

**LAW**  
**ON NATURAL RESOURCES**

The Parliament approves the present law.

The present law regulates conditions in the field of utilization, protection and reproduction of natural resources to secure ecological safety and promote the steady development of the country.

**Chapter 1**  
**General Situation**

**Article 1.** National resources.

1. Natural resources relate to natural objects, occurrences, conditions and other factors which were used in the past are used at present or will be used in future in a direct or indirect form of use. Natural resources possess a consumption value and contribute to the creation of material and spiritual wealth.
2. Natural resources are used (or can be used) as means of labour, as sources of energy, as new materials and energy also as objects of consumption for recreational purpose such as the bank of genetic fund or world-wide source of information.

**Article 2.** Legal regulation on the use of natural resources.

Conditions arising in the field the use of natural resources, are regulated by the Constitution, by the Law on protection of the environment surroundings by the Water Law/Codex, by the Mineral Wealth Law/Codex, by the Land Law/Codex, by the Forestry Law/Codex, by the present Law and other normative acts.

**Chapter II**  
**Classification of Natural Resources**

**Article 3.** Renewable and unrenovable natural resources.

1. Natural resources which in the process of rotation of matter in the biosphere undergo the process of self-restoration or can be artificially renovated during a period of time commensurable to the period of their use (at a pace of actual activity of individuals) are related to renewable natural resources.
2. Natural resources which in the process of rotation of matter in the biosphere do not undergo the process of self-restoration during a period of time commensurable to the period of their use (at a pace of actual activity of individuals) are related to unrenovable natural resources.
3. Reference to natural resources as renewable or unrenovable effected in relation to Appendix I being an integral part of the present Law.

**Article 4.** National and Local Natural Resources.

1. Natural resources having significance to the whole population of the country (determining the strategic direction of its socio-economic development) relate to the national natural resources.
2. Natural resources having significance to the population of a limited territory relate to local natural resources.

3. The basis for referring to natural resources as renewable or unrenovable is:
  - (a) their economic value and importance for the development of municipality, region or country;
  - (b) their acceptance as units by international agreements;
  - (c) their diffusion on the territory of two or more regions;
  - (d) their use for the distribution of energy, transport and other state systems, of communication and meteorological system;
  - (e) their scientific, historico-cultural and natural value;
4. Reference to natural resources as national or local is effected in relation to Appendix 2, being an integral part of the present Law.

**Article 5.** Exploitation of reserved and protected natural resources.

1. Natural resources under economic exploitation (utilization) fall under the category of exploited natural resources.
2. Natural resources intended for utilization but not included in the economic exploitation category (potentially suitable for utilization) fall under the category of reserved natural resources.
3. Natural resources presenting a particular value in preserving ecological balance and which cannot be included in the economically exploited category, fall under the category of protected natural resources.
4. The basis for considering natural resources as intended for exploitation under the reserved and protected categories are:
  - (a) techno-economical advisability for their economic exploitation;
  - (b) their economic need;
  - (c) necessity to conserve the ecological balance of the natural system;
  - (d) entry into the Red Book of individual species of animals and plants;
  - (e) particular value of natural resources, leading to their exclusion from economic utilization and designation solely for scientific research or inclusion into historico-cultural and natural heritage.

5. Determination of natural resources as to their exploitation, reserve or protection is implemented by the State at the request from the authorized State body concerned with the management of natural resources and protection of environment surroundings with the participation of the Academy of Science of Moldova and other scientific institutions.

**Article 6.** Curative natural resources.

1. Natural character and condition used for treatment and prevention of illnesses, fall under the category of curative natural resources.

2. Reference to natural resources as curative is effected in relation to Appendix 3, being an integral part of the present Law.

**Article 7.** Trans-boundary natural resources.

1. Any natural resources delineating or crossing boundaries between two or more states or located on the boundaries, fall under the category of trans-boundary natural resources.

2. Reference to natural resources as trans-boundary is effected in relation to Appendix 4, being an integral part of the present Law.

