

**GEF/UNDP Project  
“Needs Assessment for Capacity Building at the National Level”**

# **OVERALL REPORT**

**of “Biodiversity Conservation” Working Group**

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# **1. Assessment of the present situation within political, legal and institutional framework in biodiversity conservation and sustainable use of its components**

The assessment of the present situation within political, legal and institutional framework in biodiversity conservation and sustainable use of its components has been performed by the direct analysis of international treaties, to which the Republic of Moldova is a party, as well as of national legal and standard acts.

## **1.1. Political framework**

The existing political framework is adequate, favourable and sufficient for carrying out activities on protection, conservation and sustainable use of biodiversity.

The Republic of Moldova has ratified the existent conventions and protocols on environmental protection or in the fields related to biological diversity protection and conservation: Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979), ratified by the Decision of the Parliament No. 1546-XII of June 23, 1993; Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991), ratified by the Decision of the Parliament No. 1546-XII of June 23, 1993; Convention on the Transboundary Effects of Industrial Accidents (Helsinki, 1992), ratified by the Decision of the Parliament No. 1546-XII of June 23, 1993; Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992), ratified by the Decision of the Parliament No. 1546-XII of June 23, 1993; Convention on Biological Diversity (Rio de Janeiro, 1992), ratified by the Decision of the Parliament No. 457-XIII of March 16, 1995; Cartagena Protocol on Biosafety, ratified by the Law No. 1381-XV of October 11, 2002; United Nations Framework Convention on Climate Change (Rio de Janeiro, 1992), ratified by the Decision of the Parliament No. 404-XII of June 12, 1995; Kyoto Protocol, adopted by the Law No. 29-XV of February 13, 2003; Convention on Long-Range Transboundary Air Pollution (Geneva, 1979), ratified by the Decision of the Parliament No. 399-XIII of July 9, 1995; Convention for the Protection of the Ozone Layer (Vienna, 1995), Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal, 1979), ratified by the Decision of the Parliament No. 966-XII of July 27, 1996; Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel, 1989), ratified by the Decision of the Parliament No. 1599-XIII of March 10, 1998; United Nations Convention to Combat Desertification in Countries

Experiencing Serious Drought and/or Desertification (Paris, 1994), ratified by the Decision of the Parliament No. 257-XIV of December 24, 1998; Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Sofia, 1994), ratified by the Decision of the Parliament No. 323-XIV of March 17, 1999; Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Arhus, 1998), ratified by the Decision of the Parliament No. 346-XIV of April 7, 1999; Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971), ratified by the Decision of the Parliament No. 504-XIV of July 14, 1999; Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979), Agreement on the Conservation of Bats in Europe and Agreement on the Conservation of African-Eurasian Migratory Waterbirds, ratified by the Law No. 1244-XIV of September 28, 2000; Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Washington, 1973), ratified by the Law No. 1246-XIV of September 28, 2000; European Landscape Convention (Florence, 2000), ratified by the Law No. 536-XV of October 12, 2001; Convention on Persistent Organic Pollutants (Stockholm, 2001), ratified by the Law No. 40-XV of February 19, 2004; Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972), to which Moldova adhered by the Law No.1113-XV of June 6, 2002; Pan-European Biological and Landscape Diversity Strategy (Sofia, 1995).

The Basic Law – the Constitution of the Republic of Moldova – Art. 37 Right to a healthy environment guarantees the right of every human being “to an ecologically safe and healthy environment”, as well as “free access to reliable environment-related information”.

Art. 4 Human rights and freedoms stipulates:

“(2) Wherever disagreements appear between the conventions and treaties on fundamental human rights, to which the Republic of Moldova is a party, and domestic laws, the priority shall be given to international regulations.”

Political commitments of the Government are stipulated in Art. 126. Economy:

“(2) The state must ensure:

- e) Rational exploitation of the soil and other natural resources according to the national interests;
- f) Restoration and protection of the environment, as well as the maintenance of ecological balance”;

The activities in biodiversity protection and conservation shall be regulated by legal and standard acts adopted by central public authorities of the state according to their competencies – Parliament, President of the Republic of

Moldova, Government of the Republic of Moldova, competent state bodies (ministries, departments) and local public administration authorities.

## **1.2. Legal framework**

The legal framework of the Republic of Moldova in biodiversity conservation and sustainable use of biological resources consists of the following laws and regulations:

- **Legal acts:**

Constitution of the Republic of Moldova (“Monitorul Oficial” of the Republic of Moldova (OM RM), 1994, No. 1, Art. 1); Law No. 64-XII of May 31, 1990 on Government (republished – OM RM, 2002, No.131-133, Art. 1018); Land Code No. 828-XII of December 25, 1991(republished – OM RM, 2001, No. 107, Art. 817); Subsoil Code No. 1511-XII of 15.06.93 (OM RM, 1993, No. 11, Art. 325); Water Code No. 1532-XII of June 22, 1993 (OM RM, 1993, No. 10, Art. 287); Forestry Code No. 887-XII of June 21, 1996 (OM RM, 1997, No. 4-5, Art. 36); Code of Administrative Contraventions (draft); Criminal Code of the Republic of Moldova (OM RM, 2002, No. 128-129, Art. 1012); Law No. 1515-XII of June 16, 1993 on Environmental Protection (OM RM, 1993, No. 10, part I, Art. 283); Law No. 440-XIII of April 27, 1995 on the Protection of Riparian Zones, Rivers and Water Basins (OM RM, 1995, No. 43, Art. 482); Law on Animal Kingdom No. 439-XIII of April 27, 1995 (OM RM, 1995, No. 62-63, Art. 688); Law No. 835-XIII of May 17, 1996 on Principles of Urbanism and Territory Arrangement (OM RM, 1997, No. 1-2, Art. 2); Law No. 851-XIII of May 29, 1996 on Ecologic Examination and Environmental Impact Assessment (OM RM, 1996, No. 52-53, Art. 494); Law No. 1102-XXIII of February 6, 1997 on Natural Resources (OM RM, 1997, No. 40, Art. 337); Law No. 1538-XIII of February 25, 1998 on State Protected Natural Areas Fund (OM RM, 1998, No. 66-68, Art. 154); Law No. 186-XIV of November 6, 1998 on Local Public Administration (republished – OM RM, 2002, No. 33-35, Art. 190); Law No. 591-XIV of September 23, 1999 on Urban and Rural Green Areas (“Monitorul Oficial” of the Republic of Moldova, 1999, No. 133-134, Art. 649 ); Law No. 612-XIV of October 1, 1999 on Plants Protection (OM RM, 1999, No. 133-134, Art. 651); Law on Tourism No. 798-XIV of February 11, 2000 (OM RM, 2000, No. 54-56, Art. 357); Law No. 981-XIV of May 11, 2000 on State-Owned Lands and Their Delimitation (OM RM, 2000, No. 94-97, Art. 672); Law No. 1041-XIV of June 15, 2000 on the Improvement of Degraded Lands Through Afforestation (OM RM, 2000, No. 141-143, Art. 1015); Law No. 755-XV of December 21, 2001 on Biosafety (OM RM, 2002, No. 75, Art. 631); Decision of the Parliament of the Republic of Moldova No. 1246-XIII of July 10, 1997 on

Measures for Improvement of the Ecological Situation of the Nistru River (OM RM, 1997, No. 48, Art. 421); Decision of the Parliament of the Republic of Moldova No. 112-XV of April 27, 2001 on the Approval of the National Strategy and Action Plan for Biological Diversity Conservation (OM RM, 2001, No. 90-91, Art. 700 ); Decision of the Parliament of the Republic of Moldova No. 350-XV of July 12, 2001 on the approval of the Strategy on Sustainable Development of Forest Sector of the Republic of Moldova (OM RM, 2001, No. 133-135, Art. 1021 ); Decision of the Parliament of the Republic of Moldova No. 605-XV of November 2, 2001 on the approval of the Concept of Environmental Policy of the Republic of Moldova (OM RM, 2002, No. 9-10, Art. 20 ).

