

DRAFT

LAW
ON ENVIRONMENTAL PROTECTION

(UNOFFICIAL TRANSLATION)

Adopted by Parliament (17 June 1993)
with unessential correction.
Chapter 4 was omitted.

DRAFT

LAW
ON ENVIRONMENTAL PROTECTION

TABLE OF CONTENTS

	Art.	Page
CHAPTER 1. GENERAL PRINCIPLES AND PROVISIONS.....	1-5.....	2
CHAPTER 2. THE POWERS OF THE PARLIAMENT, GOVERNMENT AND LOCAL ADMINISTRATION IN THE SPHERE OF ENVIRONMENTAL PROTECTION.....	6-10.....	4
CHAPTER 3. THE STATE DEPARTMENT FOR ENVIRONMENT.....		7
SECTION 1. The Powers, Structure and Administration of the State Department for Environment.....	11-21.....	7
SECTION 2. The State Ecologic Examination...	22-26.....	12
SECTION 3. The State Ecologic Inspection...	27-30.....	13
CHAPTER 4. THE COUNCIL FOR THE QUALITY OF THE ENVIRONMENT.....	31-33.....	16
CHAPTER 5. THE RIGHTS AND OBLIGATIONS OF THE CITIZENS AND ECONOMIC AGENTS CONCERNING ENVIRONMENTAL PROTECTION.....	34-36.....	17
CHAPTER 6. NATURAL RESOURCES AND BIOLOGIC DIVERSITY PROTECTION.....		19
SECTION 1. Soil and Geosystems Protection...	37-46.....	19
SECTION 2. Waters and Aquatic Ecologic Systems Protection.....	47-52.....	23
SECTION 3. Underground Protection.....	53-57.....	26
SECTION 4. Atmosphere Protection.....	58-61.....	27
SECTION 5. Biologic Diversity and Nature Monuments Protection.....	62-70.....	29
CHAPTER 7. THE CONTROL OF WASTE, TOXIC SUBSTANCES, CHEMICAL NUTRIENTS AND PLANT PROTECTION PRODUCTS.....	71-80.....	30
CHAPTER 8. IONIZING RADIATION PROTECTION.....	81-86.....	34
CHAPTER 9. EXTRABUDGETARY ECOLOGIC FUNDS.....	87-92.....	35
CHAPTER 10. <i>The responsibility for breacking the law suits in the area of Environmental Protection</i>	<i>93-98</i>	<i>57</i>
CHAPTER 11. <i>The International Treaties Regarding the Environmental Protection</i>	<i>99</i>	<i>32</i>

LAW
ON ENVIRONMENTAL PROTECTION

The environmental protection is a national priority which is directly concerned with the life conditions and health of the population, the fulfillment of economic, social and personal interests of the society, as well as the potentials for future steady development of society.

CHAPTER 1. GENERAL PRINCIPLES AND PROVISIONS

Article 1. The man and society relationships with nature are controlled by the Constitution of the Republic of Moldova, the present Law and by the Provisions connected with the environmental protection and rational use of natural resources of other laws and legislative acts.

Article 2. The present Law is a basic legal frame for elaboration of special normative acts and instructions on special problems in the sphere of environmental protection with the purpose of:

- ensurance of a healthy, prodigious and esthetically pleasant environment for all the citizens of the Republic of Moldova;
- ensurance of the supreme responsibility of every generation to protect the environment for future generations;
- ensurance of a wide range use of natural resources, not violating the norms of their endurance, avoiding their exhaustion and degradation, damage for health and other unforeseen and unwished consequences;
- the soil and underground, water and air protection against chemical, physical and biologic pollution by other actions which violate the natural equilibrium;
- the biologic diversity, genetic stock, natural systems integrity preservation, historic and cultural aspects of the national treasure maintenance;
- the reconstruction of ecologic systems and their componenets, damaged by anthropogenic activity or by natural disasters.

Article 3. The basic principles of environmental protection are:

(1) the priority of scopes and activities for environmental protection in the frame of economic, social and personal interests of the society for present and future; exceptions to this provision are possible only by special decisions of the Parliament of the Republic of Moldova;

(2) the compulsory observance of the laws on environmental protection, as well as, the corresponding standards and norms and limits for natural resources and energy use and chemical, physical and biologic factors application in respect to environment componenets and for outlet, leaks and storage of residua, coming from economic activities;

(3) the responsibility of all physical and juridical persons

of the state and private sectors for the damages to environment in the past, present and future; the pollution prevention, restriction and control, as well as the recuperation of damages to environment and its components by the juridical and physical persons who admitted them (even unpremeditated or through neglect);

(4) the admission of projecting and putting into function of social-economic objects, of programmes and activities, envisaging changes of the natural components only on the basis of environmental leases elaborated by ecologic examination; the design and placing of special social-economic objects is possible only by consulting the population and with its consent;

(5) the soil, water, underground and forests use for economic, social and personal scopes only by paying the taxes fixed by the legislation of the Republic of Moldova, the taxes and fines use for violation of environmental legislation, the means obtained being used exclusively for pollution prevention, improvement of environment and its components, restoration of natural resources; the stimulation by taxes privileges of activities for environmental pollution prevention and for restoration of its components;

(6) convincing the population by all possible means of the necessity of a productive harmony between man and environment and of efforts for prevention and exclusion of damage to biosphere and man's health; stimulation of social movements' and societies' initiatives for cessation of environmentally harmful activities;

(7) observance of interstatal and international treaties and agreements, ratified by the Parliament of the Republic of Moldova; coordination of environmental protection legislation of the Republic of Moldova with the legislative principles in this aspect of neighbouring countries, European and World Communities.

Article 4. The natural resources - soil, water, underground, flora and fauna, which are on the territory of the Republic of Moldova, as well as the air and space above this territory are the property of the people of the Republic of Moldova.

The right to financial use of all natural resources of the Republic of Moldova is enjoyed by the Parliament of the Republic of Moldova in the name of its people.

The transfer of the right to property and to natural resources use to physical and juridical persons does not absolve the users of ecologic legislation observance of the Republic of Moldova.

Article 5. The knowledge on environmental protection and on rational use of natural resources is a compulsory condition for taking on of administrative functions in all state institutions and local autoadministration.

The minimum of knowledge on environmental protection and on rational use of natural resources necessary for administrative personnel is stated by the State Department for Environment.

CHAPTER 2. THE POWERS OF THE PARLIAMENT, GOVERNMENT AND LOCAL ADMINISTRATION IN THE SPHERE OF ENVIRONMENTAL PROTECTION

Article 6. The Parliament of the Republic of Moldova

(1) adopts general political principles in the sphere of environmental protection and natural resources use;

(2) adopts all the legislative acts on environmental protection and natural resources use

(3) approves the national limits for natural resources use suggested by the Government and elaborated together with the State Department for Environment, as well as the restrictions for leaks and release in the environment and the limits of industrial and domestic waste storage on the territory of the Republic of Moldova, taxes for natural resources use, fines for environment pollution and for waste storage;

(4) adopts national programmes for environment improvement;

(5) declares the state of ecologic crisis or ecologic catastrophe, establishes the regime of governing the respective zones and the status of the citizens from affected zones;

(6) performs the appointment and discharge of the General Director and the Deputy Directors of the State Department for Environment;

(7) considers the conclusions of the Parliamentary Committees on the annual reports of the State Department for Environment;

(8) considers the annual reports of the State Department for Environment on the environment quality in the Republic; _

(9) adopts the national programmes for the environment quality improvement.

Article 7. The Government of the Republic of Moldova together with the State Department for Environment

(1) implements the policy of the Parliament of the Republic of Moldovain in the branch of environmental protection and ensures the rational use of the natural resources, renders priorities and privileges for the nature protection activities, activities for recycling and neutralization of waste, nonpolluting economic activities;

(2) complies the cadastry of natural resources;

(3) adopts decisions on the temporary or final taking out of plots from agricultural usage, on territorie. o be forested,

creation of sanitary zones and forest belts;

(4) ensures along with the local administration bodies the activities for biological diversity protection;

(5) coordinates the activities for environmental protection, promoted by the state bodies and local administration bodies;

(6) elaborates and forwards to the Parliament no later than December, 1, of every year, annual programmes for environment quality improvement;

(7) elaborates measures for ecologic crises and catastrophies prevention, organizes a whole complex of actions for consequences elimination in case of an ecologic crisis, accident or catastrophe;

(8) establishes the location and the regime of the republican yards for storage and reuse of production waste, for toxic and radioactive substances storage, as well as the rules for transporting and buring the said substances;

(9) organizes and supports the ecologic training actions, creates the system of ecologic training at all levels of the educational system;

(10) ensures the foreign relations of the Republic of Moldova with other states and international organizations in the branch of environmental protection;

(11) the Government of the Republic of Moldova stands the expenses for financing and material and technical equipment of the State Department for Environment and its subdivisions, for financing the State Orders for research in the branch of environmental protection and rational use of natural resources.

