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Regional seminar with Eastern Partner countries “Policies and Tools for Enforcement of Environmental Compliance”

Wednesday, 17 November 2021, Zoom

Ms Olga Olson, Project Manager, OECD

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Item 3. Environmental compliance assurance systems in EaP economies: Case study of the Republic of Moldova

Preliminary findings

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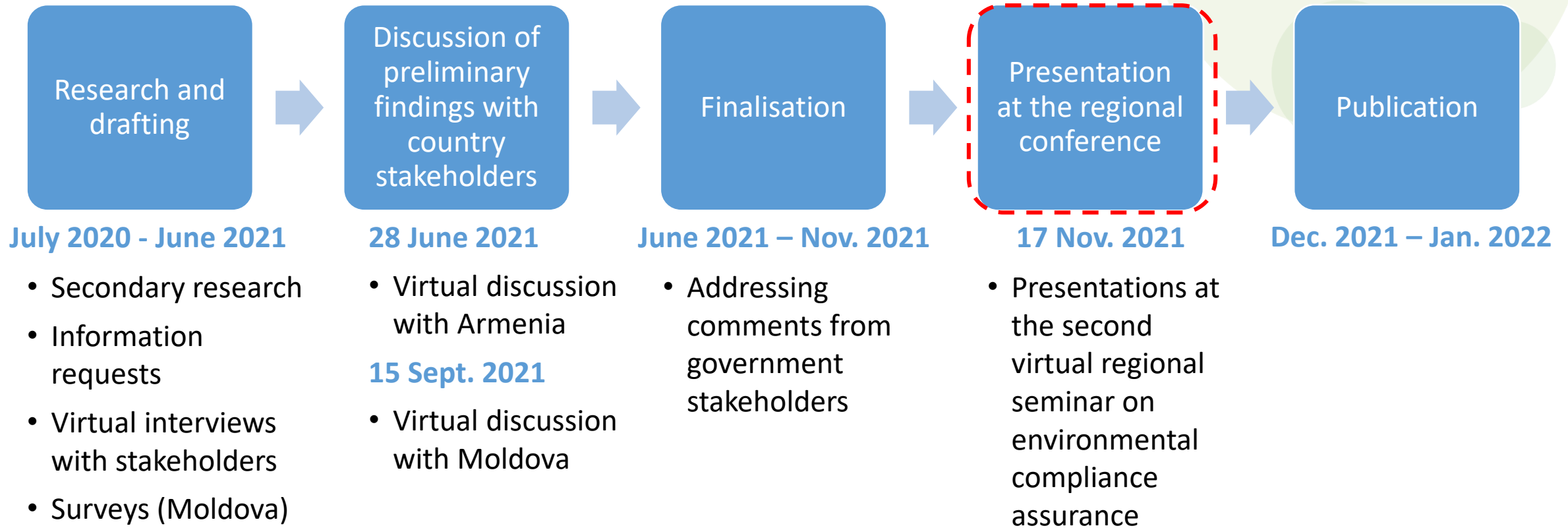


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Timeline and approach to the environmental compliance assurance system (CAS) reviews



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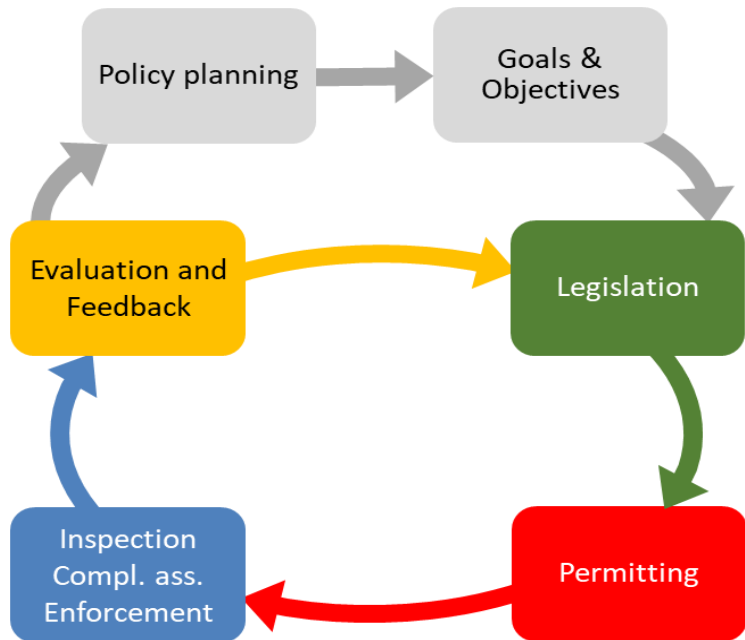




