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THEORETICAL-PRACTICAL CONVERGENCES IN ENSURING THE RIGHT TO A SAFE ENVIRONMENT THROUGH THE IMPLEMENTATION OF THE BIODIVERSITY ASSESSMENT MECHANISM

551.01 – GENERAL THEORY OF LAW

Summary of the doctoral thesis in law

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CONCEPTUAL REPRESENTATION OF RESEARCH

Timeliness and importance of research. The right to a safe environment, enshrined as a fundamental human right, is an essential pillar of the contemporary rule of law and an indispensable condition for ensuring human health, dignity and well-being. In the current global context, marked by ecological crises of unprecedented magnitude, the issue of ensuring this right through effective legal mechanisms, such as the biodiversity assessment mechanism, is of undeniable relevance.

Accelerated biodiversity loss, extensive air, soil and water pollution, and climate change caused by anthropogenic activities threaten the balance of ecosystems, jeopardising not only the natural environment but also the ability of societies to sustain life and sustainable development. Biodiversity, as the basis for the functioning of ecosystems, plays a key role in ensuring essential human needs, such as food supply, climate regulation, water purification and soil fertility conservation, all of which are *sine qua non* conditions for a safe environment and the full enjoyment of fundamental human rights.

The topic is amplified by alarm signals from the international scientific community that over one million species are threatened with extinction.[1] Moreover, the results of relevant data[2] show that biodiversity loss and ecosystem collapse are one of the top five risks to society and human health, highlighting the urgency of action to protect natural heritage.

Against this international backdrop, the European legal framework provides clear normative benchmarks. Thus, the Habitats Directive 92/43/EEC[3] and the Birds Directive 2009/147/EC[4] impose rigorous standards for the protection of Natura 2000 sites, focusing on the appropriate assessment of the impact of projects and plans on biodiversity. If at international level there is extensive experience of successfully applying a multitude of environmental assessment mechanisms, then at national level the situation is much more precarious, which requires research, including through doctoral theses such as this one.

In this normative and practical context, it has been found that legal science currently identifies insufficient doctrinal research on the relationship between man and nature, a central aspect of the general theory of law, which analyses how law responds to complex social needs. In

[1] *IPBES, Global Assessment Report on Biodiversity and Ecosystem Services*, 2019, https://www.ipbes.net/global-assessment.
[2] *The Global Risks Report 2020. World Economic Forum, p.44-60*
https://www3.weforum.org/docs/WEF_Global_Risk_Report_2020.pdf
3*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, published in Official Journal of the European Union No L 206 of 22 July 1992.*
[4] *Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Codified version).*

addition, the research explores the systemic nature of this mechanism, looking at its interdependence with other legal instruments, such as environmental impact assessment and strategic environmental assessment, which requires understanding law as a complex, coherent and dynamic system.

The doctoral thesis comes with an innovative theoretical-practical approach, due to the valorization of complex interdisciplinary methodological tools, which contribute to the multi-aspectual analysis of the biodiversity assessment mechanism, as a fundamental tool for guaranteeing the right to a safe environment. The research responds to the need for coherent implementation of the European legislation on the conservation of habitats and wild species, transposed in the Republic of Moldova in 2023, and is distinguished by clarifying the procedures for the application of this mechanism, proposing solutions for an efficient implementation.

Purpose of the research: Rigorous theoretical and practical substantiation of the right to a safe environment through critical, systemic and integrated analysis of the biodiversity assessment mechanism. The achievement of the research purpose is materialized through the analysis of the way in which the national legal framework of the Republic of Moldova is harmonized with the European Union standards, in order to strengthen the effective protection of biodiversity, as an essential pillar of ensuring a safe environment.

The objectives of the research, which have contributed to the achievement of the intended purpose, are to: Theoretical-doctrinal analysis of the fundamentals of the right to a safe environment and the mechanism for assessing biodiversity; Defining the operational concepts of research in order to ensure a consolidated theoretical and methodological framework of research; Determining the epistemic status of the right to a safe environment by analysing the interdependencies with biodiversity assessment; Underpinning the status of biodiversity as a key element of the right to a safe environment; Examine the relevant international, regional and national regulatory framework, including international jurisprudence, with a view to clarifying the standards applicable to biodiversity protection; Foundation of the biodiversity assessment mechanism and importance in ensuring the right to a safe environment; To evaluate the practical application of the biodiversity assessment mechanism in the Republic of Moldova, in order to develop proposals for *ferenda law* and to formulate recommendations for strengthening the national legal framework, in order to ensure an effective protection of biodiversity and to guarantee the fundamental right to a safe environment.

