



“Eco-TIRAS”  
International  
Association of River  
Keepers

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25 August 2013

Ms. Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

*Re: the CC Aarhus letter from May 17, 2013*

Dear Aarhus Convention Compliance Committee members,

Because we express the common interest of eco-NGO community in successful Aarhus Convention in Moldova, let me express our view on successes and failures in realization of the Party's duties dealing with the AC implementation, specifically in frames of your four questions putted in the Letter.

**Question 1.**

Among acts you mentioned which should be adopted, those already passed by parliament and government are:

- Water Law
- Law on ratification of the PRTR Protocol
- Amendment to the art. 48(e) of the Regulation nr. 187, 2008, on the Rent of Forestry Fund for hunting and recreational activities

The rest of them have a different fate:

- **Law on access to environmental information** draft – draft was publicly discussed in December 2012, get approval of all ministries, but was returned by the State Chancellery of the Government to the Ministry of Environment. We requested the copy of the explanation letter copy to understand better the reasons of refusal but MoE not presented a copy in time established for that by the national legislation and AC (i.e. in > one month). By information which we get unofficially, the reasons of refusal are: government plans to revise the general access to information act and possibly likes to find a place for environmental information in the revised act. In our view it looks impossible to take all specificities of the AC into account in the horizontal law on information. From the other side, the MoE in our view was not enough insistent in the draft promotion, taking into attention also the harmonization process of national legislation to EU legislation, proclaimed and going in Moldova.

- **Act on environmental protection** draft – this draft is more or less prepared and contains the “Aarhus” chapter with the Access to environmental information subchapter. It is not yet presented to the government. It covers some, but not all AC provisions. We see the dangers of the resolution of the issue by this way in: i) AC will not be fully reflected in this act, and ii) government insists that this law will have the power of the *ordinary law*, i.e. it will be lower in hierarchy of great majority of other laws which have the status of *organic laws*. In practice any other legal act in sphere of environment will prevail.

- the **Amendment to the art. 48(e) of the Regulation nr. 187, 2008, on the Rent of Forestry Fund for hunting and recreational activities** was revised by the government in direction of limitation of access to personal data which the contracts on rent contain. It is some progress, but it was not still a case to verify of how the new provision is implemented in practice, taking into consideration that in this sphere we periodically observe the cases of high level corruption.

- Amendment (revision) of the **Government Resolution nr. 72 (2000) on public participation in environmental sphere**. There was no actions, but recently the group of NGOs initiated the process of revision of this document in frames of the project supported by German Federal Ministry on Nature Protection, Environment and Nuclear Safety and REC CEE, but first draft is expected in March 2013.

#### **Question 2.**

As it was noted before, there were organized a public hearings on the draft on access to environmental information. NGOs and independent experts actively participated and conditions for that were created. But it looks that the MoE does not have enough voice to protect its interests on the governmental level. At least we nothing know about such efforts from the MoE side.

#### **Question 3.**

In general thanks to the horizontal Law on transparency of decision making (2008) the situation in public participation and access to drafts decisions is not bad in Moldova and the MoE do efforts to place all drafts to its website for comments. Because not every time comments of public have been taken into consideration by the MoE, there are exist mechanisms to oppose decisions on the levels of government (NGO Consultative Council under Prime Minister) and parliament (consultative expert groups under parliamentary committees), which sometimes work. From the other side, some structures, like NGO Consultative Committee under the Minister of Environment, created in the eve of AC MOP4, does not gather and is not efficient.

Publications of statistics concerning environmental information requests still not improved, which in general reflects the situation that AC remains the sphere of only MoE, but not of other state bodies. It is related also to State Chancelorate which took a part of functions in environmental sphere.

#### **Question 4.**

In our vision, the requirement of *Amendment to the art. 48(e) of the Regulation nr. 187, 2008, on the Rent of Forestry Fund for hunting and recreational activities* do not permit to get the copy of a contract in a whole, because it contains personal data (name, address, nr of ID etc. of the physical person who rents a parcel of the Forest Fund). But taken into account that these data usually not related to high level public servants anyway, it looks, that public could survive with such approach if the rest of document will be provided. Also a new provision does not cover juridical persons.

#### **Conclusions**

The time of monitoring of the Moldovan government efforts on implementation of the Aarhus Convention should by extended by MOP5 for minimum 3 years to execute at least the most important obligations of the National Aarhus Convention Implementation Plan (2011). In our view the special attention should be given to involvement of the Government of Moldova in a whole to the process of implementation by supporting of the MoE efforts in this field, also in steam with the current government EU integration intentions.

Sincerely yours,



Ilya Trombitsky  
Executive Director