

Considerations regarding implementation of European Union directives on the environment in the Republic of Moldova

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ABSTRACT: This paper describes some results of the implementation of EU directives in THE Republic of Moldova in field of the environment. The development of laws and regulations systems on environmental protection in the current conditions of implementation of Association Agreement Republic of Moldova – European Union (ratified on in the country on 2 July 2014) are among the priority tasks of activities regarding approximation of the environmental provisions to those in the European Union (EU) and international ones. Based on the study, selection and permanent filling, databases legal and normative acts in field of the environment were created. The results demonstrated that at present - the anniversary of 24 years of independence of the Republic of Moldova - August 27, 2015, the set of environmental legislative and normative acts is well developed, and some of these are already harmonized at EU and international requirements. In connection with the ratification of the Association Agreement Republic of Moldova - European Union (July 2, 2014) were drawn on new tasks regarding the harmonization and continuous development of environmental legal system of the Republic of Moldova, a process that is in constantly vision, planning and implementation of all actors in respective fields. Republic of Moldova has outlined the main tasks of harmonization of environmental legislation to the 23 EU Directives and 5 Regulations in the different time periods ranging from 2 to 10 years, which are proposed depending on the complexity and the ability of national and local achievements. This paper presents the findings and achievements on the measures and actions of approximation of the laws of the Republic of Moldova to the main EU environmental directives as well as of environmental standards to the CEN and ISO requirements. The final part of the paper presents the conclusions and some proposals for development of environmental legislative and regulatory framework and its implementation modalities in field of environmental protection in the Republic of Moldova.

KEYWORDS: Legislation, Republic of Moldova, approximation, EU directives

1. Introduction

Republic of Moldova's Agenda 21, Policy and Environmental Strategies (Conceptia politicii de mediu a Republicii Moldova, 2000; Strategia de mediu pentru anii 2014-2023 și Planului de acțiuni pentru implementarea acesteia, 2014) and national programs: "Moldovan Village - (2005-2015), Activity Programme of the Government of Moldova for European integration: Freedom, Democracy, Welfare 2011-2014; Association Agreement between the European Union and the European Atomic Energy Community and its Member States, on the one hand, and the Republic of Moldova on the other hand (hereinafter: Association Agreement Republic of Moldova - European Union), 2014; The annual activity plans of the Ministry of Environment, 2014, 2015 and other materials and documents in the fields of ecology and environmental protection (Republic of Moldova. State of the environment, years 2007-2010, 2011; Cocîrță, Clipa, 2008) serve as the scientific basis to harmonizing and/or drafting legislative-normative acts in the Republic of Moldova.

The development of laws and regulations system on environmental protection in the current conditions of the implementation of the Association Agreement Republic of Moldova - European Union (ratified on 2 July 2014) are among the priority tasks of activities of approximation of the environmental acts to those of the European Union (EU) and international ones.

Achieving these desiderate requires continuous updating of legislative base, development of new acts and /or modification of existing ones, taking over and declaring as national normative of the European and international postulates and standards, etc.

2. Methods

In this paper we were used the following research methods:

Study information on legislative and normative acts on the environment - EU directives, International Conventions, National legislation and norms (Cocîrță, Clipa, 2008; Howard, Gofman, 2010);

Analysis of databases, catalogs and other official materials of environmental international and national organizations existing until August 2015;

Collection of documents was based on official publications (in paper or electronic form) of the Secretariats of International Conventions (Cocîrță, Clipa, 2008), the site of European Union (EUR-Lex Access to European Union Law) and as well as of the Republic of Moldova – Periodical publication "Monitorul Oficial al Republicii Moldova", Sites of Parliament, Government, Ministry of Justice, Ministry of the Environment and others;

Comparative analysis of national acts on the environment with international, in particular European ones and developing concrete recommendations on the harmonization of environmental legislation and regulations in accordance with the respective international methodological recommendations (Guide to the approximation of the European Union Environmental Legislation, 1997; Handbook on the Implementation of EC Environmental Legislation, 2008) and the national level (Methodology of harmonizing legislation in the Republic of Moldova, 2010; Howard, Gofman, 2010).

