

ENVIRONMENTAL LAWS AND NORMATIVE SYSTEMS IN THE REPUBLIC OF MOLDOVA: DEVELOPMENT MILESTONES

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Key words: environment, legislation, environmental standards, classification of acts; Harmonization to the EU requirements and ISO and EN systems; Documents systems development.

Cuvinte cheie: mediu, legislație, standard de mediu, clasificarea actelor, armonizarea la cerințele UE și sistemele ISO și EN, dezvoltarea sistemelor de documente.

ABSTRACT:

In the paper are described the results of the study on the development of environmental laws and normative system of the Republic of Moldova in the years of independence, which resulted with new reforms of all areas of the national economy from a socialist economy to a market economy through the transition phase.

Problems of the environment protection are very acute in the Republic of Moldova, a country with high density of human population and mainly agrarian with old traditions in agriculture.

The aim of paper is the analysis of present state, the characteristics of database and to highlight the problems of development of normative-legislative framework in the Republic of Moldova.

Objects of research were: environmental legislative and normative-methodical bases in the Republic of Moldova, the European Union and Russia; Agenda 21, environmental policies, strategies, programs and other existed in the Republic of Moldova.

Research Methods: The study data banks, catalogs and other official materials of the international and national environmental organizations; collection of materials and formation of databases, selective comparative analysis of environmental legislative-normative acts of the Republic of Moldova and the European Union and Russia.

Results: In the base of the study, selection and complement ongoing screening were created databases on environmental legislative-normative acts of the Republic of Moldova, which at 17-th anniversary of independence - 27 August 2008 shows the following: Convention and adjacent international documents on which Moldova is a party, respectively 26 and 21, Laws of the Republic of Moldova - 78; Decisions of Parliament - 24; acts subordinated to laws (Government Decisions) - 112; Strategies - 10; Concepts - 8; Programs - 9; Plans - 5, Acts of the Central Authority of the Environment – 22, Standards - 650. Also there were studied the databases of legal acts of the EU and Russia.

In the paper presented the characteristics regarding chronology, structure, some results on the qualitative and comparative analysis of environmental legislative-normative acts in the Republic of Moldova and their correspondence with the requirements of EU environmental policy and sustainable development of the Republic of Moldova.

In the final part of the paper are presented some conclusions and proposals on the development of environmental legislation and norms in the Republic of Moldova in accordance with European and international ones.

1. Introduction

Enormous changes that have occurred over the past 20 years on Earth have turned on all aspects of life on our planet. They show very dramatically by the enormous changes of climate, environment, social and economic life, etc. As a consequence of those in many countries, among which also is the Republic of Moldova, where appeared economic and energy crisis, the deterioration of the state of environment, social disorder such as poverty, migration, abandoned children, etc.. [1].

Environmental protection is a vital issue for the whole humankind, as well as for the Republic of Moldova. According to the United Nations definition presented at the meeting in Rio de Janeiro [2], sustainable development is a vital necessity to ensure the needs of current generations without affecting the level and quality of life of future generations.

Natural environment of the Republic of Moldova in general is favorable for life. Biological Diversity [3] of the Republic of Moldova and is subject to its geographical position at the interference of three biogeographical zones: *Biological Diversity* [3] of the Republic of Moldova is conditioned also by its geographical position at the interference of three biogeographical zones: Central European represented by the Central Plateau of Codry (54.13% or 18.3 thousand km² of the territory of the republic); Euro Asiatic -- represented by regions of forest-steppe and steppe (30.28% or 10.23 thousand km²); Mediterranean - represented by xerophyta forest-steppe regions in the southern part (5.27% or 15.59 thousand km²).

In terms of fauna, the territory of the Republic of Moldova is to Balkan region borders and forms a transitional zone between the Asian continental steppe fauna and those of European forest-steppe fauna. Biological Diversity of the Republic of Moldova is rich and specific, representing 5513 species of plants, including higher plants - 1989 species) and about 14,800 animal species (including 461 species of vertebrates). Most species are located outside their natural areas, which increases the vulnerability to anthropogenic factors.

