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The Association Agreement between the EU and Moldova

Environmental Cooperation

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EU - Republic of Moldova
Association Agreement



Association Agreements with Georgia, Moldova and Ukraine ...
these are not just any other agreements - but milestones in the history of our relations and for Europe as a whole ..)

Scope and value of the AA between EU and Moldova

... comparison with the AAs between the EU and Georgia and Ukraine

... is the AA an innovative legal instrument providing for a new type of integration without membership ?

(European University Institute)

1994 - Partnership & Cooperation Agreement

In 1994 the EU and Moldova stipulated a PCA, which entered into force in **1998**.

Article 1 ... *The objectives of this Partnership are:*

- to provide an appropriate framework for the **political dialogue** between the Parties allowing the development of political relations,
- to promote trade and investment and harmonious economic relations between the Parties and so to foster their **sustainable economic development**,
- to provide a basis for legislative, economic, social, financial, and cultural cooperation,
- to support efforts of the Republic of Moldova to consolidate its democracy and to develop its economy and to complete the **transition into a market economy**.

(**Preamble** .. welcoming and recognizing the importance of the Republic of Moldova's efforts, aimed at **transition of its economy away from a state trading country with centrally planned economy into a market economy** ...

Moldova is Member of **WTO** since 2001)

Thereafter, the EU has been establishing an increasingly close relationship with Moldova, going towards gradual economic integration and a deepening of political co-operation.



EU cooperation with its neighbours



In **2003** the EU launched the **European Neighbourhood Policy** – ENP

In **2005** a **EU-Moldova ENP Action Plan** was jointly adopted at the Cooperation Council in 2005; it laid out the strategic objectives based on commitments to shared values

Joint Staff Working Document

Implementation of the ENP in the Republic of Moldova Progress in 2013 and Recommendations for Action

Accompanying the document - Joint Communication to the EP, the Council, the European Economic and Social Committee and the Committee of the Regions

Neighbourhood at the Crossroads: Implementation of the ENP in 2013

Moldova **drafted a new national environment strategy and environmental protection** legislation, ***which should provide*** it with a framework to develop further related legislation and institutional reform.

It announced its intention to adopt a strategy and action plan for the conservation of biological diversity, and laws on EIA, chemicals, and access to environmental information.

The Government **adopted most of the secondary legislation required for the full enforcement of the 2011 water law**, which came into force in October 2013. It continued to implement the sector policy support programme in the water sector, under which the EU is providing budget support assistance. The results of the programme, however, were not considered fully satisfactory ...

2009



Russia considers the Eastern Partnership as an attempt by the EU itself to expand its "sphere of influence"

Environment

Multilateral cooperation should be extended to **environment policy and climate change**, to address issues such as multilateral conventions, strategic planning, environmental governance, enforcement, specific environment themes, the financing of environment investments in a regional context, climate change mitigation and adaptation, the involvement of partners in international discussions on future climate action and experience sharing on emissions trading.

2014 - The Association Agreement

The AA was signed on 27 June 2014 and Moldova ratified it last 2 July

It aims to deepen political and economic relations between Moldova and the EU, and to gradually integrate Moldova into the EU Internal Market.

This includes the setting up of a *Deep and Comprehensive Free Trade Area* (DCFTA), which is a core part of the Agreement.

The AA constitutes a reform agenda for Moldova, based around a comprehensive programme of approximation of Moldova's legislation to EU norm

/ EU assistance to Moldova is linked with the reform agenda.

Key areas:

public governance, justice, law enforcement, economic recovery and growth, consumer protection

Sectors :

energy, transport, **environmental protection**, **climate change**, industrial development, social development and protection, education, youth and culture

Areas of Cooperation – Key Elements

Preamble

Title I – ***General Principles***

Title II – ***Political Dialogue and Reform, Cooperation in the Field of Foreign and Security Policy***

Title III – ***Justice, Freedom and Security ...***

Title IV – ***Economic and Other Sector Cooperation***

(Chapter and Annex on Environment)

Title V – ***Trade and Trade-related Matters***

Title VI – ***Financial Assistance and Anti-Fraud and Control Provisions*** (Annex) (Protocol IV)

