



Norwegian Ministry
of Foreign Affairs



Sectoral anticorruption action plan in the environmental field for 2018-2020

Implementation impact assessment report

September 29th, 2021

This study was developed with the support of the United Nations Development Programme (UNDP) within the project "Curbing Corruption by Building Sustainable Integrity in the Republic of Moldova" implemented with the financial support of the Ministry of Foreign Affairs of Norway. All opinions belong to the authors and do not necessarily represent the official position of UNDP Moldova or the funding institution.

This version of the report is a translation of the original, which was written in Romanian. Every effort has been made to ensure that the translation is a faithful reflection of the original. However, in all matters relating to the interpretation of specific terms, information, the original language version of the report shall prevail over this translation.

Contents

Tables	4
Abbreviations	5
Introduction	6
Executive summary	8
Evaluation methodology	13
Subject of evaluation, evaluation grid and evaluation criteria	13
Sources of information	15
Assessing the perception of relevant actors on the impact of the Plan	17
Analysis of the implementation of the Plan in terms of priorities and results	18
Priority no. 1. Streamlining the institutional framework in the environmental sector in order to ensure the integrity of authorities, institutions and activities related to this sector	18
<i>Result no. 2.</i> Environmental institutions carry out their activities efficiently as a result of the reorganization and delimitation of the functions exercised and the technical-material consolidation	19
<i>Result no. 3.</i> All environmental authorities and institutions have approved and have been implementing tools to ensure integrity	20
<i>Result 4.</i> In environmental institutions work professionally trained and incorruptible specialists	21
Priority No. 2. Streamlining the process of managing natural resources and financial resources for environmental protection	23
<i>Result No. 1.</i> Measures to reduce the anthropogenic impact on natural resources and the environment - implemented	23
<i>Result No. 2.</i> Effective authorization, fining and sanctioning system enforced to tackle environmental offences	24
<i>Result No. 3.</i> Financial resources for environmental protection activities are managed efficiently and transparently, high discipline of project beneficiaries in compliance with project terms	28
<i>Result No. 4.</i> The operation of the National Ecological Fund reorganized and streamlined	30
Priority No.3. Streamlining and strengthening the state control system in the field of environmental protection in order to ensure compliance with environmental legislation and tackle offences in the field	33
<i>Result No.1.</i> State control in the field of environmental protection is carried out on the basis of risk analysis and criteria and in accordance with the approved control methodologies and instructions for this sector	33
<i>Result No. 2.</i> Environmental offences and crimes are detected in time, counteracted and penalized	35
Priority No. 4. Raising the level of decision-making transparency in environmental authorities and ensuring access to environmental information	37
<i>Result No. 1.</i> The regulatory framework on ensuring transparency in the activity of environmental institutions – approved and implemented	37
<i>Result No. 2.</i> Tools and technologies for the collection, storage and dissemination of environmental data and information developed and applied	39

Result No. 3. Tools for involving civil society, academia and business in the decision-making process - implemented	40
Analysis of the Plan implementation in terms of objectives	43
General objective of the Plan: Strengthening the integrity, accountability, transparency and resilience to corruption among civil servants employed in administrative authorities and public institutions in the environmental sector	43
<i>SDG Objective 16.5:</i> Substantial reduction of corruption and bribery in all forms, in the field of environment	44
<i>SDG Objective 16.6:</i> Develop efficient, accountable and transparent institutions at all levels in the field of environment	44
<i>Objective 16.7:</i> Ensuring a receptive, inclusive, participatory and representative decision-making process at all levels in the field of environment	45
<i>Objective 16.12:</i> Promoting and implementing non-discriminatory laws and policies for sustainable development in the field of environment	45
Conclusions and recommendations	47

Tables

Table 1. National Ecological Fund breakdown by budgetary programs, for 2020-2021	31
Table 2. New projects approved within January 2020 - July 2021, water and sanitation	32
Table 3. Publishing legislation on environmental resources in the institutional profile	38

Abbreviations

GMRA	Geology and Mineral Resources Agency
AIPA	Agency for Interventions and Payments in Agriculture
EA	Environmental Agency
MTBF	Medium Term Budget Framework
NAC	National Anticorruption Center
IPM	Environmental Protection Inspectorate
NEF	National Ecological Fund
MARDE ¹	Ministry of Agriculture, Regional Development and Environment
MEI	Ministry of Economy and Infrastructure
Mil.	Millions
Bln	Billions
SDG	Sustainable development goal
UN	United Nations
NDS	National Development Strategy
EU	European Union

¹ The responsible institution, since August 2021, is the Ministry of Environment, established by GD No. 117/12.08.2021 regarding the restructuring of the specialized central public administration GD No. 145/25.08.2021 regarding the organization and operation of the Ministry of Environment

Introduction

The field of environment is a basic pillar of sustainable development, being an indispensable part of the 2030 Agenda for Sustainable Development and the Association Agreement with the European Union - two strategic international agendas assumed by the Republic of Moldova. As a result, the environmental objectives were also reflected in the new National Development Strategy (NDS) "Moldova 2030" (although they were missing in the NDS "Moldova 2020"), as well as in the National Development Plan, currently under development within the Government. At the sectoral level, the Government implements the Environmental Strategy for 2014-2023, which is also in line with the strategic planning agendas mentioned above. However, in order to fully achieve the environmental goals, it is important to ensure the integrity of environmental institutions. In this regard, on December 5, 2018, the Government adopted the Sectoral Plan for anti-corruption actions in the field of environmental protection for the years 2018-2020.²

The plan identified a number of issues that were addressed, namely:

1. Imperfection of the regulatory framework in the field of environmental protection;
2. Fraudulent, illicit and unauthorized use of natural resources and useful mineral resources, excessive and uncontrolled pollution of the environment;
3. Irrational, non-compliant and non-transparent use of financial funds designated for actions to protect the environment and restore its quality and public assets;
4. Low effectiveness of the institutional framework in the environmental sector;
5. The insufficiency of modern regulations on technical procedures for carrying out control in the environmental sector conditions its effectiveness;
6. Low level of transparency in the decision-making process.

According to the Plan, the basis for identifying the anti-corruption goal for the environmental sector was goal No. 16 of the United Nations (UN) Sustainable Development Goals, taken from the 2030 Sustainable Development Agenda, adopted at the UN Summit on 25 September 2015, as well as the following specific targets for this goal:

- 1) Substantial reduction of corruption and bribery in all forms (16.5);
- 2) Developing efficient, accountable and transparent institutions at all levels (16.6);
- 3) Ensuring a receptive, inclusive, participatory and representative decision-making process at all levels (16.7);
- 4) Promoting and enforcing non-discriminatory laws and policies for sustainable development (16.8).

Thus, the overall anti-corruption goal for the environmental sector, set out in the Plan, was to *Strengthen the integrity, accountability, transparency and resilience to corruption risks among civil servants employed in administrative authorities and public institutions in the environmental sector.*

In order to achieve the above-mentioned goal, 33 actions were formulated, grouped into 4 priorities:

² https://www.legis.md/cautare/getResults?doc_id=111369&lang=ro

1. Streamlining the institutional framework in the environmental sector in order to ensure the integrity of sector related authorities, institutions and activities.
2. Streamlining the process of managing natural resources and financial resources for environmental protection.
3. Streamlining and strengthening the state control system in the field of environmental protection in order to ensure compliance with environmental legislation and fight offenses in the field.
4. Raising the level of decision-making transparency within environmental authorities and ensuring access to environmental information.

Monitoring the implementation of the Plan took place mainly on the basis of quarterly reports on the implementation of the plan, prepared by the Ministry of Agriculture, Regional Development and Environment (MARDE) and presented to the NAC and the general public.

In order to complete the MARDE impact, respectively, based on an independent evaluation, with the support of UNDP, the services of "Expert-Group", an Independent Analytical Center were contracted, which prepared this Report.

The report includes an executive summary that summarizes the main conclusions of the evaluation, followed by a description of the methodology, analysis of the evaluation at the level of results and priorities, analysis of the evaluation at the level of objectives, and the last chapter is dedicated to conclusions and recommendations.

Executive summary

The sectoral plan for anti-corruption actions in the field of environmental protection for 2018-2020 (hereinafter - Plan) did not achieve its expected results, and in many areas the situation related to corruption, transparency and the capacity of institutions has worsened. In total, out of the 33 actions included in the plan, only 7 actions can be deemed as fulfilled, specifically 14 actions remained unfulfilled, and 12 actions were partially fulfilled. The most problematic proved to be result 4 (*Raising the level of decision-making transparency in environmental authorities and ensuring access to environmental information*), where all actions remained unfulfilled and even worsened the transparency of the environmental sector. The most important progress was made only in the adjustment/development of the primary regulatory framework (especially in the case of result 3 - *Efficiency and strengthening of the state control system in the field of environmental protection in order to ensure compliance with environmental legislation and tackle offenses in the field*), but there remained arrears in terms of developing the secondary regulatory framework and, respectively, in terms of its implementation.

The two main events that undermined the full implementation of the evaluated document were: (i) the political instability that involved the change of 3 Governments and which delayed the adoption of several regulatory acts; and (ii) deprioritizing environmental objectives on the political agenda and downgrading them in the hierarchy of policy priorities, in particular from the merging of the Ministry of Agriculture and Food Industry with the Ministry of Regional Development and the Ministry of Environment into a single Ministry as a result of central government reform in 2017. Both served as fundamental constraints for the implementation and achievement of the expected impact of the evaluated Plan.

During the implementation of the Evaluated Plan, the environmental sector has not become more incorruptible, accountable, transparent and resilient to the risks of corruption. Despite some progress in the regulatory framework, serious problems in the institutional and human capacities of environmental institutions have perpetuated and in part have increased, which has undermined the processes of plenary strengthening of the regulatory framework and, subsequently, its application in practice. Moreover, environmental institutions have often been in the midst of several corruption scandals and are always identified as the source of the many issues related to corruption in relation to the business environment and citizens.

The result of the work of all institutions in the field of environmental protection should be measured in environmental quality indicators. Each of the institutions in the sector is accountable, through its responsibilities, for the development of environmental policies, the implementation of environmental policies, the monitoring of the quality of the environment, the exercise of control over compliance with the relevant legislation, the application of financial instruments to cover the needs stipulated in environmental policies, and contributes to the state of the environment and to the dynamics of the evolution of the quality of the environment. If we analyze the activity of the institutions in the environmental protection sector from this perspective, we find, with regret, that the impact of their activity is one without positive results. This finding comes in the context of the analysis of environmental quality indicators in the last 10 years, most of which are either stagnant or have a negative trend.

There are inherent risks to corruption in the environmental sector, especially when discussing policies for the allocation and accumulation of financial resources, in particular because this

sector itself combines several corruption factors that make monitoring extremely difficult. First, there are large sums of money that are managed by multiple actors (agriculture, regional development, economic activity, etc.), each of which either does not have clear rules on how their activity affects the environment and contributes to corruption in sector, or is extremely technical and is not understood by those outside the sector. An example, in this sense is that the management of environmental money is handled by complex institutions (MEI, MARDE, AIPA, implementation units), which in turn have complex payment mechanisms. Secondly, given the endemic corruption in key sectors, for example, construction, energy and forestry, we can say with a high degree of certainty that environmental resources are, at the very least, used inefficiently. Moreover, each of these key sectors has different anti-corruption control centers or mechanisms, and efforts often result in fragmented effects. Another aspect of risk is the urgent nature of environmental expenditures, especially in conditions of climate risk, which by their nature can contribute to illegal behavior.

Only 3 of the 13 evaluated results identified a certain progress (moderate progress), without registering significant progress on any of the indicators. The main advances are related to the improvement of the regulatory framework. Thus, the environmental regulatory framework is in a continuous improvement, taking into account the needs imposed by the harmonization of the national legislation to the European acquis, based on the Moldova-European Union Association Agreement. However, this does not necessarily mean that the changes made to the regulatory acts in the period 2018-2020, had been made taking into account the perspective of eliminating the risks of corruption. At the same time, certain steps were taken to create posts or appoint those responsible for integrity actions within the Environmental Protection Inspectorate (EPI), as well as within the Environmental Agency (EA), but it is difficult to assess the functionality or impact of these actions. For example, the Environmental Agency did not reflect in its activity report any anti-corruption action for 2020, although one person is designated in charge of these issues. At the same time, we find that other subordinate institutions, such as the "Apele Moldovei" Agency and the "Moldsilva" Agency, have not initiated any procedure in this regard.

A determining factor for the progress in the implementation of the Plan was the limited institutional capacity, in parallel with the insufficient leadership of the environmental authorities. As a result of the administrative reform initiated in 2017, the institutions responsible for exercising state environmental control were constantly underfunded, which led not only to the reduction of qualified human resources, but also to the technical capacity of these institutions (especially the Reference Laboratory of the Environmental Agency, and the Environmental Protection Inspectorate). That is, if the expenditure strategies for these components is not revised, there is a risk that the few achievements in recent years, which have been rated as "moderate progress", will quickly turn into "rapid setback", with the materialization of corruption risks: a) abuse of office; b) abuse of power; c) conflict of interests and/or favoritism; d) passive corruption; e) active corruption; f) exercise of undue influence; g) influence peddling.

For most of the results in the Plan, a moderate or even significant regression was found. The biggest problems are undermining the capacity of environmental institutions, especially as a result of the above-mentioned institutional reforms, poor communication and coordination between environmental institutions, underfunding of environmental institutions and the sector in general, and the constant underestimation of the importance of environmental institutions in the entire hierarchy of public institutions in the country. Ultimately, this is due to the lack of a strong political will for which the environment has always been a burden, rather than one of

the pillars of sustainable development. Other problems have been identified regarding the operation of the National Ecological Fund, due to the lack of transparency and inefficient management of resources: most funds are allocated for aqueduct construction, neglecting other environmental objectives (e.g. sewerage or water treatment systems) , as well as on political criteria (most of the funds were received by LPAs led by mayors affiliated to the ruling parties. Another area where there has been significant regression is related to environmental offences. So, on the one hand the fines are enforced in a discretionary manner, which leaves room for abuses, on the other hand, most often, they are immeasurable with environmental damage and, respectively, too small and permissive for offenders. In addition to the fact that the Integrated Environmental Information System as foreseen by the Plan has not been developed, the availability of environmental data has worsened, which has made it even more difficult to monitor the risks of corruption and formulate data-driven environmental policies.

The analysis of the results and the discussions with the stakeholders reveal that the Plan had a rather formal character, without exercising a visible role of strategic planning and, respectively, influencing the allocation of resources in the direction of the established priorities. The nature of the actions of this plan, in their entirety, was technical and referred, with small exceptions, to the administration of the sector, less to the promotion of good governance of the sector. Far from denying the importance of a good administrative process, the relevant actions were only fragmentary, limited by low institutional capacity, poor interinstitutional cooperation, lack of political will and acute underfunding of the sector.

The main recommendations that can be made based on the evaluation are:

- The topic of anti-corruption is too important to be "isolated" in the strategic planning system in a short-term plan, which is rather formal, and with a limited range of actions. In order to ensure the more efficient and impactful integration of the anti-corruption dimension in the field of environment, it is necessary, first of all, the observance of the strategic planning framework regulated by GD No. 386/2020 on the planning, drafting, approval, implementation, monitoring and evaluation of public policy documents. According to it, the anti-corruption objectives could be integrated into the new Sectoral Environmental Strategy (the current strategy expires in 2023, but until its expiry, the objectives could be integrated by amending the existing Strategy). Subsequently, specific anti-corruption priorities (e.g. transparency, openness of data, etc.) could be developed within budgetary programs, which will be connected to the MTBF and the state budget, respectively. This will allow the assumed anti-corruption objectives to be integrated immediately into the budgetary planning framework, on which critically depends the success of achieving the expected results.
- In addition to financing the environmental field, it is necessary to exclude clientelist and corrupt practices in terms of the distribution of budgetary resources to achieve environmental objectives. This is primarily due to the National Ecological Fund. The need to reform the NEF stems from the shortcomings of not ensuring decision-making transparency and the project management cycle, according to international practices. These gaps have been reported by civil society countless times. In recent years, the NEF Board of Directors has made decisions based on poorly reasoned projects, evaluated by the staff within the branch ministry or subordinate institutions, which could be influenced by the ministry's management, neither the monitoring of the implementation of the projects nor their post-implementation evaluation was ensured, and most of the resources from NEF were allocated on political criteria.

