

**UfU**

Independent Institute for  
Environmental Issues



**Eco-Tiras**

International Environmental  
Association of River Keepers

in cooperation with



Other organisations involved:

State Chancellorate of Moldova  
Ministry of Justice  
State Forestry Agency "Moldsilva"  
Mileukontakt / EcoContact NGO  
Ecological Movement of Moldova  
- *Territorial Branch Chisinau*  
Eco-Lex NGO

# Dialog - Transparency and Participation in Environmental Protection in Moldova

Timeframe: **2009 - 2011**

Scope: **Implementation of the Aarhus Convention  
in the Republic of Moldova**



## Main Activities:

Creation of a **comprehensive working group**  
consisting of experts from different state ministries  
and environmental NGOs, **workshops** in Chisinau  
and **study visit** to Germany



**Analysis** of current **status of implementation** in Moldova  
and of the **AC Compliance Committee's recommendations**



**Drafting of amendments and specific acts** to implement the AC



Developing an **Aarhus Action Plan**



Discussion of possibilities to establish an **Aarhus Center in Moldova**

Developing **Best Practice** in Public Participation  
- two model processes of practical implementation of AC

## Results (june 2011):

Current status of AC implementation assessed and evaluated

"Aarhus Chapter" became a part of the Environmental  
Protection Law draft

Draft of the National Action Plan on Implementation of the Aarhus  
Convention has been elaborated, publicly discussed, finalized and  
presented to the Government for approval

Draft Law on Access of Public to Environmental Information is  
elaborated and presented to the Ministry of Environment for  
further discussion

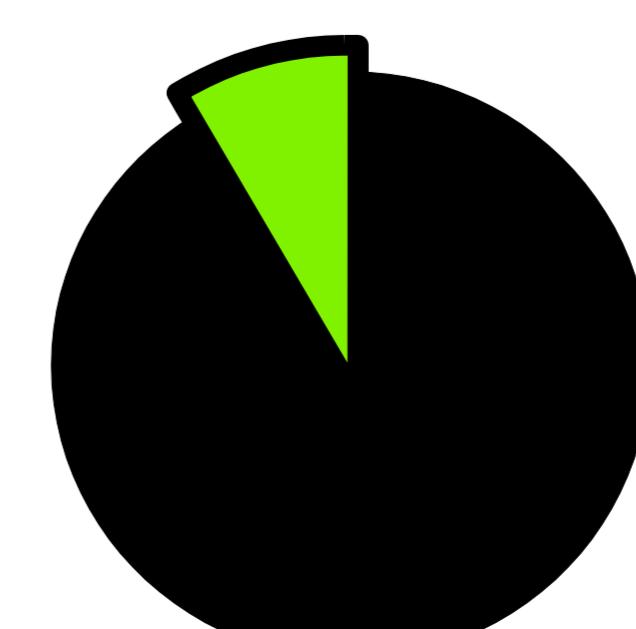
Option to establish Aarhus Centers in the Republic of Moldova  
is part of the Action Plan and on the Ministerial agenda



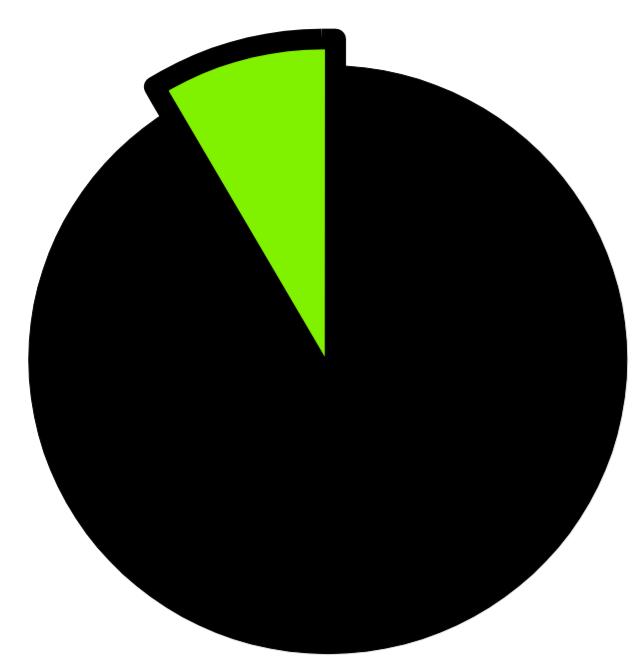
Federal Ministry for the  
Environment, Nature Conservation  
and Nuclear Safety