### **Chapter III** **Right of Ownership to Natural Resources**

**Article 8.** Public and private ownership.

1. The right to ownership to natural resources can be public or private. The nature of ownership on specific natural resource is determined in accordance with the legislation in force.

2. National natural resources of public domain belong to the State.

3. Local natural resources of public domain, belong to the administrative territorial units.

4. Natural resources of private domain belong to individuals or legal entities with the right to ownership, utilization and disposal in accordance with existing legislation.

5. Determination and general conditions for the implementation of ownership rights on natural resources are regulated by the legislation in force concerned with property and protection of environment surroundings.

**Article 9.** Implementation of the rights to ownership on public natural resources.

1. Regulation on matters concerning ownership and use of natural resources of public domain relate to the competence of the State and are implemented by the authorized State bodies concerned with the management of natural resources and protection of environment surroundings as well as by bodies of local public rule.

2. Natural resources of public domain are only conceded for a limited period of time and use. Rights to ownership and the limit of the rights to use of natural resources of public domain, are regulated by the appropriate legislation.

3. The responsible State body concerned with the management of natural resources and the protection of environment surroundings, also bodies of local public government own and use natural resources for their proper use or transfer such use to other users.

4. The user of public resources could be any individual or legal entity executing the initial act of ownership, utilization and expansion of natural resources in the process of direct or indirect use.

5. The right to use natural resources is granted by decision of authorized State body managing natural resources and protection of environment surroundings, such rights are legally consolidated by an appropriate document.

6. Procedures to grant rights to use specific natural resources (licensing) is regulated by an appropriate regulation approved by the Government.

**Article 10.** Lease and concession provisions.

1. Natural resources can be granted for long-term use on conditions of lease or concession if such grant does not contradict legislation in force.
2. Assignment of natural resources on conditions of lease or concession is regulated by the Law on lease, the Law on concession and other legislative acts.
3. Sub-lease, redemption or mortgage of natural resources granted on lease or concession to public domain is forbidden.

#### **Chapter IV Management of Natural Resources**

**Article 11.** Basic management principles.

1. Management of natural resources is an activity under the regulation, accountability and control of initial ownership, utilization and expansion of natural resources.
2. The basic principles of natural resources management are:
  - (a) ensuring their stable (not leading to degradation) utilization;
  - (b) supporting the activity aimed at the national use of renewable and economically unrenewable natural resources;
  - (c) hindering negative repercussion of economic activity on natural resources;
  - (d) preventing the combined activity related to the management of natural resources with those of their use with the aim to derive a profit;
  - (e) using natural resources against payment except for instances of their restoration;
  - (f) giving priority to international law in the field of utilization of trans-boundary natural resources.

**Article 12.** Organizational structure of management.

1. The organizational structure of management of natural resources comprises:
  - (a) the Government;
  - (b) authorized State body responsible for natural resources management and protection of environment surroundings;
  - (c) bodies of local public rule.
2. The authority of bodies referred to in points b) and c) in the part (1) responsible for natural resources management are regulated by the Government.
3. Some authority of the State in managing natural resources can be transferred in compliance with legislature to local rule bodies. Execution of such transferred authority is controlled by the State.

**Article 13.** State cadastres of natural resources.

1. State cadastre are established to evaluate the quantitative, qualitative and other characteristics of natural resources also to assess the volume, character and regime of their use.
2. Enumeration of State cadastres of natural resources is approved by the Government following the proposal of the authorised State body responsible for cadastre activities.

**Article 14.** Administrative regulation on the use of natural resources.

1. For the purpose of evaluation and regulation of the cautious and thrifty manner in which renewable and economically unrenovable natural resources are exploited, the State establishes a system of standards and technically normative requirements; supplemented by a system of licensing various types of activity in the related field and for the utilization of natural resources.
2. The elaboration and approval of standards and technically normative requirements related to the use of natural resources is regulated by legislation on standardization.
3. Enumeration of various types of activities under licence for exploitation of natural resources and bodies empowered to issue such licences, is determined by the Government.
4. Special ecological requirements are established for specific types of activities or technologies representing a high risk to ecology.