- There is a need for a comprehensive assessment of the functionality of institutions in the environmental sector, in order to achieve a genuine reform, based on current needs, given the protection of the environment and the sustainable use of natural resources in the context of climate change. This functional assessment must be preceded by an honest assessment of the professionalism and integrity of the specialists employed in the system. The institutional reform started in 2017, which resulted in the merging of three ministries in the Ministry of Agriculture, Regional Development and Environment and which was to continue by reforming subordinate institutions, brought more chaos to the system and weakened institutions in the sector. Thus, the professionalism and integrity of specialists in environmental institutions must be analyzed, first of all, in terms of professionalism and integrity of decision makers of these institutions throughout the period. Subsequently, must be analyzed the professionalism and integrity of specialists who develop policies, are part of the policy implementation process, monitor the quality of the environment, exercise control, develop and apply economic instruments to finance environmental policies.
- In order to reduce the vulnerabilities of corruption, there is a need for drastic and urgent actions in all sub-fields of the environmental protection sector. These measures are usually unpopular and, respectively, their application implies the existence of a political will. In this regard, firm decisions are needed for the development of economic instruments, by taxing polluting practices and subsidizing environmentally friendly ones, which will ensure the financing of environmental policies. The need for such decisions comes in the context of exacerbation of the quality of the environment and the vulnerability of members of society to climate events, which are becoming more frequent and aggressive in recent years, all of which together affect the quality of life.
- The need to finance anti-corruption objectives in the field of environment can be partially covered by the support of development partners, capitalizing on their major openness in the context of the forming of the new Government and the establishment of a Ministry dedicated to environmental priorities. In this regard, the Ministry of Environment must establish an inter-institutional dialogue platform with the Ministry of Finance which is responsible for the management of external assistance, the State Chancellery responsible for regulating the strategic planning framework, the NAC responsible for preventing and fighting corruption risks and relevant environmental agencies (Environmental Agency, Environmental Protection Inspectorate, Moldsilva Agency). That platform would identify anti-corruption priorities in the field of environment that could be supported by donor support, but also ensure synergy between other priorities and projects, including those implemented with the support of the state budget. The Ministry of the Environment must play an active role in ensuring the coordination of donor projects in the field of the environment and, implicitly, in improving the inter-institutional cooperation of all institutions targeting anti-corruption goals in the field of the environment.
- A potential anti-corruption budget program in the field of environment should derive from inter-institutional communication and coordination, but also from proactive actions by the Ministry of Environment to ensure the coordination of donor programs in this field. This will allow the inclusion of relevant actions for all institutions concerned, with the retention of the "ownership" of each actor concerned, as well as ensuring financial coverage from budgetary sources and donors - a critical element on which depends the success of the implementation of planned actions.
- The development of a program for the management and opening of environmental data is an action both complicated and important for minimizing the risks of corruption in

this sector and respectively ensuring the development of the evidence-based sector. In this regard, it is important to take into account the lessons learned so far, namely that transparency itself is a costly activity and can only be ensured if political will, institutional capacity and appropriate pressure from civil society are in place.

Evaluation methodology

This chapter presents the methodology for assessing the implementation and impact of the Sectoral Anti-Corruption Plan in the field of environmental protection for 2018-2020³ (hereinafter "the Plan"), including evaluation criteria, data/information sources, calendar of activities, institutions/persons to be interviewed, as well as the analytical tools used.

Subject of evaluation, evaluation grid and evaluation criteria

The evaluation of the Plan took place both in terms of the implementation of actions and the achievement of monitoring indicators, as well as in terms of the quality of actions and the level to which they contributed to the achievement of the results and objectives set out in the Plan. Thus, the document in question is to be evaluated at 3 levels: (i) actions; (ii) results; and (iii) impact, according to the approach described below:

1. Evaluation of the implementation of actions

Each of the 33 actions in the Plan was evaluated, according to the following grid and criteria:

Name of action	Evaluation indicator(s)	The rating of the action			Comments/ justification
		Action implemented	Partially implemented action	Action not implemented	
	The evaluation indicators will be mentioned, formulated based on those mentioned in the plan and, if necessary, completed/ adjusted.	- The progress indicators related to the action in question were reached in a proportion of 90-100%.	- The progress indicators related to the action in question were reached in a proportion of at least 50-89% (e.g. a law was drafted but not promoted or a mechanism was developed which was not implemented). For the most part, this rating will be given to actions that have been carried out by the main responsible institution, but which have been blocked/delayed due to other institutions.	The progress indicators related to the action in question were not achieved or were not even half achieved (0-49% level of achievement). For the most part, the rating will be given to actions that were not fully carried out by the main responsible institution and there were no blockages/ difficulties induced by other institutions.	- Assigning of the rating shall be reasoned. - It will be analyzed to what extent the action taken contributes to achieving the results and objectives of the Plan. If there are certain reservations about the nature of the action, they will be highlighted and commented on (e.g.: certain issues or risks associated with the adjustment/ drafting of a particular law or the superficial nature of the action (e.g. a reform without impact on the results assumed by to the Plan) Comments will be balanced and a reasoned number of subjective opinions will be mentioned, without argumentative basis and references.

³ https://www.legis.md/cautare/getResults?doc_id=111369&lang=ro

(ii) Evaluation of results

The assumed results were evaluated for each of the 4 priorities mentioned in the Plan (14 results in total). Given the rather general format of formulating most of the results, they were evaluated on the basis of an analytical exercise, involving qualitative evaluation based on focus groups and stakeholder interviews (see below the list of institutions interviewed), reports as well as evidence-based expertise from the team of experts. The evaluation at the level of each result was based on the following scale and criteria:

	Significant progress	Moderate progress	Lack of progress	Moderate regress	Significant regress	Comments
Result 1	Significant improvements, result achieved	Marginal improvements, the result is not fully achieved but there is a positive trend.	The situation is stagnant. No developments, positive or negative, were noted.	There is a negative/worrying trend, which negatively affects the achievement of results.	The situation has worsened considerably. The assumed result was not achieved.	The reasoning of the rating is presented, based on an analytical assessment of the situation, in the light of reference reports, interviews or discussions in focus groups.

(iii) Impact evaluation

The impact assessment took place in the light of the objectives assumed in the Plan, namely:

- Overall objective: Strengthening the integrity, accountability, transparency and resilience to the risks of corruption among civil servants employed in administrative authorities and public institutions in the environmental sector.
- Relevant targets under the 2030 Sustainable Development Agenda (targets are concerning the anti-corruption issue in general, but the assessment will focus on achieving those objectives that are strictly environmental):
 - o Substantial reduction of corruption and bribery in all forms (16.5);
 - o Developing efficient, accountable and transparent institutions at all levels (16.6);
 - o Ensuring a receptive, inclusive, participatory and representative decision-making process at all levels (16.7);
 - o Promoting and enforcing non-discriminatory laws and policies for sustainable development (16.8).

Given the general wording, the objectives were assessed on the basis of the grid and criteria similar to those applied to the evaluation of the results (mentioned above). In setting the ratings, the experts were guided by the evaluation at the level of results, mentioned above, as well as by the level of perception of the relevant actors in the system (mentioned below) measured through online questionnaires, in-depth interviews and focus groups. In particular, the SDG targets will be assessed in the light of the environmental sector, namely:

- o Substantial reduction of corruption and bribery of all forms, in the field of environment (16.5);

- o Developing efficient, accountable and transparent institutions at all levels in the field of environment (16.6);
- o Ensuring a receptive, inclusive, participatory and representative decision-making process at all levels in the field of environment (16.7);
- o Promoting and enforcing non-discriminatory laws and policies for sustainable development in the field of environment (16.8).

Each objective was evaluated as follows:

	Significant progress	Moderate progress	Lack of progress	Moderate regress	Significant regress	Comments
Objective 1	Significant improvements, rapid positive trend, or objective achieved.	Marginal improvements, the objective is not fully achieved but there is a positive trend, which is still quite slow.	The situation is stagnant. No developments, positive or negative, were noted.	There is a negative/worrying trend, which negatively affects the achievement of the objective.	The situation has worsened considerably. The assumed result was not achieved.	The reasoning of the rating is presented, based on an analytical assessment of the situation, in the light of reference reports, interviews or discussions in focus groups.

Sources of information

The evaluation was based on the following sources:

Source	Information provider and method of obtaining information	The reason of using the source
The quarterly and annual reports on the implementation of the Sectoral Plan of anti-corruption actions in the field of environmental protection 2018-2020, provided according to the chapter "IV. Monitoring, evaluation and reporting procedures" of the Plan.	- National Anticorruption Center / Ministry of Agriculture, Regional Development and Environment - checking the web pages of the institutions concerned/upon request from the institutions concerned	Evaluation of the implementation of actions (first level of evaluation, according to the approach described above).
The Activity Plans for the period 2018-2020 of the institutions responsible for the implementation of the actions	- MARDE, Environmental Agency, Environmental Protection Inspectorate, "Apele Moldovei" Agency, "Moldsilva" Agency, Geology and Mineral Resources Agency, National Anticorruption Center - checking the web pages of the institutions concerned/upon request from the institutions concerned	Evaluation of the integration of the actions from the Plan in the planning documents of the institutions responsible for the implementation of the Plan.

The Activity Reports for the period 2018-2020 of the institutions responsible for implementing the actions	<ul style="list-style-type: none"> - MARDE, Environmental Agency, Environmental Protection Inspectorate, "Apele Moldovei" Agency, "Moldsilva" Agency, Geology and Mineral Resources Agency, National Anticorruption Center - checking the web pages of the institutions concerned/upon request from the institutions concerned 	Evaluation of the implementation of the actions in the Plan
Sectoral expenditure strategies and reports on the implementation of sectoral expenditure strategies	<ul style="list-style-type: none"> - Ministry of Finance, MARDE - checking the web pages of the institutions concerned/upon request from the institutions concerned 	Evaluation of the integration of actions in the budgetary planning framework and in the budgetary process.
Reports of civil society organizations, development partners, academic institutions	<ul style="list-style-type: none"> - Checking the web pages of the institutions concerned. 	Evaluation of the results and objectives set in the Plan. References for analytical assessments.
Reports of state institutions empowered to exercise control as well as environmental quality monitoring	<ul style="list-style-type: none"> - Court of Accounts, Parliament, Government, Environmental Agency, Environmental Protection Inspectorate - checking the web pages of the institutions concerned. 	Evaluation of the results and objectives set in the Plan. References for analytical assessments.
Focus groups and interviews with public institutions responsible for implementing the Plan.	<ul style="list-style-type: none"> - MARDE, Environmental Agency, Environmental Protection Inspectorate, "Apele Moldovei" Agency, "Moldsilva" Agency, Geology and Mineral Resources Agency, National Anticorruption Center, Ministry of Finance - A series of interviews and focus groups were organized. 	Understanding the constraints that undermined certain actions. Identifying the lessons learned for developing the new Plan in this field. Identifying case studies of successes and failures. Understanding the situation within the system that led to the implementation/failure to implement certain actions.
Focus groups and interviews with anti-corruption authorities (APO, NIA, NAC), civil society organizations, economic operators, local public authorities, development partners and academic institutions.	<ul style="list-style-type: none"> - A series of interviews and focus groups were organized. 	Understanding the perception of relevant actors regarding the Plan in question and its impact. Identifying lessons learned.
Information on decision-making transparency related to the actions in the Plan	<ul style="list-style-type: none"> - MARDE, Environmental Agency, Environmental Protection Inspectorate, "Apele Moldovei" Agency, "Moldsilva" Agency, Geology and Mineral Resources Agency, National Anticorruption Center, Ministry of Finance - checking the web pages of the institutions concerned, www.particip.gov.md, https://controale.gov.md, http://etender.gov.md/index 	Assessment of the level of compliance of the institutions responsible for the implementation of the Plan with the provisions of the legislation on decisional transparency.
Relevant statistical data	<ul style="list-style-type: none"> - NBS, - UN - Checking the web pages of the institutions concerned, 	Assessment of the environmental situation in terms of relevant statistical indicators, in order to assess the achievement of results and objectives set in the Plan.

Assessing the perception of relevant actors on the impact of the Plan

An online questionnaire was organized with the participation of 34 respondents. The questionnaire was disseminated among representatives of anti-corruption authorities, and the main institutions responsible for the Plan's implementation, policy makers, experts and opinion leaders in the field on the perception of the level of fulfillment of the results and objectives assumed in the Plan. Based on the questionnaire, respondents were asked to assess the level of fulfillment of each result and objective, according to the evaluation grid applied by the project team, which is mentioned above.

The questionnaires were answered by 34 respondents, representing central public authorities (15 respondents), civil society/community of experts (15 respondents) and one respondent from local public authorities, donors, the private sector and ordinary citizens. The results cannot be interpreted as representative, but they were useful in terms of qualitative comments on the perception of the actors concerned on the impact of the Plan. Respectively, the questionnaire was especially useful for validating certain hypotheses of the authors or identifying topics that were subsequently clarified/discussed in focus groups and interviews. The results of the questionnaire can be viewed here: <https://docs.google.com/forms/d/1ra2yViBtmSegKtGQ5L7OcvqHGQwKy0q7oG9y8KII2A4/edit#responses>.

In parallel with the questionnaire, 5 focus groups were organized:

1. Focus group with the representatives of the institutions responsible for the implementation of the Plan.
2. Focus group with the community of experts, academia and environmental opinion leaders.
3. Focus group with representatives of the donor community and implementing agencies, with activities in the field of environment.
4. Focus group with representatives of the business community.
5. Focus group with representatives of anti-corruption institutions.

Within the focus groups were discussed respondents' perceptions of the level of achievement of results and objectives, as well as identified the main barriers and risks in this regard. Those discussions complemented the conclusions of the online survey and served as an analytical basis for the qualitative assessment of the level of achievement of the results and objectives of the Plan.

The list of institutions and people who participated in focus groups is presented below:

Public institutions	Experts/associative sector/academic environment/opinion leaders	Donor community and implementing agencies	The business community
Ministry of Agriculture, Regional Development and Environment	National Environmental Center	Embassy of Sweden	National Confederation of Employers of Moldova
Environmental Agency	EcoContact	UNDP	AmCham

„Apele Moldovei” Agency	„Eco-Tiras” International Association of River Keepers		
„Moldsilva” Agency	Andrei Isac		
Environmental Protection Inspectorate National Anticorruption Center			

Analysis of the implementation of the Plan in terms of priorities and results

Priority no. 1. Streamlining the institutional framework in the environmental sector in order to ensure the integrity of authorities, institutions and activities related to this sector

Result No. 1. The regulatory framework in the field of environmental protection improved, efficient and easy to apply, as a result of the exclusion of ambiguities, shortcomings and imperfections

Rating: Moderate progress

The environmental regulatory framework is in continuous improvement, taking into account the needs imposed by the harmonization of the national legislation to the European acquis, based on the Association Agreement between European Union and the Republic of Moldova. However, this does not necessarily mean that the changes made to the regulatory acts in the period 2018-2020 were made taking into account the perspective of eliminating the risks of corruption.

Generally, actions 1 and 2 of the Sectoral Plan for Anti-Corruption Actions in the Field of Environmental Protection for 2018-2020, which address the removal of ambiguities from environmental regulations, do not specify what they are and it is difficult to understand whether the adjustments to the listed regulatory acts, which took place during this period, achieved the purpose in order to eliminate the risks of corruption.

Respectively, if we make a quantitative analysis of the implementation of these actions, we can make a conclusion that they were partially achieved, given the fact that 8 regulatory acts were approved by the Government and were initiated amendments to 2 other regulatory acts. At the same time, if we make a qualitative analysis of these amendments, we can mention that during 2018-2020 two adjustments were made to Law No. 209/2016 on waste, one introducing certain provisions regarding the treatment of waste and the other referring to the introduction of the subsidy method in the case of the extended producer responsibility. In fact, the inclusion of these provisions brings an improvement in the waste management process and at the same time increases the options for manifesting the risks of corruption, which must be assessed and subsequently taken into account in the application of these provisions. For example, the provision on the process of energy recovery of waste involves an activity that falls under the authorization and control of the state, both activities being known with high risks of corruption.

Amendments to the Law on Water No. 272/2011 bring more clarity on the application of the law, which reduces the risk of interpretation by the control bodies, but also by those who issue permissive documents, as well as by landowners.

