

# **Economic Commission for Europe**

## **Committee on Environmental Policy**

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### **Environmental Performance Review Programme:**

### **Third Environmental Performance Review of the Republic of Moldova**

Information paper No. 5

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## **Third Environmental Performance Review of the Republic of Moldova: Recommendations**

### **Note by the secretariat**

#### *Summary*

The present document provides recommendations of the second Environmental Performance Review of the Republic of Moldova agreed upon by the Expert Group on Environmental Performance at its meeting held in Geneva on 1–3 October 2013.

The Committee on Environmental Policy is invited to adopt these recommendations.

## **I. Environmental governance and financing**

### **Chapter 1: Legal and policymaking framework and its practical implementation**

#### Recommendation 1.1

(a) The Government should promote the adoption by the parliament, without further delay, of the draft environmental laws based on the priority list prepared by the Ministry of Environment;

(b) The Ministry of Environment should ensure the development of the relevant secondary legislation.

#### Recommendation 1.2

The Government should ensure that progress reports on the implementation of the environment-related national strategies and programmes are prepared and made available to the public.

#### Recommendation 1.3

The Ministry of Environment should ensure that necessary arrangements for strategic environmental assessment (SEA) procedures to be included in the environmental legislation, taking into account the importance of SEA for the appropriate design of policy documents and the requirements of the European Union (EU) approximation process.

#### Recommendation 1.4

The Government should reactivate the National Council for Sustainable Development and Poverty Reduction to promote sustainable development principles in all sectoral activities.

#### Recommendation 1.5

The Government should, once the Environmental Protection Strategy has been adopted, revise the structure of the central environmental authorities to avoid the overlapping of functions and to make the institutional structure more effective by, in particular, the creation of an Environmental Protection Agency as an executive body for monitoring, information exchange and permitting under the Ministry of Environment.

## **Chapter 2: Regulatory instruments and their enforcement**

### Recommendation 2.1

The Ministry of Environment should reform the system of issuing permits and assuring compliance by separating the permitting and inspection functions.

### Recommendation 2.2

The Ministry of Environment should reform the system of issuing environmental permits by:

- (a) Introducing integrated permitting for key industries, with emission limit values set directly in the legislation;
- (b) Introducing best available techniques as a basis for permitting;
- (c) Establishing product standards in certain areas and avoiding the use of dispersion calculation within the permitting procedure;
- (d) Introducing self-monitoring requirements in the permits;
- (e) Making summaries of the applications for permits and issued permits available to the public.

### Recommendation 2.3

The Ministry of Environment should reform the compliance assurance mechanism by:

- (a) Making the level of fines for non-compliance proportional to the profit gained through violation of legislation;
- (b) Introducing risk-based inspection planning;
- (c) Making the environmental inspection reports of enterprises, as well as the self-monitoring environmental data submitted by them, available to the public;
- (d) Foreseeing criminal prosecution for the violation of environmental laws and regulations.

### Recommendation 2.4

The Ministry of Environment should further improve the functioning of the mechanism for public participation in environmental impact assessment (EIA) by:

- (a) Establishing a detailed procedure, including a public consultation procedure, for the review by the public of the EIA documentation on proposed activities;
- (b) Ensuring that the public comments and opinions are taken into account in the decision-making process.

## **Chapter 3: Economic instruments, environmental expenditure and investments for greening the economy**

### Recommendation 3.1

The Government should undertake a comprehensive reform of the system of pollution charges in order to provide significant incentives for pollution prevention and abatement, and a sound basis for environmental financing and, notably:

- (a) Apply pollution charges only to major air and water pollutants;
- (b) Establish a credible timetable for raising emission charge rates to levels that provide effective incentives to reduce pollution;
- (c) Abolish the ad valorem charges related to mobile pollution sources, given that the tax base is not pollution-oriented;
- (d) Introduce specific charges per unit of imported environmentally harmful products (i.e., not based on their import value) and apply similar product charges also to these products that are domestically produced, including for the handling of electric and electronic equipment waste;
- (e) Identify and eliminate, step by step, environmentally harmful subsidies;
- (f) Create effective incentives for enterprises to manage production waste in an appropriately regulated and monitored manner.

