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MEETING OF THE PARTIES TO THE CONVENTION ON
ACCESS TO INFORMATION, PUBLIC PARTICIPATION
IN DECISION-MAKING AND ACCESS TO JUSTICE
IN ENVIRONMENTAL MATTERS

Third meeting

Riga, 11-13 June 2008

Item 6 (a) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention:

Reports on implementation

IMPLEMENTATION REPORT SUBMITTED BY MOLDOVA**

Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to 'keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties'. Through Decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.

* Translation provided by the substantive secretariat.

** The present document was submitted late due to resources constraints and delay in the submission of the report by the Party.

I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

1. The report is based on materials provided by the following ministries and national public authorities: the Ministry of the Environment and Natural Resources, the Ministry of Justice, the Ministry of Education and Youth, the Ministry of Agriculture, the Ministry of Health, the Construction and Development Agency, the State Water Management Agency "Apele Moldova", the State Forestry Agency "Moldsilva", the Institute of Ecology and Geography, and other Moldovan scientific institutions.
2. In preparing the report the opinions of the voluntary associations Ecological Movement of Moldova, Ekotiras, Eco-Lex, INQUA Moldova, Eco-Terra, Terra NKh, and Unda verde, among others, were taken into account. Their proposals were discussed at public hearings on the draft report organized by the Ministry of the Environment and Natural Resources and the Regional Environmental Centre of the Republic of Moldova (REC Moldova) on 29 November 2007 and in the course of individual meetings between experts and representatives of the public and the media.
3. Information from legal and environmental databases and databanks was used in preparing the report.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

4. The Republic of Moldova is a sovereign and independent state, one and indivisible. In Moldova, public administration is guided by the principle of local self-government. The constitutional provisions on human rights and freedoms are interpreted and applied in accordance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and other treaties to which the Republic of Moldova is party. In the event of a conflict between a covenant or treaty on fundamental human rights to which the Republic of Moldova is party and the domestic legislation the international provisions take precedence. One such international document is the ECE Convention on the Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), which was ratified by Parliamentary Decree No. 346-XIV of 7 April 1999. The Regulation on coordination with the public in town-planning and architectural matters was adopted by government decree in order to optimize the process of making town-planning decisions with account for public opinion. Subsequently, the Regulation on public participation in the preparation and adoption of environmental decisions was likewise adopted. Within the context of a project undertaken with the financial support of the Danish Government, the Ministry established an Environmental Information Centre, which is open to all interested parties and has already been operating successfully for seven years. Every year, the Centre's services are used by more than 2,000 visitors who consult the literature and make use of the information services provided by Ministry staff. The Centre serves as a venue for round tables, press conferences, briefings, and other informational events. An Environmental Information Bulletin is published regularly.

5. Under article 20 of the International Agreements Act (Law No. 595-XIV of 24 September 1999), the provisions of international agreements whose contents are suitable for application in legal relationships without the adoption of special regulations are subject to implementation and applicable within the legal system and in the administration of justice. Other provisions are implemented by adopting appropriate regulations. Similar provisions are also to be found in other legislative acts.
6. At the same time, financial constraints are affecting the quality of implementation of all the provisions of the Aarhus Convention. Thus, for example, a network of local Aarhus Centres for providing the public with environmental information has not yet been established and work on compiling a National Pollutant Release and Transfer Register (PRTR) has still to begin.
7. Moldova currently operates a mandatory environmental statistical reporting system that includes certain PRTR elements. The system is based on the requirements of the national environmental protection legislation and the official statistics legislation. The reporting requirements apply to atmospheric emissions from fixed and mobile sources, discharges into water, and waste, including toxic waste. A statistical bulletin containing information on environmental pollution is published every year. In addition, the Ministry of the Environment and Natural Resources publishes an annual national report on the state of the environment, which is available to the general public both in hard copy and on the Ministry website.
8. Lately, some important changes have taken place in Moldova. The country is moving steadily towards European integration, as confirmed by a whole series of recently adopted documents. Thus, a Republic of Moldova-European Union action plan has been drawn up and approved by government decree. This is a policy document that establishes the strategic objectives of Moldova-EU cooperation and serves as a basis for Moldova's domestic and foreign policy.
9. In development of the above-mentioned plan, other strategic documents, the provisions of the Aarhus Convention and the Protocol on Pollutant Release and Transfer Registers of 2003 (Kiev Protocol), Moldova has begun the process of approximating the national legislation to the European legislation. A series of environmental protection documents has been drawn up, and the list of substances subject to mandatory reporting, accounting, monitoring and control has been expanded.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

Article 3, paragraph 1

10. On the basis of the Environment Ministry and its central and local subordinate services, a structure for the implementation of the provisions of the Convention has been established and is successfully operating. Under the legislation in force, all officials and public authorities are required to provide the public with assistance in obtaining access to information and justice in environmental matters. These measures have been included in various laws and bylaws adopted

since the ratification of the Aarhus Convention. Under the National Action Plan for the Implementation of the Aarhus Convention, a departmental implementation working group has been established by ministerial order. Two regulations governing public participation in environmentally significant decision-making have been drawn up and adopted, namely, the Guidelines on the implementation of the Aarhus Convention for civil servants and the Guidelines on the implementation of the Aarhus Convention for representatives of the public. The Regulation on informing and consulting the public about genetically modified organisms was approved by Ministerial Order No. 19 of 10 February 2004.

11. The provisions of the Environmental Policy Concept, approved by Parliamentary Decree No. 605 of 2 November 2001, call for “facilitated access to environmental information and the more active participation of the public in decision-making and in environmental education”. Moreover, “the activities of the Environmental Information Centre should be expanded, district (uyezd) information centres and a database on environmental quality and the state of natural resources should be created, and the environmental nongovernmental organizations (NGOs) should be more actively involved in nature conservation activities”.

12. These general provisions are further developed in the Environmental Protection Act (Law No. 1515-XII of 16 June 1993), the Access to Information Act (Law No. 982-XIV of 11 May 2000), and Government Decree No. 679 of 17 June 2004 on the Ministry of the Environment and Natural Resources.

13. On the basis of Government Directive No. 1408-911 of 24 August 2004, a special Consultative Council was set up under the Ministry of the Environment and Natural Resources. The chief purpose of this Council, which is composed of representatives of the academic sector, the public (in particular, the environmental NGOs) and the trade unions, is to improve cooperation between the Ministry, the public and business.

