concerning the deliberate release 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 the genetically modified organisms are well known, and information is held regarding risk assessment involving species of plants and other organisms in the experimental ecosystem;
- scientific data result from experimental environmental releases of genetically modified plants belonging to the same recipient plant species;
- the inserted sequences with their expression results are safe for human health and the

environment under experimental introduction conditions;

the inserted sequences are well characterized and integrated into the plant's nuclear genome.

Moreover, at point 27, letter e), it is established that when making decisions regarding the activity requested in the notification, the National Commission takes into account public comments, which are advisory in nature and received within 30 days from the date of informing the public. Depending on the comments received, public hearings may be organized on all aspects of the issues examined.

XXXVI. Relevant internet addresses for the implementation of Article 6 bis

Relevant internet addresses, if available, including internet addresses for decision registers and communications related to genetically modified organisms of the Ministry of Environment.

Answer:

Previously, decision registers and communications related to genetically modified organisms were on paper. Starting this year, in accordance with Law no. 152 of June 9, 2022, on the regulation and control of genetically modified organisms, an electronic register has begun to be created by the Environmental Agency, an authority subordinated to the Ministry of Environment.

XXXVII. Results regarding compliance aspects

If, after considering a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session decided on measures regarding your country's compliance, please indicate (a) what those measures were; and (b) what specific actions your country has taken to implement the measures to achieve compliance with the Convention. Please include references to the relevant sections, if applicable.

Answer:

(a) Measures undertaken by the Republic of Moldova have been:

i) Continuation of monitoring the implementation of the Convention's principles, including access to information, public participation in environmental decision-making, and access to justice.

ii) Involvement of the Republic of Moldova in leading Working Groups on access to information to encourage the exchange of good practices and regional cooperation.

iii) Development of a new regulatory act aimed at improving public participation in environmental decision-making, enhancing administrative transparency and public access to relevant information.

(b) Specific actions carried out to implement the measures:

- i) Development of the national strategy and plan for implementing the Convention.
- ii) Approval of regulations for public participation in decision-making processes.
- iii) Digitization and accessibility of environmental data through specialized portals.