Title VII – ***Institutional General and Final Provisions***

Principles

Title I - *General Principles* / Article 2

1. ***Respect for the democratic principles, human rights and fundamental freedoms***, as proclaimed in the Universal Declaration of Human Rights and as defined in the ECHR, the Helsinki Final Act of 1975 ... and the Charter of Paris for a New Europe of 1990, shall form the basis of the domestic and external policies of the Parties
2. The Parties reiterate their commitment to the principles of a ***free market economy, sustainable development*** and ***effective multilateralism***.
3. The Parties reaffirm their respect for the principles of the ***rule of law*** and ***good governance***, as well as their international obligations, notably under the UN, the Council of Europe and the OSCE.
4. The Parties commit themselves to foster ***cooperation*** and ***good neighbourly relations***, including cooperation on the development of projects of common interest, notably those related to ***preventing and combating corruption***, criminal activities, organised or otherwise, including those of transnational character, and terrorism

Title III – *Freedom, Security and Justice* - Article 12 - Rule of law

1. In their cooperation in the area of freedom, security and justice the Parties shall attach particular importance to the promotion of the ***rule of law***, including the independence of the judiciary
2. The Parties will cooperate fully on the effective functioning of institutions in the areas of law enforcement and the administration of justice.
3.

Environmental Protection & Sustainable Development

Preamble

Committed to respecting environmental needs, including transboundary cooperation on, and implementation of, multilateral international agreements, and to respecting the *principles of sustainable development*



Title IV - Economic and other Sectoral Cooperation

Chapter 16 - Environment

Article 86

The Parties shall develop and strengthen their cooperation on environmental issues, thereby contributing to the **long-term objective of sustainable development** and **greening the economy**. It is expected that enhanced environment protection will bring benefits to citizens and businesses in the Republic of Moldova and in the EU, including through improved public health, preserved natural resources, increased economic and environmental efficiency, integration of the environment into other policy areas, *as well as use of modern, cleaner technologies contributing to more sustainable production patterns.*

A.A. EU - Ukraine (Art. 360, Chapter VI, Title IV) ... *and higher production as a result of modern technologies*

Cooperation shall be conducted considering the interests of the Parties **on the basis of equality and mutual benefit**, as well as taking into account the interdependence existing between the Parties in the field of environment protection, and multilateral agreements in the field.

Article 87

Cooperation shall aim at preserving, protecting, improving, and rehabilitating the quality of the environment, protecting human health, sustainable utilisation of natural resources and ***promoting measures at international level*** to deal with regional or global environmental problems, including in the areas of:

- (a) environmental governance and horizontal issues, including EIA and SEA, education and training, environmental liability, combating environmental crime, transboundary cooperation, access to environmental information, decision-making processes and effective administrative and judicial review procedures;***
- (b) air quality; (c) water quality and resource management, including flood risk management, water scarcity and droughts; (d) waste and resource management and shipment of waste; (e) nature protection, including conservation and protection of biological and landscape diversity; (f) industrial pollution and industrial hazards; (g) chemicals; (h) noise pollution; (i) soil protection; (j) urban and rural environment; (k) environmental fees and taxes; (l) monitoring and environmental information systems; (m) inspection and enforcement; (n) eco-innovation including best available technologies.***

Article 88

The Parties shall, *inter alia*, exchange information and expertise; implement joint research activities and exchange of information on cleaner technologies; plan the handling of industrial hazards and accidents; **implement joint activities at regional and international level, including with regard to MEAs ratified by the Parties**, and joint activities in the framework of relevant agencies, as appropriate. The Parties shall pay special attention to **transboundary issues and regional cooperation**.

Article 89

The cooperation shall cover, among others, the following objectives:

(a) development of an overall strategy on environment, covering planned **institutional reforms** (with timetables) for ensuring implementation and enforcement of environmental legislation; division of competence for the environmental administration at national, regional and municipal levels; **procedures for decision-making** and the implementation of decisions; procedures for the promotion of the integration of the environment into other policy areas; promotion of green economy measures and eco-innovation, identification of the necessary human and financial resources and a review mechanism; and

(b) development of sector strategies on

Article 90

A regular dialogue will take place on the issues covered by this Chapter.

