



Our Ref: 03-08/40

Date: 16 March 2011

Re: Draft Report of the Compliance Committee

Compliance by the Republic of Moldova with the
obligations under the Aarhus Convention

Dear Mr. Kubis,

With reference to your letter of 3 March 2011, regarding the Draft Report of the Aarhus Convention Compliance Committee on compliance by the Republic of Moldova with its obligations under the Convention and to the letter of 7 January 2011, regarding the follow-up on communication ACCC/C/2008/30, I would like to inform you that the Ministry of Environment of the Republic of Moldova continued its efforts in this domain and that we achieved first modest results towards the implementation of the Compliance Committee's recommendations.

First of all, we are pleased to inform you that on 4th of March 2011, the NGO "International Association of Keepers Rivers Eco-TIRAS" (Eco-TIRAS) received from the Agency "Moldsilva" copies of all contracts for rent of lands of the State Forestry Fund, as previously requested and as indicated in the final decision of the Civil chamber of Chisinau Court of Appeal, adopted on 23 June 2008. The transmission and receiving of the copies it is confirmed.

This became possible due to the fact, that the Ministry of Environment, in its capacity of National Coordinator for the implementation of the Aarhus Convention, addressed several appeals asking Moldsilva to execute the decision of Chisinau Court of Appeal adopted on 23 June 2008, which obliges Moldsilva to provide to Eco-TIRAS with copies of all contracts for rent of lands of the State Forestry Fund, as previously requested by Eco-TIRAS. These are: Letters no. 03-07/163 of 06.02.2009 and no. 03-06/645 of 04.05.2009 of the Ministry of Environment and Natural Resources (MENR) and letter no. 01-5/390 of 12.12.2009 of the Ministry of Environment (MM).

To: Mr. Jan Kubis,
Executive Secretary
United Nations Economic Commission for Europe

CC: Ms. Monika Linn
Deputy Director,
Environment Division
Economic Commission for Europe

CC: Ms. Ella Behlyarova
Secretary,

Convention on Access to Information, Public Participation in Decision-making and Access to
Justice in Environmental Matters (Aarhus Convention)
Environment, Housing and Land Management Division
Economic Commission for Europe

Official letters were also addressed to the Government of the Republic of Moldova, Moldova's State Chancellery, Ministry of Justice, Ministry of Foreign Affairs and European Integration (with copies to Agency "Moldsilva" and NGO "Eco-Tiras"), informing about how things have evaluated and asking for an active involvement and assistance in solving this case.

Taking this into consideration, we would like to kindly ask you to reconsider or exclude the articles on this issue, included in the findings and recommendations of the Draft Report of the Compliance Committee, except the letter (b) p. 2, which will still have to be executed during the year 2011.

We fully agree with all other conclusions and recommendations, included in the mentioned Draft Report, understand and assume the responsibility of our country to achieve them. For this we planned and will carry out practical steps towards their implementation before and after its adoption by the Meeting of Parties.

Mentioning this, I would like to inform you, that in order to assure compliance by the Republic of Moldova with other findings and recommendations of the Aarhus Convention Compliance Committee, an Inter-Ministerial Working Group has been established, by an Order of the Ministry of Environment, including officials representing relevant institutions. The Working Group had met in its first session on April 6, 2010, being followed by several other meetings.

As a result of discussions during the above mentioned meetings, concrete actions were underlined and were included in the draft of the National Program on access to information, public participation in decision-making and access to justice in environmental matters and the Action Plan for the implementation of the Aarhus Convention in the Republic of Moldova, for the period 2011-2015.

After a broad participatory development process, with the involvement of environmental NGOs, the draft Program and Action Plan have been already coordinated and approved by the relevant ministries and institutions and was recently submitted to the Ministry of Justice, for the last approval before its submission to the Government of the Republic of Moldova. The draft Action Plan included all measures, recommended by the Compliance Committee, terms of their achievement and executive bodies.

It is expected, that the National Program and Action Plan on the implementation of the Aarhus Convention will be approved by the Government of Moldova by June 2011, before the MOP, so, we suggest rewording or reconsidering the letter (h) p. 3 of the recommendations, included in the Draft Report.

In addition, it is to be mentioned that the National Plan for harmonization of legislation for the year 2011, approved by Decision of the Government of the Republic of Moldova nr. 1210 of 27 December 2010, included following measures of concern:

- to operate changes in the Government Decision on amending the Government Decision nr. 187 of 20 February 2008 „On approving the Regulation regarding the rent of forestry fund with scope of hunting household and/or recreation” (according to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC). To be executed by Agency "Moldsilva" and MoE, by last trimester of 2011.

- to elaborate a new Law on Access to Environmental Information, (according to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC. To be executed by MoE, by last trimester of 2011.

- to change the Government Decision on amending the Government Decision no. 72 of 25 January 2000 "On approval of the Regulation on Public Participation in the development and adoption of environmental decisions," (according to the Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programs relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC . To be executed by MoE, by last trimester of 2011.

In order to meet also other recommendations, it is planned to create an Aarhus Centre in the Republic of Moldova, which will assist and support the National Focal Point of the Aarhus Convention and the Inter-Ministerial Working Group, in all activities related to the implementation of the Aarhus Convention in the Republic of Moldova.


Within the Aarhus Centre it is planned to organize round tables, workshops and seminars with different target groups, aimed to address different environment issues including environmental legislation, to discuss environmental projects, to submit comments and proposals on environmental matters to relevant authorities.

Using this opportunity, I would like to express our gratitude the the Compliance Committee for the developed recommendations, which help us to achieve progress in the implementation of the Convention in our country and for the offered possibility to react on this draft report and present our information and comments.

Finally, in addition to the information, presented by our representative at the Working Group Meeting in Geneva (9-11 February 2011) I would like to inform you that we undertake the necessary steps towards the implementation of our Agreement of 10 November 2010 and to assure a good preparation for the Fourth Session of the Meeting of the Parties to the Aarhus Convention and its preparatory meetings to be held in our country from 27th of June to 1st of July 2011. It will be my great pleasure to welcome you and your colleagues at this meeting in Chisinau.

Please accept, Mr. Kubis, the assurances of my highest consideration.

Sincerely,



Gheorghe ȘALARU

Minister,

Focal Point of the Aarhus Convention