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of Foreign Affairs



ALTERNATIVE MONITORING REPORT

ON THE IMPLEMENTATION
OF THE SECTORAL
ANTICORRUPTION
ACTION PLAN
IN THE ENVIRONMENT
PROTECTION SECTOR

FOR THE PERIOD
2018–2020



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ABBREVIATIONS

AMA	„Apele Moldovei” Agency
EA	Environmental Agency
AGMR	Agency for Geology and Mineral Resources
EPI	Environment Protection Inspectorate
NEF	National Environmental Fund
MoARDE	Ministry of Agriculture, Regional Development and Environment
Moldsilva	„Moldsilva” Agency
Plan	Sectoral Anticorruption Action Plan in the field of Environment Protection for 2018-2020, approved by the Government Decision No. 1206 of 05.12.2018
Report	This Alternative Monitoring Report
NIAS	National Integrity and Anticorruption Strategy, approved by the Parliament Decision No. 56 of 30.03.2017
CRI	Center for Reform Implementation
EEE	Electric and Electronic Equipment
GBPI	General Border Police Inspectorate
GD	Government Decision
NAC	National Anticorruption Center
RPD	Registry of Permissive Documents
RIA	Regulatory Impact Assessment
WG	Working Group



PREAMBLE

This Report includes the results of the monitoring and evaluation process regarding the implementation of the Sectoral Anticorruption Action Plan in the field of Environment Protection for the period 2018-2020 (hereinafter referred to as the Plan), being part of the National Integrity and Anticorruption Strategy (NIAS) for 2017-2020, and approved by the Government Decision No. 1206 of 05.12.2018.

Pursuant to Government Decision No 1206 of 2018, the anticorruption objective for the environmental sector was identified based on the Sustainable Development Goal No.16 of the United Nations Organization, taken over from the Sustainable Development Agenda 2030.

The overall anticorruption objective for the environmental sector is strengthening the integrity, responsibility, transparency, and resilience to the risks of corruption among civil servants employed within the administrative authorities and public institutions in the environmental sector. All these taking into account the following problems identified:

- a. Imperfect regulatory framework on environment protection sector;
- b. Fraudulent, illicit, and unauthorized use of natural resources and useful mineral resources, excessive and uncontrolled environment pollution;
- c. Irrational, non-compliant, and non-transparent use of funds designed for environment protection and for restoring the quality of the latter and of the public heritage;
- d. Low effectiveness of the institutional framework in the environmental sector;
- e. The insufficiency of state-of-the-art regulations on technical procedures for carrying out inspections in environmental sector conditioning the effectiveness of the latter;
- f. Low level of transparency in the decision-making process.

The Action Plan sets **4 priorities**, materialized through the implementation of **33 actions**. The public entities responsible for its implementation include the Ministry of Agriculture, Regional Development and Environment (hereinafter referred to as MoARDE), Environmental Agency (hereinafter referred to as the EA), and the Environment Protection Inspectorate (EPI). The MoARDE is the authority in charge to monitor and report on anti-corruption actions carried out on a quarterly basis.

The monitoring and evaluation of the Plan implementation allows:

- a. Identifying and determining the causes of corruption;
- b. Evaluating the implementation of actions for combatting corruption;
- c. Increasing the efficiency of actions aimed at implementing the anticorruption policy;
- d. Evaluating the performance of competences by the public authorities in the field of fighting corruption;
- e. Evaluating the state of corruption;
- f. Preventing corruption offenses;
- g. Developing and forwarding proposals to institutions carrying out anti-corruption activities, etc.

The monitoring process was conducted on basis of a monitoring methodology comprising both quantitative and qualitative indicators (provided below). Each action was attributed scores according to the degree of achievement. As a result of evaluation, there were formulated recommendations for eliminating the deficiencies, as well as proposed actions for strengthening the anticorruption policies in the environmental sector.



METHODOLOGY

The methodology for monitoring the progress recorded in the implementation of anticorruption plans in the environmental sector was developed in September-November 2020.

The monitoring methodology used in drafting the Report is focused on efficiency, transparency, objectivity, and reliability of finding and evaluating the Plan implementation results, taking into account the problems identified. The monitored subjects included central bodies specialized in environment protection, local public administration authorities, as well as other public institutions and organizations, which activity relates to the monitored area.

The system of indicators used included quantitative indicators and qualitative indicators regarding the efficiency in implementing anticorruption measures. The efficiency related indicators differ in terms of direction/goal of the anticorruption measure – corruption prevention, corruption combating, elimination of the consequences of corruption offenses.

The subjects included representatives of central bodies (*Ministry of Agriculture, Regional Development, and Environment*) and institutions specialized in environment protection and sustainable use of natural resources (*Environmental Agency, Environment Protection Inspectorate, „Apele Moldovei” Agency, „Moldsilva” Agency, Agency for Geology and Mineral Resources* (hereinafter referred to as AGRM), *State Hydro-meteorological Service* (hereinafter referred to the SHS), as well as other public institutions and non-government organizations, and the academic sector the activity of which relates to the monitored area.

During the monitoring and evaluation of the Plan implementation results, there were carried out activities framed in three procedural phases:

- I. **DATA COLLECTION:** data relevant to the indicators from the Action Plan were collected through researches carried out on the webpages of responsible authorities, according to the Action Plan, including the webpages of the National Anticorruption Center, National Integrity Authority, and the Parliament. Data were collected through discussions/interviews with the staff of specialized institutions, as well as from the questionnaires filled in by the staff of respective authorities.
- II. **PROCESSING AND SUMMARIZING THE DATA PROVIDED:** data on the implementation by public bodies of measures for fighting corruption were processed, systematized, and summarized. The types of corruption practices and corrupt signals were identified, as the case may be, and further on classified by area or origin: abuses in the distribution of public resources; abuses in the application of sanctions; abuses in carrying out state inspection; abuses in the provision of public services, etc.

III. ANALYZING, EVALUATING THE MONITORING RESULTS AND DRAFTING THE REPORT:

evaluation of the efficiency in the implementation of anticorruption measures. Subsequently, based on the monitoring results, proposals were formulated on how to improve the efficiency of the activity of public bodies, and the report on monitoring results was developed and consulted with the authorities.

The main information sources used in the process of monitoring the Plan implementation included the following:

- official statistic data reflected in the activity reports of the MoARDE;
- mass media monitoring results regarding the coverage of anticorruption topics;
- information on the results of anti-corruption expertise of relevant regulatory acts;
- Official Gazette of the Republic of Moldova;
- official webpages of the public authorities;
- monitoring report on the implementation of the NIAS for 2017-2020, 2019;
- response of the Anti-Corruption Prosecution Office No.13509 of 15 December 2020;
- response of public bodies to the questionnaires developed by the PA EcoContact.

According to the developed methodology, the questionnaire served as a separate research tool (in addition to the analysis of the existing reports, and practices applied in the given area) applied. The questionnaire was based on Anti-Corruption Plans and planned activities. The questionnaire was submitted on-line, in order to facilitate the collection of responses and be accessible to all stakeholders.

The progress in the Plan implementation is evaluated by attributing the following scores for the accomplishment of quantitative (percentage or numerical) indicators. When setting the scoring criteria, the model used by the ACC Monitoring Group was taken into account.

PLISHED	▪ Instance in which all the actions included in the Plan have been implemented and/or all implementation indicators fulfilled
PARTIALLY ACCOMPLISHED	Action involving: ▪ accomplishment as an on-going activity (in which the indicators have been integrally or partially fulfilled) ▪ partial accomplishment (only some indicators have been fulfilled) ▪ initiated activity (no indicator has been fulfilled)
UNACCOMPLISHED	▪ Uninitiated action



EXECUTIVE SUMMARY

As a result of alternative monitoring, a lack of public information on the implementation degree of the actions included in the Plan was found to a large extent.

Thus, based on the available information, we found out that many of the actions included in the Plan were either in the process of implementation, or not implemented:

As a result of monitoring the implementation level of the Plan by respective bodies, we found that 14 out of the total of 33 actions subject to monitoring were accomplished.

	ACCOMPLISHED	PARTIALLY ACCOMPLISHED	UNACCOMPLISHED
Priority I. Monitored actions – 9	4	5	—
Priority II. Monitored actions – 10	2	5	3
Priority III. Monitored actions – 9	5	4	—
Priority IV. Monitored actions – 5	3	2	—
Total monitored actions – 33	14 actions	16 actions	3 actions
Share (%) in total actions	42.42%	48.48%	9.1%

Despite of the fact that the Anticorruption Action Plan in the environmental sector for the period 2018 – 2020 has been uploaded on the webpages of the respective authorities, its content is not fully familiar to the representatives of these institutions. According to the survey results, although the Plan is developed and approved by Government Decision, some respondents ignored the request to answer the questions included in the questionnaire or to participate in discussions, while other institutions have no persons with responsibilities to monitor the implementation of planned actions.



Guvernul Republicii Moldova
Ministerul Agriculturii, Dezvoltării Regionale și Mediului

English **Română** Русский

Minister Legislație Transparența decizională Media Informații utile Petiții Online Întrebări frecvente Cariere Contacte

14. Planul sectorial de acțiuni anticorupție în domeniul protecției mediului pentru anii 2018-2020

Documente atașate:

- [Raport trim. I 2019 Planul anticorupție.doc](#)
- [2. MADRM Raport trim. II 2019 Planul acțiun anticorupție mediu HG 1206 2018.pdf](#)
- [3. MADRM Raport trim. III 2019 Planul acțiun anticorupție mediu HG 1206 2018.pdf](#)
- [4. Raport CNA pe anul 2019-12-07-548 05.02.2020.pdf](#)
- [2. MADRM Raport trim. I-II 2020 Planul acțiun anticorupție mediu HG 1206 2018.pdf](#)
- [3. MADRM Raport trim. III 2020 Planul acțiun anticorupție mediu HG 1206 2018.pdf](#)

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The main challenges faced by the environmental institutions in the implementation of actions included in the Plan are:

- ▶ Imperfect regulatory framework on environment protection;
- ▶ Fraudulent, illicit, and unauthorized use of natural resources and useful mineral resources, excessive and uncontrolled environment pollution;
- ▶ Irrational, non-compliant, and non-transparent use of funds designed for environment protection and for restoring the quality of the latter and of the public heritage;
- ▶ Low effectiveness of the institutional framework in the environmental sector;
- ▶ Insufficiency of state-of-the-art regulations on technical procedures for carrying out inspections in environmental sector conditioning the effectiveness of the latter;
- ▶ Low level of transparency in the decision-making process.

IV

PROGRESS ACHIEVED IN THE IMPLEMENTATION OF THE ACTION PLAN

As a result of alternative monitoring and evaluation of anti-corruption actions in the environmental sector, and of progress achieved in the implementation of actions due by 2020, with fixed/permanent or periodic implementation timeframe, and quarterly, half-year, and annual check of progress indicators, the situation in the environment protection system and sustainable use of natural resources as of the end of the monitoring period looks as follows:

PRIORITY



IMPROVING THE EFFICIENCY OF THE INSTITUTIONAL FRAMEWORK IN THE ENVIRONMENTAL SECTOR WITH THE VIEW TO ENSURE THE INTEGRITY OF AUTHORITIES, INSTITUTIONS, AND ACTIVITIES RELATED TO THIS SECTOR

The following **Outcomes** were set to be achieved for Priority 1:

Result No.1. Regulatory framework on environment protection improved, efficient and applicable, as a result of excluding the recorded ambiguities, flaws, and imperfections;

Result No.2. Environmental institutions operate efficiently as a result of reorganization and delimitation of functions performed and strengthening the technical and financial basis;

Result No.3. All environmental authorities and institutions have approved and are implementing instruments for insuring integrity;

Result No.4. Professionally trained and integral specialists work in environmental institutions.

The structure responsible for the implementation of this action is the **Ministry of Agriculture, Regional Development, and Environment.**

	Action	Progress indicators	Deadline for implementation	Deadline observance	Degree of accomplishment
1.	Adjusting the regulatory acts on environmental sector with the view to exclude imperfections, ambiguous provisions or add missing provisions	<i>Amendments approved to the following acts:</i> - Law No. 209/2016 on Waste Management; Implemented - Water Law No. 272/2011; Implemented - Subsoil Code, No. 3/2009; Initiated - Forestry Code, No. 887/1996; Implemented - Law No. 1538/1998 on State Protected Natural Areas; Implemented - Government Resolution No.150/2010 on Approving the Regulation on the Establishment and Operation of „Moldsilva” Agency, and of the structure and staff limit of the central office of the latter Implemented	4 th Quarter, 2019	The action is underway	PARTIALLY ACCOMPLISHED

During the monitoring process it was stated that:

- **Law No. 209/2016 on Waste Management** was amended by the Law No. 116/2019 (published in the Official Gazette of the Republic of Moldova, No. 306-309, Article 433, of 11.10.2019);
- **Water Law No. 272 of 23.12.2011** was amended by the Law No.64/2020 (published in the Official Gazette of the Republic of Moldova No.115-117, Article 203, of 15.05.2020);
- **Forestry Code No. 887/1996: - partially accomplished** – the draft Government Decision on Approving the new Forestry Code was examined in the meeting of General State Secretaries of 17.10.2019 (unique No. 610/MARDE/2019), https://cancelaria.gov.md/sites/default/files/document/attachments/proiectul_610.pdf.

The draft was also uploaded on the web portal [particip.gov.md](http://www.particip.gov.md) on 18.10.2019 (<http://www.particip.gov.md/proiectview.php?l=ro&idd=6727>).

According to reviews received on the draft Government Decision on Approving the **Forestry Code** (in new wording), the synthesis of objections and proposals was finalized and prepared. By letter No. 15-06/2861 of 02.07.2020, this draft was sent repeatedly for review to interested institutions. The final version of the draft was uploaded repeatedly on www.particip.gov.md (02.07.2020): <http://www.particip.gov.md/proiectview.php?l=ro&idd=7507>

The draft was finalized within the repeated review process, by preparing the synthesis of objections and proposals. Furthermore, with the view to eliminate divergences on the draft Government Decision, additional information was submitted to the Ministry of Finance regarding the provisions of the draft requiring allocation of funds from the state budget (Letter No.15-07/3471 of 06.08.2020). The draft was sent to Lingvistica LLC for translation by Letter No. 15-07/4045 of 07.09.2020.

► **Law No. 1538/1998 on State Protected Natural Areas:** (*Published on 15-06-2018, in Official Gazette No. 195-209, Article 338*):

- Law No. 172 of 27-07-2018 on Amendment of Some Legislative Acts (*Published on 24-08-2018 in Official Gazette No. 321-332, Article 529*);
- Law No. 144 of 19-07-2018 on Amendments and Additions to Law No. 1538/1998 on State Protected Natural Areas (*Published on 24-08-2018 in Official Gazette No. 321-332, Article 517*);

In 2019, the development of a draft law was initiated for amending some legislative acts in the given area, including

- **Law No. 1538/1998 on State Protected Natural Areas.** The announcement on the initiation of respective draft law was posted on the webpage of MoARDE, in the section on “Transparency of the decision making process”, on 08.04.2019 (<http://madrm.gov.md/ro/content/anun%C8%9B-privind-ini%C8%9Biere-elabor%C4%83rii-proiectului-de-lege-pentru-modificarea-unor-acte>).

Currently, the draft Law on Amendment of Some Legislative Acts, including the Law No. 1538/1998 on State Protected Natural Areas is in process of completion based on the proposals received after its review.

► **Government Decision No. 150 of 02-03-2010 on Approval of the Regulation on Establishment and Operation of „Moldsilva” Agency, of the Structure and Staff Limit of its Central Office:**

- Government Decision No. 560 of 31-07-2020 on Amendment of some Government Decisions (*Published on 07-08-2020 in the Official Gazette No. 199-204, Article 699*);
- Government Decision No. 112 of 26-02 2020 on Amendment of some Government Decisions (*Published on 28-02-2020 in the Official Gazette No. 63-68, Article 167*); (*Published on 18-01-2019 in the Official Gazette No. 13-21, Article 07*);
- Government Decision No. 549 of 13-06-2018 on the Foundation, Organization, and Operation of Environmental Agency (*Published on 22-06-2018 in the Official Gazette No. 210-223, Article 603*);
- The draft Government Decision on Amending the Regulation on the Establishment and Operation of „Moldsilva” Agency was approved in Government meeting under No. 560/2020 for the amendment of some Government Decisions.

► **Subsoil Code No.3/2009** – the drafting procedure was initiated; the Working Group was created by Order of the Minister of MoARDE No. 161 of 20.06.2019 on Establishing the Working Group Responsible for Drafting the Law on Amendments to Subsoil Code No. 3/2009. The Working Group is comprised of representatives from different state structures with activities relevant to the area of extractive industries, academic sector, and civil society organizations.

During the evaluation of developed and approved acts, the experts found out that the amendments relate to the terms, procedures, and conditions of allocation for use, which essentially fall within the scope set for the given action. At the same time, the development/adjustment of the legal framework on environment is provided for in several planning documents and constitutes an on-going process based on monitoring reports. Right now, the Water Law, No. 272 of 23.12.2011 is being broadly revised, and, respectively, it is necessary to follow the process so as not to leave room for interpretation or vulnerability to corruption actions. The same approaches should be applied with regard to Law No. 1538/1998 on State Protected Natural Areas, which is planned to draft in a new version.

During the discussions organized with representatives from institutions, the latter mentioned several **deficiencies** related to the implementation of this action, and namely:

- ▶ The drafting process is rather complex. Pursuant to Law No.100/2017 on Regulatory Acts, there are several stages that should be followed; it requires the involvement of an increased number of specialists and experts, as well as narrow technical expertise in several areas; and, respectively, the process usually lasts more than two (2) years;
- ▶ Staff shortage, staff turnover and overloading of employees with bureaucratic activities.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
2.	Drafting and promoting regulatory acts for aspects that are insufficiently regulated (management of waste and chemical substances, air protection, management of genetically modified organisms)	<i>Amendments approved in the following acts:</i> ▪ Law on Ambient Air Protection; ▪ Law on Chemical Substances; ▪ Law on Genetically Modified Organisms; ▪ 7 regulatory acts for the application of the above approved laws.	Implemented Implemented 6 acts implemented; 1 act initiated	4 th Quarter of 2020	Action underway	PARTIALLY ACCOMPLISHED

The entity responsible for the implementation of this action is the *Ministry of Agriculture, Regional Development and Environment*.

In the process of monitoring the implementation of Plan, the experts stated that the Indicator 1: (3 laws approved) was achieved. It was established that:

Law No. 277 of 29-11-2018 on Chemical Substances (Published on 15-02-2019 in the Official Gazette No. 49-58, Article 109) was adopted, observing the anti-corruption requirements set in the NAC review of 06.04.2016.

Law on Ambient Air Quality (draft version) – which, in fact, substitutes the Law on Ambient Air Protection, is currently under examination in Parliament commissions.

The analysis of provided documents showed that the Working Group of the State Commission for Regulating Entrepreneurial Activity provided a positive legal opinion on the Regulatory Impact Assessment (RIA) of the Law. On 16 July 2020, the draft Law was examined in the meeting of State Secretaries under unique No. 538/MARDE/2020. Following the first stage of legal review and expertise, the draft Law was finalized and submitted to the interested institutions for repeated legal review on 22.10.2020. The draft Law on Ambient Air Quality was approved by Government Decision No. 863/2020 (published in the Official Gazette No. 332-342, Article 863, of 11.12.2020) and submitted to Parliament for adoption.

