



“Eco-TIRAS”  
International  
Association of River  
Keepers

Asociația  
Internațională  
a Păstrătorilor Rîului  
”Eco-TIRAS”

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20.06.2020

**Attn: Ms. Fiona Marshall,  
Secretary to the Aarhus Convention Compliance Committee**

**Re: ACCC Letter from June 4, 2020, Concerning Communication ACCC/C/2017/147**

**Questions to both the Party concerned and communicant:**

1. At the hearing to discuss the substance of the communication held at the Committee’s 65<sup>th</sup> meeting, the Party concerned claimed that a representative of the communicant was invited to the office of the State Hydrometeorological Service (SHS) for the purpose of collecting the requested “primary information,” and the communicant confirmed that its representative indeed visited the SHS office in order to obtain this information.

With respect to the communicant’s visit to the SHS, please clarify:

(a) On what date(s) did the communicant attend the office of the SHS to collect the requested information?

Answer of the Communicant:

The visits have happen in the beginning of September 2016 and in the beginning of October 2016.

(b) Was the communicant indeed able to obtain the information requested at points 1 and 2 of its letter of 25 July 2016 during its visit(s) to the SHS?

Answer of the Communicant:

When the communicant representative visited the SHS, it was impossible to collect data due to either reparation or moving of the library. Then the data on point 2 have been received by him from the SHS by e-mail on September 22, 2016 (the registered copy similar to the e-mail was received by normal mail – registered by SHS on 3.10.2016 and attached to current letter).

After getting the data on point 2 (they were received by e-mail on September 22, 2016, and later as an annex to the official letter from 03.10.2016) the Eco-TIRAS's representative visited SHS two times

to clarify several questions that appeared: why the data with observations in 1978-1982 have not been presented as well as why the data for 1990-1992 did not reflect the real river streamflow picture.

As a result of oral discussions of Eco-TIRAS representative with the SHS staff, it becomes clear that due to the large period of time since the indicated omissions and errors in the data, is impossible to receive clear explanations.

(c) Did the communicant, either before or during its visit to the SHS, ask SHS staff to provide it with any assistance to collect the requested information during its visit? If so, what assistance did the communicant request?

Answer of the Communicant:

Because the library at the first visit was either on the move or in the reparation, but later the data were partly presented, there was further no reason to ask for assistance.

(d) Irrespective of whether the communicant asked for assistance, was the communicant in fact provided with any assistance to collect the requested information during its visit to the SHS, for example, to identify on which shelves or volumes the requested data could be found or to make copies? If so, please describe the assistance provided.

Answer of the Communicant:

No, the communicant was not provided with any assistance during the visit of SHS.

2. In its letter no. 01/662 of 21 April 2017, the SHS states that it had “presented ‘EcoTIRAS’ Association the data on mean monthly water streamflow at the Hydrological Point Baltata, starting from 1954.” (Communication, annex 2, p. 11).

(a) On what date was the data on mean monthly streamflow provided to the communicant? Please provide a copy of the covering letter from the SHS enclosing the data, together with an English translation of that letter.

Answer of the Communicant: The first part data (hydrology) were provided to the Communicant by the SHS e-mail dated by September 22, 2016, and later –also by letter 07/952 from 03.10.2016. The letter in original with translation is attached.

(b) Did the SHS provide the communicant with the data on the mean monthly streamflow for every month since 1954? If not, did SHS provide an explanation of why data was not provided for any particular months (for example, that it did not hold any data for that month)?

Answer of the Communicant:

No, SHS provided to the Communicant the streamflow data for all months from 1954 to 1976 and from 1983 to 2012 by its letter from 03/10/2016. The data for 1977 were presented only for 4 months, but data for 1988 and 1990-1992 do not have any variety which is practically impossible in conditions of Moldovan climate. At the same time no any explanation was presented together with the letter from 03.10.2016 or later.

(c) Did SHS request the communicant to pay a fee for the mean monthly streamflow data it provided? If so, how much was the communicant requested to pay?