**Umwelt  
Bundes  
Amt**   
For our Environment

This project is funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and by the German Federal Environment Agency with means of the Advisory Assistance Programme for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia.



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# Диалог - Прозрачность и участие в сохранении окружающей среды в Молдове

Период проекта: **2009 – 2011гг.**

**Цель: Внедрение Орхусской конвенции  
в Республике Молдова**



## Основная деятельность:

Создание **представительной Рабочей группы**,  
включающей экспертов из различных министерств и ведомств,  
экологических НПО, **семинары** в Кишиневе  
и **ознакомительная поездка** в Германию



Анализ сегодняшней ситуации с внедрением Конвенции в Молдове  
и рекомендаций Комитета по соблюдению Орхусской конвенции



Подготовка законопроектов дополнений к законодательству и  
самостоятельных проектов законов для внедрения ОК



### Подготовка Орхусского Плана действий

Обсуждение возможностей создания Орхусских центров в Молдове



Развитие наилучших практик общественного участия в принятии  
решений - два модельных процесса практического внедрения ОК

## Результаты (июнь 2011г.):

Нынешнее состояние внедрение ОК оценено

«Орхусская» глава стала частью проекта закона «Об охране окружающей среды

Проект Национального плана действий по внедрению Орхусской конвенции,  
который был разработан, обсужден общественностью, завершен и представлен  
в правительство для принятия

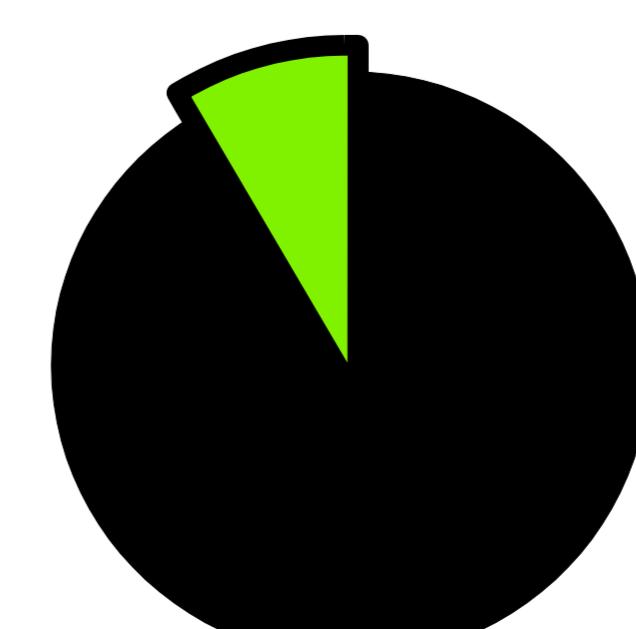
Проект закона «О доступе общественности к экологической информации»  
и представлен Министерству окружающей среды для дальнейшего обсуждения  
и принятия

Предложение создания Орхусских центров в Республике Молдова стало частью  
Национального плана действий и Повестки дня Министерства окружающей среды



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Ministry of Justice  
State Forestry Agency "Moldsilva"  
Mileukontakt / EcoContact NGO  
Ecological Movement of Moldova  
Eco-Lex NGO

**Другие организации, вовлеченные в проект:**  
Государственная канцелярия  
Министерство юстиции  
Государственное лесное агентство "Moldsilva"  
Mileukontakt / Ecocontact НПО  
Экологическое движение Молдовы –  
Кишиневская территориальная организация  
НПО «Eco-Lex»



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**Eco-Tiras**  
International Environmental  
Association of River Keepers