Law on Genetically Modified Organisms (draft version) – Currently, this draft Law is under examination in Parliament Commissions.

It was found out that the legal review on the Draft Law on Genetically Modified Organisms was approved on 20.08.2018, based on Government Decision No. 813. During January-September 2020, the draft was examined and given a positive legal review in the meeting of the Working Group of the State Commission for Regulating Entrepreneurial Activity of 3 March and 28 April 2020. The draft Law was examined in the meeting of General State Secretaries (under unique No. 515/MARDE/2020) and submitted for examination and clearance in compliance with the provisions of the legislation. The draft Law was finalized in accordance with the legal reviews received, and the synthesis of objections and proposals prepared. The Law on Genetically Modified Organisms was approved by Government Decision No. 961/2020 (published in the Official Gazette No. 1-8, Art. 4 of 08.01.2021), and submitted to Parliament.

INDICATOR 2: includes 7 regulatory acts for the application of approved laws. The monitoring process showed that 6 regulatory acts were approved and qualified as implemented, while one regulatory act is still pending approval.

1. Government Decision No. 645 of 17.12.2019 on Amending Government Decision No. 81/2009 on Approving the Regulation on Polychlorinated Biphenyls (Official Gazette, 2019, No. 380 -387, Article 979);
2. Order of MoARDE No. 190 of 07.08.2019 on Approving the Guidelines for Facilitating the Implementation of the National Registry of Emissions and Transfer of Pollutants (published in the Official Gazette of 2019, No. 367-377, Article 2053);
3. Government Decision on Approving the Regulation on Export and Import of Hazardous Chemical Products, No. 505 of 15.07.2020 (enforced on 31.01.2021) (Official Gazette of the Republic of Moldova No. 194-197, Article 670 of 31.07.2020);
4. Government Decision No. 535 of 20.07.2020 (*enforced on 31.08.2020*) on Approving the Technical Concept of the Automated Information System „Registry of Chemical Products Placed on the Market of the Republic of Moldova” (published in the Official Gazette of the Republic of Moldova No.194-197, Article 672, of 31.07.2020);
5. Government Decision No. 561/2020 on Approving the Regulation on Packaging and Packaging Waste (OG. 2020, No. 212-220, Article 743);
6. Government Decision No. 586/2020 on Approving the Regulation on Batteries and Accumulators, and Battery and Accumulator Waste (OG, 2020, No. 221-225, Art. 760);

7. Regulation on the Foundation, Organization, and Operation of the National Agency for Regulating Nuclear, Radiological, and Chemical Activities – the draft is developed, but not approved yet. The Working Group of the State Commission for Regulating Entrepreneurial Activity examined the RIA, assigned unique number 648/MARD/2020 to it, and submitted it to the NAC by Letter No. 14-07/5877 of 30.12.2020. The RIA is developed and discussed with experts and specialists; the Regulation is undergoing the evaluation of corruption risks and integrity by the NAC.

For the purpose of strengthening the regulatory framework on waste management, implementing the provisions of **Law No. 209/2016 on Waste Management**, as well as the Association Agreement, during the reporting period, a draft Regulation on Waste Transfer was developed and is now in the phase of preparing the synthesis of received legal reviews and completion.

During the discussions with representatives from institutions, the latter mentioned several **deficiencies** in the implementation of this action:

- ▶ Similar to those indicated for Action No.1.
- ▶ In addition, they mentioned as a risk in accomplishing the Indicator No.2 the fact that the expert team that used to provide support to the responsible unit from MoARDE terminated the contract due to a dispute between the Director of EPIU and the Expert Team Leader which was not settled by MoARDE Administration.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
3.	Reorganizing and reforming „Moldsilva» Agency and „Apele Moldovei» Agency, as well as the state enterprises founded by the latter with the view to clearly delimit the functions for the protection of natural resources from the functions for rational economic use of natural resources	▪ 2 regulatory acts approved, including with integrity elements; ▪ 2 environmental administrative authorities reorganized („Apele Moldovei Agency, and „Moldsilva” Agency)	Initiated Initiated	2 nd Quarter of 2019	Action underway	PARTIALLY ACCOMPLISHED

The structures that are responsible for the implementation of this actions are: The *Ministry of Agriculture, Regional Development and Environment*, „Apele Moldovei” Agency, and „Moldsilva” Agency.

Based on Government Decision No. 301 of 24.04.2014 on Approving the *Environmental Strategy for 2014-2023* and the *Action Plan for its Implementation*, **Specific Objective No 1: Ensuring conditions for good governance and efficiency of the institutional and managerial potential in the environment protection area**, by the end of 2018, the reform in the environmental sector was partially completed, and namely the Environmental Agency

and the Environment Protection Inspectorate (through reorganization of the Ecological Inspectorate) were established by Law No.185 of 21.09.2017 *on Amendments and Additions to Some Legislative Acts*. It is worth mentioning that through the reform carried out by the *Center for Reform Implementation* (CRI), the Ministry of Environment was reorganized by merging the Ministry of Agriculture and Food Industry with the Regional Development related activities, **forming the Ministry of Agriculture, Regional Development, and Environment**, approved by Government Decision No.594 of 26.07.2017 on Restructuring the Specialized Central Public Administration.

We would like to draw the attention on the fact that the *Environmental Strategy approved by the Government Decision No. 301 of 24.04.2014* indicates that [... the Strategy provides for carrying out an essential institutional reform in the environmental sector for the first 4-5 years, by which it is intended to reorganize the specialized institutions, and create new institutions for the purpose of improving the operational capacities and optimizing the public spending]. It should be mentioned that the reform carried out by the CRI was done in fragmented, was lacking a complex strategic vision. As a result, a number of deficiencies were identified, being considered to pose risks of vulnerability to corruption acts and integrity.

Action No.3, which envisions continuation of the institutional reform of two authorities, „Apele Moldovei” Agency and „Moldsilva” Agency. The monitoring process showed that, for accomplishing **Indicator 1**, there were approved two acts:

- By the Government Decision No. 560 of 31.07.2020 **on Amending some Government Decisions** (published in the Official Gazette, No. 199-204, Art. 699 of 2020), the **amendments were introduced into the Government Decision No. 150/2010 on Approving the Regulation on the Organization and Operation of „Moldsilva” Agency, the Structure and Staff Limit of the Central Office of the Latter**.

As a result of evaluating the above-mentioned act, we found that the latter only partially regulates the provisions falling under anti-corruption and integrity aspects, as it establishes the structure of the central office only, and the amendments in Annexes. Therefore, the reform process cannot be stated as finalized.

- The **draft Government Decision on the Organization and Operation of „Apele Moldovei” Agency** is in process of development and promotion. The discussions and consultations within the Working Group took place during 2019 and 2020. Currently, the RIA is being developed.

As for the evaluation of results under the **Indicator 2**: 2 environmental administrative authorities were reorganized, and we can state that the process has been initiated.

- By the Government Decision No. 560 of 31.07.2020 on Amending some Government Decisions (Official Gazette No. 199-204, Art. 699, of 2020) **amendments were introduced to Government Decision No. 150/2010 on Approving the Regulation on the Organization and Operation of „Moldsilva” Agency, the Structure and Staff Limit of the Central Office of the latter, which is focused on changing the organizational structure of the central office, subsequently followed by the reorganization of subordinated structures (state enterprises)**. To date, with the support of the UK Embassy to the Republic of Moldova, a functional review is being carried out, and recommendations will be provided on how to reorganize the forestry institutional system.

- ▶ The action related to „**Apele Moldovei**” Agency will be considered completed upon approval and implementation of the Government Decision. The draft Government Decision on the Organization and Operation of „Apele Moldovei” Agency is in the process of development and clearance.

During the discussions held with the representatives of concerned institutions, there were mentioned a number of **deficiencies**, among which:

- ▶ Those indicated for Action No.1. – in the case of „Apele Moldovei” Agency;
- ▶ While in relation to „Moldsilva” Agency, the list of difficulties includes the **high pressure** on behalf of those interested in uncontrolled deforestation of forest lands, and in insuring hunting activities with limited state control, and in the lack of interest for creating state protected natural areas.
- ▶ Lack of a complex and integrated approach to environmental institutional system. None of the two institutions were reorganized in the same time with the Environmental Agency and Environment Protection Inspectorate, which is considered to have been wrong and leading to a stagnation and delay in performing the tasks and duties. It is a known fact that along with the reorganization performed in 2018 there were withdrawn staff units, some duties, and the budget from both institutions, which stagnated the progress in developing the two Agencies and implementing the regulatory acts on environment. Among all, increasing the number of conflicts/infringements in the field of water management, drought and floods, illicit loggings, poaching, and illegal fishing.
- ▶ Public budget austerity with regard to reforming the institutional framework, and the lack of specialists in environmental economy leads to deficiencies in the activity of institutions.
- ▶ There are more institutions involved in the environmental sector, while the Agency for Geology and Mineral Resources, and the State Hydro-meteorological Service are not indicated in the institutional reform process, although this is highly necessary to do in terms of good governance of environment. We would like to also highlight that the National Agency for Regulating Nuclear and Radiological Activities is the last public institution subordinated to MoARDE, which should be reorganized by attributing the tasks related to management of chemical substances to it. The monitoring of such reorganization falls under the Action 2, which is initiated.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
4.	Ensuring the functionality of Environmental Agency, a newly created institution under the subordination of the Ministry of Agriculture, Regional Development, and Environment, with the main function to issue environmental permissive documents	- The staff limit and employment scheme approved for the Environmental Agency; - The budget required for its operation approved; - The competition for filling the positions of civil servants organized in a transparent manner	Imple- mented Imple- mented Imple- mented	1 st quarter of 2019	Action underway	ACCOM- PLISHED

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment*, the „Apele Moldovei” Agency, and the *Ministry of Finance*.

According to responses provided in the questionnaire sent to the Environmental Agency, the following was done for insuring the functionality of Environmental Agency (GD No. 549/2018 on the Creation, Organization, and Operation of Environmental Agency):

- In 2019 and afterwards, in September 2020, proposed amendments regarding the staff limit and employment scheme of the Agency were forwarded to MoARDE.
- All the activities for ensuring the functionality of the Environmental Agency were carried out: staff limit approved, employment scheme approved, internal regulations, job descriptions, working conditions insured, etc.
- The competitions for filling the public positions were organized in a transparent manner.

Staff recruitment and promotion was based on merit and professional integrity (Art.11 of the Law on Integrity, No.82/2017 establishes that recruitment and promotion in position of civil servants in public entities shall be done through public competition, in accordance with transparent criteria and selection of objectives based on merit, professional qualification, capacity, competence, and professional integrity, without favoring private interests or any forms of discrimination based on gender, race, language, political or any other opinion, national or social origin, or other forms of discrimination, in compliance with the provisions of special legislation regulating the activity of different categories of public entities and agents).

The recruitment procedure in the Environmental Agency is insured under the conditions of Law No.158-XVI of 4 July 2008 on Public Function and Statute of Civil Servants, and Government Decision No.201/2009 on Applying Law No.158/2008.

The Selection and Recruitment Commission for filling the vacant public positions of the Environmental Agency was created by Order No. 54-p of 3 October 2016.

According to the evaluation report on institutional integrity of the Environmental Agency, developed by the NAC, during 2019 - 2020 (6 months), the Environmental Agency organized 35 competitions (in 2019 - 33; and in 2020 - 2), including 11 competitions for managerial positions resulting in employment of 21 persons. Along with this, during the same period, 8 persons were promoted in public positions. It should be mentioned that the job announcements, the list of candidates admitted to the test in writing and interview, including the list of winners are all posted on the webpage of the Agency, in the “Vacant Positions” section. In addition, it should be mentioned that Art.11, par. (2), item a) of Law 82/2017 provides that upon recruitment and promotion of civil servants based on competition in compliance with the selection criteria set in par. (1), Art. 11 of Law 82/2017, the manager of the public institution shall **request the professional integrity certificate**, information on unsettled incompatibilities, and sanctioned conflicts of interest. Although employment in public positions shall be done by observing the obligations provided for in Art.11, par. (2), item a) of Law 82/2017, including by requesting the professional integrity certificate. In such circumstances, by neglecting the obligation to request the professional integrity certificate from the candidates, the risk of employing persons who did not prove their professional integrity during the tests in public positions has a high potential to materialize.

During the discussions, it was difficult to find out if any potential conditions for plagiarism were excluded during the tests in writing, in a transparent manner.

We consider that the poor knowledge on environment, the lack of special studies in environment area or the lack of confirmation of the past experience in environmental area represent a risk of vulnerability in countering corruption. This is due to the fact that the civil servants do not report and do not perceive the potential risks for the environment that could be caused by the actions of the state and/or economic entities.

When evaluating the action No.4, the following **deficiencies were identified**:

- ▶ Ignorance of the provisions of the current regulatory framework on integrity by civil servants responsible for organizing the competition;
- ▶ Employment of specialists without special education in environment related areas or without confirming such experience.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
5.	Creating units with integrity functions in the created/ reorganized environmental institutions and training the staff of the latter on how to implement integrity instruments	4 units created in environmental institutions subordinated to the Ministry of Agriculture, Regional Development, and Environment;	Partially implemented	3 rd quarter of 2019	Action underway	PARTIALLY ACCOMPLISHED
		4 civil servants recruited in the created units and trained	Not implemented			

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment, Environmental Agency, „Apele Moldovei” Agency, „Moldsilva” Agency, Environment Protection Inspectorate, and National Anti-Corruption Center.*

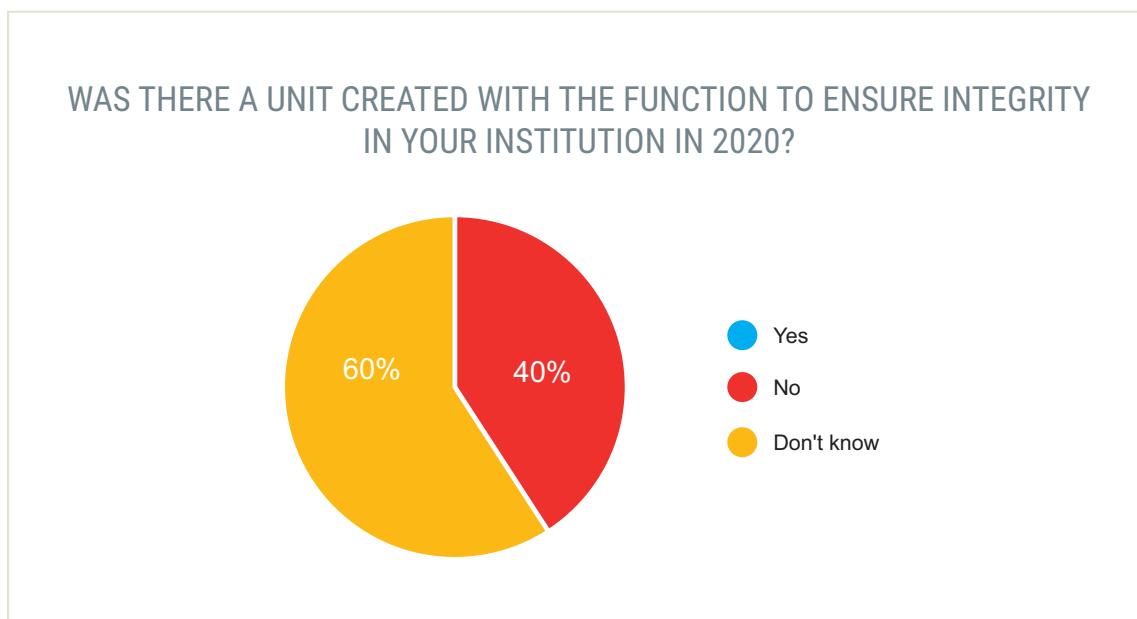
For the accomplishment of the **indicator 1**: 4 units were created in environmental institutions subordinated to the Ministry. We found out that a unit with integrity functions is created and operational within the **Environment Protection Inspectorate** since 2018, with the approval of the staff limit of the institution. The [„Anti-Fraud and Anti-Corruption Policy of the Environment Protection Inspectorate”](#) was approved by EPI Order No. 62 of 02.09.2019.

It should be mentioned that during 2019, no special integrity unit was created within the **Environmental Agency**, however a person was designated as responsible for ensuring integrity and coordinating the integrity related

issues in the institution (Order No. 29a of 27 June 2019). The Activity Report of the Environmental Agency for 2020 does not reflect any activity carried out in this area.

„Apele Moldovei” Agency and „Moldsilva” Agency will proceed to establishing a special integrity unit and designating the person responsible for insuring integrity within their institutions after approving their new Reorganization Regulations.

Responses to the questionnaire revealed the following:



As the responsible institutions, except for the Environment Protection Inspectorate, failed to create such position in their staff, no dedicated trainings were conducted. **Indicator 2** is not accomplished.

Identified deficiencies include:

- ▶ Lack of staff in the institutions;
- ▶ Slow implementation of the institutional reform, and
- ▶ Ignorance by the administration of institutions of responsibilities established in the Sectoral Anti-Corruption Plan in the Environmental Sector.

It is important for all the institutions subordinated to the Ministry (*Environmental Agency, “Apele Moldovei” Agency, “Moldsilva” Agency, Environment Protection Inspectorate, Agency for Geology and Mineral Resources, and State Hydro-meteorological Service*), including for MoARDE to dedicate **units with integrity functions** in the completion stage of the institutional reform in the environmental sector.

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment, Environmental Agency, “Apele Moldovei” Agency, “Moldsilva” Agency, Environment Protection Inspectorate, Agency for Geology and Mineral Resources, State Hydro-meteorological Service, and National Anti-Corruption Center*.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
6.	Initial and continuous training of civil servants employed in environmental institutions on environmental conducts and professional integrity	100 civil servants from environmental institutions trained annually	Implemented	2 nd quarter of every year	Action underway	ACCOMPLISHED

While evaluating this activity, the **indicator** of 100 civil servants from environmental institutions annually trained was achieved.

During 2019, over **104 civil servants** participated in professional development courses, including:

- *Environmental Agency* - **81 civil servants**;
- *„Apele Moldovei” Agency* - **6 civil servants**;
- *„Moldsilva” Agency* - **8 civil servants**;
- *Agency for Geology and Mineral Resources* - **4 civil servants**;
- *Environment Protection Inspectorate* – insured the initial training of **5 civil servants** employed for a probation period; there were organized 5 general trainings on 16 topics (on waste management) for environmental inspectors from the country. The staff participated in 187 meetings, seminars and conferences organized by other institutions.

During 2020, **48 civil servants** attended professional development courses, including:

- *Environmental Agency* – **6 civil servants**. Training plans were developed for 6 debutant civil servants.
- *„Apele Moldovei” Agency* – **4 civil servants**;
- *„Moldsilva” Agency* – **4 civil servants**; According to the report on the results of institutional integrity evaluation carried out at „Moldsilva” Agency (p.32): The Agency reports that trainings are held whenever necessary and during 2 years, there were trained 26 persons;
- *Agency for Geology and Mineral Resources* - **6 civil servants** (training course were held on-line);
- *Environment Protection Inspectorate* – **12 civil servants**. During 2020 the staff participated in 347 meetings, seminars, and conferences organized by other institutions;
- *State Hydro-meteorological Service* carried out initial training for **6 employees** in the field. At the same time, **10 persons** benefited from training on occupational safety from budget funds, while 2 persons were trained at the Academy of Public Administration. (Note that the SHS staff have a civil servant statute).