### **1.2.1. Standard acts:**

Decree of the President of the Republic of Moldova No. 321 of October 6, 1995 on Strategic National Program of Actions in Environmental Protection;

Decree of the President of the Republic of Moldova No. 1105-III of February 6, 2003 on the initiation of negotiations between the Republic of Moldova, Polish Republic and Ukraine on concluding a Convention on landscape and biological diversity conservation and rational exploitation of natural resources of the basin of the Nistru River (OM RM, 2003, No. 20-22, Art. 69); Decision of the Government of the Republic of Moldova No. 1007 of August 6, 1997 on the state record of forestry fund (OM RM, 1997, No. 82-83, Art. 827); Decision of the Government of the Republic of Moldova No. 1008 of August 6, 1997 on the classification of forests into groups and functional categories (OM RM, 1997, No. 82-83, Art. 828 ); Decision of the Government of the Republic of Moldova No. 988 of September 21, 1998 on the approval of the Regulations on Ecological Funds (OM RM, 1998, No. 92-93, Art. 962); Decision of the Government of the Republic of Moldova No. 1203 of December 14, 1998 on the creation of the Vegetal Genetic Resources Centre of Moldova (OM RM, 1998, No. 114-115, Art. 1136); Decision of the Government of the Republic of Moldova No. 367 of April 13, 2000 on the approval of the National Program of Actions to Combat Desertification (OM RM, 2000, No. 46-49, Art. 470); Decision of the Government of the Republic of Moldova No. 414 of May 2, 2000 on the approval of the Regulations on Cadastre of Objects and Complexes of State-Protected Natural Areas Fund (OM RM, 2000, No. 54-56, Art. 496); Decision of the Government of the Republic of Moldova No. 676 of July 11, 2000 on a single procedure for record-keeping of urban and rural green areas (OM RM, 2000, No. 8487, Art. 761); Decision of the Government of the Republic of Moldova No. 782 of August 3, 2000 on the approval of the Framework Regulations on National Parks, Natural Monuments, Resources and Biosphere Reservations (OM RM,

2000, No. 102-105, Art. 879); Decision of the Government of the Republic of Moldova No. 784 of August 3, 2000 on the approval of the Framework Regulations on Multi-Functionally Managed Areas, Framework Regulations on Natural Reservations, Framework Regulations on Landscape Reservations, and Framework Regulations on Monuments of Landscape Architecture (OM RM, 2000, No. 102-105, Art. 881);

Decision of the Government of the Republic of Moldova No. 785 of August 3, 2000 on the approval of the Framework Regulations on Botanic Gardens, Framework Regulations on Dendrological Gardens, Framework Regulations on Zoological Gardens, Framework Regulations on Scientific Reservations (OM RM, 2000, No. 102-105, Art. 882 ); Decision of the Government of the Republic of Moldova No. 851 of August 8, 2000 on the approval of the Agreement between the Ministry of Environment of the Republic of Moldova, the Ministry of Waters, Forests and Environmental Protection of Romania and the Ministry for Environmental Protection and Natural Resources of Ukraine on joint management of protected natural areas of the Danube Delta and Lower Prut (OM RM, 2000, No. 102-105, Art. 896); Decision of the Government of the Republic of Moldova No. 1009 of October 5, 2000 on the approval of the Regulations on Protected Natural and Designed Zones (OM RM, 2000, No. 127-129, Art. 1114); Decision of the Government of the Republic of Moldova No. 32 of January 16, 2001 on the establishment of the protection of riparian zones, rivers and water basins (OM RM, 2001, No. 57-58, Art. 366); Decision of the Government of the Republic of Moldova No. 107 of February 7, 2001 on the implementation of the Decision of the Government of the Republic of Moldova No. 595 of October 29, 1996 and certain additional measures for optimization of forest management and forest vegetation protection (OM RM, 2001, No. 19-20, Art. 158 ); Decision of the Government of the Republic of Moldova No. 460 of June 15, 2001 on the basic functions and structure of the Ministry of Ecology, Constructions and Territorial Development (OM RM, 2001, No. 64-66, Art. 497); Decision of the Government of the Republic of Moldova No. 487 of June 19, 2001 on the approval of the National Action Plan for Environment-Related Health (OM RM, 2001, No. 75-77, Art. 574 ); Decision of the Government of the Republic of Moldova No. 557 of June 28, 2001 on the reorganization of the State Forest Service (OM RM, 2001, No. 75-77, Art. 594); Decision of the Government of the Republic of Moldova No. 703 of July 23, 2001 on the Ministry of Ecology, Constructions and Territorial Development (OM RM, 2001, No. 85, Art. 729); Decision of the Government of the Republic of Moldova No. 1432 of December 21, 2001 on the establishment of Interdepartmental Steering Committee for promoting the National Strategy and Action Plan for Biological Diversity Conservation (OM RM, 2001, No. 158-160, Art. 1432 ); Decision of

the Government of the Republic of Moldova No. 581 of May 8, 2002 on the creation of the National Ramsar Committee ( OM RM, 2002, No. 66-68, Art. 680 ); Decision of the Government of the Republic of Moldova No. 803 of June 19, 2002 on the approval of the Regulations on the Procedure for Protected Natural Areas Regime Establishment (OM RM, 2002, No. 95, Art. 935); Decision of the Government of the Republic of Moldova No. 447 of 17 April 2003 on the approval of the National Program for Environmental Safety Provision (OM RM, 2003, No. 77-79, Art. 477 ); Decision of the Government of the Republic of Moldova No. 636 of May 26, 2003 on the approval of the Program for New Lands Development and Soil Fertility Increasing (OM RM, 2003, No. 99-103 , Art. 636 ); Decision of the Government of the Republic of Moldova No. 737 of June 17, 2003 on the approval of the State Program for Forest Fund Lands Regeneration and Afforestation for 2003-2020 (OM RM, 2003, No. 132-133, Art. 788 ); Decision of the Government of the Republic of Moldova No. 739 of June 17, 2003 on the implementation of the Strategy for Sustainable Forest Sector Development (OM RM, 2003, No. 126-131, Art. 777); Decision of the Government of the Republic of Moldova No. 740 of June 17, 2003 on the adoption of standard acts on forestry industry management (OM RM, 2003, No. 126-131, Art. 778); Decision of the Government of the Republic of Moldova No. 1107 of September 11, 2003 on the approval of the Regulations on Establishment, Registration, Completion, Storage, Export and Import of Wild Flora and Fauna Collections (OM RM, 2003, No. 204-207, Art.1176); Decision of the Government of the Republic of Moldova No. 27 of 19.01.04 on the approval of the Regulations on Authorization of Forest Cutting Within and Outside the Forest Fund (OM RM, 2004, No. 19-21, Art.155); Regulations on “Mindic Village Park” Monument of Landscape Architecture approved by the Minister of Ecology, Constructions and Territorial Development, Gh. Duca on 5.11.01, the Minister of Culture, Ion Pacuraru on 2.11.01; Authorization Procedure for wild flora and fauna export and import activities, as well as import/export or re-export of species of flora and fauna regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora – CITES (Washington, 1973) approved by the Minister of Ecology, Constructions and Territorial Development No. 14 of 25.01.2002 (OM RM, 2002, No. 96-99, Art. 221).

Following the assessment of the legal framework in biodiversity conservation and sustainable use of biological resources, it has been established that:

- The existing legislation of the Republic of Moldova has been developed taking into consideration national ecological conditions, requirements and norms of biodiversity conservation and sustainable use of biological resources.

- The legal framework in the field is not finalized yet and requires improvement and completion.

At present, a number of draft legal and standard acts is at different advancement stages: Law on Vegetal Kingdom, Law on National Ecological Network, Law on the Red Book of the Republic of Moldova, Law on Protection of Animals Used for Scientific and Other Experimental Purposes, Law on Hunting Fund and Protection of Hunting, Law on Fishery and Protection of Aquatic Resources, Law on Soil Protection, Law on Wetlands, Law on Landscapes, Decision of the Government (DG) on the establishment of the National Commission on the Red Book of the Republic of Moldova, DG on the approval of Regulations of the National Commission on the Red Book of the Republic of Moldova, DG on the approval of the Regulations on Vegetal Kingdom Cadastre, DG on the approval of the Regulations on Animal Kingdom Cadastre, DG on the approval of the Regulations on Pasturing and Mowing, etc., scheduled for development according to different strategies and action plans.

Upon the assessment of the legal framework capacity, the reasons for the failure to comply with certain provisions were defined and recommendations for overcoming barriers in the accomplishment of the objectives for protection, conservation and sustainable use of biodiversity within the planned activities given.

The main barriers, which impede the implementation of the priority tasks on Biological Diversity Conservation (BDC), are the following:

**1. *Poor coordination of governmental programs:***

- Multiple strategies, action plans, legal acts and regulations which provide for similar objectives and actions, but are not coordinated in space and time;
- Non-correlation of requirements of the relevant strategies and plans with the existing legislation and norms (different implementation deadlines, different executors, different financial resources).

The following may serve as convincing examples: a) DG No. 367 of 13.04.2000 on the approval of the National Program to Combat Desertification; b) DP No. 112-XV of 27.04.01 on the approval of the National Strategy and Action Plan for Biological Diversity Conservation; c) DP No. 350-XV of 12.07.01 on the approval of the Strategy for Sustainable Development of Forest Sector of the Republic of Moldova; d) DG on the implementation of the Strategy for Sustainable Development of National Forest Sector and e) Law No. 440-XIII of 27.04.95 on the protection of riparian zones, rivers and water basins (amended by the Law No. 454-XV of 30.07.01) and f) DG No. 740 of 17.06.03 on the approval of standard acts on forest economy administration. These documents operate with different terms,

notions and regulations regarding the aspects of pasturing, hay-mowing and medicinal plants picking.

**2. *Adoption of strategies and action plans without securing financial provision of activities, including in the State Budget.***

Thus, although Law No. 64-XII of 31.05.90 on Government stipulates that “the Government shall ensure social and economic conditions, create a technical and material basis and special funds for the development (...) of environmental protection” (Art. 11 para. (4). these funds, due to the present instable situation of the national economy, are insufficient to provide for the implementation of such an impressive number of programs, strategies and action plans.

**3. *Planning of programs and action plans in geometric progression.***

The majority of strategies and action plans provide for drafting of certain programs, sub-plans and stages, like national long-term program for forest zones extension, plans for creation of forest spaces within urban industrial, rivers and lakes protection zones, etc.), which, besides the financial resources necessary for drafting, will require additional investments for their practical implementation. This situation is typical for the majority of inter-sector strategies and programs.

