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Ref: decision IV/9d of the Meeting of the Parties

17 May 2013

Adrian Panciuc
Head of the Legal Service
Ministry of Environment
9 Cosmonautilor Str.
Chisinau MD-2005, Republic of Moldova

Dear Mr. Panciuc,

Re: Decision IV/9d of the Meeting of the Parties to the Aarhus Convention

At its fortieth meeting (Geneva, 25-28 March 2013), the Committee reviewed the implementation of decision IV/9d on compliance by the Republic of Moldova with its obligations under the Convention.

The Committee took note of the e-mail of 8 February 2013 from the communicant of ACCC/C/2008/30, which had agreed with the evaluation of the Committee: namely, that the Party's action plan initially submitted in 2011 had addressed implementation of the Convention in general, and not the specific recommendations of the decision, while the follow-up report on the action plan submitted on 3 December 2012 included information about legislation and capacity-building activities that only related in part to specific actions targeting implementation of the plan.

In order to clarify specific actions in your report, the Committee decided to send you additional questions annexed to the present letter. Please provide your response by **1 September 2013**. The Committee will review the situation in detail at its forty-second meeting (Geneva, 24-27 September 2013). It requested the secretariat to explore the possibility of a videoconference with a representative of the Party concerned and interested observers either on **26 or on 27 September 2013**. Kindly confirm your availability on these dates, so that the secretariat can then proceed with the necessary administrative arrangements. Further to your more elaborated written submissions and the discussion preliminarily scheduled to take place on 26 or 27 September 2013, the Committee will start considering its recommendations to the Meeting of the Parties at its fifth session in that regard.

Please do not hesitate to contact the secretariat if you require further information.

Yours sincerely,

Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

cc: Permanent Mission of the Republic of Moldova to the United Nations Office and other international organizations in Geneva

Ilya Trombitsky, Eco-TIRAS, International Environmental Association of River Keepers, Republic of Moldova

Annex
Questions to the Party concerned (MOP decision IV/9d)

Question 1

In the materials provided to the Committee, you mention the following pieces of legislation that have been drafted to implement the recommendations of the Committee following its findings on communication ACCC/C/2008/30 (see para. 42 of doc. ECE/MP.PP/C.1/2009/6/Add.3):

- Act on Access to Environmental Information;
- Act on Environmental Protection (chapter on access to environmental information);
- Water Act (art. 12, 16 and 20);
- Act on Ratification of the PRTR Protocol;
- Amendment of article 48(e) of Regulation No. 187 of February 20, 2008, On Rent of Forestry Fund for Hunting and Recreational Activities;
- Amendment (revision) of the Government Resolution No. 72 of January 25, 2000, On Approval of Provisions for Public Participation in Development and Decision-making on the Environment”.

a. Please inform the Committee whether these acts have already been adopted. If yes, when? If not, what is the reason of delay and when are they expected to be adopted?

b. Please provide the English translation of those provisions of the acts you mention (see above) which specifically aim to implement recommendations b), c), d) and f) (findings of communication ACCC/C/2008/30). If you have taken additional measures to implement recommendations b), c), d) and f), please provide the relevant information.

Question 2

Further to recommendation (f), please describe the process of how the Moldovan regulatory framework on access to information has been examined, from the perspective of the Convention requirements, and in particular how representatives of the public and independent experts participated in the examination.

Question 3

The documents you have submitted already refer to the new legislative and regulatory acts and the training and capacity building activities to address recommendation (c). Please describe other specific measures that have been taken to address transparency of information, in particular with regard to the establishment, strengthening and/or enforcement of administrative penalties on public servants who do not comply with the legislative requirements on transparency of information, the involvement of representatives of the public in monitoring procedures on providing environmental information and the publication of statistics concerning requests for environmental information.

Question 4

Following recommendation (g), please describe the measures that have been taken to avoid inclusion in the contracts on the rent of lands administered by the State Forestry Fund of any clauses on confidentiality contradicting the requirements of article 4, paragraph 4, of the Convention.