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Transition Promotion Program

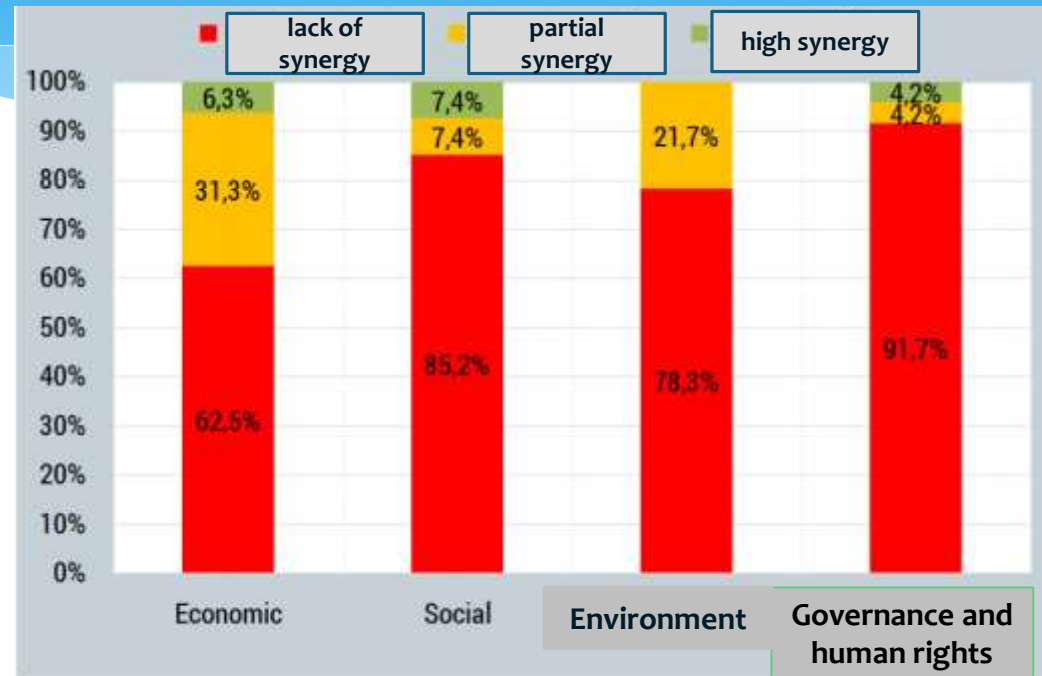


*Aarhus Convention Shadow Implementation Report
Moldova 2021
Review of law, policy and practice*

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“dehumanized” priorities

Most of aligned targets relate to the “economic” sector, while most of misaligned ones – to “governance and human rights” sector.



Sursa: Calculele autorilor în baza raportului „Adaptarea Agendei 2030 de Dezvoltarea Durabilă la contextul Republicii Moldova”, ONU Moldova, 2017





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Lacks on the Government agenda priority of environmental rights

- * Reporting on environmental rights related issues is not consolidated. Since 2014, Moldova has not submitted any report on the Aarhus Convention implementation to the AC Secretariat.
- * The draft Action Plan for the implementation of the Aarhus Convention for 2020-2022 remains a mere intent on paper and has never been open for public consultation.
- * The new government priority action plan for the next few years, which was recently discussed during the public consultation organized by MoE, does not include any action plan for the implementation of the Aarhus Convention proposed to be included by NGO association Eco-TIRAS.



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Access to environmental information

- * There is a limited understanding within the government and lead agencies on the need for communication and awareness-raising.
- * Requests for information are frequently ignored and when responded, they are incomplete and the information provided is limited; some public databases exist, although minority of information is in electronic format, but there is no interconnection between these databases.
- * Online information tools do not practically exist





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Participation in environmental decision-making

- * Public consultations of normative initiatives are largely limited to their publishing on websites without holding actual public hearings and considering comments of the public.
- * Majority of environmental impact assessment procedures are not preceded by announcements regarding the organization of public hearings (debates).





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Access to justice for environment-related matter

Access to justice is hampered by capricious judicial practices and has become particularly difficult in case of procedures before administrative authorities due to encumbering burden of proof, exaggerated costs of technical expertise, institute of admissibility of action in administrative litigation, or striking down previous petition/submission by higher instance administrative authority that may aggravate the situation without grounds.



Vision of Sustainable Development “Agenda RM 2030”



Conclusions and Recommendations

- * The Action Plan on the implementation of the Aarhus Convention at least until 2025 should be elaborated based on clear methodology analysing the factors, which did not allow the realization of the previous 2011-2015 plan.
- * Amend the legislation on access to information and formulate and delimitate clear provisions regarding categories of information of public interest, in particular:
 - * Law no. 982/2000 on access to information;
 - * Law no. 133/2011 on the protection of personal data;
 - * Law no. 171/1994 on trade secrets;
 - * Law no. 245/2008 on state secret

Conclusions and Recommendations

- * Moldova should further improve the functioning of the mechanism for public participation in environmental impact assessment (EIA) by:
- * (a) establishing a detailed procedure, including a public consultation procedure, for review by the public of the EIA documentation on proposed activities;
- * (b) ensuring that the public comments and opinions are taken into account in the decision-making process.
- * Amend the Law on Environmental Impact Assessment of 29 July 2014 and the Law on Strategic Environmental Assessment of 2 March 2017 in such a way so as to enable the public to participate in the early stages of a decision-making process and not only the last stages when it is no longer possible to make any significant changes.

Conclusions and Recommendations

- * Exorbitant costs of litigation, the shortage of environmental lawyers and lack of legal assistance remain pressing issues obstructing access to environmental justice in Moldova. The state compensating even a part of the costs of litigation might encourage people to seek legal assistance and bring environmental matters before courts.
- * Amend Law no. 198 of 26 July 2007 on state-guaranteed legal aid in terms of conditions and principles regarding partial or full compensation of qualified (legal) assistance (lawyer or mediator) in mediation as well as conventional forms of examination of environmental cases.

Thanks for your attention!