Synthesis of the research methodology and justification of the chosen research methods. Research addresses the right to a safe environment through the biodiversity assessment mechanism, using an interdisciplinary methodology. The research operates with a diversified

methodological arsenal (historical method, critical analysis, logical and systemic method, comparative method, prospective method, etc.). The methods used were applied in a dynamic and integrated manner, ensuring a multi-aspectual analysis of the theme. This approach allowed not only to theoretically substantiate the right to a safe environment and the biodiversity assessment mechanism, but also to identify practical solutions to optimise its application in the national context.

The novelty and originality of the research consists in its innovative and integrated approach, which clarifies the right to a safe environment as a fundamental right, through theoretical and practical convergences of an advanced level of complexity. The study addresses the issue from both a theoretical, methodological and applicative perspective, highlighting the role of legal instruments in supporting sustainable development and arguing the need for a collaborative and integrated approach. At the same time, the work highlights pertinent solutions, supported by solid arguments that are based on undeniable scientific evidence.

Theoretical-applicative value of research. The research carried out contributes to clarifying the legal nature of the right to a non-prejudice environment and provides solutions on optimising the biodiversity assessment mechanism as an essential tool for environmental protection. From a theoretical perspective, the paper enriches legal doctrine through interdisciplinary analysis of the interdependence between law, biodiversity and the precautionary principle, providing a solid conceptual basis for future research. The applicative value of the research lies in the concrete proposals formulated to optimize the legal and procedural framework regarding the mechanism of biodiversity assessment in the Republic of Moldova. The paper advances recommendations of *law ferenda* aimed at harmonizing national legislation with European standards.

Approval of research results. The results of the research were exploited, presented and discussed in national and international scientific events, as well as in joint working groups of national and international experts, dedicated to the revision and improvement of normative acts in the field of environmental protection. Research supported the adoption of amendments to: Law 94/2007 on the ecological network[5], Law 86/2014 on environmental impact assessment[6] and Law 11/2017 on strategic environmental assessment[7]. At the same time, active involvement in international and national reference projects resulted in the development of the Biodiversity

[5] *Law No 94/2007 on the ecological network. Official Gazette of the Republic of Moldova, 2007, no. 90-93, art.395.*
[6] *Law 86/2014 on Environmental Impact Assessment. Published in the Official Gazette of the Republic of Moldova, no. 414-417, Art. 716, 08.11.2023.*
[7] *Law no. 11 of 02.03.2017 on Strategic Environmental Assessment. Published in the Official Gazette of the Republic of Moldova, no. 109-118, art. 155, 07.04.2017.*

Assessment Guide,[8] the Environmental Impact Assessment Procedure Execution Guide[9] and the Strategic Environmental Assessment Procedure Execution Guide – key tools in academic and professional practice. The results of the research were presented at 8 international and national scientific conferences and materialized in 15 scientific reference publications, of which 2 appeared in category B journals, one in Scopus indexed journal.

Volume and structure of the work: The thesis is structured in: Introduction, four chapters, general conclusions and recommendations, bibliography from 121 sources and a basic text 167 pages.

Keywords: the right to a safe environment, biodiversity, assessment mechanisms, law, site Emerald/Natura 2000.

[8] https://www.ecocontact.md/ro/post/ghidul-privind-evaluarea-biodiversitatii

[9] https://mediu.gov.md/sites/default/files/Documente%20atasate%20Advance%20Pagines/GHID%20procedura%20EIM%20aprobat%20ordin%20nr%2053%20din%2023%20aprilie%202025.pdf

THE CONTENT OF THE THESIS

The introduction includes the substantiation of the choice of the topic and its relevance, the clear definition of the purpose and objectives of the research, the formulation of the general hypothesis and specific hypotheses, as well as the presentation of the methodological, theoretical-scientific and normative-legal basis of the work. At the same time, the novelty and originality of the study, the theoretical significance and the applicative value, the approval of the research results are highlighted and the structure of the work is specified.

Chapter 1, entitled *Theoretical and methodological conceptualisation of the right to a non-hazardous environment through the prism of the biodiversity assessment mechanism,* lays down the theoretical foundation of the research, exploring the doctrinal concepts defining the right to a non-hazardous environment and the role of the biodiversity assessment mechanism as an environmental protection tool.

Subchapter 1.1 dedicated to doctrinal conceptual delimitations in the field of ensuring the right to a non-prejudice environment through the lens of the biodiversity assessment mechanism provides an analysis of the doctrinal, conceptual and methodological foundations of the human right to a non-prejudice environment, arguing that the problem is placed within the general theory of law and in direct connection with the biodiversity assessment mechanism, as a preventive legal instrument.

It stems from the emergence of modern ecological consciousness in the 1960s, highlighting works[10] that have been the turning point in recognising the human right to live in a safe and healthy environment. This referential opens up contemporary specialist analyses, examining a number of key questions:[11] the link between the human right to a safe environment, the law of nature and human rights; the place of the human right to a safe environment in the system of three generations of human rights; the nature of the interdependence of the human right to a safe environment with other rights; the scope and nature of this right; individual and/or collective character; the patrimonial and/or non-patrimonial nature, as well as its negative or positive character.