14. Government Decree No. 1153 of 25 May 2003 is of interest in connection with the problem of providing the public with assistance and access to information concerning genetically modified products. This decree requires the National Biosafety Commission, a public authority responsible for ensuring the safe use of genetically modified organisms (GMOs) and GMO-based products, to post documents forming part of an application to import a genetically modified organism and use it in Moldova on the Environment Ministry's website within 10 days of receipt and for a period of not less than 30 days, in order that the public may use this period for submitting comments. Moreover, Order of the Minister for the Environment No. 19 of 10 February 2004 establishes the procedures for public participation in decision-making in this field.

15. There have been no legislative changes that might restrict public participation in certain circumstances.

16. No mechanism for monitoring the implementation of the provisions of the Convention and those of the corresponding national legislation has yet been developed.

Article 3, paragraph 2

17. A list of public authorities which collect and disseminate environmental information has been compiled. This list of about 30 authorities indicates the types and forms of information and the parameters and substances monitored. This information is also posted on the site of the Ministry of the Environment and Natural Resources. In the short term, it is planned to ensure broad public access to environmental information by creating a system of local Aarhus centres to provide environmental information. An experimental centre has already been set up and is successfully operating in the district centre of Shtefan Vode, together with branches of REC Moldova in the cities of Belts and Kakhul.

18. The legal framework provided by general administrative law to assist the representatives of the public in exercising their procedural rights includes:

- (a) the Constitution of 29 July 1994, article 35;
- (b) the Environmental Policy Concept;
- (c) the Education Act (Law No. 547-XIII of 21 July 1995);
- (d) the Environmental Protection Act, articles 9 and 30.

19. In accordance with the Regulation of 17 June 2004, one of the important functions of the Ministry of the Environment and Natural Resources aimed at implementing paragraph 3 of article 3 of the Convention is the organization of educational work with all social groups, the raising of public awareness regarding the state of the environment and the promotion of knowledge of the environment.

20. By ministerial order, the Environment Ministry has established a Center for Communications with the Media and the Public. Corresponding sections for communications with the public are operated by the subordinate services on a full-time basis.

Article 3, paragraph 3

21. The nature conservation institutions, the educational, health and cultural institutions, the voluntary associations and the media are all concerned with environmental education.

22. Environmental information is disseminated by such means as the organization of press conferences, meetings between officials and experts of the Ministry of the Environment and Natural Resources and its subdepartments and pupils and students within the context of the “environmental hour”, interviews in the media and other information measures, including the preparation and distribution of press releases.

23. The regular publication of collections of legislation, information bulletins and studies of individual environmental problems is ensuring broad public access to environmental information. In particular, every year, the Ministry of the Environment circulates 1,000 copies of a government report on the state of the natural environment, as well as publishing a popular science promotional magazine called “Mediul ambiant” (“Environment”) and the Environmental Information Bulletin.

24. Other publications include the REC Moldova's quarterly Information Bulletin and the bulletin on water resource issues of the Ecological Movement of Moldova.

25. The legislation of the Republic of Moldova places responsibility for environmental education, awareness-raising and public enlightenment on the corresponding central authorities. At present, this policy is being implemented by publishing appropriate literature, cooperation between the representative environmental authorities and local educational institutions, nongovernmental organizations and local authorities, and the systematic publication of reports on the state of the environment in the Republic. In 2007, a seven-volume work entitled "Fauna and Flora of Moldova" was published and immediately distributed to all of the country's public and school libraries. A new collection "The Geographical Environment of Moldova", which will also be distributed nationally, has been prepared for the press.

26. Various publications on environmental issues are published and distributed by the NGOs and REC Moldova.

27. Under Government Decree No. 255 of 9 March 2005 on a national strategy for creating an information society "Electronic Moldova", a list of central public authorities required to use electronic means for providing the public with information services has been compiled. For these purposes, the Ministry's web page (www.mediu.gov.md), on which information concerning the current and planned activities of the central environmental authority is posted, has been updated.

28. Mass environmental measures are one of the most effective forms of environmental education and public enlightenment. Thus, every year, the Ministry of the Environment and Natural Resources holds various competitions for all categories of the population, including a republican competition for the greenest and best equipped locality. Greening measures have already become traditional within the framework of the "Tree of Longevity" event. The year 2005 marked the beginning, by presidential order, of a new campaign "Water - Source of Life", concerned with the improvement and maintenance of wells and springs. Some of the money for financing these measures came from the National Environment Fund. Schoolchildren and students regularly receive lessons on the environment. In September every year, it is traditional to organize, together with a number of NGOs, a "City without my Car" event. Some NGOs hold conferences and seminars with the financial and technical support of the Ministry and its subdepartments. The NGOs play an active part in the "Mold Eco" exhibition organized every year by the Ministry of the Environment and Natural Resources together with the Exhibition Centre Moldexpo.

29. The curricula of the general education institutions take environmental issues into account in connection with subject disciplines. This is the fifth year of operation of the memorandum of understanding between the Ministry of the Environment and Natural Resources and the Ministry of Education and Youth which provides the framework for "environmental hours" and various kinds of school quizzes, competitions and environmental olympiads. Schoolchildren and students participate in practical measures to improve the state of the environment in the provinces.

30. The country's environmental protection authorities routinely undertake to keep the public informed via the media, including radio and television, with which they conclude annual cooperation agreements. Individual campaigns are carried out to mark important environmental dates, in connection with which television and radio marathons may be organized. The Ministry, together with REC Moldova and a number of NGOs, is carrying out a campaign to inform and educate the public about persistent organic pollutants.

31. For capacity-building purposes and to interest journalists in writing about environmental matters, the Ministry has organized a national competition, the results of which are announced each year on World Environment Day. The best work (articles, interviews, television and radio broadcasts) receives awards and cash prizes. It has become the practice to include journalists in the delegations that represent the Republic of Moldova in various international environmental forums.

32. The environmental NGOs participate in activities designed to raise public awareness of environmental issues. Thus, for example, the nongovernmental organization OTS MEM is publishing, with the financial support of the Swiss Government, a magazine on the protection and rational use of water resources. The editorial board of this magazine includes officials from the Environment Ministry and its subdepartments and other competent central departments. Following exhaustion of the funds provided by Switzerland, the magazine now survives on subscriptions and a grant from the Environment Fund.