It should be noted that during the implementation of the Anti-Corruption Action Plan, there was significant political instability, with changes by several Governments, parliamentary elections, which delayed the process of adopting legislative acts. For example, the Forest Code, the Law on the Protection of Ambient Air, the Law on Genetically Modified Organisms were drafted, endorsed and approved by the Government, being submitted to Parliament for examination. However, their examination was delayed in the Parliament and due to the early Parliamentary Elections, according to the procedure, the laws that were not voted are to be returned to the new Government for re-examination. Thus, on the one hand, the actions related to the drafting of the regulatory framework, included in the Plan, were carried out by the Government in that period of time, but without finality.

Result no. 2. Environmental institutions carry out their activities efficiently as a result of the reorganization and delimitation of the functions exercised and the technical-material consolidation.

Rating: Significant regress

In 2017, the Government of the Republic of Moldova initiated a reform of the central public administration with the aim of streamlining the use of administrative expenditures of central public authorities and streamlining the activity of subordinate institutions. As a result of that reform, the Ministry of Agriculture and Food Industry was merged with the Ministry of Regional Development and the Ministry of Environment. This reform has been actively criticized by civil society representatives, due to the risks of weakening institutions. Consequently, four years after that reform, that criticism brought at the time by civil society proved to be fair, but unfortunately had negative effects on the functioning of the environmental sector as a whole, which is reflected in the quality of the environment.

Result 2 was to be achieved following the implementation of actions 3 and 4 of the Plan. Respectively, the quantitative analysis of the implementation of these actions says that action 3 was partially carried out, given the fact that the development of Regulations on Organization and Operation of "Apele Moldovei" Agency and "Moldsilva" Agency was initiated and draft Regulations are in place, and action 4 was achieved, given that the internal documents for the operation of the Environmental Agency were developed and approved, but the efficiency of the operation of these institutions is questionable and subject to criticism by the public, civil society and businesses, which was reported in consultations with stakeholders during the development of this study.

At the second stage of the central public administration reform, six institutions subordinated to the ministry, from the environmental sector were to be reformed - "Apele Moldovei" Agency, the State Ecological Inspectorate, "Moldsilva" Agency, the Geology and Mineral Resources Agency, the National Agency for Regulation in Radiological Activity, the State Hydrometeorological Service and created a new institution - the Environmental Agency. As a result, although four years have passed since then, so far only the State Ecological Inspectorate has been reformed, being renamed into the Environmental Protection Inspectorate and the Environmental Agency was created.

The Environmental Agency was created with the mission of implementing environmental legislation by examining and issuing permissive documents, by exercising the process of monitoring the quality of environmental components and by providing the public with environmental information. Although the institution started its activity in 2018, it still has many shortcomings. First of all, the Environmental Agency delayed the accreditation process of the reference laboratory, which ensures the process of monitoring the quality of environmental components, but also presents evidence for calculating the damage caused to the environment by polluters, which led to the end of 2019 to permanent loss of laboratory accreditation. Respectively, according to the information presented by the institution authorized for the accreditation of laboratories in the Republic of Moldova, MOLDAC Accreditation Center, the accreditation process lasts 1.5-2 years, which means that throughout this period the samples taken by the reference laboratory of the Environmental Agency cannot serve as evidence in the cases filed against polluters and the certainty of these tests for the analysis of trends in the evolution of environmental quality indicators is doubtful. Only in March 2021, the reference laboratory of the Environmental Agency obtained accreditation, but for only 7 water and air indicators, which is very little, compared to those provided in the national legislation in the field. Only for the analysis of wastewater quality, investigations are needed on 41 physical-chemical indicators, which today the Environmental Agency cannot provide.

At the same time, it is not clear whether the reorganization of the Environmental Protection Inspectorate has produced positive effects and the activity of this institution is complete. What is certain is that given that the reference laboratory of the Environmental Agency was not accredited, EPI could not submit to court cases with the calculation of environmental damage, which goes up to tens of millions of MDL, and was limited to fines which are much more "profitable" for businesses than investments in pollution prevention technologies.

During the implementation of the Plan, some amendments were made to the Regulation on the organization and operation of "Moldsilva" Agency, but it changed only how heads of forestry enterprises, forestry engineers and accountants within these enterprises were appointed concentrating decision-making power in the hands of the Director of the Agency. Representatives of civil society described this measure as an element that strengthens corruption within the institution, instead of diminishing it, and abuse of power can be manifested. "Moldsilva" Agency is known as an institution where logging is abused and the quality of the wood is tampered with in the accounting records, in order to illegally collect money from the beneficiaries of the timber, money that is subsequently transmitted to hierarchic superiors. Several journalistic investigations, in the last period, have highlighted the abuses that are made in the administration of the forest fund, both by the "Moldsilva" Agency and by the forestry enterprises, whose founder is the Agency. This only strengthens the suspicion expressed by the civil society, that the amendments produced to the way how "Moldsilva" Agency is organized increases the risks of corruption in this institution.

The other institutions mentioned above were not reorganized, although draft regulatory acts for some of them were developed, not being subsequently promoted by the Ministry of Agriculture, Regional Development and Environment, being the institution empowered with the right of legislative initiative.

Result no. 3. All environmental authorities and institutions have approved and have been implementing tools to ensure integrity

Rating: Moderate progress

The reports of the Ministry of Agriculture, Regional Development and Environment on the implementation of the Anti-Corruption Action Plan in the field of environmental protection for 2018-2021, as well as the report of the Public Association "EcoContact", stipulate that certain steps for creating posts or appointing integrity officials have been made within the Environmental Protection Inspectorate (EPI) as well as within the Environmental Agency (EA), but it is difficult to assess the functionality or impact of these actions. For example, the Environmental Agency did not include in its activity report any anti-corruption action for 2020, although one person is designated to be in charge of these issues. At the same time, we find that other subordinate institutions, such as the "Apele Moldovei" Agency and the "Moldsilva" Agency, have not initiated any procedure in this regard.

Consequently, from a quantitative point of view, action 5, which aims to achieve result 3 of the Plan, has been partially achieved, but the perception of stakeholders, expressed in the interviews, reflects a low degree of confidence in environmental institutions, from the point of view of the risks of corruption. Also, a series of journalistic investigations, carried out by Ziarul de Garda, published in 2021, signaled several suspicions of corruption reported in the activity of some forestry enterprises, whose founder is the "Moldsilva" Agency⁴. In addition to these investigations, allegations against "Moldsilva" Agency were made by other journalists during 2020 and 2021, and the Agency's reaction was offensive⁵, so that at some point it would take the decision to ban journalists' access to the forestry fund, without being accompanied by an employee from the forestry sector. The decision was challenged by the representatives of the civil society and finally annulled, but this position of a state institution towards a sensitive subject and of interest for the society shows great deficiencies in the activity of the institution and raises many questions about Agency's operation and the degree of integrity of its staff.

Result 4. In environmental institutions work professionally trained and incorruptible specialists

Rating: Moderate regress

The result of the work of all institutions in the field of environmental protection should be measured in environmental quality indicators. Each of the institutions in the sector, through its responsibilities, for the development of environmental policies, the implementation of environmental policies, monitoring of the quality of the environment, exercise of control over compliance with the relevant legislation and application of financial instruments to cover the needs stipulated in environmental policies, contributes to the state of the environment and to the dynamics of the evolution of environment quality. If we analyze the activity of the institutions in the environmental protection sector from this perspective we find with regret that the impact of their activity is one without positive results. This

⁴<https://www.zdg.md/investigatii/ancheta/video-hotii-de-paduri-furtul-de-lemne-din-padurile-moldovei-vazut-din-interiorul-sistemului-convorbiri-telefonice-indicatii-ilegale-solicitari-politice-si-case-de-milioane/>
<https://www.zdg.md/investigatii/ancheta/video-hotii-de-paduri-ii-lupta-unei-dinastii-de-padurari-cu-sistemul-si-cu-relatiile-din-justitie/>

<https://www.zdg.md/investigatii/ancheta/video-hoii-de-paduri-iii-implicarea-socialitilor-in-silvicultura-i-o-inregistrare-cu-directorul-moldsilva-cum-pe-voi-de-aparat-daca-voi-ai-recunoscut-totul/>

⁵<https://www.zdg.md/investigatii/ancheta/video-hotii-de-paduri-furtul-de-lemne-din-padurile-moldovei-vazut-din-interiorul-sistemului-convorbiri-telefonice-indicatii-ilegale-solicitari-politice-si-case-de-milioane/>
<https://www.zdg.md/investigatii/ancheta/video-hotii-de-paduri-ii-lupta-unei-dinastii-de-padurari-cu-sistemul-si-cu-relatiile-din-justitie/>

<https://www.zdg.md/investigatii/ancheta/video-hoii-de-paduri-iii-implicarea-socialitilor-in-silvicultura-i-o-inregistrare-cu-directorul-moldsilva-cum-pe-voi-de-aparat-daca-voi-ai-recunoscut-totul/>

finding comes in the context of the analysis of environmental quality indicators in the last 10 years, most of which are either stagnant or have a negative trend.

The quantitative analysis of the implementation of actions 6-9 of the Plan, reflects an integral achievement of actions 6-7 and partial achievement for results 8-9. However, the educational process is a long-term process whose qualitative results can be evaluated after a longer period and based on the assessment of knowledge, performance achieved by officials, but also public perception about the results of institutions, which must be reflected in the quality of the environment. In addition, the selection of persons to attend training courses or study visits abroad is subject to corruption vulnerability, given that there are cases when such events are attended by persons irrelevant to the topic discussed at the event. At the same time, the quarterly and annual performance evaluation of the specialists, employed in the public institutions in the sector is more formal than real, and cannot be taken as a benchmark for the evaluation of their professionalism.

What we can conclude at the moment is that the institutional reform started in 2017, which resulted in the merging of three ministries in the Ministry of Agriculture, Regional Development and Environment and which was to continue through the reform of subordinate institutions, brought more chaos to the system and weakened the institutions in the sector. At the same time, we must place all these actions in the cultural context of the Republic of Moldova, where the power distance indicator is very high, with a score of 90, according to the Hofstede indicator.⁶ This indicator shows that in the Republic of Moldova inequality is accepted as a normal phenomenon. The hierarchy is seen as reflecting inherent inequalities, and uneven distribution of power justifies the fact that power holders have more benefits than ordinary citizens. Thus, the professionalism and integrity of specialists in environmental institutions must be analyzed, first of all, in terms of professionalism and integrity of decision makers of these institutions throughout the whole period. Subsequently, the professionalism and integrity of specialists must be analyzed, who develop policies, are part of the policy implementation process, monitor the quality of the environment, exercise control, develop and apply economic instruments to finance environmental policies.

Following the consultations of the interest groups, which interacted, during their activity, with different specialists from the environmental institutions, both positive and negative opinions were reported regarding the quality of the specialists trained in these institutions. It is difficult to give a single rating to all specialists in environmental institutions. The professionalism of some may cling to the unprofessionalism and lack of integrity of the hierarchically superior decision-maker, thus disqualifying the system as a whole.

In conclusion, there is a need for a comprehensive assessment of the functionality of environmental institutions in order to carry out a genuine reform, based on current needs, given the protection of the environment and the sustainable use of natural resources in the context of climate change. This functional assessment must be preceded by an honest assessment of the professionalism and integrity of the specialists employed in the system.

⁶ <https://www.hofstede-insights.com/country-comparison/moldova/>

Priority No. 2. Streamlining the process of managing natural resources and financial resources for environmental protection

Result No. 1. Measures to reduce the anthropogenic impact on natural resources and the environment - implemented

Rating: Lack of progress

Given the recorded decline in environmental quality indicators, we cannot say that all measures have been taken to reduce the anthropogenic impact on natural resources and the environment.

It should be noted that the Plan does not include specific actions, the implementation of which would lead to the achievement of that result. This result, in fact, is the result of the overall activity of all institutions in the environmental sector, whose activity as a whole must be measured in environmental quality indicators.

Viewed from this perspective, we can say that some progress has been made, in particular that related to the partial harmonization of the legislative framework to the *acquis communautaire*, but at the same time the regulatory framework is not complete, lacking transitional measures, which make it difficult to apply it. Thus, many interest groups in society are vulnerable in the process of exercising control over the application of relevant legislation. An eloquent example would be Law No. 209/2016 on waste, which entered into force in 2018 and which lays down how waste management shall be carried out at national level. However, the regulatory framework is incomplete, the financing of the construction of the necessary infrastructure at the level of waste management areas is delayed, and waste disposal permits at local level are not issued, given the vision of waste management at regional level, local authorities are vulnerable in front of each control exercised by the Environmental Protection Inspectorate. Under such conditions, the risk of corruption is very high. Such legislative gaps exist for each sub-field in the environmental protection sector: water resources, biodiversity, soil, ambient air, climate change, useful mineral resources.

Following this logic of analysis, this result should incorporate the sum of all actions stipulated by all strategies, programs and action plans in the environmental protection sector, but also in all other sectors, given that any human activity, be it economic, energy related, agricultural, social, medical, educational, cultural, military, etc., exerts pressure on natural resources through consumption and pollution.

Given that the field of environmental protection has not been a priority in the governmental agenda of the Republic of Moldova for decades, the promotion of actions to reduce pollution and rational consumption of natural resources have been little reflected in the activities of other sectors. At the same time, the policies promoted by the central environmental institution did not have the necessary budgetary coverage to achieve the expected results, which is reflected in the quality of the environment.

As a result, today we have class IV (polluted) and V (highly polluted) environmental quality for inland surface waters and class III (moderately polluted); 11.4% of land covered with forests, registering a progress of only 0.2% for 10 years; waste management done according to the linear principle (take-produce-use-throw) and not circular, which is a great source of pollution and irrational use of natural resources; a statistical record of data based on perceptions and not on reliable records, such as metering in the case of water capture and discharge, weighing the amount of waste generated, recovered and stored; air quality affected mainly by obsolete

transport, but also with a monitoring system only in three urban localities in the country, etc.⁷ These records and reflections are mentioned in various reports, statements, studies, prepared by state institutions, development partners and civil society organizations.

The influencing factors that make us have a poor quality of the environment today and abuses in the use of natural resources are:

- incomplete regulatory acts, some outdated by time and necessities, which leads to a situation of chaos and facilitates abuses in the use of natural resources;
- the process of issuing permissive documents with a large margin of interpretation, given the absence of clear and detailed instructions on the analysis of files and completion of permissive documents;
- the environmental quality monitoring network is poorly developed, without a scientifically substantiated analysis of the needs of the location of the environmental indicator monitoring stations; the monitored indicators are accredited in a limited number, below the requirement provided by the legislation in force, which weakens the probative potential and the credibility of the results;
- the control of the implementation of the environmental legislation is exercised selectively, having also long periods of moratorium on control actions;
- the administrative offence measures are permissive for the offenders, which facilitates the abuses by the economic operators and the citizens;
- economic instruments, which would shape consumer behavior, are insufficient, outdated or abused (National Ecological Fund), which drastically decreases the potential to achieve impact results to increase environmental quality indicators.

In conclusion, in order to reduce the vulnerabilities of corruption, there is a need for drastic and urgent action on all the listed aspects in all sub-fields of the environmental protection sector. As these measures are not popular, their application implies the existence of a political will for firm decisions and the development of economic instruments, by taxing polluting practices and subsidizing environmentally friendly ones, which will ensure the financing of environmental policies. The need for such decisions comes in the context of exacerbation of the quality of the environment and the vulnerability of members of society to climate events, which are becoming more frequent and aggressive in recent years, all of which together affect the quality of life.

Result No. 2. Effective authorization, fining and sanctioning system enforced to tackle environmental offences

Rating: Lack of progress

An efficient system of authorizations, fines and sanctions enforced to tackle environmental infringements, which respects the rules of integrity, would also have a positive impact on environmental quality indicators. However, after analyzing several reports, we can say that this system still needs to be improved, and the risks of corruption, which persist, must be eliminated.

⁷ Voluntary progress assessment report on the implementation of the 2030 Agenda, Government of the Republic of Moldova, 2020, https://cancelaria.gov.md/sites/default/files/vnr_2020_en.pdf

Result 2 of priority 2 is achieved through the implementation of actions 10-14 of the Plan. Respectively, the quantitative analysis of the implementation of these actions is assessed as partially achieved for actions 10-13 and achieved for action 14.