All these queries become relevant to the context in which we aim to determine the theoretical-practical convergence of ensuring the right to a safe environment. Therefore, in order

[10] *Carson, Rachel. Silent spring. United Kingdom: Houghton Mifflin, 2002.p.378. ISBN 9780618249060, 0618249060.*
[11] *Dzah, Godwin Eli Kwadzo. Sustainable Development, International Law, and a Turn to African Legal Cosmologies. United States of America: Cambridge University Press, 2024. ISBN:9781009354035; PINESCHI, Laura (ed.). Cultural heritage, sustainable development, and human rights: Towards an integrated approach. Abingdon, Oxon; New York: Routledge, 2023. ISBN:9781003811992; AQUINO, Valéria Emília de, LOUREIRO, Claudia;* et al. (eds.), Climate Litigation in a Changing World: A Comparative Analysis of Similarities, Challenges and Pathways, *Springer, 2026. ISBN:9783032055309; LIV Feijen. The Evolution of Humanitarian Protection in European Law and Practice. India: Cambridge University Press, 2021. ISBN:9781108483483.*

to clarify the defining aspects of this objective and to substantiate the belonging of the issue in question to the epistemic framework of the general theory of law, through the scientific researches carried out, papers and articles of conceptual and methodological relevance were analyzed.[12]

In this context, contributions from national and international authors are examined. Thus, were analyzed papers elaborated by academician I. Guceac[13] that treats from the perspective of constitutional law important issues regarding the right of the person to a safe environment. The actuality of this content proved to be the work of *Man, society, the state. Perennial constitutional categories*[14] that apply the interdisciplinary research mechanism and highlight topics of awareness of the right to a safe environment. The evolutionary perspective is approached by Professor E. Aramă[15], the definition of the epistemic state of interdisciplinary research methodology and how to capitalize on it in defining problems with advanced degree of complexity are made by dr.hab. R. Ciobanu[16]. In the field of environmental law, the works elaborated by the Doctor of Laws R. Iordanov[17], V. Vlaicu[18], G. Ardelean[19], Trofimov[20], make important contributions in understanding and researching the problems that fall within this arealtematic.

At international level, several authors have looked at the right to a safe environment and the protection of biodiversity from the perspective of fundamental rights and legal mechanisms. D. R. Boyd[21] argues that the right to a safe environment is an autonomous right, inextricably linked

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[12] *Dzah, Godwin Eli Kwadzo. Sustainable Development, International Law, and a Turn to African Legal Cosmologies. United States of America: Cambridge University Press, 2024. ISBN:9781009354035;* PINESCHI, Laura (ed.). *Cultural heritage, sustainable development, and human rights: Towards an integrated approach*. Abingdon, Oxon; New York: Routledge, 2023. ISBN:9781003811992.

[13] *GUCEAC, Ion. Constitutionalisation of the fundamental right to a healthy environment – a sine qua non of an environmentally inoffensive society. In: Realities and perspectives of national legal education: Collection of communications, 1-2 October 2019, Chişinău. Chişinău: Editorial-Political Center of the State University of Moldova, 2019, Vol.1, pp. 20-29. ISBN 978-9975-149-80-8;*

[14] *GUCEAC, I. Man, society, state. Perennial constitutional categories. Bucureşti: Universul Juridic Publishing House, 2017, 220 pp. 978-606-39-0030-3*

[15] *ARAMĂ, Elena, JECEV, Ion. Environmental protection or economic development – a false dilemma? In: Ensuring the right to a healthy environment and the challenges of the transition to the EU, 12 May 2023, Chişinău. Chisinau, Republic of Moldova: 'Lexon-Prim' Publishing House, 2023, Edition 1, pp. 8-22. ISBN 978-9975-3418-3-7.*

[16] *CIOBANU, Rodica, PUNGA, Irina. Access to justice - a tool to ensure the right to a healthy environment. The European experience. In: Ensuring the right to a healthy environment and the challenges of the transition to the EU, 12 May 2023, Chişinău. Chisinau, Republic of Moldova: 'Lexon-Prim' Publishing House, 2023, Edition 1, pp. 23-36. ISBN 9789975341837.*

[17] *IORDANOV, Jordan-Rodica. Administrative law and human rights in the times of populism and democratic decay – reflections in the context of central and Eastern Europe. In: State, security and human rights: in digital it was, 8-9 December 2022, Chişinău. Chişinău: Editorial-Political Centre of the State University of Moldova, 2023, Vol.1, pp. 60-71. ISBN 978-9975-62-530-2.*

[18] *VLAICU, Vlad. The right to health protection in a healthy environment. In: National Law Review, 2009, No. 10-12(109), pp. 62-63. ISSN 1811-0770.*