Article 8. The Government will demand of the authorities, conducting the economic activities to elaborate and implement, along with the local authorities, with the research institutions and with the Environment authorities, programmes and recomandations concerning:

(1) the technologic water necessities reduction, the avoidance of waste and losses of water in all the sections where it is used, the improvement of the technologic waters recycling, the surface waters dislocation and the pollution of the underground water with chemical substances;

(2) the energy economy, the maximal efficiency of its use, the reorientation of the energy policy towards its local and decentralised production giving preference to restorable energies;

(3) the improvement of the technics efficiency for noxious air evacuation, reduction into the atmosphere, the cessation of chlorine fluorine carbonates use, the atmosphere pollution reduction with sulphur oxide, nitric oxide, volatile organic compounds, the reduction of the noxious products coming from the exhaust gases, noise and vibration reduction in conformity with the international agreements in the problem;

(4) the implementation of actions and elaboration of economic instruments for waste diminishing through an efficient use of raw materials, through the toxic, corrosive, imflammable agents use reduction or their substitution with alternative innocuous substances, through getting a durable end product, through recycling the products.

Article 9. The municipal, regional (districtual) authorities along with the local authorities responsible for environment and health

(1) ensure the observance of ecologic laws in force;

(2) approves along with the authorities for environmental protection and natural resources protection the limits for natural resources use except the limits of national importance, the limits for emissions and leaks into the environment, except the ones that are not on the territory of the region (municipy), limits for industrial and domestic waste storage on the territory of the region (district), minicipy;

(3) look after the activity of the municipal (district) sections on the territory of the region in the branches of storage and processing of domestic and industrial waste, building and function of equipment for residual waters purification, securing the necessary devices for arresting and neutralization of noxious substances, prevention and correcting the soil shifts, erosion, saliniation, compaction and pollution of soil with chemical nutrients and pesticides, rational use of pastures, the distribution of plots for ensurance of the necessary surfaces of forests, for forest belts and green spaces creation;

(4) found and conduct the regional (municipal) ecologic extrabudgetary funds for environmental protection;

(5) organize the elaboration and realization of ecologic districtual, regional, minicipal programs, works for ecologic reconstruction and restoration of the natural equilibrium in the zones affected by man's activity;

(6) declare some natural ecologic and landscape monuments as being protected zones of the region (municipy);

(7) supplies systematic and rapid information for the

population, institutions and organizations about the state of environment in the region (municipy);

(8) help to educate and inform the citizens concerning the problems of environmental protection and rational use of natural resources.

Article 10. The authorities of the village, town (municipies) along with local authorities responsible for environment and health

(1) ensure the observance of ecologic laws which are in force on the territory of the village (town);

(2) approves along with the authorities for environmental protection and natural resources the limits for natural resources use except the ones of regional importance, the limits for emissions and leaks into the environment except the ones which are not on the territory of the village (town), the limits of foamic pollution, the limits of domestic and industrial waste storage;

(3) grant priorities and privileges to the nonpolluting economic closed cycle activities, stops the planification, building and functioning of enterprises which have no environmental authorities lease;

(4) state the boundaries for domestic and industrial waste storage, for storage of building waste, scrap metal, different chemicals, organise their function, state the location of cemeteries for animals, for accumulation, processing, use and neutralization of nonrestorable residues on the territory of the village (town);

(5) ensure the building and function of purification plants with the parameters fixed in the laws for domestic residual water, take care of providing equipment and devices for preliminary purification of residual water for detaining the noxious substances coming from the activity of economic units on the territory of the village (town);

(6) ensure under the guidance and control of the environmental protection authorities the implementation of the actions for soil erosion, shift, saliniation, compaction protection and correction, as well as for the protection of soil pollution with chemical nutrients and pesticides;

(7) distribute the plots for foresting, organize the widening and maintenance of forest belts, protection belts of trees and bushes, green surfaces, as well as green fences.

CHAPTER 3. THE STATE DEPARTMENT FOR ENVIRONMENT

SECTION 1. THE POWERS, STRUCTURE AND ADMINISTRATION OF THE STATE DEPARTMENT FOR ENVIRONMENT

Article 11. The State Department for Environment, (further the Department), is the central body, which is directly subordinated to the Parliament of the Republic of Moldova and has prior authorities in the problems of environmental protection and rational use of natural resources.

Article 12. The Department works in conformity with the Constitution of the Republic of Moldova, the present law, the Regulations of the Department approved by the Parliament and other laws and normative acts of the Republic of Moldova. The Department is a juridical person, has accounts in the Banks of the Republic of Moldova, including hard currency accounts, a stamp with the State Emblem of the Republic of Moldova and its name. The budget of the Department and its general directories are approved by the Parliament of the Republic of Moldova.

Article 13. The Department implements its tasks, functions and scopes itself or through its subdivisions. The Decisions of the Department, adopted in the limits of its authority, are compulsory for all ministries, departments, local authority bodies, military units, for all juridical and physical persons.

Article 14. The Department is the exclusive person to do the State ecologic examination, adopt normative acts connected with the quality of the environment and rational use of natural resources elaborated by other ministries, departments, local authority bodies.

Article 15. The Department forwards to the Parliament up to December, 1, of the current year detailed annual reports on the quality of the environment at the national scale and on its own activity; the Department also presents along with the Government up to December, 1, of the current year, annual programmes for environment quality improvement.

The Department may also present at the same time its own programmes for environment quality improvement.

Article 16. The main tasks of the Department are:

(1) the state control of the quality of the environment and its components, of the observance of the ecologic legislation and international conventions in its authority, the elaboration and promotion of activities aimed at the diminution of man's pressing on ecosystems, biologic diversity and health of the population, prediction of possible ecologic crisis, catastrophies;

(2) the organisation and ensurance of the integrated ecologic monitoring functioning;

(3) the inventorization of the natural resources, their use limits setting along with the Government, so as to satisfy the

economic and social necessities of the present and future generations, the elaboration of the limits for the natural resources use, limits of leaks and emissions into the environment, limits of industrial and domestic waste storage;

(4) the protection of landscapes of the Republic of Moldova, its natural ecosystems, monuments of nature of scientific, educational and historico-cultural importance;

(5) organization and coordination of scientific research on ecologic problems, the elaboration and promotion of the activity for the diminution of man's pressing on the biosphere and health of the population, the elaboration of programmes for restoration of degraded ecosystems, the organisation of lecturing and recycling the personnel in the ecologic branches;

(6) the inventorization of state forest resources of the reservations, national parks, territories, which according to the laws in force are designed for nature protection;

(7) the creation and inventorization of the ecologic (financial) republical fund;

(8) the generalization of the ecologic laws application, of the elaboration of the law drafts in the ecologic branch;

(9) the public opinion information about the state of the environment, the promotion of ecologic knowledge.