Article 3, paragraph 4

33. In Moldova, the environmental NGOs structure their activities in conformity with the Voluntary Associations Act (Law No. 837 of 17 May 1996), which regulates the public aspects of the exercise of the civil right of association and establishes the principles governing the formation, registration, operation and winding-up of voluntary associations. The objectives and tasks of the voluntary association are defined in its duly registered articles of association.

34. The registration procedure is quite simple. The articles of association of national and international voluntary associations are registered by the Ministry of Justice and those of local voluntary organizations by the local public authorities of the areas in which the associations are established, subject to the submission of certain documents within a month of the date of application. The registration fee for registering articles of association is three times the minimum wage. The registration of the articles of association signifies the registration of the voluntary association which receives from the registering authority a State registration certificate. There have been no cases of the provision of legal assistance in connection with the registration of NGOs.

35. The principal regulations governing the activities of voluntary associations in the Republic of Moldova are as follows:

- (a) the Constitution of 29 June 1994 (as amended and supplemented), article 41;
- (b) the Civil Code (No. 1107-XV of 6 June 2002), articles 180-183;
- (c) the Voluntary Associations Act (Law No. 837-XIII of 17 May 1996);
- (d) the Environmental Protection Act, art. 30, paragraph (c).

36. About 500 national and international voluntary associations involved in environmental protection, the promotion of the idea of environmental protection, the humane treatment of animals, etc. are officially registered with the Ministry of Justice and local authorities.

37. One practical opportunity for public participation in the preparation of environmental policy is provided by the work of the special Consultative Council of the Ministry of the Environment and Natural Resources. The main purpose of this Council, which consists of representatives of the academic sector, the public (and in particular the environmental NGOs) and trade unions, is to improve cooperation between the Ministry, the public and business. The Council also enables the Ministry's services to interact with the voluntary organizations and associations concerned with environmental issues and reach agreed decisions on the use of natural resources and environmental education.

38. The administrative council of the National Environment Fund and those of the local environment funds always include representatives of the environmental NGOs. NGO members are also represented on the various committees, working groups and councils set up to organize and run national and local environmental campaigns, conferences, events and other measures.

39. Three representatives of the NGOs sit on the board of directors of REC Moldova and ten on its consultative council.

40. Like all other NGOs, environmental NGOs are not financed directly by the Government. However, where an NGO is involved in the implementation of practical environmental measures (greening activities, improvement of river channels and water sources, provision of information and environmental education, publication of brochures, magazines and other printed material of an environmental nature) they can count on receiving a grant from the National Environment Fund.

Article 3, paragraph 7

41. Apart from the representation of the NGOs on various domestic committees, the Environment Ministry ensures that they are represented on the delegations attending various international environmental meetings. Thus, at the Second Meeting of the Parties to the Aarhus Convention, the Moldovan delegation included seven representatives of NGOs, among them three from the trans-Dniester region not under government control, and at the October 2007 Belgrade Meeting Moldova was also represented by representatives of a number of NGOs and the press.

Article 3, paragraph 8

42. No use has been made of the provisions on defamation or any other similar provisions of civil or criminal law in the context of environmental decision-making.

43. There have been no recorded cases of NGOs having been ordered to pay damages (to a private entity or public authority) in connection with their environmental protection activities in defence of State interests or their litigation.

**IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION
OF ARTICLE 3**

44. No information was provided under this heading.

**V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION
OF THE GENERAL PROVISIONS OF ARTICLE 3**

45. No information was provided under this heading.

**VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 3**

46. No information was provided under this heading.

**VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING
THE PROVISIONS ON ACCESS TO ENVIRONMENTAL
INFORMATION IN ARTICLE 4**

47. The following legislative, regulatory and other measures adopted in order to implement the provisions on access to environmental information in article 4 are in force in the Republic of Moldova:

- (a) The Constitution of 29 July 1994, articles 34 and 37, paragraph 2;
- (b) Environmental Protection Act of 16 June 1993, articles 3(d) and 30;
- (c) Natural Resources Act (Law No.102-XIII of 6 February 1997), article 29, paragraph 3;
- (d) Access to Information Act of 11 May 2000;
- (e) Environmental Audit and Environmental Impact Assessment Act (Law No. 851-XII of 29 May 1986), article 10, paragraph (b);
- (f) Protection of the Atmosphere Act (Law No. 1422-XIII of 17 December 1997), article 8;
- (g) Industrial and Consumer Waste Act (Law No. 1347-XIII of 9 October 1997), articles 5 and 15;
- (h) Sanitary-Epidemiological Protection Act (Law No. 1513-XII of 16 June 1993), articles 6, paragraph (b) and 7;
- (i) Radiological Protection and Safety Act (Law No. 1440-XIII of 24 December 1997), article 11;
- (j) Hydrometeorological Activities Act (Law No. 1536-XIII of 25 February 1998), articles 6, 11 and 13;
- (k) Drinking Water Act (Law No. 272-XIV of 10 February 1999), articles 9, paragraph 5, and 13;
- (l) Government Decree on the approval of the Regulations of the Ministry of the Environment and Natural Resources, part 3, paragraph 58, of 17 June 2004.
- (m) Biological Safety Act (Law No. 755-XV of 21 December 2001), article 39.

48. Article 10, paragraph 3, of the Access to Information Act stipulates that “any person wishing to obtain access to information under this Law shall be released from the obligation to justify his interest in the information requested”.

49. Article 13 of the Access to Information Act specifies the ways of accessing official information, which include:

- (a) the issuing of copies of requested documents or information (or parts thereof);
- (b) the issuing of copies of translations of documents or information (or parts thereof) in a language not corresponding to that of the original, subject to an additional charge;
- (c) the dispatch by post (including e-mail) of copies of documents or information (or parts thereof), as well as copies of translations of documents or information into another language made at the request of the applicant, subject to an appropriate charge.