[19] *ARDELEAN, G., The Concept of Person in the Perception of Civil Law. Law and Life No. 10-11(2020), p. 4-9. ISSN 110-309X. CZU 347.19.*

[20] *TROFIMOV, Igor, DIACONU, Luminita, GUGULAN, Evghenia. Climate change and its effect on abiotic components of the ecosystem. In: Cogito, 2025, vol. 17, pp. 155-167. ISSN 2068-6706.; TROFIMOV, Igor, DIACONU, Luminița. Determining the framework of legal relationships for environmental protection through the prism of regulatory instruments used in environmental law. In: Scientific annals of the Academy "Ştefan cel Mare" of the Ministry of Internal Affairs of the Republic of Moldova: Legal sciences, 2024, No. 19, pp. 98-106. ISSN 1857-0976. TWO: https://doi.org/10.5281/zenodo.13933141.*

[21] *BOYD, David R.. The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment. Canada: UBC Press, 2011.p.468. ISBN 978-0-7748-2162 9 (PDF): ISBN 978 0-7748-2163-6 (EPUB)*

to human dignity and the exercise of other human rights. Complementarily, D. Shelton[22] emphasises its autonomous, derivative and procedural nature, highlighting the interdependence between ecosystem health and human dignity. A. Kiss and D. Shelton[23], A. Boyle[24] and P. Sands[25] contribute to strengthening an integrated vision of environmental protection, based on principles such as prevention, precaution, international cooperation and state responsibility, emphasizing the importance of procedural rights and preventive mechanisms in ensuring the effectiveness of the right to a safe environment.

An essential element of this doctrinal construction is the protection of biodiversity, treated as a structural component of the safe environment. Biodiversity is not only an autonomous protection object, but a fundamental condition for maintaining the ecological balance and for the enjoyment of human rights. This interdependence is enshrined in international legal instruments such as the Convention on Biological Diversity[26], as well as in European Union law, the Habitats Directive 92/43/EEC[27] and the establishment of the Natura 2000 network.

In this context, the precautionary principle is of key importance as the legal basis for environmental assessment mechanisms, and in particular for biodiversity assessment, as detailed in the works of de Nicolas de Sadeleer[28].

Contemporary doctrine also reflects emerging trends, such as environmentally sustainable development, conceptualised by D. Fisher,[29] which accentuates the ecological boundaries of economic development. The theories on the recognition of the rights of nature promoted by authors such as C. Stone[30], D. R. Boyd[31] and E. O'Donnell[32], together with criticisms of their practical applicability, are also analysed. At the same time, the difficulties in implementing environmental

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[22] *SHELTON, D. (1991). Human rights, environmental rights, and the right to environment In: Stanford Journal of International Law, 28, 1991, 103-138*

[23] *KISS, Alexandre Charles, Shelton, Dinah. Guide to International Environmental Law. Netherlands: Martinus Nijhoff Publishers, 2007, p. 56*

[24] *Alan Boyle,* Human Rights or Environmental Rights? A Reassessment*, 18 F ordham E nvtl. L. R ev. 471 (2006).* https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1634&context=elr

[25] *SANDS, Philippe. Principles of International Environmental Law. 4th Cambridge Edition: Cambridge University Press, 2018, p.31.*

[26] *Convention on Biological Diversity, Art. 8(j), 1992, available at: https://www.cbd.int/doc/legal/cbd-en.pdf. Ministry of Foreign Affairs. Convention 102/1992 on Biological Diversity. Published on 1 January 1999 in International Treaties No. 9 Art. 102*

[27] *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (published in the Official Journal of the European Union L 206 of 22 July 1992), as amended by Directive 2013/17/EU of 13 May 2013.*

[28] De *SADELEER, Nicolas de. Environmental Law Principles: From Political Slogans to Legal Rules 2e. United Kingdom: Oxford University Press, USA, 2020.p.540. ISBN: 9780191879890, 0191879894.*

[29] *FISHER, Douglas, ed.* Research Handbook on Fundamental Concepts of Environmental Law. *Research Handbooks in Environmental Law series. Cheltenham, UK: Edward Elgar Publishing, 2016. ISBN 1784714658. Pag.9*

[3030] *STONE, Christopher D."Should Trees Have Standing?–Towards Legal. Rights for Natural Objects.' Southern California Law Review 45. (1972): 450-501 https://iseethics.wordpress.com/wp-content/uploads/2013/02/stone-christopher-d-should-trees-have-standing.pdf*

[31] *BOYD David R.,* The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment *Vancouver: UBC Press, 2012.*

[32] *Erin O'Donnell, Legal Rights for Rivers: Competition, Collaboration and Water Governance. London: Routledge, 2018, pp. 56–78.*

rights in developing countries are highlighted by Scobie M.[33] and C. Bonilla[34], which highlight the existing institutional and economic constraints.