**Eco-TIRAS International Environmental  
Association of River Keepers**  
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**Dialog -  
Transparency and Participation  
in Environmental Protection  
in Moldova**

**Диалог -**

**Прозрачность и участие  
в сохранении окружающей  
среды в Молдове**



**Timeframe: 2009 - 2011**

**Период проекта: 2009 - 2011гг.**

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## Dialog - Transparency and Participation in Environmental Protection in Moldova



### Main Activities:

- Creation of a **comprehensive working group** consisting of experts from different state ministries and environmental NGOs, **workshops in Chisinau** and **study visit to Germany**
- **Analysis** of current **status of implementation** in Moldova and of the **AC Compliance Committee's recommendations**
- **Drafting of amendments and specific acts** to implement the AC
- Developing an **Aarhus Action Plan**
- Discussion of possibilities to establish an **Aarhus Center in Moldova**
- Developing **Best Practice** in Public Participation - two model processes of practical implementation of AC



## Диалог -

### Прозрачность и участие в сохранении окружающей среды в Молдове

#### Основная деятельность:

- Создание представительной Рабочей группы, включающей экспертов из различных министерств и ведомств, экологических НПО, семинары в Кишиневе и ознакомительная поездка в Германию
- Анализ сегодняшней ситуации с внедрением Конвенции в Молдове и рекомендаций Комитета по соблюдению Орхусской конвенции



- Подготовка законопроектов дополнений к законодательству и самостоятельных проектов законов для внедрения ОК
- Подготовка Орхусского Плана действий
- Обсуждение возможностей создания Орхусских центров в Молдове
- Развитие наилучших практик общественного участия в принятии решений - два модельных процесса практического внедрения ОК

#### Results (june 2011):

- *Current status of AC implementation assessed and evaluated*
- *"Aarhus Chapter" became a part of the Environmental Protection Law draft*
- *Draft of the National Action Plan on Implementation of the Aarhus Convention has been elaborated, publicly discussed, finalized and presented to the Government for approval*
- *Draft Law on Access of Public to Environmental Information is elaborated and presented to the Ministry of Environment for further discussion*
- *Option to establish Aarhus Centers in the Republic of Moldova is part of the Action Plan and on the Ministerial agenda*

#### Результаты (июнь 2011г.):

- Нынешнее состояние внедрение ОК оценено
- «Орхусская» глава стала частью проекта закона «Об охране окружающей среды
- Проект Национального плана действий по внедрению Орхусской конвенции, который был разработан, обсужден общественностью, завершен и представлен в правительство для принятия
- Проект закона «О доступе общественности к экологической информации» и представлен Министерству окружающей среды для дальнейшего обсуждения и принятия
- Предложение создания Орхусских центров в Республике Молдова стало частью Национального плана действий и Повестки дня Министерства окружающей среды

# Dialog - Transparency and Participation in Environmental Protection in Moldova

**Thursday 30 June 2011, 13.00 – 14.45 h  
Hall J, Palace of the Republic, Chisinau, Moldova**

*Refreshments will be served*

## Welcome:

**Mr. Rodion Bajureanu**, Vice-Minister, Ministry of Environment of the Republic of Moldova

## 1. Initial situation, achievements and challenges concerning the Aarhus Convention in Moldova

**Mr. Michael Zschiesche**, Independent Institute for Environmental Issues (UfU)

**Mr. Ilya Trombitsky**, Eco-TIRAS

**Ms. Rodica Iordanov**, EcoContact

## 2. Project overview:

**Ms. Alexandra Tryjanowski**, Independent Institute for Environmental Issues (UfU)

## 3. Main project outcomes:

**Mr. Andrei Isac**, expert, National Action Plan for Implementation of the Aarhus Convention in the Republic of Moldova

**Ms. Rodica Iordanov**, EcoContact NGO, *Coverage of Aarhus Convention issues in the new draft of Environmental Protection Law and new EIA draft*

**Mr. Ilya Trombitsky**, Eco-TIRAS, *Access to Environmental Information – new law draft*



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## Other organisations involved:

State Chancellorate of Moldova

Ministry of Justice

State Forestry Agency "Moldsilva"

