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REPORT

“Workshop on the transition of the Emerald Network to Natura 2000 - transposition and implementation of effective conservation policies”



Chisinau 2024

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Introduction

The workshop event was organized on the 4th of June 2024, from 10:00 AM-12:00 PM in physical format at the premises of the Ministry of the Environment. The present group consisted of representatives of relevant institutions, such as the Forestry Research and Management Institute (ICAS), the Environment Agency, and representatives of the associative and scientific sector, as well as representatives of the Ministry of Environment and composed a total number of 27 participants, see Annex 1.

The workshop was organized in the framework of the EU-funded action, "EU for the Environment - Green Economy". It supports eastern partnership countries to protect better and use their natural capital to enhance people's environmental well-being and stimulate economic growth. The action was implemented by five partners: OECD, UNIDO, UNECE, UNEP, and the World Bank. Therefore, the event focused on presenting and discussing with Moldovan stakeholders the process of transposition of the EU *acquis* in the field of biodiversity conservation, as well as addressing the institutional, legal, and management gaps of the Emerald network, species assessment, and reporting to international mechanisms (Bern Convention). Also, during the event, the biodiversity assessment mechanism was presented – which is a mandatory procedure for activities falling under Annex 1 and 2 of the Environmental Impact Assessment Act 86/2014, which are carried out near an Emerald site or with the possibility of an impact on species or habitats at a site.

The session was opened by the executive director of PA EcoContact, Natalia Guranda, welcoming the participants and introducing the state secretary of the Ministry of the Environment, Aliona Rusnac, expressing that this event is an important step for the environment protection field and for the entire community, since this is a subject that interferes in the daily activities of the subjected institutions directly or indirectly, and by positioning the Emerald network on a good base will make the ongoing transition to Natura 2000 smoother and secure.

In the context of the framework of the project, have been presented for discussion the following objectives:

- Contribution to improving the transposition and implementation of the EU *acquis* on biodiversity conservation, including species, habitats, and other related issues.
- Promotion of the provisions on integrating the Emerald Network into the legal framework and sectoral policies.
- Identification and evaluation of the current legal, institutional, and managerial gaps in assessing species and habitats within the Emerald network.

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Mr. Aurel Lozan, the expert from the World Bank, outlined that the scope of the informational event is to emphasize the transition from Emerald to Natura 2000 through a method that will take into consideration the existence of the three approaches of the conservation methods: Emerald network, Natura 2000, and the national system of protected areas within the possible integration in the EU membership. As there is already an ongoing process regarding our country's integration, we believe there will appear from the legal side requirements to fulfill, and there will be the moment when we as a country should demonstrate that we already have a system of well-preserved areas in place.

The transition from the protected areas system and the Emerald network to Natura 2000 requires joint effort and activities, and the upstream approach is a timely way to form an institutional framework and the necessary human resources to make this significant change possible. Thus, as there are perceptible differences between them, the meeting was based on the challenges and impediments that have already emerged and those that are expected in the future.

Subjects of the event

As outlined, a common and realistic vision is needed for tangible applicability; therefore, the event was concentrated on the following subjects as per the agenda:

1. Presentation of the EU acquis on biodiversity conservation, including species and habitats
2. Presentation on identifying and understanding current legal, institutional, and managerial gaps in the assessment of species and habitats in the Emerald Network (report submitted to the Bern Convention)
3. Presentation of the Emerald Network Species and Habitats Protection Mechanism: Biodiversity Assessment
4. Presentation of the findings of the High Conservation Value Forests in Moldova

The first speaker, Mrs. Irina Punga, deputy state secretary, presented Moldova's commitments to biodiversity conservation, including species and habitats in the context of EU accession, which took place in several stages: the first one being the Self-screening for the identification of EU acts in the field of environmental protection to see how relevant they prove to be for the Republic of Moldova, and the second phase, Explanatory screening, to clarify the identified acquis to be taken into account for harmonization. As for biodiversity conservation, Moldova is a part of several international agreements, the most important ones being:

- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971) - Ratified 14.07.1999
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979) - Ratified 23.06.1993
- Convention on Biological Diversity (Rio de Janeiro, 1992) - Ratified 23.06.1993