Answer of the Communicant:

The request for payment of the sum 730373,5 MDL was in the SHS letter no. 03/737 from 01.08.2016. Later SHS preferred do not ask any payment for the data provided on 03/10/2016. The later correspondence also not contained such requests.

**Questions to the communicant:**

3. With respect to the SHS's letter no. 03/737 of 1 August 2016:

(a) Did the communicant request an explanation of how the cost of 730374.50 lei was calculated? If so, please provide a copy of the communicant's letter requesting this, together with an English translation thereof. Please also provide a copy of any explanation provided by SHS regarding how the cost of 730374.50 lei was calculated, together with an English translation thereof.

Answer of the Communicant: The Communicant not requested from SHS the explanations of the method of determining of the information requested cost because it was clear that SHS will refer to the Governmental Regulation #330 from March 03, 2006 "On Adoption of Services Provided Free and at Charges by the State Hydrometeorological Service and the Guidelines of the Special Means of the State Hydrometeorological Service".

(b) If the communicant did not query the sum quoted by SHS or ask for an explanation of how it was calculated, please explain why not.

Answer of the Communicant: The Communicant did not requested from SHS the explanations of the method of determining of the information requested cost, because it was clear that the cost was determined according to the Governmental Regulation #330 from March 03, 2006 "On Adoption of Services Provided Free and at Charges by the State Hydrometeorological Service and the Guidelines of the Special Means of the State Hydrometeorological Service". According to this document, one determination of the water streamflow costs 306 MDL (point 5.1.2 of Annex 2 of the Regulation 330/2006).

(c) What is your understanding, based on the provisions of Annex 2 of Regulation 330 of 3 April 2006, of how the sum of 730374.50 lei was calculated?

In our understanding, the Governmental Regulation 330 of 3 April 2006 stipulates the cost of each parameter which was requested, including river water streamflow. In our view the cost was determined by multiplying the cost of measuring the parameter by the number of days from the beginning of observations in 1954 until their completion in 2012, probably with application of the coefficient dealing with the situation that the data already exist. Otherwise the appearing sum is even bigger than those proposed to be paid.

4. What assistance would you have expected the SHS to provide in order to assist the communicant to collect the requested information in person?

Answer of the Communicant: We expected that the HMS will either present us the monthly data if they already summarized, or permit to extract them from the data books. In this case the SHS should give our representative the possibility to work with the correspondent data books which contain the factual observations and/or present or provide access to the electronic database.

5. Would it have been possible for the communicant to have challenged the following either before the courts and/or an Ombudsman?

Answer of the Communicant:

We used the Court to get the decision in a similar case ACCC30 in 2008/2009. But from that time the judiciary system in Moldova has drastically degraded, and courts became totally dependent from the government. This fact which is confirmed by the Declaration of the national Parliament “On in recognition of captivity of the state of the Republic of Moldova. Parliamentary Resolution No. 39 from 08-06-2019.

It is stipulated in the Declaration, that

*“In these conditions, the Parliament of the Republic of Moldova:*

*d) Notes an extremely serious situation in the field of justice, guarantee and protection of human rights and attests to a profound deterioration of basic standards in the field of civil rights and freedoms, including through degrading treatment, torture, abusive deportations of asylum seekers.”*

*The access to the Declaration:*  
[https://www.legis.md/cautare/getResults?doc\\_id=114796&lang=ro](https://www.legis.md/cautare/getResults?doc_id=114796&lang=ro)

Because the Law on Administrative Court, functioned in the moment also did not permitted to attack the governmental resolutions like 330/2006, we decided do not use the court to attack the governmental resolution.

So we did not saw other choice to change the systemic approach of exaggerated costs for the environmental information established by the national government by the regulation 330/2006, than via communication to the ACCC.

(a) The alleged failure by the SHS to provide assistance to assist the communicant to collect the requested information in person.

Answer of the Communicant:

SHS preferred for this concrete case either to insist on payment or assist the communicant in collection of information requested to provide the communicant with the requested information, but only on its hydrological part of the request and by SHS letter from 03.10.2016 provided with the part of the required data. Some of them are very questionable from the view of correctness, but we are not in the position to concentrate attention on that.