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The legislative and permitting regime has a direct impact on environmental compliance and compliance monitoring

Regulatory cycle



Source: IMPEL “Doing the Right Things” methodology

- Steps are interrelated
 - A missing or underdeveloped step effects the steps that follow
- e.g.
- Inspection is ineffective if permits or legislation are inadequate
 - Monitoring makes sense only if an inspection system is in place

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Moldova's comprehensive legislation and transparent permitting would benefit from additional improvements

Positive characteristics

- ✓ Comprehensive legislation
- ✓ Progress on an integrated approach
- ✓ Involvement of stakeholders in policy-making
- ✓ Transparent and digitised permitting
- ✓ Government programmes promoting green practices

Recommendations

- **Review environmental regulations** in place
- **Review private sector consultation** tools
- Streamline the **permitting procedure and remove gaps in the operation of the digital permitting system**
- Evaluate impediments to the adoption of **resource-efficient technologies**
- Move to a **multi-media and a differentiated permitting approach**

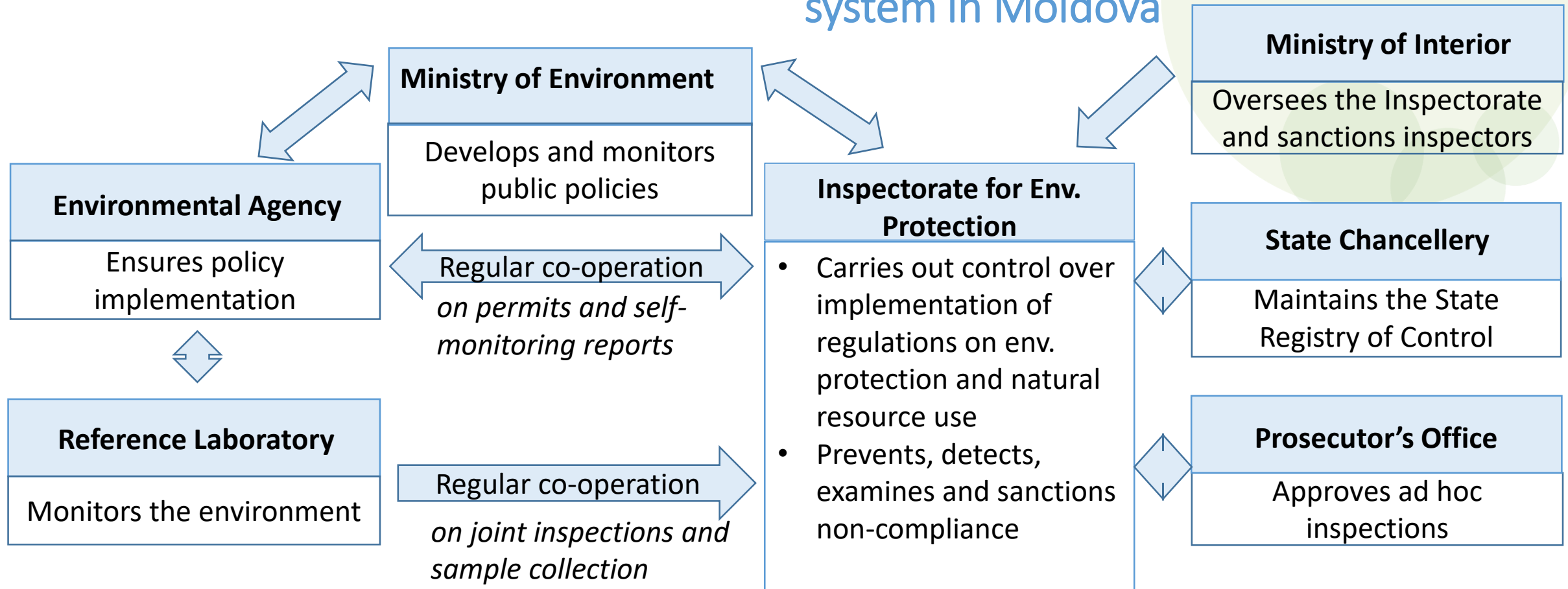