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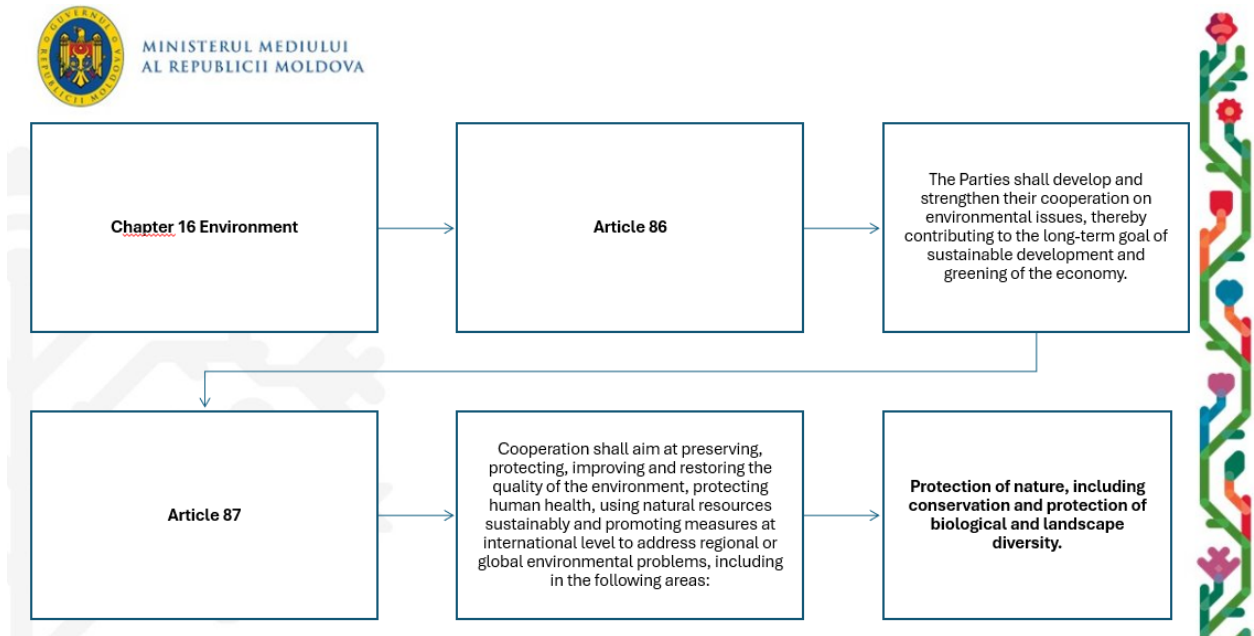


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- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), (Washington, 1973) - Ratified 27.06.2001
- Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979) - Ratified 01.04.2001

Nevertheless, RM is part of more than 20 agreements regarding biodiversity protection. Thus, the most important one that began aligning the national standards to the European ones was the Association agreement (Law No 112/2014).

The Association Agreement is, in fact, the instrument through which the Republic of Moldova has assumed specific commitments, including in the field of biodiversity protection and conservation. This is the starting point of the authorities' initiative for a new approach to aligning itself with those EU standards.



As stated, even in 2014, this was a priority area; thus, Article 89 stipulated that cross-border cooperation must consider the conservation of biodiversity and nature protection. Given that natural processes do not consider geographical boundaries, this requires an efficient relationship with both neighboring and EU member states.

Taking into consideration that the Emerald Network and the transition to Natura 2000 is a European requirement, the focus must be on Annex 11 of Chapter 16 of the Environment Law from the association agreement, where were highlighted 2 directives:

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

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, as amended by Directive 97/62/EC, Directive 2006/105/EC, and Regulation (EC) 1882/2003

These were the primary EU-identified areas to be aligned at the national level with the objective of being included in the Republic of Moldova's legislation once the desire to join the EU arose. Thus, new transposition and implementation commitments and more rigorous reporting were introduced in addition to those directives.

Nonetheless, the European Commission issued a report concluding that the Republic of Moldova is doing well on the transposition side, as those directives provided in the agreement have been partially transposed into national legislation, with success being the law on the ecological network which included the chapter on the Emerald network, with new provisions on the protection of the Emerald network, and with the establishment and application of protection mechanisms, but stressed the need to work on aligning the national legislation on nature protection in the light of the transition from Emerald to Nature 2000, and for this, we need efficient implementation and enforcement of harmonized legislation, with the establishment of those standards for strengthening the capacity for efficient management of the natural resources.

In this context, the advantages of transposition and EU membership will refer to:

improving water and air quality,

a more efficient waste management processes

protection of biodiversity – of animals, plants, and micro-organisms

industrial pollution control

As per the ongoing recent activities, on the 21st-22 of May took place the narrative screening, where many questions referred to the new biodiversity assessment mechanism, which means that the directive assumes some commitments in this sense, including the application of exemptions with the consent of the European Commission, but as per the fact that the country has not yet been accepted in the European Union, the Commission suggested that at the national level, the decisions will still be taken together with the environment authorities to assess the potential impact or to allow the development of economic activity.

