1. Please indicate time limits for public authorities holding environmental information to respond to requests for environmental information. is there a requirement for the issuance of a refusual in writing and stating reasons for the decision? How is the applicant informed about the possibilities the decisions?

The realization of the right of access to information in the Republic of Moldova is guaranteed by the Constitution and the Law on access to information no.982 / 11.05.2000. The present Law was designed to streamline the process of informing the population, the control of citizens on the activity of public authorities and public institutions, as well as to stimulate the formation of opinions and active participation of the population in the decision-making process. It is necessary to underline that this legislative instrument is applicable to all areas, including the environment.

Under the terms of the Law above, information, documents requested will be made available to the applicant from the moment they will be available for delivery, but no later than 15 working days from the date of registration of the request for access to information. The deadline for providing information to the document may be extended by 5 working days by the head of the public institution if:

a) the request refers to a very large volume of information that requires their selection;

b) additional consultations are required to meet the request.

The author of the request will be informed of any extension of the deadline for providing the information and the reasons for it within 5 days prior to the expiration of the original term.

According to Article 4 of the Law no. 982 / 11.05.2000, "anyone without discrimination under the present law has the right to seek, receive and make public the official information" except for restrictions for specific reasons corresponding to the principles international law, including the defense of the national security or privacy of the person. Thus, when the refusal to provide information is issued, the information provider will take into account the above mentioned restrictions. According to article 19 of Law 982 / 11.05.2000, the refusal shall be made in writing, stating the date of its establishment, the name of the person responsible, the reasons for referring to the normative act on which it is based and procedure appeal of the refusal, including the limitation period. Under the provisions of the Access to Information Act, any person who considers himself / herself injured may appeal the actions of the information provider both extrajudicially and directly to the administrative litigation court.

2. What are the *time limits to appeal*a decision on access to environmental information? What are the most frequently used grounds for appeal? Are there any issues concerning *who has standing*in such cases? To *what body and in which form* is the appeal made; recourse for review within the public authority or to the higher authority; Information Commissioner, Ombudsman or any other independent and impartial body; or directly to court of law? If appeal to the review body other than a court of law is available in any form, does that request suspend the time limits to appeal to the court? Is there a requirement of *exhaustion* of administrative review procedures prior to bringing the case to court?

According to Law no. 982 of 11.05.2000 regarding the access to information, art. 22 par. (1), if the person considers that the rights or legitimate interests in access to information have been harmed, it may contest the actions or inaction of the information provider at its management and / or the hierarchical superior of the supplier in within 30 days of the date when it found out or should have learned of the violation.
A person who considers that his/ her rights or legitimate interest were harmed by the information provider may appeal his actions both extrajudicially and directly to the competent administrative litigation.

The person may also address the defense of his legitimate rights and interests to the People's Advocate.

In the request addressed to the People's Advocate is indicates:

a) the petitioner's name, surname and domicile and, where applicable, the name, surname of the person injured;

b) a brief description of the circumstances of the case;

(c) the name of the authority or the name and surname of the person responsible for the actions and / or inactions of the breach of rights or freedoms, if that person is known;

d) signature and date of filing.

Copies of responses from authorities who have violated the rights of the addressee are also attached to the request.

If the appeal to an institution other than the court is available, that request suspends the time-limits for appeal in court. Referral to the court shall take place within one month of receipt of the response from the information provider or, if it has not received an answer, from the date it was due to receive it. If the information seeker has previously attacked the information provider's out-of-court actions, the one-month period shall run from the date of communication of the management response of the information provider and / or its hierarchical superior organ, or, if not received, from the date when he was supposed to receive it.

Under national law, there is a requirement to exhaust administrative review procedures before the court is seised. In this respect, the person will contest the actions or inaction of the information provider at his / her management or the hierarchical superior of the supplier, if he / she will not be satisfied with the given solution, will attack the actions or inaction of the information provider directly in the administrative contentious court competence.
It should be noted that according to art. 23 paragraph (3) of the Law no. 982 of 11.05.2000 regarding the access to information: The notifications, contesting actions or inactions of organizations that do not have their superior organs, are addressed directly to the competent administrative court.

3. If appeal is made to an independent body mentioned above, how is the independence and impartiality of that body ensured?
Independence and impartiality of independent bodies is ensured by the law under which it operates.