**4. *Impossibility to incorporate all the activities related to the implementation of strategies and plans on CPA agenda.***

The operational activity of CPA is targeting the implementation of the Government Activities Program, its own plans of activities and resolution of a number of unscheduled problems and tasks of the hierarchically superior bodies.

**5. *Reduced efficiency in activities of coordinating bodies.***

Although two bodies have been created for the implementation of the National Strategy and Action Plan for Biological Diversity Conservation – Interdepartmental Steering Committee for Promoting the National Strategy and Action Plan for Biological Diversity Conservation constituted by the DG No. 1432 of 21.12.01, and the Biodiversity Office - the coordination of activities has to be improved. Due to the lack of financial support, the Biodiversity Office cannot implement the corresponding tasks.

**6. *Poor internal monitoring and that of hierarchically superior bodies.***

Although strategies and action plans are adopted by the official bodies, the monitoring of their implementation is not sufficient.

Moreover, several acts developed by the predecessors do not serve as a starting point or a guide. For example, Decree of the President of RM No. 321 of 6.10.95 on the National Strategic Action Plan for Environmental Protection for 1995-2010-2020 and DP No. 1246-XIII of 10.07.97 on Measures for

Improving the Ecological Situation of the Nistru River (OM RM, 1997, No. 48, Art. 421)

**7. *Insufficient support of strategies implementation on the part of the budget, as well as local and foreign donors***

In Moldova, natural complexes are often declared to be national values; however, no measures are undertaken for their protection. In some cases, such complexes get destroyed (for example, Lower Prut scientific reservation, “Emil Racovita” cave, Prut River Toltry landscape reservation). At the same time, there are virtually no requests for natural objects of special value to receive the status of a component part of the world patrimony (UNESCO).

**8. *Inadequate application of recommendations provided by international organizations, as well as of international and regional practices***

It has to be mentioned that scientific reservations do not have an exactly defined status, their protection regime is intermediary between the protection of scientific and natural reservations, the fact that has made it possible to carry out certain economic activities on the territory of scientific reservations, which lead to the rapid degrading of the latter.

**9. *Poor transboundary cooperation***

Despite bilateral cooperation agreements between the competent ministries of the neighbouring countries, the collaboration is formal. The only exception is 2003, when there was an invigoration in cooperation with Romania – the Agreement between the Government of the Republic of Moldova and the Government of Romania on Regulations on Fishing in Prut River and Stinca-Costesti Accumulation Lake came into force; specialized joint seminars took place and Prut River management plan was developed.

Cooperation with Ukraine in sustainable use of natural resources of the Nistru River basin is just at the initial stage.

**10. *Lack of qualified and independent ecological, economic, legal, and scientific examination procedure***

Such an examination procedure would contribute to identification and remedying of many gaps mentioned in points 1-4, 7-8 at the stage of development.

**11. *Lack of a practical component in projects of technical and financial assistance***

Objectives of many projects consist just in reports compiling without making investments in practical aspects, like creation of consultancy and training centres, technological centres, etc.

### 1.3. Institutional framework

Following the analysis of numerous documents and discussions with people responsible for the implementation of the corresponding decisions, we have established that the existing institutional framework is sufficient for the accomplishment of objectives set by the National Strategy and Action Plan for Biological Diversity Conservation. The existing institutional framework includes: President of RM, Parliament of RM, Government of RM, Academy of Sciences of Moldova, Ministry of Economy, Ministry of Finance, Ministry of Ecology and Natural Resources, Ministry of Agriculture and Food Industry, Ministry of Transports and Communications, Ministry of Education, Ministry of Defence, Ministry of Culture, Department of Border Guards, “Moldsilva” State Forest Association, State Agency for Land Relations and Cadastre, local public authorities, law enforcement bodies, civil society.

It has been established that there is no coordination of activities on the implementation of the Decision of the Parliament of the Republic of Moldova No. 112-XV of April 27, 2001 on the approval of the National Strategy and Action Plan for Biological Diversity Conservation (NSAPBDC).

By Decision No. 1432 of December 21, 2001 (OM RM, 2001, No. 158-160, Art. 1432), the Government established the Interdepartmental Steering Committee for Promoting NSAPBDC. However, it did not vest it with the authority of a decision-making body and financial officer. For more than two years after its establishment, the Steering Committee has never met, has not planned current activities and has not required such actions from the institutions responsible for the implementation of NSAPBDC objectives. With a single exception related to the adoption of the action plan for 2002 (on the approval of the President of the Steering Committee), which could not be implemented due to the fact that financial resources for the activities were not provided for in the Law on State Budget for the corresponding year.

The accomplishment of NSAPBDC objectives is also difficult due to the fact that they are not incorporated as a separate point in the annual activities plans of the Government. For this reason, competent institutions ignore these objectives, running just their current activities.

Conditions necessary for the accomplishment of NSAPBDC objectives are the following:

- Support of the Interdepartmental Steering Committee for promoting NSAPBDC by vesting it with the authority of financial officer;
- Incorporation of financial resources for the accomplishment of objectives in the Law on State Budget (proposals on such incorporations shall be submitted within the first quarter of the year preceding the scheduled activities at the latest);

- Incorporation of NSAPBDC in programs and action plans of the Government and public authorities at all levels;
- Permanent control over the implementation of NSAPBDC objectives by the Parliament and Government.

At the same time, it is necessary for the Ministry of Ecology and Natural Resources to establish the Focal Point for the Convention for the Protection of World Cultural and Natural Heritage (UNESCO, Paris, 1972) and join its efforts with the Ministry of Culture in order to fulfil the commitments of the Republic of Moldova as a party to the Convention.

#### **1.4. Conclusions and recommendations**

The existing **political framework** is sufficient and adequate for the accomplishment of objectives for biodiversity protection and conservation in the Republic of Moldova.

In order to raise funds, it is necessary to stimulate actions on the incorporation of natural objects and complexes of the Republic of Moldova in European and world network, like:

- Obtaining the European Diploma for valuable natural areas;
- National enactment of natural areas of international importance according to the RAMSAR Convention.

The existing **legal framework** ensures, to a certain degree, the implementation of strategies and plans for BDC. However, it requires an improvement in order to be adjusted to the requirements and recommendations stipulated in regional and international acts, like:

- Prejudice Compensation Procedure for individuals and legal entities – victims of pollution and other environmental damage (material losses and harm to health);
- Use of financial resources originating from fines, penalties, etc. for the rehabilitation of affected biodiversity;
- Implementation of provisions of the Convention on Biological Diversity and standard acts for the protection of endangered species and habitats;
- Increase of responsibilities and stimulation of activities for BDC;
- Improvement of state-protected natural areas fund structure and elaboration of adequate management regulations;
- Assessment and enactment, at the national level, of the regime of natural areas of international importance for BDC;
- Afforestation of degraded lands and creation of communal and private forest areas.

The existing **institutional framework** is sufficient for the implementation of NSAPBDC objectives.

The main causes that lead to an inefficient NSAPBDC implementation are the following:

- Lack of activities coordination;
- Lack of financial support;
- Poor incorporation of BDC requirements in sector policies and those of local public authorities.

### **Recommendations:**

- To vest the Interdepartmental Steering Committee for promoting NSAPBDC with the authority of financial officer.
- To incorporate financial resources for the accomplishment of NSAPBDC objectives in the Law on State Budget.
- To incorporate NSAPBDC requirements in sector policies and LPA activities programs.
- The Government of the Republic of Moldova to monitor the NSAPBDC implementation.

### **General proposals based on project objectives:**

- As a common objective for a complex accomplishment of objectives of three conventions – Convention on Biological Diversity, United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification in Countries Experiencing Draught – we propose “**Development of National Forest Fund**”, for which implementation there is necessary legal and, partially, financial support.

In order to raise funds, it is necessary to insist on the activities of the integration of natural objects and complexes of the Republic of Moldova in the European and world network.

Another common objective could be the one on protection, conservation and rehabilitation of natural and semi-natural ecosystems, including agricultural ones.

For the coordination of main activities, it will be necessary to create a coordinating body with the authority of decision-making and financial officer acknowledged by international organizations.

## **2. Assessment of national capacities in biodiversity conservation and biological resources management**

### **2.1. General presentation**

In order to analyze the present situation in biodiversity conservation and biological resources management, the following concepts, strategies, laws, and regulations have been evaluated: National Strategy and Action Plan for Biological Diversity Conservation; Strategy for Sustainable Development of Forest Sector of the Republic of Moldova; State Program for Regeneration and Afforestation of Forest Fund Lands for 2003-2020; Law on Animal Kingdom; Law on Degraded Lands Improvement through Afforestation; Law on Natural Resources; Law on Urban and Rural Green Areas; Law on the Protection of Riparian Zones, Rivers and Water Basins; Law on State-Protected Natural Areas Fund; Law on Environmental Protection; Forestry Code and different governmental decisions and regulations.

Following the assessment, it has been established that the scheduled activities are at different stages of their implementation. The activity on elaboration of bills on biodiversity conservation and rational use of biological resources may be considered a success. Thus, the following bills have been elaborated and proposed for the approval by the GM: on hunting fund and protection of hunting; fish fund and aquatic biodiversity; protection of spontaneous flora and fauna; creation of National Ecological Network; protection of wetlands; improvement of degraded lands through afforestation; protection of vegetal kingdom; conservation of cultural and natural landscapes; biosafety, etc. The Law on the Protection of Riparian Zones, Rivers and Water Basins has been amended.