In the light of this analysis, sub-chapter 1.1 sets out the basis for the detailed exploration of the environmental assessment mechanisms in which they function as preventive legal instruments capable of effectively ensuring the human right to live in a safe environment.

Sub-chapter 1.2 is devoted to the role of the Court of Justice of the European Union (CJEU) in the integrated approach to the right to a safe environment and the protection of biodiversity. The practice of the Court of Justice of the European Union is useful for a comprehensive approach, but also for an analysis of the issues relevant to the research in question. However, the CJEU, as the EU's supreme judicial body, is an essential pillar of the European legal architecture. Its mission is to ensure the uniform interpretation and consistent application of Union law in all Member States and, by extension, in candidate countries such as RM, which obtained candidate status on 23 June 2022, with accession negotiations opened in June 2024.[35] This strategic approach positions the CJEU not only as a legal arbiter but also as an active facilitator of the European integration process, having a direct impact on strengthening the rule of law and political cohesion in the enlarged European area. At the same time, this responsibility gives the CJEU a decisive role in promoting legislative harmonisation, including in aspiring states, which need to align with EU standards in order to progress in the European integration process. Thus, the Court is a key player in shaping a legal system that responds to contemporary challenges, in particular those related to the environment.

Although the decisions of the CJEU are not binding on RM, they are nevertheless an essential benchmark in strengthening legal practice and aligning with EU standards. The analysis of the case law of the Court allows national authorities and institutions to identify interpretative tendencies of European law and to adopt proactive legislative measures, thus helping to mitigate the risk of regulatory inconsistency in the process of legislative harmonisation with the acquis communautaire. At the same time, the practice of the CJEU provides an indicative framework for the implementation of the principles of the rule of law, the protection of fundamental rights and the promotion of a predictable and stable legal system, aspects indispensable for building public trust, attracting investments and the sustainable development of the Republic of Moldova.

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[33] *Environmental Human Rights in the Anthropocene: Concepts, Contexts, and Challenges. India: Cambridge University Press, 2023, pp. 9-31.*

[34] *CEDEÑO Bonilla, Marianela., Burhenne-Guilmin, Françoise. Environmental Law in Developing Countries: Selected issues. Germany: IUCN, 2004, p. 9;*

[35] *On **3 March 2022,** the Republic of Moldova submitted its application for EU membership. On **17 June 2022**, the European Commission issued its opinion on the application for EU membership.On **23 June 2022**, **the European Council granted the Republic of Moldova candidate status**. On 25 June 2024, the EU held its first accession conference with the Republic of Moldova, formally opening accession negotiations.* https://www.consilium.europa.eu/ro/policies/moldova/

In this regard, candidate states, including RM, are called upon to respect and ensure the positive obligation of the state to create and maintain a legislative and institutional framework that effectively guarantees fundamental rights and European values, including through the adoption of policies and practices compliant with EU standards on environmental protection, administrative transparency and social cohesion.

The case law of the CJEU has developed specific mechanisms for the protection of biodiversity, in particular through the interpretation of EU Directives. In Case *C-127/02 Waddenvereniging*, the Court held that the 'appropriate assessment' must include a detailed scientific analysis and, in the absence of certainty, projects must be rejected, applying the precautionary principle (par. 44-46)[36]. Other cases, such as *C-404/09 Commission v Spain (par.* 140-148) [37] and *C-441/17 Commission v Poland* **(par.** 238-240),[38] clarified the obligations of States to implement compensatory measures and to stop activities that endanger the integrity of the sites.

Decisions such as *C-521/12 Briels* (par. 29-31)[39] and *C-461/17 Holohan* (par. 92-95)[40] extended the requirements to public consultation and the assessment of cumulative effects, highlighting the role of societal participation and scientific data in legitimising decision-making. Older case law, e.g. *C-157/96 National Farmers' Union* (par. 63)[41], *C-6/04 Commission v. United Kingdom* [42]or *C-258/11 Sweetman*[43], clarified the responsibilities of States in the protection of biodiversity, setting high standards for the conservation of Natura 2000 sites and the effective implementation of EU Directives.

This development of case-law shows how the CJEU transforms theoretical principles such as precaution and sustainability into binding operational rules, providing models for Member States and candidate countries, including the Republic of Moldova, in the process of legislative harmonisation and strengthening environmental governance.