Natural ecosystems, the main being those of forest, steppe, meadow and water ecosystem, occupy only about 15% of the country and are heavily damaged and fragmented. Rest of about 85% is under intense anthropogenic pressure and is an area of activity and life of the human population.

During the independence of the Republic of Moldova social-economic reforms conditioning change attitudes towards the use of natural resources, the promotion of new sustainable economic and social development compatible with the environment. Were developed and adopted for implementation a number of important national documents: the National Strategy "Agenda 21" [4], National Strategy "Agenda 21" [4], "Strategy for Economic Growth and Poverty Reduction (SCERS), 2004 - 2006" The National programs - "Modernizing the Country - Welfare of the People, 2005 - 2009" and "Moldovan Village, 2005-2015" and "Institutional Development Plan (Environment), 2009-2011, and International programs- "The Republic of Moldova - European Union, 2005 - 2008", and others [5]. In the Action Plan „Republic of Moldova - European Union, 2005-2008", among other priority issues were included those of the approximation of legislative and normative acts to those of European Union. Or, it is known, that by 50-80 years of XX century in the USSR and in the socialist block countries environmental legislative-normative acts is

characterized by setting of some parameters and criteria more intense and more severe than at present [6].

It should be mentioned that the environmental system of the legislative-normative acts, developed and implemented in the Republic of Moldova in the years of independence, is characterized by including several new items, and using international experience (European and regional) and during the ex-USSR period.

Purpose of work:

- State analysis of the environmental legislative-normative systems of UN, EU and the Republic of Moldova; Analysis of the state of environmental laws and normative system of the UN, EU and the Republic of Moldova;

- Assessment and completing the database of the environmental legislation and regulatory acts in the Republic of Moldova;

- Highlighting the problems of the development of legislative-normative framework in the Republic of Moldova;

- Elaboration of the proposals for harmonization of environmental legislation and norms of the Republic of Moldova to the EU and international ones and to the Sustainable Development Strategy.

In this paper are presented analytical and summary information on the current level of assurance of environmental protection in the Republic of Moldova and the formation of data bases of the legislation and regulatory acts in question.

2. Objects and methods of research

Objects of research were: the environmental legislative and normative-methodical framework of UN, EU, Moldova and Russia; Agenda 21 of the Republic of Moldova, environmental policy and strategies and national programs of the Republic of Moldova: "Modernizing the country - welfare of the people, 2005 – 2009", "SCERS, 2004 to 2006 " and "Moldovan Village, 2005-2015", and those international: "Republic of Moldova - European Union, 2005 - 2007" and others.

Methods of research were:

Study the information on the environmental legislative-normative acts (EU Directives, international conventions, national laws and regulations) was conducted by analyzing data banks, catalogs and other official materials of environmental international and national organizations existing on 27 August 2008 - 17 years of independence of the Republic of Moldova.

Collection of documents materials was carried out under official publications (in written or electronic) of the Secretariats of international conventions [7], International Organization for Standardization [8], European Union [9], Russia [10] and others [11.12], and as well as of the Republic of Moldova - periodical publication "Official Monitor of the Republic of Moldova [13], sites of Parliament, Government, Ministry of Justice and Ministry of Ecology and Natural Resources and others [14].

Given the fact that the information gained may serve to comparative analysis of national acts with the international ones, in particular the European and can be used to develop concrete recommendations on the harmonization of environmental legislation, norms and standards, it have been studied and the methodical recommendations concerned international [15-17] and the national ones [5, 18.19].

Training database of environmental legislation of the Republic of Moldova by the inclusion of a number of existing documents – environmental conventions

(agreements), laws, strategies, programs, plans and regulatory, published by August 2008¹⁾.

Collecting and processing information on standards and technical regulations has been done using existing databases of sites of international and national (Service of Standardization and Metrology – in present the National Institute of Standardization and Metrology of the Republic of Moldova) and by formation of a records of intelligence information in question [19].

Analysis and selection of sets of standards, which reflect the norms relating to environmental matters and environmental protection, was carried out in accordance with the recommendations outlined in “Classification of Moldova’s Standards” [20]. For this purpose, of a total of 41 domains (group) included in the Classification for study and analyzing in the first stage, have been notified 5 areas: 01. General. Terminology. Standardization. Documentation; 13. Environment. Health Protection. Security; 65. Agriculture; 73. Mines and Minerals; and 75. Oil industry and associated technologies.