Mileukontakt / EcoContact NGO

Ecological Movement of Moldova

Eco-Lex NGO

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# Диалог – прозрачность и участие в охране окружающей среды в Молдове

Четверг, 30 июня 2011 года, 13.00 – 14.45,  
Зал J, Дворец республики, Кишинев, Молдова  
*Закуски и напитки будут предложены в зале*



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Приветствие:

Г-н Родтон Бажуряну, заместитель министра окружающей среды Молдовы

1. Анализ исходной ситуации, успехи и вызовы при внедрении Орхусской конвенции в Молдове

Г-н Михаил Чише, Независимый институт экологических вопросов (UfU)

Г-н Илья Тромбицкий, Eco-TIRAS

Г-жа Родика Иорданов, EcoContact

2. Обзор проекта:

Г-жа Александра Трояновский, Независимый институт экологических вопросов (UfU)

3. Основные результаты проекта:

Г-н Андрей Исаак, эксперт, Национальный план внедрения Орхусской конвенции в Республике Молдова

Г-жа Родика Иорданов, эксперт, НПО EcoContact. Решение вопросов внедрения Орхусской конвенции в проектах новых законов «Об охране окружающей среды» и «Об ОВОС»

Г-н Илья Тромбицкий, Eco-TIRAS, Новый проект закона «О доступе общественности к экологической информации»

Другие организации, вовлеченные в проект:

Государственная канцелярия

Министерство юстиции

Государственное лесное агентство “Moldsilva”

Mileukontakt / Ecocontact НПО

Экологическое движение Молдовы –

Кишиневская территориальная организация

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AARHUS CONVENTION  
CHISINAU MEETING-2011



UNITED NATIONS  
ECONOMIC COMMISSION FOR EUROPE

# **Planul Național de Acțiuni pentru implementarea Convenției privind accesul la informație, justiție și participarea publicului la adoptarea deciziilor în domeniul mediului în Republica Moldova**

**30 iunie 2011  
Chișinău**

# Scopul principal

## Scopul principal al

Planului Național de Acțiuni constă în identificarea și promovarea implementării unei serii de măsuri practice care vor contribui la realizarea prevederilor Convenției Aarhus privind accesul la informație, justiție și participarea publicului la adoptarea deciziilor în domeniul mediului în Republica Moldova în perioada anilor 2011-2015.



# Obiective generale:

- Eficientizarea implementării Convenției de la Aarhus în Republica Moldova
- Susținerea inițiativelor societății civile ca având un rol important în protecția mediului, promovarea dialogului democratic privind politica de mediu
- Promovarea educației ecologice în scopul formării unui comportament activ pentru realizarea drepturilor garantate de Convenția Aarhus
- Asigurarea sinergismului Convenției de la Aarhus cu alte acorduri multilaterale de mediu și integrarea principiilor convenției la forumurile naționale și internaționale

# Obiective specifice:

- Perfectionarea cadrului legal, prin elaborarea, amendarea și completarea actelor legislative și normative în domeniu pînă la finele anului 2011,
- Consolidarea potențialului instituțional de realizare a Convenției Aarhus, inclusiv la nivel local, prin crearea Centrelor Aarhus pînă la finele anului 2012,
- Asigurarea accesului la informația de mediu, prin elaborarea strategiilor de comunicare în cadrul organelor administrației publice centrale și subdiviziunilor lor, pînă la finele anului 2011,

# Obiective specifice:

- Promovarea implementării Registrului Poluanților Emiși și Transferați (RPET), prin stabilirea sistemului național privind RPET, până la finele anului 2015,
- Asigurarea resurselor financiare și atragerea asistenței tehnice, prin intermediul intensificării colaborării cu donorii și elaborarea propunerilor de proiect, până la finele anului 2015,
- Facilitarea participării publicului la luarea deciziilor de mediu, prin instruirea funcționarilor publici și editarea unui ghid special, până la finele anului 2012,

# Obiective specifice:

- Asigurarea unei colaborări interministeriale constructive, prin crearea unui grup de lucru permanent, până la finele anului 2011;
- Integrarea principiilor convenției în politicile naționale de participare la forurile naționale și internaționale, în toate domeniile de activitate social-economică a țării, prin includerea cerințelor convenției în planurile de implementare a acordurilor internaționale, permanent, până la finele anului 2015.