50. Article 12 of the Access to Information Act stipulates that official information shall be provided to persons requesting it on the basis of a written or oral request. Article 13, paragraph 2, of the same Act states that extracts from registers, documents or information (or parts thereof) may, at the request of the applicant, be placed at his disposal in a form acceptable to him for:

- (a) inspection on the premises of the institution;
- (b) printing or reproduction by photocopying or some other method;
- (c) recording on an electronic medium, video or audio cassette or other support which may become available as a result of technical progress.

51. Article 16 of the Access to Information Act establishes the time-frame for satisfying requests for access to information. Thus, requested information and documents are supplied as soon as ready, but not later than 15 working days from the date of registration of the request. This period may be extended by five working days by the head of the public authority if the request concerns a very large volume of information that requires sorting or if additional consultations are necessary in order to satisfy the request.

52. In these circumstances, the requesting party must be informed of the extension of the period for supplying the information, and of the reasons for extending it, five days before the expiry of the initial period.

53. The Submission of Petitions Act (Law No. 190-XIII of 19 July 1994) also stipulates that petitions must be considered by the relevant authorities within a 30-day time-frame, but if they do not require additional study or consideration, then either immediately or within 15 days of registration (art. 8).

54. The Act does not specify the grounds for a refusal to supply information. The restrictions for which the Access to Information Act provides generally correspond to the criteria of paragraph 4 of the Convention. The only exceptions are for non-residents.

55. If the information provider to which the request is addressed does not hold the information requested or another provider holds the information requested in a shape or form more likely to meet the information needs of the requesting party, then, in accordance with article 17 of the Access to Information Act, the request for information may be readdressed to the other

information provider and the requesting party must be so notified within three working days of receipt of the request.

56. Article 9 of the Submission of Petitions Act also states that if a petition falls within the jurisdiction of another authority, it must be forwarded to that authority within three working days of registration.

57. If access to requested information or documents is partially restricted, information providers are required to supply the person requesting information with those parts of the document to which, under the law, the restriction on access does not extend and where passages have been withheld to indicate “State secret”, “trade secret” or “confidential personal information”. Any refusal of access to information or the corresponding parts of a document must be formulated in compliance with the provisions of article 19 of the Act.

58. A refusal to provide official information or a document must be formulated in writing with indication of the date of refusal, the name of the responsible official, the reasons for the refusal with reference to the regulations (title, number, date of adoption, source of official publication) on which the refusal is based, and the procedure for appealing against the refusal, including the limitation period. Information providers are not required to furnish proof that undocumented information is not in their possession (art. 19 of the Access to Information Act).

59. Except in the cases provided for by law, a charge, in the amount and under the procedure laid down by the representative bodies, may be made for the provision of official information. The amount of the charge should not exceed the costs incurred by the information provider in making copies, forwarding them to requesting party and/or having the information or document translated on request. The charge for providing analytical, summary or previously unknown information, on request, is fixed by agreement between the person making the request and the information provider (art. 20 of the Access to Information Act).

60. The following official information is made available free of charge:

- (a) information directly concerning the rights and freedoms of the person making the request;
- (b) oral information;
- (c) information provided on request for inspection on the public authority’s premises;
- (d) information which promotes wider awareness of the public authority’s activities and is in the public interest.

61. Under the legislation in force, there is no obligation to record requests, but replies sent are registered under the established procedure.

62. There is no separate supervisory body for matters relating to access to environmental information.

Article 4, paragraph 1

63. The person making the request is not asked for any additional data, including for the purpose of keeping accounts and the like.

Article 4, paragraph 2

64. The Access to Information Act (Law No. 982-XIV of 11 May 2000) requires providers of information to supply it not later than 15 working days from the date of registration of the request. If the request concerns a very large volume of information or if additional consultations are necessary in order to satisfy the request, this period may be extended by five working days.

65. Article 19 of the Act provides for the possibility of refusal, in which case official information concerning the reasons for the refusal with reference to the specific regulations on which the refusal is based and the procedure for appealing against the refusal must be supplied.

66. When a request for information goes unanswered, a person who considers that his legitimate rights or interests have been impaired may appeal to the competent court against any act or omission of the person responsible. In considering disputes concerning access to information the court will take any reasonable and sufficient precautionary measure, including holding closed sessions, to avoid disclosing information where restricted access is warranted. An appeal may be lodged within a month of the date of receipt of the reply from the information provider or, if no reply is received, within a month of the date on which it should have been received.

Article 4, paragraphs 3 and 4

67. Article 17 of the Access to Information Act authorizes an information provider who does not hold the information requested to readdress the request to another information provider, after first notifying the requesting party within three working days of receipt of the request and obtaining his consent.

68. The Act does not refer to the possibility of public authorities endeavouring to clarify with the requesting party questions which appear to be unreasonable or too general.

69. The exercise of the right of access to information can only be made subject to restrictions governed by organic law and the relevant requirements relating to the observance of rights, the inadmissibility of attacks on the reputation of another, national security, public order, and public health and morals. Under article 7 of the Act, access to official information is restricted only in the case of confidential business information supplied to public authorities as confidential information governed by the trade secrets legislation and concerning production, technology, management, finances or other economic activity, information of a personal nature the disclosure of which is deemed to be interference in a person's private life and information concerning the operational or investigative activities of the relevant authorities, where disclosure might harm the investigation or put human life or physical safety at risk.

70. Article 8 governs access to information of a personal nature. Information that merely concerns the establishment of identity is not considered confidential. Information providers must keep a person's private life secret. Personal data are protected. Thus, paragraph 3 of article 8 of the Act states that the protection of a person's private life includes his right of consent if his interests are affected by the disclosure of information of a personal nature.

71. Under article 7 of the Access to Information Act, official information to which access is restricted includes:

(a) information constituting a State secret governed by organic law and qualifying as protected by the State in the areas of military, economic, scientific and technical, foreign policy, intelligence, counterintelligence, or operational investigative activity, the dissemination, disclosure, loss or theft of which might endanger State security;

(b) confidential business information supplied to public authorities as confidential information governed by the trade secrets legislation and concerning production, technology, management, finances or other economic activity, the disclosure (transmission, leakage) of which might affect business interests;

(c) information of a personal nature, the disclosure of which is deemed to be interference in the private life of a person under the protection of the law. Access to such information can only be authorized subject to compliance with the provisions of article 8 of this Act;

(d) information concerning the operational or criminal prosecution activities of the relevant authorities, but only where the disclosure of such information might damage a criminal prosecution, impede the development of judicial proceedings, deprive a person of the right to a fair and impartial hearing or put human life or physical safety at risk. All these aspects are governed by the legislation;

(e) information reflecting the final or interim results of certain scientific or technical research the disclosure of which would deprive the authors of that research of a prior right of publication or adversely affect the exercise of other rights protected by law;

(f) there is no provision for other interpretations of this article.