(b) The fee of 730374.50 lei quoted by the SHS to provide the requested information. Did the communicant in fact challenge either of the above in the courts or before an Ombudsman? If so,

what was the outcome of those challenges? If the communicant did not do so, please explain why not.

Answer of the Communicant:

As we already explained before, the independent justice did not exist in the Republic of Moldova for that moment. Due to that we preferred do not spend time and funds for these efforts. Our scope was also to change the unreasonable costs approach on environmental information established by the government in its 330/2006 Resolution, which was not possible to attack according to acted in this time Law on Administrative Court. Current situation with the legal impossibility for citizens to attack the governmental resolutions in court, including the unreasonable costs of environmental information, remains the same despite of the current cancellation of the Law on Administrative Court.

It creates a lot of obstacles for the implementation of the projects of international development organizations like World Bank, UNDP, etc.

To clarify current situation in Moldova and demonstrate that the issue of unreasonable costs for environmental information is systemic for Moldova, we attach a very similar case happen with the World Bank consultant on drought in agriculture issue, very important for Moldova. She also received the requested information for free, being initially requested to pay about \$4000.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ilya Trombitsky', with a stylized, cursive script.

Ilya Trombitsky  
Executive Director

Ms. Kesley Walters, Agriculture Economist, and Agri-Entrepreneur, US origin  
Facebook Post from January 28, 2020

Ms. Walters, Agriculture Economist, and Agri-Entrepreneur, asked the monthly data on precipitations and temperatures in the Capital of Moldova Chisinau for the period 1980-2020 from the the State Hydrometeorologic Service of Moldova. And get the official request to pay 4000 USD.

Post in Facebook.

[https://www.facebook.com/walters.kelsey?\\_tn\\_=%2CdC-R-R&eid=ARDaG6\\_GqEPopWzDPnNT3sxvkRzOBsnUym6MEBERzhm1iRI6tVzyXrOIGgs7rjBfPeitvhFmhn97bbm7&hc\\_ref=ARRdb2M4ryyd5onF8LTO2Es2T1iH3\\_IZvhHq\\_G\\_I9bleRJ0MKTHqIVpuRB5bJcN3Jy0&fref=nf](https://www.facebook.com/walters.kelsey?_tn_=%2CdC-R-R&eid=ARDaG6_GqEPopWzDPnNT3sxvkRzOBsnUym6MEBERzhm1iRI6tVzyXrOIGgs7rjBfPeitvhFmhn97bbm7&hc_ref=ARRdb2M4ryyd5onF8LTO2Es2T1iH3_IZvhHq_G_I9bleRJ0MKTHqIVpuRB5bJcN3Jy0&fref=nf)

Request for Information – Subject: The precipitations and temperatures in Chisinau, the capital of Moldova, for the period 1980-2020.

Translation: Request: Please provide the certificate on weather parameters in the table Excel or CSV, monthly data for Chisinau from 1980 to 2020 (precipitations and temperature). Place – Chisinau.

## Cerere

Rog să-mi eliberați certificat despre starea vremii (parametri): \_\_\_\_\_  
DATE IN TABEL .XLS sau .CSV LUNARĂ  
Pentru Chisinau din 1980 pina 2020 Precipitatie și temperatura  
Perioada 1980 - 2020 LUNARA  
Locația Chisinau -

SHS Invoice for Payment from 27.01.2020, requested to pay 72000 MDL, i.e. about \$4000.