Article 17. In order to fulfill its tasks the Department

(1) is the sole body to implement the state ecologic examination, approve the normative acts, which are concerned with the quality of the environment when using natural resources, elaborated by the ministries, departments and local administrative bodies;

(2) works in state committees for placing and putting into action the industrial, administrative, housing and other units;

(3) grants and cancels leases for importing, storage, transportation, use and burying on the territory of the Republic of Moldova agricultural chemicals, industrial and domestic waste;

(4) examines the activity reports of the leaders of State bodies, enterprises, organisations and institutions on the territory of the Republic of Moldova, bearing connection with the environmental protection, use and restoration of natural resources, ecologic legislation observance;

(5) demands from state bodies, institutions, enterprises, organizations of the Republic of Moldova the necessary information

on the state of the environment, use and restoration of natural resources, implementation of actions for environmental protection as well as demands the state bodies, institutions, enterprises and organizations to forward to the Department all the information they have on the said problems free of charge and unconditioned;

(6) engages scientists, specialists from state bodies, enterprises, organizations, institutions in their work for state ecologic control and environmental protection programme elaboration;

(7) creates technical scientific boards, committees, summons conferences and meetings for the examination of ecologic problems, elaborates recommendations for their solution;

(8) stops and forbids the designing, building and rebuilding of industrial, agricultural units and other kinds of units designed for social welfare, works for natural resources exploitation and other works if they are implemented by way of violating the ecologic laws of the Republic of Moldova;

(9) demands that the leaders of state bodies, enterprises, organizations, institutions take disciplinary measures on account of those of their employees, who have violated the ecologic legislation, passes in case of necessity the corresponding materials to the respective judicial bodies for initiating a process;

(10) initiates processes against state bodies, enterprises, organizations, institutions, physical persons, which have caused damages to the Republic of Moldova by environment pollution or non-rational use of natural resources;

(11) analyses the trends and state of foreign environmental protection activity, sums up the international practices in the sphere;

(12) conducts the preparation of international contacts of the Republic of Moldova concerning the ecologic problems solution and natural resources use;

(13) establishes and maintains in conformity with the legislation in force the connections with other states, international organizations in problems which are within the authority of the Department;

(14) undertakes other actions which arise from its scope, functions and tasks.

Article 18. The Department is administered by the General Director confirmed by the parliament at the suggestion of the Chairman of the Parliament.

The general Director

(1) proposes his deputies for the Parliament to confirm them, nominates and discharges the leaders of other subdivisions, approves within the limits of its authority the structure of the personnel and the salaries of the staff of the Department, signs the financial and other documents, approves the Regulations of the Department's subdivisions;

(2) approves the Regulations of the Red Book of the Republic of Moldova and other states, reaches with the acceptance of the Government of the Republic of Moldova contracts with the central bodies of environmental protection organizations of other states;

(3) forwards to the Parliament up to December, 1 of the current year, beginning with 1993, detailed annual reports on the quality of the environment and its components on the Republic of Moldova on the whole and on individual zones and its proposals for the Government and the Parliament.

Article 19. The General Director of the State Department for Environment has three deputies, nominated by the Parliament at the suggestion of the General Director; the first deputy is simultaneously the Chief of the State Ecologic Inspectorate and the other two are simultaneously Chiefs of the General Directorates "Forests" and "Hydrometeo".

Article 20. The Board of the Department is a consultative body, administered by the General Director and consisting of 7 persons, namely, the General Director, his deputies, the Director of the Ecologic Institute, the Chief of the Ecologic Examination Directory and the Chairman of Council for environment quality.

The Board of the State Department for Environment

(1) holds its sessions in conformity with the annual plan of its activity at least once in two months with the presence of at least five members of the Board, examines the problems, revealed in the provisions of Articles 14-17 of the present Law, the problems dealing with the activity of the Department's subdivisions, proposals concerning the state of the environment, forwarded by the Council for Environment Quality, political parties and social organizations, examines the annual reports on environment quality and annual programmes for environment quality improvement;

(2) adopts in the limits of its authority decisions, which are to be put into practice by Orders of the General Director. The Decisions are adopted by simple majority of the Board members. If a member of the Board disagrees with the adopted decision, he may apply to the superior bodies of the Department; the General Director may take decisions that disagree with those of the Board, but in such cases he must inform the superior bodies of the

Department about his decisions.

Article 21. The structure of the Department includes General Directories, Directories and Sections.

(1) The main Directories of the Department are: the Ecologic State Inspectorate, the General Directory "Moldsilvia" and the General Directory "Hidrometeo". The General Directories have the status of juridical persons, stamps with the State Emblem of the Republic of Moldova, may have accounts in banks, hard currency accounts included.

(2) The structure of local Directories and Sections of the Department is established by the Regulations of the Department.

SECTION 2. STATE ECOLOGIC EXAMINATION

Article 22. The State Ecologic Examination (in the following Examination) is an activity for environmental protection which is in the exclusive authority of the State Department for Environment with the purpose of

(1) minimizing the possible direct, indirect or cumulative impact of the new economic activities on the environment, its components, biologic systems, the health of the population;

(2) the evaluation from viewpoint of the impact on environment of the current economic activities, taken separately or as a whole, which might affect the environment, the health of the people or the living standard of the population at present or in future.

Article 23. The Examination is being performed during a term of no more than three months by the Ecologic State experts who have higher education and practical experience in the sphere of no less than ten years; the State Ecologic experts are responsible for the correct evaluation of the documents, the quality of the reports, the laws observance.

Article 24. Subject to compulsory examination are the new programmes and drafts for

(1) economic and social development of the Republic of Moldova, separate zones, towns, regions (districts), villages for heat, water, gas, electricity supply and systems for sewerage, urbanism and public services and amenities of territories;

(2) building, extension, reconstruction and modernization of economic and social units, susceptible to affect the environment, independently of their location, finance source, amount of investment, ownership, type of building and equipment;

(3) building roads, railroads, naval routes, works providing reconstruction of water courses and hydrotechnical building of water courses, irrigation systems, dams, drainage systems;

(4) exploration, prospecting, exploitation and use of natural resources of the underground, service of littoral zones and exploitation of different natural resources;

(5) creation of vineyards and gardens in zones with water protection regimes;

(6) fabrication, selling and use of toxic products, the ones for phytosanitary, agricultural and silvicultural use included;

(7) performing phytosanitary activities in zones or plots with protection regimes;

(8) importing or exporting toxic products, as well as their transit over the territory of the Republic of Moldova;

(9) placement or equipping storage places for toxic waste and residuals, as well as building or placement of installations for their processing, neutralization or destruction;

(10) any other activities that might affect the quality of the environment.

The approval of the programmes and projects in conformity with (1)-(10) of the present Article, the permission for their financing and realization is possible only in case of positive report and with the observance of the Examination recommendations.

Article 25. The clients present the projet documents for examination in conformity with the norms and requirements in force, the agreement on the placement and technical equipment of the object on the part of the local administration bodies, state bodies and the concerned organizations, as well as the approval of the state control and supervision bodies from the list approved by the Government for economic activity of this kind.

Article 26. The examination of the situations described in item 2 of Article 22, as well as that of any object situated on the territory of the Republic will be performed at the initiative of the State Department for Environment, other ministries and departments, social organizations.

SECTION 3. THE STATE ECOLOGIC INSPECTION

Article 27. The State Ecologic Inspection has the function of performing the state control on the laws and normative acts observance in problems of environmental protection and natural resources use.

The state ecologic inspection is performed by the principal ecologic inspector, superior state ecologic inspectors, state ecologic inspectors, local (zonal) principal ecologic inspectors, local superior ecologic inspectors and local ecologic inspectors.

The principal state ecologic inspector is the chief of the State Ecologic Inspectorate and First Deputy of the General Director of the Department; the local superior ecologic inspectors are chiefs of zonal agencies of the Department; the superior state ecologic inspectors, the state ecologic inspectors and local ecologic inspectors are employees of the Department and, respectively, of the corresponding local structures, if, in conformity with their education and certification, they are qualified to get the position.

Article 28. The principal state ecologic inspector and the local superior ecologic inspectors and, when they are absent, their deputies, have the right

(1) to stop at their own initiative or at the suggestion of the local administration bodies, any activity, if it contradicts the legislative norms of environmental protection;

(2) to forward demands for paying for the damages to nature as a result of environmental pollution and non-rational use of natural resources, to enterprises, institutions, organizations, juridical and physical persons, foreign citizens included;

(3) to demand that the respective bodies take disciplinary measures on account of leaders, who had failed to ensure the ecologic laws observance and to perform the activities necessary for environmental protection, as well as those, who hadn't ensured rational use of natural resources;

(4) to examine the materials (files) on ecologic legislative violation and to take decisions in conformity with the laws in force;

(5) to demand the banks to stop financing the activities that contradict the ecologic legislation;

The General Directorate of the Department, with the consent of the Board of the Department, has the right to stop or cancel the orders of the principal state ecologic inspector, the principal state ecologic inspector has the right to stop or cancel the orders of the local principal ecologic inspector.

