



POLLUTANT RELEASE AND TRANSFER REGISTER: MOLDOVA

NATIONAL INCEPTION WORKSHOP REPORT

**19 February 2016
Chisinau, Moldova**

Kick off meeting
„Global Project on the Implementation of PRTRs as a tool for POPs reporting,
dissemination and awareness raising for Belarus, Cambodia, Ecuador,
Kazakhstan, Moldova and Peru”

Minutes

Opening remarks

The **State Secretary of the Minister of Environment, Mrs. Inga Podoroghin**, who welcomed the participants on behalf of the Government of Moldova, opened the event. Firstly, she had mentioned that the event was organized by Environmental Pollution Prevention Office of the Ministry of Environment, which is the national executing agency of the project, in cooperation with UNITAR, which is the international executing agency. Mrs. Podoroghin had also expressed her appreciation and gratitude to GEF for the provided support to solve the environmental protection issues, particularly establishing the PRTR system. The State Secretary had also mentioned that the Republic of Moldova is one of the first countries that ratified the Aarhus Convention and that the PRTR Protocol was ratified by the Law no 99 of 26 April 2013 and approved by the Presidential Decree no 658 of 45 June 2013.

Further Mrs. Podoroghin pointed that the PRTR Protocol aims at enhancing public access to information through the establishment of coherent, integrated, nationwide pollutant release and transfer registers (PRTRs), which could facilitate public participation in environmental decision-making as well as contribute to the prevention and reduction of pollution of the environment. She stressed that fact that, at present, the reports on the quality of the environmental components are based on the reports on emissions to water, air and on waste generation, submitted by the economic operators on annual basis. Further, this information is made available through the Statistical Yearbooks of the National Statistics Bureau and State Ecological Inspectorate. Therefore, the main objective of the PRTR is to integrate these reports into a **single online reporting system** that will optimize the reporting process. In addition, the Register is designed to assist countries to comply with a number of obligations under the Stockholm, Basel and Minamata Convention to which the Republic of Moldova is Party. Besides general pollutants reporting, the objective of the present project is to improve the reporting and access and accuracy of environmental data on POPs and other priority chemicals in 6 countries, and to enhance awareness and public participation on environmental matters, through implementation of fully operational national PRTRs.

In her final remarks, Mrs. Podoroghin expressed her confidence that the project activities will be successfully accomplished and will contribute to the development of a mechanism that will facilitate the exercise of everyone's right to live in healthy environment, by providing the implementation of publicly available informational systems.

The opening remarks were continued by **Mrs. Tatiana Țugui, manager of the Environmental Pollution Prevention Office**, who was also pleased to welcome the participants to the project inception workshop. Mrs. Țugui pointed the importance of the project implementation, as it will contribute to optimization and simplification of the environment reporting obligations of the economic operators on one hand, and will provide the population with access to information on the state of the environment in a certain area, on the other hand. In addition, the PRTR system will act as an incentive for economic operators to promote innovation and use of cleaner technologies in the industrial sector and other productive activities. The system is also aimed to create a close relation

between industry and communities. In this regard, Mrs. Tugui expressed her gratitude to UNITAR's PRTR Programme that will provide assistance for countries in the design and implementation of national PRTRs.

Session 1: Implementation of the PRTR Protocol in the Republic of Moldova

Mrs. Svetlana Bolocan, chief of the Pollution Prevention and waste Management Department, MoEnv and the PRTR national focal point, continued the workshop with the brief presentation of the Action Plan of the PRTR Protocol to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. She started by describing the legal framework and mentioned that Moldova was the first country to ratify the Aarhus Convention by the Parliament Decision 346-XIV of 07.04.1999. Being a Party to the Convention, according to the articles 5 and 10, the Republic of Moldova shall provide the establishment of Pollutant Release and Transfer Registers. In this regard, Moldova ratified the PRTR Protocol to the Aarhus Convention (Kiev, 21 May 2003) by the Law no. 99 of 04/26/13, promulgated by Presidential Decree no. 658 of 04.06.2013. The National Action Plan for implementation of the Aarhus Convention (2011-2015), approved by Government Decision no. 471 of 28.06.2011 contain special Chapter on PRTR, which is currently under revision and update process.