Article 4, paragraph 5

72. Article 17 of the Access to Information Act provides for the possibility of readdressing requests for information. A request may be readdressed to another information provider, subject to notification of the requesting party within three working days of receipt of the request and with the requesting party's consent, in the following circumstances:

(a) the information provider to which the request for information is addressed does not hold the information requested;

(b) another provider holds the information requested in a shape or form more likely to meet the information needs of the requesting party.

Article 4, paragraph 8

73. Article 20 of the Access to Information Act stipulates that:

(a) except in the cases provided for by law, a charge, in the amount and under the procedure laid down by the representative bodies, may be made for the provision of official information;

(b) the amount of the charge should not exceed the costs incurred by the information provider in making copies, forwarding them to requesting party and/or having the information or document translated on request;

(c) the charge for providing analytical, summary or previously unknown information, on request, is fixed by agreement between the person making the request and the information provider;

(d) the following official information is made available free of charge:

(i) information directly concerning the rights and freedoms of the person making the request;

(ii) oral information;

(iii) information provided on request for inspection on the public authority's premises;

(iv) information which promotes wider awareness of the public authority's activities and is in the public interest;

(e) if the information made available is inaccurate or incomplete, the public authority must make the appropriate corrections and additions free of charge, except where the additions involve considerable effort and expense not envisaged or paid for when the information was originally provided;

(f) the public authority will bring the procedure for calculating the charge for the provision of information to the attention of requesting parties in the most appropriate and detailed way.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

74. No information was provided under this heading.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

75. No information was provided under this heading.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

76. No information was provided under this heading.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

Article 5, paragraph 1

77. The new Information Technology and State Resources Act (Law No. 467-XV of 21 November 2003) establishes the basic rules and conditions for activities connected with the

creation and development of a national information infrastructure. This Act governs relations associated with the organization and use of State automated information resources and the creation and use of information technologies, systems and networks. According to article 11 of the Act, State information resources constitute an integrated complex of information resources in the form of databanks.

78. Moldova has an electronic database holding the texts of laws and regulations published since 1991, including environmental texts. This database can be accessed at the website www.justice.md.

79. Moreover, the public libraries provide free access to legal information published in the press and other printed publications or contained in databases and databanks, including through public legal information centres set up in those libraries. Public legal information centres provide the public with free access to official legal information for the purpose of acquiring a knowledge of the law and lawful conduct and respect for the law.

80. A report on the state of the environment is published annually in Romanian and English and posted on the website www.mediu.gov.md.

81. Article 11 (paragraph 9) of the Access to Information Act requires an information provider urgently to notify the general public of information that has become known to it in the course of its activities if that information:

- (a) could prevent or reduce a threat to human life or health;
- (b) could prevent the infliction or reduce the threat of infliction of any kind of damage;
- (c) could halt the dissemination of unreliable information or mitigate the adverse effects of its dissemination;
- (d) is of special social significance.

82. The Hydrometeorological Activities Act (art. 11) requires the State Hydrometeorological Service to compile general hydrometeorological forecasts for dissemination through the media, together with specialized forecasts (agrometeorological, aviation, weather, dispersion and movements of chemical and radioactive pollutants). Article 13 of the same Act stipulates that warnings of dangerous hydrometeorological phenomena and extreme levels of environmental pollution must be promptly brought to the attention of the public, central government agencies and concerned legal persons in accordance with the plans and schemes approved by the authorized bodies, using every available means of communication.

83. Article 10 (g) of the Radiological Protection and Safety Act makes the Department of Civil Defence and Emergency Situations responsible for notifying and informing public authorities and the population about the threat and actual existence of emergency situations associated with large-scale radiation accidents.

84. No institutional system of data transmission between public authorities has yet been established. However, use is being made of the data processing system of the State Hydrometeorological Service, which provides, free of charge, data on the quality of certain environmental components (urban air pollution, water levels). There is no work being done on linking up databases at this stage.

Article 5, paragraph 2

85. There is no catalogue of sources of environmental data.

Article 5, paragraph 5

86. Broad and unimpeded access to environmental legislation, strategies and policy, international agreements and similar documents, as well as to information on their implementation, is permanently ensured by using all available means, including the publication of separate brochures, the organization of press conferences, briefings and public hearings at which they are presented, and the publication of commentaries on laws and regulations, strategies and plans.

Article 5, paragraph 7

87. Article 16, paragraph (e), of the Environmental Protection Act requires the Ministry of the Environment and Natural Resources to request the country's public authorities, enterprises, institutions and organizations for mandatory information on the state of the environment, the use and the renewal of natural resources and the implementation of environmental protection measures, while the public authorities, enterprises, institutions and organizations must provide the Ministry with all the information at their disposal, unconditionally and free of charge.

88. Moreover, the Regulation on the Ministry of the Environment and Natural Resources also establishes various functions of that ministry, such as:

- (a) integrated environmental monitoring, the preparation and dissemination of synoptic, agrometeorological, aviation and hydrological forecasts and information;
- (b) the compilation, systematization and management of a specialized information system on the basis of the databases of dependent enterprises;
- (c) acting as holder of the State store of information on mineral resources.

89. The Ministry also oversees the management of the National Register of Potentially Hazardous Toxic and Chemical Substances and the locating of special industrial and household waste treatment and disposal sites.

90. In accordance with paragraphs 39 and 41-42 of this Regulation, the Ministry coordinates the management of the Red Book, the Inventory of Fauna and Flora, and the Register of Collections of Wild Animals and Plants. Apart from the Ministry of the Environment and Natural Resources, environmental information is held by the following:

- (a) State Environmental Inspectorate;
- (b) Territorial Environmental Agencies and Inspectorates;
- (c) National Institute of Ecology and Geography;
- (d) Environmental Pollution Observation Centre;
- (e) Environmental Monitoring Centre;
- (f) State Hydrometeorological Service.