3. Results

It should be noted that the system of environmental laws and regulations, developed and implemented in Republic of Moldova in the years of independence, is characterized by a host of new elements, using international experience (European and regional) and from ex-USSR. It is known that in 50-80 years of the XXth century in the USSR and in the socialist bloc countries were characterized by establishing of acts with the harsh environmental parameters and criteria, but which now require more modifications and changes according to changes of different factors: social, technological, climatic etc. The base acts system was put into the first years of independence of the Republic of Moldova (1991-1999) and included the following activities conducted: The first steps (measures) to initiate new laws and legal system of the Republic of Moldova; Basic initiating the first act of the state (the Constitution); as national adaptation of some projects of the environmental normative and/or the standards of other countries (Romania, Russia, European Union, International Organization for Standardization) and others.

In the coming years, Moldova has worked and joined the different and important international and European environmental organizations: 27 UN Conventions, the International Organization for Standardization (2002), EU Association Agreement (2014), and others. The result of 24 years of activities in Republic of Moldova has managed to create systems of important environmental legislation and regulations, environmental management of natural resources and environmental protection activities. A successful example is the development of national standardization system at the National Institute of Standardization of the Republic of Moldova, which environmental compartments has failed to adopt as national over 80% of international standards - CEN and ISO.

In connection with the ratification of the Association Agreement Republic of Moldova - European Union (July 2, 2014) they were drawn of new tasks on the harmonization and continuous development of environmental legal system of the Republic of Moldova, a process that is in constantly vision, planning and implementation of all actors in those areas.

In the field of environment we can notified the following:

1. The Republic of Moldova has outlined the main tasks of harmonization of environmental legislation in 23 EU Directives and 5 EU Regulations in different time periods ranging from 2 to 10 years, who are offered depending on the complexity and the possibility of national and local achievements [5].
2. Developing and harmonizing environmental laws and normative in Republic of Moldova is at a satisfactory level. The activities carried out so far and in particular, to the ratification of the Association Agreement Moldova - European Union have allowed a series of measures concerning the adjustment of laws and normative to the European and international requirements.

Analyzes in this context allowed the evaluation of the level of harmonization of Moldovan legislation to some major EU environmental directives, which are presented as follows:

1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora as amended by Directive No 97/62/EC, No 2006/105/EC and Regulation (EC) No 1882/2003.

Legislation of the Republic of Moldova (RM) is partly compatible as they were developed or adopted legislative acts amending of some laws during the years 2010-2014. These acts are: The Law no.429-XIII of 27 April 1995animal kingdom; The Law no. 1538-XIII of 25 February 1998 on state protected natural areas fund; The Law no. 1515 of June 16, 1993 on environmental protection.

2. Directive 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries, Directive 2004/103/EC of 7 October 2004 on identity checks and health checks of plants, plant products and other objects listed in Part B of Annex V to Directive 2000/29/EC, which can be carried out in places other than the point of entry into the Community or at a place located nearby, and laying down the conditions governing such controls, Regulation (EC) 1756/2004 of 11 October 2004 laying down specific conditions of evidence required and the criteria for the type and level of reduction of the plant health checks of certain plants, plant products or other objects listed in Annex V, Part B to Directive 2000/29/EC.

In the Republic of Moldova the Law amending the Law no. 228 of 23 September 2010 on plant protection and phytosanitary quarantine is compatible with those provisions of the EU.

3. Directive 98/83/EC of 3 November 1998 on quality water intended for human consumption as amended by Regulation (EC) No 1882/2003

This directive is partially transposed in legislation of the Republic of Moldova: compatible articles are in the Law on Drinking Water no. 272 of 10.02.1999, in Government Decision no. 662 of 13.06.2007 on approving the Strategy on water supply and sanitation to communities in Republic of Moldova and others.

4. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, as amended by Regulation (EC) 1882/2003

The Republic of Moldova documents are partially compatible, but especially an act was adopted in this regard: Government Decision approving the Regulation on waste disposal (NP/23/2011/Hg).

5. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy as amended by Decision No 2455/2001/EC

The Republic of Moldova legislation is largely harmonized with this Directive by the following acts: Water Law no. 272 of 23 December 2011 and Environmental Protection Act no. 1515 of 16 June 1993 (with modifications from years 2010-2013). Also in the years 2013-2014 were developed and approved by the Government 18 Regulations and instructions for filling water requirements of the Directive and as a tools for implementing the Water Law.

6. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

We believe that legislation of the Republic of Moldova is partially harmonized with this Directive, because the country is carried out impact assessment of various plans and programs on the environment in accordance with national law (Environmental Impact Assessment Act no. 86 of 29 May 2014 and international (Acts regulators of World Bank, European Bank for Reconstruction and Development and others). Most major projects, strategies and programs also provide environmental impact assessment in accordance with national and international requirements.

7. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC

The legislation of the Republic of Moldova is largely harmonized to this directive because this area is one widely implemented in our country. The Republic of Moldova ratified the Aarhus Convention first in 1999. It is implementing the National Action Plan for implementation in the Republic of Moldova of the Convention on access to information, justice and public participation in

environmental decisions (2011-2015), adopted by Government Decision no.471 of 28 June 2011 and in accordance with the recommendations of the Aarhus Convention Secretariat and Law no.105 of 12 June 2014 amending and supplementing Law no.239-XVI of 13 November 2008 on transparency in decision making. In March 2013 it has been reorganized the Environmental Information Centre under the Ministry of Environment and empowered with the mission to represent the National Centre for implementation of the Aarhus Convention. Also on March 12, 2013 operates NGO "Center Aarhus Moldova" with a central office in Chisinau and two regional offices in other cities Glodeni and Cimişlia. In addition Aarhus Centre operates two organizations founded on the basis NGO's - EcoContact and EcoSpectrum financed by the OSCE.

8. Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC

We find that legislation of the Republic of Moldova is partially harmonized to this Directive. There are established by law and subordinate acts on public participation in the elaboration of different environmental plans and programs. As mentioned above, the Republic of Moldova ratified the Aarhus Convention first in year 1999 and it is implementing through the National Action Plan for implementation in Moldova of the Convention on access to information, justice and public participation in environmental decisions (2011-2015). At the same time the majority of big projects, strategies and programs also provide for public participation at all stages of their progress.

9. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks

The Republic of Moldova legislation is largely compatible to this Directive. The following acts were adopted: Water Law no. 272 of 23 December 2011 Environmental Strategy for the years 2014-2023 and the Action Plan for its implementation (Government Decision no. 301 of 24 April 2014), Regulation on the use of water from water reservoirs for community needs, irrigation and fisheries (Government Decision no. 807 of 16 October 2013), the Regulation on flood risk management (GD no. 887 of 11 November 2013), the Regulation on flood protection dikes (GD no. 433 of 18 June 2012).

10. Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC, Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot, Council Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.

The Republic of Moldova legislation is largely compatible with the development and adoption of acts – GD no. 558 of 22 July 2011 "On emergency phytosanitary measures to prevent the introduction and spread of some quarantine organisms in Moldova"; GD no. 617 of 20 August 2013 on the approval completions operated in the Government Decision no. 558 of 22 July 2011; GD. 409 of 4 June 2014 on the approval of National Strategy for Agricultural and Rural Development for the years 2014-2020.

11. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

The Republic of Moldova legislation is partially compatible as have been adopted: Law no. 1347 of 9 October 1997 on waste production and household with the last modification -

Law no.9 of 14 February 2014; the new draft law on environmental protection (03/2013 / Lex); Law on localities sanitation (49/2011 / Lex).

12. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

Legislation of the Republic of Moldova is partly compatible as they were developed or adopted legislative acts amending other laws during the years 2010-2014. For Directive 92/43/EC these changes were made to the Law no.429-XIII of 27 April 1995 animal kingdom, the Law no. 1538-XIII of 25 February 1998 on state protected natural areas fund, Law no. 1515 of 16 June 1993 Environmental Protection. It was also developed several projects in this regard.

13. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment

We believe that the Republic of Moldova legislation is partially harmonized this directive because the impact assessment in the country are carried out in various projects on the environment in accordance with national and international laws (compartments - Roads, Waste, Water and Sanitation, Food - fruits, vegetables, wine, etc.). There are also cases with negative imprint - Railroads "Cahul – Giurgiulești", the concession of subsoil resources, extraction of gypsum, etc.

14. Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC in accordance with EC Regulation 1882/2003 and amendment of Directive No 2005/33 / EC.

We believe that Moldovan legislation is partially harmonized to this Directive within the following acts:

- The program for Reduction of air pollution by means of automobiles, adopted by Government Decision no. 1047 of 10 April 2001.
- Land Transport Infrastructure Strategy for 2008-2017 adopted by Government Decision (GD) of 1 February 2008.
- Project of the Government Decision on approving the Regulation on environmental rules and requirements to harmful pollutants emitted from vehicles during operation on public roads in the Republic of Moldova according to EU directives.

15. Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants

The harmonization of legislation in this Directive is ongoing.

The existing practice has allowed the development of recommendations to increase the level of compliance provisions of the environmental acts in the Republic of Moldova (Practical Guide. In accordance with the existing practice and experience gained it was stipulated the following main aspects:

- Political;
- Scientific and institutional aspects;
- Methodological issues. A. normative acts (standards, rules, technical regulations and others); B. Legislative acts (laws, regulations and orders).

Implementation of the Association Agreement Republic of Moldova - European Union: future tasks on field of the environment

Chapter 16 (Environment)

The Republic of Moldova is committed to gradually harmonize their legislation with the following documents in Community and international instruments on schedule.

Deadlines concerning the provisions of this Annex, which were already established by the parties under other agreements shall apply in the manner prescribed in the agreements concerned. Targets temporary base periods are as follows:

I. environmental governance and mainstreaming of environmental policy in other policies

1. Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment - Implementation term - 2-3 years;
2. Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment - Implementation term - 2-3 years;
3. Directive 2003/4/EC on public access to environmental information and repealing Council Directive 90/313/EEC - Implementation term - 2-3 years;
4. Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending Directives 85/337/EEC and 96/61/EC with regard to public participation and access to justice - Implementation term - 2-3 years.

II. Air quality

1. Directive 2008/50/EC on ambient air quality and cleaner air for Europe
2. Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air - Implementation term - 4-9 years;
3. Directive 1999/32/EC on reduction of sulphur content of certain liquid fuels and amending Directive 93/12/EC as amended by Regulation (EC) 1882/2003 and Directive 2005/33/EC - Calendar: Implementation of the deadline agreed in the Treaty establishing the Energy Community;
4. Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations as amended by Regulation (EC) 1882/2003 - Implementation period - 3 – 5 years;
5. Directive 2004/42/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC - Deadline for implementation - 4- 10 years;
6. Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants - Implementation term - 4-10 years.

III. Water Quality and Management

1. Directive 2000/60/EC establishing a framework for Community action in the field of water policy as amended by Decision 2455/2001/EC - Implementation period - 3 8 years;
2. Directive 2007/60/EC on the assessment and management of flood risks - Implementation term - 3-8 years;
3. Directive 91/271/EEC on urban waste water treatment as amended by Directive 98/15/EC and Regulation (EC) 1882/2003 - Implementation term - 3-8 years;
4. Directive 98/83/EC on quality of water intended for human consumption as amended by Regulation (EC) 1882/2003- Implementation term - 3-6 years;
5. Directive 91/676/EC concerning the protection of waters against pollution caused by nitrates from agricultural sources as amended by Regulation (EC) 1882/2003 - Implementation term - 3-5 years.