Article 91

The Republic of Moldova shall carry out approximation of its legislation to the EU acts and international instruments referred to in **Annex XI** to this Agreement according to the provisions of that Annex.

Chapter 17 - Climate Action

Article 92

The Parties shall develop and strengthen their cooperation to combat climate change. Cooperation shall be conducted considering the interests of the Parties on the basis of equality and mutual benefit and taking into account the ***interdependence existing between bilateral and multilateral commitments*** in this field.

Article 93

Cooperation shall promote measures at domestic, regional and international level, including in the areas of: (a) ... (b) ... (c) ... (d) ... (e) ***mainstreaming of climate considerations into sector policies***; and (f)

Article 94

The Parties shall, inter alia: (a) ... (b) ... (c) implement joint activities at regional and international level, including with regard to MEAs ratified by the Parties, and joint activities in the framework of relevant agencies, as appropriate.

The Parties shall pay ***special attention to transboundary issues and regional cooperation***.

Article 95

The cooperation shall cover, among others, the development and implementation of: (a) ... (b) ... (c) ... (d) ... (e) ... (f) ... (g) ... (h) measures to mainstream climate considerations into sector policies; and (i) ***measures related to ozone-depleting substances***.

Article 96

A regular dialogue will take place on the issues covered by this Chapter.

Article 97

The Republic of Moldova shall carry out approximation of its legislation to the EU acts and international instruments referred to in **Annex XII** to this Agreement according to the provisions of that Annex.

Annex XI - To Chapter 16 (*Environment*)

The Republic of Moldova undertakes to ***gradually approximate its legislation to the following EU legislation and international instruments within the stipulated timeframes.***

Timelines related to provisions of this Annex which were already established by the Parties in the framework of other agreements will apply as set out in the appropriate agreements.

Environmental governance and integration of environment into other policy areas

Air quality

Water quality and resource management

Waste and resource management

Nature protection

Industrial pollution and industrial hazards

Chemicals

Environmental Governance & integration of environment into other policy areas

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

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

Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on ***public access to environmental information***

Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for ***public participation in respect of the drawing up of certain plans and programmes relating to the environment***

Directive 2011/92 on the assessment of the effects of certain public and private projects on the environment

The following provisions of that Directive shall apply:

- ***adoption of national legislation and designation of competent authority/authorities / timetable:*** those provisions of that Directive shall be implemented within 2 years
- ***establishment of requirements that Annex I projects to be subject to EIA and of a procedure to decide which Annex II projects require EIA*** (Art. 4) .. timetable: within 3 years ...
- ***determination of the scope of the information to be provided by the developer*** (Art. 5) ... timetable: ... within 2 years
- ***establishment of a procedure for consultation with environmental authorities and a public consultation procedure*** (Art. 6) ... timetable: ... within 2 years
- ***establishment of arrangements with neighbouring countries for exchange of information and consultation*** (Art. 7) ... timetable: ... within 3 years
- ***establishment of measures for notifying the public of the outcome of decisions on applications for development consent*** (Art. 9) timetable: ... within 2 years
- ***establishment of effective, not prohibitively expensive and timely review procedures at administrative and judicial level involving the public and NGOs*** (Art. 11) ... timetable: ... within 3 years

Chapter 13 - *Trade and Sustainable Development*



Article 363 - Context and objectives

1. The Parties recall the ***Agenda 21 of the UNCED of 1992 ... the Johannesburg Plan of Implementation on Sustainable Development of 2002 ...*** . The Parties reaffirm their ***commitment to promote the development of international trade, in such a way as to contribute to the objective of sustainable development, for the welfare of present and future generations***, and to ensure that that objective is integrated and reflected at every level of their trade relationship.

2. The Parties reaffirm their ***commitment to pursue sustainable development*** and recognise that economic development, social development and environmental protection are its interdependent and mutually reinforcing pillars. ...

