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UNITED NATIONS

ECONOMIC COMMISSION
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Palais des Nations, Room 429-2
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Ref: Decision IV/9d of the Meeting of the Parties

19 November 2013

Dear Sir,

**Decision IV/9d of the Meeting of the Parties to the Convention on Access to Information,
Public Participation in Decision-Making and Access to Justice in Environmental Matters
(Aarhus Convention)**

As you may recall, at its forty second meeting (Geneva, 24-27 September 2013), the Aarhus Convention Compliance Committee discussed the implementation of decision IV/9d of the Meeting of the Parties on compliance by the Republic of Moldova with its obligations under the Convention.

The Committee took note of the statement provided by the Party concerned during the telephone conference as to how it had addressed each subparagraph of the decision IV/9d. The Committee also took note of the comments on this statement provided by the communicant of communication ACCC/C/2008/30. The Committee commenced preparation of its draft findings and recommendations to the fifth session of the Meeting of the Parties and agreed a list of further questions to be sent to the Party concerned, annexed to the present letter. Please provide your response by **10 December 2013**.

The Committee will review the situation in detail at its forty-third meeting (Geneva, 17-20 December 2013) and continue preparation of its draft findings and recommendations to the fifth session of the Meeting of the Parties. It will thereafter send the draft findings and recommendations to the parties for their comments prior to the Committee's forty-fourth meeting, and will take into account any comments received on the draft findings and recommendations at that meeting, before finalizing those findings and recommendations for submission to the Meeting of the Parties.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Fiona Marshall', is placed above a horizontal line.

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

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

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

Mr. Ilya Trombitsky, Eco-TIRAS, International Environmental Association of River Keepers
(communicant in ACCC/C/2008/30)

Enc: Questions for the Party concerned

Follow-up on decision IV/9d concerning compliance by Moldova

Questions for the Party concerned relating to the implementation of the Committee's recommendations in paragraph 42 of the ACCC/C/2008/30 findings

The questions below have been prepared by the Committee for the Party concerned's response in the light of the Committee's telephone conference with the Party and the communicant in ACCC/C/2008/30 at its 42nd meeting (Geneva, 24-27 September 2013). In keeping with the Party concerned's oral statement during the telephone conference, the questions follow the order of the Compliance Committee's recommendations in paragraph 42 of its findings on communication ACCC/C/2008/30.

42 (a) *No further information needed.*

42 (b) Question: Next to the general reform of the system of executing the court decisions in Moldova (introducing private executors), are there any other measures, specifically targeting on court decisions concerning access to information? These must not necessarily be formal means of executing court decisions (in the legal sense), but for example any supervision or monitoring measures, supporting the willingness of the authorities and officials to follow the court decisions.

42 (c) Question: Could the Party concerned make a comprehensive list of either all, or most important measures which have been taken to fulfill this recommendation. Specifically, are any statistics concerning requests for environmental information available?

42 (d) *No further information needed.*

42 (e) Question: Could the Party concerned provide the Committee with a comprehensive list of either all, or those it considers as the most important, training and capacity building activities for public servants and judiciary which it has organized since July 2011 on the Convention's requirements on access to information?

42 (f) Question 1: Is there any formal (written) outcome or conclusion of the examination of the Moldovan regulatory framework on access to information carried out in cooperation with representatives of the public and independent experts to identify any provisions that may not be compatible with the provisions of the Convention? If yes, would it be possible to provide the Committee with the written outcome/conclusions? If no written outcomes or conclusion of the examination were so far prepared, could the Party concerned briefly summarize the main inconsistencies identified between the current legislation on access to information and the Convention. Also, what were the main reasons behind the Government's decision to prepare a completely new draft law on Access to Environmental Information?

Question 2: What is the current status and intended next steps for the draft Act on Access to Environmental Information? Please comment on the communicant's concerns (in its letter of 25 August 2013) that the Government plans to revise the general legislative framework on access to information and to include provisions on access to environmental information, which could mean that the current draft of Act on Access to Environmental Information would not be adopted.

Question 3: Please clarify the relationship between the draft Act on Access to Environmental Information and Chapter III of the draft Environmental Protection Act, concerning access to environmental information, as these two draft laws appear to overlap but to differ at the same time.

42 (g) Question: Please confirm whether subsequent to the amendment of article 48 (e) of Regulation No. 187 (see recommendation (d) of the Compliance Committee's findings in ACCC/C/2008/30) any clauses on confidentiality in contracts on rent of the forest land that may contradict Article 4, paragraph 4 of the Convention, will now have no legal effect.

42 (h) Question: Has the implementation of the National Action Plan been evaluated since its adoption, or is such an evaluation envisaged, and if so when? If an evaluation has been carried out, would it be possible to provide the Compliance Committee with the report of the evaluation? Has the National Action Plan been updated in any way, and if so, in which respects?