Serviciul Hidrometeorologic de Stat  
IDNO 1006601003980  
IBAN MD15TRPAAA142310A15446AA  
Banca: Ministerul Finanțelor  
Trezoreria de stat  
BIC: TREZMD2X  
Tel/Fax (022)773603

CONT DE PLATĂ 20  
27.01.2020

Adresa emitentului: mun. Chișinău, str. Grenoble 134  
Numărul de intrare al cererii: 79/24.01.2020

Plătitor: **Kelsey Walters**  
Adresa \_\_\_\_\_

### INFORMAȚII SUPPLEMENTARE

Denumirea	Puncte	Cantitatea	Caracteristici	Preț	Suma (lei MD)
Date meteorologice specializate	-	-	-	-	72000,00
<b>TOTAL:</b>	-	-	-	-	<b>72000,00</b>



**Kelsey Walters**  
**18 h.**

This is a must read for people in Moldova interested in climate/reform/agriculture. Get ready for a long one.

I have had these unnerving questions brooding in my head for the past several weeks and I have been on a mission to find answers.

“how severe is the drought in Moldova compared to previous years?”

“how has the climate changed in Moldova over 30 years in respect to relative temperature and precipitation, and are extremes happening more frequently?”

I am looking for data like what is provided in the USA.

<https://www.climate.gov/.../recent-precipitation-and-temperat...>

[https://www.cpc.ncep.noaa.gov/.../NAMS\\_precip\\_monitoring.shtml](https://www.cpc.ncep.noaa.gov/.../NAMS_precip_monitoring.shtml)

<https://climatedataguide.ucar.edu/.../standardized-precipitat...>

A couple weeks ago I made a post on facebook complaining after calling hidromet <http://www.meteo.md/> to find answers and just getting transferred 3 times.

At that point I decided not to waste anymore time with Hidromet and paid for \$10 worth of data about historic data from Chisinau airport. For \$10 I received observations made 3 times daily for the past 30 years. ~950,000 rows and ~30 columns.

After my facebook post, many people contacted me recommending Hidromet and I decided to go ahead and try and get the same data as what I has purchased online to compare them.

Because it is such a long and messy process of obtaining data, preprocessing data, checking data integrity, writing queries, creating a visual report. Etc. and I am doing this in my free time I caved and sought help.

I thought I would contact other authorities to see if they has already made the analysis and could answer my question. After all, Agriculture and climate seem to be important topics in Moldova.

I have contacted a lot of people and no one has an answer.

The only group that has helped me has been the office of Ion Perju Minister of Agriculture, Environment and Rural Development. Thank you Minister and Chief of Staff Maxim Popov!

Back to Hydromet. Get ready to be shocked.

I send this request to Hydromet. 40 years \* 12 months \* 2 observations =960 observations.

I received this invoice. Almost \$4,000. !!!!

I sent an email to follow up with hydromet, and copied the MADRM. When hydromet didn't respond, I called the staff copied. They didn't have time for me, and tried for the 3rd time to tell me to call accounting.

I told them, I have been trying to get in touch with you for weeks. You always transfer me. No one can answer any questions about this weather phenomenon or climate issues.

I told them, "I wrote on the M-ADRM's facebook page asking him to raise the issue and he did, because of this we are all copied in an email".

I thought I would call you directly since you are not responding, perhaps it is easier to discuss on the phone, maybe the invoice had an error. If this is the real cost of the data, please help me understand.

Me: Also, I am aware that you just finished a project with the World Bank called. "Climate Services in Moldova." People who know about this project are also eager to see if you truly provide climate services when requested, so please don't transfer me to accounting.

Them: Ah, you talked to someone at World Bank?

Me: No, I have people who sent me links to the reports, they suggested that I contact you for the data, even more so because you were the beneficiary to this recent project.

<http://documents.worldbank.org/.../Concept-and-Action-Plan-fo...>

<http://documents.worldbank.org/.../Climate-Services-in-the-Re...>

Me: But I will be sure to follow up with MADRM and the World Bank and let them know that you gave me a \$4000 invoice for a very small data set.

Them: You will get the data tomorrow.

Me: I can't pay \$4,000, I would be willing to pay \$10.

Them: No, you will get it for free.

Yes, I got the data this morning. Will the next person be able to get the data?

Moral of the story is, the first way to make something better is to be informed and make informed decisions. How is anyone supposed to fight this hard to be informed about the climate, much less make actionable changes.