There has been created centres for advance training of experts in the field, as well for biosafety assurance.

Also, a set of regulations has been developed on: ecological rehabilitation of forests, conservation of forest genetic resources, pasturing and hay-mowing; organization and functioning of the National Committee for the Red Book, the National Committee for import and export of spontaneous flora and fauna species, etc.

With all these, due to the lack of financial support, the following activities have not been implemented:

- Development of a program for conservation of valuable forest zones;
- Creation of a subprogram on monitoring of meadow ecosystems;
- Inventory and mapping of biodiversity of calcareous biotopes from the basins of Nistru and Prut Rivers;

- Development of pre-university and post-university training programs on aquatic biocenoses protection;
- Development of methodologies for complex ecological assessment of ecosystems;
- Staff training in the field.

For the same reason, the activities on the development of national programs for biodiversity ex-situ protection and the consolidation of vegetal genetic resources centre of ASM have not been implemented and the database on biodiversity ex-situ conservation has not been created.

In order to implement the activities stipulated in the fundamental legislation on the conservation of biodiversity components and sustainable management of biological resources, the following measures are proposed:

- To vest the Steering Committee with the authority of financial officer in the field;
- To develop and adopt laws, regulations and standard acts on the conservation of biodiversity components (forest and agriculture) and rational use of biological resources;
- To incorporate the requirements on biodiversity conservation and rational use of biological resources in sector policies;
- To appointment responsible persons for the measures implementation and deadlines determination;
- To promote GM's order on the development of annual sector plans for BDC and to exercise control in order to ensure the implementation of scheduled activities;
- To initiate national staff training in the field.

## **2.2. Barriers in objectives accomplishment:**

- Lack of a professional framework at the central and local levels, a mechanism for coordination and implementation of legal system provisions;
- Lack of certain regulations on the application of the adopted legislation, delays in the development of the latter;
- Irresponsibility and passiveness of local public administration authorities, non-governmental organizations, and civil society in natural resources management;
- Poor knowledge of the legal framework by the representatives of local public administration authorities, citizens, NGOs, their indifference towards environmental problems;
- Lack of internal, budget and other financial resources.

### **2.3. Proposals for barriers overcoming:**

- Selection and training of experts at central and local levels.
- Appointment of subdivisions, responsible persons within ministries, departments, local public bodies, development of programs for their training.
- Complementing of regulatory and instructive framework for the application of legislation, strategies and concepts for sustainable development and conservation of natural resources, adoption of national strategy on the use of natural resources.
- Development and implementation of an economic mechanism on natural resources administration.
- Training in natural resources administration for representatives of academic institutions, non-governmental organizations, population.
- Creation of working groups aimed at the development of national cadastres for natural resources record-keeping.
- Development of training programs for the young generation, advanced staff training in the field.
- Financial support from the budget, ecological funds, and other resources necessary for the implementation of the scheduled actions.
- Improvement of information and advertising aspect of natural resources management (organization of seminars, meetings, publication of guides, instructions, booklets, etc. aimed at raising awareness of the population).

### **2.4. Conclusions and recommendations**

Following the assessment of the situation in biodiversity conservation and sustainable management of biological resources it has been established that:

- The existing national legislation has been developed according to the socio-economic conditions of transition to the market economy, ecological requirements and standards of conservation and sustainable development of biological diversity.
- National priorities in the improvement of legislation and other standards have been established and adjusted to the standards of the European Union.
- State bodies do not participate to a proper extent in the implementation of the provisions of the legal framework for natural resources (flora and fauna) record-keeping, do not coordinate activities of scientific institutions, NGOs, and LPA.
- Representatives of local public administration authorities, non-governmental organizations, and ordinary citizens are not involved in

the activities of management, monitoring and biological resources record-keeping.

- The activity on the development and implementation of an economic mechanism for natural resources management is under the level of expectations.
- Experts of local and central levels prove to be not professional enough.

### **3. Assessment of national capacities in biosafety**

#### **3.1. General presentation**

In order to assess the present situation of the legal and institutional framework in biosafety, the following documents have been analyzed: Environmental Protection Concept of the Republic of Moldova; Pan-European Strategy for Conservation of Biological and Landscape Diversity; World Charter on Nature; National Strategy and Action Plan for Biological Diversity Conservation; Law on Environmental Protection, Forestry Code, Law on Animal Kingdom; Law on the Protection of Riparian Zones, Rivers and Water Basins; Law on State-Protected Natural Areas Fund; Law on Principles of Urbanism and Territory Arrangement; Law on Protection of Monuments; Law on Ecological Expertise and Evaluation of Impact on the Environment; Law on Biosafety; RM Law on Ratification of Cartagena Protocol on Biosafety; Decision of the GM on the appointment of the national authority responsible for keeping contact with the Secretariat of the Convention on Biological Diversity and Cartagena Protocol on Biosafety; Decision of the GM on the National Committee for Biosafety; joint order of the Ministry of Ecology, Constructions and Territorial Development and the Ministry of Education “On Creation of Centre for Biosafety” of 18.02.04, No. 28/61.

Following the assessment of the legal and institutional framework it has been established that researches in biotechnology and genetic engineering are only at the initial stage. Certain directions in activities on the use of biotechnological proceedings in agriculture and medicine have been outlined.

The national legislation is at the initial stage of development and the Law on Biosafety (2003) constitutes the main component of it. By now, restrictions on introduction of new species in the country without the permission of competent bodies have been established. The same restrictions come into force in case of an evident danger for human health and environment. According to the existing law, the import of GMO in considerable quantities may be stopped. At the same time, the capacities of the Customs Department are not sufficient to frustrate such imports. In the majority of cases, national legislation on environment, agriculture, food industry, processing industry, and health protection simply ignores problems related to biosafety. At the same time, experts, who have developed the RM Law on Biosafety, have laid down the rule of following the tendencies of the European Union legislation, which may form a good basis for the incorporation of the European Union regulations in national legislation and practices.

### **3.2. Conclusions and recommendations:**

1. Both, the RM and the EU legislation demonstrate a common approach to problems related to biosafety, discussing in parallel issues related to genetically modified organisms (GMO), living modified organisms (LMO), and genetically modified microorganisms (GMMO), despite the fact that the Cartagena Protocol regulates LMO and GMMO. Such a complex approach shall be supported within the Cartagena Protocol implementation in the Republic of Moldova.
2. It is necessary to harmonize the RM legislation with that of the EU and, first of all, as far as the following laws are concerned:
  - Law on Protection of Plant Species, 1996;
  - Regulations of the RM Government No. 1176, 1998;
  - Law on Zootechnologies, 1999;
  - Law on Pedigree Stock-Breeding, 1995;
  - Law on Access to Information, 2000;
  - Law on Medicines, 1997;
  - Law on Pharmaceutical Activities, 1993;
  - Law on Sanitary and Epidemiological Welfare of Population, 1993;
  - Governmental Regulations on Sanitary and Epidemiological Supervision in RM, 2000;
  - Law on Control of Export, Re-export, Import, and Transit of Strategic Goods, 2000;
  - Customs Code, 2000.
3. The institutional framework consists of:
  - National Committee for Biosafety
  - Centre for Biosafety.
  - Also, it is important for the specialized institutions of different sectors, which come under this legislation, to supervise strict compliance with the “horizontal” legislation on biosafety, especially by establishing contacts between the National Committee for Biosafety and commissions and specialized bodies of the Ministries of Agriculture and Health, Customs Department, etc.
4. The follow-up principle has to be incorporated in the legislation and recalled in procedures, however, the marking procedure shall use the percentage data established by the EU and references to DNA + modified proteins.
5. The Law on Biosafety (LBS) provides for the basic elements for monitoring LMO and GMMO in Moldova. However, it is based more on the EU Directive of 1990. At present, procedures for notifiers on deliberate spreading, introducing to the market, risk assessment and

marking has to be revised according to the legal aspect and in the process of developing regulations on the implementation of the law in conformity with the EU Directives. Directive 2001/18/EC, Committee decisions 2002/811/EC, 2002/812/EC, 2002/813/EC, Committee decision 2002/623/EC shall be taken into consideration in developing LBS implementation regulations.

6. Procedures on public informing and its participation in problem-solving related to GMO shall be explicitly stipulated in the national legislation, applying the EU documents (Directive 2001/18/EC) and GMO Guidelines – Aarhus.

## 4. Assessment of national capacities in systemic planning of protected natural areas fund

### 4.1. General presentation

Systemic planning of biological diversity conservation is carried out in the Republic of Moldova according to international standards and recommendations in the field (especially, of the IUCN), basing on the implementation of provisions of international treaties, to which the country is a party, legal and standard acts, strategies and action plans, scientific recommendations and international and regional experience.