However, for the qualitative assessment of progress, it is necessary to analyze the activity of the Environmental Agency, the authority empowered to issue environmental permits, as well as the provision of evidence of environmental pollution, the activity of the Environmental Protection Inspectorate in the process of tackling environmental violations, of the General Prosecutor's Office and the Anti-Corruption Prosecutor's Office for the investigation of environmental crimes and acts of corruption in the field of environment, as well as the efficiency and quality of the provisions of the Administrative Offence Code and the Criminal Code for prosecuting environmental violators for producing pollution and exploiting natural resources.

Thus, the process of authorization of economic activities has been carried out since 2018 by the Environmental Agency. Previously, the issuance of permissive documents and the exercise of state control was carried out by the State Ecological Inspectorate, currently called the Environmental Protection Inspectorate. The main argument in the creation of the Environmental Agency was the separation of the authorization and control processes, in order to reduce the risks of corruption. After more than two years of activity of the Environmental Agency, it is difficult to assess whether this goal has been achieved and whether the risks of corruption have been eliminated or at least reduced.

The report on the assessment of institutional integrity within the Environmental Agency points to several shortcomings in the process of issuing permissive documents by this institution.

Thus, in order to request a permissive act, the SIAMD government information system is used, which is intended to operate as a one-stop shop. The notion of one-stop shop implies the elimination of the interaction between the applicant for a permissive document and the official who examines the file and issues this document. It was found, however, that this is not fully achieved in the process of issuing permissive documents by the Environmental Agency. Within the information system, the Environmental Agency must be able to request and access the approvals of other institutions, which are relevant for the examination of the file in order to issue permissive documents, online, without involving the beneficiary of the permissive act. However, due to technical deficiencies in the system, the Environmental Agency cannot perform this task. The institution reported the problem by official address to the Electronic Governance Center, but so far the problem has not been solved. Thus, there is a risk of interaction between the issuer of the permissive act and the beneficiary of the request to bring the set of approvals from the institutions concerned.

At the same time, the interaction between the issuer and the beneficiary also exists at the issuance of the permissive act, where persists the risk of corruption of the official in this process, which is indicated in the NAC report.⁸

In the process of consultations, business associations, economic operators and civil society organizations also reported low capacities of civil servants in environmental institutions empowered to issue permissive documents or to exercise control. The economic operators and the population are poorly or not at all informed about the rules imposed for the observance of

⁸ Report on the results of the institutional integrity assessment within the Environment Agency, National Anticorruption Center, 2021, <https://cna.md/libview.php?l=ro&idc=83&id=3071&t=/Evaluarea-integritatii-institutionale/Rapoarte-de-evaluare/Rapoarte-privind-rezultatele-evaluarii/RAPORT-privind-rezultatele-evaluarii-integritatii-institutionale-in-cadrul-Agentiei-de-Mediu>

the environmental rigors through the adopted regulatory acts. Thus, for example, many economic operators were surprised that they must have pre-treatment of wastewater, if the wastewater discharged into the centralized sewerage system exceeds the set of indicators provided in GD No. 950/2013. Although Government Decision No. 950/2013 entered into force in 2013, it did not produce effects, both because the central environmental authority and subsequently the Environmental Agency did not communicate or poorly communicated on this subject, and due to the lack of control by the Environmental Protection Inspectorate on this issue. At the same time, following the constraints initiated by EPI, the Prosecutor's Office and later Apa-Canal Chisinau, starting with 2019 economic operators are beginning to be interested to comply, but report a lack of information on this subject from environmental authorities.

In addition to the issues mentioned above, during the consultations, the risks of abuses exercised by the management of the relevant ministry or by the MPs were also reported. These risks are manifested by trying to influence decisions in the process of examining files for the issuance of permissive documents, as well as in the case of exercising control over compliance with environmental legislation.

As an example of suspicions of such interventions, we can give the case of the decision-making process in issuing the permissive act for the project "Section with sludge processing facilities through the pyrolysis process at the treatment plant in Chisinau" submitted by Apa-Canal Chisinau Joint Stock Company and examined by the Environmental Agency.

In order to improve the sludge treatment process, which is part of the wastewater treatment process, at the Chisinau municipal wastewater treatment plant, the municipal enterprise Apa-Canal Chisinau Joint Stock Company addressed by letter No. 01-2168 of 29.07.2020 to the Environmental Agency, requesting the examination of the request for prior evaluation of the planned activity, a fact provided procedurally by Law No. 86/2014 on environmental impact assessment. This law regulates the conditions and procedures in which the environmental impact assessment or the ecological expertise of the planned activity is carried out. Thus, in the conditions in which the construction, renovation and modernization of treatment plants with a wastewater treatment capacity for a population of more than 150,000 inhabitants are planned, the environmental impact assessment at national level is mandatory (Law No. 86/2014, Article 4 (2) and Annex 1 (18)). However, the Environmental Agency issues decision No. 10/408/2020 of 07.08.2020 by which it communicates to the applicant that he does not need to carry out the environmental impact assessment, but only the ecological expertise, a procedure that is much simpler and faster than the environmental impact assessment. It is curious that on the date of issuing the decision of the Environmental Agency, Apa-Canal Chisinau Joint Stock Company concludes the design contract for the pyrolysis plant for the treatment plant No. 374 of 07.08.2020. In reasoning its decision, the Environmental Agency qualifies the sludge as a product after wastewater treatment, as waste, although Law No. 209/2016 on waste does not define this sludge as waste, and says that this activity does not fall under the scope of Law No. 86/2014 regarding the environmental impact assessment, but falls into the category of projects "Installations for waste disposal, with a capacity of less than 50 tons per day" in Annex No. 1 of Law No. 851/1996 regarding the ecological expertise. It should be mentioned that the decision in question does not even bear the marks of any signature, but is registered with an entry number at Apa-Canal Chisinau Joint Stock Company. However, based on this decision, the ecological expertise document No. 180 of 26.11.2020 by the Institute of Ecology and Geography of the Ministry of Education, Culture and Research, which subsequently substantiated the issuance by the Environmental Agency of the permissive act Notice of the state ecological expertise No. P-0103/2020 of 30.11.2020. This whole series

of decisions and documents served the basis for the decision to grant financing from the National Ecological Fund in favor of the company Apa-Canal Chisinau, amounting to 72,000,000 MDL, being concluded the contract No. 6325 on 22.03.2021.

Analyzing all these documents and taking into account the fact that the Environmental Agency is the institution subordinated to the Ministry of Agriculture, Regional Development and Environment, and the National Ecological Fund is part of the same ministry, the Board of the National Ecological Fund, chaired by the Minister and a Secretary of State within MARDE, we can have at least suspicions of abuse of power in favor of an erroneous decision, in violation of Law No. 86/2014 on environmental impact assessment, manipulating with terms, to simplify procedures and expedite the financing decision.

Basically, during the consultations, the representatives of the environmental civil society signaled that such cases are multiple, when decisions are taken by the Environmental Agency in favor of the application of Law No. 851/1996 on the ecological expertise to the detriment of Law No. 86/2014 on environmental impact assessment, although the projected activity should fall under Law No. 86/2014.

The cause of these decisions requires further investigation, as may be the manifestation of abuse of power, and corruption by economic operators who want to reduce investment costs and speed up procedures, as well as low professional skills of officials who are involved in the decision-making process regarding the issuance of these permissive acts. It should be mentioned that in the case of the environmental impact assessment procedure, according to Law No. 86/2014, the expenses incurred by economic operators are higher compared to the ecological expertise and the final result, following the evaluation may be negative. This means that the economic operator will always have tendencies to corrupt officials in order to reduce costs and obtain a positive approval to subsequently run his business, whether it has any impact on the environment or not.

In addition to the above, during the consultations, several actors reported the existence of a conflict between the Environmental Agency and the Environmental Protection Inspectorate, which jeopardizes the process of exercising control over compliance with environmental legislation, based on permissive acts. Although there is a ministerial order, issued in May 2019, by MARDE, which obliges the transmission of permissive documents issued by the Environmental Agency to the Environmental Protection Inspectorate, so that the latter can carry out the control based on them, this order has not been implemented so far. The Environmental Agency finds various justifications for not fulfilling the order, while the MARDE management shows inaction. The transmission of permissive documents on the day of issue is especially important in the case of tree felling, which can be carried out until the publication of these documents on the website of the Environmental Agency. Such cases have been reported by the Environmental Protection Inspectorate.

The publication of permissive documents on the page of the Environmental Agency is important to inform the interested persons to monitor the process of their observance. Unfortunately, their publication is delayed, which creates impediments in monitoring the control process.

We must also mention that the fines currently applied for non-compliance with environmental legislation are very small, which allows offenders to abuse them and not comply with legal requirements. MARDE has repeatedly submitted proposals to amend the Administrative Offence Code, but these have largely not been taken into account by the Ministry of Justice, the authority empowered to initiate amendments to this Code. Small fines encourage offenders

not to follow the rigors, which is ultimately reflected in excessive pollution and poor environmental quality.

Result No. 3. Financial resources for environmental protection activities are managed efficiently and transparently, high discipline of project beneficiaries in compliance with project terms.

Rating: Moderate regress

There are inherent risks to corruption in the environmental sector, especially when discussing policies for allocating and accumulating financial resources, in particular because this sector itself combines several corruption factors that make monitoring extremely difficult. First, we are talking about large sums of money that are managed by multiple actors (agriculture, regional development, economic activity, etc.), each of which either has no clear rules on how it affects the environment and contributes to corruption in the sector, or it is extremely technical which is not understood by those outside the sector. An example in this sense is that the management of environmental money is handled by complex institutions (MEI, MARDE, AIPA, implementation units), which in turn have complex payment mechanisms. Secondly, given the endemic corruption in key sectors, for example, construction, energy and forestry, we can say with a high degree of certainty that environmental resources are, at the very least, used inefficiently. It is added that each of these key sectors has different anti-corruption centers or controls, and efforts often result in fragmented effects. It is important to understand another aspect of risk, namely, the urgent nature that environmental spending can have, especially in conditions of realization of climate risks, which by their nature can contribute to illegal behavior.

Tax transparency of the management of resources intended for environmental protection activities is based on ensuring three components:

- a) **Transparency of Government's activities.** In order to implement this component, it is necessary for the Government to publish in a timely and accessible format: (1) tax provisions in contracts and clauses, as well as annexes (online); (2) data in editable format on production, sales, company payments for each type of tax and capital expenditures for each taxpayer.
- b) **Capacity.** The capacity to monitor and supervise the authorities managing the sector, but also the existence of independent supervisory institutions, which can evaluate the information presented from different public sources and hold accountable the authorities in the field.
- c) **Involvement.** Representatives of the public, especially civil society, who understand the complexity of tax policy and administration issues and can put pressure on both these oversight bodies and the Government. Regular consultations with various stakeholders (such as businesses, university professors, trade associations and NGOs), ensuring an ongoing dialogue between government officials and representatives of various institutions, to inform the public about tax policy, thus contributing to preventing political instability and strengthening trust in society.⁹

⁹ <https://www.expert-grup.org/ro/activitate/proiecte/item/1846-utilizarea-resurselor-naturale-%C3%AEmbun%C4%83t%C4%83%C8%9Birea-eviden%C8%9Bei-%C8%99i-transparen%C8%9Bei&category=6>

In reality, as mentioned in previous priorities, in the absence of a general understanding of how this sector contributes to the country's economic development, there is also a lack of a long-term and short-term policy of revenue accumulation at the sectoral level, and the decisions taken are rather fragmentary. In this situation, a non-evidence-based revenue accumulation policy does not ensure the sustainability of natural resource management. The analysis of the documents related to the Medium Term Budgetary Framework 2015-2017, 2018-2020,¹⁰ and the annual tax and customs law drafts¹¹ in the years when amendments to resource taxes were made does not reflect the changes made during the budget year. The only mention of the sector is in the annex of the *Synthesis of the impact of the main policy measures on the sectoral allocation of resources of the national public budget*, where it is shown how the mining and construction sector contribute to revenues at aggregate level, without being able to assess the historical contribution of the sector, in the absence of a disaggregation by type of resource, region, etc.

Thus, most decisions on the taxation of natural resources were made ad hoc, outside the main budgetary documents, and ignored in medium-term and short-term tax policies, in the absence of effective consultation. An example in this sense was the decision to increase taxes on natural resources, which aims to move from per "cost" taxation to taxation per physical unit of extraction and elimination of taxes for works.¹²

In this case, the lack of transparency translates into long-term costs for the sustainability of the sector. First of all, we are talking about decisions that are not reasoned, taken without assessing the social and environmental impact, but also the economic impact. The exclusion of works taxes puts pressure on the tax administration of the remainder of payments and the economic operator lacks the motivation to exploit the mineral resources according to the contractual provisions.

In the absence of ownership (exercise of control) over the publication of budgetary data in this sector, the currently accessible information related to the management of environmental revenues and expenditures is insufficient and fragmented. Good practice says that the publication of budget data should pursue a very well-defined purpose, the published data should be fully described so that users have enough information to understand their strengths, weaknesses, analytical limitations and how to process the data. Equally important is the mention in the general or sectoral legal framework of transparency of the person responsible for its publication. Publishing data as early as possible allows users to provide feedback, then continues to make revisions to ensure the highest standards of open data quality, including those of the *Open Government Partnership*,¹³ *the G8 Open Data Charter and the Open Data Charter Technical Annex* (<http://opendatacharter.net/>). Publishing data under an open source license allows users to obtain data freely and easily, but also to reuse it.¹⁴

This contributes to increasing the literacy level of open data and encouraging its use by citizens, such as application developers and representatives of civil society organizations working in the field of open data, and promoting it to unlock the value of open data related to

¹⁰ <https://www.expert-grup.org/ro/activitate/proiecte/item/1846-utilizarea-resurselor-naturale-%C3%AEmbun%C4%83t%C4%83%C8%9Birea-eviden%C8%9Bei-%C8%99i-transparen%C8%9Bei&category=6>

¹¹ <https://www.expert-grup.org/ro/activitate/proiecte/item/1846-utilizarea-resurselor-naturale-%C3%AEmbun%C4%83t%C4%83%C8%9Birea-eviden%C8%9Bei-%C8%99i-transparen%C8%9Bei&category=6>

¹² https://gov.md/sites/default/files/document/attachments/intr02_205.pdf?fbclid=IwAR2_tgpAceXekHNYctZgHb-dbd6iXqL5nFvS5qhsA22-haCUHJ9Fss8WGI

¹³ <https://www.opengovpartnership.org/>

¹⁴ <https://www.expert-grup.org/ro/activitate/comunicate-de-presa/item/2038-comunicat-de-presa-valorificarea-resurselor-minerale-utile-din-moldova-pe-plus-sau-minus>

mineral resource management. More importantly, the full and timely publication of data on how revenues and expenditures in the sector are historically managed should underpin their management policies, with the main beneficiaries being, however, the institutions that manage revenues and expenditures at the local and national level.

The current tax regulation regime does not ensure a balance between the interests of the state and business, it is not transparent and participatory. The basic rules that regulate transparency in the decision-making process are the Law on budgetary-tax responsibility¹⁵, Law No. 239-XVI of November 13, 2008 on transparency in the decision-making process,¹⁶ Government Decision No. 967/2016 “On the mechanism of public consultation with civil society in the decision-making process”,¹⁷ as well as the Internal Rules of the Ministry of Finance, regarding the procedures of information, consultation and participation in the process of drafting and adoption of decisions. What is missing, however, is a strategic framework for tax management of the sector. Its lack makes it impossible to create an environment in which the Government can discuss with business representatives and the society in order to identify an appropriate level of taxation, so as, on the one hand, to maintain interest in investment in the sector, and on the other hand, to reduce all social and environmental risks, reaching a fair value of the resources extracted for the state. Moreover, the discretionary nature of decisions setting the size of taxes,¹⁸ the lack of discussion platforms and the recent promotion of tax changes show a number of shortcomings in ensuring the principles of tax transparency.