Analysis of these areas has allowed the selection of standards groups in order to identify environmental standards or of those associated with environmental problems and to highlight their level to update. Also appreciated were the development of national standards system, have been highlighted and appreciated as necessary for Moldova several international standards (ISO and EN), and modality of harmonization with the international standards system. The main results of studies and research on the development of the environmental legislative-normative system of the Republic of Moldova in 17 years of independence are presented below.

3. Results and discussions

3.1. Assessment and training of environmental legislative-normative base.

3.1.1. International environmental legislation

International environmental conventions. Environmental protection has a global dimension, and many environmental phenomena do not conform to political boundaries or national borders with. First steps towards solving regional and global environmental issues were taken in early XX-th century: 19 March 1903 was first signed International Convention for the protection of birds useful to agriculture, and point of departure in the environmental systematically international management is the United Nations Conference "Man and Environment" in Stockholm (16 June 1972).

Republic of Moldova is part of the following acts of international environment Moldova is part of the following international environmental acts:

International conventions - 26 of which 7 have contact with other areas of human activity (agricultural, industrial, military, etc..);

Adjacent to the Convention Documents: Protocol - 6, Amendment - 11 agreement - 2; International agreement to which Moldova is a party - 2.

¹⁾ 15 August 2008 is the date Jubilee 40 years of the Central Environment Authority in Moldova, the first central institution of which - the State Committee for Nature Protection of the Moldavian Soviet Socialist Republic - was established on 25 August 1968.

3.1.2. Environmental legislation of the EU.

European Union environmental legislation is in continuous development from year 1965 and currently contains over 900 legal acts, including directives, regulations, decisions and recommendations. To these add a large number of communications and policy documents relevant to the environmental policy of the EU [9,15-17]. According to these documents "the body of EU environmental legislation, with which the associated countries in Central and Eastern eventually will have to align their national legislation and administrative practices, as a condition for membership of the European Union - the so-called *environmental acquis* - is considerably smaller (118 documents) and mainly contains 70 directives, 20 regulations, 28 Decisions of the EU". During recent years some of these documents "*Environmental acquis*" have been amended several times and supplemented by Directive's "daughters" and 21 Regulations. A part of these - 36 directives and 11 regulations - are related to products and were covered by the Commission's White Paper from 1995.

In accordance with the recommendations of the European Union [9,15-17], were taken to record the majority of legislative and normative acts, which are part of Environmental Acquis and must be transposed into national law.

3.1.3. Environmental legal-normative acts of the Republic of Moldova.

Environmental legislation of the Republic of Moldova elaborated and adopted before 27 August 2008 is an impressive set of legal and normative materials, which is composed of the following documents:

- Laws - 78;
- Decisions of Parliament - 24;
- Acts subordinate laws (Government Decision) - 112;
- Strategies - 10; Concepts - 8; Programs - 9; Plans - 5;
- Acts of the Central Environmental Authority - 22.

Analysis of the development of normative-legislative acts over the years is presented below (Fig. 1.).

It was established that in Moldova the environmental legal-regulatory framework has been made during 1990-1999 and is characterized by including several new items and basic, and using the experience of the ex-USSR.

Examples in this context are: *Laws* - Land Code, No.828-XII of 25.12.91; Subsoil Code No.1511-XII, 15.06.93, Law on environmental protection, no. 1515-XII of 16.06.93, Water Code, No. 1532-XII of 22.06.93; Animal kingdom law, no. 439-XIII of 27.04.93, Law on the protection files and zones of water in basins and rivers, no. 440 of 27.04.95, Law on ecological expertise and environmental impact assessment, no. 851-XIII of 29.05.96, etc.

Acts subordinate laws - Government Decision on the creation of state reserve "Lower Prut" No. 209 of 23. 04.1991; Government Decision on the creation of state natural reserve "Plaiul Fagului" No. 167 of 12.03.1992; Government Decision on approving the Regulation regarding the recovery mode of damages caused by forest contraventions, No. 854 of 28.12.1992; Government Decision on the creation of state natural reserve „Pădurea Domnească" No. 409 of 02.07.1993; Government Decision on regulation of transportation of dangerous cargoes in Moldova and liquidation of consequences of possible failures, No. 45 of 24.01.1994, etc.