The existing legal framework is sufficient for the implementation of all the scheduled objectives and consists of:

**International treaties:** Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971), ratified by the Decision of the Parliament No. 504-XIV of July 14, 1999; Convention on Protection of World Cultural and Natural Heritage (Paris, 1972) ratified by the Law No. 1113-XV of June 6, 2002; Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979), ratified by the Decision of the Parliament No. 1546-XII of June 23, 1993; Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979), Agreement on the Conservation of Bats in Europe and Agreement on the Conservation of African-Eurasian Migratory Waterbirds, ratified by the Law No. 1244-XIV of September 28, 2000; European Framework Convention on Transboundary Cooperation between Territorial Communities and Authorities (Madrid, 1980), ratified by the Decision of the Parliament No. 596-XIV of September 24, 1999;

Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992), ratified by the Decision of the Parliament No. 1546-XII of June 23, 1993; Convention on Biological Diversity (Rio de Janeiro, 1992), ratified by the Decision of the Parliament No. 457-XIII of March 16, 1995; United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification (Paris, 1994), ratified by the Decision of the Parliament No. 257-XIV of December 24, 1998; Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Sofia, 1994), ratified by the Decision of the Parliament No. 323-XIV of March 17, 1999; Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Arhus, 1998), ratified by the Decision of the Parliament No. 346-XIV of April 7, 1999; European Landscape Convention (Florence, 2000), ratified by the Law No. 536-XV of October 12, 2001; Pan European Strategy on

Biological Diversity and Landscapes (Sofia, 1995); Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971); Convention on Protection of World Cultural and Natural Heritage (Paris, 1972).

**Legal and standard acts:** Law No. 1515-XII of June 16, 1993 on Environmental Protection (OM RM, 1993, No. 10, part I, Art. 283); Law No. 440-XIII of April 27, 1995 on the Protection of Riparian Zones, Rivers and Water Basins (OM RM, 1995, No. 43, Art. 482); Law on Animal Kingdom No. 439-XIII of April 27, 1995 (OM RM, 1995, No. 62-63, Art. 688); Law No. 1538-XIII of February 25, 1998 on State-Protected Natural Areas Fund (OM RM, 1998, No. 66-68, Art. 154); Decision of the Parliament of the Republic of Moldova No. 1246-XIII of July 10, 1997 on Measures for Improvement of the Ecological Situation of the Nistru River (OM RM, 1997, No. 48, Art. 421); Decision of the Parliament of the Republic of Moldova No. 112-XV of April 27, 2001 on the approval of the National Strategy and Action Plan for Biological Diversity Conservation (OM RM, 2001, No. 90-91, Art. 700); Decision of the Parliament of the Republic of Moldova No. 350-XV of July 12, 2001 on the approval of the Strategy for Sustainable Development of Forest Sector in the Republic of Moldova (OM RM, 2001, No. 133-135, Art. 1021 ); Decision of the Parliament of the Republic of Moldova No. 605-XV of November 2, 2001 on the approval of the Concept of Environmental Policy of the Republic of Moldova (OM RM, 2002, No. 9-10, Art. 20 ); Decision of the Government of the Republic of Moldova No. 414 of May 2, 2000 on the approval of the Regulations of Cadastre of Objects and Complexes of State-Protected Natural Areas Fund (OM RM, 2000, No. 54-56, Art. 496); Decision of the Government of the Republic of Moldova No. 851 of August 8, 2000 on the approval of the Agreement between the Ministry of Environment of the Republic of Moldova, the Ministry of Waters, Forests and Environmental Protection of Romania and the Ministry for Environmental Protection and Natural Resources of Ukraine on joint management of protected natural areas of the Danube Delta and Lower Prut (OM RM, 2000, No. 102-105, Art. 896); Decision of the Government of the Republic of Moldova No. 1009 of October 5, 2000 on the approval of the Regulations on Protected Natural and Designed Zones (OM RM, 2000, No. 127-129, Art. 1114); Decision of the Government of the Republic of Moldova No. 1432 of December 21, 2001 on the establishment of Interdepartmental Steering Committee for Promoting the National Strategy and Action Plan for Biological Diversity Conservation (OM RM, 2001, No. 158-160, Art. 1432); Decision of the Government of the Republic of Moldova No. 581 of May 8, 2002 on the creation of National Ramsar Committee (OM RM, 2002, No. 66-68, Art. 680); Decision of the Government of the Republic of Moldova No. 803 of June 19, 2002 on the

approval of the Regulations on the procedure of establishing the protected natural area regime (OM RM, 2002, No. 95, Art. 935).

## **4.2. Identification and assessment of activities at national and local levels**

Systematic planning of biodiversity conservation in the Republic of Moldova began in 1971, the year of adoption of the Decision of the Council of Ministers of Moldovan S.S.R. No. 310 (September 27, 1971) on the creation of “Codru” State Forest Reservation (Bulletin of the Supreme Council of M.S.S.R., 1971, No. 10, Art. 150) with the surface of 2,740 ha or 0.8% of the total area of the country.

An important stage for the development of the protected natural areas system was the approval of the Decision of the Council of Ministers of Moldovan S.S.R. No. 5 of January 8, 1975 on taking under state protection natural objects and complexes on the territory of Moldovan S.S.R. According to this decision, 9 categories of natural areas were taken under state protection: a) landscapes – 31; b) geological and paleontological natural monuments – 92; c) hydrological natural monuments – 27; d) natural monuments – very valuable forest sectors – 36; e) natural monuments of steppe herbal vegetation – 6; f) natural monuments – century-old trees – 119; g) monuments of landscape architecture – old parks – 18; h) rare species of fauna – 64; i) rare species of plants – 48.

According to the same decision, the surface of “Codrii” State Forest Reservation was extended by 2,272 ha, reaching the overall surface of 5,009 ha, and the Regulations on state-protected natural areas fund was adopted.

The overall number of state protected natural areas constituted 329, while their cumulative surface – 37,126.3 ha or 1.1 % of the country’s area.

In the following years four more decisions were adopted:

Decision of the Council of Ministers of Moldovan S.S.R. No. 34 of February 15, 1988 on the creation of “Iagorlic” State Reservation – 1,044.41 ha;

Decision of the Government of Moldovan S.S.R. No. 209 of April 23, 1991 on the creation of “Lower Prut” State Reservation – 1,691 ha;

Decision of the Government of the Republic of Moldova No. 167 of March 12, 1992 on the creation of “Plaiul Fagului” Natural State Reservation – 5,642 ha;

Decision of the Government of the Republic of Moldova No. 409 of July 2, 1993 on the creation of “Padurea Domneasca” Natural State Reservation – 5,389 ha;

As a result, in 1993 the overall surface of state-protected natural areas reached 50,892.71 ha or 1.56 % of the country’s area.

Their actual surface constitutes, according to the Law No. 1538-XIII of February 25, 1998 on State Protected Natural Areas Fund, 66,467.3 ha or 1.97 % of the country' area.

The majority of state-protected natural areas were established within the forests fund, with the aim of protecting flora at the level of species and not at the level of the ecosystem, taking into consideration other components as well, including the animal kingdom. In most of the cases, surfaces of the corresponding areas do not meet the ecological requirements of terrestrial fauna. For example, 51 of natural forest reservations, which, as a rule, are located in forest massives, occupy around 5,000 ha. Thus, every area covers around 98 ha on average, their surfaces varying from 5 to 315 ha. As a consequence, their efficiency and the efficiency of many other natural areas of other protection categories are reduced.

The Secretariat of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971) registered two zones of international importance located in Moldova: site No. 1029 "Lower Prut Lakes" with the surface of 19,152.5 ha and site No. 1316 "Lower Dniester" with the surface of 60,000 ha.

The territorial distribution of protected natural areas is very instable, that is why their function of a natural framework that ensures the ecological balance of natural and agricultural ecosystems is hardly efficient.

The need for extending protected natural areas is determined by:

- Location of the Republic of Moldova at the confluence of three biogeographical zones: Central-European, Eurasian and Mediterranean. Natural ecosystems are situated at the periphery of these zones, i.e. in conditions less favourable than the ones in the centre of the corresponding zone, which ultimately results in their vulnerability. This situation influences also over the biological diversity, flora and fauna in particular;
- Capitalization, to the major extent, of steppe and flood-plains ecosystems included in the agricultural network (75.6% of the Republic's area);
- Small share (1.97%) of state-protected natural areas in such a vulnerable and capitalized zone like the Republic of Moldova;
- Uneven distribution of state-protected natural areas.

The distribution of protected natural areas in landscape regions of the country demonstrates that their largest surfaces are situated in the uplands of Codru forests, i.e. forest ecosystems. The lowest percentage of protected natural areas refers to steppe regions. In the future, it is necessary to extend protected natural areas to the steppe zone. Within the Lower Nistru River Valley, natural areas may be extended on the basis of swamps around the

Talmaz village and several steppe sectors neighbouring the Ciobruciu and Rascaieti villages. It is necessary to create protected natural areas in flood-plains of the Prut, Raut and other smaller rivers, where there still are swamps.

The territory of the Republic of Moldova is crossed by the East-European flight path of migrating birds. Nistru and Prut Rivers, as well as their flood-plains are of considerable importance for aquatic and swamp species, while valleys and slopes with tree-like vegetation are of considerable importance for dendrophylic species. In the first case, it would be necessary to take river beds and swamps, as well as flood-plains under protection. The process of swamp zones restoration is carried out in flood-plains of Raut and Botna Rivers, etc. These lands may serve as reserves for the protected areas extension.