We should mention that during 2020, due to the suspension of the professional development process during the lockdown, the staff of subordinated environmental institutions had a limited access to professional development courses.

During 2020, the staff of subordinated environmental institutions participated in trainings as follows.

Environmental Agency:

With the view to inform the staff of the Environmental Agency on environmental conduct and professional integrity, all the EA civil servants, including the new employees were familiarized with the following regulatory acts:

- Order No. 13 of 28.02.2019 on Approving the Code of Conduct of civil servants within the Environmental Agency;
- Order No. 76p of 13.02.2019 on Approving the Regulation on Record Keeping, Evaluation, Storage, Use, and Redemption of Symbolic Gifts Offered out of Courtesy or on the Occasion of Certain Protocol Actions.

The annual training plan for the staff of the Environmental Agency for the year 2020 was approved in the first quarter of 2020, covering the budget allocations for the professional training of the staff in the amount of 10 thousand lei. So, during 2020, the EA employees participated in over 20 trainings held on-line and off-line. The list of trainings is included in the Annex 1 to this Report.

Environment Protection Inspectorate:

The staff participated in the following meetings, seminars and conferences organized by other institutions.

1. Sub-regional training seminar „Implementation of the Provisions of Association Agreements on Deep and Comprehensive Free Trade Area (DCFTA) in the field of Environment Protection”. (26-30 October 2020);
2. Training seminar for the EMI staff dedicated to ONLINE implementation of the National Platform for Reporting Environmental Problems. (11.05.2020).

There is no data on the number of civil servants from the **„Apele Moldovei” Agency**, **„Moldsilva” Agency**, and **Agency for Geology and Mineral Resources** who participated in professional development and training courses.

The difficulties identified in the implementation of this activity relate to:

- ▶ The lack of persons with duties to monitor the Plan implementation in the subordinated institutions; and
- ▶ The lack of a system aimed at insuring correct and constant collection of indicators at the level of institutions.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
7.	Training of civil servants newly hired within the Environmental Agency on efficient implementation of the environmental legislation.	5 trainings carried out by Environmental Agency;	Implemented	3 rd quarter of 2020	Accomplished	ACCOMPLISHED
		80 civil servants trained	Implemented			

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment, and Environmental Agency*.

In the process of information collection for the purpose of monitoring Activity No. 7, we found that:

- During **2019**, over **60 civil servants** from the *Environmental Agency* participated in professional development courses.
- During **2020**, over **35 civil servants** from the *Environmental Agency* participated in professional development courses.

Trainings carried out in 2020:

- Training seminar under the project „Support for the application of the legislation on waste management in the Republic of Moldova”, 29 January 2020 (9 participants);
- Professional training for the accreditation of the Environmental Reference Laboratory, 04-06 February 2020 (2 participants);
- Workshop on the topic „Statistics on Electric and Electronic Waste”, 20-23 January 2020, organized in Moscow, Russia (1 participant);
- Regional training seminar under the EU4Climate Project on Green House Gas Emissions Monitoring, Reporting, and Verification Systems, 17-21 February 2020, held in Vienna, Austria. This event included study tours to the Environmental Agency in Austria, and to the European Environmental Agency in Denmark (1 participant);
- Training course on the topic „Development and Coordination of Draft Regulatory Acts”, organized by the Academy for Public Administration within 09-11 March 2020 (1 participant).
- In June 2020 there were conducted 3 online seminars dedicated to the regulatory framework on the management of chemical substances and waste chemicals in the Republic of Moldova (around 50 civil servants trained, including from the Environmental Agency).

It should be mentioned that during 2020, given the suspension of the professional development process for the emergency situation period, the staff of subordinated environmental institutions had limited access to such courses.

According to the EA Report for 2020, training plans were developed for 5 debutant civil servants. The training plans were implemented during the probation period, when the debutant civil servants were provided time for training as needed, including for individual study for the purpose of gaining theoretical knowledge and practical experience required for exercising the public function.

Debutant civil servants were also delegated to participate in the training courses organized by the Academy for Public Administration on: „Development and Coordination of Draft Regulatory Acts” on 09-10 March, 22 September, and 01-03 December – 2 participants; „Professional Integration in Public Function”, on 19-23 October, 07-11 December – 2 participants; „Strategic and Operational Planning in Public Administration”, on 14-18 December – 1 participant; and „Leadership in Public Administration”, on 27-29 October – 1 participant.

The Annual Training Plan for the staff of Environmental Agency for 2020 was approved and allocated budget funds in the amount of 11.1 thousand lei. At the same time, during this period, the EA staff participated in the following trainings:

1. Training on occupational safety and health, 20-24 January 2020 (**1 participant**);
2. Training seminar under the Project „Support for the Application of the Legislation on Waste Management in the Republic of Moldova”, 29 January 2020 (**9 participants**);
3. Professional training for the accreditation of the environmental reference laboratory, 04-06 February 2020 (**2 participants**);
4. Workshop on the topic „Statistics of Electric and Electronic Waste”, 20-23 January 2020, held in Moscow, Russia (**1 participant**);
5. Regional training seminar under the EU4Climate Project on GHG emissions monitoring, reporting, and verification systems, 17-21 February 2020, held in Vienna, Austria. This event included study tours to the Environmental Agency in Austria, and to the European Environmental Agency in Denmark (**1 participant**);
6. Training course on the topic „Development and Coordination of Draft Regulatory Acts”, organized by the Academy for Public Administration within 09-11 March 2020 (**1 participant**).
7. At the same time, **8 civil servants** from the Agency participated in 3 training seminars on aspects related to the application of articles on authorization, data reporting, and control of the Law on Waste No. 209 of 2016, organized under the Project “Support for the application of the legislation on waste in the Republic of Moldova”, while **4 civil servants** participated in the on-line training on the „Application of the Standard Cost Methodology” in the process of regulating business activity.

Taking into account the emergency situation, the staff participated in the following on-line trainings organized by the Agency: - Professional Integration in Public Function - (19-23 October) – **1 participant**; - Management of Public Services (19-21 October 2020) – **1 participant**; - Leadership in Public Administration (27.10 – 29.10.2020) – **1 participant**; - Improving the Efficiency of Professional Activity in Public Administration (10-12.11.2020) – **2 participants** – Organizational Management (09-13.11.2020 and 23-27.11.2020) – **2 participants**. – Development and Coordination of Draft Regulatory Acts - 01- 03.12.2020 – **1 participant**; - Strategic and Operational Planning in Public Administration - 30.11.2020 - 04.12.2020 – **2 participants**; Also, **1 representative** from the Environmental Agency participate in the on-line training and information seminar on the

topic „Organization of Archives in Enterprises/Institutions”, organized by State Enterprise „Training Center in Labor Relations” on 28.10.2020, and **1 representative** in the workshop on „Human Resource Management and Development in the Civil Service of the Republic of Moldova”, organized by the State Chancellery of the Republic of Moldova, on 29.10.2020.

During the discussions that took place in the monitoring period, there were identified a number of deficiencies in the implementation of this indicator, and namely:

- ▶ The lack of a transparent system of delegation for trainings, particularly abroad, which causes traffic of interest aspects and vulnerability to corruption and loyalty acts;
- ▶ The lack of interest on behalf of the staff to participate in trainings for fear to be rejected by the administration to participate in trainings, including those organized abroad;
- ▶ Narrowly formulated indicator (for example, the study tours are not perceived as actions that fit into the given indicator);
- ▶ The lack of framework at institutional system level for ensuring continuous staff training by applying credit systems, which would allow insuring transparency in the approval of decisions on promotion in position, delegation for studies or trainings, and awarding of bonuses.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
8.	Training the civil servants of local public administration authorities and private sector representatives on integrity, environmental conduct and management of conflicts of interest in the process of applying the legislation on environment and use of natural resources	• 10 training courses carried out; • 100 civil servants of local public administration authorities trained annually; • 100 representatives of business environment trained annually	Partially implemented	Permanently, by checking annually	Action underway	PARTIALLY ACCOMPLISHED

The structures responsible for the implementation of this action are the *National Anti-Corruption Center, Environmental Agency, and Environment Protection Inspectorate*;

During **2020**, the civil servants from institutions subordinated to MoARDE, such as the *Environmental Agency, “Apele Moldovei” Agency, “Moldsilva” Agency, Agency for Geology and Mineral Resources, and Environment Protection Inspectorate* participated in the training courses held by the NAC on integrity, conduct and management of conflicts of interest. Thus:

- Within 29-30.10.2020, a training course on „Anti-Bribe Management System SM ISO 37001:2016” was organized by the NAC jointly with the Standardization Institution (INS) via ZOOM platform (**15 civil servants**);
- On 11.12.2020, the NAC organized a workshop on the new mechanism for corruption prevention - “reLAWed” Platform, held on-line, via ZOOM platform (**12 civil servants**).

It should be mentioned that during 2020, the staff of subordinated environmental institutions had a limited access to professional development courses due to the suspension of this process during the lockdown period.

The **difficulty** identified in the implementation of this activity relates to the lack of coordination of activities between the concerned institutions, which fact was confirmed during the discussions held with the representatives of interviewed structures.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
9.	Organizing and conducting information campaigns on integrity, environmental conduct and diminishing corruption risks in the environmental sector	3 audio, video or graphic spots developed and broadcasted on TV and radio stations, as well as distributed via social media networks	Partially implemented	3 rd quarter of 2020	Action underway	PARTIALLY ACCOMPLISHED

The structures responsible for the implementation of this action are the *Environmental Agency, Environment Protection Inspectorate, „Apele Moldovei” Agency, „Moldsilva” Agency, and Agency for Geology and Mineral Resources*.

It can be stated that the **Indicator**: - 3 audio, video or graphic spots developed and distributed via TV and radio stations, and social media networks is partially accomplished.

According to discussions with MoARDE representatives, this action is difficult to implement, as it is not within the area of competence of these institutions to develop audio and video spots, which, at the same time, involve additional financial resources that have not been included in the budget for budgetary austerity reasons.

During the meeting with the EPI representative, the latter also mentioned the lack of financial allocations in the budget plan for the development of audio/video spots.

Analyzing the webpages of the given structures, we found out that the environmental institutions broadly used their official webpages for unfolding public information and awareness raising campaigns on environmental integrity and conduct.

Respectively, the *Environment Protection Inspectorate* published over 208 materials on the observance of environmental legislation and results of ecological control. The EPI organized publications in the local and national written press, other than the EPI webpage – 73, participated in radio and TV programs at local and national level – 27 programs.

In the same context, during 2020, the staff of the Environmental Agency gave two interviews on TV within the reports on recreational fishing. At the same time:

- An article was developed and published on the “Status of Environment at National Level” in the context of the World Environment Day.
- Teaching material on the „Importance of Biodiversity Protection and Conservation” was developed and sent to the Ministry of Education Culture and Research for the ecological class hour organized during the European Green Week; and
- Other activities.

There were published 20 press releases for covering the days of environmental significance.

As **deficiencies** in the implementation of this activity the interviewed persons mentioned the following:

- ▶ The Plan is not covered by the budget, while the EA claims that the actions for developing video spots are not under their competence.
- ▶ The lack of a constructive dialogue between the environmental institutions and the projects implemented in different areas which have a visibility and communication component;
- ▶ The narrow formulation of the indicator and the need for reviewing the latter to insure its achievement;
- ▶ The lack of a communication strategy on environment component (except for the water component, the strategy on which was approved in April 2019 by Order of the Director of „Apele Moldovei” Agency, and developed within the Environmental Agency;

PRIORITY



IMPROVING THE EFFICIENCY OF THE MANAGEMENT OF NATURAL RESOURCES AND FINANCIAL RESOURCES DESIGNED FOR ENVIRONMENT PROTECTION

For Priority 2, the following **Results** were established to achieve:

Result No.1. Measures for reducing the anthropogenic impact on natural resources and on environment implemented;

Result No.2. Efficient system for authorization/permitting and sanctioning applied to combat environmental misdemeanors;

Result No.3. Financial resources designed for environment protection activities efficiently and transparently managed, high discipline of project beneficiaries in observing the project conditions;

Result No.4. The activity of the National Environmental Fund reorganized and efficient

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
10.	Improving the efficiency of the system for the authorization of activities with impact on environment	Regulatory act introducing the integrated environmental permit approved;	Partially implemented	3 rd quarter of 2020; 4 th quarter of 2019; Permanently, by checking on annual basis	Action underway	PARTIALLY ACCOMPLISHED
		one stop shop for issuing environmental permissive documents implemented;	Partially implemented			
		the list of permissive documents of the beneficiaries of the latter published on the official webpage of the Environmental Agency	Implemented			

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment*, and „Apele Moldovei” Agency.

The transition to a new authorization system in the environmental sector is based, among others, on the following reasons:

- The **permitting system** for emissions discharged into the air, water, and soil is established for economic entities (legal persons), but not for each installation (source of pollution) which is in the same location or discharges the same emissions (for e.g., public institutions are not obligated to obtain a permit for emissions, although they have the same boiler-room system as an economic entity).
- The lack of a **technical-legal document** that would guide the economic entities in the process of aligning to the environmental requirements throughout the validity term of the environmental permit (water, soil or air). To date, the permit does not set mandatory conditions and/or parameters for the operation of an existing or a new activity with possible significant impact on the environment, upon putting the latter into operation, making just references to the quantities of emissions that may be discharged.
- The lack of an **integrated and traceable system** between the estimation of emissions, authorization of the use of natural resources, self-monitoring, control over the fulfilment of conditions/measures set in the permits, reporting of emissions and payment for the environment pollution. Currently, these steps are fragmented and there is no clear connection between each stage of the environment administration system, which fact complicates the operation of economic entities and leads to economic losses for the state.

Respectively, the accomplishment of **Indicator 1**, *Regulatory act for the introduction of integrated environmental permit approved* is drafted and undergoing consultation and promotion within the Government for approval.

The following actions were taken with the view to improve the efficiency of the system for the authorization of activities with impact on the environment in 2020:

- to prevent industrial pollution from economic activities with impact on the air, water, and soil, a draft Law on Industrial Emissions was developed and submitted for legal review/consultation. It includes the integrated environmental permit issuance mechanism (transposing Directive 2010/75/EU on Industrial Emissions, and Directive 2015/2193 on Limitation of Emissions into the Atmosphere of Certain Pollutants from Combustion Plants). The draft Law on Industrial Emissions was developed with the support of GIZ Project „Capacity Building for the Climate Change Policy in South-Eastern Europe, Eastern Europe, South Caucasus, and Central Asia, Phase III” and a team of international and national experts.
- the draft **Law on Industrial Emissions** was developed and approved in the meeting of the Working Group of the State Commission for Regulating Entrepreneurial Activity of **26 May 2020** (Minutes No.16 of 26 May 2020).

Indicator 2. One-stop-shop for issuing environmental permissive documents implemented.

According to collected data, we found that the **one-stop-shop** was fully put in place in the first quarter of 2020, receiving requests for the issuance of environmental permissive documents within the Environmental Agency. Thus, via the Information System “One-Stop-Shop for the Issuance of Permissive Documents (SIA GEAP), there were registered 617 requests for permissive documents, of which 529 requests were accepted for processing, as all the required documents had been submitted. Another 28 requests were rejected due to non-compliance with the legal requirements. Around 508 permissive documents were issued through the SIA GEAP, while 34 requests for the issuance of permissive documents were recorded and 23 permissive documents issued through the SIA MD. There were also recorded 12,971 requests for the issuance of sports, entertainment, and amateur fishing permits, and the same number of permits issued through the “e-Fishing” Automated Information System (SIA „e-Pescuit”).

In 2020, the following four (4) automated information systems were used within the Environmental Agency.

1. <https://actpermisiv.gov.md>;
2. <https://e-pescuit.mediu.gov.md>;
3. <https://siamd.gov.md>;
4. documente.mediu.gov.md

The **Environmental Agency**, jointly with the SIA GEAP developer tried to integrate all those 15 types of environmental permissive documents in this system.

According to the study “The Cost of Regulation: How to calculate the fees for the issuance of environmental permissive documents?” developed by EcoContact and ExpertGrup NGOs in 2020 <https://www.ecocontact.md/2020/12/28/costul-de-reglementare-cum-calculam-taxa-de-eliberare-a-actelor-permisiive-in-domeniul-mediuului/>, the Environmental Agency now issues 15 categories of permissive acts, 13 of which are issued through the information system SIA GEAP.

Pursuant to Order of the EA Director No.18 of 29.03.2019 on Approving the Passports of Permissive Documents issued by the EA, there have been designated staff members responsible to integrate the permits in the system.

According to NAC Evaluation Report on Institutional Integrity of Environmental Agency, currently, two (2) permissive documents – the environmental permit for waste management and the permit for export/transit of waste – are not issued via SIA GEAP.

Based on the studied documents, we can state that:

- ▶ the environmental permit for waste management, and
- ▶ the permit for waste export/transit

are prepared based on the old system, i.e. by submitting the files in hard copy. Although the "Waste Management" Automated Information System (SIA "MD") was approved by Government Decision No.682 of 11.07.2018, it represents an information system comprised of a set of information resources and technologies, interconnected technical means and technologies designed for collecting information on products introduced on the market and generated waste, in compliance with the Law on Waste, No.209 of 29 July 2016, and should be used for the purpose of improving the efficiency and insuring transparency in the process of issuing permits.

However, the deficiencies identified during the evaluation carried out by NAC show that:

- a) The applicants filing requests for permissive documents via the information system SIA GEAP don't have the possibility to view the status of electronic file/cannot interact with the file during the processing or suspension of the latter. At the same time, in "My Cabinet" module, in the "Permissive Documents" section it is not possible to view the permissive acts signed and issued;
- b) After filling in the request for permissive documents and filing the required documents, the Information System SIA GEAP does not generate automatically a bill for paying the fee for permissive documents which are issued against payment by the EA, in line with the List of Permissive Documents;
- c) The downloading function of the permissive document issued by the EA – signed electronically, is not developed by SIA GEAP;
- d) The module for coordination and validation with other units involved, such as the Legal Service Unit, is not developed by SIA GEAP;
- e) EA does not have access to the Registry of Permissive Documents (RPD), which would allow viewing and sorting permissive documents of public access;
- f) When considering the requests for the issuance of permissive documents, the EA representatives cannot access/view through the interoperability platform (MConnect) the documents required in this sense, which are issued by some entities that possess state resources and information systems;
- g) Another problem fueled by some uneven practices available within the EA relates to the procedure for coordinating, obtaining necessary legal opinions and information from the authorities/entities involved in the issuance of permissive documents indicated in the List of Permissive Documents or of E-Permit Passports.
- h) The system of permit issuance through the one-stop-shop is not fully operational.

Indicator 3: The List of Permissive Documents and Beneficiaries of the latter published on the official webpage of the Environmental Agency;

The lists of permissive documents created and published on the webpage of the Environmental Agency: the lists of permissive documents issued by the Environmental Agency starting from the beginning of 2019, which are regularly update <http://www.mediu.gov.md/ro/node/252>.