Article 366

Multilateral environmental governance and agreements

1. The Parties recognize the ***value of international environmental governance and agreements*** as a response of the international community to global or regional environmental problems, and stress the ***need to enhance the mutual supportiveness between trade and environmental policies***. In that context, the Parties commit to consulting and cooperating, as appropriate, with respect to negotiations on trade-related environmental issues

2. ***The Parties reaffirm their commitment to effectively implement in their law and in practice the MEAs*** to which they are party.

3. The Parties shall regularly *exchange information on their respective situation and advancements* as regards ratifications of MEAs or amendments to such agreements.

4. The Parties reaffirm their commitment to reaching the ultimate objective of the ***UNFCCC and its Kyoto Protocol***. They commit to cooperating on the development of the future international climate change framework under the UNFCCC and its related agreements and decisions.

5. Nothing in this Agreement shall prevent the Parties from adopting or maintaining measures to implement the MEAs to which they are party

Article 367 - Trade and investment promoting sustainable development

The Parties reconfirm their commitment **to enhance the contribution of trade to the goal of sustainable development in its economic, social and environmental dimensions**. Accordingly, the Parties:

- (a) ... ; (b) shall strive to **facilitate and promote trade and investment in environmental goods and services**, including through addressing related non-tariff barriers;
- (c) shall strive to facilitate the **removal of obstacles to trade or investment concerning goods and services of particular relevance to climate change mitigation**, such as sustainable renewable energy and energy efficient products and services, including through the adoption of policy frameworks conducive to the deployment of best available technologies ... ;
- (d) agree to promote trade in goods that contribute to enhanced social conditions and environmentally sound practices, including goods that are the subject of voluntary sustainability assurance schemes such as **fair and ethical trade schemes, eco-labels, and certification schemes for natural resource-based products**;
- (e) agree to promote **corporate social responsibility**, including through the exchange of information and best practices. In that regard, the Parties refer to the relevant internationally recognized principles and guidelines, such as the OECD Guidelines for Multinational Enterprises, the UN Global Compact, and the ILO Tripartite Declaration .. .

Article 368 - Biological diversity

1. The Parties recognise the importance of ensuring the **conservation and the sustainable use of biological diversity as a key element for the achievement of sustainable development**, and reaffirm their commitment to conserve and sustainably use biological diversity, in accordance with the **CBD** and other relevant international instruments to which they are party.

2. To that end, the Parties commit to:

(a) **promoting trade in natural resource-based products obtained through a sustainable use of biological resources** and contributing to the conservation of biodiversity;

(b) exchanging information on actions on trade in natural resource-based products aimed at halting the loss of biological diversity and reducing pressures on biodiversity ... ;

(c) **promoting the listing of species under the CITES** where the conservation status of those species is considered at risk; and

(d) cooperating at the regional and global levels with the aim of promoting the **conservation and the sustainable use of biological diversity in natural or agricultural ecosystems**, including endangered species, their habitat, specially protected natural areas and genetic diversity, the restoration of ecosystems, and the elimination or the reduction of negative environmental impacts resulting from the use of living and non-living natural resources or of ecosystems.

Article 369 - Sustainable management of forests and trade in forest products

1. The Parties recognize the importance of ensuring the **conservation and the sustainable management of forests** and of forests' contribution to the Parties' economic, environmental and social objectives.
2. To that end, the Parties commit to:
 - (a) **promoting trade in forest products derived from sustainably managed forests**, harvested in accordance with the domestic legislation of the country of harvest ;
 - (b) exchanging information on **measures to promote the consumption of timber and timber products from sustainably managed forests** and, where relevant, cooperate in the development of such measures;
 - (c) adopting measures to promote the conservation of forest cover and to **combat illegal logging and related trade**, including with respect to third countries, as appropriate;
 - (d) exchanging information on actions for improving **forest governance** ... ;
 - (e) **promoting the listing of timber species under CITES** where the conservation status of that species is considered at risk; and
 - (f) cooperating at the regional and global level with the aim of promoting the conservation of forest cover and the **sustainable management of all types of forests**, with use of certification promoting **responsible management of the forests**.