At the resolution of these problems, the following shall be taken into account: the protection of species of animals in general and those endangered and vulnerable in particular is possible only by means of ecosystems protection; the protection and regular functioning of ecosystems is possible through the inflow of information and energy from other ecosystems, to the major extent, through their direct connection; the future of vulnerable ecosystems may be assured, if there is a connection between them.

The information presented in NSAPBDC on the correlation between agricultural lands (75.6%) and natural and recreational ecosystems (15%) demonstrates the vulnerability of natural ecosystems and biological diversity of the country.

In order to maintain the ecological balance, it is necessary for the stabilizing natural ecosystems to occupy 25-30% of the territory. Today, only the Codru zone in Central Moldova has stabilizing environmental areas. The other four landscape zones experience a deficit of around 15% of stabilizing environmental areas.

The analysis of the distribution of protected natural areas according to landscape regions demonstrates that around 50% of the overall surface of the corresponding areas are located in the uplands with Codru forests, 25.6% in the uplands and forest-steppe plateau, 11.1% in the uplands with the hay of Balti steppe, 7.1% in the region of steppe plains of lower Nistru terraces and 5.9% - in the fragmented plains of the Bugeac steppe.

The majority of protected natural areas (around 90%) are included in forests funds, being managed in the same way as all the forests are. The rest of the protected natural areas are located in steppe, flood-plains, aquatic, and swamp ecosystems. It has to be mentioned that, in most of the cases, restrictions set with regard to this category of protected natural areas are not respected. Uneven space distribution and lack of interconnection corridors between protected natural areas fail to ensure their functionality for the biological diversity conservation: as a result, the isolating effect of

insularization cannot be avoided. As a consequence, many species of animals with reduced mobility in isolated protected natural areas do not have a chance to survive.

The distribution of protected natural areas and their connection through the corridors will increase their functional efficiency. Due to the fact that the surface of the areas covered by forests in the Republic is small (around 9.6%), forests being unevenly distributed, it will be necessary for the surfaces of protected natural areas in zones with a deficit of forest ecosystems to be extended at the expense of steppe, flood-plains, and inter-zonal areas.

The analysis of the representativeness of certain protected areas may be obtained not through the examination of the entire network of protected areas, but rather through the analysis of certain segments (groups) of protected areas. For this reason, protected areas have been recorded according to their affiliation to specific biomes.

According to the zonation two groups of biomes have been distinguished in the Republic of Moldova: zonal and azonal ecosystems.

Two types of zonal ecosystems have been defined: forest and steppe zonal ecosystems.

Thus, four azonal biomes have been identified: forest and herbal ecosystems on stony substrata; willow and poplar ecosystems (riverside coppices) of the river flood-plains; mesophyte flood-plains, herbal ecosystems, aquatic and swamp ecosystems.

Surfaces with vegetal formations of protected areas within the network have been referred to the corresponding biome.

Surface of biomes and proportion of protected areas

BIOME	Surface, ha	Protected areas		
		Number	Surface	
			Ha	%
<b>Zonal ecosystems</b>	11,602	12	2,146	18.5
Cherry bark oak ecosystems of the North of Moldova				
Holm oak, oak and beech ecosystems of the Central Moldova	160,309	44	33,81	21.1
Yellow-bark oak and white oak ecosystems of the South of Moldova	7,000	20	5,374	76.7
Steppe ecosystems	65,000	5	148	0.2
<b>Azonal ecosystems</b>				
Forest and herbal ecosystems on stony substrata	23,000	27		38.0
Willow and poplar (riverside coppices) ecosystems	15,000	14	8,656	30.7
Flood-plains ecosystems	101,000		4,609	
a. Mesohigrophylic	199,960	31		1.4
b. Mesophylic (hillside)	95,000	5	1,506	0.2
Aquatic and swamp ecosystems		7	300	2.0
			1,949	

## **Conclusions**

1. Following the analysis of prospects and possibilities, it has been established that the protected natural areas fund may be extended by 119,407 ha, thus, to cover 185,874.27 ha (5.48% of the national territory);
2. The implementation of organizational, technical, and legal actions on the extension of state-protected natural areas will enable the growth of the number of protected areas up to 71 units, including: wetlands of international importance - 2; biosphere reservations – 1; scientific reservations – 1; national parks – 5; landscape reservations – 3; natural forest reservations – 6; reservations of genetic resources (new category!) – 17; multifunctionally managed areas – 37, including: a) steppe vegetation sector – 5, b) meadow vegetation sector – 25, c) swamp vegetation flood-plains – 7.

## **Planning and capacity of performing planned activities**

### **4.3.1. Planning.**

In order to fulfil the commitments of the country as a party to the above-mentioned international treaties and regional agreements and especially of those resulting from the Convention on Biological Diversity, the situation on biodiversity conservation in the Republic of Moldova was assessed (The First National Report on Biological Diversity; “Stiinta” Publisher; Chisinau, 2000). As a result of this assessment, under the auspices of the central environmental authority and with the financial support of the World Bank the National Strategy and Action Plan for Biological Diversity Conservation was developed, and the Parliament adopted it on April 27, 2001.

Certain actions with regard to systematic planning of biodiversity conservation were also reflected in regional agreements:

- Declaration on the Lower Danube Green Corridor (Bucharest, 2000)
- Agreement between the Ministry of Environment of the Republic of Moldova, the Ministry of Waters, Forests and Environmental Protection of Romania and the Ministry for Environmental

Protection and Natural Resources of Ukraine on joint management of protected natural areas of the Danube Delta and Lower Prut (Bucharest, 2000).

- Agreement between the Government of the Republic of Moldova and the Government of Romania on cooperation for protection of fish resources and regulation on fishing on the Prut River and in Stinca-Costesti Accumulation Lake, signed at Stinca-Costesti in 2003.

Permanent planning of actions on taking under the state protection representative natural areas with the aim of conservation of species, habitats, and landscapes is specified in different legal and standard acts (mandatory!), for example: Law No. 1538-XIII of February 25, 1998 on State-Protected Natural Areas Fund – Art. 7, 14, 15 and 16; Law No. 186-XIV of November 6, 1998 on Local Public Administration – Art. 18; DG No. 367 of 13.04.2000 on the approval of the National Program of Actions to Combat Desertification – pt. 33 and 45 of the Action Plan.

#### 4.2.1. Responsibilities and procedures

There are established authorities responsible for promoting biodiversity conservation activities, the procedure of establishing state-protected natural areas regime, and the way of keeping the Cadastre of State-Owned Areas Fund: Decision of the Parliament of the Republic of Moldova No. 112-XV of April 27, 2001 on the approval of the National Strategy and Action Plan for Biodiversity Conservation – pt. 2 and pt. A3.1 of the Action Plan (creation of an operative institutional unit within the MECDT); the Decision of the Government of the Republic of Moldova No. 414 of May 2, 2000 on the approval of the Regulations on the Cadastre of objects and complexes of the state-protected natural areas fund – pt. 2; the Decision of the Government of the Republic of Moldova No. 703 of July 23, 2001 on the Ministry of Ecology, Constructions and Territorial Development – pt. 4; the Decision of the Government of the Republic of Moldova No. 1432 of December 21, 2001 on the establishment of the Interdepartmental Steering Committee for Promoting the National Strategy and Action Plan for Biodiversity Conservation – pt.1

and 2; the Decision of the Government of the Republic of Moldova No. 581 of May 8, 2002 on the creation of the National Ramsar Committee – pt. 3; the Decision of the Government of the Republic of Moldova No. 803 of June 19, 2002 on the approval of the Regulation on the procedure of establishing state-protected natural areas regime – pt. 5, 6, 12 and 16; Order No. 334 of July 14, 2000 of the Ministry of Environment and Territorial Development on the creation of the Biodiversity Office.

Thus, according to the provisions of the above-mentioned documents, the responsibility for promoting activities in biodiversity conservation systemic planning is vested with the following bodies (in the hierarchical order):

- Government of the Republic of Moldova
- Interdepartmental Steering Committee for Promoting the National Strategy and the Action Plan for Biological Diversity Conservation;
- National Ramsar Committee;
- Central Environmental Authority (at present – Ministry of Ecology and Natural Resources);
- Biodiversity Office;
- Local Public Authorities.

#### 4.2.2. Capacity of performing planned activities

The capacity of performing the above-mentioned activities is sufficiently ensured from the political, legal, and institutional point of view. This fact is also confirmed by the activities implemented within the last years: improvement of the legislative and normative frameworks, declaration of the two wetlands of international importance – site No. 1316 “Lower Dniester” and site No. 1026 “Lower Prut Lakes”, the Decision of the Parliament on the creation of the “Nistrul de Jos” National Park, proposals of local public authorities to take certain natural areas under state protection („Emil Racovita” Natural Reservation, wetland in Straseni district, etc.) and NGOs (Middle Prut Toltry – Ecology Movement of Moldova) and others.

The main obstacles in biodiversity conservation implementation are:

- inactivity or inefficiency of some authorities responsible for promoting the above-mentioned activities;
- low level of planning and control of activities implementation;
- insufficiency of financial resources;
- uncoordinated planning and implementation of activities included in different strategies and action plans;
- in some cases, incorrect distribution of responsibilities, including between institutions that do not have the capacity to organize and implement the above-mentioned activities.