Further, Mrs. Bolocan presented the progress made so far and the activities undertaken at national level. Thus, in December 2012, October 2013 National Workshops on PRTR development took place. In 2013, the prefeasibility study, accompanied with an action plan for 2013-2015, has been prepared within the project "Establishment of the Aarhus Centre in Chisinau and the Public Information Centre in Bender". The study was aimed to support the process of the establishment of the national PRTR system in Moldova and provided the assessment of the legal, institutional and operational framework.

The Workshop on Electronic PRTR Systems: Using Open Source for providing Open Data held in Berlin on 29-30 October 2013 discussed tools for implementing the international obligation under the PRTR Protocol.

The preliminary steps shall be continued and should build upon undertaken measures at national level in frames of the activities within the two-new regional and global projects started in 2015:

- " *Global Project on the Implementation of PRTRs as a tool for POPs reporting, dissemination and awareness raising for Belarus, Cambodia, Ecuador, Kazakhstan, Moldova and Peru*" aimed at improvement of access and accuracy of environmental data on POPs and other priority chemicals in 6 countries, to enhance the awareness and public participation on environmental matters, through implementation of fully operational national PRTRs
- " *Support Establishment and Advancement of Pollutant Release and Transfer Registers (PRTRs) in Western Balkan Countries and in Moldova*" aimed at strengthening the transparency of decision-making on PRTRs, by raising public awareness and knowledge about PRTRs and building the capacities of authorities responsible for regular reporting and operators in order to prepare them for reporting and for using online reporting in practice.

The next steps will be oriented towards database concept and design in discussion with E-governance Centre, reporting software design (reporting form) and web portal development (that shall be publicly accessible). In continuation, Mrs. Bolocan reported that in addition to the 86 substances of the PRTR Protocol, it is envisaged to add to the National PRTR System another 5 substances, which could provide the opportunity to voluntary Report to E-PRTR/EEA. The use of PRTR system will also contribute to the elaboration of the reports under the relevant Conventions (CLRTAP, Stockholm, Minamata etc), of the national state of environment report (every 4 years), as well as to the development of the National Aarhus Information Centres Websites.

In her concluding remarks, Mrs. Bolocan highlighted the major benefits of the PRTR Protocol implementation, among which strengthening the regulatory and institutional framework to ensure the

establishment and maintenance of the National PRTR; access to international and EU best practices and methodological support; mobilization of external and internal financial resources; increase public participation and information; raise the level of responsibility and of environmental management of the enterprises; and as overall final result – a cleaner environment and healthier people.

Further the presentation prepared by **Mr. Adrian Panciuc, chief of Legal Service of the MoEnv** was made, that included the draft law on the public access to environmental information, with particular focus on PRTR. Firstly, it was noted that the establishment of the national PRTR and implementation of the obligations under the PRTR Protocol requires the establishment of a legal framework, including some general and some specific laws or provisions. These should include the general and specific obligations for the competent authority or authorities who will be collecting, validating the data and managing the register, as well as dealing with accessibility to the data and confidentiality issues; obligations for operators to collect and report the relevant data; legislative framework ensuring public participation in establishing and modifying the PRTR, and access to information and access to justice.

The draft law on the public access to environmental information is transposing the Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC. It aims at ensuring that the environmental information is made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information, which is totally in line with the provision of the PRTR Protocol. The draft law is similar to the Law on Access to Information, but it contains specific provisions as regards the environmental information.

In addition, the draft Law on Environmental Protection that is currently being revised and prepared by the MoEnvironment includes an article on establishing and keeping the national PRTR, on its structure and the reporting responsibilities.

At the end of was suggested to the participants that the implementation of a National PRTR will contribute to the simplification of the reporting obligations of economic operators, to harmonization of the methodologies for calculating the emissions that will increase their reliability and comparability. Additionally, national PRTRs could provide valuable information to governments to help them assess the state of their environment and formulate national environmental action plans and other national environmental policies and strategies.

Next, Mr. **Andrei Isac, local consultant, AO EcoContact/REC**, made a presentation of the issues related to the establishment of PRTR in Moldova, with a special emphasis on the involvement of economic operators. He started the presentation by presenting the PRTR Protocol provisions about its establishment, followed by a description of the reporting requirements in accordance with the Protocol. Further Mr. Isac referred to the roles of the authorities and economic operators concerning the national PRTR system.