According to the List of Permissive Documents included in the Annex 1 to Law No.160/2011 on Regulating Entrepreneurial Activity through Permits, the Environment Agency issues the following permissive documents:

Permissive document	
1.	Agreement for the export of wild animals
2.	Agreement for the export of plants
3.	Agreement for the import of wild animals and/or plants
4.	Permit for the collection of vegetable kingdom objects (spontaneous plants, including natural medicinal herbs)
5.	Permit for the acquisition of animals not constituting objects of hunting or fishing (snails, frogs, lizards, and snakes)
6.	CITES permit/certificate
7.	Environmental permit for waste management
8.	Permit for the export/transit of waste
9.	Permit for the import, export or re-export of substances depleting the ozone layer, of products and equipment containing such substances
10	Environmental agreement/permit
11	Permit for the emission of pollutants in the atmosphere from point sources of pollution
12	Environmental permit for special water use
13	Permit for loggings in the forest stock and in forest vegetation outside the forestry stock
14	Opinion of the State Ecological Expertise
15	Certificate of commercial fishing quota allocation

Within the above-mentioned studies, it was stated out that the current system for issuing permissive documents is **imperfect**, for reasons, among which are:

- ▶ The normative framework regulating the procedure for issuing the environmental agreement/permit, the legal opinion of state expertise, and the permit for loggings in the forestry stock and in the forestry vegetation outside the forestry stock is imperfect, containing flaws, discretionary, and ambiguous, which may allow for abusive interpretations upon issuance of permissive documents. This fact was identified in the Decisions issued by the EA on EIA performance;
- ▶ Lack of staff and technical groups that should be involved in the EIA process;
- ▶ High degree of bureaucracy;
- ▶ Uneven practice regarding the procedure for coordinating, obtaining legal opinions and necessary information from the authorities/entities involved in the issuance of permissive documents included in the List of Permissive Documents or of E-Permit Passports, etc.

The Automated Information System for issuing sports, amateur, and recreational fishing permits was launched and can be accessed by all persons wishing to acquire such a permit.

	Action	Progress indicators	Deadline for implementation	Deadline observance	Degree of accomplishment
11.	Checking and monitoring the integrity of civil servants in the process of compiling and issuing environmental permissive documents	2 internal auditing missions carried out within the Environmental Agency; Recommendations developed and implemented	Annually, in the 3 rd quarter	Action underway	PARTIALLY ACCOMPLISHED

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment*, and *"Apele Moldovei" Agency*.

Indicator: 2 internal auditing missions carried out within the Environmental Agency, recommendations developed and implemented;

By the 4th quarter of 2020, an auditing missions was initiated within the **Environmental Agency**, performed by the Internal Audit Service from within the Ministry of Agriculture, Regional Development, and Environment to evaluate the efficiency of institutional performance regarding the management of allocated resources. The mission will analyze the process of issuing permissive documents, as well. The National Anticorruption Center also initiated an evaluation of the operation process of the integrity and anticorruption system in the Environmental Agency. The Evaluation Report on EA Institutional Integrity prepared by the NAC (in 2020) was published in the first quarter of 2021. One of the chapters of the latter is dedicated to describing the risks.

The responsibilities for monitoring the correctness and integrity of civil servants in the process of issuing permissive documents were delegated to the Legal Service of the Environmental Agency, which examines and coordinates each permissive document before signing.

According the the EA Activity Report, the accomplishment of this action was not possible due to the failure in staffing the internal auditing unit during the year.

Risks identified in connection with the failure to accomplish the given indicators:

- a) inefficient monitoring of the compliance of EA activity with the current rules and procedures;
- a) impossibility to evaluate the results regarding the pursued objectives and consider the effective impact;
- a) inefficient performance of duties by the civil servants.

Difficulties identified during evaluation include:

- ▶ Lack of skilled staff in auditing area;
- ▶ Impossibility to insure a viable and correct accounting and information management;

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
12.	Checking and monitoring the compliance with/observance by economic entities of environment protection conditions specified in the environmental permissive documents issued by the Environmental Agency	Number of inspection reports issued; Number of permissive documents withdraw as a result of non-fulfillment of environmental conditions	Implemented Not implemented	Regularly, by checking on annual basis	Action underway	PARTIALLY ACCOMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

During the evaluation, it was established that the **indicators**: Number of inspection reports issued, and number of permissive documents withdrawn/cancelled as a result of nonfulfillment of environmental conditions were accomplished as follows:

During 2019, the *Environment Protection Inspectorate* developed the list of economic entities holding environmental permits on waste management – 43 economic entities, the activity of which was to be evaluated in terms of risk assessment and inspection plans developed. At the same time the EPI carried out:

- 1,103 – planned inspections to economic entities;
- 299 – unannounced inspections;
- 624 – unannounced inspections for the issuance of permissive documents.

EPI also filed:

- 1,406 – inspection reports;
- 211 – inspection reports by applying sanctions.

According to data provided by EPI for 2020, the **Environment Protection Inspectorate carried out**:

- 636 – planned inspections to economic entities;
- 365 – unannounced inspections;
- 1,071 – unannounced inspections for the issuance of permissive documents.

EPI also filed:

- 2,045 – inspection reports;
- 117 – inspection reports by applying sanctions;
- 4,652 – inspection reports on misdemeanors.

The inspections carried out and reports filed showed that damages caused to the environment had been stated, by **calculating and submitting fines** for payment in the amount of **22 056 638 lei, of which** the damage caused to the environment and **paid for in 2020** constituted **1 298 343 lei**, while the **fines** applied totaled **6 575 850 lei**.

We would like to draw the attention on the fact that while performing inspections, the EPI guides by Law No.131/2012 on State Control over Entrepreneurial Activity, and the Methodology for performing risk-assessment based on state control over entrepreneurial activity, associated with the competence areas of the Environment Protection Inspectorate, No. 963 of 03.10.2018. However, not all the activities considered harmful for the environment fall under the above-mentioned Law.

Although Government Decision No.548/2018 on the Organization and Operation of the Environment Protection Inspectorate provides for carrying out inspections in compliance with the item 10, sub-item 8, letter b) carry out control over the observance of legal procedures upon issuance of permissive documents (legal opinions, agreements, environmental permits) and of those related to the regime of protected areas, as well as shall have access to all the documentation used as a basis upon issuing such permissive documents. To date, no methodology for performing such control has been developed. Respectively, the legality and integrity of permissive documents issued by the Environment Agency cannot be currently checked.

This goes along with suspicion aspects due to the lack of integrity in the actions carried out by the EPI regarding the lack of procedures set in a normative act for the withdrawal/cancellation of environmental permits. There were identified cases when the actions for the cessation of a production activity were not carried out even though an executory title had already been issued.

Difficulties identified during the evaluation include:

- ▶ Lack of clarity in the practical application of the procedures for withdrawing/cancelling environmental permits;
- ▶ Lack of will on behalf of the EPI administration in carrying out actions for the withdrawal/cancellation of environmental permits;
- ▶ Imperfections / flaws identified in the regulatory framework on inspections, which leaves room regarding the integrity of the Environment Protection Inspectorate.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
13.	Carrying out anti-poaching rides for countering poaching cases and illegal logging of forestry vegetation	Number of anti-poaching rides carried out; Number of poaching cases and illegal forestry vegetation logging cases detected and sanctioned	Implemented	Regularly, by checking on annual basis	Action underway	ACCOMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*. During 2019-2020, the Environment Protection Inspectorate managed to carry out the following:

The results of raids carried out during the hunting season 2019-2020, within the period 24.08.2019- 12.01.2020, according to the Yearbook of the Environment Protection Inspectorate for 2019 are as follows:

Inspection report	Misdemeanors (128 CC)	Fines		Damage compensation		Anti-poaching raids	Misdemeanor cases received from other fact-finding agents	Fines	
		Applied	Collected	Applied	Collected			Applied	Collected
313	212	242750	120625	49750	49750	862	22	31600	4500

While the results of raids carried out during the fishing prohibition period, according to data included in the Yearbook of the Environment Protection Inspectorate for 2019 are as follows:

Inspection reports	Misdemeanors (114 CC)	Fines		Damage compensation		Anti-poaching raids	Misdemeanor cases received from other fact-finding agents
		Applied	Collected	Applied	Collected		
160	290	132350	58225	80372,5	29784	272	40

Pursuant to Misdemeanor Code of the Republic of Moldova for misdemeanors related to illegal actions in the use and protection of hunting stock, the police officers are also fact-finding agents. During 2020, the Border Police carried out combined raids.

Authorities involved in the integrated state border management system signed and implemented the Cooperation Agreement on Environment Protection between the General Border Police Inspectorate and the Environment Protection Inspectorate, signed on 13 December 2018;

[https://mai.gov.md/sites/default/files/rapoarte/rapoarte%202018/19.03.04%201312-An%20STI%20info%20mai.gov.md%20Raport%20implementare%20SNMIFS%202018%20\(1\).pdf](https://mai.gov.md/sites/default/files/rapoarte/rapoarte%202018/19.03.04%201312-An%20STI%20info%20mai.gov.md%20Raport%20implementare%20SNMIFS%202018%20(1).pdf).

According to the Intermediary Evaluation Report (2018-2020) on the implementation of the National Strategy for Integrated State Border Management for the period 2018-2023, published on 26 February 2021;

<https://mai.gov.md/sites/default/files/rapoarte/rapoarte%202020/210225%202658a%20STI%20solicitare%20plasare%20pagina%20web%20MAI%20raport%20evaluare%203%20ani%20SNMIFS%202018-2020.pdf> joint ac-

tivities were organized and carried out for the purpose of preventing and combating crimes within the border area, creating joint mobile teams comprised of representatives from the General Border Police Inspectorate, State Ecological Inspectorate, and Fisheries Service – 20 raids.

With regard to flora, during 2019, the staff of the Directorate for Forestry Control, Protected Natural Areas and Green Spaces and of the territorial Environment Protection Inspections compiled 1,365 inspection reports, of which 1,035 relate to illegal loggings and infringements of the procedure for timber exploitation, harvesting, and transportation committed on the afforested lands managed by "Moldsilva" Agency, mayor's offices, and other holders.

According to data for 2020, the EPI carried out 4,322 anti-poaching raids related to hunting, fishing, and combating illicit loggings, the disaggregated statistics on several components, including the quantum of fines and compensation of damages being processed.

Although the number of raids carried out and of reports compiled on poaching acts and illicit logging of forestry vegetation is imposing, we should state that the number of posts on social media networks on illicit loggings in the forestry areas and outside the latter is rather big, and deforestation is considered one of the environmental security problems in the Republic of Moldova. And the lack of positive effects of such raids leave room for interpretation regarding the lack of integrity in carrying out such raids. At the same time, Chapter IV of this document provides the number and categories of offenses on which criminal cases were initiated, involving officials from within environmental institutions. There is a need to review the approach to both the evaluation of volumes for hunting and fishing, including of spaces/volumes for deforestation, and the methodology for carrying raids and calculating the damages caused to the environment.

As a result of alternative monitoring, there were stated **corruption risks**, such as *negligence of duty, false public documents, and abuse of office*.

Difficulties identified during the evaluation include:

- ▶ The impact of anti-poaching raids carried out by EPI is insignificant, because the punishments provided for in the national legislation are not imposing;
- ▶ The lack of professional integrity among environment protection inspectors.

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment, "Apele Moldovei" Agency, Environment Protection Inspectorate, "Moldsilva" Agency, and Agency for Geology and Mineral Resources*.

Indicator 1: Regulatory act for amending Misdemeanor Code of the Republic of Moldova No. 218/2008, and Criminal Code No. 985/2002.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
14.	Amending the Misdemeanor Code of the Republic of Moldova, No. 218/2008 and the Criminal Code of the Republic of Moldova, No. 985 of 2002 in terms of tightening the fines and sanctions for the fraudulent use of natural resources for the excessive pollution of environment components	Regulatory acts for amending Misdemeanor Code of the Republic of Moldova No. 218 of 2008 and Criminal Code No. 985 of 2002 developed and approved;	Partially implemented	3 rd quarter of 2020	Action underway	PARTIALLY ACCOMPLISHED
		Fines and sanctions for the fraudulent use of natural resources and excessive pollution of environment components set proportionally to the costs required for recovering the caused damage	Initiated			

The legal review to the draft Law on Additions to Misdemeanor Code submitted under legislative initiative title (No. 213 of 26.09.2019) by Mr. Liviu Vovc, Member of Parliament, was approved by the Government Decision No. 692 of 27 December 2019, and registered in Parliament on 02.01.2020. The proposed amendments to the Criminal Code pertain to empowering the "Moldsilva" Agency with fact finding and misdemeanor examination duties with the view to improve the efficiency of the activity for preventing illegal acts in the forestry and hunting sectors.

In the fall of 2019, the representatives of MoARDE, Environment Protection Inspectorate, civil society organizations and academic sector were involved in the Working Group created by the General Prosecution Office for the purpose of drafting amendments to the Criminal Code, Chapter IX *Environmental Offenses*. In March 2020, the set of amendments was submitted to the Ministry of Justice for promotion and consultation.

Through Letter No. 04/1-05/2201 of 27 May 2020, MoARDE submitted to the Ministry of Justice the proposed amendments to draft Law on Amending the Misdemeanor Code of the Republic of Moldova, No. 218/2008 (unique number 263/MJ/2020). The proposals related to amending **Chapter IX Misdemeanors in Environment Protection**, and namely with regard to tightening fines and sanctions for the fraudulent use of natural resources or excessive pollution of environment components.

From those identified, we can state that the legislative proposals have been developed, reviewed, and submitted to Parliament for approval.

During 2019, as a result of ecological inspections carried out, the **Environment Protection Inspectorate** applied fines in the amount of **7 025 750 lei**, while the damages caused to the environment, calculated and forwarded for compensation in 2019 constituted **103 535 598 Lei**.

If analyzing the quantum of fines applied by the Environment Protection Inspectorate for the fraudulent use of natural resources or for the pollution of environment components – proportionally to the costs required for recovering the caused damage, we can state that:

- the amount of applied fines constituted **6 575 850 lei**.
- the damages caused to the environment were calculated and forwarded for payment in the amount of **22 056 638 Lei**.

This proportionality is preventively observed, and **Indicator 2** is accomplished.

While evaluating the results achieved for activity No. 14, the following **difficulties** were identified:

- ▶ The methodologies for calculating the damage were not adjusted to the current requirements/inflation, using the amount of 18 lei as an equivalent unit for calculation;
- ▶ These methodologies were not assessed, and from discussions held with the prosecution office we understood that they are not perfect and there are some omissions in them;
- ▶ The reference laboratory of the Environmental Agency has not been accredited to international standards from 2019 till currently, which makes the samples not to be apposable and contested in court;

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
15.	Drafting expenditure strategies on environment protection and organizing public consultations on the developed documents	2 expenditure strategies on environment protection developed and published on the official webpage of the Ministry of Environment, Regional Development, and Environment for public consultations	Implemented	Annually, in the 2 nd quarter	Action underway	ACCOMPLISHED

The structure responsible for the implementation of this action is the *Ministry of Agriculture, Regional Development, and Environment*.

We stated that **Indicator: 2 Expenditure strategies on environment protection developed and published on the official MoARDE webpage, for public consultation**. Respectively, by MoARDE Order No. 7 of 14 January 2019, the Working Group responsible for drafting the Expenditure Strategy for Environment Protection and the Expenditure Strategy for Water Supply and Sanitation for the period 2021 – 2023 was created. The composition

of respective WG was updated in 2020 by Order No. 10 of 17 January 2020.

On 27.04.2020, MoARDE submitted the Sector Expenditure Strategy for Environment Protection for 2021-2023 to the Ministry of Finance by official Request No. 02-07/1790, while on 13 May 2020 – the Sector Expenditure Strategy for Water Supply and Sanitation for 2021-2023.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
16.	Developing and approving regulatory acts to improve efficiency in the operation and administration of the National Environmental Fund	<i>2 regulatory acts approved:</i> - Regulation on the Management of the National Environmental Fund - Operational Guidelines on the Project Cycle	Partially implemented Initiated	3 rd quarter of 2019	Action underway	PARTIALLY ACCOMPLISHED

The structure responsible for the implementation of this action is the *Ministry of Agriculture, Regional Development, and Environment*.

Pursuant to the provisions of *Law No. 1515/1993 on Environment Protection*, and *Government Decision No. 988 of 21.09.98 on Approving the Regulation on Environmental Funds*, MARDE is the authority that administrates the National Environmental Fund (FEN). The *Regulation on the Administration of the National Environmental Fund* was approved by Order of the Minister of Environment No. 73/2013. The volume of the Fund is approved by the annual Law on State Budget. The funds are allocated on the basis of projects submitted by the local public administration authorities, enterprises, and organizations, regardless of their legal ownership form, as well as by non-government organizations, which fall within the spending programs in the mentioned areas, approved by MoARDE.

In 2016, the NEF was subject to auditing by the Court of Accounts, in line with the Decision of the latter No. 71 of 20 December 2017 on the Audit Report on the National Environmental Fund Administration Performance in the Budget Exercise of 2016. The audit revealed that:

- ▶ The NEF does not have an adequate system for planning the necessary resources, over the last 5 years approving investment projects in the absence of financial resources required, exceeding the approved budgets by 289.00 million lei, in total;
- ▶ The financial resources of the NEF are to a large extent oriented towards projects designed for providing water supply and sanitation to the population, rather than towards settling environmental or ecology related problems;
- ▶ The regulatory framework associated with the administration of NEF funds contains inconsistencies with regard to areas and directions of using respective resources, as well as to the deadline for submitting the final report, and actions to be taken in case of failure of its submission;

- ▶ The meetings of the Board of Directors were held with deviations from the regulatory framework, admitting the substitution of a Board member by several persons;
- ▶ The procedure and criteria for preliminary selection, approval of investment projects for funding, as well as for the distribution of NEF funds require improvement, some projects being approved with delay, while others being examined urgently;
- ▶ Some beneficiaries of investment projects financed from the NEF did not meet the eligibility criteria set in the Applicant's Guideline;
- ▶ The experts did not determine the procedure for distributing investment projects received for expert evaluation;
- ▶ The expert evaluation of investment projects by experts in the given area is formal and superficial, some chapters in the expert evaluation sheet are not filled in or evaluated by experts in the given area, while the evaluations included in the latter are not correlated with the provisions of the Regulation on the NEF Administration.

As a result, activities No. 16, 17, 18, and 19 of the Plan were dedicated to the NEF, and particularly to the assessment of risks and vulnerabilities to corruption acts.

In 2020, MoARDE, with the support of the EU4Environment Project <https://www.eu4environment.org/where-we-work/republic-of-moldova/> launched the preparation process of the documents on the NEF operation. The goal of the support is to achieve the **Indicator**: - 2 acts approved, and namely the draft Government Decision on the Approval of the Regulation on the National Environmental Fund Management developed and approved, and the Operational Guideline on Project Cycle developed.

On 28 September 2020, the draft Regulation on the National Environmental Fund Management was subject to public consultations <https://particip.gov.md/ro/document/stages/anunt-privind-consultarea-publica-a-proiectului-de-ordin-cu-privire-la-modificareaordinului-ministerului-mediului-nr732013-cu-privire-la-aprobarea-regulamentului-privind-administrarea-fondului-ecologic-national/7783>

Currently, the draft Government Decision on the Approval of the Regulation on the National Environmental Fund Management is undergoing a repeated review process, after its amendment according to the first legal review.

In October 2020, with the support of the EU4Environment Regional Project (OECD), a national expert was hired to support the MoARDE in the development of the Operational Manual, which will include a detailed description of the project cycle stages, application procedure, application sheets, etc.

We should state that this indicator is qualified as initiated.