It is important to mention that the only action dedicated to improving money management in the field, referred exclusively to the monitoring of environmental actions and projects, namely, Action 19: *Creation of a system for monitoring and control of the implementation process of projects in the field of environmental protection, MARDE being responsible for the execution of this component. In reality, given the complexity of the sector and the fact that there are multiple implementation partners including local public authorities, at least 2 dedicated funds (NEF and NFRD), implementation units, this has not been achieved. A broader exercise of cataloging and mapping projects is as complicated as it is resource-consuming, and in the current management and financing framework operating exclusively from the available budgetary resources it is practically unfeasible.*

Result No. 4. The operation of the National Ecological Fund reorganized and streamlined

Rating: Significant regress

The National Ecological Fund is an economic instrument created to finance environmental protection projects, aiming to achieve the objectives and indicators set out in the national policy documents in this sector. At the same time, efforts in recent years have not progressed, which could contribute to the perpetuation of corrupt practices in the field.

Activities 16-19 of the Plan are aimed at achieving outcome 4 of priority 2, but both quantitative and qualitative findings of these actions reflect a lack of progress.

The reorganization and efficiency of the National Ecological Fund has been talked about for about 10 years, so that this activity is found in several policy documents developed during this

¹⁵ https://www.legis.md/cautare/getResults?doc_id=106188&lang=ro

¹⁶ https://www.legis.md/cautare/getResults?doc_id=106188&lang=ro

¹⁷ https://www.legis.md/cautare/getResults?doc_id=106188&lang=ro

¹⁸ https://www.legis.md/cautare/getResults?doc_id=106188&lang=ro

period, including the Environmental Strategy for 2014-2023. Regrettably, although over the years several civil society studies, audit reports of the Court of Accounts, hearings and reports of the relevant Parliamentary Commission have been made, which signaled deficiencies in the decision-making process and the operation of the National Ecological Fund, it has not been reformed, the abuses manifested by political clientelism and the lack of control over the use of public money persist to this day. The NEF reform did not take place because the fund was convenient to be used for "vote buying" by financing projects in localities with mayors affiliated to the government. This is possible due to the fact that in the NEF Board of Directors, the decision-making body for project financing, out of seven members, six are high-ranking representatives of state institutions, who are appointed politically. In addition to the fact that these members are appointed on political criteria, it is difficult to say whether they have the necessary knowledge to assess the environmental impact of the project proposed for funding, including selecting projects in order of priority to reduce environmental pressure in various geographical areas throughout the country.

The current framework has not solved the problems related to ensuring the participation of stakeholders, limiting itself to internal, ad-hoc decisions, adapted in a non-transparent way. In view of the findings on the shortcomings of the operation of the National Ecological Fund, at the last meeting of the NEF Board of Directors in autumn 2019 the decision was made to create a Working Group that will analyze the options for reforming the NEF and will come with proposals to start this process. However, following the change of the political vector towards the end of 2019, this decision was ignored and during 2020 the vicious practice of the operation and decision-making within NEF was continued, burdening the existing financial burden. At the end of 2019, NEF's commitments to beneficiaries were worth about 1.3 billion MDL, with an annual budget of less than 300 million MDL, which already makes it difficult for the central authority responsible for managing the fund to honor its commitments. However, during the years 2020-2021, the NEF Board of Directors approved for financing another 66 new projects, estimated at 588,313,127 MDL, for which contracts were concluded in a total amount of 256,645,667 MDL. Of these, 50 projects were for the construction of water supply and sanitation systems, with a contractual value of 215,610,650 MDL, which means 84.01% of the total new contracts concluded.

Table 1. National Ecological Fund breakdown by budgetary programs, for 2020-2021

NEF financing programs	Total cost per project, MDL	Amount approved from NEF, MDL	Share in total
7503 WATER, SEWERAGE, TREATMENT	493.328.659,92	215.610.650,00	84,01%
7001 POLICIES AND MANAGEMENT	13.579.782,00	2.151.800,00	0,84%
7002 WASTE MANAGEMENT	35.060.040,00	23.400.000,00	9,12%
7003 ECOLOGICAL SECURITY	3.955.367,81	3.955.367,81	1,54%
7004 MONITORING THE ENVIRONMENTAL QUALITY	19.530.790,00	3.970.000,00	1,55%
7005 BIODIVERSITY PROTECTION	22.858.488,00	7.557.850,00	2,94%
Total 2020-2021	588.313.127,73	256.645.667,81	100%

Source: Ministry of Finance

About 90% of the projects approved by NEF Board of Directors are for the construction of water supply and sanitation systems, with a greater preference for water supply, because such projects are best to "buy the votes of voters". Analyzing the electoral cycles carried out during the implementation of the Anti-Corruption Sectoral Plan in the field of environmental protection, overlapping with the governing parties during this period, whose politically

appointed representatives were part of the NEF Board of Directors, and the decisions taken in favor of mayors, we arrive to the same conclusions signaled countless times by the civil society, that the decisions taken are mainly political and not the ones according to the priorities of the environment. The table below demonstrates the stated hypothesis. Thus, in the analyzed period, the share of water supply and sanitation projects, approved by NEF Board of Directors for mayoralties, whose local elected officials are the decision makers of these parties, constituted 78.03% of the total amount of projects approved for this program. We remind you that the new projects approved under the water and sanitation program accounted for 84.01% of the total amount of new projects approved between January 2020 and July 2021. During the same period, two elections took place. Analyzing the decisions taken by NEF Board of Directors we can assume that they were intended to favor an electoral contestant in these elections.

Table 2. New projects approved in January 2020 - July 2021, water and sanitation

Political affiliation of beneficiaries	Number of projects	Amount approved from NEF, MDL	Ratio
Total	51	215.610.650	100%
PSRM mayor	18	126.437.100	58,64%
PCRM mayor	1	2.000.000	0,93%
PD mayor	15	41.807.000	19,39%
Electoral block „ACUM PPDA și PAS” mayor	7	16.709.814	7,75%
Independent mayor	4	13.816.000	6,41%
PN mayor	2	8.000.000	3,71%
Others (monasteries)	2	5.639.866	2,62%
Green- Ecologist Party mayor	1	1.200.870	0,56%

Source: Ministry of Finance

At the same time, although the NEF Board of Directors also includes a member of civil society organizations in the field of environment, its access to NEF Board of Directors meetings was restricted between April 2020 and December 2020, by not being invited to the meetings, without any explanation being provided to the National Council of Environmental NGOs, which delegated the representative of the environmental community to this forum. And for 2021, the leadership of the Ministry of Agriculture, Regional Development and Environment did not consider necessary the request to nominate the representative of the environmental community, which should have been addressed to the representative body of the Environmental Civil Society Forum, which is the National Council of environmental NGOs, as provided for in the Regulation on the administration of the National Ecological Fund.

The NEF activity does not even comply with the existing transparency framework, systematically ignoring the provisions of the existing legal framework. At the same time, the National Ecological Fund has major shortcomings in transparency of the decision-making. NEF being part of the Ministry of Agriculture, Regional Development and Environment, which is a public authority, must comply with the provisions of Law No. 239/2008 on transparency in the decision-making process. Thus, all the meetings of the NEF Board of Directors must be public, announced in advance, in order to offer the possibility to the interested persons to participate in them, however this is not observed by MARDE.

The Ministry of Agriculture, Regional Development and Environment, by failing to invite the representative of the ecological community to the meetings of NEF Board of Directors between April 2020 and July 2021 and by failing to publish the announcements on the organization of NEF Board of Directors' meetings, restricted public access to decision making and monitoring

public spending, arousing corruption suspicion through the exercise of abuses in the decision-making process.

The need to reform the NEF stems from the shortcomings of not ensuring decision-making transparency and the project management cycle, according to international practices. These gaps have been reported by civil society countless times. Today, NEF makes decisions based on poorly reasoned projects, evaluated by subordinates within MARDE or subordinate institutions, which may be influenced by the ministry leadership, does not ensure monitoring of project implementation or their post-implementation evaluation.

In 2020, MARDE had an attempt to develop and adopt a new Regulation on the administration of the National Ecological Fund, but it was subjected to harsh criticism from civil society and the Parliamentary Committee, given that the draft of the new document did not bring improvements in decision-making and in ensuring all stages of project management.

A positive thing that MARDE initiated during 2020, in order to improve the operation of NEF, is the drafting of an Operational Manual, which is still under development, but it will not eliminate the risks of corruption as long as the decision-making process and the other processes of the project management cycle are not regulated in an appropriate way, balancing the representativeness in the NEF Board of Directors, and the transparency of the activities carried out in NEF is not ensured.

It is very important to mention that no operating document of the National Ecological Fund provides for monitoring the implementation of projects funded by NEF, the existing team ensuring only ex officio monitoring of project implementation, based on documents submitted by beneficiaries, without onsite visits and making de facto evaluation of the implementation of the projects. This is extremely important for assessing the efficiency of the use of public money, but also for assessing the effectiveness of decisions taken for funded projects, in the context that they should reach the indicators reflected in environmental policies.

Priority No.3. Streamlining and strengthening the state control system in the field of environmental protection in order to ensure compliance with environmental legislation and tackle offences in the field

Result No.1. State control in the field of environmental protection is carried out on the basis of risk analysis and criteria and in accordance with the approved control methodologies and instructions for this sector;

Rating: Moderate progress

Although the existing primary legal framework is sufficiently clear and does not in itself involve the risk of corruption, there is room for improvement, in particular, in the secondary control framework in this sector and in the application of legal rules. Equally important for strengthening control in the sector remains the provision of truthful environmental information.¹⁹

Thus, the Government Decision No. 963/2018 describes the methodology regarding the state

¹⁹ We are referring here to the delay in approving the rules of conduct for EPI inspectors. This action was to be carried out in quarter 4 2020, being adopted at the end of March 2021. One of the causes cited by the interviewed officials, but also the annual internal reports of EPI, cites on the one hand, the lack of capacity and on the other hand, the delay of its adoption by the management of the institution:: <http://ipm.gov.md/sites/default/files/2021-04/ord30.pdf>

control over the entrepreneurial activity based on the analysis of the risks related to the remit of the Environmental Protection Inspectorate.²⁰ The methodology is a complex mechanism for risk assessment and corresponds to good practices in the field. At the same time, its implementation is hampered in particular by the shortcomings of the environmental statistical system, which has severe shortcomings both at the stage of data collection from stakeholders (entrepreneurs, business associations, affiliated agencies) and at the stage of meeting the existing demand for the provision of this data to stakeholders. Deficiencies occur due to the different formats and forms of data collection of high complexity, which inevitably cause errors in the economic, social, occupational, administrative and technical conditions of environmental information and which do not enable, with a high degree of certainty, the assessment of corruption risks in this sector. Moreover, availability on request, or exclusively on paper (more than 70% of environmental information being available exclusively in this format to the public, according to interviews with representatives of environmental institutions, but also studying the web pages of environmental institutions), may generate risks of abuse of office and abuse of power and influence peddling. As for the capacity of the institutions to apply the methodology, according to EPI data²¹, the inspectors were not trained on its application until its adoption: "lacking a mechanism for their continuous training, especially in conditions where the staff turnover rate is one of the highest in the institutions subordinated to MARDE, after 2018."²² Thus, according to the data provided by the Internal Audit Department of the Inspectorate following the questionnaire conducted on this subject "*there is a risk of abuse by inspectors, in good or bad faith, without any possibility to monitor their professional capacity*", a finding to which we subscribe.

It is important to mention here that a factor that is decisive for progress, but also the lack of progress in this regard is the institutional capacity, or lack thereof and the leadership of environmental authorities. As a result of the administrative reform, the institutions responsible for exercising state control of the environment have been constantly underfunded, which has led not only to the reduction of qualified human resources, but also to the technical capacity of these institutions (especially the Reference Laboratory of the Environmental Agency, and the Environmental Protection Inspectorate).²³ Thus, although there is a good control methodology, its application is limited by the lack of information based on credible evidence, low institutional capacity and an incomplete technical control framework. For comparison, in the period 2019-2020, out of the total funding requests of the institutions of the accreditation processes for testing air, soil water, procurement of laboratory and control equipment (GPS, tree diameter measuring equipment), financially covered less than 25% of the funding needs requested in the budget plans. As a result, it was possible to procure less than half of the required mechanical flotilla and GPS devices, only 3 devices for measuring the diameter of cut trees to be used by the 216 inspectors for 89 administrative offenses evaluated, annually, simultaneously in different regions of the country. The lack of accreditation on a series of environmental indicators of the Laboratory, results in the exclusion of laboratory evidence in

²⁰ https://www.legis.md/cautare/getResults?doc_id=109143&lang=ro

²¹ [http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%C8%9AIUNI%20%20AL%20INSPECT%20\(1\)%20\(1\).pdf](http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%C8%9AIUNI%20%20AL%20INSPECT%20(1)%20(1).pdf)

²² [http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%C8%9AIUNI%20%20AL%20INSPECT%20\(1\)%20\(1\).pdf](http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%C8%9AIUNI%20%20AL%20INSPECT%20(1)%20(1).pdf)

²³ [http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%C8%9AIUNI%20%20AL%20INSPECT%20\(1\)%20\(1\).pdf](http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%C8%9AIUNI%20%20AL%20INSPECT%20(1)%20(1).pdf)

the courts²⁴ and the impossibility of estimating/calculating the damage caused to the environment. If the expenditure strategy for this component is not revised, we are running the risk that this moderate progress will become a rapid setback, with the materialization of all corruption risks detected by NAC experts in the environmental field: a) abuse of office; b) abuse of power; c) conflict of interests and/or favoritism; d) passive corruption; e) active corruption; f) exercise of undue influence; g) influence peddling.

Result No. 2. Environmental offences and crimes are detected in time, counteracted and penalized

Rating: Significant regress

Regulating operational framework and the procedural acts within the administrative offence procedure remains a subject of corruption risks, either due to non-compliance with the existing regulatory framework, or due to the lack of open collaboration between the Environmental Protection Inspectorate and the Environmental Agency. Being perpetuated, this situation will lead to the materialization of corruption risks but also potential environmental damage.

Tackling environmental offences is a permanent social process, which involves the application of social, cultural, economic, political, administrative and legal measures, in order to identify, neutralize and eliminate the causes of this phenomenon. Although it cannot be completely eliminated, it can be diminished by a rigorous control, by the application of preventive measures, as well as by the direct detection of offences and the prosecution of the culprits under law.²⁵ According to art. 405 of the Administrative Offence Code of the Republic of Moldova No. 218-XVI of 24.10.2008, the Environmental Protection Inspectorate is responsible for initial inquiry and examination of the offences provided by art. 553, 95, 109 -112, art. 113 (1) - (6), art. 114 (1), (2), (4) and (5), art. 115-119, 120-126, 127-130, 132-154, art. 155 (1), art. 156 and 182.²⁶ The administrative offence code, however, *“is not sufficient nor does it contain the Instruction on the collection of evidence and working with witnesses in the investigation of cases of violation of environmental legislation,”* say EPI representatives in interviews conducted during this assessment exercise. A document with the same name and purpose, had to be drafted in quarter 2, 2019 but has not been adopted so far.²⁷ In the absence of these instructions, we can consider that the process of reporting, identifying and counteracting environmental offences is at least incomplete, in the sense that the investigation process is flawed from the start, which implies a high degree of case rejection in court.

Poor communication on behalf of the Environmental Agency, which does not comply with the terms of publication of permissive acts in the Register of State Permissive Acts (SI GEAP), led to situations in which environmental inspectors were notified, only to take note that there is a permissive act issued by the Agency. Thus, the representatives of the Inspectorate noted that the lack of information directly affects the work of the institution, leading in most cases to the impossibility to assess the damage, to inefficient use of the Inspectorate's resources and to abuses by economic operators.

All this being said, in the absence of a viable administrative offence procedure, poor access to

²⁴ <https://docs.google.com/document/d/1FfQLAzYvUdTpLlwv4DFTlw63agjEH7KHlhKDx9WCs6E/edit>

²⁵ http://ipm.gov.md/sites/default/files/2020-06/ANUAR%20TOTAL%202019%2005.15_1.pdf

²⁶ https://www.legis.md/cautare/getResults?doc_id=113262&lang=ro

²⁷ https://gov.md/sites/default/files/document/attachments/intr11_173.pdf

information, the rest of the actions taken for this component (testing and training of environmental inspectors on the integrity component) do not compensate for the high risk of materialization of corruption risks, abuse of authority, influence peddling, active corruption, favoritism and exercise of influence.