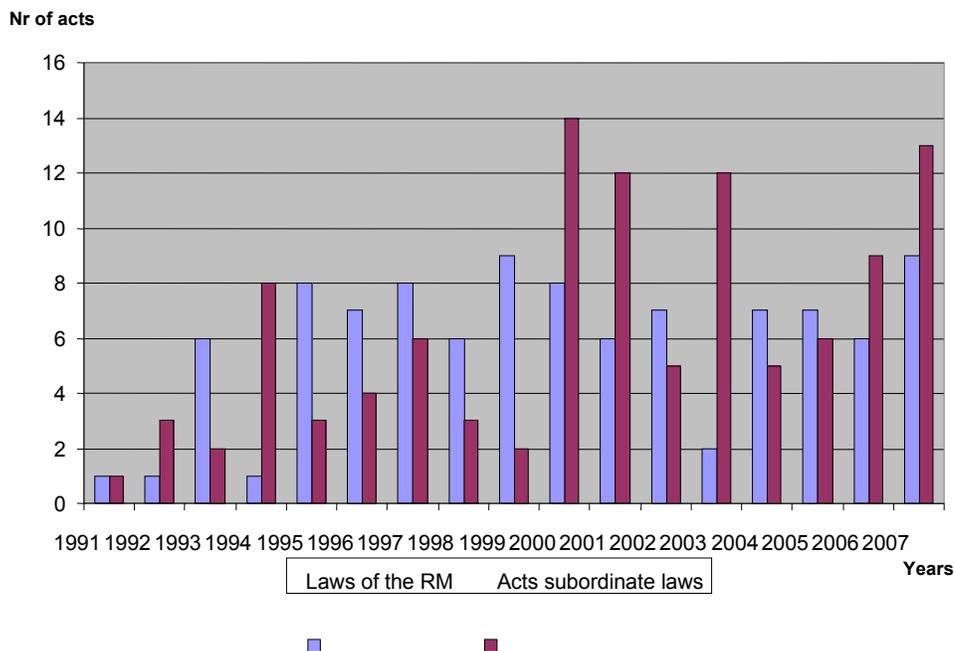


Fig. 1. Development of the environmental legal-normative acts system in the Republic of Moldova.

In the following period from 2000 to the present development activities is rising, and in qualitative aspect is focused on developing mechanisms and instruments of efficiency of implementation of basic legal acts in question (Regulations and normative approved by the Parliament, Decisions of Government and Orders or Decision of respective State bodies), and on the modification of legal acts in accordance with new environmental policies (Strategies, Programs) and international requirements.

Analysis of system of legislative-normative acts allowed to mention some basic characteristics and peculiarities:

- the development of instruments is satisfactory and, in general, corresponds to the national stage in the development of the state;
- the system of the documents can provide on „Jure” the resolution the main environmental problems in the Republic of Moldova;
- to continue the development of international environmental legislation is an stimulating factor in carrying out of some converged activities in the Republic of Moldova too.

However, it should mention some features of acts quality. More legal-normative acts of the Republic of Moldova are prescriptive and contain general provisions which govern most relations concerning the protection and conservation of the plant kingdom and animal kingdom, state protected natural areas and others. Is poorly developed the legal framework regarding protection of natural complexes, creation of ecological network and application of stringent measures to redress the state of the environment. In national legislation lacks the necessary mechanism to optimum ensure of the protection of and preservation activities of natural habitats of

many species of flora and fauna and as well as of communities of plants and animals in part.

3.2. Assessment and training of the database of environmental standards

There are several sets of environmental standards at international level, gained worldwide by international organizations - ISO (International Standardization Organization) and IEC (International Electrotechnical Commission) and at European level - CEN (European Committee for Standardization), CENELEC (European Committee for Electrotechnical Standardization) and ETSI (European Telecommunications Standards Institute).