In continuation, he reflected on the main findings of the questionnaire that was circulated among the economic operators in 2013 and 2015. The objective of the questionnaire, developed by EcoContact and coordinated with the MoEnv and EPPO, was to make an initial assessment of the economic operators with respect to their willingness and availability of data, as well as the compliance with the Protocol thresholds. In accordance with the preliminary results about 133 economic operators meet the Protocol thresholds, but this data is incomplete, as the questionnaire was completed on a voluntary basis. Among the enterprises that provided replies there were representatives of the energy sector (thermal power stations), water supply sector and mineral industry (including mines and Lafarge cement plant).

The questionnaire allowed tracing some conclusions about the attitude and willingness of the economic operators to report their data. A difficulty encountered during completion of the questionnaire was the confidentiality of data related to capacity of the operator. In addition, there is no mechanism to verify the accuracy of presented data on emissions and there is lack of qualified personnel capable to provide or calculate data on emissions. Another very important issue raised by Mr. Isac is the poor communication with the economic operators located in the Administrative Territorial Units on the Left Bank of Nistru river, especially the Metallurgical Plant from Rybnita.

With this, Mr. Isac finalized his presentation and pointed that the PRTR system can play a central role in helping enterprises to develop emission reduction programmes and raise their competitiveness on the local and global market.

Session 2: Presentation of the current projects related to PRTR

The overview of the PRTR Global Project in Moldova was made by **Mrs. Tatiana Țugui**. Firstly, she made a brief presentation of the major benefits of PRTR implementation for the Government, business and civil society. Then, the presentation continued with the description of the Global Project on the Implementation of PRTRs as a tool for POPs reporting, dissemination and awareness raising for Belarus, Cambodia, Ecuador, Kazakhstan, Moldova and Peru, which is being executed at national level by Environmental Pollution Prevention Office and at international level - by UNITAR. The main project objective is to improve access and accuracy of environmental data on POPs and other priority chemicals in 6 countries, and to enhance awareness and public participation on environmental matters, through implementation of fully operational national PRTRs. Next, Mrs. Țugui listed the project implementation components, outputs and outcomes per each component. The relevant stakeholder and the project implementation schedule were briefly introduced to the participants. A special attention was given to the benefits of PRTR implementation in relation to POPs inventory, reporting and awareness rising and dissemination issues.

The next part of presentation was dedicated to the legal and institutional framework for operation of information systems in the Republic of Moldova. Given that the Government has created a common platform for registers and permits (ECMP-Enterprise Content Management Platform), the PRTR system will be developed based on this common platform located in the M-Cloud, which offers universal mechanisms for modeling the different processes, generating forms and collecting data, storing data in a database and their distribution.

Mrs. Țugui outlined the steps to be followed for development of the National PRTR, which shall start with adoption of a Government Resolution on approval of the PRTR Information System, followed by the development of the technical requirements and of the software. After, piloting the software shall, the final step will be the development of the PRTR Regulation, that will take into account the lessons learnt, as well as the identified weaknesses and strengths.

As regards the organizational arrangements, Mrs. Țugui noted the owner of the PRTR Register will be the Government, the holder – the Ministry of Environment and the operator – the State Ecological Inspectorate.

In her final remarks, Mrs. Tatiana raised several issues to be discussed during the workshop:

- Legal framework – draft law on environment protection and draft law on public access to environmental information
- The actual reporting system versus the PRTR system
- Steps in establishing national PRTRs
- Interconnection of the PRTR system with other existing and draft IS
- Economic operators covered by the PRTR Protocol (thresholds set by the Protocol and analyses of the need to lower the thresholds, reporting obligations of the economic operators activating within an industrial complex, confidentiality issues)

Next, **Mrs. Rodica Iordanov, director, AO ECOContact**, provided an overview of the project “Support for development and promotion of PRTR in Balkans and Moldova”.

The project aims at strengthening the transparency of decision-making on PRTR development and operation, by increasing public awareness and knowledge on PRTR to use PRTR data and to be involved in the implementation of PRTR Protocol. It will support the development of functioning PRTRs in WB countries and Moldova and improve the efficiency of PRTR reporting in Serbia and the FYR of Macedonia. The project will build capacities of responsible authorities and operators and enable their

reporting and work with emission and waste data. It will provide user-friendly public access to PRTR information and will lead to a better understanding of reporting obligations, procedures and practices.