The **difficulty** identified as a result of alternative evaluation, particularly referring to the achievement of indicators planned for action 16, relates to:

- ▶ The complex character of the process of drafting regulatory acts, which, in their turn, require skilled staff, and last, but not least - time.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
17.	Training the National Environmental Fund Board members, officials who manage the Fund, and the PIU members on integrity related aspects	1 training organized annually; 20 persons trained annually	Not implemented	Annually, in the 1 st quarter	Action underway	UNACCOMPLISHED

The structure responsible for the implementation of this action is the *Ministry of Agriculture, Regional Development, and Environment*.

Planned indicator: - 1 training organized annually; 20 persons trained annually

This action will be initiated after the approval of the draft Government Decision on Approving the Regulation on National Environmental Fund Management (planned under Action 16), pursuant to which the Operational Manual required for a good operation of the Fund shall be developed within three (3) months. The Operational Manual constitutes the basis of the training kit, which will incorporate the integrity rules, as well. The integrity rules for the NEF staff will be explained within the trainings. This Indicator is qualified as not accomplished.

The **difficulty** in achieving it resides in the inexistence of the Operational Manual which is needed for insuring a good operation of the Fund.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
18.	Developing integrity rules in the process of implementing environmental infrastructure development projects	Integrity rules for environmental projects developed and integrated in the regulatory acts on project management	Not implemented	2 nd quarter of 2019	Action underway	UNACCOMPLISHED

The structure responsible for the implementation of this action is the *Ministry of Agriculture, Regional Development, and Environment*.

Indicator: - Integrity rules for environmental projects developed and integrated in the regulatory acts on project management.

The integrity rules for environmental projects will be regulated in the process of drafting the NEF Operational Manual according to activity No.16 of the Plan, as well. Work on this indicator has been initiated.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
19.	Establishing a monitoring and control system for the implementation of environment protection projects	Regulatory act for the application of the monitoring and control system approved and implemented	Not implemented	4 th quarter of 2019	Action underway	UNACCOMPLISHED

The structure responsible for the implementation of this action is the *Ministry of Agriculture, Regional Development, and Environment*.

The arguments provided for actions No. 17 and 18 are also relevant for action No. 19. The Indicator is not accomplished.

PRIORITY

3

IMPROVING THE EFFICIENCY AND STRENGTHENING THE STATE CONTROL SYSTEM IN ENVIRONMENT PROTECTION WITH THE VIEW TO INSURE OBSERVANCE OF THE ENVIRONMENTAL LEGISLATION AND COMBAT MISDEMEANORS IN THE GIVEN SECTOR

For Priority 3, the following **Results** were established:

Result No.1. State control in environment protection is based on risk analyses and criteria in compliance with the methodologies and instructions for carrying out control, approved for this sector;

Result No.2. Environmental misdemeanors and offenses are timely detected, countered, and punished;

Result No.3. Environmental inspectors demonstrate professionalism and integrity, and efficiently fulfill their control missions

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
20.	Revising the Methodology for planning inspections based on risk criteria in the environment protection sector and approving the rules for drafting, approving, and using the checklists applicable to the type and object of inspection	Regulatory act developed and approved	Implemented	4 th quarter of 2018	Action underway	ACCOMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

Indicator: Regulatory act developed and approved

Law No.131 of 8 June 2012 on State Control over Entrepreneurial Activity holds the imperative to initiate the control over entrepreneurial activity only following a risk assessment and analysis, while the inspection plan shall be prepared by the control body based on risk criteria established according to the specifics of the inspection object, persons subject to inspection and previous relations with the control body (date of conducting the last inspection, previous infringements).

The Environment Protection Inspection was created by *Government Decision No. 889 of 01.11.2017*, while the Regulation on the Organization and Operation of the Inspectorate was approved by *Government Decision No.548 of 13.06.2018*.

The Methodology for performing state control over entrepreneurial activity based on risk analysis associated with the competence areas of the Environment Protection Inspectorate (Official Gazette of the RoM, 2018, No.410-415, Article 1111).

We hereby, state that the indicator is accomplished. However, the methodology is rather complicated to apply, because the data collection system is not perfect, both based on the data provided by the economic entity, and based on the data provided by the public authorities. The lack of data or erroneous data on economic, social, occupational, administrative, and technical conditions lead to risk deviations, which fact may cause risks of abuse of office and exceeding the work duties.

When assessing the Methodology approved in 2018, we identified the following **difficulty**:

- The environmental statistic system and the statistics relevant to the activity of economic entities is imperfect and incomplete.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
21.	Ensuring the planning of state control in environment protection sector based on risk criteria, and the implementation of the State Registry of Inspections	- 3 annual plans in line with the methodology for planning based on risk criteria developed, and entered in the State Registry of Inspections, and published on the official webpage of the Environment Protection Inspectorate; - State Registry of Inspections completed with information on inspections carried out in the environment protection sector	Implemented	Annually, in the 4 th quarter	Action underway	ACCOMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

In assessing success in the implementation of **Indicator 1**: 3 annual plans in line with the methodology for risk-based planning developed, registered in the State Registry of Inspections, and published on the official webpage of the Environment Protection Inspectorate; and **Indicator 2**: State Registry of Inspections completed with information on inspections

- ▶ Referring to the work performed in the environmental sector, we found that in the 4th quarter of 2018, the Inspection Plan for 2019 was developed and approved, by applying the Methodology for performing state control over entrepreneurial activity based on risk analysis associated with the competence areas of the Environment Protection Inspectorate (GD No. 963 of 03.10.2018). The Inspection Plan was published on the official webpage of the Environment Protection Inspectorate:

<http://ipm.gov.md/legislativ/control-de-stat.html> and the portal: <https://controale.gov.md/ro/alte-controale>

According to data provided by the EPI for 2019, the entity planned **2,673 inspections** to economic entities. During the year, the control sub-units performed just **1,722 planned inspections**, which represent only 64.4% of the plan implementation.

This fact is explained by the lack of experience in planning and estimating the work load. There were also identified discrepancies in the data presented in the Registry of State Inspections and the results provide in the EPI Yearbook. This fact was also analyzed by the NAC in the report developed in 2020.

- ▶ The Inspection Plan for 2020 was developed and approved in the 4th quarter of 2019 by applying the above-mentioned Methodology.

The Inspection Plan was published on the official webpage of the Environment Protection Inspectorate:

<http://ipm.gov.md/legislativ/control-de-stat.html> and on the portal: <https://controale.gov.md/ro/alte-controale>

As Law No. 131/2012 establishes the conditions for performing state control over entrepreneurial activity, by protecting the operators from abuse on behalf of control bodies, the EPI needs to insure the fulfillment of the requirement by which "one and the same control body has no right to perform planned inspections more frequently than once in a calendar year at an entity or at one and same inspection object if the respective entity possesses several distinctive objects located separately from the office and other objects, except for the cases in which a higher frequency of inspections is imposed in line with the methodology for planning inspections based on risk criteria applied in a given area of inspection", as set in Article 14, paragraph (1) of Law No.131 of 2012.

- ▶ The Inspection Plan for 2021 was developed and approved in the 4th quarter of 2020. <http://ipm.gov.md/sites/default/files/2021-01/Prezentare%20IPM-2021.pdf>

We hereby, state that the indicator is accomplished.

However, we would like to draw the attention on the fact that the EPI performs verifications at economic entities (location or installation) based on the delegation compiled by the Environmental Agency in the process of issuing environmental permits – declaring them as unannounced inspections. Due to the fact that the verification process in such cases differs for the unannounced/or planned inspection, we consider it relevant to draft amendments with the view to insure the legality and transparency of data. We consider such flaws in the legislative framework and in its application by analogy as a **potential risk**: *of active corruption; offering bribes; passive corruption; accepting bribes; abuse in office; or exceeding service/work duties.*

At the same time, we hereby state that the EPI activity is not effective, on the one hand the flaws in the regulatory framework, on the other hand the incomplete number of civil servants, while in some cases even delays due to the lack of procedures and will. The **potential risk** of vulnerability to corruption acts is rather high.

During evaluation, the following was identified as **difficulties**:

- ▶ Imperfect regulatory framework (Law No. 131 of 2012 and the lack of procedures for performing inspections approved by regulatory acts) in terms of insuring national security in the environmental sector, these acts requires adjustments/developments;
- ▶ Trainings on the application of the Methodology are not conducted based on the training cycle principle.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
22.	Developing and approving the Regulation on carrying out inspections in the environment protection sector, including rules of conducts for environmental inspectors	Regulatory act developed and approved	Initiated	2 nd quarter of 2019	Action underway	PARTIALLY AC-COMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*

The Regulation on performing inspections in the environment protection sector, including rules of conduct for environmental inspectors, was initiated in 2019, and is currently in process of development, the action being considered initiated.

The delay in approving this Regulation involves a number of **risks**, such as: *the risk of passive corruption; the risk of admitting abuse in office; the risk of exceeding service/work duties; and the risk of admitting favoritism.*

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
23.	Developing and approving the Instruction for the Collection of Evidence and Working with Witnesses while Investigating Environmental Legislation Infringement Cases	Regulatory act developed and approved	Initiated	2 nd quarter of 2019	Action underway	PARTIALLY AC-COMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*

The Instruction for the Collection of Evidence and Working with Witnesses while Investigating Environmental Legislation Infringement Cases is in the drafting process.

We would like to draw the attention that the evidence collection is a component part of establishing the damage caused to the environment. Therefore, the correct sampling is very important and a great responsibility for those who take samples, including for the employer, in this case the latter being the EPI.

We should mention that after the reform of 2018-2019, the Environmental Reference Laboratory constitutes a component part of the Environmental Agency, and no longer under the EPI.

During the interviews, we found out that the inspectors do not have special devices for checking the air, water, and soil, as well as equipment for determining the standing timber, establishing the need for taking samples "visually", and subsequently, requesting the intervention of the laboratory. It is left to the discretion of the EPI administration to request the Laboratory intervention in line with entries made in the compiled Reports, which creates room for stating a **potential risk of corruption**: *active corruption; offering bribes; passive corruption; accepting bribes; abuse in office; or exceeding service/work duties.*

We would like to reiterate that the room for corruption acts is created by the fact that the EA Reference Laboratory is not accredited according to national standards. During the interviews it was mentioned that the Laboratory is in process of accreditation. At the same time, the lack of accreditation by far creates impediments for acknowledging the laboratory tests in court, and correctly calculating the damage caused to the environment. **Potential risk of corruption identified** includes: *active corruption; offering bribes; passive corruption; accepting bribes; abuse in office; or exceeding service/work duties; conflict of interest and incompatibility.* (Just drawing your attention to the fact that 22.12.2020, the "Environmental Investigation Laboratory" LLC was registered with MOLDAAC (Accreditation Certificate No. LÎ-132, of 22.12.2020). This action is qualified as initiated. Based on the suspicion of conflict of interest and incompatibility due to the fact that the reference laboratory was not accredited approximately two years, the actions of the EA administration were contested in the General Prosecution Office of the Republic of Moldova.

During the monitoring process, there were identified the following *difficulties*:

- ▶ Lack of technical equipment for fast sampling and protection equipment for environmental inspectors;
- ▶ The only public reference laboratory is not accredited, imposing additional costs for the EPI actions.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
24.	Drafting and approving the Instruction for establishing and calculating the damage caused to the environment as a result of infringing the environmental legislation	Regulatory acts developed and approved	Initiated	4 th quarter of 2019	Action underway	PARTIALLY ACCOMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

In 2019, a draft of the technical norms regarding the actions of environmental inspectors in case of stating and calculating the damages was developed, and pending thematic inclusion in the Regulation on performing inspections in the environment protection sector, as part of the procedure, which is pending approval by MoARDE Order.

We would like to reiterate that the lack of an accredited laboratory leads to the risk that the test results may be contested in court, and to an increase in number of cases examined in court.

The lack of a coherent mechanism for compensating the damage caused and for reporting the information (calculated/charged/collected compensation) which would present a real record keeping by the EPI and its territorial units of the damages caused to the environment is presumed to lead to an inefficient activity in this sector, which may generate **risks of corruption**, such as *negligence in service, false public documents, abuse of office or exceeding service/work duties, conflict of interest and incompatibility* by not evaluating the damages accordingly and avoiding the monitoring of amounts collected as compensation for damages caused as a result of committing misdemeanors.

We consider this action as initiated.

We should mention that among *identified difficulties* are:

- ▶ Inefficiency of actions taken in the environmental sector;
- ▶ Causing risks of corruption, such as negligence in service;
- ▶ Generation of a number of actions filed in court;
- ▶ Loss of the EPI image and of the recognition of its value as the only control body in the environmental sector.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
25.	Establishing a Dispute Settlement Council within the Environment Protection Inspectorate and approving the Regulation on the operation of the latter	Dispute Settlement Council established; Regulation on the Operation of the Dispute Settlement Council approved	Implemented	4 th quarter of 2018	Action underway	ACCOMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

During the 1st quarter of 2019, the EPI developed and issued EPI Order No. 09 of 30.01.2019 "On the Constitution and Composition of the Dispute Settlement Council within the Environment Protection Inspectorate". The Council is operational.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
26.	Developing and approving rules of conduct for the control and training of environmental inspectors on the regulatory framework on environmental inspections, including aspects related to professional integrity	Rules of conduct for inspections approved, 50;	Initiated	4 th quarter of 2020	Action underway	PARTIALLY ACCOMPLISHED
		Environmental inspectors trained annually	Not implemented			

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

In 2019, the Environment Protection Inspectorate started drafting the rules of conducts for the control and training of environmental inspectors – an initiated activity. According to the NAC Evaluation Report on EPI Integrity, carried out within 2018-2019, no trainings were organized within the EPI on deontological or conduct norms, although there had been admitted multiple integrity incidents by the EPI staff. During the interviews, it was mentioned that the atmosphere created within the EPI is less cooperating, non-motivating, and putting pressure.

The lack of rules of conduct for the control and training of environmental inspectors generates a number of **risks**: *lack of professional integrity; non-compliant/inadequate relations with the offenders; failure to document the infringements in exchange of some recompenses; lack of clarity in delimiting duties among the environmental inspectors; compilation of inspection reports by infringing the associated legislation, infringement of the offenders' rights.*

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
27.	Developing information spots on the role and rules of conducts of environmental inspectors in carrying out state control in the environment protection sector	2 information spots developed and distributed via Radio and TV stations and social media networks; - information developed and disseminated among economic entities and local public authorities	Initiated	2 nd quarter of 2020	Action underway	ACCOMPLISHED
			Implemented			

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

During the reporting period, the **Environment Protection Inspectorate** published the reports on combating hunting and fishing poaching on their webpage, on a weekly basis. The development of information spots is to be initiated. <http://ipm.gov.md/ro/noutati>
This action is considered initiated and both **indicators** accomplished.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
28.	Building cooperation between the Environment Protection Inspectorate, customs authorities, and law enforcement authorities with the view to ensure inspections and avoid illegal actions with natural resources or with substances that diminish the quality of the environment	Cooperation Agreement on environmental inspections signed between the Environment Protection Inspectorate, Customs Service, Ministry of Interior, and Border Police	Implemented	2 nd quarter of 2019	Action underway	ACCOMPLISHED

The structure responsible for the implementation of this action is the *Environment Protection Inspectorate*.

The Cooperation Agreement between the EPI and the General Border Police Inspectorate (GBPI) of the Ministry of Interior was signed on 13 December 2018. (See statistic data under the activity No.13). At the same time, during 2020, the EPI cooperated actively with the *General Prosecution Office, Border Police, General Police Inspectorate, and the NAC*.

During 2020, all the inspections carried out by the inspectors from the central office and territorial units of the EPI on the observance of legislative and regulatory acts on environment protection by economic entities and physical persons operating in the border area were coordinated with the territorial units of the GBPI.

PRIORITY **4** **IMPROVING TRANSPARENCY OF THE DECISION-MAKING PROCESS WITHIN ENVIRONMENTAL AUTHORITIES AND INSURING ACCESS TO ENVIRONMENTAL INFORMATION**

For Priority 4 the following **Results** were established to be achieved:

Result No.1. Regulatory framework on insuring transparency in the activity of environmental institutions approved and implemented;

Result No.2. Instruments and technologies for the collection, storage, and dissemination of environmental data and information developed and applied;

Result No.3. Instruments for the involvement of civil society organizations, academic sector, and business environment in the decision-making process implemented

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
29.	Developing the Environmental Information Communication Strategy	Communication Strategy developed and approved	Implemented	4 th quarter of 2019	Action under-way	ACCOMPLISHED

The structure responsible for the implementation of this action is the Environmental Agency.

The Environmental Information Communication Strategy for 2020-2022 was developed, consulted with the public, and approved by EA Order No. 65 of 30.12.2019. The **Indicator** is considered accomplished. However, the following deficiency was identified:

- Lack of a monitoring report on the implementation of the Strategy by years.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
30.	Creating and putting into operation the Integrated Environmental Information System	Regulatory act on the approval of the technical concept of the Integrated	Partially implemented	2 nd quarter of 2020	Action under-way	PARTIALLY ACCOMPLISHED
		Environmental Information System created, put into operation, and maintained	Not implemented			

The structure responsible for the implementation of this action is the *Environmental Agency*.

For monitoring purposes, there were established to indicators: **Indicator 1** – Regulatory act on approving the technical concept of the Integrated Environmental Information System approved; and **Indicator 2** – Information System created, put into operation, and maintained.

During the reporting period (2019), the *Framework Concept on the Integrated Environmental Information System* was sent repeatedly to the State Chancellery via MoARDE Letter No. 17-05/4042 of 07.11.2019. The request for registering it for the meeting of General State Secretaries being attributed unique registration No. 690/MoARDE/2019. As a result of the meeting of General State Secretaries of 07.11.2019, the draft Government Decision on Approving the Framework-Concept on the Integrated Environmental Information System was sent to relevant institutions for legal review.

The Concept represents a general vision on the development and operation of an information space in the environmental sector, which includes the goals, tasks of the system, the principles, key features, aspects related to functionality and conceptual architecture. The basis of the Integrated Environmental Information System constitutes of specialized information systems. The common information space is formed as a result of the operation and interaction of information systems covering the environment protection sector, both between them, as well as in relation to outside information systems.

The Integrated Environmental Information System (hereinafter referred to as the IEIS) – represents a totality of software, technical means, information, organizational means, data transmission system, technologies for its usage, legal norms, and infrastructure objects, designed to insure the information support of the activity of the Ministry of Agriculture, Regional Development, and Environment, of agencies and institutions under its competence area, as well as of other entities with environment related duties. As a result of the system operation, a common information space is formed.

Although the environmental approach to such system is important, the Information Technology and Cyber Security Service did not support this draft in the legal review process, *because the text of the Government Decision makes reference to existing automated information systems, as well as to information systems in process of development, which will interact with the IEIS.*

Given the fact that the information systems mentioned in the draft have different functionalities and different subjects, the latter are to be approved by separate Government Decisions, with the approval of technical concepts, in order to observe the provisions of item 2 of Government Decision No. 562/2006 *on the Creation of state automated information systems and resources, which expressly provides that "for the purpose of creating a unique information space of central and local public administration authorities, the process of creating state automated information systems and resources shall be initiated based on a Government Decision, regardless of the financing sources of the latter".*

Proceeding from the created situation, the promotion of the given draft was stopped. We hereby state that the indicator is qualified as partially accomplished, while the indicator related to the system is considered as unaccomplished.