IV. Waste and Resources

1. Directive 2008/98/EC on waste - Implementation deadline - 2-5 years;
2. Directive 1999/31/EC on the landfill of waste as amended by Regulation (EC) 1882/2003 - Implementation term - 3-7 years;
3. Directive 2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC - Implementation term - 2-6 years.

V. Nature Protection

1. Directive 2009/147/EC on the conservation of wild birds - Implementation term - 2-5 years;
2. Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora as amended by Directive 97/62/EC, 2006/105/EC and Regulation (EC) 1882/2003 - Implementation term - 3-6 years.

VI. Industrial pollution and industrial hazards

1. Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) - Deadline for implementation - 3-10 years;
2. Directive 96/82/EC on the control of major accident hazards involving dangerous substances as amended by Directive 2003/105/EC and Regulation (EC) 1882/2003 - Deadline for implementation - 7 years.

VII. Chemicals

1. Regulation (EC) 689/2008 on export and import of dangerous chemicals - Implementation deadline - 2-3 years;
2. Regulation 1272/2008 on classification, labelling and packaging of substances and mixtures - Implementation term - 4-7 years;
3. Regulation (EC) 1907/2006 of the European Parliament and the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) 793/93 and Commission Regulation (EC) 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC - deadline for implementation - 4-5 years.

Chapter 17 (Climate) of Title IV

Moldova is committed to gradually harmonize their legislation with the following documents

EU legislation and international instruments on schedule.

Climate change and protecting the ozone layer

1. Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community - Implementation term - 8 years;
2. Regulation (EC) 842/2006 on certain fluorinated greenhouse gases - Implementation term - 4 years;
3. Regulation (EC) 1005/2009 on substances that deplete the ozone layer - implementation period - 5 years;
4. Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 93/12/EEC as amended by Directives 2000/71/EC, 2003/17/EC and 2009/30/EC and Regulation (EC) 1882/2003 - Implementation term - 5 years.

For effectiveness of the implementation of Association Agreement Republic of Moldova - European Union was developed National Environmental Strategy for the years 2014-2023, adopted by Government Decision No. 301 of 24.04.2014. The specific objectives of the Strategy are: ensuring conditions of good governance as well as institutional and environmental management potential efficiency to achieve environmental objectives.

The priority actions, mentioned in the Association Agreement: Republic of Moldova - European Union, clearly state how and ways of harmonizing environmental legislation to the provisions of EU directives in the field.

However the practical implementation of legal and political aspirations in the field of environment is difficult, causes being the poor awareness of the population, poor engineering and economic development, insufficient funding etc.

4. Conclusions and recommendations

1. Moldova's achievements have been assessed regarding measures and actions to harmonize environmental legislative-normative acts to the main EU environmental directives and to environmental standards CEN and ISO requirements.
 2. Comparative analyzes were performed legislative acts of the Republic of Moldova with the relevant EU and international environmental provisions on the main compartments and were presented some proposals to adapt the legislative system to European and international requirements.
 3. Analysis of the environmental legislative and normative system and of the activities for its improvement revealed some basic characteristics and peculiarities:
 - Development of document's system is satisfactory and, in general, meets national requirements in that phase of development of the state;
 - Document's system can provide solving within the "Jure" of the main environmental issues in the Republic of Moldova;
 - Continuous development of international law in this field is a stimulating factor in the performance of converged activities in the Republic of Moldova too.
 4. The national legislation lacks the necessary mechanism to ensure optimal protection and conservation activities of natural resources and ecological monitoring.
 5. It was determined the degree of harmonization of Moldovan legislation to the main European legislation acts – 15 Directives 15 for more environmental compartments mentioned.
 6. The system of environmental legislative and normative acts is an essential lever for ensuring protection activities of the natural environment , is continuously evolving, but requires more effective measures in its implementation at all levels - global, continental, regional, national , etc.
- The above confirms once more the need to boost and streamline development of legislative and normative system in the Republic of Moldova to fulfil all national and international aspirations in environmental protection, to ensure an optimal level of life of all living organisms in our country.

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