**Article 15.** Economic mechanism for the management of natural resources.

1. Economic mechanism for the management of natural resources forms parts of a united system managing the national economy and is geared to stimulate a cautious management of renewable and economically unrenovable natural resources.
2. Such mechanism is achieved through a credit-financial and budget-fiscal policy manifested as follows:
  - (a) State planning and financing of measures for the finding, evaluation and conservation of natural units and renovation of violated or used natural resources;
  - (b) payments levied for the use of nature (payment for the use of natural resources and polluting the environment surroundings);
  - (c) introduction of favourable taxation concessions and credit conditions to management which at its own expense improved on technologies with a view to decrease the use of natural resources and protect environment surrounding;
  - (d) establishment of a specialized commercial ecological bank;
  - (e) favourable taxation extended to commercial banks and investment funds in instances when these have funded long-term ecological projects;
  - (f) establishment of prices on natural resources and inclusion of a cost for natural resources potential in macro-economic computation;
  - (g) introduction of a special investment policy in the field of use of natural resources based on the evaluation of depreciation of natural resources potential;
  - (h) establishment of an adequate book-keeping system for recording expenses on the use of natural resources and protection of environment surrounding;

- (i) collection of taxes for the use of natural resources with an increased level of harmful to the ecology components;
- (j) introduction of a system for State purchase orders for the execution of nature-conservation measures to be effected against the budget and within the limits of which the functions of the client are extended to an officially authorized body managing natural resources and protecting environment surrounding;
- (k) stimulation of activities for the restoration of renewable natural resources.

**Article 16.** Legislative confirmation of the rights to property, ownership and use.

1. Right to property, ownership and use of natural resources is legislatively confirmed by a:
  - (a) document on the right to property;
  - (b) licence (authorization) on the use;
  - (c) lease or concession agreement.
2. Dependent on the right which seals the document, the right to property, ownership or use is granted for a fixed-term or permanent period.

## **Chapter V**

### **Investment Policy in the Use of Natural Resources**

**Article 17.** General conditions for investment activity related to the use of natural resources.

Overall organizational, economic and legal conditions related to investment activities which also include the use of natural resources is established by the legislation in force.

**Article 18.** Particularities of the investment policy related to the use of natural resources.

1. For the support of natural resources potential of the country on a stable level, established in accordance with the national strategy on the utilization of natural resources, the State establishes a minimal portion of internal gross product allocated for investment for the renovation of natural resources and the protection of environment surroundings.
2. Concerning natural resources of public domain, the State establishes the enumeration of objectives and measures which could be financed from the budget, as well as criteria to allow State appropriations and conditions for their acceptance.
3. In the State budget for the corresponding year, expenditures on the renovation and national utilization of natural resources and on the protection of environment surroundings are entered under a separate budget line.
4. The main source of funding to be used for State investment aiming at the restoration of natural resources and protection of environment surrounding, consists of payments received for the use of natural resources.
5. Control over the use of State investments for the renovation of natural resources and protection of environment surroundings is implemented by the Government through the State bodies responsible for the financial and ecological control.
6. Stimulation of investment activity undertaken by management and aimed at the economics of natural resources and their protection, is implemented through the introduction of accelerated

depreciation of the main nature protection funds and favourable credit facilities granted to long-term investment projects.

7. Regulation on the accelerated depreciation of main nature protection funds and favourable credit facilities granted to long-term investment projects is established by the Government.

## **Chapter VI**

### **Use of Natural Resources Against Payment**

**Article 19.** Use of natural resources against payment.

1. The use of natural resources bears a pecuniary character.
2. Payment for natural resources is a pecuniary retribution by the user of natural resources covering collective expenditure (in a broader sense expenditure of the owner of natural resources) for the prospection, conservation and renovation of the exploited natural resources also the efforts of the company (owner) for the management in kind or the adequate replacement of the exploited resource in future.
3. In cases of pollution of environment surroundings the corresponding payment is regulated by a special juridical act.

**Article 20.** Subjects liable to payment.

Subjects liable to payment for the use of natural resources are legal entities, including foreigners, independent from the nature of ownership and form of management who use natural resources for the extraction or otherwise of resources from their natural environment.