For example, the guarantee of independence of the People's Advocate is ensured by art. 3 (1), (2), (3) and (4) of Law no. 52 of 03.04.2014 on the Ombudsman of 03.04.2014, respectively:

- *The People's Advocate institution is autonomous and independent from any public authority, legal entity, no matter of the type of property and legal organization form, and any individual in the decision making position at all levels;*
- *The People's Advocate cannot be subject to an imperative or representative mandate. No one can oblige the People's Advocate to comply with one's instructions or provisions;.*
- *The People's Advocate cannot be obliged to explain cases reviewed or being reviewed, except situations when they are in the interest of the represented party or contain information of public interest;*
- *The interference into the activity of the People's Advocate, the deliberate ignoring by the responsible officials at all levels of the intimations and recommendations of the People's Advocate, as well as the impeding in any form of his/her activity involve liability in conformity with the legislation.*

4. What costs (fees, charges) are connected to review before the court of law or other review bodies in these cases?

According to the Civil Procedure Code of the Republic of Moldova, art. 85, the state fee for the trial of civil cases is relieved by the plaintiffs in actions arising from reports of administrative litigation. Requests addressed to independent bodies are also exempted from state fees.

5. What is the average time needed for the court of law or another independent and impartial body to decide an information case, i.e. from the introduction of the appeal to the notification of the decision? If the national rules of appeal require administrative reconsideration before the appeal is submitted to the court of law or another review body, that time should also be also separately specified.

There is no disaggregated data on the examination of such cases by the courts, but based on the analysis of the reports on judicial statistics, we can conclude that the average term required by the court from the introduction of the appeal to the issue of the decision on an administrative case is approximately 30 days.

It should be stressed that the People's Advocate Office did not receive requests regarding depriving the right of access to information.

6. Are decisions of courts and other review bodies in information cases in writing, publicly available, binding and final? If the appeal is successful, how is the independent body's/court's decision enforced; by ordering the public authority to disclose the information; by disclosing the information directly; by suing the public authority if they persist in refusing to disclose the information or by any other means?

Taking into account that the demand of the right to information' access, including the environmental area, is the object of contentious framework, there are applying the provisions of Law No.793/10.02.2000 on administrativ contentious. According to art. 14; art.15 of Law

No.793/10.02.2000, „ the person who consider the violation of his/her right by an administrativ act issued by a public authority, during 30 days since the moment he/she was informed about it, , will address, an early demand to the issuing authority in order to cancel completely or partially the issued act". The demand will be examined by the issued authority or by hierarchical superior authority in terms of 30 days since it was registered. During the examination process, the authority has the right to refuse the demand, and inform the claimer about the taken decision in writing form; or, to admit the demand completely or partially and to oblige the authority hierarchical inferior to bring the person in his/her rights.
In cases than the information requester isn't satisfied with the actions done by the authority or the answer of the early demand, or didn't receive any answer in legal terms provided by the Law, he/she has the right to appeal the court. According to the art.16 of the Law nr.793/10.02.2000 on contentious „the judicial complaint is addressed directly to the court in cases expressed provided by Law; and, in cases when the person didnt receive any answer in legal terms or the early demand was refused". According to the Law nr. 514/06.07.95 on judicial system, all the court decisions are taken in the name of Law, and interested parties or state authorities have the right to use remedies provided by the legal framework. The art.22 of the Law nr. 514/06.07.95 directly stipulates „the court decisions are biding and their non-execution is punished in terms of Law".

7. Can disciplinary, administrative or criminal sanctions be exercised against the public officials if disclosure of environmental information is refused unlawfully? Would it be possible for the applicant or other members of the public to be a party to such proceedings?

According to the art.318 p.(2) of Law nr.218/24.10.2008 Contraventional Code "intentional non-execution/ avoidance or prevention of the court decisions by a public authority person is penalized from 120 to 180 conventional units". Art.23 of the Law Nr.225/30.05.2003 Civil Procedural Code provides the judicial proceedings are public, with some excepptions provided by Law.

8. Do you have any experience of situations/cases where individuals or ENGOs asking for environmental information have been penalized, persecuted or harassed in any way for their involvement?

The Ombudsman Institution did not received complaints on this issue.

9. Do you have any experience of misuse or abuse of the right to environmental information and the consequences thereof?

The Ombudsman Institution did not received complaints on this issue.

10. In your view, what are the main barriers in our legal system concerning access to justice for the members of the public in cases on the right to environmental information?

We consider the lack of any barriers in this context.

11. Does your legal system provide with any innovative approaches concerning administrative and judicial review procedures in cases on the right to environmental information, for example concerning the requirement for the procedure to be expeditious, the use of alternative dispute resolutions (ADRs), costs, remedies, means for execution of review decisions on disclosure or use of e-justice initiatives?

An innovative approach in the context of contentious litigation is the mediation procedure which is a way out by means of disputes by mediation provided expressed by the Law no.137/03.07.2015 on mediation.

12. Can you please provide us with a short description of particularly important or innovative information cases, as well as cases which illustrate the main barriers concerning access to justice in these matters.

The Ombudsman Institution did not examined relevant cases on this issue.