For example, in 2019, the Environmental Protection Inspectorate and its regional subdivisions concluded and submitted for examination to the competent authorities 65 reports on administrative offences, of which 30 were submitted to the Courts, Administrative Commissions of local public authorities - 25, Police Inspectorates - 10. In total, out of 65 materials submitted to the competent authorities, 29 cases were examined, another 36 cases still ongoing examination. Based on the materials submitted to the environmental protection bodies, fines in the amount of 33750.00 MDL were enforced, being collected a total of 12675.00 MDL, and sanctions were imposed on 2 administrative offence cases in the form of a warning. Here are added 5532 administrative offences cases examined under own materials. In most cases in which the environment has been harmed, the guilty persons voluntarily recover the damage inflicted, exempting the need to resort to legal proceedings. Thus, about 1,455,838 MDL were voluntarily collected as damage caused to the environment as a result of the efficient activity of environmental inspectors. However, there are cases of non-compliance and refusal to recover the damage caused. In 2019 EPI filed 27 civil cases in national courts with the request to forcibly collect from the defendants the amount of damage caused by them to the environment.²⁸

The mechanism for enforcing judgments involves the occurrence of additional costs in connection with civil and criminal cases brought in order to forcibly recover the damage caused to the environment through the courts. Added to this is the lack of evidence, which is why the court rejects over 50% of all cases that enter the judicial system. In addition, in the absence of good institutional communication, the finality in cases which reached the court is known only in those in which the damage was ruled in the judgment. Thus, the current process, as mentioned above, does not have a clear framework for action and does not seek to minimize environmental damage, or proportionate recovery thereof. The risks of corruption in this case can materialize with a high degree of certainty.

²⁸ http://ipm.gov.md/sites/default/files/2020-06/ANUAR%20TOTAL%202019%2005.15_1.pdf

Priority No. 4. Raising the level of decision-making transparency in environmental authorities and ensuring access to environmental information

Result No. 1. The regulatory framework on ensuring transparency in the activity of environmental institutions - approved and implemented.

Rating: Significant regress

The transparency of environmental data is a subject with perhaps the highest degree of sensitivity due to the complex relationships that exist in this sector and the fact that there are two big data producers, private agents and public institutions. Thus, the legal framework must be sufficiently permissive to allow a high degree of openness of information, but also the observance of personal data. The current legal framework is sufficiently clear and permissive, but not fully or not at all respected by all environmental institutions. The actions of the anti-corruption plan, if they had been carried out, would have made the managers of public institutions responsible, to comply at least with the provisions of the legal framework and to establish clearly what is the minimum environmental information to be published. Unfortunately, none of the actions related to increasing the transparency and accountability of environmental institutions have been carried out. Under these conditions, there are major risks of materializing the sector-specific corruption risks (influence peddling, passive and active corruption, exercise of influence).

Before describing which are the main provisions to be ensured from the point of view of environmental transparency, we must mention that for all transparency components it can be ensured only in compliance with the following conditions:

- Timeliness of information. Is all the latest information available? If not, what are the exceptions?
- Availability of time series. Is all historical information available? If not, what are the exceptions?
- Publishing information in a timely manner. Is the information provided in sufficient time to allow effective monitoring and control of subsoil resources use?
- Publishing information online and in an editable format. Is the information available in an editable format? Are there other barriers to accessing information?

The principal norms that regulate transparency in the decision-making process are the Law on budgetary-tax responsibility,²⁹ Law No. 239-XVI of November 13, 2008 on transparency in the decision-making process,³⁰ Government Decision No. 967/2016 on the mechanism of public consultation with civil society in the decision-making process,³¹ as well as the Internal Rules of MARDE, but also subordinated institutions regarding the procedures of information, consultation and participation in the process of drafting and adoption of decisions. What is missing, however, is a strategic management framework for the sector, which makes it difficult to identify at least the optimal level of openness to environmental information, so that it is possible to obtain the best result, attract investors with best production practices and to validate the assumption of environmental and social risks by the state. Moreover, the

²⁹ https://www.legis.md/cautare/getResults?doc_id=106188&lang=ro

³⁰ https://www.legis.md/cautare/getResults?doc_id=106188&lang=ro

³¹ https://www.legis.md/cautare/getResults?doc_id=106188&lang=ro

discretionary nature of decisions,³² the lack of discussion platforms and the recent promotion of tax changes, show shortcomings in ensuring the principles of tax and decision-making transparency.

Table 3. Publication of legislation on environmental resources in institutional profile

Ministry of Agriculture, Regional Development and Environment (MARDE)	Yes ³³	No ³⁴	The legislation in most areas except the subsoil is published on the Ministry's website.
Agencies managing environmental resources (Geology and Mineral Resources Agency (GMRA), "Apele Moldovei" Agency, Moldsilva Agency)	Yes ³⁵	Partially ³⁶	All regulatory and legislative acts in force in the field of subsoil, water, forestry and hunting are published. Departmental documents are missing for all environmental agencies.
Environmental Agency (EA)	Yes ³⁷	Yes ³⁸	Both regulatory and departmental acts related to the environmental aspect are published
Environmental Protection Inspectorate (EPI)	Yes ³⁹	No ⁴⁰	Regulatory acts and sectoral departments related to the use of subsoil, water, forest fund, air, etc. are not published.

Source: Author evaluation

Although, as I said above, there are no problems at least according to the law, one of the transparency requirements that the government must ensure is the publication of data on the production of natural resources at the company level. This implies that the responsible institutions (GMRA, EA, EPI) publish online for all those over 680 entrepreneurs who use the environmental resources (water, subsoil, hunting fund) data on:

- Disclosure of production volume at company level, by type of individual resource. Although internally there is data at both aggregate and disaggregated level by companies on the volume of production, on each type of resources, this data is not public. The only public source that describes the aggregate value of the extractions during the year is the *State of the balance reserves of useful mineral substances in the Republic of Moldova according to the situation as of 01.01.2019*.⁴¹
- Punctuality of production disclosure. According to good practice, this information must be published no later than 6 months after the end of the analyzed year, and in order to be deemed published, the data must not be older than 24 months from the analyzed budget year. With few exceptions, all environmental institutions publish this data according to international best practices, but, as in the case above, company-level information is missing and historical data is missing. Public data refers only to 2019.

https://gov.md/sites/default/files/document/attachments/intr02_205.pdf?fbclid=IwAR2_tgpAceXekHNYctZgHb-dbd6iXqL5nFvS5qhsA22-haCUHJ9Fss8WGI

³³ <http://www.madrm.gov.md/>

³⁴ <http://www.madrm.gov.md/ro/content/legisla%C5%A3ia-na%C5%A3ional%C4%83>

³⁵ <http://agrm.gov.md/ro/>

³⁶ <http://agrm.gov.md/ro/lucrari-de-referinta/acte-legislative-si-normative>

³⁷ <http://www.mediu.gov.md/>

³⁸ <http://www.mediu.gov.md/ro/content/legisla%C8%9Bie-0>

³⁹ <http://ipm.gov.md/>

⁴⁰ <http://ipm.gov.md/ro/legislatie-nationala>

⁴¹ http://agrm.gov.md/images/balanta_de_stat/00_Starea_rezervelor_de_balanta_R%D0%9C_190508_WWW.pdf

Editable data published online. The published data is available in textual format (Word and .pdf), which provides the basic publication requirements, but does not correspond to the best practices in the field. What can be done without much effort is to publish existing databases at the level of institutions in Access and Excel format, although there is a need to create a single information system at the sector level.

The interviews brought in the spotlight a lesser-known aspect: although entrepreneurs would be willing to provide environmental information, especially to increase the transparency of the business, but also to stimulate competition, the general perception is that the current way of reporting is a complex one, deficient and differs from year to year for the same reported indicator. This fact, in addition to the inefficient use of private resources, leads mostly to reporting of possibly erroneous environmental data. Another problem is the lack of a contact/consultation center for entrepreneurs on this subject. NBS officials are overwhelmed by current tasks, the support provided to complete statistical data forms being minimal. As mentioned above, it is extremely important to ensure decision-making transparency and access to information. Transparency not only limits the practices of corruption, but also removes from the gray area the so-called informal services that environmental institutions provide to entrepreneurs, which can promote simple practices such as bribery, abuse of office, etc.

The drafting of the Environmental Information Communication Strategy⁴² has only solved the problems of institutional communication of environmental information, and its provisions are by their nature restrictive and do not correspond to the good practices described above. The document deals with technical and formal aspects of institutional communication and does not address at all what would be a minimum level of environmental information that should be made available to the public, how to comply with the main provisions of the current access to information framework, including the environmental budget, how to ensure access to information without harming the concept of personal data in the field, etc.

Result No. 2. Tools and technologies for the collection, storage and dissemination of environmental data and information developed and applied

Rating: Significant regress

One of the main actions that could have generated major changes in the sense of ensuring not only information but also participation in all areas relevant to the environment, with a high anti-corruption impact, the creation of the integrated environmental information system has not been achieved. Although at the beginning of 2019, the Framework Concept on the integrated environmental information system was repeatedly submitted to the State Chancellery by MARDE letter No. 17-05/4042 of 07.11.2019 and sent for approval to the relevant institutions, it did not pass the concept stage, receiving a negative opinion from the environmental institutions, but also from the relevant ministries, specifically the Ministry of Justice.

The concept is an overview of the creation and operation of the information space in the field of environment, which includes the goals and tasks of the system, principles, basic

⁴² <http://mediu.gov.md/sites/default/files/document/attachments/proiect.pdf>

characteristics, aspects of functionality and conceptual architecture. The basis of the integrated environmental information system are the specialized information systems. As a result of the functioning and interaction of information systems, which comprise the field of environmental protection, both among themselves and in relation to external information systems, the common information space is formed. The integrated environmental information system represents a totality of software, technical, informational, organizational means, data transmission systems, technologies for their use, legal norms and infrastructure objects, meant to ensure the informational support of the activity of the Ministry of Agriculture, Regional Development and the Environment, agencies and institutions in its remit, as well as other entities with duties in the environment. As a result of the operation of the system, a common information space is formed in the field of environment.

Although, through the environmental approach such a system is important, in the approval process both the representatives of the civil society and other Central Public Authorities gave a negative opinion for several reasons. First of all, it refers to sectoral information systems, which are not in place and which by their nature must be developed separately with "proof of technical concepts". Secondly, a series of gaps have been identified, which are validated both by MARDE and by civil society actors, among which are: the lack of extremely necessary modules, namely: a) draft regulatory acts in the process of drafting by the environmental authorities; b) policies, plans and programs related to the environment; c) progress reports on the implementation of policy documents; d) reports on the state of the environment; e) data resulting from the monitoring of activities that affects or may affect the environment; f) approvals, agreements and authorizations for activities with an impact on the environment; g) environmental impact studies and risk assessments on environmental elements. In the absence of these components, the creation of this information system becomes useless and would not have the expected impact.

Thus, the current situation looks quite uncertain: this system, which should have become the information umbrella and accountability tool, was not created, which creates a gap that can be used in personal interests, both by the entrepreneur and by officials of environmental institutions. Moreover, the lack of this system has become an excuse to limit access to environmental information, over 70% of which is available only on paper, on request, or on a fee-for-service basis compared to the previous situation in which a minimum of information could be found on the websites of the institutions. In this sense, we can mention with a high degree of certainty, that there is a possibility for materialization of the risks of corruption in the absence of immediate and assumed progress, including on the political level.

Result No. 3. Tools for involving civil society, academia and business in the decision-making process - implemented

Rating: Moderate regress

Given that in the discussion on sector transparency, one of the general understandings is that regular disclosure of data from the extractive industry is of little use without public awareness, one of the requirements for government actors is to contribute to understanding what the figures mean and public debate on how revenue from resources can be used effectively.

The results and impact requirements of the EITI are to ensure that stakeholders are involved in the dialogue on natural resource revenue management. Compared to our country, the framework of public debate is related to the existence of practices related to 1) public debates, 2) accessibility of data, 3) formulation of progress reports and lessons learned.

One of the main requirements to ensure a functional transparency framework is the existence of an intelligible, qualitative public debate process, actively promoted, public access and a functional feedback mechanism. Key public should include government, parliamentarians, civil society, companies and the media. Thus, although the individual debates are established only at the stage of issuing the environmental permit, sectoral technical aspects, there is a complete lack of annual debates, which should discuss the annual progress/environmental impact/audit reports, etc., which ideally must be published online and available in print, machine readable format. One of the main requirements for this report is to be intelligible, including by ensuring that it is written in a clear, accessible style and in appropriate language. Information events, organized by the government, together with civil society or companies in the sector, should promote information and awareness of environmental issues and facilitate dialogue on the use of environmental resources throughout the country.

So, although efforts have been made to create participation mechanisms, participation on these platforms is not inclusive and representative, with regular activity, without a clear agenda, and decisions are mostly taken ad hoc and without consulting members. It should be mentioned that in the interviews it was mentioned that in the working groups created within MARDE and its subordinate structures on various issues related to decision making, monitoring their implementation and ensuring transparency, representatives of the environmental association are formally members. The nomination procedure is carried out through the National Council of Environmental NGOs (non-formal structure) which activates through the election of 9 NGOs from the Environmental NGOs Forum (over 200 environmental NGOs). At the same time, the participation is often a formal one, being identified cases when NEF decisions starting with November-December 2020 were taken without the invitation in the meetings of the NEF Board of Directors, of the NGO representative, even if his/her representative is member of the Council since February 2020. This case has been challenged in administrative litigation and is being examined in court.⁴³ As for the participation of the business community, the results of the survey show that their participation is often limited to technical issues, less on the development of strategic visions for managing the field. An example could be considered the participation of members of the associative sector on the subject of waste management. Although the latter acknowledge that the consultation and individual meetings were organized, there was a lack of a general debate on the subject, ensuring the inclusion of all active members, those affected by the changes made and their main beneficiaries, thus, although the intention was commendable, the participation efforts of environmental institutions were limited and did not bring visible anti-corruption results, especially if the survey participants reported episodes of exercise of influence by both the authorities and the businesses.

The assessment of the environmental and social impact of the use of environmental resources goes beyond the publication of impact reports for both topics. One of the main results of the survey of 27 respondents highlighted the lack of a mechanism for communication, participation and involvement of the local community in decisions on how to use environmental resources at the local level, given that the latter is directly affected in terms of environmental and social

⁴³ <https://docs.google.com/document/d/1FfQLAzYvUdTpLlww4DFTlw63agjEH7KHlhKDx9WCs6E/edit>

impact. This mechanism is missing or fragmented, in most environmental aspects (water, forest resources, hunting fund) decisions are taken ad hoc at the institutional level. Another shortcoming identified by survey respondents was the lack of annual sectoral impact assessments. The anti-corruption plan addressed this issue in its actions, with direct mentions that the government should produce reports assessing these impacts, creating risk management mechanisms and communicating clearly and honestly what would be the benefits at the local level for the community following the use of the mineral resources of the underground. At the moment, these reports are missing, and the efforts of the whole field are limited to the EPI Yearbook "Environmental Protection in Moldova" of the Environmental Protection Inspectorate, which although extremely well structured and informative, does not cover all areas of environmental information.

Analysis of the Plan implementation in terms of objectives

General objective of the Plan: Strengthening the integrity, accountability, transparency and resilience to corruption among civil servants employed in administrative authorities and public institutions in the environmental sector

Rating: Moderate progress

During the implementation of the Evaluated Plan, the environmental sector has not become more incorruptible, accountable, transparent and resilient to the risks of corruption. Despite some progress in the regulatory framework, serious problems in the institutional and human capacities of environmental institutions have been perpetuated and accentuated in some places, which has undermined the processes of plenary strengthening of the regulatory framework and, subsequently, its application in practice. Moreover, environmental institutions have often been in the midst of several corruption scandals and have always identified as the source of the many issues related to corruption in relation to the business environment and citizens.