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Many institutions are involved in the compliance assurance system in Moldova



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Moldova's compliance assurance institutional set-up could be streamlined

Positive characteristics

- ✓ Separation of functions
- ✓ Territorial divisions of the Inspectorate
- ✓ Ability of the Inspectorate to propose policy, and to comment on laws and permits
- ✓ Oversight over inspectors' performance
- ✓ State Registry of Control

Recommendations

- Increase **amount of staff working on permitting**
- Reduce the number of **territorial divisions**
- Created a tailored **inspector training programme**
- Consider a **mix of general and specialised knowledge**
- **Reduce corruption risks** at the Inspectorate
- Improve **institutional co-operation**
- Streamline the **Inspectorate's reporting line**
- Invest in **Inspectorate's equipment and software**

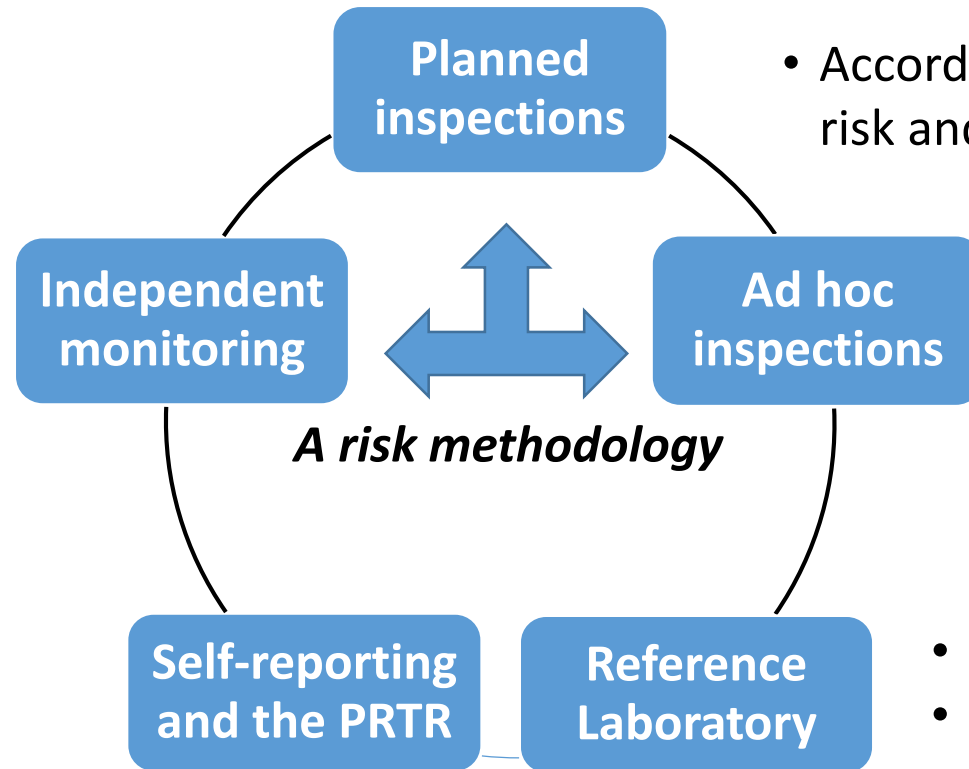


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Moldova uses several channels for monitoring environmental compliance

- Hotlines
- Letters
- Official web pages
- Facebook
- EcoAlert application

- Annual reports by companies to the Env. Agency, checked by the Inspectorate
- Annual reports for specific activities to a PRTR