Article 29. The superior state ecologic inspectors, state ecologic inspectors, local superior ecologic inspectors and local ecologic inspectors have the right

(1) to unhindered control of any unit, irrespective of the

department to which it pertains and of the form of its property on the territory of the republic of Moldova in case of some activity or situation, which is suspected to have some impact on the environment or its components;

(2) to stop and inspect any means of transport or any other technical means in case of environmental protection legislation violation or actions, suspected to affect the environment or the natural resources;

(3) to demand the officials to show the documents foreseen by the legislation on the right to use the specific natural resources;

(4) to detain the persons guilty of environmental protection legislation violation and, if necessary (for the identification of the person), to take them to the nearest police station or municipality;

(5) to draw up statements and other documents on the environmental protection legislation violation or on failing to fulfill the decisions of the respective bodies in matters of environmental protection, or on failing to satisfy the requirements stated in the license;

(6) to perform the check of personal belongings and transport means of persons, who have violated the law on environmental protection, of illegally appropriated natural resources, products, instruments for their appropriation or other material evidence in the places of appropriation, processing and realization;

(7) to seize the natural resources, the illegally appropriated goods, the instruments for their appropriation, transportation and other material evidence in case of environmental protection legislation violation in the places of its appropriation, storage, processing, transportation and realization;

(8) to invite citizens and officials to make written statements on the environmental protection legislation violation;

(9) to forbid the works performed on the territories of natural reservations and monuments of nature, on special plots, as well as in "tampon" zones, if the said works contradict the provisions of the given territories regime;

(10) to get all the information necessary for the control functions implementation as well as the necessary explanations from all physical and juridical persons free of charge;

(11) to examine the materials about the administrative contraventions in the sphere of environmental protection and to make the respective persons bear the responsibility in the limits of their authority;

(12) to take part in the works of the state committees for putting into function the newly built or reconstructed units;

(13) to perform other actions in the limits of their authority in the sphere of environmental protection and natural resources rational use;

Article 30. The ecologic inspectors are to wear a uniform while performing their functions; they have a metal stamp and a device for sealing of a certain form; they have the right to use the public transport means free of charge in the limits of the stated territory.

The state and local ecologic inspectors who control the forests and water basins are allowed to wear, keep and use hunting and service arms; they may use the arm as a means of defence in conformity with the regulations on the juridic status of the ecologic inspectors.

The state and local ecologic inspectors must be compulsorily ensured by the state; in case of damage to their property, health, or in case of death while performing their functions all the damage will be restored at the expense of the physical and juridical persons responsible for the damage.

CHAPTER 4. THE COUNCIL FOR THE QUALITY OF THE ENVIRONMENT

Article 31. The Council for the Quality of the Environment (in the following Concil), is a body, subordinated to the President of the Republic, formed on social principles and consisting of 25 persons, who as a result of their education, experience and achievements have the necessary qualification for analysing and interpreting the intentions to modify the environment and are conscious of and responsive to the necessities and demands for a durable development of the Republic. The chairman of the Council, the vice chairman and the members of the Council are nominated by the President of the Republic; persons employed by the State Department for Environment are not admitted to pertain to the Council.

The Council's main functions are:

(1) the examination and evaluation of the annual reports, annual programmes for environment quality improvement; the evaluations of the Council are forwarded to the Parliament along with the annual reports on the environment quality and with the annual programmes for environment quality improvement;

(2) the elaboration and presentation, at the request of the President of the Republic, of the materials on the environment quality, impact of the environment state on health, on the tendencies of the relationship between society and environment in

their evolution;

(3) the organization at its own initiative of researches, symposiums and conferences, other actions in the sphere of environment.

Article 32. The Council will be summoned for plenary sessions at the initiative of its Chairman, but not seldomer than twice a year; the sessions are considered deliberate if not less than 2/3 of its members are present.

Article 33. The expenses, necessary for the Council activity will be covered by the Government.

CHAPTER 5. THE RIGHTS AND OBLIGATIONS OF THE CITIZENS AND ECONOMIC AGENTS CONCERNING ENVIRONMENTAL PROTECTION

Article 34. The state grants to all persons the right to a healthy environment. With this purpose it ensures in conformity with the law

(1) the general and rapid access to the information on the state of the environment and health of the population;

(2) the right of the people to create organizations, parties, movements, associations for environmental protection, to adhere to the existing ones;

(3) the right to participate in the discussions of the law drafts, of economic and other programmes, having direct or indirect connection with the environmental protection and natural resources use, the right of every person to information and consultation when decisions are taken on account of plans to place or build enterprises, or units, which degrade the environment, on projects to reconstruct or to amend the territory, the urban and rural localities;

(4) the right to appeal to state institutions for postponing or final cessation of the activity of the units and enterprises, which cause big damage to the environment, the right to demand the state ecologic examination of the units with the participation of the population, the right to take part in the public examination included;

(5) the right to organize in conformity with the legislation in force national and local referendums for major environmental problems solution;

(6) the right to ecologic information, education and instruction;

(7) the right of the citizens to appeal directly or

indirectly through some organizations, movements, parties, associations, administrative or juridical institutions for the cessation of actions, which damage nature, whether the damage is direct or indirect, so that the persons who have committed ecologic contraventions or crimes should bear the responsibility;

(8) the right get compensation for the damages, the damages to health as a consequence of pollution and other actions which affect the environment included;

(9) the right to use the facilities, foreseen by the law for investments with the scope of environmental quality improvement;

Article 35. The environmental protection is a general obligation of all the inhabitants of the Republic of Moldova, they having the duty to

(1) observe the ecologic legislation and to protect the environment, to rationally use the natural resources, not to violate the rights and interests of other people to natural resources, to operatively inform the environmental institutions or ecologic organizations about damages to nature, produced by economic units and citizens;

(2) to contribute to the amending of the territories, to create trees belts and green spaces and not to admit their destruction, not to pollute the territory where they work and live;

(3) to compensate for the damages and to repair the environment where it had been damaged.

Article 36. The economic units, physical and juridical persons have the duty to

(1) apply for and to renew in the terms stated by the law the licence for environment or natural resources use;

(2) to economize the energy, water, not to admit the erosion of soil, soil shifts, salinity increase or secondary bogging up, to observe the norms of chemical substances use in agriculture, not to admit compaction or pollution of the soil with chemical nutrients or pesticides;

(3) to revise the technologic production processes in order to minimize the waste by using most efficiently the raw materials, to restrict the toxic reagents and inflammable materials use and to replace them with alternative safe materials by producing a more durable final production, to produce, use and circulate wrapping that is recuperable, reusable, recyclable or nor degradable;

(4) to equip the sources of noxious substances with devices, equipment and installation for purification, capable of reducing

the noxious substances to the limits admitted by the environment authorities;

(5) to cultivate and maintain around industrial units, industrial complexes, cattle breeding complexes protection belts or green spaces, to permanently supervise the state of the environment around industrial units and to take measures to protect the zones;

(6) to ensure permanent supervision of construction sites and different installations during the period of their functioning, to take all measures to prevent the catastrophes or accidental pollution, but in case they take place - to take operative measures for eliminating the sources, to immediately inform the environmental bodies in order to eliminate all the consequences of the catastrophe or accidental pollution and to compensate for the damages to environment, its components, the property of citizens and the health of the affected persons;

(7) to implement the decisions and orders of the state and local bodies on environmental protection problems, to give to the environmental protection bodies the information on the impact of the economic activity of their unit on environment and its components, to admit at any moment the unhindered access of ecologic inspectors to perform the control of activities, suspected of having some impact on environment;

(8) to ensure the corresponding conditions for preventing the environmental pollution with toxic substances, harmful inflammable or bad smelling ones, as well as different powders during their transportation and storage.

CHAPTER 6. NATURAL RESOURCES AND BIOLOGIC DIVERSITY PROTECTION

SECTION 1. SOIL AND GEOSYSTEMS PROTECTION

Article 37. The policy in the sphere of soil cultivation is based on the following principles:

(1) to recognize the fact that the maintenance of natural resources, biologic diversity, village landscapes, cultural landscapes is as important as the traditional tasks of supplying with foodstuffs and gaining profits from agriculture;

(2) the promotion of a stable long-term policy for reliable agriculture by way of reducing the use of chemical nutrients and toxic products for phytosanitary purposes, application of ecologically pure technologies, restoration and maintenance of the natural equilibrium in ecologic systems.