Current environmental policies face various shortcomings, including a lack of human and financial resources and corrupt practices in the management of public property, including land and forests (with dubious procedures for leasing land in forests). In general, there is poor management of water, forestry and soil resources and waste. There are problems that inhibit the improvement of air quality (incomplete harmonization with European legislation, inefficient monitoring, etc.). The effects of climate change have increasingly affected Moldova. This challenge is recognized in various strategic plans, including the National Strategy for Adaptation to Climate Change, the National Development Strategy Moldova 2030 and the Government Action Plan (2020-2023). However, the total government allocation for environmental funds, energy efficiency and regional development represents only 2% of the national public budget in recent years (2018/2020), according to the Annual State Budget Law. Also, according to the estimates of independent experts, only about 50% of the funds initially allocated were executed, which indicates serious shortcomings both in terms of planning and the capacity of the authorities to implement the projects in the field. At the same time, despite the availability of public funds dedicated to the environment, there is no special fund to support climate-smart business or adaptation to climate change with the involvement of the private sector. The green economy program appears to be quite challenging in terms of funding, especially with the Covid-19 pandemic and the sharp rise in the budget deficit.⁴⁴

Although our country has received financial support to strengthen institutional capacity, modernize the legislative framework related to the environment (EU4Climate from 2010, project funded by the European Union and implemented by UNDP), creating the framework of cooperation aimed not only at disaster prevention, preparedness and response in Moldova, but also the contribution to social and environmental stability, the financing does not cover the needs in the field, and is provided by external donors, rather than by a mobilization of internal resources. The most recent support that Moldova received under the CPM was during the Covid-19 crisis, which was classified as a natural disaster (for example, the decision of the Romanian

⁴⁴ <https://www.ceps.eu/ceps-publications/deepening-eu-moldovan-relations-what-why-and-how-second-edition/>

Government to allocate EUR 3.5 million in humanitarian aid to the Republic of Moldova or humanitarian aid from the Government of Poland).⁴⁵

SDG Objective 16.5: Substantial reduction of corruption and bribery in all forms, in the field of environment

Rating: Moderate regress

The risks of corruption are attested in most institutions in the field of environmental protection, both at the level of public policy development and at the levels of issuance of permissive acts, forest fund management, water fund management, monitoring of compliance with environmental legislation and financing environmental projects within the National Ecological Fund. Corruption vulnerabilities are manifested through abuses by hierarchically superior decision makers, bribery attempts, inaction, as well as low capacities of staff employed in specialized institutions.

The Anticorruption Action Plan in the field of environmental protection 2018-2020 was a first exercise and a recognition that this sector is vulnerable to corruption and needs to take stronger and more radical measures to reduce the risks of corruption. Corruption vulnerabilities have been reported over the years by both civil society and economic operators, as well as investigative journalists. Some issues are reflected in the report and require immediate action to counter the scourge of corruption and allow for proper investigations by the competent authorities.

SDG Objective 16.6: Develop efficient, accountable and transparent institutions at all levels in the field of environment

Rating: Significant regress

As a result of the central public administration reform, initiated by the Government in 2017, the Ministry of Agriculture and Food Industry was merged with the Ministry of Regional Development and the Ministry of Environment. As a result, the institutional framework for the environment was further weakened, and the importance of the area in the hierarchy of policy priorities was significantly downgraded. Despite some institutional reforms at the level of the Environmental Agency and the Environmental Protection Inspectorate, they were not completed and were left without a visible positive impact, while at the level of other environmental institutions they were not even initiated.

In the absence of ownership for the publication of budgetary data in this sector, the currently accessible information on the use of natural resources is insufficient and fragmented. The publication of environmental data should pursue a very well-defined purpose, the published data should be fully described so that users have enough information to understand the strengths, weaknesses, analytical limitations and how to process the data, as well as the person responsible for its publication. Release of data as early as possible (AB-1) allows users to provide feedback, then continue to make revisions to ensure the highest standards of open data quality, including those of the OGP, the G8 Open Data Charter and the Open Technical Annex Data Charter (<http://opendatacharter.net/>) and open definition

⁴⁵ <https://www.ceps.eu/ceps-publications/deepening-eu-moldovan-relations-what-why-and-how-second-edition/>

(<http://opendefinition.org/>). Release of data under an open source license that allows users to freely and easily obtain and reuse environmental data. Currently, with few exceptions, environmental data does not meet these criteria, creating premises for the development of corruption practices: influence peddling, promotion of inappropriate practices

Objective 16.7: Ensuring a receptive, inclusive, participatory and representative decision-making process at all levels in the field of environment

Rating: Lack of progress

Despite the efforts of the authorities, the actions of the Plan have not brought major changes in ensuring public participation in the field of the environment at all levels of decision-making. Strongly hierarchical, the existing mechanisms of participation, offer access only at the strategic level, less technical and specialized on the environment. At the same time, the nature of environmental decisions, especially at the level of central public authorities was discriminatory, ad hoc.

If we are to talk about creating an inclusive and representative character of participation, one of the requirements that the anti-corruption plan should have achieved is that the participation platform should include the government, parliamentarians, civil society, companies and the media. Parliament is also not part of a participation platform, the media is informed de facto, post factum about the decisions taken, and entrepreneurs and academia, civil society remain to be consulted "as needed". Thus, although there are individual specialized debates, there is a complete lack of annual debates to discuss the annual progress/environmental impact/audit reports, etc., which should ideally be published online and available in print, in machine readable format. Information events, organized by the government, together with civil society or companies, should spread awareness and facilitate dialogue on the use of natural resources throughout the country. Unfortunately, there is a lack of a strategy and vision of how these aspects would be achieved, moreover, the provisions of the existing legal framework are not even observed. Another problem is the lack of monitoring tools, both internally - the internal audit units of institutions being underdeveloped or undersized, and in the absence of evidence of annual monitoring reports of the sector's performance from MARDE, we can say with a high degree of certainty that external monitoring is also fragmentary and insufficient. As for public participation, especially of civil society, which understands complex issues of tax policy and administration and can put pressure on these supervisors and the government, despite the progress made, there are gaps, which if better managed, would disappear without significant financial and administrative effort on behalf of the authorities.

Objective 16.12: Promoting and implementing non-discriminatory laws and policies for sustainable development in the field of environment

Rating: Lack of progress

At present, there is no strategic policy document in the Republic of Moldova on integrated management of environmental resources and their role in the national economy. The Republic of Moldova has a fairly detailed and comprehensive regulatory framework on the subsoil, forest and water resources, but several aspects are not fully regulated and/or are formulated incoherently. Legislation on

all areas of interest: water, air, soil, forest resources and hunting fund is also published on the websites of institutions in the field, but even in this regard there isn't an uniform performance.

All institutions and authorities responsible for the management of environmental resources have web pages and sections intended for the publication of regulatory acts in the field, the primary regulatory framework being published without exceptions by all actors in the field. The biggest problems occur when the secondary regulatory framework (regulations, instructions, orders) is not published, neither on the specialized sites, nor in the State Register of legal acts. It is necessary for the authorities to understand the usefulness and necessity of the full publication of the legal framework, which, if published fully and exhaustively would provide a systemic and structured picture of the regulatory framework. Users, in this case, would know the all-inclusive list of acts, and in addition to limiting the risks of corruption, would contribute to a better understanding of the field. Unfortunately, the situation with the publication and structuring of information varies from one institution to another and neither list is complete nor it corresponds to the existing legal framework for publishing information.

Conclusions and recommendations

The management of the environmental sector, by its complex nature, involves major risks of corruption related to access to information, management of financial resources, functionality of control instruments, institutional capacity and political will, which may or may not generate changes in the field. The sectoral plan for environmental anti-corruption actions should have addressed in an integrated way the main issues related to minimizing the risks of environmental corruption, which failed for several reasons.

The nature of the actions of this plan, in their entirety, were technical and referred, with few exceptions, to the administration of the sector, less to the promotion of good governance of the sector. Far from denying the importance of a good administrative process, the relevant actions were only fragmentary, limited by low institutional capacity, poor interinstitutional cooperation, lack of political will and acute underfunding of the sector.

The financing of the sector in the last two years has been discretionary, with the execution of funds slightly exceeding 50% of the volume of initial allocations. This is mainly due to the fact that this area is not considered a priority, and in the case of budgetary austerity or climate crises, counterintuitively, this sector is the one that suffers the biggest losses in budget amendments.

In the absence of an image of functional environmental needs, the implementation and monitoring of anti-corruption actions is complicated, especially because they usually cover several areas of the national economy and have different anti-corruption centers. The actions of the plan, although well-structured in this regard, have not been carried out, which allows us only to say with a high degree of certainty that the risks of corruption and environmental damage identified by the NAC in its reports will materialize, in the absence of a minimal institutional effort.

The survey and interviews conducted in this project highlighted the problems of inter-institutional cooperation, which resulted from a poor administrative reorganization, as a result of the central public administration reform in 2018. Thus, in addition to the lack of a monitoring mechanism, there are administrative gaps that related to the information and communication process, the duties of monitoring and allocation of resources overlap on certain dimensions, which contradicts good practices, but also involves a high risk of corruption.

One of the most important priorities of this plan was to ensure decision-making transparency, access to environmental and budgetary information and to create the framework for cooperation and participation. Unfortunately, the progress made has been fragmented, often promoted by only one of the many environmental institutions, without the political support of MARDE, or the Government. Moreover, it is symptomatic that the reform of the central public administration is used as an excuse for non-compliance with the current legal framework on transparency, as a result of which an unprecedented environmental information vacuum has been created.

The main recommendations based on the evaluation are the following:

- The topic of anti-corruption is too important to be "isolated" in the strategic planning system in a short-term plan, which is rather formal, and with a limited range of actions. In order to ensure a more efficient and impactful integration of the anti-corruption dimension in the field of environment, it is necessary, first of all, to respect the strategic planning framework regulated by GD 386 of 2020. According to it anti-corruption

objectives could be integrated into the Sectoral environmental strategy (the current Strategy expires in 2023, but until its expiry, the objectives could be integrated by amending the existing Strategy). Subsequently, specific anti-corruption priorities (e.g. transparency, openness of data, etc.) could be developed within budgetary programs, which will be connected to the MTBF and the state budget, respectively. This will allow the assumed anti-corruption objectives to be integrated immediately into the budgetary planning framework, on which the success of achieving the expected results is critically dependent.

- In addition to financing the environment, it is necessary to exclude clientelist and corrupt practices in terms of the distribution of budgetary resources for environmental objectives. This is primarily due to the National Ecological Fund. The need to reform the NEF stems from the shortcomings of not ensuring decision-making transparency and the project management cycle, according to international practices. These gaps have been reported by civil society countless times. In recent years, NEF has made decisions based on poorly reasoned projects, evaluated by subordinates within the branch ministry or subordinate institutions, which could be influenced by the ministry management, does not ensure monitoring of project implementation or post-implementation evaluation, and most NEF resources were allocated on political criteria.
- There is a need for a comprehensive assessment of the functionality of institutions in the environmental sector, in order to achieve a genuine reform, based on current needs, given the protection of the environment and the sustainable use of natural resources in the context of climate change. This functional assessment must be preceded by an honest assessment of the professionalism and integrity of the specialists employed in the system. The institutional reform started in 2017, which resulted in the merging of three ministries in the Ministry of Agriculture, Regional Development and Environment and which was to continue by reforming subordinate institutions, brought more chaos to the system and weakened institutions in the sector. Thus, the professionalism and integrity of specialists in environmental institutions must be analyzed, first of all, in terms of professionalism and integrity of decision makers of these institutions throughout the period. Subsequently, the professionalism and integrity of specialists must be analyzed, who develop policies, are part of the policy implementation process, monitor the quality of the environment, exercise control, develop and apply economic instruments to finance environmental policies.
- In order to reduce the vulnerabilities of corruption, there is a need for drastic and urgent actions in all sub-fields of the environmental protection sector. These measures are usually unpopular and, respectively, their application implies the existence of a political will. In this regard, firm decisions are needed for the development of economic instruments, by taxing polluting practices and subsidizing environmentally friendly ones, which will ensure the financing of environmental policies. The need for such decisions comes in the context of exacerbation of the quality of the environment and the vulnerability of members of society to climate events, which are becoming more frequent and aggressive in recent years, all of which together affect the quality of life.
- The need to finance anti-corruption objectives in the field of environment can be partially covered by the support of development partners, capitalizing on their major openness in the context of the forming of the new Government and the establishment of a Ministry dedicated to environmental priorities. In this regard, the Ministry of Environment must establish an inter-institutional dialogue platform with the Ministry of Finance which is responsible for managing external assistance, the State Chancellery responsible for regulating the strategic planning framework, the NAC responsible for

preventing and tackling corruption risks, and relevant environmental agencies (EA, EPI, Moldsilva). The platform would identify anti-corruption priorities in the field of environment that could be supported by donor support, but also ensure synergy between other priorities and projects, including those implemented with the support of the state budget. The Ministry of the Environment must play an active role in ensuring the coordination of donor projects in the field of the environment and, implicitly, in improving the inter-institutional cooperation of all institutions targeted by the anti-corruption objectives in the field of the environment.

- A potential anti-corruption budget program in the field of environment should derive from inter-institutional communication and coordination, but also from pro-active actions by the Ministry of Environment to ensure the coordination of donor programs in this field. This will allow the inclusion of relevant actions for all institutions concerned, with the retention of the "ownership" of each actor concerned, as well as ensuring financial coverage from budgetary sources and donors - a critical element on which depends the success of implementation of planned actions.

Annex 1: Evaluation of implementation of the actions of the Sectoral Anti-Corruption Plan

	Name of action	Evaluation indicator(s)	Evaluation rating	Comments/reasoning
Priority no. 1. Streamlining the institutional framework in the environmental sector in order to ensure the integrity of authorities, institutions and activities related to this sector				
1	Adjustment of regulatory acts in the environmental sector in order to exclude imperfections, ambiguous revisions or supplement with missing provisions	Amendments approved to the following regulatory acts: Law No. 209/2016 on waste; Law on water No. 272/2011; Code on subsoil No. 3/2009; Forestry code No. 887/1996; Law No. 1538/1998 regarding the fund of natural areas protected by the state; Government Decision No. 150/2010 for the approval of the Regulation on organization and operation of the Moldsilva Agency, the structure, staffing limit of its central administrative body	Action partially implemented	Quantitative analysis of the implementation of these actions reveals that they were partially implemented, given the fact that 8 regulatory acts were adopted by the Government and were initiated amendments to 2 other regulatory acts. At the same time, if we make a qualitative analysis of these amendments, we can mention that during 2018-2020 two adjustments were made to the Law on waste No. 209/2016, one introducing certain provisions with reference to the waste treatment method and the other referring to the introduction of the subsidy modality in the case of the extended producer responsibility. In fact, the inclusion of these provisions brings an improvement in the waste management process and at the same time increases the options for manifesting the risks of corruption. Unresolved gaps in the Forestry Code and the Subsoil Code remain, as well as the amendments to the Regulation on the organization and operation of the Moldsilva Agency, the structure and staffing of its central administrative body, as they do not address the management problems or anti-corruption issues listed in the Anticorruption Strategy.