The lack of an integrated information system in the environmental sector causes risks of corruption, such as *negligence in service, false public documents, abuse of office or exceeding service/work duties, conflict of interest and incompatibility.*

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
31.	Ensuring public access to environmental information by posting the information on the webpage of the environmental authorities	The following environmental information published on official webpages of the Ministry of Agriculture, Regional Development, and Environment and of subordinated environmental institutions and accessible to the interested public: a) draft regulatory acts in process of development by environmental authorities; b) environment related policies, plans, and programs; c) progress reports on the implementation of policy documents; d) reports on the state of environment; e) data resulting from the monitoring of activities and affect or may affect the environment; f) legal review, agreements and permits for the activities with impact on the environment; g) environmental impact assessments and risk assessments on environment components	Imple-mented Initiated	Regularly, by checking annually	Action underway	PARTIALLY ACCOMPLISHED

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment*, *"Apele Moldovei" Agency*, *Environment Protection Inspectorate*, *"Moldsilva" Agency*, *Agency for Geology and Mineral Resources*, and *State Hydro-meteorological Service*.

- During the reporting period (2020) we stated that the concerned authorities continuously insure transparency in the decision making process in line with the provisions of Law No. 100/2017 on Regulatory Acts, Government Decision No. 610/2018 on Approving the Government Regulation, as well as Law No. 239/2008 on Transparency in the Decision Making Process Related to the Development/Promotion of Draft Regulatory Acts.

<http://madrm.gov.md/ro/content/proiecte-de-documente>

- The information on environment related policies, plans and programs, including progress reports on the implementation of polity documents are published on the webpage at:

<http://www.madrm.gov.md/ro/content/documente-de-politici-%C3%AEn-domeniul-mediului-%C8%99i-rapoar-tele-de-monitorizare>;

- Reports on the state of environment can be found at:

<http://mediu.gov.md/ro/content/rapoarte-starea-mediului> and <http://old.mediu.gov.md/index.php/starea-mediului/rapoarte>

- During the period January-September 2020, a person responsible for insuring access to environmental information was designated by Order of the **Environmental Agency**. A list of information of public interest was developed and can be provided upon request. There were developed and published 20 environmental information materials. There were examined 9 requests for environmental information, and respective information provided on basis of the latter. A system of indicators in the environment protection sector was developed for the purpose of drafting and publishing the National Report on the State of Environment in the Republic of Moldova. There were formulated, finalized, and published 36 environmental indicators for public consultations:

<http://mediu.gov.md/ro/content/indicatori-de-mediu>

- Upon completion of public consultations on environmental indicators, the latter are to be published on the official webpage:

www.date.gov.md.

- Daily and monthly newsletter on the state of environment:

<http://www.mediu.gov.md/ro/content/rapoarte-starea-mediului>

- The lists of permissive documents issued by the Environment Agency, the legal reviews, including agreements and permits for activities with impact on the environment can be accessed at <http://mediu.gov.md/ro/content/acte-permisiive>.

- The information on environmental impact assessment can be accessed at:

<http://www.madrm.gov.md/ro/content/evaluare-impact-0> and

<http://mediu.gov.md/ro/content/evaluarea-impactului-asupra-mediului>;

- **Environment Protection Inspectorate**, through its Information Syntheses and Public Relations Service is in permanent contact with the press and Radio/TV Agencies. The information on the EPI activity and didactic materials for ecological classes taught in pre-university institutions from territories was posted on the EPI webpage.

- An EPI press release on its activity, including on inspections is posted on a weekly basis at:

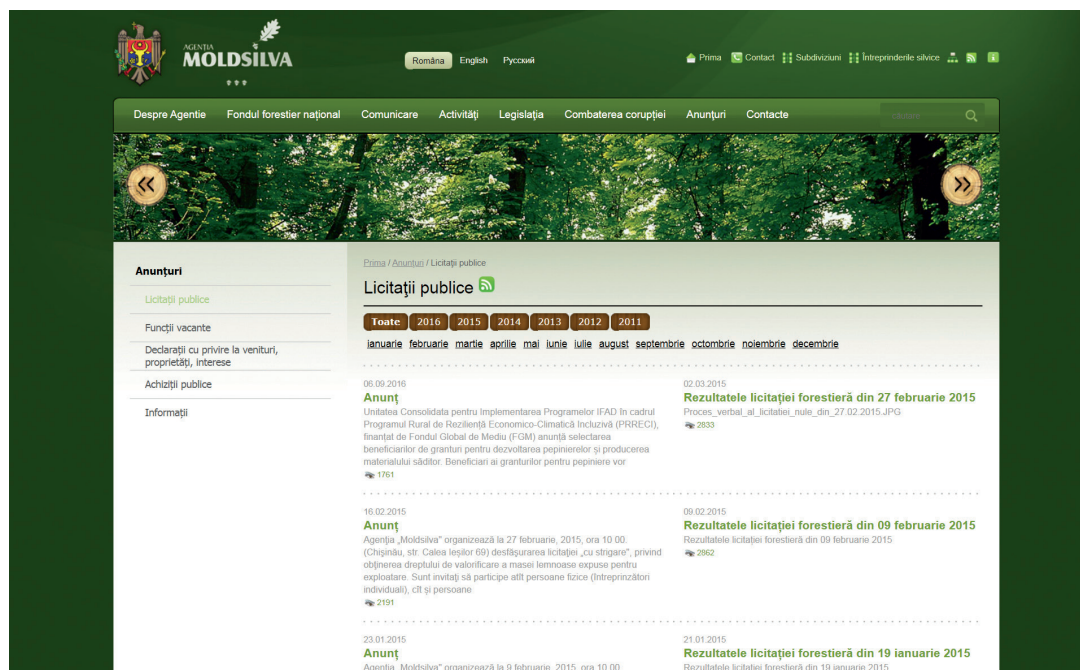
<http://ipm.gov.md/ro/rapoarte-saptam%C3%A2nale>.

The inspection results of environmental raids carried out by the central office, which contain information on inspection reports and fines applied are also published on the webpage on a weekly basis.

- Just in the 3rd quarter of 2020, the EPI published: 12 weekly reports; 14 environmental classes; and 12 press releases.
- Within the period January-September 2020, the **State Hydro-meteorological Service** developed daily hydro-meteorological forecasts, broadcasting them in mass media (TV and Radio), as well as insured public access to hydro-meteorological information (weather forecasts, warnings, specialized information, daily, decade, and monthly newsletters) through its official website <http://meteo.md/>, and on its Facebook page.
- At the same time, the State Hydro-meteorological Service issued warnings about dangerous hydro-meteorological phenomena, communicating them to the population without delay and using all the communication means for this purpose.
- In the second semester of 2020, an Instruction on the management of the Service's accounts on social media networks was approved by Order of the Deputy Director of the SHS. An SHS page was created on Instagram.

- ▶ Data on the analysis of weekly, 10 day-, and monthly meteorological, agrometeorological, and hydrological conditions were also published on the webpage of the institution. These included climate and agro-climate characteristics of months and seasons for 2020, hydrological newsletters, etc.
- ▶ Within January-September 2020, the **Agency for Geology and Mineral Resources** posted information on its webpage on the following: procedure for unfolding and results of the competition for the selection of beneficiaries for using subsoil sectors; and meetings of the State Commission for the Reserves of Useful Mineral Substances.
- ▶ Launching the geological cartographic portal "geologia.gov.md", by publishing the geological map and data on the deposits of useful solid mineral substances and state monitoring of groundwater.
- ▶ While developing/promoting draft regulatory acts, the institution ensures transparency, storage, and delivery of geological information by computer assisted means to the State Subsoil Information Database.
- ▶ The Agency also ensures access to the State Subsoil Information Database with regard to record keeping and current state in the geology and subsoil use area.

During the monitoring process, we stated that the *MoARDE webpage* is less customer-friendly, difficult to navigate through, and contains little useful information related to the environment component. It should be mentioned that most of the information posted on the webpage of "*Apele Moldovei*" Agency is outdated (covering the period 2011-2017), while in some chapters it is fully missing. Thus one of the few chapters updated during 2020 is the "NEWS" chapter. On the webpage of "Moldsilva" Agency, the last announcements were posted in 2016, making us state the lack of regularity in publishing/promoting the information on the website.



	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
32.	Organizing public consultations on environmental issues and insuring public participation in the environment related decision-making process	Number of public consultations organized; Number of documents consulted	Imple- mented	Regularly, by checking annually	Action under- way	ACCOM- PLISHED

The structures responsible for the implementation of this action are the *Ministry of Agriculture, Regional Development, and Environment, and the Agency, by involving the local public administration authorities.*

Indicator: Number of public consultations organized; number of documents consulted.

During 2019, around 8 public consultations were carried out on minimum 8 different documents, while in 2020, around five public consultations on minimum five different documents were held by the 4th quarter.

It is worth remarking that during the development/promotion of draft regulatory acts, the Agency ensures transparency in the decision-making process in compliance with the provisions of *Law No. 100/2017 on Regulatory Acts, Government Decision No. 610/2018 on Approving the Regulation on Government*, and *Law No. 239/2008 on Transparency in the Decision Making Process*:

<http://madrm.gov.md/ro/content/proiecte-de-documente>.

It is worth mentioning that during the period January – September 2020, 80 announcements on launching the drafting of regulatory acts and on draft regulatory acts in process of development by MoARDE were published on its official webpage, in the section "Transparency in the Decision-Making Process". <http://www.madrm.gov.md/ro/content/proiecte-de-documente>.

Within the same period January - September 2020, the **Environmental Agency** organized public consultations on the set of environmental indicators used in the Draft National Report on the State of Environment for 2015-2018 - <http://mediu.gov.md/ro/node/543>.

- ▶ organized an information round table discussion for the producers of electric and electronic equipment on the application of extended producer responsibility principle (14.02.2020). Upon the request of the EEE producers, the Agency also organized 11 individual meetings on the Implementation of EPR principle. A number of remote consultations were also provided (on the phone or by e-mail) <http://www.mediu.gov.md/ro/content/informarea-cu-privire-la-aplicarea-regimului-de-responsabilitate-extinsă-producătorilor>;
- ▶ organized an online information meeting for the EEE producers on the application of extended producer responsibility (EPR) principle. The event was attended by representatives from the Ministry of Agriculture, Regional Development, and Environment, Environment Protection Inspectorate, Office for Prevention of Environment Pollution from within the public institution „Project Implementation Unit in the Environment Sector”, from companies directly involved in the lifecycle of electric and electronic equipment (EEE), among which: „Hi-Tech Group” LLC, „Arax-Impex”, „LedMarket” LLC, „ADD Production”, „Philip Morris Sales

& Marketing" LLC, Municipal Enterprise „Karcher" LLC, „Volta" LLC, „Moldtelecom" JSC, Commercial Company „StarNet Management Grup" LLC, „Ecogam" LLC, „Maximum Electronic" LLC, Orange Moldova, „Intermed-Service" LLC, „Tetis International Co" LLC, ICS „Euroterm Group" LLC, „SE Bordnetze" LLC, „Moldcell" JSC, etc. More detailed information can be found on the webpage at: www.mediu.gov.md/ro/content/intrunirea-online-de-informare-producatorilor-de-echipamente-electrice-si-electronice.

Detailed information on transparency in the decision-making process is developed on annual basis. The indicator is qualified as accomplished.

	Action	Progress indicators		Deadline for implementation	Deadline observance	Degree of accomplishment
33.	Developing a communication platform to insure the communication of environmental institutions with the civil society organizations, academic sector and business environment (Participation Council)	Regulatory act on the establishment of the Participation Council approved; Number of meetings of the Participation Council organized; Number of decisions approved	Implemented	Regularly, by checking on annual basis	Action underway	ACCOMPLISHED

The structure responsible for the implementation of this action is the *Ministry of Agriculture, Regional Development, and Environment*.

Indicator: The regulatory act on establishing the Participation Council approved.

Representatives from the academic sector and civil society organizations are included in the Working Group for drafting regulatory acts, and in the WG for drafting bilateral/multilateral collaboration agreements.

On 26 July 2019, the Government Decision No. 347/2018 on the Approval of the Nominal Composition of the Moldovan Party of the Commission for Stable Use and Protection of the Nistru River was approved, a new member on behalf of the civil society (Ilia Trombițchi) being included in the latter, while currently, there are already three (3) members representing the civil society in this Commission.

A joint meeting of MoARDE leadership with the National Council of Environmental NGOs took place on 4 June 2020. During the meeting, topics related to the environment and actions taken by MoARDE and environmental subordinated institutions were addressed. Environmental priorities were discussed and the need for new measures and tools for managing environmental related issues, strengthening the development and promotion potential through sustainable projects, viable inter-institutional partnerships, as well as efficient use of resources were mentioned. Although the agreement between the parties was to organized repeated meetings, these did not take place due to the lack of interest on behalf of MoARDE.

A collaboration agreement was signed between the Chisinau Ecological College and the Environmental Agency on establishing partnership relations in the implementation of education activities, professional training, ecological education and awareness raising. The parties to the agreement participated in the closing event of the project implemented by the PA EcoContact and Pelikan NGO “Improving the Cooperation of Communities located on Both Banks of the Nistru River and Reducing the Risk Caused by Pesticides in Moldova”, as well as in the public debate on “Climate changes: Preventing, Combatting or Adapting?”, organized by Radio Moldova Youth.

Representatives of environmental authorities participated in the round table discussion on the topic “Mineral Resources Sector of Moldova – Problems and Solutions”, organized under the C.A. Expert-Group Project “Using Natural Resources: Improving the Record Keeping and Transparency”.

It should be acknowledged that the Working Groups created within MoARDE and structures subordinated to the latter on different topics related to making decisions, monitoring the implementation of the latter, and insuring transparency include representatives from environmental NGOs. The nomination procedure is carried out through the National Council of Environmental NGOs (informal structure), which operates by selecting 9 NGOs from within the Environmental NGO Forum (over 200 environmental NGOs).

At the same time, there was identified a case when, starting from November-December 2020, the NEF decisions were approved without inviting the NGO representative to the meetings of the NEF Board of Directors, although Ms. Iuliana Cantaragiu is a member of the Board since February 2020. This case was contested in the Administrative Court and is now under examination in court.

Another case presuming the infringement of transparency principles and public engagement in the approval of environmental related decisions refers to the situation when the opinions forwarded by the academic sector and civil society sector on the draft Government Decision on Approving the Regulation on Irrigation by Using Groundwater was adopted by infringing the procedure provided for in *Law No.100/2017 on Regulatory Acts*, and *Law No. 239/2008 on Transparency in the Decision Making Process*. This case was also contested in court.

The following **deficiencies** were identified in the monitoring process:

- ▶ The principle of transparency in the decision-making process is observed in the institutions subordinated to MoARDE, however some cases in which the rights and the legislation was infringed in 2020 were identified;
- ▶ During the monitoring period, there were registered cases of ignoring the collaboration/communication with the civil society sector;

All the identified issues and stated deficiencies may generate **risks of corruption**, such as *negligence in service, false public documents, abuse of office or exceeding service/work duties, conflict of interest and incompatibility*.

DATA ON CORRUPTION OFFENSES IN THE ENVIRONMENT PROTECTION SECTOR

According to data provided by the National Anticorruption Center of the Republic of Moldova, during 2018-2020, 12 criminal cases were initiated and investigated by the criminal investigation body. These involve crimes committed in the environment protection area, by public officials and legal entities, using different methods, such as:

- Unauthorized extraction of mineral ores;
- Performance of illegal extraction of sand from quarries;
- Changing the destination of agricultural land;
- Soil contamination, infection or pollution with hazardous products;
- Illegal logging of trees and bushes;
- Claiming and receiving undue cash or other goods and services in exchange of offering protection on behalf of a representative of the environment protection inspection,
- Lack of documentation on cases of illegal extraction and marketing of mineral ores from unauthorized quarries.

Thus, during **2018**, the NAC had **6 criminal cases** under criminal investigation procedure, all of them initiated based on the Article 328 of the Criminal Code (misuse of power or exceeding service duties). Of these 6 cases, 2 were initiated by the NAC, and 4 by other criminal investigation bodies.

During **2019**, the NAC officers had **4 criminal cases** under criminal investigation procedure: 1 criminal case initiated by the Center based on *Article 324 of the Criminal Code (passive corruption)* and 3 cases received from other criminal investigation bodies, of which: 2 cases were initiated based on *Article 327 Article 335 of the Criminal Code (abuse of power or abuse of office, including in the private sector)*, and 1 criminal case – based on *Article 328 of the Criminal Code (Excess of power or exceeding service duties)*.

In addition, during the first 10 months of **2020**, criminal investigation officers investigated **2 criminal cases**, both received according to competences from other criminal investigation bodies, and initiated based on Article 328 of the Criminal Code.

8 out of the total number of criminal cases committed in the environment protection area were closed for different reasons, 2 criminal cases were sent according to territorial competences to other criminal investigation bodies, while another 2 cases were undergoing the criminal investigation procedure within the NAC as of 01.12.2020.

At the same time, according to information provided by the Anticorruption Prosecution Office, during 2018-2020 criminal cases were initiated on corruption offenses committed in the environment protection area, as follows:

Year	Number of cases	Case circumstances /Criminal Code article
2018	2	Article 327, paragraph (1) – Abuse in office committed by the decision makers of a state enterprise, manifested by illegal loggings and embezzlement of standing timber
2019	9	Article 328, paragraph (3), item d) – On the fact of exceeding service/work duties by public officials of a state enterprise, manifested by privatization of a house which is part of the forestry stock
		Article 328, paragraph (1) – On the fact of exceeding service/work duties by public persons from a state enterprise, manifested by leasing out a forestry land lot
		Art. 335, par.(l)/l) – On the fact of using the service situation for illegal extraction of sand, and withdrawal of the land from agricultural circuit
		Art. 335, par.(3) lit. b) – On the fact of abuse in office committed by the decision makers of an enterprise, manifested by illegal extraction sand
		Art. 327, par.(2) lit. b/l) – on the fact of abuse in office committed by public officials from a mayor's office, who changed the destination of a land lot from the forestry stock into land of agricultural destination
		Art. 329, par.(l) – on the fact of negligence in service by the decision makers of a state enterprise, manifested by leasing out the forestry stock to some persons for hunting or recreation purposes
		Art. 327, par.(2) item c) – On the fact of abuse in office, committed by public officials, manifested by legalization of illicit loggings of standing timber in the process of authorized loggings
		Art. 191, par.(5) – On the fact of embezzlement of sand ores presumed illegal by a legal entity
		Art. 328, par.(l) – on the fact of exceeding service duties by public officials, manifested by changing the destination of a land lot for constructions into agricultural land
2020	8	Art. 328, par.(1) – On the fact of exceeding the service duties by public officials from a state enterprise, manifested by the use of funds allocated for pomiculture and viticulture gene pool contrary to the destination
		Art. 328, par.(1) – On the fact of exceeding the service duties by decision makers of a state enterprise, manifested by setting diminished tariffs on standing timber
		Art.191, par.(5)- On the fact of illegal appropriation by some public officials of some quantities of standing timber
		Art. 328, par.(3), item d), and Art. 329, par.(1) – On the fact of actions presumed illegal, taken by the decision makers of a crushed granite stone quarry, who pursued the goal of creating a false economic and financial incapacity and initiated the bankruptcy procedure
		Art. 328, par. (1) – On the fact of exceeding service duties by the decision makers of a state enterprise, manifested by illegal logging of forestry vegetation
		Art. 328, par. (1) – On the fact of exceeding service duties by public officials in trade marketing planting material within a state enterprise at a price lower that the indicated one
		Art. 329 – On the fact of negligence in service by the decision makers of a state enterprise, manifested by leasing out the forestry stock to some persons for hunting or recreation purposes
		Art. 228, item. d) – On the fact of actions of a legal entity presumed illegal, manifested by infringing the requirements for the protection of mineral ores and subsoil resources

VI

FINDINGS AND CONCLUSION OF ALTERNATIVE MONITORING

The environmental sector is essential for the entire society, having an impact at macro and micro levels. To achieve the set objectives in terms of preventing and reducing the level of corruption, both the institutional efforts and the efforts of the society should be concentrated on the efficient implementation of actions included in the Sector Plan, as well as other relevant actions which would promote integrity¹.