In the Republic of Moldova activities in field of standardization is carried out in accordance with the Law on Standardization, No. 590-XIII of 22.09.1995. With the signing by the Republic of Moldova of the EU Partnership and Cooperation (EU APS) on 28 November 1994 and with obtaining access to the World Trade Organization (WTO) on 26 June 2001, it were accepted removal of technical barriers to trade (TBT) and beginning of amending legislation in field of standardization and of conformity assessment.

From 1 August 2002 within the Decision of the Department "Moldova Standard" No. 1090-ST 25.03.2002, Republic of Moldova has approved the replacement of Alphanumeric classification of standardization normative documents of the Republic of Moldova and implementation of International classification standards (ICS), approved by the International Organization for Standardization (ISO). According to the ICS Standardization system of the Republic of Moldova includes 41 fields [21].

Study of environmental standards system in the Republic of Moldova showed some peculiarities, close related to the history of the development of standards system in general and as well as to the complexity of issues and multitude of activities in the field of ecology and environmental protection.

Analysis of the ensuring which the environmental standards on 5 key group mentioned in the methodology part, selection of standards groups in order to identify environmental standards or those associated with environmental problems and highlighting their update level has shown that in Moldova there is an important basis of standards, including environmental and environmental protection standards.

General feature of the selected standards is as follows:

A). Group 01 „*General. Terminology. Standardization. Documentation*” has been identified a single compartment (01. 040. Vocabularies), which has 4 sub-groups with a total of 90 standards selected conventional. 18 standards of this number are Moldavian standards harmonized to international ones and 53 standards of total which can be used as environmental standards. In general, 80% of the standards are standards type GOST (ex-USSR or Russia). These standards are very important and represents the basic source of legislation for the proper use of concepts, definitions, units and other indicators in the field of ecology and environmental protection.

B). The second group - 13. *Average. Health Protection. Security* is an area with the most environmental regulatory documents - 333, divided into 5 sub-groups selected: *Environment Protection, Air Quality, Water Quality, Soil Quality, Waste*. It was established that most standards groups there are identify in groups "Water Quality" - 120 and "Soil Quality" - 107, and the fewest in the group "Waste" - 22. However,

most environmental standards 70.87% represents GOST's standards, which don't permit the full allow the requirements of ISO and EN standards.

C). The group 65. *Agriculture* contains 3 sub-groups of selected standards - *Agriculture and Forestry* – 263 standards; *Beekeeping* - 12; *Fishing and fish farming* - 0 documents. This domain is useful for application in solving biological diversity problems, but here also most standards (86.9%) are of tip GOST. Therefore a major task is taking ISO and EN standards as national documents.

D). Last 2 domains or groups are: 73. *Mines and Minerals* and 75. *Oil Industry and Associated Technologies*. Although those groups have a tremendous number of standards – total of 739 and has a particular interest they mostly do not contain standards useful to solve environmental problems. It were selected only 6 useful

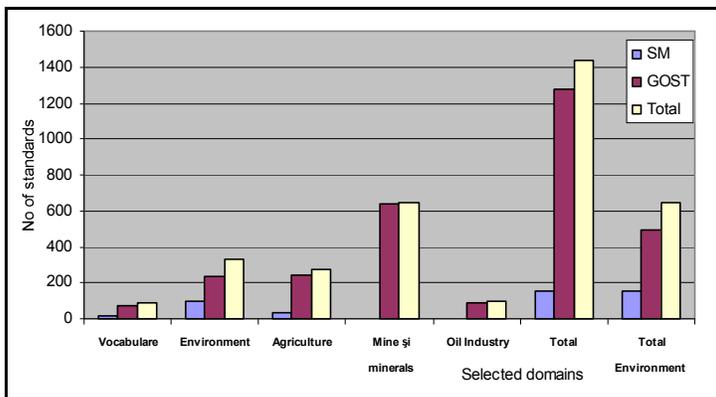


Fig. 2. General characteristic of the selected groups of standards from the Republic of Moldova

Moldavian standards, the rest normative documents confirming of another destination, particularly industrial.