2	Drafting and promoting regulatory acts for the aspects that are not sufficiently regulated (waste and chemical management, air protection, management of genetically modified organisms)	3 laws approved: Law on ambient air; Law on chemicals; Law on Genetically Modified Organisms; 7 secondary regulatory acts for the implementation of these approved laws	Action partially implemented	The Law on Genetically Modified Organisms was drafted, endorsed and adopted by the Government and submitted to Parliament for examination. However, their examination was delayed in the Parliament and due to the early Parliamentary Elections, according to the procedure, the laws that were not voted are returned to the new Government for re-examination. Thus, on the one hand, the actions related to the drafting of the regulatory framework, included in the Plan, were carried out by the Government (including the secondary regulatory acts for the implementation of the approved laws) in that time period, but without finality.
3	Reorganization and reform of the Moldsilva Agency and the "Apele Moldovei" Agency, as well as of the state enterprises founded by them, in order to clearly delimit the functions of protection of natural resources from those of their economic capitalization	2 regulatory acts approved, including elements of integrity; 2 reorganized environmental administrative authorities ("Apele Moldovei" Agency, Moldsilva Agency)	Action partially implemented	Action 3 was partially implemented, given the fact that the drafting of the Regulations for the organization and operation of the "Apele Moldovei" Agency and "Moldsilva" Agency was initiated and draft Regulations are in place. At the same time, six institutions subordinated to the ministry from the environmental sector - "Apele Moldovei" Agency, the State Ecological Inspectorate, the "Moldsilva" Agency, the Geology and Mineral Resources Agency, the National Agency for the Regulation of Radiological Activity, the State Hydrometeorological Service were to be reformed and a new institution created - the

				Environmental Agency. As a result, although four years have passed since then, so far only the State Ecological Inspectorate has been reformed, being renamed into the Environmental Protection Inspectorate and Environmental Agency was created
4	Ensuring the functionality of the Environmental Agency, a newly created institution subordinated to the Ministry of Agriculture, Regional Development and Environment, with the main function of issuing permissive environmental documents	The staffing and employment scheme approved for the Environmental Agency; the budget necessary for its operation approved; competition for public office positions organized in a transparent manner	Action implemented	Action 4 was implemented, given that the internal documents for the operation of the Environmental Agency were drafted and approved, but the efficiency of the operation of these institutions is arguable and subject to criticism by the public, civil society and economic operators, the fact flagged also within consultations with parties concerned during the drafting of this study.
5	Creation of integrity units in the created/reorganized environmental institutions and training thereof in order to implement the integrity instruments	4 units created in environmental institutions, subordinated to the Ministry of Agriculture, Regional Development and Environment; 4 officials employed in the units created and trained	Action implemented	Factually, this task was handed over to the internal audit departments, or policy execution monitoring departments, and officials were trained in a single round of training.
6	Initial and continuous training of officials employed in environmental authorities in the field of environmental conduct and professional integrity	100 officials from the environmental authorities trained annually	Action partially implemented	Initial training in environmental conduct and professional integrity took place in all environmental institutions. The main shortcomings are in ensuring the process of continuous training, especially in the context of staff turnover registered in these institutions.
7	Training of new staff employed within the Environmental Agency regarding the effective implementation of environmental legislation	Environmental Agency delivered 5 trainings 80 officials trained.	Action partially implemented	Initial training in environmental conduct and professional integrity took place in all environmental institutions. However, it

				is not clear how the training of new employees hired after 2019 takes place.
8	Training of local public officials and private sector representatives on the integrity, environmental conduct and management of conflicts of interest in the application of environmental legislation and the use of natural resources	10 training courses conducted; 100 officials from local public authorities trained annually; 100 business representatives trained annually	Action partially implemented	Initial training in environmental conduct and professional integrity took place in all environmental institutions. The main shortcomings are in ensuring the process of continuous training, especially in the context of the staff turnover registered in these institutions. At the same time, it is not clear how the training target of the business environment would be achieved, given the low mobilization and low interest at the local level.
9	Organizing and conducting information campaigns on integrity, environmental conduct and reducing the risks of environmental corruption	3 audio, video or graphic spots developed and broadcasted/shared through television and radio stations, social networks	Action not implemented	The lack of financial resources did not allow the realization of campaigns and information products.
Priority No. 2. Streamlining the process of managing natural resources and financial resources for environmental protection				
10	Streamlining the system for authorizing the activities with an impact on the environment	Regulatory act for the introduction of the integrated environmental permit approved; one-stop shop for issuing permissive environmental documents implemented; the list of permissive documents and their beneficiaries published on the official website of the Environmental Agency	Action partially implemented.	Regulatory act for introducing the integrated environmental permit approved; The list of permissive documents and their beneficiaries is not published in full on the official website of the Environmental Agency. The one-stop shop for issuing permissive environmental documents is not functional. Thus, for requesting the permissive act, the SIAMD government information system is used, which is intended to function as a one-stop shop. It was found, however, that this is not fully implemented in the process of issuing permissive documents

				by the Environmental Agency. Within the information system, the Environmental Agency must be able to request and access the opinions of other institutions, which are relevant for the examination of the file in order to issue permissive documents online, without involving the beneficiary of the permissive act. However, due to technical deficiencies in the system, the Environmental Agency cannot perform this task.
11	Control and monitoring of the integrity of civil servants in the process of drafting and issuing permissive environmental documents	2 internal audit missions performed within the Environmental Agency; recommendations developed and implemented	Action not implemented	Although there have been internal audit reports carried out by MARDE on this topic, there is no evidence that would confirm that this topic is a priority within the Environmental Agency.
12	Control and monitoring of the compliance/observance by the economic operators of the environmental protection conditions specified in the permissive environmental acts, issued by the Environmental Agency	Number of control documents issued; number of permissive acts suspended/ canceled as a result of non-compliance with environmental conditions	Action partially implemented	With an impressive number of control acts and permissive acts terminated by the Environmental Inspectorate, we can consider this action partially accomplished. At the same time, the poor inter-institutional communication, but also the underfunding of the institution, does not allow a better activity of environmental protection. ⁴⁶
13	Carrying out anti-poaching raids to counter poaching and illegal logging of forest vegetation	Number of anti-poaching raids carried out; number of cases of poaching and illegal logging of forest vegetation detected, fined	Action partially implemented	With an impressive number of control acts and permissive acts terminated by the Environmental Inspectorate, we can consider this action partially accomplished. At the same time, the poor inter-institutional communication, but also the underfunding of the institution, does not allow a better activity of

⁴⁶<https://madrm.gov.md/sites/default/files/Documente%20atasate%20Advance%20Pagines/4.%20Raport%20CNA%20pe%20anul%202019-12-07-548%2005.02.2020.pdf>

				environmental protection. ⁴⁷
14	Amendment of the Administrative Offence Code of the Republic of Moldova No. 218/2008 and the Criminal Code of the Republic of Moldova No. 985/2002 on the tightening of fines and sanctions for fraudulent use of natural resources or for excessive pollution of environmental components	Regulatory act amending the Administrative Offence Code of the Republic of Moldova No. 218/2008 and the Criminal Code No. 985/2002 drafted and approved; fines and penalties for fraudulent use of natural resources or for excessive pollution of environmental components established in proportion to the costs necessary to recover the damage caused	Action partially implemented	Regulatory act amending the Administrative Offence Code of the Republic of Moldova No. 218/2008 and the Criminal Code No. 985/2002 drafted and approved; fines and penalties for fraudulent use of natural resources or for excessive pollution of environmental components established in proportion to the costs necessary to recover the damage caused
15	Drafting expenditure strategies in the field of environmental protection and organization of public consultations on the drafted documents	2 expenditure strategies in the field of environmental protection developed and published on the official website of the Ministry of Agriculture, Regional Development and Environment, for public consultation	Action implemented	Expenditure strategies have been developed and published. The consultations, although limited to a small group of actors, took place in compliance with the existing time frame and legal information. https://madr.gov.md/sites/default/files/Documente%20atasate%20Advance%20Pagines/4.%20Raport%20CNA%20pe%20anul%202019-12-07-548%2005.02.2020.pdf
16	Drafting and approval of regulatory acts regarding the efficiency of the activity and administration of the National Ecological Fund	2 regulatory acts approved: Regulation on the management of the National Ecological Fund and Operational guidelines on the project cycle	Action not implemented	Both quantitative and qualitative findings of these actions reflect a lack of progress. The reorganization and efficiency of the National Ecological Fund has been a topic of discussion for about 10 years, so that this activity is found in several policy documents developed during this period, including the Environmental Strategy for 2014-2023. Regrettably, although over the years several civil society studies, audit reports of the Court of Accounts, hearings and reports of the

⁴⁷<https://madr.gov.md/sites/default/files/Documente%20atasate%20Advance%20Pagines/4.%20Raport%20CNA%20pe%20anul%202019-12-07-548%2005.02.2020.pdf>

				relevant Parliamentary Commission have been made, which signaled deficiencies in the decision-making process and the operation of the National Ecological Fund, it has not been reformed. In 2019, a concept of the regulation on NEF management was developed, but after the approval of the NAC, the draft was returned for completion and consultation. ⁴⁸
17	Training of the members of the Board of Directors of the National Ecological Fund, of the officials managing the National Ecological Fund and the members of the units for the implementation of external projects in matters of integrity	1 training organized annually; 20 persons trained annually	Action not implemented.	There is no evidence that these trainings took place. Progress reports also do not reflect progress in this regard. ⁴⁹
18	Drafting of integrity rules in the implementation process of environmental infrastructure development projects	Integrity rules for environmental projects developed and integrated in regulatory acts on project management	Action not implemented.	There is no evidence that these processes were initiated. Institutional progress reports also do not reflect progress in this regard. ⁵⁰
19	Creating a system for monitoring and controlling the process of implementing projects in the field of environmental protection	Regulatory act for the implementation of the approved and implemented monitoring and control system	Action not implemented	It is very important to mention that no operating document of the National Ecological Fund provides for monitoring the implementation of projects funded by NEF, the existing team ensuring only ex officio monitoring of project implementation, based on documents submitted by beneficiaries, without onsite visits and making a de facto evaluation of projects' implementation
Priority No. 3. Streamlining and strengthening the state control system in the field of environmental protection in order to ensure compliance with environmental legislation and fight against offences in the field				
20	Review of the Control Planning Methodology based on risk criteria in the field of environmental	Regulatory act drafted and approved	Action not implemented	By Government Decision No. 963 of 03.10.2018, the Methodology on

⁴⁸<https://madrn.gov.md/sites/default/files/Documente%20atasate%20Advance%20Pagines/4.%20Raport%20CNA%20pe%20anul%202019-12-07-548%2005.02.2020.pdf>

⁴⁹<https://madrn.gov.md/sites/default/files/Documente%20atasate%20Advance%20Pagines/4.%20Raport%20CNA%20pe%20anul%202019-12-07-548%2005.02.2020.pdf>

⁵⁰<https://madrn.gov.md/sites/default/files/Documente%20atasate%20Advance%20Pagines/4.%20Raport%20CNA%20pe%20anul%202019-12-07-548%2005.02.2020.pdf>

	protection and approval of the rules on the development, approval and use of checklists applicable to the type and object of control			state control over entrepreneurial activity was approved based on the analysis of risks related to the areas of competence of the Environmental Protection Inspectorate (Official Gazette of the Republic of Moldova, 2018, No. 410-415, art. 1111).
21	Ensuring the planning of state control in the field of environmental protection based on risk criteria and implementation of the State Register of controls	3 annual plans in accordance with the planning methodologies based on the developed risk criteria, registered in the State Register of controls and published on the official website of the Environmental Protection Inspectorate; State register of controls filled with information on environmental controls	Action partially implemented	In quarter 4, 2018, the Control Plan for 2019 was drafted and approved with the application of the provisions of the Methodology on state control over entrepreneurial activity based on the analysis of risks related to the areas of competence of the Environmental Protection Inspectorate (GD No. 963 of 03.10.2018). The plan was published on the official website of the Environmental Protection Inspectorate: http://ipm.gov.md/legislativ/control-de-stat.html and the portal: https://controale.gov.md/ro/alte-controls The state register of controls has been filled with information on environmental controls. At the same time, the imposition of a moratorium on state controls in the last year and a half has fragmented government's environmental protection efforts.
22	Drafting and approval of the Regulation on the control in the field of environmental protection, including rules of conduct for environmental inspectors	Regulatory act drafted and approved	Action implemented	Regulatory act drafted and approved. ⁵¹
23	Drafting and approval of the Instructions on the collection of evidence and working with witnesses in the investigation of	Regulatory act drafted and approved	Action implemented	There is no institutionally approved document. The instructions on the collection of evidence and working with

⁵¹ https://www.legis.md/cautare/getResults?doc_id=119163&lang=ro

	cases of violation of environmental legislation			witnesses in the investigation of cases of violation of environmental legislation is being developed at this stage. One of the main reasons is the complexity of this exercise, the lack of capacity and underfunding of the Environmental Protection Inspectorate, the lack of political will at the level of MARDE.
24	Drafting and approval of the Instructions on the initial inquiry and calculation of the damage caused to the environment as a result of the violation of the environmental legislation	Regulatory act drafted and approved	Action not implemented	At the time of writing this report, the instructions were at the concept stage within the Environmental Protection Inspectorate.
25	Creation of the Dispute Resolution Council within the Environmental Protection Inspectorate and approval of its Operating Rules	Dispute Resolution Council created; operating rules of the Dispute Resolution Council approved	Action implemented	In quarter 1, 2019 the Environmental Protection Inspectorate drafted and issued the Order No. 09 of 30.01.2019 "On the establishment and composition of the Dispute Resolution Council within the Environmental Protection Inspectorate". Published on the official EPI website: http://ipm.gov.md/legislativ/control-de_stat.html
26	Development and approval of rules of conduct for the control and training of environmental inspectors on the regulatory framework in the field of environmental control, including in terms of professional integrity	Approved rules of conduct for control, 50 environmental inspectors trained annually	Action partially implemented	Rules of conduct for control were approved, but the trainings took place only once and without a clear concept of continuous training. ⁵²
27	Development of information spots on the role and rules of conduct of the environmental inspector in conducting state control in the field of environmental protection	2 information spots developed and broadcasted/shared through television and radio stations, social networks; information developed and distributed among economic operators and local public authorities	Action not implemented	The lack of financial resources did not allow this action to be implemented.
28	Development of cooperation between the Environmental Protection Inspectorate and public authorities in the field of customs	Cooperation agreement in the field of environmental control signed between the	Action implemented	In the first quarter of 2019, the Cooperation Agreement was signed between the

⁵²[http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%20C8%9AIUNI%20%20AL%20INSPECT%20\(1\)%20\(1\).pdf](http://ipm.gov.md/sites/default/files/2020-06/RAPORT%20CU%20PRIVIRE%20LA%20EXECUTAREA%20PLANULUI%20DE%20AC%20C8%9AIUNI%20%20AL%20INSPECT%20(1)%20(1).pdf)

	and law enforcement bodies in order to ensure the control and avoidance of illegal actions with natural resources or substances that diminish the quality of the environment	Environmental Protection Inspectorate, the Customs Service, the Ministry of Internal Affairs and the Border Police		Environmental Protection Inspectorate of the Ministry of Agriculture, Development, Regional and Environment, and the General Inspectorate of Border Police (IGPF) of the Ministry of Internal Affairs. During 2019, all the controls performed by the inspectors within the HQ and the regional subdivisions of EPI regarding the observance of legislative and regulatory acts in the field of environmental protection by economic operators and individuals, who carry out their business in the border area, were coordinated with regional subdivisions of IGPF. At the same time, during 2018-2020 the Environmental Protection Inspectorate, actively cooperated with the General Prosecutor's Office, the Border Police, the General Police Inspectorate and the National Anticorruption Center.
--	--	--	--	--

Priority No. 4. Raising the level of decision-making transparency in environmental authorities and ensuring access to environmental information

29	Drafting the Strategy for communication of environmental information	Communication Strategy drafted and approved.	Action not implemented	The document prepared does not correspond to the purpose of the action. The institutional communication strategy represents only a small part of what good practices describe as ensuring a minimum of information in the environmental sector.
30	Creation and putting into operation of the Integrated Environmental Information System	Regulatory act approving the technical concept of the approved Integrated Environmental Information System; Information system created, put into operation and maintained	Action not implemented	At the stage of writing this report, IEIS was at the stage of concept approval.
31	Ensuring public access to environmental information by	The following information on environmental	Action not implemented	There are efforts to ensure the publication of draft regulatory acts in

	publishing it on the website of environmental authorities	protection published on the official websites of the Ministry of Agriculture, Regional Development and Environment and the environmental institutions subordinated and accessible to the public concerned: a) draft regulatory acts in the process of drafting by the environmental authorities; b) policies, plans and programs related to the environment; c) progress reports on the implementation of policy documents; d) reports on the state of the environment; e) data resulting from the monitoring of activities that affect or may affect the environment; f) approvals, agreements and authorizations for activities with environmental impact; g) environmental impact studies and risk assessments on environmental elements		the process of drafting by environmental authorities and environmental policies, plans and programs. At the same time there are no reports of progress, environmental impact, data on the state of the environment are available in proportion of 70% only on paper, on a fee-for-service basis.
32	Organizing public consultations on environmental issues and ensuring public participation in environmental decision-making	Number of public consultations organized; number of documents consulted	Action not implemented	More than half of all environmental issues were consulted on a discretionary basis, without respecting the requirement to inform the public according to existing legal norms and limiting participation (participation only on the basis of personalized invitations)
33	Developing a communication platform for environmental institutions with the associative sector, academia and business (Participation Council)	Regulatory act for the creation of the Participation Council - approved; number of Council meetings organized; number of decisions approved	Action not implemented	A single platform for communication with academia and associations is not in place. Representatives of academia and the associative sector are included in the Working Groups for the drafting of regulatory acts and in

				<p>the composition of the WG on the implementation of bilateral/multilateral collaboration agreements. On July 26, the Government Decision No. 347/2018 for the approval of the nominal composition of the Moldovan Party of the Commission on the stable use and protection of the Dniester river basin, including a new member from the civil society (Ilia Trombițchi), correspondingly, currently in this commission are already 3 members from the civil society.</p>
--	--	--	--	--