Discussion on the first presentation:

Mr. Vitalie Dragan, Head of the Department of Nature Conservation and Biosecurity Policies, came with a question of clarification on the idea of a separate fund and what it entails, i.e., a new fund or an extension

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of the existing one. Taking into consideration the actions and policies promoted by the Ministry of the Environment, especially those related to the forestry and wildlife fund, the financial means are extremely necessary, but also it must be foreseen a mechanism for budgeting this fund and from what sources in order to make it permanent because indeed the existence of a separate fund is a good option even from the point of view of attracting the participation of natural and legal persons in the process of environmental protection.

Mrs. Angela Lozan pointed out that the global biodiversity framework adopted at the international level, for the period 2020-2030, has a provision or a recommendation for developing countries to implement the mobilization of financial resources addressed exclusively to the conservation of biodiversity, forests, etc., and mechanisms of funds attraction must be developed, including from the private system for ecosystem services, in order to stop the loss of diversity, improve habitats, and manage adaptation activities to climate change.

The second presentation was exhibited by Mrs. Veronica Josu, Senior policy consultant in the directorate for nature conservation and biosecurity, and referred to the legal, institutional, and managerial framework of the Emerald Network: gaps and barriers. She made a historical foray into the creation of the Emerald network, namely the three stages it went through, with the results at the national level:

The total area of the Emerald Network – 277,157 ha, or 8% of the country's territory

Emerald habitats – 32

Emerald Sites – 61

Being approved at the Bern convention, the respective habitats and sites covered 14 species of plants and 140 species of animals, so, therefore, the requirement for approval at the national level of these species, which lately involved the necessity to undertake changes at the legislative level where the context reveals the Law No. 94/2007 regarding the ecological network. However, it should be mentioned that regarding the legal framework, based on the assessment, several lacks were identified such as:

There is a lack of legal provisions regarding the designation of Emerald sites at the national level due to the amendments made to Law No. 94/2007 on ecological networks.

Law No. 1538/1998 does not refer to the Emerald Network or include the Emerald site within the state-protected natural areas.

Lack of a management framework plan for the Emerald site.

Lack of functional register containing Emerald network data (i.e. species/habitat data, exact boundaries with GIS data, etc.).

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In the chapter on monitoring and reporting the state of conservation of natural habitat types and species of wild flora and fauna within the Emerald Network, another series of gaps were highlighted that must be addressed at a higher level by the relevant institutions regarding the lack of a standard monitoring plan developed and approved by the Government, as well as the lack of institutional memory, generated by frequent staff rotation, which reduces the level of institutional expertise, etc. Here also was put under discussion the liability for the devastation and damage of species of wild fauna and flora, as well as of protected habitats within the Emerald Network, in sight of the lack of the national contravention sanctioning system and the applicable national methodologies and instructions for calculating payments for environmental harm because they do not estimate the real cost of damages and do not correspond to the socioeconomic reality of the Republic of Moldova.

Further, the presentation relied on the reporting criteria, which presume two types of reporting: general and regarding the species, apart from birds, listed in Resolution No. 6/1988.

Discussion on the second presentation:

It was stated that at the current stage in the Republic of Moldova, there is an amalgam of provisions that legislate the field of the environment, and with the process of transposition and accession, the need to optimize them becomes evident by combining the provisions related to the directive on bird habitats and the ecological network, or to make possible the existence of two normative acts on flora and fauna and natural protected areas where the ecological network will be included, and separate to that an act that will authorize the cutting of forest vegetation with the creation of a forest fund.

Opinions were also presented regarding the revision of the Law of Protected Areas to which changes were made, but in practical terms, no essential fluctuations were perceived; this implies the restoration of ecosystems but without stopping economic activities, therefore it is necessary to find that balance where environmental protection will be emphasized without significantly prejudicing economic development.

Given the existence of large zones that fall under the protection of natural protected areas, it is imperative to clearly delimit the core areas for conservation while also offering the possibility of carrying out economic and development activities without disturbing the existing ecosystems. As such was offered as a suggestion from Mr. Aurel Lozan to identify the geographical delimitations under Natura 2000 and within to have those core areas as a component of the sites.

In the same vein, Mrs. Irina Punga stated that the vision and objectives of Emerald network and Natura 2000 are almost the same, but differences are notable in the manner of accomplishment. Thus, a common mechanism should be developed at the national level that will direct what actions must be undertaken to motivate people to follow the rules regarding environmental protection.

Mr. Dragan Vitalie outlined that Legislation in the agricultural field is not correlated with environmental legislation. Therefore, the process should start with developing an informational base and then request compliance under certain regulations.