Although the information made public on the webpages of environmental institutions show an essential progress in the implementation of the Plan, the surveys carried out during the monitoring period, and the publicly available information prove the lack of essential progress in accomplishing the objectives².

According to monitoring findings, out of those 33 actions included in the Plan, we can state the following level of accomplishment of the actions within the period 2018-2020:

	IMPLEMENTED	UNDERWAY	NOT IMPLEMENTED
Priority I. Monitored actions – 9	4	5	—
Priority II. Monitored actions – 10	2	5	3
Priority III. Monitored actions – 9	5	4	—
Priority IV. Monitored actions – 5	3	2	—
Total monitored actions – 33	14 actions	16 actions	3 actions
Share (%) in total actions	42.42%	48.48%	9.1%

The high percentage of actions underway is due to the fact that the appreciation was given taking into account the degree of accomplishment of all sub-actions and indicators. The implementation of many actions was hampered due to the fact that the Plan was adopted by the Government Decision No. 1206 of 05.12.2018, and

¹ According to public information available at <https://cpr.md/2018/12/19/unda-verde-la-coruptie-in-ecologie/>, during 2013-2018, at least 16.5 million lei were lost by the Republic of Moldova due to the high level corruption in the environment protection sector – this is money embezzled from the state public budget through the NEF, as shown in the information and data provided by the National Anticorruption Center (NAC)

² According to data provided by Transparency International in the chapter on Corruption Perception Index for 2020 (CPC 2020), the Republic of Moldova ranks 115th out of 180 countries, <https://www.transparency.org.ro/book/ipc2020/4/>

respectively, the actions started being implemented in January 2019. The declaration of emergency situation (17.03.2020-15.05.2020) and of emergency situation in public health (16.05.2020 – until to date) during which there were instituted measures limiting the activity of civil servants in 2020, as well as the rate of infection with Covid-19 among persons involved in the Plan implementation also hampered the implementation of actions.

Many actions have overdue deadline. This is presumably explained by the fact that the procedures for drafting and promoting regulatory acts in compliance with Law.11/2017 on Regulatory Acts are rather long, involving many stages and stakeholders that need to be consulted. In addition to the delay in the implementation of actions for 2020, this fact is due to the pandemic and restrictions imposed on the activity in terms of trainings. At the same time, taking into account the restrictions imposed in 2020, the rate of online interaction of environmental authorities with the business community associated with the issuance of permissive documents has recorded an increase.

During the monitoring process (questionnaires, interviews, requests for information) we stated a deficient and inefficient collaboration between the environmental institutions responsible for the Plan implementation, both between each other, and with the team involved in monitoring.

In case of many actions, a formal attitude was stated towards the implementation of actions included in the Plan, as well as insufficient capacities and resources available in environmental institutions. We hereby, state that only 14 actions (**42.42%**) have been qualified as accomplished, while another 16 actions (**48.48%**) are partially accomplished and require time for implementation, the remaining 3 being not initiated, i.e. unaccomplished.

It was confirmed during the monitoring process that some indicators are not clearly formulated or are rather narrow in interpretation, which indicates a lack of coherence between the actions carried out by environmental institutions.

The lack of a complex and integrated approach to environmental institutional framework resulted in the reorganization of the Environmental Agency and Environment Protection Inspectorate only in 2018, while the "Moldsilva" Agency and "Apele Moldovei" Agency currently remain not reorganized. In the case of "Moldsilva" Agency, to the list of difficulties can be added the high pressure on behalf of those with interests in the unauthorized loggings of forestry land, and in insuring hunting activities with limited control on behalf of the state, and in the lack of interest in creating state protected natural areas. Moreover, the remaining institutions, such as the Agency for Geology and Mineral Resources, and the State Hydro-meteorological Service are not even included in the reorganization process.

There were identified gaps in the procedures for issuing environmental permits, as well as in the procedures for carrying out control over entrepreneurial activities with impact on the environment.

VII

RECOMMENDATIONS AND SUGGESTIONS

Taking into account the state deficiencies we suggest the following recommendations to institutions with duties in the environmental sector:

- ▶ As the Plan covers the period 2018-2020, but not all actions have been implemented, it is essential to develop a new Sector Plan for the next period, or extend the current Plan, adjusting it for a 2-year period, organizing public consultations and discussions with all the stakeholders from the environmental sector.
- ▶ To include actions referring to those institutions that have not been yet subject to reorganization in the new Plan or in the extended one;
- ▶ To review the performance indicators in quality and quantity terms, as well as in terms of the impact, for insuring a more efficient implementation and monitoring process.
- ▶ To create a mechanism for continuous collection of the plan implementation related data and indicators.
- ▶ To launch (by MoARDE) a national campaign for promoting integrity in the environmental sector, both among central public institutions, and among local public authorities, business environment, and civil society sector;
- ▶ To ensure a constructive dialogue between environmental institution and projects implemented in different areas, which have a visibility and communication component;
- ▶ To organize regular activities for building the capacity of civil servants from environmental institutions;
- ▶ To insure regular communication and collaboration between all environmental institutions;
- ▶ To insure a mechanism for efficient and broad communication with the civil society and business environment;
- ▶ To provide extensive services on-line, which would minimize personal interaction between the representatives of environmental institutions and service applicants, particularly in the area related to issuance of environmental permits;
- ▶ To develop report generation functionalities in the automated information systems, according to the need of specialized authorities and of the general public;
- ▶ To insure the use of automated information systems by all environmental institutions as much as possible;

- ▶ To conduct trainings/information campaigns on anticorruption requirements applied to all environmental institutions, highlighting the contravention and criminal liability;
- ▶ To establish in-house training mechanisms aimed at insuring retention of institutional memory upon implementation of the Sector Plan;
- ▶ To update the information posted on webpages of the environmental institutions with the view to insure public access to environmental information;
- ▶ To integrate all those 15 types of environmental permissive documents in the SIA GEAP and upgrade the latter by eliminating technical deficiencies;
- ▶ To improve the control over the legality of permissive documents issued by the Environmental Agency by developing an internal methodology in this sense (by the EPI).
- ▶ To take actions aimed at updating the State Registry of Inspections, entering the information on inspections carried out in the environmental sector in 2020;
- ▶ To create the necessary prerequisites for staffing the internal auditing unit by the Environmental Agency;
- ▶ To take actions with the view to fill in the vacancies, avoid staff turnover, and staff overcrowding;
- ▶ To improve the efficiency of the process of calculating the damage caused to the environment by guaranteeing the accreditation of the state environmental reference laboratory and adjusting the methodology for calculating the damage caused to the environment according the current inflation;

To apply a complex and integrated approach to the environmental institutional framework at national level.

ANNEXES

QUESTIONNAIRE (GENERAL)

Sectoral plan for anti-corruption actions in the field of environmental protection for the years 2018-2020

1. Do you know the provision of the Sectoral Plan for anti-corruption actions in the field of environmental protection for the years 2018-2020?

- ☐ Yes
- ☐ No
- ☐ I dont know

2. Do you consider that the Sectoral Plan of anti-corruption actions in the field of environmental protection for the years 2018-2020 includes all the existing problems in the Republic of Moldova regarding corruption in the environmental protection sphere?

- ☐ Yes
- ☐ No
- ☐ I dont know

If your answer is No, what are your suggestions that you think should be considered in the future?

3. What specific measures under the Sectoral Plan for Anti-Corruption Actions in the Field of Environmental Protection for the years 2018-2020 are considered a priority?

- ☐ Improving the legal framework in the field of environmental protection;
- ☐ Reorganization of environmental institutions;
- ☐ Training of environmental specialists;
- ☐ Integration of measures to reduce the anthropogenic impact on natural resources;
- ☐ Streamlining the authorization, amendment and sanctioning system;
- ☐ Increasing the efficiency and transparency of the management of financial resources intended for environmental protection activities;
- ☐ Reorganization of the activity of the national ecological fund;
- ☐ Streamlining state control by successfully counteracting environmental contraventions and crimes;
- ☐ Raising the level of decision-making transparency within environmental authorities and ensuring access to environmental information.

4. Have been adjusted normative acts in the environmental sector in order to exclude imperfections, ambiguous provisions or supplement with missing provisions?

- ☐ Yes
- ☐ No
- ☐ I dont know

5. How do you think the reorganization and delimitation of the functions exercised by the environmental institutions (Environmental Agency, Moldsilva, "Apele Moldovei" Agency) contributed to the fight against corruption in the field of environmental protection?

- ☐ Yes
- ☐ No
- ☐ I dont know
- ☐ For now, its not felt/visible

6. Are there organized within your institution initial and continuing training in the field of environmental conduct, professional integrity and conflict of interest management in the process of enforcing environmental legislation and the use of natural resources?

- ☐ Yes, initial trainings are organized
- ☐ Yes, initial and continuous training are organized
- ☐ No

7. Is there a policy for identifying and dealing with conflicts of interest approved within your institution?

- ☐ Yes
- ☐ No
- ☐ I dont know

8. Were there any cases of violations of the conflict of interest regime in 2018-2020? If so, briefly describe the situation and how the conflict of interest was handled?

9. Does your institution run information campaigns on integrity, environmental conduct and reducing the risk of environmental corruption??

- ☐ Yes
- ☐ No

If your answer is Yes, what information methods do you prefer and find most effective for actively involving the public in environmental matters?

10. Have you developed internal guides/methodologies regarding the strategy of communicating environmental information when consulting the public?

- ☐ Yes
- ☐ No
- ☐ I dont know

11. Does your institution implement measures to reduce the anthropogenic impact on natural resources and the environment?

- ☐ Yes
- ☐ No
- ☐ I dont know

If Yes, list the measures implemented during the years 2018-2020

12. Do you consider it necessary to tighten fines and sanctions for fraudulent use of natural resources and/or for excessive pollution of environmental components?

- ☐ Yes
- ☐ No
- ☐ I dont know

ADDITIONAL QUESTIONS

(for Environmental Agency)

a) Did the reorganization and delimitation of the functions exercised as well as the technical-material consolidation contribute to the efficient development of the activity in the field of environmental protection?

- ☐ Yes
- ☐ No
- ☐ If yes, argue/exemplify in what way

b) Are new staff trained in the effective implementation of environmental legislation?

- ☐ Yes
- ☐ No

c) Are civil servants subject to internal control/monitoring in the process of drafting and issuing permissive environmental documents?

- ☐ Yes
- ☐ No

d) What measures have been taken by your institution to create and operate the Integrated Environmental Information System?

ADDITIONAL QUESTIONS

(for the Inspectorate for Environmental Protection (IEP))

a) Do you register impediments when performing the control and monitoring of the compliance of the environmental protection conditions specified in the permissive environmental acts, issued by the Environment Agency?

- ☐ Yes
- ☐ No

If Yes, specify:

b) What are the results of the controls for the period 2018-2020 (present)?

- ☐ number of control documents issued _____
- ☐ number of permissive acts suspended/canceled as a result of non-compliance with environmental conditions _____

c) Were anti-poaching raids carried out to counter poaching and illegal cutting of forest vegetation during 2018-2020?

- ☐ Yes
- ☐ No

d) If Yes, what results were recorded?

- ☐ number of anti-poaching raids carried out _____
- ☐ number of cases of poaching and illegal logging of forest vegetation detected and fined _____

e) Has the control planning methodology been revised based on risk criteria in the field of environmental protection and approval of the rules on the development, approval and use of checklists applicable to the type and object of control?

- ☐ Yes
- ☐ No

If Yes, specify what changes

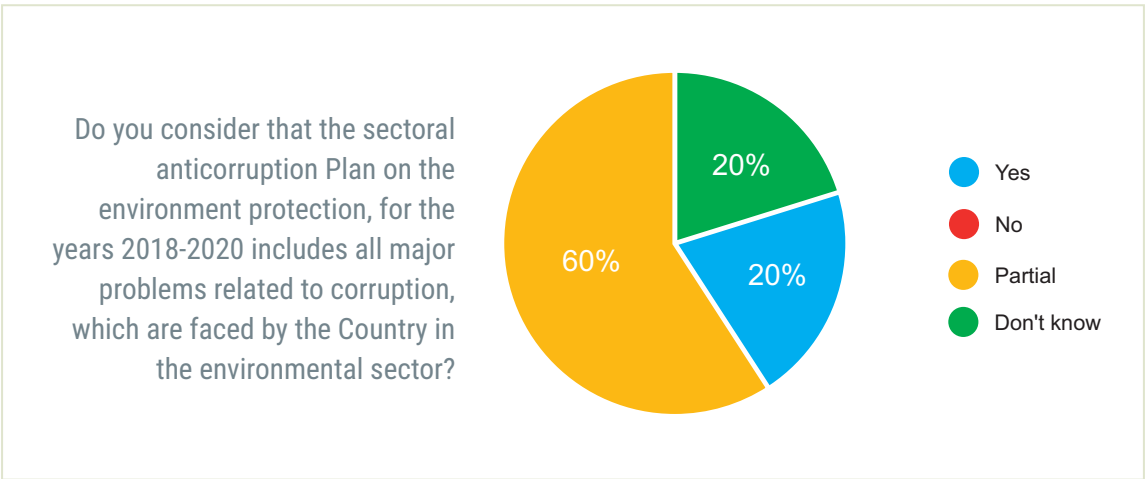
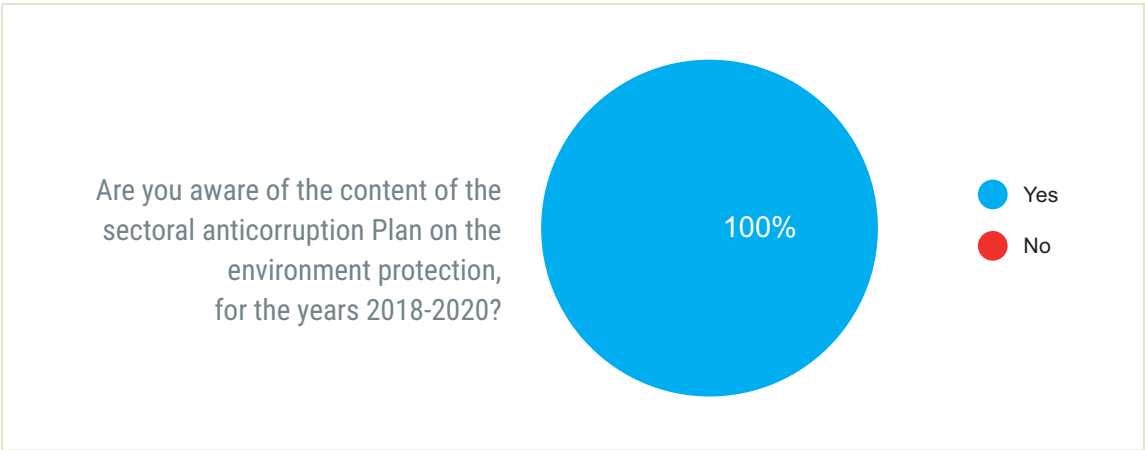
f) What is the frequency of training environmental inspectors on the regulatory framework in the field of environmental control, rules of conduct including and in terms of professional integrity?

g) Have there been taken any measures to develop cooperation between the Inspectorate for Environmental Protection and public authorities in the field of customs and law enforcement bodies in order to ensure the control and avoidance of illegal actions with natural resources or substances that diminish the quality of the environment?

- ☐ Yes
- ☐ No

If so, what action has been taken by IEP?

RESULTS OF THE ENVIRONMENTAL AGENCY SURVEY



If you answered YES, to the above question, what suggestions do you think should be considered in the future?

- As a number of actions in the Plan, which have not been carried out, it is requested (if possible) to extend the respective terms
- Actions according to institutional competences
- I don't know
- Concrete activities to control integrity and control the risks of corruption and fraud in the sector must be included.

What measures have been taken to ensure the functionality of the Environmental Agency during 2020?

Please provide data on the following issues: Staffing and recruitment scheme approved for the Environment Agency.

In September 2020, proposals were submitted to the Ministry of Agriculture, Regional Development and Environment on changing the staffing status and staffing scheme of the Agency.

All activities to ensure the functionality of the Environment Agency were undertaken: approved staff status, approved employment scheme, internal regulations, job descriptions, working conditions, etc.

What measures have been taken to ensure the functionality of the Environmental Agencies during 2020?

Please provide data on the following issues: the budget required for its operation.

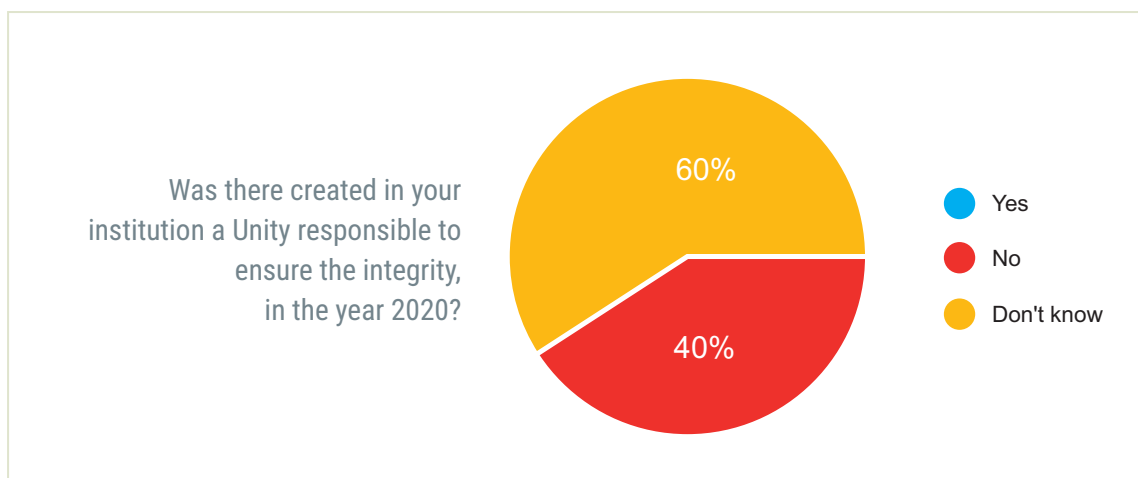
The budget of the Environment Agency was approved within the budget of MoARDE.

What measures have been taken to ensure the functionality of the Environmental Agency during 2020?

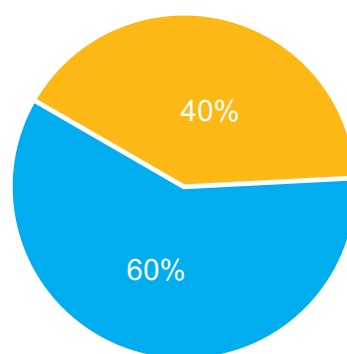
Please provide data on the following issues: public functions organized in a transparent manner

Employment were held in a transparent manner.