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[36] *Case C-127/02. Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij.. https://curia.europa.eu/juris/liste.jsf?language=en&num=C-127/02*

[37] *Case C-404/09 European Commission v Kingdom of Spain. https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:62009CJ0404*

[38] *European Commission v Republic of Poland. Case C-441/17 European Commission v Republic of Poland. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62017CJ0441*

[39] *Case C- 521/12. T.C. Briels and Others v Minister van Infrastructuur en Milieu. https://curia.europa.eu/juris/liste.jsf?num=C-521/12*

[40] *Case C-461/17. Brian Holohan and Others v An Bord Pleanála. https://eur-lex.europa.eu/case/EN/C_461_17 .*

[41] *Case C-157/96. The Queen v Ministry of Agriculture, Fisheries and Food, Commissioners of Customs & Excise, ex parte National Farmers' Union, David Burnett and Sons Ltd, R. S. and E. Wright Ltd, Anglo Beef Processors Ltd, United Kingdom Genetics, Wyjac Calves Ltd, International Traders Ferry Ltd, MFP International Ltd, Interstate Truck Rental Ltd and Vian Exports Ltd. https://curia.europa.eu/juris/liste.jsf?language=en&num=C-157/96*

[42] *Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland. https://curia.europa.eu/juris/liste.jsf?num=C-6/04*

[43] *Case C- 258/11. Peter Sweetman and Others v An Bord Pleanála. https://curia.europa.eu/juris/liste.jsf?language=en&num=C-258/11*

Chapter 2, entitled: *Determining the unitary framework for analyzing the interconnections between the right to a non-prejudice environment and the assessment of biodiversity,* analyzes in depth the right to a non-prejudice environment, highlighting its theoretical foundation, the legislative and jurisprudential evolution, as well as the interconnection with the protection of biodiversity and the precautionary principle. Emphasis is placed on the complex and multidimensional nature of this right, which combines substantial dimensions (access to clean air, drinking water, uncontaminated soil) and procedural dimensions (access to information, public participation, environmental justice), highlighting its interdependence with other fundamental rights, such as the right to life, health and dignity.

Subchapter 2.1 Conceptual foundations, evolution and jurisprudential enshrinement of the right to a non-prejudice environment analyses the process of asserting the right to a non-prejudice environment as a fundamental human right, starting from its theoretical and conceptual foundations and continuing with its historical and legal evolution at international and national level. The analysis starts from the finding that the intensification of environmental degradation phenomena has led to a reconceptualization of the relationship between man and nature, the right to a safe environment being perceived as an indispensable condition for the effective exercise of other fundamental rights, such as the right to life, health and human dignity. In this context, the law is qualified as a complex and hybrid right with substantial and procedural dimensions, reflecting the structural interdependence between the protection of the environment and the protection of human rights.

Thus, D. Shelton [44]proposes a three-dimensional approach, classifying the right to a non-prejudice environment both as an autonomous right and as a right derived from other fundamental rights and, at the same time, as a procedural right, indispensable for access to information, public participation and access to justice. This vision is complemented by the analysis of A. Boyle[45], which highlights the cross-cutting nature of environmental rights, highlighting that they cross all generations of human rights and imply collective responsibility and increased international cooperation in the context of environmental issues with a cross-border impact. At the same time, D. R. Boyd[46], proposes an integrative definition of the right to a clean, healthy and sustainable environment, emphasizing its universality and intergenerational dimension. This approach reflects a modern understanding of environmental law, in which sustainability and biodiversity

[44] *SHELTON, D. (1991). Human rights, environmental rights, and the right to environment In: Stanford Journal of International Law, 28, 1991, 103-138*

[45] *BOYLE Alan,* Human Rights or Environmental Rights? A Reassessment*, 18 F ordham E nvtl. L. R ev. 471 (2006). https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1634&context=elr*

[46] *BOYD, D. R. (2012).* The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment*. UBC Press, p.21.*

conservation become central elements of legal protection, going beyond a strictly anthropocentric vision.

The historical evolution of the right to a non-prejudice environment is traced from the first recognitions in international documents of declaratory value, such as the Stockholm Declaration of 1972[47] and the Rio Declaration of 1992[48], to its consolidation through the development of procedural rights and the explicit recognition of the right to a clean, healthy and sustainable environment in recent United Nations resolutions[49]. The analysis shows that, although these instruments have contributed decisively to the formation of a normative consensus at international level, their preponderant soft *law* nature has limited the effectiveness of the uniform application of this right, transferring a large part of the responsibility to national legal systems and regional jurisdictional mechanisms.

Particular emphasis is placed on the role of the jurisprudence of international courts, in particular the European Court of Human Rights, in enshrining and operationalising the right to a safe environment. By interpreting extensively the rights enshrined in the European Convention on Human Rights, the Court has recognised the intrinsic link between environmental degradation and the violation of fundamental rights, transforming the protection of the environment from a public policy objective into a legal obligation amenable to judicial review. The analysis of the relevant case-law[50] highlights how the right to life, the right to respect for private and family life, the right to property and the right of access to justice have been used as legal instruments for the protection of the environment, thus shaping a coherent case-law framework that strengthens the status of the right to a non-prejudice environment.