91. Other authorities include:

- (a) National Land Resources and Survey Agency;
- (b) National Centre for Preventive Medicine;
- (c) National Bureau of Statistics;
- (d) Department for Emergency Situations;
- (e) Standardization and Metrology Service;
- (f) State Forestry Agency “Moldsilva”;
- (g) State Water Management Agency “Apele Moldovei”;
- (h) National Agency for the Regulation of Nuclear and Radiological Activities

92. In order to ensure that the way in which environmental information is made available is transparent and the information itself is accessible, the Ministry of the Environment and Natural Resources has taken a number of measures:

- (a) the Ministry’s site is regularly updated;
- (b) an electronic environmental bulletin is published every month;
- (c) a scientific-promotional magazine called “Environment” is published quarterly;
- (d) a Guidebook on the Ministry is published every year.

93. Moreover, the public is systematically informed about the Ministry’s most important measures through press releases and press conferences, while Ministry officials participate in various television and radio programmes and publish articles on environmental topics in the national press

Article 5, paragraph 8

94. Under article 20, paragraph 1, of the Consumer Rights Protection Act, consumers of products and services offered must, under a mandatory procedure, be informed of their characteristics by means of identifying elements and indications visibly displayed in a clearly distinguishable form on the product, labeling or packaging or in the technical certificate, instructions for use or other accompanying documentation on the product or service, in accordance with its intended use. Paragraph 3 of the same article stipulates that the producer (packer) must indicate the name of the product, the producer’s name and trademark, his address (and, if necessary, telephone number), the regulation, the weight/volume, the main qualitative characteristics, composition, additives used, possible risks, procedure for use, handling, storage and conservation, contra-indications, the number of calories in packed food products, the producing country, the warranty period, the service life, the shelf life and the date of manufacture in accordance with the technical regulations and national standards in force.

95. Government Decree No. 1153 of 25 May 2003 is of interest in connection with the problem of providing the public with assistance and access to information concerning GMOs. This Decree requires the National Biosafety Commission, a government agency whose task is to ensure the safe use of GMOs and GMO-based products, to post documents forming part of an application to import a genetically modified organ and use it in the Republic of Moldova on the Environment Ministry site within 10 days of receipt and for a period of not less than 30 days in order that the public may use this period for submitting comments, as required by the national legislation.

96. The rules on the labeling of food products and the standards on the labeling of household chemicals were approved by Government Decree No. 996 of 20 August 2003. In accordance with this Decree, the Ministry of Health prepared Decree of the Ministry of Health No. 01-04 of 31 May 2004 on the approval and introduction of sanitary standards for the labeling of nutritional value, the labeling of special dietetic food products and the labeling of food products that have been genetically modified or obtained from GMOs.

Article 5, paragraph 9

97. The creation of pollutant release and transfer registers is one of the items included in the national strategy to reduce and eliminate persistent organic pollutants (POPs) and in the national plan to implement the Stockholm Convention on POPs approved by Government Decree No. 1155 of 20 October 2004.

98. Emission inventories are being maintained within the context of the United Nations Framework Convention on Climate Change and the Convention on Long-Range Transboundary Air Pollution.

**XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION
OF ARTICLE 5**

99. No information was provided under this heading.

**XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF
THE PROVISIONS OF ARTICLE 5**

100. No information was provided under this heading.

**XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 5**

101. No information was provided under this heading.

**XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES
IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION
IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6**

Article 6, paragraph 1

102. Article 20 of the International Agreements Act stipulates that the provisions of international agreements whose contents are suitable for application in legal relationships without the adoption of special regulations are subject to implementation and applicable within

the legal system and in the administration of justice. Other provisions are implemented by adopting appropriate regulations.

103. Therefore, the provisions of article 6 of the Convention are applied directly with respect to decisions on whether to permit proposed activities listed in annex I to the Convention. Moreover, the Environmental Impact Assessment Regulation (Annex No. 1 to the Environmental Audit and Environmental Impact Assessment Act) provides for public participation in decision-making relating to specific forms of activity.

104. Under paragraph 4 of the Environmental Impact Assessment Regulation, by decision of the competent ministry, other installations and forms of activity may, where necessary, be subjected to the EIA procedure, depending on the extent of the anticipated impact on the environment.

Article 6, paragraph 2

105. Under articles 1 and 16 of the Regulation on public participation in the preparation and adoption of environmental decisions, approved by Government Decree of 25 January 2000, “the public” means “one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups”.

106. The “public concerned” means the “public affected or likely to be affected by particular environmental decisions or having an interest in the adoption of such decisions, as well as nongovernmental organizations which, under the national law in force, are active in the field of environmental protection and are deemed to be organizations having an interest”.

107. No special measures have been taken to encourage public participation in the making of the most important environmental decisions, but local government bodies use various means of encouraging public participation in local environmental decision-making.

108. Article 24 of the Access to Information Act specifies the consequences of infringing the right of access to information.

109. Depending on the seriousness of the consequences of the unlawful refusal by a civil servant responsible for the provision of official information to grant access to the information requested, the court will take a decision concerning the application of sanctions, as prescribed by law, the awarding of compensation for the damage caused by the unlawful refusal to provide information or other acts in infringement of the right of access to information, and the direct satisfaction of the claim of the person requesting the information.

Article 6, paragraph 3

110. The Regulation on public participation in the preparation and adoption of environmental decisions describes the ways in which the public may be informed of the intention to undertake projects involving an economic activity (announcements in the press or on radio or television, direct contact with the leaders of NGOs).

111. Apart from the 30-day period for informing the public at the commencement of the decision-making procedure laid down in article 3, paragraph (d), of the Environmental Protection Act, the current legislation does not contain any time-frames.

112. Although it requires the public to be consulted on town and country planning schemes before approval, article 27 of the Principles of Town and Country Planning Act does not provide for any time-frames.

113. In accordance with article 13 of the Environmental Impact Assessment Regulation, the public must have open access to the EIA documentation and the EIA application for 30 calendar days. During this period comments on the documents may be forwarded in writing to the person designated by the local authorities.

114. Local authorities must forward comments received as a result of the public discussion of EIAs and their own comments to the applicant, and a copy of these comments to the central environment department within 14 days of the expiration of the period mentioned in paragraph 13 of the Regulation.