#### Recommendation 3.2

The Government should:

- (a) Review the current system of tariff setting for water supply and sanitation services with a view to transferring tariff setting to an independent regulatory body that applies cost-recovery standards;
- (b) Encourage local governments to ensure that municipal waste fees allow for recovery of the increasing costs of waste services, given that these have to meet progressively higher environmental standards;
- (c) Ensure, within the framework of the reformed targeted social assistance policy, that low-income households have adequate access to water and waste services as well as other communal services.

#### Recommendation 3.3

The Government should:

- (a) Reform the National Environment Fund, taking into account international experiences and standards in areas such as public procurement, transparency requirements and decision-making structure;
- (b) Strengthen the capacity of the Ministry of Environment to develop effective and economically sound environmental investment programmes, which is a necessity for making its voice better heard in the State budget planning process;
- (c) Strengthen the coordination and cooperation among the relevant ministries and Government agencies to ensure that programmed activities by the various actors in the environmental sector (including foreign aid) avoid duplication and are aligned with the overall priorities set in national development and sectoral strategies.

## **Chapter 4: Environmental monitoring, information and education**

#### Recommendation 4.1

The Ministry of Environment, in partnership with the relevant public authorities, should gradually develop an effective system of integrated environmental monitoring and information management at the national level by applying the Shared Environmental Information System principles, and should secure funding from national resources and effective coordination to that end.

#### Recommendation 4.2

The Ministry of Environment should transform the national state-of-environment reports into policy-relevant reports by the application of internationally agreed guidelines on the matter.

#### Recommendation 4.3

The Ministry of Education and the Ministry of Environment should use the process of the development of a programme on environmental education and awareness-raising to start a debate, involving all stakeholders, including the mass media and non-governmental organizations (NGOs), on the priorities for the promotion of education for sustainable development in the country.

## **II. Domestic-international interface**

### **Chapter 5: Implementation of international agreements and commitments**

#### Recommendation 5.1

The Government should take over the responsibilities for implementation of multilateral environmental agreements (MEAs) and integrate, upon consent with the donor community, the existing offices for the implementation of MEAs into the future Environmental Protection Agency.

#### Recommendation 5.2

The Government should:

- (a) Ensure the sustainability of policies adopted to implement the MEAs to which it is a Party, and;
- (b) Assess the needs, costs and benefits of other relevant MEAs before joining them so as to be able to commit the necessary resources for their sustainable implementation.

#### Recommendation 5.3

The Ministry of Environment should:

- (a) Build synergies among working groups coordinating the implementation of the MEAs;
- (b) Facilitate direct communication between staff of the Ministry who are in charge of the implementation of MEAs and scientific institutions, including subordinate bodies.

### **Chapter 6: Climate change mitigation and adaptation**

#### Recommendation 6.1

The Government should strengthen its capacity to formulate climate change policy by creating a dedicated section on climate change within the regular structure of the Ministry of Environment.

#### Recommendation 6.2

The Government should strengthen the institutional role of the National Commission for the implementation and realization of the commitments under the United Nations Framework Convention on Climate Change (UNFCCC) and of the mechanisms and commitments of the Kyoto Protocol, by entrusting the National Commission with promoting the effective integration of climate change considerations in relevant economic sectors.

#### Recommendation 6.3

Once the national strategies on climate change mitigation and adaptation have been approved, the Government should ensure their implementation and make the necessary funding available from national sources, as well as through co-financing by donors.

#### Recommendation 6.4

In the implementation of both the low emission development strategy and the climate change adaptation strategy, once these have been adopted, the Government should pay attention to raising the level of public awareness on climate change issues and therefore strengthen public participation in this area.

### **III. Interaction of environment with selected sectors/issues**

#### **Chapter 7: Water management**

##### Recommendation 7.1

To implement the 2011 Water Law, the Ministry of Environment should:

- (a) Increase the capacity of the water departments within the Ministry of Environment and subordinate institutions;
- (b) Improve cooperation between the relevant institutions;
- (c) Ensure enforcement by a competent authority.

##### Recommendation 7.2

The Ministry of Environment, in cooperation with the relevant authorities, should ensure that the State Water Cadastre is fully operational and publicly accessible.

