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ОБЪЕДИНЕННЫЕ НАЦИИ
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24 December 2008

Ms. Inga Podoroghin
Head of International Cooperation and European Integration Division
Analyses, Monitoring and Policy Evaluation Department
Ministry of Environment and Natural Resources
9 Cosmonautilor Str.
Chisinau MD-2005
Republic of Moldova
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Dear Ms. Podoroghin,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Republic of Moldova with provisions of the Convention in connection with access to information on contracts for rent of forest land (Ref. ACCC/C/2008/30)

On 3 November 2008, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by Eco-TIRAS International Environmental Association Of River Keepers, Chisinau, Republic of Moldova, and addressed to the Compliance Committee of the Convention, regarding compliance by the Republic of Moldova with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7. The communication has been registered under the symbol ACCC/C/2008/30, which you are invited to cite in future correspondence on the matter.

The Compliance Committee, having considered the preliminary admissibility of the communication at its twenty-second meeting (17-19 December 2008), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication by addressing the following questions:

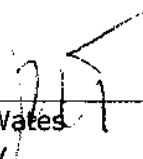
1. Since its entry into force, has the Convention been directly applicable in the Republic of Moldova?
2. On what date did the Regulation on Forest Fund Rent for the Purposes of the Hunting Management and/or Recreation approved by the Decision of the Government No. 187 of 20 February 2008 (hereinafter - the Decision No.187) enter into force? What is the legal status of Decision No. 187 in the hierarchy of "normative acts" in the Republic of Moldova?
3. Did Moldovan legislation contain a requirement similar to that of paragraph 48 (e) of Decision No. 187 prior to the entry into force of that Decision?
4. In the Moldova legal system, can provisions introduced into the legislation have a retroactive effect, i.e. could paragraph 48 (e) of Decision No. 187 be applied retroactively to a request for information to which confidentiality provisions had not been applicable prior to the entry into force of that Decision?)?
5. According to paragraph 18 of Decision No. 187, a contract for rent is subject to "State registration". Could you please provide more detailed information on the State registration procedure, and indicate whether contracts so registered have to be available in the public domain?
6. Does the Moldovan legislation include any detailed procedures for the determination of confidentiality of particular information, and if so, how have these procedures been applied by the Forest Agency Moldsilva in the consideration of the information request from Eco-TIRAS?
7. Under Moldovan legislation, can a large volume of requested information be grounds for refusal of an information request? In the particular matter under consideration, has the volume of the requested information been the official grounds for refusal of the information request by the Forest Agency Moldsilva?
8. Does paragraph 48 (e) of the Government Decision No.187 of 20 February 2008 designate all information, including any environmental information, received from rent holders as confidential? If so, how is this interpreted in the light of other relevant provisions of the domestic legislation concerning the confidentiality of information, including, where relevant, the Constitution and any legislation implementing the Aarhus Convention?
9. In the Moldovan legal system, are there any situations where the provision of a contract, such a contract for rent of forest land, may remain valid despite of being in contradiction with any provisions of the domestic legislation and/or the Aarhus Convention?

10. What measures are available under Moldovan legislation to enforce final and binding decisions made by a court of law or another independent and impartial body in the course of a review procedure under article 9, paragraph 1, of the Aarhus Convention?

A number of additional questions have been raised in a letter to the communicant, a copy of which is attached for your information. Should you wish to address any of those questions, you are welcome to do so.

We look forward to hearing from you.

Yours sincerely,

JP 

Jeremy Wates
Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Permanent Mission of the Republic of Moldova to the United Nations Office in Geneva
Mr. Ilya Trombitsky, Eco-TIRAS International Environmental Association Of River Keepers

Encs. Communication ACCC/C/2008/30 including four addenda in English, and copies of originals in Moldovan
Preliminary determination on admissibility
Copy of letter to Mr. Ilya Trombitsky, Eco-TIRAS
Datasheet on the communication