Tests demonstrate (figure 2) that the standards in the Republic of Moldova has a large number of environmental and other areas of use standards - a total of 1437 units were selected, but helpful in solving problems of ecology and

environmental protection were considered 650 units. Of the total selected standards have been identified 157 Moldavian standards harmonized with international requirements. Analysis shows some basic characteristics and features.

1. Development of environmental standards is slow. The system was made during 1991-1999. In the years 1991-1994 were taken initial steps to open system standards in the Republic of Moldova: updating the set of standards remained in effect during the ex-USSR; adaptation as national standards of other countries (Romania and Russia), design and approval of new national standards (the first is MS 70:1994 Soils. Terminology). In the following years started the procedures of harmonization to the systems of international standards - ISO and EN.

2. Period after (2000 – present) is characterized by intensifying the process of harmonization of national standards to those ISO and EN, and on 1 August 2002 in Moldova implement International Classification for Standards (ICS) approved by the International Organization for Standardization in 1999 [20]. Therefore in coming years has increased the adaptation of EN and ISO standards as the Moldavian standards. In the same time Republic of Moldova turns to the voluntary passage regarding adaptation of the international standards.

3. It notes that harmonization of standards is higher in subgroups *Environment Protection* and *Water Quality*: the number of SM standards is respectively of 67.4% and 41.7% from total units in subgroup. The small number of national standards is

notified for subgroups *Waste* (1) and *Soil Quality* (7) of the total number of 22 and 107 respectively. Also it is necessary to mention the existence of more than 270 standards in *Agriculture* and *Forestry* subgroup, which established prepotency, operating procedures and use of biological resources in the national economy. There are insufficient harmonization activities in the subgroups *Agriculture* and *Forestry*, *Beekeeping* and *Air Quality*, which reveals weaknesses in the development of respective branches of national economy.

4. On 15 May 2008 the standards system for the field of ecology and environmental protection in the Republic of Moldova was composed of 650 units, of which 157 is Moldavian standards are harmonized with those international ISO and EN. It is necessary to mention that the share of old standards (ex-USSR) and of the Russian Federation is the major and present 75.8% of total.

5. The main causes of the slow harmonization process of normative documents with the international standards in conditions of the voluntary passing are weakness of institutional capacities, minor applications from specialists in field of the environment protection, poor business development and others.

4. Conclusion

1. The environmental legislative and normative system developed and implemented in last 17 years in the Republic of Moldova is growing continuously and is characterized by including of many new items, as well as by using international, european, regional and during the ex-USSR experiences.

2. In the first 10 years of independence have been developed the most important legislative-normative acts, and the next period, from 2000 until now, the development of documents system is rising, and in the quality aspect, and is focused on special law and normative acts developing (rules and regulations approved by Parliament Decisions, Government Decisions and by respectively State bodies Orders or Decisions), many of which represents many of the mechanisms and instruments of efficiency in field of the environmental protection in the Republic of Moldova.

3. Republic of Moldova became a party to 26 conventions and to 21 adjacent international documents and have a set of about 270 laws, subordinated regulations and acts, as well as of 650 standards upon environmental protection. It is necessary to mention, that a large part of the legislative-normative acts are prescriptive and contain general provision, which govern mostly the relations concerning the protection and conservation of the plant and animal kingdom, state protected natural areas and others.

4. The legal basis of the protection of natural complexes, creation of a Ecological network and application of stringent measures to redress the state of the environment are poorly developed. In national legislation is missing the necessary mechanism to ensure optimal activities for protection and preservation of natural habitats of many species of flora and fauna, as well as plants and animals communities.

5. Harmonization of national legislation to the EU acquis is constantly developing, but it is slow and uneven.

6. The environmental standards in Moldova, although the structure is adapted to the international requirements, has a great set of normative documents, which large part do not meet the requirements of ISO and EN. Most of standards (over 2/3 part) represent old normative acts of Ex-Soviet Union or of Russia.

7. System of the environmental normative-legislative acts represents an essential lever for ensuring the activities of environmental protection and is developing at all its levels - global, continental, regional, national, etc.

The above confirms once more the need to streamline and boost the development of the legal-normative acts in the Republic of Moldova for to meet all the national and international desiderata in field of the environmental protection and to ensuring the sustainable development of our sweetly native lawn.

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