# Indicatorii de progres:

- 2 legi elaborate, un proiect de lege completat, 2 hotărâri ale Guvernului revizuite,
- Centrele Aarhus create,
- 2 cursuri de instruire și circa 200 funcționari publici instruiți,
- 2 cursuri de perfecționare a judecătorilor, circa 50 persoane instruite,
- 4 ghiduri elaborate, publicate și distribuite,
- panouri publicitare privind protecția mediului, realizarea emisiunilor TV, radio, spoturilor publicitare, conferințelor de presă, articolelor în mass-media, la nivel național și local.



AARHUS CONVENTION  
CHISINAU MEETING-2011



UNITED NATIONS  
ECONOMIC COMMISSION FOR EUROPE

**Vă mulțumim pentru atenție**

**și Vă așteptăm în calitate de parteneri!**





# Coverage of Aarhus Convention issues in the new draft of Environmental protection Law and new EIA draft

Dr. Iordanca-Rodica Iordanov  
NGO EcoContact / program implemented by Milieukontakt International  
Chișinău, 2011

## The current situation

Law on Environmental Protection Nr.1515 dated 16.06.93, Official monitor nr.10/283 dated 30.10.1993 art.3

d) sets out *the principle of involving and informing the public.*

Law on Access to Information Nr. 982 dated 11.05.2000, MO 28.07.2000 – does not provide the characteristics regarding the environment;

The law on transparency in decision making process nr. 239 dated 13.11.2008, MO dated 05.12.2008 – is very general and refers only to a single stage;

Government Decision on approving the Regulation on Public Participation in elaboration and adoption of environmental decisions Nr.72 din 25.01.2000, MO dated 03.02.2000 – is exceeded by time;

Chapter III of the Draft Law is structured in three sections

**Section 1.** Access to environmental information;

**Section 2.** Public participation in environmental decision-making;

**Section 3.** Access to justice in environmental matters

## Section 1. Access to environmental information;

Provides the following regulations:

Art. 50 The notion of environmental information

Art.51 The criteria for limiting environmental information: confidential information, commercial, state secret.

Information can be significantly restricted if:

- the disclosure may adversely affect the state of the environment;
- information is under preparation;
- internal correspondence among the authorities.

It is also stated that: there is no restricted access to information on emissions into the environment and information regarding quality of food and consumer products.

## Art.52

- *persons which can request information* (individuals and legal persons of the Republic of Moldova, foreign citizens and stateless persons, foreign legal entities)
- *who are information providers* (public authorities, whose competence related to: environmental protection and control of its state, population health; forests, water, air, soil, animal and vegetable kingdom protection; use of natural resources and reuse of resources; defining rights and standards in these areas and carry out decisions which may affect the state of the environment.)

## Art.53 *Obligations of national environmental authorities on the collecting, storage, presenting and dissemination of environmental information*

- publish and disseminate the national State of the Environment report every 4 years and summary report on the state of the environment every 2 years, including information on environmental quality and pressure upon environment.
- keeping records of environmental information, PRTR, GMO registry, the register of authorizations / integrated environment authorizations and provides free access to them.
- creating and maintaining Environmental Information Center;
- maintain and regularly update the Web page, which includes feedback from public

## **Web page must include the following documents:**

- the national report on state of environmental conditions and summary report on the state of environment for the last period;
- National reports upon fulfillment of obligations under the international environmental conventions - while sending reports, communications, questionnaires to the Secretariat;
- draft laws and regulations;
- information about goals, content, structure and operation of environmental records and registries and access to this information;
- information on donor activities in the field of environment and TA projects implemented with their support in RM ;
- data obtained in the course of monitoring and M&E information collected by other institutions;
- Regular newsletters of central environmental body and of other subordinated institutions.

