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

Fourth session

Chisinau, 29 June–1 July 2011

Item 5 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism

Draft decision IV/9d on compliance by the Republic of Moldova with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,

Taking note of the report of the Compliance Committee (ECE/MP.PP/2011/11), as well as the addendum to the report of its twenty-fifth meeting (ECE/MP.PP/C.1/2009/6/Add.3) with regard to a case concerning access to information on contracts for rent of land of the Moldovan State Forestry Fund,

Encouraged by the willingness of the Republic of Moldova to discuss in a constructive manner the compliance issues in question with the Committee, and to take measures implementing the Committee's recommendations in the intersessional period,

1. *Endorses* the following findings of the Committee, that:

(a) 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 constituted a failure by the Party concerned to comply with article 4, paragraphs 1 and 2, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;

(b) 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;

(c) 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 of the Convention, constituted a failure by the Party concerned to comply with article 3, paragraph 2, and article 4, paragraph 7 of the Convention;

(d) 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 constituted a failure by the Party concerned to comply with article 4, paragraph 7 of the Convention;

(e) 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, implied non compliance of the Party concerned with article 9, paragraph 1 of the Convention;

2. *Welcomes* the recommendations made by the Committee during the intersessional period, in accordance with paragraph 36 (b) of the annex to decision I/7 (ECE/MP.PP/C.1/2009/6/Add.3, para. 42) and the willingness of the Republic of Moldova to accept them;

3. *Also welcomes* the actions undertaken by the Party concerned to address the recommendations of the Committee, such as the provision of copies of the requested contracts of rent of lands of the State Forestry Fund to the communicant, the elaboration of the draft national programme and of the draft action plan, as well as the many relevant capacity-building and awareness-raising initiatives for civil servants, non-governmental organizations, journalists and members of the judiciary undertaken by the Party concerned in cooperation with civil society;

4. *Invites* the Party concerned to submit to the Committee the final versions of the national programme and action plan (including the recommendations made by the Committee in paragraph 42 of document ECE/MP.PP/C.1/2009/6/Add.3) upon their adoption, and to submit to the Committee periodically (in November 2011, November 2012 and November 2013) detailed information on further progress in implementing the national programme and the action plan;

5. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

6. *Undertakes* to review the situation at its fifth session.