- According to annual plans based on risk and available resources

- In response to requests
- Must be approved by the Prosecutor's Office based on risk

- ISO 17025 certified as of 2021
- Monitoring activity is limited
- Publishes environmental information

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Moldova's multiple monitoring mechanisms, including risk-based inspections, can be enhanced

Positive characteristics

- ✓ Advanced risk methodology
- ✓ Publication of inspection plans
- ✓ Use of inspection checklists
- ✓ Accredited laboratory that takes part in capacity-building and provides information
- ✓ Development of a National Integrated Air Quality Monitoring and Management System (SNMGICA)
- ✓ Required self-reporting
- ✓ Work on a PRTR
- ✓ Various channels for alerts incl. EcoAlert application

Recommendations

- Establish an **up-to-date permits database**
- Enhance the **risk methodology** and its application
- Improve **inspection planning** and **inspections**
- Strengthen the **Reference Laboratory equipment**
- Speed up the **PRTR launch**, establish a mechanism for checking PRTR reports, and ensure that the Inspectorate is a recipient of PRTR data
- Ensure a **24/7 year-round fast response capacity**
- Improve the **self-monitoring regime**
- Develop a **process** for keeping track of dealing with **environmental complaints**
- Publish **more official environmental information** and increase **information on environmental monitoring**



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The Inspectorate imposes several types of penalties for non-compliance along an enforcement pyramid





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Moldova's various enforcement tools are being reformed and should consider further improvements

Positive characteristics

- ✓ A variety of penalties
- ✓ Reparation of damage is a mitigating factor
- ✓ Ongoing amendments to improve the enforcement regime and increase penalties
- ✓ A five-step appeals process
- ✓ Slight increase in environmental charge rates
- ✓ Possibility to order polluters to repair environmental damage, using methodologies
- ✓ A dedicated fund (NEF) for spending environmental payments

Recommendations

- Adopt a **clear enforcement policy guidance document**
- Raise the level of **sanctions**
- Introduce **uniform charge rates** for same type of pollution
- Increase **transparency about the use of environmental payments**
- Improve the **appeals procedure**
- Evaluate the **effectiveness of public expenditure** on environmental issues
- Examine the **extent to which restoration is used**
- Address criticism facing the **NEF**
- Establish an **environmental insurance regime**



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Moldova uses online information, awareness-raising and assistance to promote environmental compliance

Activity	Details
Publishing information online	<ul style="list-style-type: none"> • <i>Environmental Agency website</i>: laws and regulations, permit templates, lists of issued permits, information on permitting through the one-stop-shop, a tab on decision-making transparency, quarterly and annual activity plans and reports (also has a Facebook page) • <i>Inspectorate website</i>: laws and regulations, inspection plans and schedules, yearly results book, tab on decision-making transparency, news (also has a Facebook page) • <i>State Chancellery website</i>: inspection plans and results
Awareness-raising measures	<ul style="list-style-type: none"> • <i>Environmental Agency</i>: 2020 information campaign on ecological education, news on environmental protection topics, press releases, television interviews • <i>Inspectorate</i>: meetings, seminars, conferences, working visits, radio and TV shows, environmental activities, news articles on env. topics
Assistance to comply	<ul style="list-style-type: none"> • Seminars and meetings with the private sector and NGOs to explain env. legislation • NGOs active in capacity-building activities



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Moldova's activities aimed at promotion of compliance could be improved in several ways

Positive characteristics

- ✓ Ambitious programme to promote the understanding of the green economy
- ✓ Relevant information published on websites
- ✓ Use of Facebook pages
- ✓ Active promotion of awareness about environmental protection
- ✓ Meetings with the private sector to explain environmental regulations
- ✓ NGOs active in environmental education and capacity-building

Recommendations

- Use **metrics** to check the take-up and usefulness of online information
- Improve **information provision online** by taking the user point of view
- Make **information about inspection results** more transparent
- Organise **awareness-raising and training activities** about environmental compliance assurance institutions and environmental regulations more frequently