Arguments in favour of the above-mentioned are the following:

a) Those two institutional structures established by the Decisions of the Government of the Republic of Moldova – Interdepartmental Steering Committee for Promoting the National Strategy and the Action Plan for Biological Diversity Conservation and National Ramsar Committee – have not started their activity de facto. Although, even though there are no regulations on their activity, it is clear that “promotion” includes planning, financing, organization, and control over the implementation of the planned activities.

Interdepartmental Steering Committee for promoting NSAPBDC does not plan its activities annually, does not deal with their financing and does not control their implementation process.

b) The National Ramsar Committee has not started the development of the Action Plan for the development of wetlands in the Republic of Moldova (pt. 2 of the Decision of the Government No. 581 of May 8, 2002)

Many of the planned activities are not implemented because public authorities at all levels, which are responsible for promoting and implementing these activities, do not have the possibility to include them in their activity plans because other current issues concerning the implementation of the provisions of laws, Decisions, and the activity program of the present Government of the Republic of Moldova are the priority.

The implementation mechanism for the provisions of regional agreements is not always developed. For example, the Declaration on the Lower Danube Green Corridor (Bucharest, 2000) and the Agreement between the Ministry of Environment of the Republic of Moldova, the Ministry of Waters, Forests, and Environmental Protection of Romania and the Ministry for Environmental Protection and Natural Resources of Ukraine on joint management of protected natural areas in the Danube Delta and Lower Prut (Bucharest 2000) are carried out with significant difficulties.

c) The lack of financial means is the main obstacle in the promotion and development of biodiversity conservation activities. The Law on State Budget does not provide for financial resources for the accomplishment of NSAPBDC objectives. The international sources are not guaranteed and, in many cases, are not sufficient to accomplish the proposed objectives.

d) Similar activities (for example, the creation of **REN**, according to NSAPBDC, and the creation of interconnection corridors/development of a national program for the creation and well-functioning of environmental framework, according to the National Program to Combat Desertification (2000), are not inter-coordinated.

The declaration of two wetlands of international importance – site No. 1316 “Lower Dniester” and site No. 1026 “Lower Prut Lakes” – was not followed by their legal recognition at the national level. Thus, only the

Ramsar Convention Secretariat and certain circles of the Republic of Moldova are aware of them. Until now, these two sites are included neither in the Law No. 1538-XIII of February 25, 1998 on State-Protected Natural Areas Fund, nor in any other legislative or standard act that would establish their status, protection and conservation activities, and those responsible for the implementation of these activities.

e) The stake on the capacity of local public authorities in performing the activities within NSAPBDC is not justified, since they contribute to the accomplishment of the planned objectives.

### **4.3. Database for systemic planning**

The database for qualitative and quantitative evaluation of biodiversity components, habitats and national landscapes constitutes the key element in systemic planning. Actually, this database already exists, but is chaotically placed in different institutions of the Academy of Sciences of Moldova and other University centres. The access to the corresponding information is somehow limited; special requests should be made to get it. On the basis of the World Bank Project, the Biodiversity Office of the Ministry of Ecology and Natural Resources has created an information system in order to implement the provisions of the Convention on Biological Diversity. It also includes the database accumulated during the development of NSAPBDC. However, this database needs to be completed and improved according to the present requirements.

The information collection is carried out spontaneously, without an exhaustive plan, and data processing is performed according to not standardized methods, which creates certain difficulties in the process of data systematization.

Creation of a databank is stipulated in a number of legal and standard acts, but it is not completely defined yet.

A series of bills on the animal kingdom (provides for the development of the Green Book or the Habitat List), national environmental networks, wetlands (provides for their record-keeping), landscapes (list of landscapes), and Decisions of the Government of the Republic of Moldova on the Approval of the Regulations on the Cadastre of the Animal and Vegetal Kingdoms are at different stages of development.

The adoption of these legal and standard acts will complete the legal framework on biodiversity, ensure homogeneity, and facilitate the implementation of activities planned as part of NSAPBDC.

#### **4.4. National needs for country's capacity building in biological diversity conservation systemic planning**

1. Revision of existent programs, strategies and action plans on biological diversity conservation and identification of common major objectives that would contribute to the achievement of goals.
2. Development of the Strategic Program for the development of the protected areas fund (Art.14 lit. c) of the Law No. 1538-XIII of February 25, 1998 on State-Protected Natural Areas Fund) that would include as a constituent part the Action Plan on the development of wetlands network in the Republic of Moldova, stipulated in pt. 2 of the Decision of the Government of the Republic of Moldova No. 581 of May 8, 2002 on the creation of the National Ramsar Committee.
3. Current and future activity planning for the implementation of the activities stipulated in the Strategic Program for the development of the protected areas fund, according to a single Action Plan for all the executors.
4. Guaranteed financial provision for the accomplishment of the objectives of the Strategic Program for the development of the protected areas fund, by including a special expenses item in the Law on State Budget.
5. The Interdepartmental Steering Committee for NSAPBDC to be vested with the authority of financial officer with the view of accomplishing the objectives of the Strategic Program for the development of the protected areas fund.

## **5. Assessment of national capacities on the information system, monitoring and database in biodiversity conservation**

### **5.1. General presentation**

In order to analyze the relevant information, it should be mentioned that the obtaining of representative data on ecosystems, dynamics of the modification within ecosystems and communities of organisms, creation of a database, establishment of national stationary observatories, etc. should be carried out through environmental monitoring. It includes not only the system of permanent observations of the condition of habitats and organisms that populate them, but also the choice of methodology, by means of which these observations are performed. Biological Diversity Monitoring (BDM) is a component part of environmental monitoring. The main function of BDM is the supervision of biodiversity condition at different levels of the biological organization system: cell, organism, population, and ecosystem. BDM also includes air, water, soil, and other landscape components quality monitoring; record-keeping of the main environmental pollution sources; forecasting the condition of main landscape components and economic development tendencies at regional, national, and global levels. BDM also includes such components, as quarantine monitoring of invasive alien species, biological pollution, etc. BDM organization methodology may differ for different taxonomic groups of organisms, but not BDM methods, which are based on analysis principles that seek to maintain the homeostasis in biosystems at different hierarchy levels.

Along with monitoring and coordinated data compilation, computer-based systems for keeping, validating, finding, and outputting data need to be developed. Together with the databases development, it is necessary to create programs for the factorial analysis of biological information and environmental factors.

According to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Arhus, 1998), the notion “ecological information” means any information on:

- the condition of environmental elements: air and atmosphere, water, soil, biological diversity and its components, including genetically modified organisms;
- a series of factors: substances, energy, noise and radiation, as well as undertaken measures or actions, including administrative ones, agreements related to environmental matters, politics, legislation, plans and programs, which influence or could influence environmental elements, etc.
- public health and citizen security condition, living conditions, etc.

The Biological Diversity Information System is a component part of the Ecological Information System, which includes the same components as BDM and Biological Diversity Databases (DBBD) do.

In order to evaluate at the national level the existent capacity monitoring and biodiversity information system, several legal acts related to different aspects of biodiversity have been examined. The purpose of this examination was further capacity building and overcoming the barriers in the implementation of the provisions of the Convention on Biological Diversity concerning monitoring and biodiversity information system. This includes: National Strategy and Action Plan for Biodiversity Conservation (2001); Law on the Environmental Protection (1993); Law on the Animal Kingdom (1995); Law on the Protection of Riparian Zones, Rivers and Water Basins (1995); Forestry Code (1997); Law on Natural Resources (1997); Law on State-Protected Natural Areas Fund (1998); Law on Urban and Rural Green Areas (1999); Law on the Improvement of Degraded Lands by Afforestation (2000); Law on State-Owned Territories and Their Delimitation (2000); Law on Access to Information and State Information Resources (2003); Decision of the Government of the Republic of Moldova on the approval of the Regulations on the Cadastre of Objectives and Complexes of State-Protected Natural Areas Fund (2000); Decision of the Government of the Republic of Moldova on the “Creation of the National Geographic Information System” (2003); Decision of the Government of the Republic of Moldova on approval of the “Concept of National Cadastral System” (1997); Decision of the Government of the Republic of Moldova on the “Concept of Ecological Geographic Information System” (2004); Decision of the Parliament of the Republic of Moldova on the

ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1999); Regulations on the Cadastre of Objects and Complexes of State-Protected Natural Areas Fund; Regulations on the Integrated Ecological Monitoring System (1998); Regulations on the presentation of information on environmental protection (2000).

NSAPBDC contains a set of measures included in sections “Investigations and Monitoring” and “Information, Coordination, and Cooperation; Creation of the Clearing Mechanism”. The implementation of these measures will contribute to the diminution of the negative impact of anthropogenic activities on biological diversity, the observation of the condition of communities of living organisms, the development of necessary recommendations for their protection and informing of the authorities and population on correct decision-making.