**Article 21.** Objects liable to payment.

1. Objects liable to payment for the use of nature are: the earth, underground and surface waters, mineral resources, forests, different biological resources (inclusive of wild animals and fish), air (for technological purposes).
2. Land use against payment is regulated by special legislation.

**Article 22.** Rates of payment.

1. The magnitude of the rate of payment for the use of natural resources varies from the condition and consumption value, from the possibility of substitution during the production process of a single natural resource by another type of resource or raw material, from the evaluation of expenses incurred in renovating natural resources or from the process of maintaining these resources in a condition suitable for use.
2. Rates of payment for the use of natural resources (both within the limit and above the limit) are established by a Government proposal promulgated within the law on State budget for the corresponding year.
3. For the lease or concession of natural resources a special payment is established by the owner depending on the price levied on natural resources.
4. The price levied on natural resources constitutes the expression of its operational value reflected in the sum of economic or other evaluations and is differentiated in relation to the location and quality of the given resource.

**Article 23.** Privileges.

1. For separate categories of users, temporary privileges related to payments for the use of natural resources can be established.



2. Enumeration of users of such privilege and the periods of their validity are established by a proposal from the Government made within the law on State budget for the corresponding year.

**Article 24.** Sources of payment.

1. Payment for the use of natural resources within a certain limit relates to the cost price of the production (services) executed (assigned) for the use of corresponding natural resource.

2. Payment for over-the-limit use of natural resources is levied from the profit of the payee after paying tax on such profit.

3. Individuals not involved in commercial enterprises pay for the use of natural resource from their own means.

**Article 25.** Regulation for calculating, crediting and using payment.

1. Payment for the use of natural resources is calculated by the subjects of payment based on the actual quantity of natural resources used and the extent of the rate of payment. Control for the timely and crediting in full payment for the use of natural resources is effected by appropriate fiscal bodies in compliance with legislation in force.

2. Periods and periodicity to credit payments for the use of natural resources depend on the volume of utilization of natural resources and are established by law on State budget for the corresponding year.

3. Revenue from payments for the use of natural resources is distributed between budgets at different levels in correlation with the established law on State budget for the corresponding year.

4. In separate budgets revenue from payment for the use of national resources is recorded differentially in a separate section.

5. Funds saved from payments for the use of natural resources can be utilized only for the conservation and restoration of the latter, as well as the protection of environment surroundings and management of natural resources.

6. Regulation related to the extraction and areas used for lease or payment for the concession for the use of natural resources of public domain is established by the Government.

## **Chapter VII**

### **State, Departmental and Public Control over the Use of Natural Resources**

**Article 26.** Control related to the use of natural resources.

1. Control related to the use of natural resources calls on all legal entities and individuals to observe the legislation on natural resources and protection of environment surroundings.

2. System of control on the use of natural resources encompasses State, departmental and public control.

**Article 27.** State control.

1. The right to State control over the use of natural resources is assigned to the authorized State body responsible for managing natural resources and protecting environment surroundings.

2. The authority to execute State control over the use of natural resources is established by the Government in relation with the legislation in force and is reflected in the resolution relevant to the condition of ecological control.

**Article 28.** Departmental control.

Ministries, departments, enterprises, establishments and organizations using natural resources must implement control on such use in accordance with conditions spelled out in the present law and other normative acts.

**Article 29.** Public control.

1. The State guarantees participation of the public in decisions taking process related to the use of natural resources, also public control to ensure that individuals and legal entities observe the relevant legislation on the protection of nature through a vast information network aimed at informing the population and the population's right to access to information of public interest.

2. Public control with regard to the decision taking process on the use of natural resources is carried out in accordance with the law on ecological expertise and evaluation of its influence on the environment surroundings.

3. The Government, local public administration bodies, the authorized State body responsible for the management of natural resources and protection of environment surroundings and management provide the public, on a regular basis with trustworthy and accessible information on their activities related to the use of natural resources and protection of environment surroundings.

4. In cases when the rights of citizens are infringed and information kept secret by law is violated or national security is endangered; access to such information is limited. In each of the referred to cases the responsible body provide exhaustive information in a manner accessible to the public.