The national project components are:

1. Strengthening transparency in decision making on PRTR
2. Further supporting the development and operation of PRTR
3. Capacity building of authorities and operators
4. Sharing experience

The expected outcomes of the project implementation is transparency of decision making as regards development and operation of PRTR and a better involvement of NGOs in the process; setting conditions for establishment of the register and launching the reporting process, taking into account other ongoing projects and technical assistance and experience of other countries; increased capacity and awareness; better understanding of the obligations, procedures and practices regarding reporting to PRTR; experience and best practices of the SEE countries/EU.

In her final remarks, Mrs. Iordanov noted that, in addition to the current Law on Ratification of the PRTR Protocol, a new Regulation on establishing the National PRTR will be drafted and adopted. The Regulation should define in detail the obligations of the administrative authorities who will be collecting, validating and managing the register, as well as should deal with accessibility of the data and confidentiality issues and also, the obligations for operators to collect and report the relevant data according to the Protocol's reporting requirements. The Regulation on PRTR will be in full compliance with the PRTR Protocol and will be also be harmonized with the EU's E-PRTR Regulation.

Session 3: Q&A, Conclusions and follow up

In the beginning of the session, **Mrs. Tatiana Țugui** noted that the event was attended by the members of the Project Steering Committee and Working Group and taking this occasion, it was proposed to discuss and agree the work plan of the project. Some comments on the work plan have been received from the members of the SC and WG. They suggested to start some project components earlier (component 2). In addition, considering that Moldova jumped into the second phase of the project, the members suggested to conduct some of project components in parallel, namely the piloting activities (component 2) legal and technical arrangement for establishment of the PRTR system (component 1).

Mrs. Svetlana Bolocan emphasized again that a prerequisite of a fully operational PRTR system is the adopted legal framework, that will define in detail the obligations of the administrative authorities who will be collecting, validating and managing the register, and will deal with accessibility to the data and confidentiality issues and, the obligations for operators to collect and report the relevant data according to the Protocol's reporting requirements.

The **Q&A session** continued with the intervention made by **Mr. Adrian Gheorghită** representative of the American Chamber of Commerce in Moldova, member of the project Working Group, who appreciated the initiative to establish a National PRTR system, especially considering the E-Governance initiatives being implemented in the country. He also expressed the willingness of the Chamber to contribute to the project implementation and to facilitate the communication with the economic operators in case of any encountered difficulties. In addition, Mr. Gheorghită pointed the need to develop the Regulation establishing the National Pollutant Release and Transfer Register.

In this regard, **Mrs. Iordanov Rodica** replied that the PRTR Regulation, that is one of the project outputs, would transpose the Regulation (EC) no. 166/2006 of the European Parliament and of the Council of 18 January 2006 establishing a European Pollutant Release and Transfer Register. It will provide the legal basis for the implementation of the PRTR obligations for authorities, operators and for ensuring public participation in establishing and modifying the PRTR.

Mr. Nicolae Chimerciuc, representative of the Chamber of Commerce and Industry of Moldova, member of the project Working Group, completed the discussions by mentioning that the actual

priority is the inclusion of green economy principles in the business community, and the PRTR system represent one of the tools for achievement of this goal. He also expressed the willingness to provide support for the project implementation and facilitation of communication with enterprises, including those located in the Administrative Territorial Units on the Left Bank of Nistru river. Mr. Gheroghiță denoted his concern regarding the confidentiality of business information that is a very specific and sensitive issue.

As reply, **Mrs. Iordanov Rodica** mentioned that the Law on Access to Information provides exemptions for confidential business information (commercial and industrial information), namely that the “information on emissions, which is relevant for the protection of the environment” shall be always disclosed.

Mr. Alexandru Procopciuc, representative of the IT Division of the State Ecological Inspectorate, raised the issue of the organizational settings of the National PRTR and asked who will administrate and maintain the PRTR Register.

Mrs. Ludmila Lungu, representative of the National Statistical Bureau, noted that the transition to the online reporting system should to be done gradually and, at an initial stage, with involvement of the most important facilities. Next, after a trial period, there will be assessed the possibility and relevance of extending the number of economic operators reporting under the PRTR system.