Article 38. The protection and improvement of soils is realized by measures appropriate for the specific land, by adapting

the geosystems to their specific functional conditions; the change of the functions of the land is performed at the decision following an ecologic examination:

Article 39. In addition to Article 8 of the present law, the authorities administering the agriculture along with the agricultural research units and with ecologic and local authorities bodies must

(1) offer to the agricultural workers new non-polluting technologies, based on ecologic agricultural principles, able to ensure both the necessary high quality products and the protection and improvement of soil quality, to propagate the actions of technical agricultural assistance, to elaborate a system of normative acts which might stimulate the interest of the agricultural workers for the recommended technologies application;

(2) elaborate and implement annual programmes for combating the erosion, floods, bogging, salination, excessive drying of the agricultural plots, to prevent the soil shifts, to maintain the difference of potentials of the agricultural plots in dependence of the natural value at the level of geosystems supportability, to exercise a systematic supervision of the structure of the agricultural plants, soil of the fields, their distribution on the territory in order to maintain a positive balance of the humus, so as to reduce losses caused by erosion to ensure their restoration rate of more than 5tons/hectare annually;

(3) to determine the plots with dry hydrotechnical regime, to elaborate technologies for keeping the precipitations in soil, for rational use of irrigation;

(4) to restore and maintain the optimal relationship between the arable land, pastures, forests, water for maintaining the equilibrium in geosystems, to delimitate the plots for pastures taking into account the number of cattle, production potential and the requirements for soil and plants protection;

(5) to ensure the necessary level of foresting in zones with deficit of forests by reducing soil erosion through water and wind, for hydrologic climatic and environmental regimes improvement, so as all the impracticable from agricultural viewpoint plots were planted with forest trees;

(6) to ameliorate all the degraded agricultural plots, which might be recommended for agricultural production, to supervise the works of revalorification of those plots;

(7) to prevent by adequate measures the intensive or abusive use of chemical products for phytosanitary use and chemical nutrients by agricultural workers, to create a system of operative phytosanitary assistance for all agricultural workers in order to

correctly evaluate the phytosanitary state of cultures for using the adequate measures and prevention of misuse or abusive use of chemicals;

(8) to organize the landscapes reparation and the ecologic reconstruction of the zones profoundly affected by minerals surface extraction, heaps of ashes, phosphogypsum, storage places for industrial waste, works of reparation and reconstruction at the expense of the economic agents, who have caused the damage;

(9) to organize a subsystem for monitoring the soil and agricultural systems quality for supervising and evaluating in good time the changes of the soils quality, for elaboration of programmes and measures of correction if negative phenomena arise.

Article 40. Physical and juridical persons who have agricultural plots of their own or state owned will cultivate them so as not to only supply the necessary foodstuffs and profits, but also to preserve the land for the present and future generations. This scope demands that they

(1) observe the Regulations concerning the regime for chemical nutrients and products for phytosanitary use, the regulations on toxic substances and waste, the recommendations of the agricultural authorities on the organization of the plots, the structure and rotation of the cultures, the rational fertilization, the amelioration of land, have the duty to maintain a positive humus balance, while the losses through erosion should be smaller than their natural restoration;

(2) do not admit compaction and pollution of the soil with chemicals and substances for phytosanitary use, flooding, bogging, salination, excessive drying of the plots, to take measures for prevention and stopping the soil shifts;

(3) to plan along with the silvic authorities the formation of totally encircling protection belts for the agricultural surfaces.

Article 41. The exclusion from agricultural use of some plots for the realization of economic or social tasks will be done by a special decision of the Parliament; in case of a positive decision the strata of fertile soil will be taken out and used for the reparation of degraded plots.

Article 42. The distribution on agricultural surfaces of water, muds used in the cattle breeding complexes, industrial complexes, purification plants of the place is possible only by the agricultural authorities, authorities responsible for public health and environment.

Article 43. The storage on soil or the distribution on it of

domestic, industrial and construction waste, scrap metal, different wrapping, industrial residuals or some other chemical or radioactive substances.

Article 44. The economic agents, physical and juridical persons, who administer special plots, like the ones near the roads, railroads, yards and spaces of economic and social units, must ensure the cleaning, the maintenance and managing of all non-productive surfaces as green spaces.

Article 45. The protection of soil and ecosystems from silviculture is ensured by the provisions of the law on silviculture, according to which the following demands should be satisfied:

(1) the maintenance of the present forests funds surface, its reduction being forbidden;

(2) the increase of the forests surfaces in zones, where forests are deficient, or with damaged microclimate, around people's dwellings, especially the urban ones and in zones with sensitive ecology.

(3) the cutting of trees only for sanitary purposes, observing the approved ecologic technologies of cutting, collecting and transportation, so as to ensure the soil, wild flora and fauna protection and the forest ecologic system stability;

(4) the foresting in a short term of all deforested surfaces and of the plots unsuitable for agriculture or other activities and their inclusion in the state forest fund;

(5) the creation of silvicultural plantations for the forest, agricultural funds, or on territories destined for other purposes, which are not productive, or which are degraded, on stony and rocky places and the widening of forest belts, their cutting being forbidden;

(6) the widening of forests surfaces for protection and the instauration of a special regime for the conservation of forests with special functions - forests situated on big slopes, where the danger of erosion and soil shift exists, on hills and rugged plots;

(7) the maintenance and widening of trees with stable ecologic and genetic structures, management in a regime of protection the forests which flora and fauna components are valuable from economic and ecologic viewpoints;

(8) the busheries, pastures and forested zones, which have special functions of soil or water resources protection are managed along with the silviculture units, on the territory of which they are situated;

(9) the maintenance and increase of praetiod pastures and busheries surfaces, their reduction being forbidden for other purposes than the ones foreseen by law;

(10) the prohibition of any economic and social activities which might affect the ecologic equilibrium of the land ecologic systems, forests, pastures and plots for hay, or some other natural formations conserving the floristic and faunistic diversity of the zone;

(11) the exploitation of wood and other restorable resources of the forests, hunting and fishing in forests included will be admitted only in conformity with the ecologic supportability of the zone and with licences of the environmental authorities;

(12) when there is no forest authorities licence the catching and collecting species of animals and plants from wild flora and fauna for sale alive or processed, like wild birds, hares, any kinds of furs or parts of wild animals, mushrooms, acorns, berries will be punished in conformity with the law; the licences will be released by the forest authorities and show the term of their use. Violations of the law are punished at the moment of their discovery by arresting the mentioned goods and the instruments for their collection inclusively.

Article 46. In order to conserve some special types of soil, their specific biologic diversity, the ecologic structures of the land, characteristic for different climatic and geographic zones of the Republic of Moldova on the basis of scientific conclusions elaborated by competent authorities, the surfaces which are suitable for these purposes will be identified and declared natural reservations. The environmental authorities will be responsible for the administration of the reservations making use of the protection regime, foreseen for the natural reservations.

SECTION 2. WATERS AND AQUATIC ECOLOGIC SYSTEMS PROTECTION

Article 47. The whole aquatic potential on the territory of the Republic of Moldova is protected by law: underground waters with their biocenoses, surface waters (water courses, natural lakes, accumulation waters, moist zones, the in-flowing rivulets) along with their natural resources, their specific biocenoses, and with the sanitary and protection zones of the waters.

Taking into account the limited aquatic potential on the territory of the Republic of Moldova, any non-rational use of the aquatic resources, or their pollution over the limits of supportability must be looked upon as the greatest danger for the present and future of the country.

The aquatic resources will be used exclusively for payments in conformity with the taxes, fixed by the Government, taking into

account the limits determined by the Government, with the consent of the environmental authorities and local administration bodies.

Article 48. In order to protect the aquatic fund the following things are forbidden:

(1) pouring into the surface waters, into irrigation and amelioration channels of the used unpurified waters, thermally or radioactively polluted waters, waters contaminated with pathogenic germs and parasites, oil products or residuals, as well as other pollutants;

(2) throwing any kind of industrial, building or domestic waste, other residuals or toxic substances into the surface waters or near them, as well as the the introduction into them of explosive materials, electric voltage, poisons, narcotics and the like.

(3) washing into the natural waters of cars, any devices or wrappings of any type.