There has been established a legislative basis that is necessary for a determination of the functioning model for the integrated monitoring system and biodiversity components identification methods. The Regulations on the Integrated Ecological Monitoring System (1998) provide for a complex set of measures for the state supervision of the environmental and anthropogenic impact, forecasting and carrying out operative control over the efficiency of environmental measures, increasing the speed, reliability, quality and efficiency of ecological information, creating biodiversity databases. The functioning of the Integrated Ecological Monitoring System shall be ensured by the Central Environmental Authority (CEA) and by the providers and beneficiaries of this kind of information (state institutions, authorities empowered to exercise control over natural resources, scientific institutions and economic agents that use natural resources or carry out activities that have an impact on the environment and public health). Local Public Authorities (LPA), which are responsible for biodiversity supervision in the corresponding regions, shall ensure the collection, processing and storage of the primary data on the condition of biological diversity, as well as data presentation according to statistical requirements.

Amendments related to biological diversity are introduced by scientific institutions and institutions of higher education, CEA, Central Forestry Authority (CFA) within certain research stations of scientific reservations.

CEA is responsible of the implementation of the ecological monitoring program for flora and fauna, according to the following indicators and mandatory parameters:

- State-protected natural areas (place, name, time), woodland surface;
- Flora: number of species – vascular plants, bryophytes, lichens, mushrooms, algae, among which: vulnerable and endangered species;
- Fauna: number of species: mammals, birds, reptiles, amphibians, fishes, insects, etc., among which: vulnerable and endangered species;
- Valuable habitats and communities.

At present, operative methods for information presentation are set by the Regulations on the presentation of environmental information (2000).

The access to information is ensured by the Environmental Information Centre according to the corresponding law.

In compliance with the requirements of the Aarhus Convention, the Republic of Moldova has organized the Environmental Information Centre within CEA, which permanently disseminates environment-related information. However, informing the population about the importance of biodiversity is unsatisfactory and does not correspond to the requirements defined in the international biodiversity conventions and agreements. There is no strategy on the ecological education of the society.

According to the requirements of the Aarhus Convention, the Law on the Access to Information was developed. For sustainable use of natural resources, information on current biodiversity condition has to be accessible to everybody. For this purpose, the data collected by different institutions have to be compatible and of unique interpretation. National Ecological Inspectorate has developed the Regulations on the presentation of environmental protection information. Approved by the CEA, the Regulations set the methods of accumulating, processing, and presenting ordinary and periodic information about the ecological situation.

The planned monitoring activities stipulated in NSAPBDC suppose different implementation levels. Thus, the Regulations on the Integrated Ecological Monitoring System and the Regulations on the presentation of environmental information have been developed, the Aarhus Convention on

Access to Information has been ratified, the Law on Access to Information, the Regulations on Public Training in Decision-Making on Environmental Issues, the Law on Information and State Information Resources (2003), the Draft Concept of Ecological Geographic Information System, the Draft Regulations on the Cadastre of the Animal Kingdom, the Regulations on the Vegetal Kingdom, etc. have been adopted.

Some activities related to: inventory of vulnerable and endangered species within scientific reservations; national and local green areas record-keeping, monitoring, publication of posters with protected species, web pages creation, dissemination of information through the Internet, etc. are in the process of development. Most of the activities, such as carrying out monitoring of the animal kingdom, forestry monitoring, educational informational activities, development and publication of materials on forests of the Republic of Moldova, publication of posters with rare animal and plant species, endangered species monitoring, are carried out only partially.

There have not been implemented the activities within the integrated monitoring related to the development of the biological monitoring subprogram, and, within the information system, there have not been implemented the activities related to planning and development of the information processing and dissemination support system, building of an integrated biodiversity information management system, argumentation and establishment of landscape monitoring network, monitoring of different types of ecosystems (steppes, meadows, petrophyte, aquatic, biocenotic oases), development of training programs related to endangered species and their protection, etc.

The non-implementation of some activities stipulated in “Monitoring and informational system on biological diversity” Chapter has to do with:

- Lack of control over the execution of activities of the institutions in charge;
- Lack of experience in the development of methodology and biological diversity and information system monitoring;
- Lack of institutional and organizational coordination, as well as lack of specialists` involvement in the development of methodology for the fulfilment of activities;

- Organizational requirements: responsible persons have not been appointed for the execution of activities;
- Lack of finances, equipment, and necessary machinery for the fulfilment of activities;
- Lack of initiative in the development of projects and forwarding them to national and international funds that provide financial support for the fulfilment of activities.

## **5.2. Conclusions and recommendations**

Analyzing the current legislation related to biological diversity and the degree, to which the activities reflected in its provisions are fulfilled, the following conclusions are drawn:

- The current legislation, generally, reflects biological diversity conservation needs, but it is necessary to develop new legislation, regulations, standard acts and modify some laws that lack the section on sustainable development of natural resources, including biodiversity conservation accompanied by databases creation monitoring and information system development;
- NSAPBDC is the widest document, which includes the corresponding sections at the general level and according to different types of ecosystems. The terms of fulfilment and institutions responsible for the implementation of activities are specified as well;
- Activities in monitoring and information system have different implementation levels. The legislation has been extended by developing and adopting the Law on Access to Information, the Law on Information and State Information Resources, the Regulations on the Integrated Ecological Monitoring System, the Regulations on the presentation of environmental information, the Draft Concept of Geographic Information System, the Draft Regulations on the Cadastre of Animal Kingdom, the Draft Regulations on the Cadastre of Vegetal Kingdom, Aarhus Convention on Access to Information, etc.;

- Non-fulfilment of activities reflected in the legislation and action plans is caused by:
  - poor coordination of planned activities at the interdepartmental and institutional levels;
  - lack of biological diversity monitoring subprograms both for different types of ecosystems and for the integrated one;
  - lack of methodology for monitoring and information system implementation;
  - non-existence of structural subdivisions and staff responsible for activities implementation;
  - lack of finances, equipment, and machinery;
  - shortage of specialists in monitoring, database and information system creation;
  - lack of cooperation among persons responsible for monitoring, databases and information system creation at the institutional and departmental levels.

In order to carry out more efficiently the activities stipulated in the existent legislation and action plans for biological diversity conservation, including in the monitoring and information system sections, the following recommendations are made:

- To create an Interdepartmental Scientific-Methodological Steering Committee within the Ministry of Ecology and Natural Resources, which would have the functions of developing and adopting monitoring methodology, databases and information system creation, and monitoring the implementation of the activities stipulated in NSAPBDC, in the corresponding laws, etc.;
- To develop monitoring subprograms for different types of ecosystems and taxonomic groups of flora and fauna;
- To assign subdivisions and staff responsible for the carrying-out of the corresponding activities;
- To develop educational training programs for secondary, undergraduate and post-graduate studies on biological diversity protection, including monitoring, creation of databases and information system;

- To develop and harmonize the methodology and methods of performing monitoring, creation of databases and information system in biodiversity;
- To establish and develop relations with Non-Governmental Organizations (NGOs) that work in the field of environmental protection, in order to accomplish the objectives related to biodiversity;
- To delimitate strictly the functions of state institutions and local public authorities in carrying out activities on biodiversity;
- To coordinate the use of financial resources of national (Ecological Fund) and international funds for accomplishment of the priority objectives in biodiversity conservation;
- To coordinate and harmonize biodiversity conservation activities with the economic activities of the regions.

## 6. General summary

As a result of the national assessment of the present condition of biological diversity conservation in the Republic of Moldova, the following have been concluded:

1. The political framework is, to a certain extent, adequate to the objectives for biodiversity conservation and sustainable use of biological resources. The reduced efficiency is caused by an insufficient integration of CEA requirements in the sector policies and action plans of local public authorities.
2. The legislative-normative framework partially ensures the promotion of strategies and plans for biological diversity conservation, but it still needs to be improved in order to meet the requirements of the international acts, such as:
  - compensation procedure for individuals and legal entities – victims of environmental pollution;
  - increase of the responsibilities and stimulation mechanisms for CEA;
  - development of standard regulations on sustainable use of biological resources and application of the current legislation.
3. The existent institutional framework is sufficient for the accomplishment of the priority objectives for BDC. The reduced efficiency of the institutional framework in BDC is caused by:
  - poor coordination of activities;
  - lack of financial support.
4. The national biological diversity is insufficiently studied. Scientific researches do not include the whole spectrum of biodiversity and the information accumulated is often sporadic and cannot serve as a reliable support for the recommendations according to the current requirements. This situation is a consequence of poor financing of this kind of research.
5. The biological resources management is at an extremely low level, as a result of the failure to comply with the principles of sustainable use of biological resources, persistent incompetence

at central and local levels, lack of responsibility, poor ecological education and reduced standard of living.

6. The genetic engineering research in the Republic of Moldova is at the initial stage. Political, legislative and institutional frameworks pass the period of consolidation. The main pieces of legislation in this field are the Law on Biological Security and the Regulations on the authorization of activities related to the acquisition, testing, use, and selling of genetically modified organisms. The Centre for Biological Security is created, but the legislation is not observed because of the lack of control in the field.
7. The systemic planning of the state-protected natural areas is sufficiently ensured from the political, juridical, and institutional point of view. The main obstacles in the fulfilment of these requirements are:
  - inactivity of the authorities responsible for promoting the corresponding activities;
  - reduced level of planning and control over the realization of activities;
  - insufficiency of financial resources.
8. The development of the information system, biologic monitoring, and database development are politically and legally ensured. There is no institutional framework. The financing of the activities relating to the maintenance of the information system, the implementation of biologic monitoring and the creation of database is insufficient and does not allow meeting the corresponding requirements.