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Mr. Galupa expressed that the coordination of the law regarding the fund of the areas protected by the state highlighted a weak point, namely the lack of scientific data to clarify the need to protect certain areas for the elaboration of a legal framework. Another gap was the unfinished inventory (GIS), which has reached the legal level and has not been forwarded further. Consequently, we could only achieve long-term and tangible success after erasing these gaps, as we lack a complex intersectoral approach.

Mr. Marius Cat, from the Environment Agency, had an intervention, disclosing information about the experience of a study vision, from which our country must take over as good practice the correlation between the protected areas with the planned economic activities within the natural reservation. Therefore, their environmental authorities have some complete legal approval powers; thus, there is a special synergy of common objectives on environmental protection. As per the evaluation of the national gaps, he identified the lack of scientific studies necessary for issuing permissive acts.

The event continued with the presentation of the protection mechanism for species and habitats of the Emerald network, known as Biodiversity Assessment, by Mrs. Irina Punga, which outlined that under the biodiversity assessment mechanism, we are registering a downward slope.

In the association agreement in the Habitats Directive, we had an obligation to transpose it. However, in the revision of the Law on impact assessment and strategic environmental assessment, there was a request to transpose Article 6 of the Habitats Directive, which foresees the establishment of that special mechanism for impact assessment of the Emerald network, namely the mechanism for assessing the impact of economic activities on species and habitats in this network. Under this requirement were organized debates and discussions on what should be the following steps, so a solution was the consultations of the international experts who already have been through this example of processes. It was concluded that the biodiversity assessment mechanism should be part of the strategic environmental assessment at all times, and part of the impact assessment when the economic activity is included in Annex 1 and 2 of the Environmental Impact Assessment. However, at the same time, there should be the possibility for the economic agent when they have very small activity but, due to geographic location near a network/Emerald site, to do only the biodiversity assessment.

The role of the biodiversity assessment mechanism is to ensure the human rights to a healthy environment to a general extent, but nevertheless, it comes down to the gathering of information, analysis of alternatives as the studies must be qualitative, integration of environmental aspects into economic and social activity, avoidance of irreversible effects, and involvement and consultation of the public, which is a very important component as they are the basic source of information for the assessment of environmental impacts, which keeps the state authorities in touch regarding the existing economic activities along with the problems related to their development and sufficiency of these activities on certain territories.

The biodiversity assessment procedure is a complex one, involving many steps both from the part of the economic agent and of the relevant institutions that analyze the request coming from the economic agent and implies the involvement of all the necessary actors for the elaboration of the assessment of the

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impact of economic activity on biodiversity. Respectively, the decisions of the environmental agency must be based on expert opinions. In some cases when there is a certain potential impact, certain environmental protection mechanisms (derogations) must be foreseen, and only after the economic agent has demonstrated the capacity to implement conservation measures is a certain decision taken at the national level by the environmental agency--this until we are not part of the EU. The conclusion is of a hierarchical nature even with ESM or EIM, which implies that if an impact on the Emerald network is proven, the possibility of carrying out this activity will be canceled.

The informational event was closed with a brief presentation by Mr. Aurel Lozan on the conclusions of the study High Conservation Value Forests in Moldova. The key findings revealed that only 47.3% of the forests have high conservation potential, which is 95.218 ha. This is not a bad reference, but these figures should be maintained regardless of the events and situations that our country will go through.

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Conclusions and Recommendations

Based on the presented information and the session of discussions, the following recommendations were concluded:

In order to report on what has been transposed, we will now be required to report on how we implement the things/regulations/acts that we transpose, and to do this, we have to identify if we have or not the capacity to implement them fully, and where is not possible to tackle the aspects which have to be consolidated; as per the general acknowledgment in the Republic of Moldova, the biggest challenge is the lack of data and qualified human resources.

Based on the European Commission's recommendations, it was concluded that a separate ecological fund for environmental protection and climate change would be necessary to subsequently direct funds towards the achievement of environmental objectives and standards foreseen at the European level. Based on the experience of other countries, this would be an optimal approach for Moldova.

The most vulnerable part remains not the transposition but the implementation, i.e., how much and what we are able to implement in terms of data availability and accessibility, qualified human resources, etc. Therefore, the cooperation and involvement of all key actors, the authorities implementing the acquis, and the experts who will bridge economic agents and state institutions is urgently needed.

Based on the loopholes stated, several recommendations were determined:

Establishing clear site selection criteria

Operation of the national register of the Emerald Network

Establishing conservation status monitoring systems

Establishing the need for reporting

Mandatory development of management plans

The problem of monitoring, in the context that neither the Ministry nor the Environment Agency has the capacity to carry it out, can also not be handed over to scientific institutions because they are mostly funded from projects and likewise do not have the capacity to perform it. Thus, capable human resources must be identified, as well as a separate structure must be developed to take over the monitoring objective.

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