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15.08.21 No. 12-12/2727

At Case ECS-24/21 from 23 June 2021

**Secretariat of the Energy
Community**

Hereby, the Ministry of Environment of the Republic of Moldova informs you regarding the examination of the "Reasoned Request in Case ECS-24/21" from the Energy Community Secretariat, submitted on 28 June 2021 against the Republic of Moldova regarding the non-transposition into the national legislation of the Republic of Moldova of the *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment* (hereinafter- Directive 2014/52/EU).

According to the Decision 2016/12/MC-EnC of the Ministerial Council of the Energy Community, the Republic of Moldova/Ministry of Environment should have been to amend the existing environmental impact assessment legislation according the Directive 2014/52/EU and notify the Energy Community Secretariat by 1 January 2019.

The Ministry being aware of such delay on the transposition of the Directive 2014/52/EU and due to limited operational capacities caused by the COVID 19 pandemics, has requested in the beginning of 2020 the specific support from the EU4Environment project. In frames of this initiative the elaboration of the "Compliance gap analysis and recommendations to address the gaps in the primary law of the Republic of Moldova vis-à-vis provisions of the UNECE Espoo Convention and EU EIA Directive" was done in August 2020. Based on report findings, the Ministry has drafted the Regulatory Impact Assessment for the legal addendums needed to comply with requirements of the Directive 2014/52/EU and Espoo Convention.

As was mentioned in the Reasoned Request, (Chapter 2. Factual background, point (7), "...the first draft amendments to the EIA Law should have been prepared in March 2021"), we would like to explain that during the Environmental Impact Assessment Working Group 1st Meeting (8 April 2021) the representative of the Republic of Moldova informed about the developments of the amendments to the Law no. 86/2014 on environmental impact assessment. The current status of the legal addendums related to Directive 2014/52/EU and commitments under the Treaty were

further presented to the Energy Community Secretariat in our letter no. 12-12/2200 dated 24.06.2021.

We would like to underline the fact, that the transposition of the Directive 2014/52/EU requires numerous modifications in existing national normative acts, listed below:

- Law no. 86/2014 on environmental impact assessment (Official Journal of the Republic Moldova, 2014, no. 174-177, art. 393);
- Law no. 11/2017 on strategic environmental assessment (Official Journal of the Republic Moldova, 2017, no. 109-118, art. 155);
- Law no. 851/1996 on ecological expertise (Official Journal of the Republic Moldova, 1996, no. 52-53, art. 494);
- Law no. 1515/1993 on environmental protection (Official Journal of the Republic Moldova, 1993, no. 10, art. 283);
- Water Law no. 272/2011 (Official Journal of the Republic Moldova, 2012, nr. 81, art. 264);
- Law no. 1422/1997 on the protection of atmospheric air (Official Journal of the Republic Moldova, 1998, no. 44-46, art. 312);
- Law no. 209/2016 on waste (Official Journal of the Republic Moldova, 2016, no. 459-471, art. 916);
- Contravention Code of the Republic of Moldova no. 218/2008 (Official Journal of the Republic Moldova, no. 78-84, art. 100);
- Road Law no. 509/1995 (Official Journal of the Republic Moldova, 1995, no. 62-63, art. 690);
- Law no. 163/2010 on the authorization of the execution of construction works (Official Journal of the Republic Moldova, 2010, no. 155-158, art. 549);
- Law no. 721/1996 on quality in constructions (Official Journal of the Republic Moldova, 1996, no. 25 art. 259);
- Subsoil Code no. 3/2009 (Official Journal of the Republic Moldova, 2009, no. 75-77, art. 197);
- Law no. 100/2017 on normative acts (Official Journal of the Republic Moldova, 2018, no. 7-17, art. 34);
- Law no. 239/2008 on transparency in the decision-making process (Official Journal of the Republic Moldova, 2008, no. 215-217, art. 798);
- Forestry Code no. 887/1996 (Official Journal of the Republic Moldova, 1997, no. 4-5, art. 36);
- Law no. 1538/1998 on the fund of natural areas protected by the state (Official Journal of the Republic Moldova, 1998, no. 66-68, art. 442);
- Law of the animal kingdom no. 439/1995 (Official Journal of the Republic Moldova, 1995, no. 62-63, art. 688);
- Law of the vegetable kingdom no. 239/2007 (Official Journal of the Republic Moldova, 2008, no. 40-41, art. 114);
- Law no. 94/2007 on ecological network (Official Journal of the Republic Moldova, 2007, no. 90-93, art. 395).

Being committed to this need, the Ministry has already initiated the amendments to national legislation that are included for endorsement within the relevant ministries and public consultations in October 2021. According to Ministry schedule on legal documents elaboration, the submission of the draft documents for further Governmental approval is foreseen for December 2021.

The drafts of legislative acts will be submitted to the Secretariat of Energy Community when the public consultation procedure will be launched in October 2021.

Ministry of Environment regrets the delay in submission of the feedback to the request of the Secretariat of Energy Community dated from 22.03.2021 and shall undertake all the necessary internal procedures to comply with the set deadlines.

We would like to reiterate the Republic of Moldova commitment to comply with the set above objectives and to express our highest consideration and availability for a fruitful cooperation in the future.

Sincerely,

Minister of Environment



Iuliana CANTARAGIU