Article 371 - Upholding levels of protection

1. The Parties recognize that ***it is inappropriate to encourage trade or investment by lowering the levels of protection*** afforded in domestic environmental or labour law.
2. A Party shall not waive or derogate from, or offer to waive or derogate from, its environmental or labour law as an encouragement for trade or the establishment, the acquisition, the expansion or the retention of an investment of an investor in its territory.
3. ***A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental and labour law, as an encouragement for trade or investment.***

Article 372 - Scientific information

When preparing and implementing measures aimed at protecting the environment or labour conditions that may affect trade or investment, the Parties shall take account of ***available scientific and technical information***, and ***relevant international standards, guidelines or recommendations*** if they exist, ***including the precautionary principle.***

Implementation

The Association Council

Title VII - *Institutional, General and Final Provisions* / Chapter 1 - *Institutional framework*

Article 433 - Political and policy dialogue, including on issues related to sectoral cooperation between the Parties, may take place at any level. Periodic high-level policy dialogue shall take place within the **Association Council** ... and within the framework of regular meetings between representatives of the Parties at ministerial level by mutual agreement.

Article 434

1. *The AC ... shall supervise and monitor the application and implementation of this Agreement* and periodically review the functioning of this Agreement in the light of its objectives. **2.** The AC shall meet at ministerial level and at regular intervals, at least once a year, and when circumstances require ... **3.** In addition to supervising and monitoring the application and implementation of this Agreement, the AC shall examine any major issues arising within the framework of this Agreement, and any other bilateral or international issues of mutual interest.

Article 435

1. The AC shall consist of members of the EU Council and members of the European Commission, on the one hand, and of members of the Government of the Republic of Moldova, on the other. **2. 3. ...** **4.** Where appropriate, and by mutual agreement, ***representatives of other bodies*** may take part as observers in the work of the AC.

UNECE - III Environmental Performance Review (EPR), Moldova 2014

The Review takes stock of progress made by the country in the management of its environment since 2005. It assesses the implementation of the recommendations in the Second Review. It also covers 10 issues of specific importance to the country related to *policymaking ... climate change mitigation and adaptation, and the integration of environmental concerns into economic sectors*, in particular agriculture.

Since 2007, the legal framework for nature conservation has been improved. Innovative international projects supported the development of regulations, allowed assessment of biodiversity and nature conservation management, and contributed directly to PA management and reforestation.

However, ambitious goals are not fully supported by the regulatory framework and implementation remains behind targets

Three main fields of recommendations can be outlined, all of particular importance if the Republic of Moldova intends to associate with EU standards and requirements: i) *regular monitoring and research as an improvement on basic data*; ii) *optimizing and streamlining PA management and strengthening on the ground conservation actions*; and iii) *institutional reforms to improve policymaking* for nature conservation.

The Third National Report on Millennium Development Goals (MDGs)

The Report on MDGs presents the progress made by Moldova in achieving the eight MDGs during 2010-2013 and identifies issues faced by the country two years before the deadline set for achievement of the objectives.

In the section dedicated to ensuring *environmental sustainability*, the Report launched in Chisinau calls for ***“a better balance between society and environment”***.

“Moldova has made progress in achieving some of the MD indicators, however strong efforts are still needed to ensure quality and sustainability”, the Report states.

It underlines that the final target of increasing the share of the **state-protected areas** (to 4.65%) was achieved already in 2006, “however, insufficient financial and human resources are allotted for the development of the management system, maintenance and management of the protection regimes”.

At the same time, the proportion of population with **sustainable access to improved water sources** in Moldova was 62% in 2012 compared to the target of 65% .. the authors of the Report list among the possible opportunities and success factors “the promotion and deepening of active participation of the entire population in environmental protection” ...

... cooperation between Italy and Moldova on environment
(*& other economic sectors, such as climate change, tourism, energy ..*)

■ policy making

■ institutional reforms

■ implementation of MEAs and the AA

■ approximation

■ **environmental governance**

& integration of environment into other policy areas

■ **nature protection**

Thank you for your attention !!



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