115. In accordance with article 13 of the Environmental Impact Assessment Regulation, the applicant is required to forward the EIA to the ministries and departments corresponding to the installation profile or activity and the local authorities on whose territory it is intended to build a new installation, extend, rebuild, modernize, decommission or demolish an existing installation or carry out a new activity. Within five days of receiving the EIA the local authority must announce in the media where and when the document can be inspected, copies can be obtained and a public environmental audit and public discussion are to be conducted.

Article 6, paragraph 4

116. In accordance with article 11 of the Regulation on public participation in the preparation and adoption of environmental decisions, public participation in decision-making at local level relating to an economic activity that will affect the environment is initiated by the applicant by informing the local authority and the public of the administrative district in which it is planned to carry out that activity. In its turn, the local authority on whose territory the project documentation is to be prepared must arrange for public participation in the adoption of decisions affecting the environment and take steps to ensure the transparency of the activity announced by the applicant by informing the public of the intention to undertake projects involving an economic activity.

117. Moreover, in accordance with article 11 of the Environmental Audit and Environmental Impact Assessment Act, voluntary associations conducting a public environmental audit have the right:

(a) to obtain from the applicant planning, design and EIA documentation in full, or if it contains a trade and/or other legally protected secret (other than a State secret) to the extent that this secret is not disclosed;

(b) to familiarize themselves with the regulatory and technical documentation on the conduct of the State environmental audit;

(c) to participate through their representatives in meetings of the expert committees in which the conclusions of any public environmental audit are discussed.

118. Under article 19 of the Environmental Impact Assessment Regulation, the results of public discussions of EIAs must be forwarded to the local authority. Moreover, in accordance with article 14 of the Environmental Audit and Environmental Impact Assessment Act, the conclusions of a public environmental audit are in the nature of recommendations and acquire legal effect only upon approval by the body representing the State environmental audit system.

119. The Regulation on informing and consulting the public with respect to GMOs was approved by Order of the Ministry of the Environment No. 19 of 10 February 2004.

Article 6, paragraph 5

120. Public participation in the preparation of draft laws, national programmes, regulations and other enactments is ensured by the central environmental authority, which takes full responsibility for the procedure.

121. Public participation in decision-making relating to economic activities, construction, reconstruction and similar projects with an impact on the environment is ensured by the local government authorities and local environmental services, which bear full responsibility for the procedure, by organizing, depending on the complexity of the project, local referenda, sociological surveys and opinion polls. The costs associated with the public participation procedure are paid by the natural and legal persons that finance the preparation of the documentation.

Article 6, paragraph 6

122. Article 3, paragraph (d), of the Environmental Protection Act stipulates that the planning, siting and commissioning of objects of social and economic significance and the implementation of programmes and works that presuppose the modification of the environment or certain of its components shall be permitted only if the population living within the health protection zone surrounding the object in question is informed (by the local authorities and users) in the planning and siting stages within 30 days of the preparation of the land allocation documents, in accordance with the law, and its agreement is obtained.

123. Article 30, paragraph (b), of the same Act establishes the right of access to information and consultation concerning plans to site and build installations with a harmful effect on the environment and concerning the rehabilitation and improvement of territories, towns and villages. Moreover, article 10, paragraph (j), of the Act obliges local authorities, together with the client, to assist in the organization and implementation of a public environmental audit of the project documentation on installations that could impact the environment or individual components thereof.

Article 6, paragraph 7

124. Experience relating to methods of conducting multilateral discussions and their role in environmental decision-making procedures has not been systematized or generalized.

Article 6, paragraph 8

125. The central authorities do not keep records of the outcome of public participation.

126. There are no particular methods of taking public comments duly into account prescribed by law. The existing legislation does not prohibit the reconsideration of comments by other representatives of the public.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

127. No information was provided under this heading.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

128. No information was provided under this heading.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

129. No information was provided under this heading.

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

130. The existing national planning legislation defines the relationship between the State, the local authorities and others. Thus, the Principles of Town and Country Planning Act contains a number of normative provisions concerning public participation and the holding of consultations. The Act calls for the public to be consulted before any town and country planning schemes are approved. It is obligatory to display an announcement and submit project documentation for inspection and general discussion. The public authority must directly ensure all interested groups equal access to information concerning the proposed activity and an opportunity to participate in the decision-making process.

131. In accordance with the Environmental Policy Concept, the following are regarded as strategic decisions affecting the environment:

- (a) the National Concept for an Ecological Agriculture and Industry and Environmentally Sound and Genetically Unmodified Food;
- (b) the Environmental Safety of the Activities of the National Army Concept;
- (c) the National Environmental Health Action Plan;
- (d) the National Land-Use Management Plan;
- (e) the National Environmental Network;
- (f) the National Water Supply and Sewerage Strategy.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

132. No information was provided under this heading.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

133. No information was provided under this heading.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

134. No information was provided under this heading.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

135. No information was provided under this heading.

XXIV. EFFORTS MADE TO PROMOTE EFFECTIVE PUBLIC PARTICIPATION DURING THE PREPARATION BY PUBLIC AUTHORITIES OF EXECUTIVE REGULATIONS AND OTHER GENERALLY APPLICABLE LEGALLY BINDING RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8

136. The national legislation provides that in the event of the public becoming involved in the preparation of laws, regulations and decisions concerning projects at national level or with trans-boundary implications or other laws and regulations, the central environmental authority shall:

- (a) inform the public, through the media, of the commencement of the process of preparation of the text in question;

- (b) organize working groups (opinion polling teams) that include representatives of the NGOs and the public;
- (c) organize, where necessary, sociological surveys to determine the topicality of and need for the legislation to be prepared;
- (d) invite representatives of the media to meetings of the working groups, thereby ensuring the transparency of the proceedings;
- (e) forward the corresponding draft documents to the NGOs and other interested authorities for signature;
- (f) organize press conferences, round tables, and television and radio broadcasts for the purpose of explaining the gist of the legislation;
- (g) study requests and proposals deserving of attention and change, where necessary, the content of the drafts in preparation;
- (h) after the documents prepared have been approved by the higher authorities or published in the Official Monitor, take steps to draw them to the attention of the public by holding press conferences, round tables, briefings, etc.

137. An important step towards the implementation of article 8 of the Convention is the preparation of the Directive on the involvement of the public in the preparation and adoption of draft regulations in the field of environmental protection and the use of natural resources.