## *Art.54 Additional guarantees*

Obligations for the main information providers regarding the existence in their organizational structure subdivisions or units of staff dealing with the collection, recording, analyzing, updating, presentation and dissemination of environmental information, including information to be included in environmental registry;

The responsible person within the environmental information provider should be the head or one of his deputies.

## Section 2. Public participation in environmental decision-making;

*Art. 55 Regulatory documents subject to public participation*

At the local level - the location, design and construction of objects with environmental and health impact; the development schemes and plans, programs etc..

At the national level - draft laws, other regulations, programs, plans, etc.

Environmental approval on environmental impact assessment;

The environmental appraisal on strategic assessment, examination of plans, programs and strategies;

## Art.56. Consultation and approval

Consultation takes place in two stages:

- at the time of selection and approval of land for object location
- at stage of examination of project documentation (Environmental Impact Assessment or state environmental expertise, as appropriate).

Environmental approval and the statement of environmental expertise regarding location and project documents are the mandatory ones and without them the local public authority cannot take decision on allowing the planned activity or object.

Art.57. Public involvement initiative can come from:

- public authorities
- interested public

Art.58 Responsible bodies:

At local level - local authorities and the territorial subdivisions of the central environmental authority which ensure respect of the consultation procedure for proposed document.

At national level - the central environmental authority determining the public that can take part in this process and creates necessary conditions for such activities.

Article 59 stipulates that the procedures and techniques of public involvement should be regulated by acts subordinated to law;

Article 60 stipulates the right of appeal in court if the decisions were made without public involvement, including recovery of damage caused.

## Section 3. Access to justice in environmental matters

### Art.61. *Providing access to justice*

is guaranteed the right of any person or entity that may apply, directly or through associations, to administrative or judicial authorities in case of violation of environmental rights or to prevent or if there is the case, directly or indirectly, of environmental injury.

- If damage to the community through violation of a legal right or causing environmental injury, each member of it, whatever its location, has the right to appeal in court to obtain rights or compensation of damage caused.

Dr. Iordanca-Rodica Iordanov  
[r.iordanov@mkt.ox.vox.md](mailto:r.iordanov@mkt.ox.vox.md)

# **Draft Law on Access to Environmental Information**

Ilia Trombitki  
Eco-TIRAS



# Argumentation for the Law adoption

- Art. 37 of the Constitution
- Aarhus Convention Pillar I
- Transposition of the EU Directive nr. 2003/4/CE from 28/01/2003
- General Law on access to info contradicts in some points the AC and Directive 2003/4/CE

# General Provisions

- (1) Scope – provision with information, timing and methods of right realizing.
- (2) Promotion of e-technologies

# Terminology

1. What is it the ecological information;
2. What is it a public authority?

# Access, on request

- (1) Request – in accordance with general law in information.
- (2) Who accept and prepare response: two options (either the person nominalized for PR, or specialists in the field of the request' field) ????.
- (3) No scope of information request is necessary to declare.
- Maximum 1 month for answer + 1 month more for voluminous or problematic answers

# Facilitation of access

- (1) Active measures of authorities to supply with information:
  - a) guides;
  - b) meta-information.
- (2) Measures to arrange conditions for public to get the information:
  - Responsible persons
  - a) Responsible persons;
  - b) Space, computers, etc. for public;
  - c) Registers etc on existing information.

# Implementation Measures

- (1) Inregistration of requests by each authority.
- (2) Reporting on requests to central authorities on requests and answers.
- (3) Central public authority controls execution of duties on supply with information on its local level.

# Limitations of access to information

- Corresponds the AC

# Access to Justice

- How should behave the person in case of refuse of information

# Actualization of environmental information

- **Minimal list of information and duties on its actualization**
- **Annual Reporting**

# Business Duties

- Those operators who manage facilities on the basis of permits or licenses have a duty to inform public once in three months on activity consequences for the environment
- Fines are established for non-execution

# Ensurance of the quality of information

- Duty to provide verified information with analyses methods, etc., to understand its quality

# Costs of Information

Access to registers is free.

Copying cost should correspond the normal market level.

- Copying price should be publicly announced.