Mrs. Inga Podoroghin, State Secretary, MoEnv, referred to the institutional reform of the environmental institutions that provides for the establishment of the Environment Protection Agency that will include, among others, a department responsible for maintaining the Registers.

The State Secretary also mentioned that she is planning to discuss the PRTR Register implementation issues with the representatives of the Ministry of Information Technologies and Communications during the meeting to be held afternoon the same day. In addition, in the upcoming few months it is planned to conduct relevant sectoral meetings.

Mrs. Podoroghin raised the issue of facilities which operate within industrial complexes and which, separately, do not meet the Protocol thresholds. Most of these facilities are represented by small installations for intensive rearing of poultry or pigs. There is a need to get more data of their capacity to be able to set their reporting obligations.

Mrs. Veronica Terteia, representative of the Ministry of Agriculture, member of the project Working Group, took note of the question and mentioned that this may be a legislative gap that allows the economic operators to avoid certain reporting or permitting obligations. However, the Ministry of Agriculture will try to provide data on the capacities of the farms.

In continuation, **Mrs. Tatiana Țugui** recalling the presentation made by Mr. Andrei Isac mentioned that only 133 enterprises responded to the questionnaire. On the other hand, basing on the statistical data about 1000 economic operators have received water use authorization and 3000 enterprises have got authorization for emissions to air. In addition, another 1000 economic operators are reporting their waste. Therefore, a more detailed analysis of the economic operators and of their compliance with the thresholds needs to be done further.

Several representatives of the **economic operators** appreciated the project initiatives and expressed their hope that it will simplify their environmental reporting obligations. However, they have also expressed their concern about their ability to provide the requested data and declared their need to be trained or to be provided with guidance on methodology for calculation of emissions.

In response to this, **Mrs. Tatiana Țugui** noted that the 2nd project component: Capacity building activities towards the implementation of a PRTR for POPs reporting will provide standard training modules and materials.

Follow up activities

- Fostering the adoption of the Environmental Protection Law, Access to Environment Information Law and related legislation that is crucial for the coordination of developing and operating a PRTR system
- Completion of the list of sectors and productive activities to report to the PRTR Protocol and establishing the thresholds
- Conduct meetings with the E-governance Centre, Ministry of Information Technologies and Communications with regards to Register implementation and operation, as well as its interconnection and interaction with the existing Registers
- Finalizing the Terms of Reference for a legal and technical expert to conduct the review and assessment of the existing PRTR related materials, studies, and other documents and resources at the national level and of the legal, institutional, administrative and technical infrastructures, available national expertise, and other existing national information, programmes, activities and capacities about monitoring, data collection, regarding POPs and other priority chemicals
- Initiation of preparation of the National Executive Proposal for the implementation of the PRTR by the legal and technical experts

ANNEX 1: Provisional agenda

AGENDA

19 February 2016

- 09.30 – 10.00 Registration of participants
- 10.00 – 10.30 Opening remarks
- Inga Podoroghin, State Secretary, Ministry of Environment
 - Tatiana Țugui, manager, Environmental Pollution Prevention Office

Session 1: Implementation of the PRTR Protocol in the Republic of Moldova

- 10.30 – 10.50 Implementation of the Action Plan of the PRTR Protocol to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
- Svetlana Bolocan, chief department, Pollution Prevention and waste Management Department, Ministry of Environment, National Focal Point of the PRTR Protocol
- 10.50 – 11.10 Draft law on the public access to environmental information: provision of a chapter dedicated to PRTR
- Adrian Panciuc, chief of Legal Service, Ministry of Environment, National Focal Point of the Aarhus Convention
- 11.10 – 11.30 Establishment of PRTR in Moldova: involvement of economic operators
- Andrei Isac, local consultant, project “Support for development and promotion of PRTR in Balkans and Moldova”, AO EcoContact/REC

Session 2: Presentation of the current projects related to PRTR

- 12.00 – 12.30 Overview of the PRTR Global Project general in the RM
- Tatiana Țugui, manager, Environmental Pollution Prevention Office
- 12.30 – 12.50 Overview of the project “Support for development and promotion of PRTR in Balkans and Moldova”
- Rodica Iordanov, director, AO EcoContact/REC

Session 3: Q&A, Conclusions and follow up