Article 49. To complete the Article 8 of the present Law, the local administration bodies, environment authorities, the bodies managing the water resources along with the research institutions dealing with water problems must:

(1) strictly control the debits of used and evacuated water in all the sectors where it is used, reduce the necessary use of technologic waters, increase the level of its recycling, observe the specific norms of its use, avoid losses and waste of water; losses through negligence and non-rational use should be restored at the expense of the respective physical or juridical person in conformity with the fixed taxes;

(2) apply according to law the measures necessary for the pollution prevention of the surface waters, freatic waters with nitrates and other chemicals by observing the norms of their wrapping, transportation, storage and use on special territories, especially the ones situated in the protection regions of the water courses;

(3) elaborate and propose for implementation a complex programme for reconstructing the purification plants for domestic and industrial water, which might ensure the purification of the residual water at the level of international standards;;

(4) ensure the observance of a special regime of administrating the protection zones of rivers, rivulets, lakes, hydrotechnical buildings and stations for water accumulation, so as not to admit in the protection zones works and activities contravening the special purpose of the sanitary and protection zones;

(5) permanently supervise the state of the springs, rivers, rivulets, their natural biocenoses, the neighboring territories, apply according to the law measures for preventing their pollution and degrading, to do the necessary works for ecologic reparation in order to restore the affected biosystems;

(6) identify the aquatic zones and boggy places with representative biocenoses or populated with some rare species, or species in danger of disappearance, either local or migratory and propose to declare them protected zones.

Article 50. The economic and social agents either state or private, who are using aquatic resources and evacuate the used water must:

(1) renew during a year, after the coming into force of the present law, the environment licence for water use and evacuation, for dams and other hydrotechnical installations situated on the water courses and implement the recommended works in the fixed terms.

In respect to units, which are permanent sources of water pollution, measures are taken for the licence revocation and activity prohibition;

(2) ensure the preliminary purification of residual waters before pouring them into the sewerage system of the locality; the residual waters accumulation is admitted only with the consent of local authorities, environment bodies and sanitary bodies;

(3) apply technical soils for water channels impenetrability ensuring in order to improve the irrigation methods for water losses, soil damaging and other negative phenomena avoidance;

(4) not influence the soil quality and ecologic stability of the aquatic systems by hydrotechnical works, fishing and fish-breeding, not affect therestoration potential of the specific biologic resources.

Article 51. The exploitation of the mineral waters and natural resources pertaining to the water fund (sand, stones, therapeutic muds), as well as the collecting for sale of some aquatic natural resources like fishes, frogs, lobsters, cockle-shells, snails, suckers, water birds, eggs of water birds are possible only with the consent of local authorities and environmental protection bodies.

Article 52. The economic agents who have ships or floating platforms must equip them with installations for storage or purification of the used water and with facilities for their unloading into special installations on the bank or floating ones in conformity with the national and international regulations on

water pollution prevention, the throwing and pouring out of different wastes from ships and platforms being forbidden; the ports administration must have facilities for unloading, processing and recycling or neutralizing the oil, domestic and other waste, stored on board of the fluvial ships; they must also build specialized units for purification or for taking some other measures in cases of accidental pollution of water.

SECTION 3. UNDERGROUND PROTECTION

Article 53. The mineral resources (underground) and their components like the rocks, mineral raw materials, natural thermal agents, natural and artificial cavities, underground water basins on the whole territory of the Republic of Moldova are to be protected.

The underground natural resources are to be used for payment in conformity with the taxes fixed by the Government in the limits shown in the Articles 7, 9 and 10 of the present Law.

Article 54. While performing the works of extraction, exploitation, processing and transportation of the underground resources and of the obtained products the following actions are forbidden:

(1) the damage without a special licence of the local and environment authorities of the fertile soil, water courses along with their natural biocenoses, of landscapes;

(2) the storage of waste, raw materials, obtained using underground resources, placing different installations, mechanisms, technical means in the protection zones;

(3) the pollution of environment while transporting the raw materials and waste;

(4) the noise and vibration near localities, historic monuments, reservations, nature monuments, rest zones and health protection zones.

Article 55. The injection and storage in underground spaces of solid, liquid or gaseous chemical or radioactive waste, which might pollute the underground resources and damage their quality without licences of environmental protection bodies, health protection bodies, local authorities are forbidden.

Article 56. In completion of Article 8 of the present Law, the local administration bodies, environment bodies and bodies for inventoring the underground resources, as well as scientific institutions dealing with the problem must:

(1) make the cadastre of the resources reserves of the

underground, the accounting of waste extraction and processing, elaborate programmes for underground natural resources use in order to ensure the steady development of the society;

(2) permanently supervise the works of using the underground natural resources, observe the limits of their use, suggest and demand the application of technologies, ensuring a superior productivity in extraction and processing of natural resources of the underground with maximal losses reduction and pollution avoidance;

(3) identify the rare geologic and mineralogic formations, paleontologic objects and other things of scientific and cultural value, so that they might be protected by the state.

Article 57. The economic agents, physical and juridical persons dealing with exploitation and use of underground resources in the private and state sectors must:

(1) renew during a year from the adoption of the present law the environment bodies; the failing to observe this provision or failing to observe the recommendations of the ecologic examination will call forth the cessation of the respective activities;

(2) mark the borders of the protection and sanitary zones around the extraction and processing places of the underground resources with the consent of the local authorities and environment bodies; maintain the fixed regime of the sanitary zones;

(3) restore the affected territories and reconstruct the spaces, ecologically damaged while doing works of extraction, exploitation and processing of the underground resources;

SECTION: 4. ATMOSPHERE PROTECTION

Article 58 The atmosphere protection is based on the following principles:

- the recognition of the fact that the emission of noxious substances, coming from traditional energy production, industrial activities, agriculture and transport, cause a complex pollution of the atmosphere at local, regional and global scale which affect all forms of life, as well as climate and radiation level;

- the promotion of a consistent policy for energy consumption reduction in all branches of activity as well as the development of energetics, the establishing of an efficient atmosphere quality control in conformity with international standards, the interstate cooperation and the observance of the conventions on the transnational atmosphere pollution reduction.

Article 59. The State Department on Environment along with

the Ministry of Health and with the Academy of Sciences shall elaborate and suggest for adoption by the Parliament the Standards of air quality during a year after the adoption of the present Law.

Article 60. In completion of the Article 8 of the present Law, the administrative units of energetics, industry, agriculture, transport, dwelling fund exploitation along with the respective research institutions, local administration bodies and environment bodies must:

(1) establish the annual limits for energy production and consumption, the admitted annual limits for emission in the atmosphere of fixed and mobile objects, not admit emission to the excess of the fixed limits;

(2) create and ensure the activity of a net for the supervision of the air quality on the whole territory of the country, based on international standards;

(3) suggest and solicit technical solutions for reduction of energy consumption in all branches of activity, raw materials use and use of fuel with reduced level of noxious substances;

(4) stop all activities accompanied by use and emission of noxious substances degrading the ozone layer (chlorofluorocarbonates, halones, etc.);

(5) permanently supervise the observance of the emission regime into the atmosphere, promptly punish any violations; in case of meteorologic conditions, unfavorable for the dispersion of pollutants in the atmosphere, calling forth local accumulations of toxic substances, stop temporarily the activities near sources of pollution.

Article 61. The economic agents, juridical and physical persons, who administer activities with mobile or stationary sources of emission must:

(1) equip the technological installations with devices and facilities for detaining and neutralizing powders and gases, not admit the concentrations of noxious substances higher than the fixed limits;

(2) take all necessary actions in order to avoid atmospheric pollution with powders or volatile substances, which might produce inconveniences while transporting or storing any kind of waste;

(3) widen the green spaces to the necessary levels around industrial units, cultivate continuous trees and bushes belts in protection zones of roads for air quality improvement and noise protection;

(4) ensure the necessary activities and equipment for noise isolation and protection of sources of noise and vibration, not admit noise and vibration in excess of the admitted limits;

(5) begin the processing of waste and other toxic residuals only in special installations in places and conditions fixed by the bodies responsible for environment and health.

SECTION 5. BIODIVERSITY AND NATURE MONUMENTS PROTECTION

Article 62. In conformity with the World Charter for Nature, adopted by U.N. (1982) the right to existence of all species of live nature (irrespective of their importance for man), as an essential element of the planetary cycle of matter, climate and renewal potential of natural resources is reconfirmed.