138. The Ministry of the Environment and Natural Resources is setting a positive example in this respect by posting draft regulations being adopted (approved) by the Ministry on its website. This information is also forwarded to members of the special Consultative Council.

139. Depending on the importance of the instrument submitted for discussion, the time-frame within which the representatives of the public may express their views ranges from 15 to 60 days.

140. Draft binding rules and regulations are posted on the Ministry's official website www.mediu.gov.md

141. Comments received during the participation process under article 8 of the Convention are made public.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

142. No information was provided under this heading.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

143. No information was provided under this heading.

**XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 8**

144. No information was provided under this heading.

**XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES
IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9**

145. Where necessary, the courts apply the text of the Aarhus Convention. However, there are no official statistics.

146. Under the national legislation, judges may set aside and amend decisions in cases considered in accordance with article 9.

Article 9, paragraphs 1 and 2

147. The national legislation guarantees the independence of any reconsideration of a decision of an administrative body.

148. In the national legislation, NGOs that contribute to environmental protection are defined as nongovernmental organizations fighting to protect the environment

Article 9, paragraphs 3 and 4

149. In accordance with the provisions of article 4, paragraph 3, of the Submission of Petitions Act, a petitioner who is not satisfied with the reply to an initial petition or has not received a reply within the period specified by law is entitled to appeal to the competent administrative court.

150. The Access to Information Act (art. 23) stipulates that if a person considers that his legitimate rights or interests in relation to access to information have been impaired or if he is not satisfied with the decision of the information-provider or the next higher authority, he may appeal the acts or omissions of the information-provider directly in the competent administrative court.

151. Similar procedures are laid down in the Administrative Courts Act (Law No. 793-XIV of 10 February 2000).

152. An applicant may institute legal proceedings to protect his right to environmental information if his request for information is refused, if the information provided is incomplete, if the information is not provided within the time-frame specified in the legislation, etc., that is, whenever his substantive right to information is infringed.

153. Under article 7, paragraph 2, of the Submission of Petitions Act, petitions appealing against an act, decision, action or omission of some administrative authority or official that has

infringed the rights and legitimate interests of the petitioner (including the right of access to information) are to be filed with the next higher body of first instance.

154. If a person considers that his legitimate rights or interests relating to access to information have been impaired, he may appeal the acts or omissions of the information-providing authority to the head of that authority and/or to the next higher authority within 30 days of the day on which he found out, or should have found out, about the infringement. The heads of the information-providing authority and/or the next higher authority must consider the appeal of a person requesting information within five working days and notify him of the results of their review within three working days. There is no charge for appealing to the next higher authority or the next higher official.

155. Appeals against the acts or omissions of organizations that do not have higher authorities may be filed directly in the competent administrative court.

156. A similar provision is contained in article 16 of the Administrative Courts Act. Thus, a claim may be filed directly in the administrative court when a person considers that his rights have been infringed as a result of failure to consider his case within the period prescribed by law or the rejection of a preliminary claim for recognition of his rights and for damages.

157. When a claim is filed in the administrative court, the claimant, if a natural person, pays an official fee of one minimum wage or, if a legal person, twenty minimum wages.

158. Under article 25 of the Administrative Courts Act, when the administrative court considers and allows a claim, it may annul the administrative act appealed against, in full or in part, or may order the defendant to issue the administrative act requested by the claimant or a certificate or other document or terminate the infringements committed by the defendant, and, moreover, compensate the claimant for any damage caused by the untimely execution of the decision of the administrative court.

159. Having given its decision on the merits, within three days of its becoming effective the administrative court must send copies to the defendant for execution and to the court of general jurisdiction in the defendant's locality for control of execution and, if necessary, enforcement.

160. The decision must be implemented within the time-frame specified therein and if no time-frame is indicated, then within 30 days of its entry into effect.

161. If the decision is not executed within the specified time-frame, then the head of the authority required to execute it may be called to account, in accordance with the legislation in force.

162. Under article 73 of the Code of Civil Procedure, organizations and natural persons may institute legal proceedings to protect the rights, freedoms and legitimate interests of other persons, at their request, or to protect the rights, freedoms and legitimate interests of an indeterminate group of persons. Proceedings to protect the interests of a legally incompetent person may be instituted whether or not requested by the interested party or his legal representative. Under this article, NGOs can also act to protect persons whose rights have been

impaired, especially as natural persons can protect their own interests in civil proceedings personally or through representatives. Personal participation in the proceedings does not deprive a natural person of the right to have a representative.

163. Thanks to the legislative provisions mentioned in paragraph (b), representatives of the public have free access to administrative and judicial procedures to challenge acts and omissions by private persons and public authorities which contravene environmental law. One such NGO specializing in the provision of legal assistance (including representation of the interests of the public before administrative and judicial bodies) is the Public Environmental Advocacy Centre "Eco-Lex".

164. The procedures for protecting civil rights are listed in article 11 of the Civil Code. In particular, the right to a favourable environment can be protected using the following remedies: injunctions against acts that are infringing a right or creating a threat of infringement; invalidation of the act of a central or local government or self-government authority; damages; compensation for non-material damage; other remedies provided for by law.

165. In accordance with the requirements of civil procedural law and business procedural law, decisions are given in writing. Moreover, the proceedings are recorded and the record may be inspected by an interested party. Costs are fixed by the Code of Civil Procedure and the State Fees and Charges Act (Law No. 1216-XII of 3 December 1992). Public prosecutors and parliamentary counsel defending the rights and legally protected interests of other persons in the cases provided for by law are exempt from the payment of the State court fee and other costs associated with the hearing of the case. Moreover, claimants seeking compensation for damage caused by environmental pollution or the non-rational use of natural resources are exempt from the payment of legal costs.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

166. No information was provided under this heading.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

167. No information was provided under this heading.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

168. No information was provided under this heading.

**XXXII. CONTRIBUTION OF THE IMPLEMENTATION
OF THE CONVENTION TO THE PROTECTION OF THE RIGHT
OF EVERY PERSON OF PRESENT AND FUTURE GENERATIONS TO LIVE IN AN
ENVIRONMENT ADEQUATE TO HIS OR HER HEALTH AND WELL-BEING**

169. No information was provided under this heading.
