



“Eco-TIRAS”
International
Association of River
Keepers

Asociația
Internațională
a Păstrătorilor Rîului
”Eco-TIRAS”

Str. Teatrala 11A, Chișinău, MD-2012, Moldova
Tel. /Fax: (+373-22) 225615, 550953
Codul fiscal: 1012620005971
E-mail: ecotiras@mail.ru; www.eco-tiras.org

19.07.2021

Attn: Ms. Fiona Marshall,
Secretary to the Aarhus Convention Compliance Committee

Re: ACCC Letter from June 14, 2020, Concerning Communication ACCC/C/2017/147

In the result of studying of the findings and recommendations draft with regard to communication ACCC/C/2017/147 concerning compliance by the Republic of Moldova, elaborated by the Committee (ACCC letter from 14.06.2021), the Communicant recommends to do the Recommendations more concrete and large, because as it was mentioned earlier, during very long period the Republic of Moldova has no substantial progress in the Aarhus Convention implementation and if the ACCC is in the position to initiate the progress of this Party, the more complex measures should be recommended, especially the National Action Plan on Aarhus Convention implementation should be developed, adopted and implemented with the establishing of several years-duration progress monitoring by the ACCC. As the Party concerned already informed, it takes measures to develop such Action Plan, but the lack of such duty among Recommendations will lead to Party refuse from such important step, which should include the analysis of current legal framework correspondence to the AC and proposals for improvement.

We see also the need to clarify for the Party concerned, that the provision of the access to “historical”, i.e. already existing environmental information should not be a way to get profit, so it should be provided either free of charge or for reasonable costs without the scope of the state to get additional income. In conditions of the Republic of Moldova it will also help to prevent corruption by providing unofficial cheaper information services by public servants.

In the period 2011-2014. The Republic of Moldova, by failing to comply with the main provisions of the Recommendations on the case ACCC/2008/30, has already clearly demonstrated that, at best, it will only fulfill what directly follows from the Recommendations. As a result of the "forgiveness of sins" at the MOP4 in Maastricht, the Republic of Moldova, contrary to the National Action Plan (2011) actions, did not analyzed the national legislation for compliance with the Aarhus Convention and the current case under consideration is a direct consequence of the 2014 Meeting of the Parties decision.

In this respect, we propose the enlarge text of Recommendations below:

Current ACCC text of draft Recommendations	<u>Proposed</u> text of Recommendations
<p>108. The Committee pursuant to paragraph 35 of the annex to decision I/7 of the Meeting of the Parties, and [noting the agreement of the Party concerned that the Committee take the measures requested in paragraph 36 (b) of the annex to decision I/7,] recommends that the Party concerned:</p> <p>(a) Take the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent schedule of charges under article 4(8) of the Convention for the supply of hydrometeorological information upon request, including by clearly setting out how any charges should be calculated, and to ensure that all charges, including total charges, are reasonable and properly justified.</p> <p>(b) Provide training to officials of public authorities handling requests for access to hydrometeorological information to ensure that any charges are no more than reasonable, that they are calculated in a clear, transparent and consistent way and are properly justified.</p>	<p>108. The Committee pursuant to paragraph 35 of the annex to decision I/7 of the Meeting of the Parties, and [noting the agreement of the Party concerned that the Committee take the measures requested in paragraph 36 (b) of the annex to decision I/7,] recommends that the Party concerned:</p> <p>(a) Take the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent schedule of charges under article 4(8) of the Convention for the supply of hydrometeorological information upon request, including by clearly setting out how any charges should be calculated, and to ensure that all charges, including total charges, are reasonable and properly justified. <u>As the Implementation Guide of the Aarhus Convention (2014) stipulates, that “costs should be limited to the material costs of producing information”. When the information already exists, normally its costs could be limited by its processing, if it is the case, and copying costs, or to be free;</u></p> <p><u>(b) Invite the Party concerned to develop, adopt and submit to the Committee the National Action Plan on implementation of the Aarhus Convention for next years, and to submit to the Committee periodically (in November 2022, November 2023 and November 2024) detailed information on further progress in implementing the National Action Plan, including measures, provided in para (a) of the Recommendations;</u></p> <p>(c) Provide training to officials of public authorities handling requests for access to hydrometeorological information to ensure that any charges are no more than reasonable, that they are calculated in a clear, transparent and consistent way and are properly justified.</p>

Also, in para 22 of the Findings, the year 2016 should be changed to 2006.

Sincerely,



Ilya Trombitsky, Executive Director, +373 69121726, ilyatrom@mail.ru