Article 63. The State Department for Environment along with the Academy of Sciences shall elaborate and forward to the Parliament during one year after the adoption of the present Law, a programme of activity for biodiversity conservation, which will protect the rare and disappearing species from the commercial pressing, of activities for cultivating rare species, restoring the disappearing ones, creating a natural genetic fund, a system of territories with special protection, for observance of regional and international conventions on biologic diversity.

Article 64. The local environment bodies, forest bodies along with local administration bodies will admit the collection of rare species of plants and animals by fishing, hunting only to the extent, that does not endanger their reproduction potential. The collection, fishing and hunting of the species entered into the Red Book are forbidden.

Article 65. The introduction of new species of microorganisms, plants and animals with alimentary, technical, decorative, esthetic and other purposes into a natural habitat, where the given species did not exist earlier, is admissible only with the consent of central environment bodies; physical and juridical persons, who introduce new species without a licence into ecosystems, in which they never existed before, will bear all the consequences of a potential disbalance in the ecosystem, whenever the disbalance might appear.

Article 66. The burning of tillages, plots of protection belts by the roads, waste burning beyond the boundaries of specially defined spaces is forbidden.

Article 67. In order to conserve the biologic diversity and some natural formations of great ecologic, scientific or landscapal value, a system of natural protected zones is created (natural reservations and national parks), as well as nature monuments (geomorphologic formations and structures like unique

relief, caves, fossil structures, unique natural complexes, isolated trees, etc.), monuments of horticultural art (botanical gardens, dendrological parks, old historic parks, silvicultural parks), state zoological parks; the attribution of some protected zones, nature monuments, horticultural art monuments, zoological parks to the state or driving them out of state ownership is performed by the Parliament at the proposal of a superior environment body and of the Academy of Sciences; the protected natural zones and nature monuments declared as such by governmental decrees and decisions of the local administration bodies, issued before the adoption of the present Law, maintain their status or get the same status by law.

Article 68. The territories and aquatoriums, which are declared protected zones by law or by a decision of the Parliament are governed by the environment bodies; nature monuments, horticultural art monuments, as well as zoological parks remain in the ownership of the land owners; natural resources exploitation and other activities in the zones with nature monuments, horticultural art monuments, zoological parks as well as protection zones of the natural reservations will be conducted according to the regime of the respective places and zones.

Article 69. The natural reservations, national parks, horticultural art monuments, zoological parks are juridical persons, financed by the state, have bank extrabudgetary accounts coming from the means obtained by scientific, editorial, recreational or teaching activities; the extrabudgetary fund is used exclusively for the service of reservations, national parks and nature monuments.

Article 70. The central environment body will edit and distribute the Register of zones, natural monuments, horticultural art monuments, zoological parks protected by the state along with their regulations and annual changes.

CHAPTER 7. THE CONTROL OF WASTE, TOXIC SUBSTANCES, CHEMICAL NUTRIENTS AND PLANT PROTECTION PRODUCTS

Article 71. The state policy in the branch of waste control is based on:

(1) the recognition of the fact that the accumulation of waste in excess of the norms is a consequence of an unbalanced control of energy and materials, which affects the quality of the environment, its components and the health of the population;

(2) the necessity of applying technical solutions, economic and administrative mechanisms in order to reduce the waste accumulation rates, energy use and the use of industrial and domestic waste subject to recycling, and to ensure the efficient destruction or isolation of waste not subject to processing.

Article 72. In completion of Art. 7 of the present Law, the Government along with the central environment body

(1) recommends and implements, by use of economic and administrative mechanisms, technologies ensuring the most effective use of water and raw materials, the reduced use of components affecting the environment and the health, the substitution of the latter with alternative ecologically neutral materials, the obtaining of final products subject to recycling at the end of their functioning period, the obtaining of energy and components for repeated use from domestic and industrial waste;

(2) establishes the annual limits for domestic and industrial waste accumulation, supervises the observance of the established limits;

(3) establishes taxes for storage and processing of industrial and domestic waste, states the technical standards on transportation, surface storage, burning and burying of waste not subject to reuse, in order to minimize the negative influence on health and environment quality;

(4) creates conditions stimulating and encouraging the activity for collection and reuse of metallic, textile, leather, wood, rubber, oil waste, as well as obtaining residual energy;

(5) elaborates and publishes during the first six months after the adoption of the present Law, the Regulations on chemical nutrients and plant protection substances conditions use, the List of chemical nutrients and plant protection substances, excluding the highly toxic ones, the ones with high levels of residuals, the non-selective and cumulative ones, the List of maximal admitted remnant concentrations of pesticides and other toxic substances in soil, water, fodder and agricultural products, both animal and vegetal, the lists being renewed every year.

Article 73. In completion of Art. 9 and 10 of the present Law, the local administration bodies along with the environment bodies and health protection ones must:

(1) admit the storage of any waste: domestic, industrial and agricultural, residual muds obtained by industrial, agrozootechnical and urban activities, building waste, only in specially arranged places with the consent of land owners, taking into account the nearing plots protection, the protection of touristic zones and landscapes and bearing in mind that, when the activity of waste storage is at the end, the respective plots should be good for use in agricultural, silvicultural, or other scopes;

(2) establish the annual limits for waste storage on the territory of the village, town, region (district), municipality,

supervise the observance of the storage regime and technical standards for storage, processing, burning, burying of waste;

(3) permanently control the plots pertaining to the economic and social units, as well as the way of using the natural protection legislation, the Regulations on toxic substances and waste application conditions, punish the physical and juridical persons, responsible for their violation.

Article 74. The producers and users of all kinds of packages will organize the collection of used packing materials like paper, cardboard, wood, glass, metals, plastic materials and the local administration bodies will create the conditions to do this and to ensure their refabrication and recycling.

Article 75. The economic agents, physical and juridical persons from the private and state sectors of the economy must:

(1) change the technologies of the production processes so as to more effectively use the energy, water and materials, and to minimize the amount of any kind of waste;

(2) permanently account for the production waste, identify, sort and pack (press) them, ensure their processing or transporting to the specialized units for restoring the energy or reusable components, as well as the transportation of non-reusable residuals to specially arranged places;

(3) create the necessary conditions for preventing the accidental environmental pollution with any kind of toxic components, or in case they took place, make up for the caused damage.

Article 76. The economic agents and private or state research institutions, which use, fabricate, transport or sell toxic or nuclear substances, as well as dangerous waste, in completion of Article 74 must also:

(1) renew during six months after the adoption of the present Law the environment bodies; the failing to fulfill the present provision or recommendations of the expert ecologic control will be punished by the cessation of the activity;

(2) create a special register of a fixed form, in which the nature, origin, quantity, physical and chemical characteristics, storage and use conditions of the toxic and dangerous produces will be indicated; these data must be forwarded to the environment and health bodies;

(3) the transport of toxic and dangerous substances, the nuclear ones included, should be done only on specially arranged territories with the licence of the environment and health

bodies, released separately for each case and using only authorized persons and means.

Article 77. The introduction into the country of waste, any kind of residuals in raw or processed state with the purpose of its temporary accumulation, processing, storage, distribution on soil or in water, any kind of destruction is forbidden; the customs check and are responsible for the present law provisions application for import and transit operations performance on the territory of the country.

Article 78. The producers and sale agents, dealing with chemical nutrients and plant protection substances (herbicides, insecticides, raticides, desiccants, growth stimulators) must strictly observe the provisions of the Regulations on the regime of the chemical nutrients and plant protection substances fabrication and packing with warnings about the toxicologic damage to health and environment quality, as well as the regime of these substances transport and reuse of residuals and package.

Article 79. In order to reduce the toxicologic danger to environment and health, while using the chemical nutrients and plant protection substances, it is forbidden to:

(1) storage the chemical nutrients and plant protection substances in any rooms and places without the authorization of environment and health bodies, their use in zones subject to special protection conditions;

(2) process seeds with toxic produces outside specially designed places and without strict observance of all environment and health protection measures;

(3) apply toxic pesticides in the blooming period of cultures polenized by insects;

(4) use toxic baits with products not allowed for use;

(5) use in excess of the maximal admitted norms pesticides and other toxic substances remnants in water, harvest, forage, agricultural food stuffs of vegetal and animal origin; any other agricultural food stuffs, in which the maximal concentration of toxic substances in excess of the maximal admitted norms, must be processed according to the provisions for dangerous residuals at the expense of the producers.