### **Chapter VIII** **Responsibility for the Violation of Legislation on Natural Resources**

**Article 30.** Responsibility for the violation of legislation on natural resources.

Persons guilty of violating legislation on natural resources bear the civil administrative and criminal responsibility established by legislation in force.

**Article 31.** Suspension and discontinuation of the right to use natural resources.

1. For the violation of governing conditions on the use of natural resources, stated in the document on such use, the body responsible for the issuance of the document or the body responsible for the ecological control have the authority to take the decision with regard to the suspension or discontinuation of the right to use in accordance with the legislation in force. In such a case the user of natural resources is not only made answerable for his/her actions but also must compensate for the damages caused.

2. When disagreeing with the decision concerning the suspension or discontinuation of rights to use natural resources, the user can (may) appeal to the juridical instance against such a decision.

### **Chapter IX** **International Agreements**

**Article 32.** International agreements.

1. For the purpose of rational use or trans-border natural resources, the Republic of Moldova concludes bilateral and multilateral agreements.

2. Should the international agreement, one of the parties of which is the Republic of Moldova, contain other regulations than in the present context on the use of trans-border natural resources, in such a case regulations of international agreement are applicable.

## **Chapter X** **Conclusive and Transitional Situations**

**Article 33.** The present law takes effect from the day of its publication.

**Article 34.** Transition to the principles and organizational structures to manage natural resources established in articles 11 and 12 shall be implemented during a year's period.

**Article 35.** To the Government in three-month period:

- submit to the Parliament proposals for the passing of the present legislation in accordance with the present law;
- bring its own normative acts into accord with the present law;
- ensure the revision by ministries, departments and bodies of local Government of normative acts contradicting the present law.

Chairman of the Parliament  
Dimitru Motzpan

Chisinau, 6 February 1997  
No. 1102-XIII

**APPENDIX 1****TO THE LAW OF NATURAL RESOURCES****Enumeration of Renewable and Unrenewable Natural Resources**

Renewable natural resources:

- lands;
- forests;
- underground and subterranean waters;
- waters of rivers, lakes, reservoirs, canals;
- flora and fauna.

Unrenewable natural resources;

- petroleum, natural gas, gaseous condensation;
- solid useful fossils.

**APPENDIX 2****TO THE LAW ON NATIONAL RESOURCES****Enumeration of national and local natural resources**

National natural resources:

- lands;
- forests;
- surface waters;
- underground deep waters;
- petroleum, national gas, gaseous condensation;
- solid useful fossils (with the exception of widely current)

Local natural resources:

- subterranean waters (waters on horizon surface);
- commonly found solid useful fossils.\*

\* Solid useful fossils

- quarry stones (lime stone, sand stone, granite);
- building sand;
- pebbles;
- gravel;
- clay raw material for bricks/tiles;

are considered common on condition that the location of their reserves does not exceed 100,000 m<sup>3</sup> and their exploitation is carried out only for local requirements and does not exceed 5,000 m<sup>3</sup> per year.

**APPENDIX 3**

**TO THE LAW OF NATURAL RESOURCES**

**Enumeration of Curative Natural Resources**

Curative natural resources:

- underground mineral curative and curative table waters;
- curative mud.

**APPENDIX 4**  
**TO THE LAW OF NATURAL RESOURCES**  
**Enumeration of Across Boundaries Natural Resources**

Across boundaries natural resources:

- Dniester, Prut rivers;
- Kahul, Jalpug lakes;
- places of origin of petroleum and natural gases, exploitation of which has a bearing on the quantitative and qualitative composition of mineral raw material to the contiguous state;
- fauna (including ichthyological fauna).

The president of the Republic of Moldova

Decree

on the promulgation of the Law on Natural Resources

On the basis of Section (1) article 93 of the Constitution of the Republic of Moldova the President of the Republic of Moldova resolves the promulgation of Law No. 1102-XIII from 6 February 1997 on natural resources.

The President of the Republic of Moldova

Petru Luchinski

Chisinau, 3 June 1997

No. 193-11