Sub-chapter 2.2, entitled Interconnection between biodiversity and the right to a safe environment: Legal implications and controversies on the quality of biodiversity as a subject of law concern the analysis of the legal relationship between biodiversity and the right to a safe environment, highlighting the role of biodiversity as an essential element for the effective realisation of fundamental human rights. The legal content of biodiversity, the importance of

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[47] *United Nations Conference on the Human Environment. 'Declaration of the United Nations Conference on the Human Environment.' In the Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972, A/CONF.48/14/Rev.1. New York: United Nations, 1973. https://wedocs.unep.org/20.500.11822/29567.*

[48] *Rio Declaration on Environment and Development. United Nations General Assembly, Conference on Environment and Development, Rio de Janeiro.* https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf

[49] *Resolution adopted by the General Assembly on 28 July 2022.* The human right to a clean, healthy and sustainable environment *(Resolution A/RES/76/300).* https://docs.un.org/en/A/RES/76/300

[50] *Verein KlimaSeniorinnen Schweiz and Others v Switzerland,* Application No 53600/20; *Fadeyeva v. Russia,* Application No. 55723/00; *López Ostra v. Spain,* Application No 16798/90; Fredin v. Sweden, Application No. 18928/91; *Pine Valley Developments Ltd and Others v. Ireland,* Application No 12742/87 ; *Hamer v. Belgium, Application No 21861/03*; *Öneryıldız v. Turkey,* Application No. 48939/99; Tatar c. Romania. Application No 67021/01; *Fadeyeva v. Russia,* Application No. 55723/00. *Öneryıldız v. Turkey,* Application No. 48939/99, etc.

ecosystem services and the impact of their degradation on the rights to life, health, food and water are examined.

In the context of international trends, biodiversity has acquired such significant value that environmental resources, including ecosystems, have started to be recognised as subjects of law, marking an increasing transition to an ecocentric approach in international law. This evolution reflects a paradigm shift in legal thinking, from an anthropocentric vision, centered on the utilitarian benefits of nature for man, to one that recognizes the intrinsic value of ecosystems and the need to protect them as entities with their own rights. Ch. D. Stone[51] argued that ecosystems and their components should enjoy similar legal rights to persons in order to be protected against unsustainable exploitation. D.R. Boyd points out that legal recognition of ecosystems, such as the Whanganui River in New Zealand,[52] redefines the relationship between man and nature, placing ecosystems at the heart of legal protection, beyond immediate human interests, and strengthening the right to a safe environment. D. Shelton[53] argued that the legal recognition of ecosystems as subjects of law creates a complementary framework for the protection of human rights, since ecosystem health is a prerequisite for the realisation of fundamental rights.

However, the recognition of ecosystems as subjects of law has been criticised in several respects. One of the main criticisms concerns the practical difficulties related to the legal representation of natural entities. P. Burdon[54], held that: "At *the top of the hierarchy is the "Great Law", which represents the principle of the Earth community and the scientific concept of ecological integrity. Under the great law is the human law, which is the set of rules formulated by the human authorities, conforming to the great law, and enacted for the common good of the whole community of the earth.* "We share Roger Scruton's criticism that "The *concept of law, together with the related ideas of duty, responsibility, law and obedience, enshrines what is distinctive in the human condition. Extending this concept beyond our species jeopardizes our dignity as moral beings, living in judgment of each other and ourselves."*In Scruton's view: *the protection of the environment should be based on clear human responsibilities set out in the existing legal framework in order to avoid conceptual confusion and maintain a focus on the concrete obligations of states and individuals* . [55] This criticism suggests that the ecocentric approach may

[51] *STONE, Christopher D."Should Trees Have Standing?–Towards Legal. Rights for Natural Objects.' Southern California Law Review 45. (1972): 450-501* https://iseethics.wordpress.com/wp-content/uploads/2013/02/stone-christopher-d-should-trees-have-standing.pdf

[52] *Te Awa Tupua* (Whanganui *River Claims Settlement) Act 2017* https://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html

[53] *SHELTON Dinah, Human Rights and the Environment: What Specific Environmental Rights Have Been Recognized, 35 Denv. J. Int'l L. & Pol'y 129, 2006.*

[54] *BURDON Peter, Earth Jurisprudence: Private Property and the Environment, London: Routledge, 2014, p.13*

[55] *SCRUTON Roger. Animal Rights. Analysis. Claves de Pensamiento Contemporáneo, 2018, 21 (3), pp.1 - 13. ff10.5281/zenodo.2558706ff. ffhal-02163073f*

dilute direct human responsibility for environmental protection, which could undermine the right to a safe environment, which depends on concrete actions by states and individuals.

We believe that this perspective is relevant for protecting biodiversity and ensuring the right to a safe environment. There is no urgent need for ecosystems to be recognised as subjects of law, as international and European law already provides effective conservation tools.