##### Recommendation 7.3

The Government should develop an action plan for the water sector, accompanied by an investment plan, to implement the revised Strategy on Water Supply and Sanitation for Communities (Water Strategy) and to reach national targets set in accordance with the requirements of the Protocol on Water and Health, and ensure adequate funding for, monitoring and evaluation of the implementation of the action plan.

##### Recommendation 7.4

The Ministry of Environment should promote a wider integrated water resource management process coordinated with the implementation of the revised Water Strategy. To this end, among others, it should strengthen river basin management offices, which are responsible for the development of river basin management plans, taking into consideration watershed protection and development of small intake waters.

##### Recommendation 7.5

The Government, in cooperation with local authorities, should assess the current situation of sewerage systems in urban areas and wastewater treatment plants (WWTPs) and, based on the results, ensure adequate funding for the rehabilitation and modernization of sewerage systems and WWTPs.

#### **Chapter 8: Waste management**

##### Recommendation 8.1

The Government, in cooperation with local authorities, should work on:

- (a) Promoting the adoption of the law on waste management by the parliament;
- (b) Developing the relevant secondary legislation to implement the internationally recognized waste management priorities and good practices;
- (c) Implementing the 2013 Waste Management Strategy.

##### Recommendation 8.2

Once the law on waste management has been adopted, the Government should strengthen the central national authority dealing with waste management, enabling it to support the implementation of the law and the strategy on waste management.

### Recommendation 8.3

The Ministry of Environment, together with the National Bureau of Statistics, should implement waste classification based on the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, together with new reporting forms, taking into account the relevant EU waste classification.

### Recommendation 8.4

The Government should secure funding for the implementation of the 2013 Waste Management Strategy and investigate involvement of the private sector by forming public-private partnerships in waste management.

### Recommendation 8.5

The Ministry of Environment should introduce regulations for operation and monitoring of waste disposal sites and introduce procedures for issuing permits for operation of disposal sites based on those regulations and EIA requirements.

## **Chapter 9: Biodiversity and protected areas**

### Recommendation 9.1

The Forestry Agency, Moldsilva, should finalize without delay the update of the national forest inventory as a basis for any forestry management decision to be taken.

### Recommendation 9.2

The Ministry of Environment in the cooperation with the Forestry Agency should accelerate the preparation of the new Law on Protected Areas in order to, in particular:

- (a) Harmonize national protected areas categories with those of the International Union for Conservation of Nature (IUCN);
- (b) Harmonize the management structure of protected areas in line with national conservation priorities and international standards;
- (c) Prioritize actions in regard to the extension of the protected areas network.

### Recommendation 9.3

The Ministry of Agriculture and the Food Industry, in consultation with the Ministry of Environment, should mainstream species conservation into agricultural practices and develop a habitat restoration programme, which would cover, inter alia, restoration of hedges.

### Recommendation 9.4

The Ministry of Environment should:

- (a) Include ecosystem-based adaptation in its draft national climate change adaptation strategy;
- (b) Finalize the preparation of the draft law on landscapes, based on the European Landscape Convention.

## **Chapter 10: Agriculture and environment**

### Recommendation 10.1

The Government should ensure:

(a) Effective implementation of the strategies and programmes aiming at achieving sustainable agriculture, in particular soil conservation and rehabilitation, and control and abatement of pollutants from agriculture to surface waters and groundwaters;

(b) Sufficient financing and support structures for agricultural extension services and capacity-building, including promotion of improved farming techniques and adaptation to climate change.

Recommendation 10.2

The Government should ensure that the National Agency for Food Safety enjoys full authority in the monitoring and enforcement of the legislation on plant protection.

Recommendation 10.3

The Ministry of Agriculture and the Food Industry should ensure that an institution is designated and adequate capacity provided for it to implement and enforce the technical regulations on soil protection.

Recommendation 10.4

The Ministry of Environment should prepare a law on genetically modified organisms (GMOs), which will in particular ensure that:

(a) Information concerning the situation on GMOs in the Republic of Moldova is regularly collected for decision-making;

(b) Agricultural products on the Moldovan market are tested for GMO content and consumers are fully informed of the results.

Recommendation 10.5

The Government should ensure that data on environmentally sound agricultural practices are collected and analysed by the Ministry of Agriculture and the Food Industry and the National Bureau of Statistics.

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