Article 80. The central bodies for agriculture, environment and health must organize on the territory of the country an unique net of specialized laboratories for residuals control of pesticides and other toxic substances in soils, water, harvest, forage and other agricultural food stuffs of vegetal and animal origin.

CHAPTER 8. IONIZING RADIATION PROTECTION

Article 81. The Republic of Moldova will not admit on its territory the siting of atomic thermoelectric plants, siting and transition of atomic arms, import, siting and transit of nuclear waste of any kind.

Article 82. Activities in the nuclear sphere like import, scientific research, renewal of technology, elaboration, production, processing, use, transport, export, neutralization and burying of ionizing radiation sources are admitted only with the consent of all central environment and health bodies.

Article 83. The licences for activities in nuclear sphere will be released only if the ionizing radiation sources are equiped with secure systems for radiation protection, blocking and signalling for radiation protection security of the personnel, population and environment; the licence owners will present the necessary information on the radiation levels, measures and installations for radiologic protection, control devices and methods for the given radiation source, the regulations of protection during exploitation and service.

Article 84. The owners of licences for activities in nuclear spheres must:

(1) ensure the observance of the normative acts, technical conditions and legislative acts in force which guarantee the protection against ionizing radiation of the personnel, population and environment;

(2) strictly account the radioactive materials and those which are of nuclear interest, insure them against damage, accidental spread, loss or theft;

(3) organize the radiologic control service on the territory of the enterprise, organization, institution and in the protection zone in conformity with the Regulations, taking into account the specific conditions of the enterprise approved by the central environment and health bodies;

(4) apply all the measures for minimizing the radioactive effect on man, acting in the limits admitted by licence;

(5) immediately notify the central bodies, responsible for environment, health, public order, local administration bodies of any accidental damage, spread, loss or theft of radioactive materials, of any nuclear accident produced at their own installations, take direct part in localizing and repairing the consequences called forth by the accident and make for the damages, produced by the accident.

Article 85. The central environment, health and geological bodies must create during a year from the adoption of the present Law, a unique service for supervising the radioactivity level in soil, air, water, underground, flora, fauna, agricultural and industrial products on the whole territory of the country and will systematically inform the population on the radiologic state, indicating the registered values in comparison with the admitted radiation levels; hiding or deformation of information on some radioactive danger for the population will be qualified as a state crime.

Article 86. In case of accidents at nuclear units, located on the territory of other countries, which create a situation of nuclear danger, the government immediately announces all the information on the created situation and takes measures for protecting the population and eliminating the consequences, produced by the accident.

CHAPTER 9. EXTRABUDGETARY ECOLOGIC FUNDS

Article 87. The extrabudgetary ecologic funds: national extrabudgetary ecologic fund, districtual, regional and municipal funds are created in order to concentrate the supplementary financial resources for the activity of environmental protection and ecologic reconstruction.

The extrabudgetary ecologic funds, as well as the voluntary donations on the part of physical and juridical persons to these funds are not subject to taxation and other payments.

The means of extrabudgetary ecologic funds, which haven't been spent during the year are passed to the following year.

Article 88. The sources of extrabudgetary ecologic funds are: part of the land tax, established by the Parliament, the payments (taxes) for using the underground, water, payments (taxes) for environmental pollution, fines for environmental legislation violation, means, coming for compensating for the damages to nature, through sale of the production, obtained by illegal exploitation of flora and fauna, voluntary donations and contributions; all these means are accumulated on special accounts at the districtual, regional, municipal level and they are distributed between the national and regional, districtual, municipal extrabudgetary ecologic funds as follows:

(1) the sums, which refer to soil and underground: (with the exception of underground water) - 30 per cent to the national, and 70 per cent - to the districtual, regional or municipal fund;

(2) the sums, which refer to water: 51 per cent - to the national extrabudgetary fund and 49 - to the districtual, regional or municipal fund;

(3) the sums, which refer to air pollution: 70 per cent - to the national extrabudgetary ecologic fund and 30 per cent - to the districtal, regional or municipal fund.

Article 89. The extrabudgetary ecologic funds may be used only in the limits of the following activities:

(1) elaboration and implementation of local or national programmes for environmental and biologic diversity protection, financial improvement, silvicultural fashioning of territories, ecologic reconstruction of territories and small rivers, affected by man's activity;

(2) construction, reconstruction and reutilizing the units for environmental protection and protection of its components;

(3) buying of technical means, devices, apparatuses, reagents for the laboratories of the State Department for environment and its local branches;

(4) scientific work performance in the environmental protection sphere at the orders of the State Department for Environment and the Environment Quality Council;

(5) teaching and perfecting the personnel in environmental protection sphere;

(6) propagation of ecologic knowledge;

(7) organization and support of international cooperation in environmental protection sphere;

(8) awarding of bonuses to collectives, which have really made a big contribution to environmental protection, irrespective of the department to which they pertain; the bonuses sums should not exceed 5 per cent of the national extrabudgetary ecologic fund or of the regional, districtal or municipal extrabudgetary ecologic fund.

Article 90. The allocation of means for activities described in Art. 89 of the present Law is performed by decisions of administrative councils of the respective funds, adopted after examination of the well reasoned proposals on the part of the State Department for Environment, its structures, environment quality Council, ministries and departments, local administration bodies, social organizations.

Article 91. The national extrabudgetary ecologic fund is governed by the Council for national extrabudgetary ecologic fund, consisting of three persons: the general director (when he is absent - his first deputy) of the State Department for Environment; a permanent representative of the Parliament, nominated by the

Chairman of the Parliament and a permanent representative of the Government, nominated by the Prime Minister.

The decision of the Council is adopted by consensus. The Chairman of the Council may take a decision, but in case it disagrees with one or more members of the Council, he must inform the Chairman of the Parliament about it.

The Council of the national extrabudgetary ecologic fund must prepare annual reports on its activity, as well as reports on the activity of local extrabudgetary funds, along with the report on the quality of the environment.

Article 92. The local extrabudgetary ecologic fund is governed by the districtual, regional or municipal extrabudgetary ecologic Council, consisting of three persons, as follows: the chairman of the districtual Executive Committee, the regional prefect or the municipal primar (or when they are absent - their first deputies) as a chairman of the Council, a permanent representative of the local body for environment and a permanent representative of a local body for health.

The decisions of the local extrabudgetary ecologic fund are adopted by consensus. The chairman of the Council may take decisions, but in case they disagree with the opinion of one or two members of the Council, he must officially inform the Council for governing the national extrabudgetary ecologic fund of the situation.

The Councils of the local extrabudgetary ecologic funds will present annual reports to the Council for governing the national extrabudgetary ecologic fund.

CHAPTER 10. THE RESPONSIBILITY FOR BREAKING THE LAW AND THE SOLUTIONING OF THE LAW SUITS IN THE AREA OF ENVIRONMENTAL PROTECTION

Article 93. The breaking of the requirements of the present law brings about disciplinary action, material, civil or penal, according to the case, in conformity with the law in force.

Article 94. The breaking of or the non-execution of the present law could bring about the cessation, the limitation or the interdiction of the activities regardless of the type of property.

Article 95. The physical and the juridical persons are obligated to recuperate the damages and the prejudices caused through the breaking of the present law, in the manner and measure set by the legislation in force.

Article 96. The representatives of the environmental authorities have personal responsibility, in accordance with the legislature in force, for the activities of application of the current law; the physical and the juridical persons, in the event of disagreement with the decisions of the representatives of the environment authorities, have the right to address, for the examination and the resolving of the case, to the superior instances for the protection of the environment and in the event of disagreement with the decision of the superior instances of the environmental protection have the right to address the judiciary instances.

Article 97. In the event that through the incompetence or through the abuse of power, the decision of the environmental authorities caused damage or prejudice to the physical or to the juridical persons, these damages and prejudices are recuperated by the factors who took the decision in the manner and measure set by the legislation in force.

Article 98. The lawsuits in the environmental protection area, in the event that do not find another means of resolving it through the joint accord of the interested parties, are solved by the judiciary instances, in conformity with the legislation in force.

CHAPTER 11. THE INTERNATIONAL TREATIES REGARDING THE ENVIRONMENTAL PROTECTION

Article 99. In the cases when the international agreements at which the Republic of Moldova participates, contain other provisions than those provided by the legislature on the environmental protection in the republic of Moldova, the international provisions shall apply.