



MINISTERUL MEDIULUI  
AL REPUBLICII MOLDOVA



***Updating environmental liability and damage assessment  
provisions in Moldova***

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# Environmental liability legal framework (1/2)

- Republic of Moldova undertook to transpose the Environmental Liability Directive 2004/35/EC as soon as it became the environmental acquis of the Energy Community Treaty
- Currently the Ministry of Environment and dedicated experts are elaborating the legal framework transposing the Directive, as well as on reviewing and updating the methodologies on environmental damage calculation.
- Law No. 1515 plays the central, coordinating role in the determination of liability for those that cause damage to the environment. It is the legal basis for the development of acts and instructions on certain issues of environmental protection. Whilst the ELD is limited in scope to administrative liability, breach of Law No. 1515 can create concurrent administrative liability, civil and criminal liability for the infringer.

## Environmental liability legal framework (2/2)

- Current Moldovan legislation covers two types of administrative law-based environmental liabilities, which may arise concurrently:
  - remediation of damage caused to the environment, limiting its impacts and preventing further damage
  - liability to pay monetary compensation
  
- After the assessment of both transposition alternatives, mainly: either as a separate law, or via the amendments to the already adopted laws; amending the current legislation, mainly the amendment of the Law No. 1515 of 16 June 1993 on Environmental Protection seems the most feasible solution

# Current regulatory Framework (Methodologies)

## **Methodical basis for estimating compensations for damages caused to the environment:**

- Environmental protection law no. 1515-XII of June 16, 1993,
- Law on payment for environmental pollution no. 1540-XIII of February 25, 1998
  
- Currently, the normative framework regarding the estimation and calculation of the damage caused to the environment is made up of about 20 methodologies (methodologies, instructions, regulations) intended to determine the order and method of calculating the damage caused to the environment by violating ecological norms in various fields
  
- To a large extent, these methodologies are already outdated and do not correspond to the newly promoted legislation, as well as the reality of the development of the economic sector and the diversification of pollution sources. Some of the methodologies and/or instructions require adjustment, others are to be fully evaluated and modified.

Thank you for attention!