Employment announcement were organized to fill 6 vacancies, as a result of which 2 people were hired. Repeated announcement were launched at the end of the year. All information regarding vacancies and the results of employment is published on the Agency's website.

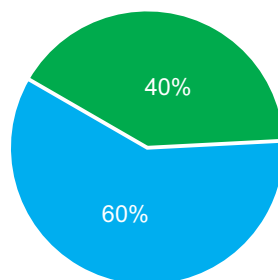


Is there a person entitled to ensure the integrity and to coordinate issues related to integrity, in your institution?



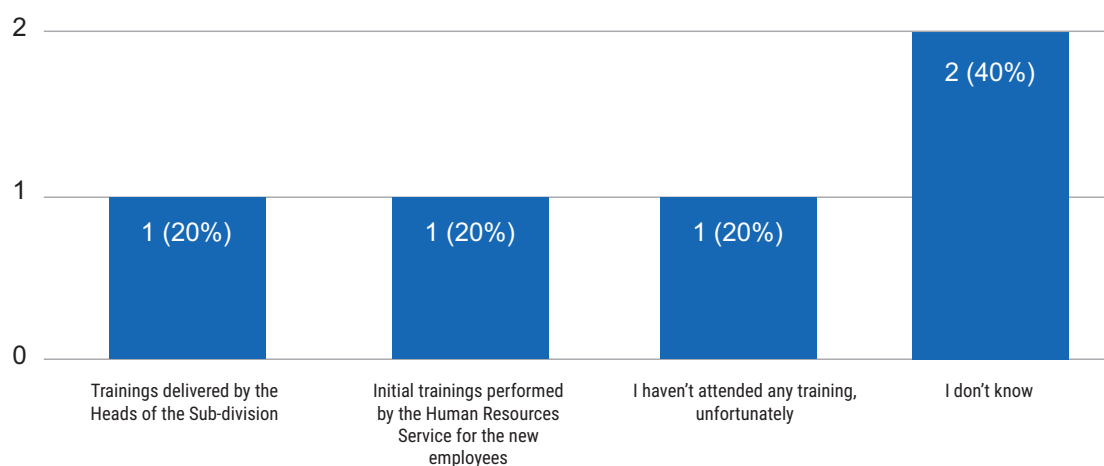
- Yes
- No
- Don't know

Were there organised initial and continuous trainings for the new employees in your institution, during the year 2020, on the topics related to professional integrity and management of conflict of interests in the process of application of environmental law and use of natural resources?

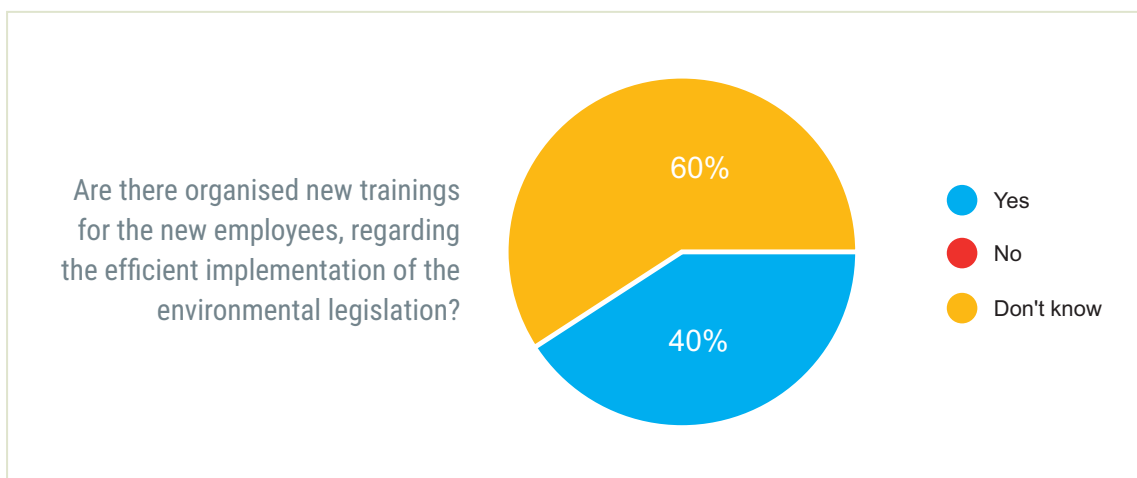


- Da. sunt organizate instruiiri inițiale
- Da. sunt organizate instruiiri inițiale și continue
- Nu. nu sunt organizate instruiiri
- Nu cunosc

Which trainings have attended the employees of the Environment Agency during the year 2020? Please, specify.

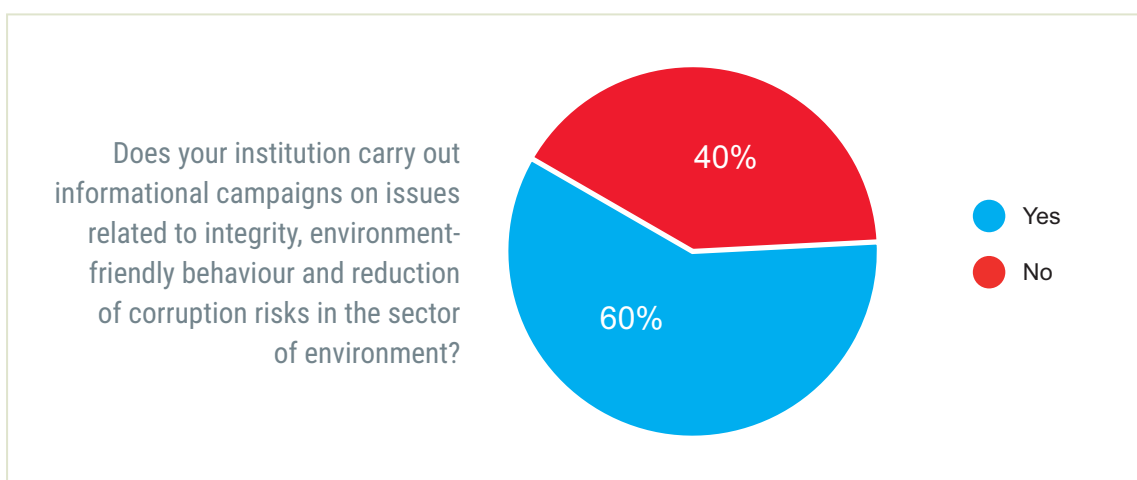


**Which is no. of officials trained in 2020 in the field of environmental conduct and professional integrity?
(If you know)**



Training of new officials employed within the Environment Agency regarding the effective implementation of environmental legislation:

Upon employment, the training of new employees hired is performed by the head of the joint subdivision with the representative of the legal service.



If your answer is Yes, to the question above, what information methods do you prefer and find most effective for the active involvement of the public in environmental issues?

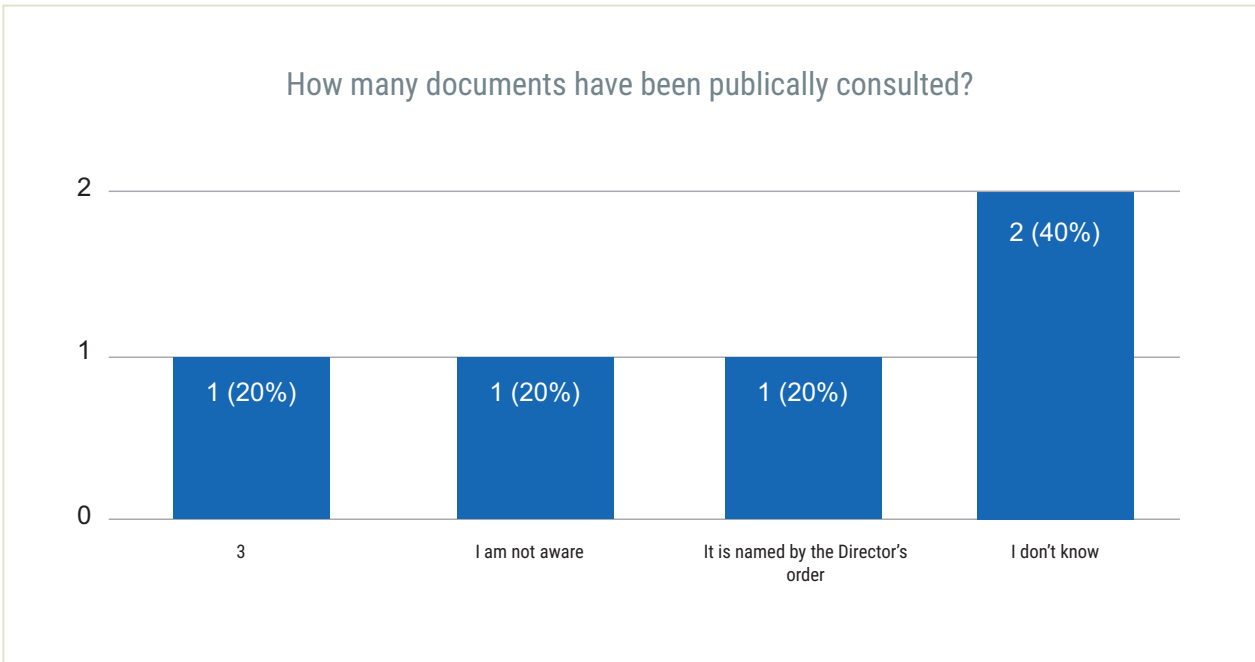
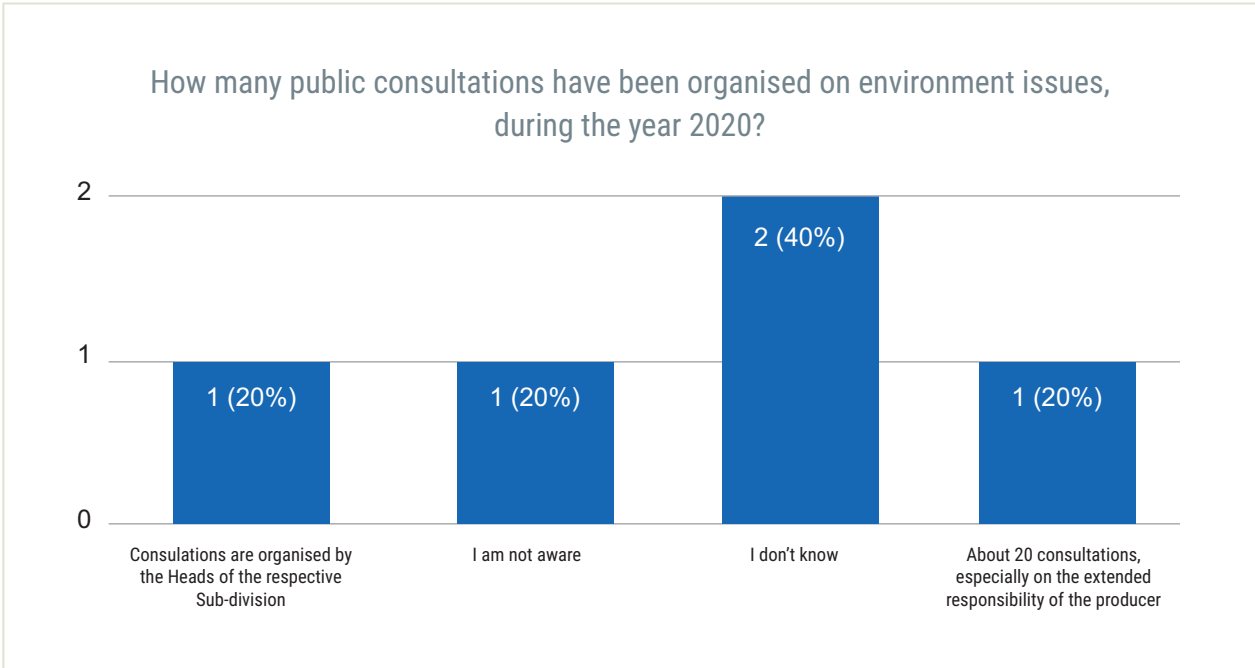
- Work with schools, businesses, spot, press releases, television and radio.
- I am not aware.

Please specify the number of audio, video or graphic spots developed and distributed through television and radio stations, social networks (for the period 2020) .

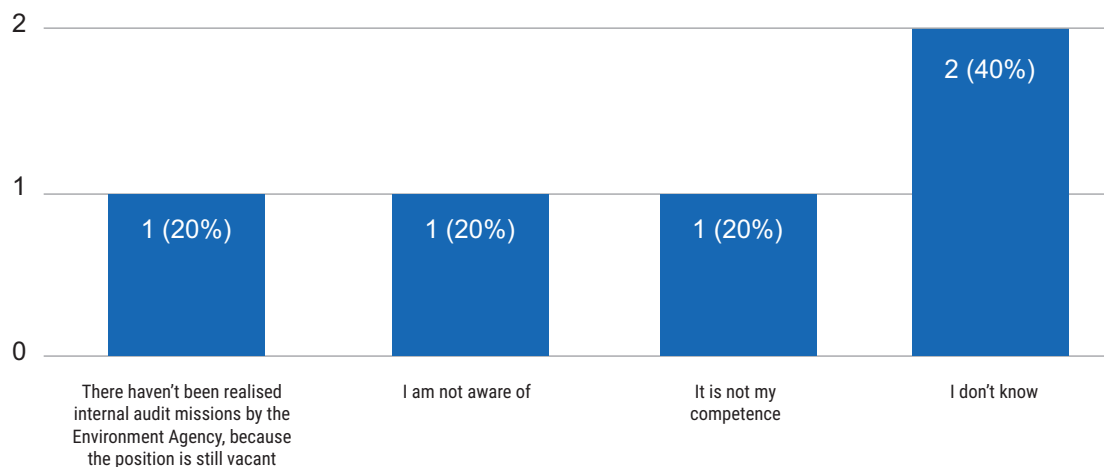
- 50

Have you encountered obstacles in making audio/video or graphic spots? If yes. Specify their character:

- Lack of financial resources



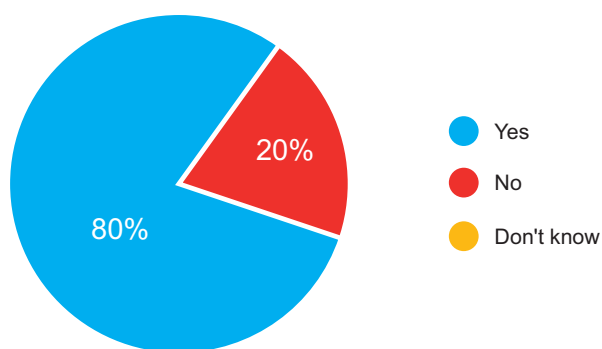
How many internal audit missions have been realised on the control and monitoring of the integrity of the public employees in the process of developing and issuing of permissive documents in the environment sector, over the year 2020?



Is there a report on the recommendations developed and the degree of their fulfillment? If yes, please provide this report to us at the email address:

- I don't know
- Yes.
- I am not aware of
- The report of the National Anticorruption Center will be sent by them

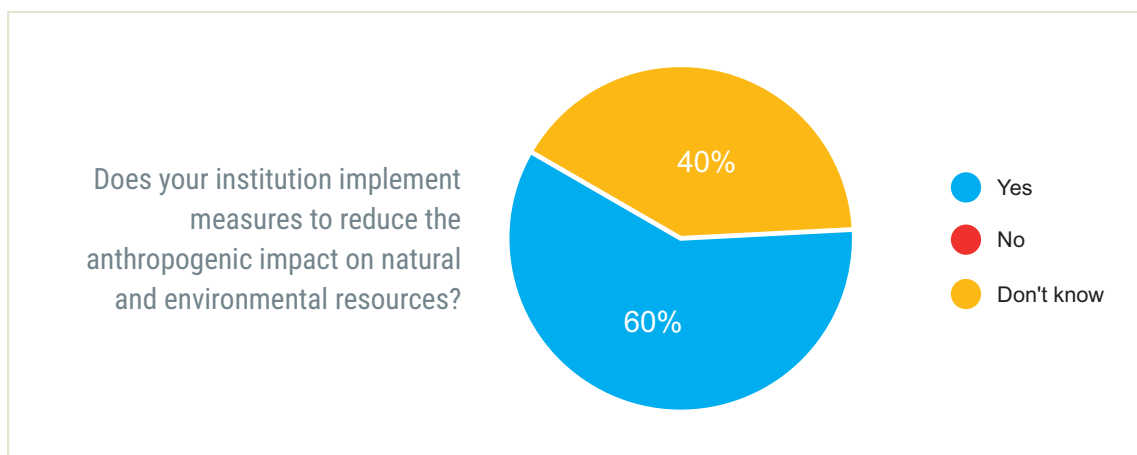
Is there an approved policy of identification and management of conflict of interests in your institution?



Were there any cases of violations of the conflict of interest regime in 2018-2020?

If so, briefly describe the situation and how the conflict of interest was handled:

- After hiring Ms. M. Bordeniuc, former head of the Northern Environment Agency, said she was elected as a local councilor. At the proposal of the legal service, she submitted her resign to the local council and resolved the dispute;
- I dont know;
- No cases of violation of the conflict of interest regime were found;
- No.

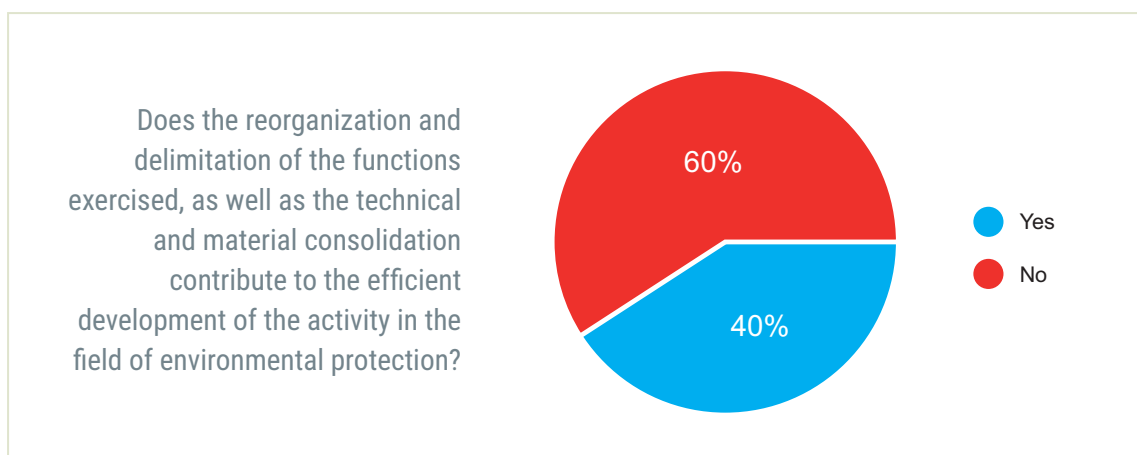


If you answered Yes to the above question, list the measures implemented during the years 2018-2020?

- a. Issuance of permissive acts to economic agents, involved in activities of use of natural resources and coordination of activities of rational use of them. Systematic monitoring of the quality of environmental components, in order to highlight sources of pollution and sanction environmental crimes, etc.
- b. elaboration of normative acts in the field of natural resources monitoring, issuance of permissive acts for activities with impact on environmental components;
- c. I dont know;
- d. I am not aware of;
- e. environmental impact assessment for planned activities, environmental authorization, application of extended producer responsibility, etc.

If you answered Yes to the above question, how do you argue/exemplify?

The delimitation of the policy development, implementation and control functions was performed.





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