



**“Eco-TIRAS”
International
Environmental
Association of River
Keepers**

**Asociația
Internațională
Ecologică
a Păstrătorilor Rîului
“Eco-TIRAS”**

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June 25, 2009

To: Secretary of the Aarhus Convention, Mr. Jeremy Wates

Copy: Focal point of Moldova for the Aarhus Convention, Ms. Inga Podoroghin

Re: Letter of the Ministry of Ecology and Natural Resources
of the Republic of Moldova concerning the position of the Government
on the communication ACCC/C/2008/30

Dear Mr. Pietro RABASSI,

We believe that the argument of the Ministry of Environment (MoE) of Moldova that Eco-TIRAS did not use all opportunities to have access to the requested environmental information demonstrates the deficiencies in the institutional governmental structures in relation to enforcement of court decisions and compliance with multilateral environmental agreements, especially the Aarhus Convention.

In our view, the MoE has no direct influence on the Forestry Service “Moldsilva” and does not want to brake relations with “Moldsilva”. However, the MoE is reluctant to raise this issue at governmental level by asking the Prime-Minister to take the issue of execution of the Court Decision under personal control.

The argument that Eco-TIRAS did not use the potential opportunity to appeal to the Court of Appeal asking to enforce its own decision is not appropriate. In August 2008 Eco-TIRAS informed the Government about the decision of the Court. However, no information was provided and the Government does not wish to comply with the court’s ruling. Eco-TIRAS is not in a position to spend additional financial resources in order to get another court’s ruling enforcing existing court’s decision which came into effect.

It is paradoxical, but the governmental letter does not refer to the Resolution of the Government # 187 from February 20, 2008, which by para. 48-e in fact provoked the violation of the Aarhus Convention, the subject of the Communication, and it is not still clear from the governmental position if the Government plans to revise it. As it was already noted, there is no way in Moldova to appeal against governmental decisions for persons of private law.

It is necessary to note that during last years there were also adopted by the Government of Moldova other decisions which create difficulties in access to environmental information (for example, the Governmental Decision # 330 from April 3, 2006, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=315588&lang=2> , establishes prices for hydro meteorological data, including of those events which took place long time ago. The level

of prices do not permit scientists and public to use them for scientific and other public benefit scopes).

In our view, this situation demonstrates the weaknesses and gaps in the implementation of the Aarhus Convention in Moldova, reveals inadequate institutional structure in the area of natural resources management in Moldova which, in turn, leads to the lack of practical possibilities to use the Aarhus Convention in our country.

We believe that the case should be discussed by the Compliance Committee in the absence of the governmental representative because of his/her rejection to participate. Otherwise, we would simply lose time. Moldova has always been present and active in the meetings under the Aarhus Convention; therefore, the current position not to send a representative clearly reveals the lack of real arguments to justify the current situation with non-provision of environmental information.

Sincerely yours,



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