



Our Ref: 03-08/974

Date: 16 November 2013

**Subject:** *Implementation of the Decision IV/9d, adopted at the 4<sup>th</sup> Meeting of the Parties to the Aarhus Convention*

Dear Fiona Marshall,

In the context of your letter from 19 November 2013, regarding the implementation of the Decision IV/9d, adopted at the 4<sup>th</sup> Meeting of the Parties to the Convention, regarding the compliance with the obligations of the Republic of Moldova in the framework of the Convention, I would like to inform you about:

Referring the 42<sup>nd</sup> (b) point,

Regarding the enforcement of the decisions on the public access to the environmental information we inform you that there are no specific regulations, because decisions on public access to the environmental information are part of the civil right decisions, and the procedure of enforcement is the same for all decisions.

Also, we would like to mention some provisions from the Explicative Decision of the Plenum of the Supreme Court (No.3, from 24<sup>th</sup> of December, 2013) on application by the courts of the provisions of environmental legislation in examination of civil cases:

Paragraph 55, item (2): „Public associations and citizens may submit contesting actions against administrative acts issued by the authorities in field of ecology on public access to environmental information, on termination by individuals and businesses of economic activities or other activities which adversely affect the environment and human health, on the damages caused by wild animals, on the damage caused by pollution or other activities which affects the environment, as well as the damage caused to health etc.”

Paragraph 61 “It is mention that, according to the provision of Aarhus Convention from 25<sup>th</sup> of June, 1998, on the access to the information, justice and public participation in decision making in environmental field, the state guarantees the access of all individuals to information.”

Paragraph 62 “It warns the courts that ecological information is assigned as public information and the unjustified refusal of providing such information may be contested in courts as an object of actions in administrative courts.”

Paragraph 63 “If any international agreement, of which Republic of Moldova is part, stipulates other provisions than those which are stipulated in national legislation on environmental protection, the courts will apply the provisions of the international agreement (article 95<sup>th</sup> from Law on environmental protection).”

These regulations force the courts to apply in priority the provisions of Aarhus Convention in possible cases on access to the environmental information.

Referring the 42<sup>nd</sup> (c) point

Law no.158 from 4<sup>th</sup> of July, 2008, concerning public function and civil servant statute establish sanctions for disciplinary offenses, breaching the obligations, refuse or negligence in executing the attributions and tasks by civil servants.

Also, in 2008 Parliament of the Republic of Moldova adopted the Code of behaviour of public servants (Law nr. 25). Article 8 of this law establishes that civil servants are obligated to ensure citizens with correct and timely information on public interest issues, to ensure free access to the information, to meet the deadline established in the law of presenting the information. In 2011 the Code was modified. A new chapter has been added. This chapter establishes that civil servants are disciplinary responsible for Code violation.

Also, we would like to mention that there is no statistics on the requests of the access to environmental information registered by public authorities. Governmental Decision No. 208 from 31<sup>st</sup> of March 1995, approved the Instruction on secretariat activities related to individuals and businesses petitions, which establishes the procedure of evidence and examination of all petitions sent to public authorities, in all fields. The obligation on keeping centralized of statistical information on the requests of access to environmental information it is established in Law on public access to environmental information, which was approved by the Governmental Decision No. 864 from 1<sup>st</sup> of November 2013 and was send to Parliament for approving. The Law on the public access to environmental information is on the agenda of the Parliament of Republic of Moldova in the group of priority laws.

Regarding the 42<sup>nd</sup> (c) point

We would like mention that the most important trainings were organized in 2012.

A regional training seminar for Local Public Authorities staff was organized. Its thematic was "The role of the Local Public Administration in environmental management". Representatives from all Local Public Authorities were invited. It included the discussion of the following topics:

- Environmental legislation and the attributions of local authorities in its implementation;
- Local Action Plans in the field of Environment;
- State and perspectives of the integrated waste management;
- Development of closed water supply and sanitation systems;
- Compliance with the provisions of environmental laws and regulations in the territory;
- Methods of financing environmental activities at regional and local levels, National Environmental Fund procedures.

Also, the National Institute of Justice offers trainings for judges and prosecutors in field of ensuring of human rights. We would mention the trainings provided by such organizations as Eco-TIRAS, Ecocontact, REC Moldova, Ecological Movement from Moldova, etc.

Regarding the 42<sup>nd</sup> (f) point

1. At the moment we do not know about any study on the differences between the legislation on access to the information and Aarhus Convention.

We would like to mention that we do not consider there are any differences between the Law on public access to information and Aarhus Convention. Republic Moldova decided to elaborate a specific law on public access to the environmental information, because the Law on public access to the information establishes general principles on access to the information without making any divisions between the environmental information and other information. Moldova tends to access the European Union family, sharing the same values and democratic and European principles. Moldova decided to have a special law on access to information as the European Union member states have.

Article 37 from the Constitution guarantees the access of citizens to the environmental information, but the mechanism of ensuring the access should be approved by a specific law.

2. Law on public access to environmental information was approved by Governmental Decision No. 864 from 1<sup>st</sup> of November 2013 and was send to Parliament for approving. At the moment the draft law was positively revised by the Parliamentary Commissions and the next step is that the Parliamentary Commission on environment and climate change will elaborate the report to examine the law in the Parliament. The Law on the public access to environmental information it is on the agenda of the Parliament of Republic of Moldova in the group of priority laws.

3. The draft law is in Parliament for examination, as was mentioned. The 3<sup>rd</sup> Chapter from the Law on environmental protection will be revised according to the provisions from the Law on public access to environmental information.

Regarding the 42<sup>nd</sup> (g) point


Recently, in the Parliament was heard the Report of Special Commission which examined the situation in field of forestry. Subsequently, the legislation in forestry field will be modified. Ministry of Environment will consider your recommendations and will purpose such amendments.

Regarding the 42<sup>nd</sup> (h) point

The National Plan was approved for the period of 2011-2015. Thus, the National Plan will be evaluated in 2014 and revised in 2015.

Looking forward to a fruitful cooperation in the future.

Sincerely,



Gheorghe ȘAÎARU  
Minister