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7 January 2011

Mr. Corneliu Mârza  
Deputy Minister of Environment  
of the Republic of Moldova  
Cosmonautilor Street no.9  
Chisinau  
Republic of Moldova

Dear Mr. Mârza,

**Re: Follow-up on communication ACCC/C/2008/30 to the Aarhus Convention Compliance Committee concerning compliance by the Republic of Moldova**

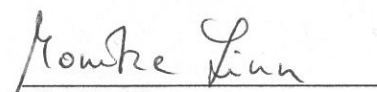
We refer to the findings and recommendations of the Aarhus Convention Compliance Committee with regard to communication ACCC/C/2008/30. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 and noting the agreement of the Republic of Moldova that the Committee take the measure referred in paragraph 37 (b) of the annex to decision I/7, had made a number of recommendations to the Party concerned with regard to its findings on communications ACCC/C/2008/30.

You are now requested to submit information on any progress by the Republic of Moldova in implementing the recommendations of the Committee on the above referenced communication not later than **11 February 2011**. On the basis of this information, the Committee will decide on the recommendations to make to the Meeting of the Parties on how to follow up. The Committee will conclude its report to the Meeting of the Parties, including its recommendations on issues of non-compliance, at its thirty-first meeting (22-25 February 2011).

For your convenience, the recommendations of the Committee are also annexed to this letter.

Please do not hesitate to contact the secretariat ([public.participation@unece.org](mailto:public.participation@unece.org)) if you require any further information.

Yours sincerely,

  
Monika Linn  
Deputy Director  
Environment Division

Cc: Permanent Mission of the Republic of Moldova to the United Nations Office and specialized institutions  
in Geneva

Mr. Ilya Trombitsky, Eco-TIRAS International Environmental Association of River Keepers

Enc Recommendations set out in the findings on communications ACCC/C/2008/30

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**FINDINGS ADOPTED BY THE COMPLIANCE COMMITTEE ON 25 SEPTEMBER 2009 WITH  
REGARD TO COMPLIANCE BY THE REPUBLIC OF MOLDOVA WITH ITS OBLIGATIONS  
UNDER THE CONVENTION (COMMUNICATION ACCC/C/2008/30)**  
(paras. 36 - 32)

**IV. CONCLUSIONS AND RECOMMENDATIONS**

36. Having considered the above, the Committee adopts the findings and recommendations set out in the following paragraphs.

**A. Main findings with regard to non-compliance**

37. The Committee finds that the failure of the public authority Moldsilva to provide copies of the requested contracts of rent of lands of the State Forestry Fund to the communicant constitutes a failure by the Party concerned to comply with article 4, paragraphs 1 and 2, of the Convention.

38. The Committee finds that the adoption of article 48 (e) of the Government Regulation No. 187 of 20 February 2008 on Rent of Forestry Fund for Hunting and Recreational Activities setting out a broad rule with regard to the confidentiality of the information received from the rent holders and the refusal for access to information on the grounds of its large volume constitute a failure by the Party concerned to comply with article 3, paragraph 1, and article 4, paragraph 4, of the Convention.

39. The Committee finds that the failure of the public authority Moldsilva to state lawful grounds for refusal of access to information in its letters No. 01-07/130 and No. 01-07/362 of 31 January 2008 and 14 March 2008 respectively, and the failure of the same public authority to give in its letters of refusal information on access to the review procedure provided for in accordance with article 9, constitute a failure by the Party concerned to comply with article 3, paragraph 2, and article 4, paragraph 7, of the Convention.

40. The Committee also finds that the failure of the public authority Moldsilva to respond in writing and in a timely manner to the last request for information submitted by the communicant to Moldsilva in the beginning of January constitutes a failure by the Party concerned to comply with article 4, paragraph 7, of the Convention.

41. The Committee also finds that the failure of the public authority Moldsilva to fully execute the final decision of the Civil chamber of Chisinau Court of Appeal, adopted on 23 June 2008, implies non compliance of the Party concerned with article 9, paragraph 1, of the Convention.

**B. Recommendations**

42. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 and noting the agreement of the Party concerned that the Committee take the measure referred in paragraph 37 (b) of the annex to decision I/7, recommends to the Government of the Republic of Moldova that it:

(a) Ensure full execution of the final decision of the Civil Chamber of Chisinau Court of Appeal adopted on 23 June 2008 obliging Moldsilva to provide the communicant with the copies of the requested contacts;

(b) Take effective legislative and/or practical measures for better monitoring of the execution by public authorities of final court decisions under article 9, paragraph 1, of the Convention;

(c) Take effective measures (e.g. the development and implementation of adequate and effective regulations; the establishment, strengthening and/or enforcement of administrative penalties on public servants who do not comply with the legislative requirements on transparency of information; the involvement of representatives of the public in monitoring procedures; and the publication of statistics concerning requests for

environmental information) for enhanced monitoring of the implementation by public authorities of the Convention and of the Moldovan legislation with regard to transparency of information, and for prevention of any future violation of the rights of the public under the Convention and the relevant Moldovan legislation by public authorities;

(d) Amend article 48 (e) of Regulation No. 187, so as to exclude its interpretation in contradiction with the requirements of article 4 of the Convention;

(e) Take effective measures, such as training activities, publications and conferences, with the objective of raising awareness of public servants, including representatives of Moldsilva and public servants of other public agencies responsible for the collection, maintenance and/or dissemination of environmental information, as well as the members of the judiciary, about requirements of the Convention;

(f) Examine the Moldovan regulatory framework on access to information in cooperation with representatives of the public and independent experts, in order to identify any provisions that may not be compatible with the provisions of the Convention, and accordingly decide on whether any amendments are necessary;

(g) Avoid inclusion in the contracts on the rent of lands administered by the State Forestry Fund of any clauses on confidentiality contradicting the requirements of article 4, paragraph 4, of the Convention;

(h) Develop and adopt an action plan for the implementation of the Convention, which would involve, inter alia, the measures recommended by the Committee under items (c), (e) and (f) above.

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