Subchapter 2.3 From general principles to the precautionary principle: conceptualization and operationalization in building a forward-looking normative culture analyzes how the general principles of law constitute the normative foundation of environmental law and prepares the ground for the application of the precautionary principle. In this perspective, B. Negru, in *Fundamental Problems of the Principles of Law*, defines the principles of law as those fundamental ideas or prescriptions which have a guiding role for the whole system of law and its branches, which also ensure the coordination of legal norms around a guiding idea.[56] A recent and comprehensive approach is proposed by D. Rezevska[57], who states that the general principles of law are both the starting point and the purpose of a legal arrangement, since they determine its content and constitute at the same time a criterion for assessing its functionality.

Among the fundamental general principles are legality, which A. Stoian and T. Drăghici[58] conceive as an essential pillar of the rule of law, equality, which A. Criijicovschi[59] interprets as guaranteeing non-discriminatory treatment of all citizens, including as regards access to environmental resources, proportionality, which A. Cohen and D. Zlotogorski define as[60] a measure intended to be appropriate, necessary and proportionate to the aim pursued, and legal certainty, which I. Predescu and M. Safta[61] highlight as essential for the stability and predictability of the rules and for the protection of citizens against uncertainty generated by the law. These principles form the basis for specialised branches of law, including environmental law, where they translate into specific principles designed to meet the need to anticipate and protect ecosystems. There is no definitive list of environmental principles as there has been no attempt to put them in

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[56] *BLACK, Boris. Fundamental problems of the principles of law. In: Public Administration, 2013, No. 4(80), pp. 43-54. ISSN 1813-8489.*

[57] *Rezevska, Daiga.* General Principles of Law: Natural Rights, Legal Methods and System Principles. *Nijhoff Law Specials, vol. 110. Leiden/Boston: Brill | Nijhoff, 2024, 176 p. ISBN 978-90-04-69051-6; ISBN 900-469-051-4, p.176.*

[58] *STOIAN, A., DRĂGHICI, T. (2015).* The Principle of Legality, Principle of Public Law. *International Conference KNOWLEDGE-BASED ORGANIZATION, 21(2). https://doi.org/10.1515/kbo-2015-0087*

[59] *CRIJICICOVSCHI, Aliona, PânTEA, Andrei. The principle of equality – a contested concept. In: National and international mechanisms for the protection of human rights in the context of European values, ed. 1, 27 January 2022, Chisinau. Chişinău: Printing house 'Adrilang' SRL, 2022, pp. 16-26. ISBN 978-9975-3423-8-4.*

[60] *COHEN, A., ZLOTOGORSKI, D., 2021.* Proportionality in international humanitarian law: Consequences, departments, and procedures. *Oxford: Oxford University Press. ISBN 9780197556726.*

[61] PREDESCU, I., SAFTA, M. (2010). *The principle of legal certainty, the foundation of the rule of law. References in the case-law*. [Judge at the Constitutional Court and chief magistrate-assistant]. https://www.ccr.ro/wp-content/uploads/2021/01/predescu.pdf

a particular order of priority.[62] Among the most important principles, identified and analyzed by authors such as Leslie-Anne Duvic-Paoli, Jacqueline Peel, Marie-Louise Larsson, Simon Dresner, Mats Braun and others, are: the principle of prevention, the precautionary principle, the principle of sustainable development, the principle of intergenerational fairness, the polluter pays principle, and procedural principles (access to environmental information, public participation in environmental decision-making processes and access to justice in environmental matters).

One of the key principles underlying the application of the biodiversity assessment mechanism is the precautionary principle, which has been rooted in the German concept *of Vorsorgeprinzip* [63] (the *'preventive care principle')* since the 1970s. Unlike prevention, the precautionary principle applies under conditions of scientific uncertainty where there are plausible but not fully proven risks of serious or irreversible damage. Duvic-Paoli, Leslie-Anne in *The Prevention Principle in International Environmental Law*, which states that: 'Prevention *and precaution pursue the same objective — avoidance of harm — but their anticipation and legal status remain distinct. Prevention refers to the avoidance of foreseeable risks, i.e. those whose probability can be assessed. Precaution, on the other hand, regulates uncertain risks. It is based on the realization that it is not always possible to anticipate the consequences of certain activities and that uncertainty is not a reason for inaction.'*[64]

Thus, the transition from prevention to precaution reflects the shift from a reactive approach, based on damage repair, to a proactive one, capable of managing complex uncertainties and risks, such as climate change or biodiversity loss. In the context of European integration, for the Republic of Moldova, the adoption of the precautionary principle is an essential tool to align with EU standards and protect the environment without waiting for exhaustive scientific evidence.

Chapter 3: Mapping of the technical-legal architecture of the appropriate assessment mechanism: from a European law perspective, investigates in depth the appropriate assessment mechanism under the Habitats Directive 92/43/EEC, analysing its historical development, constituent elements, derogations and compensatory measures. The procedural steps of the appropriate assessment mechanism shall be examined, which shall include: screening, detailed assessment, identification of alternative solutions and post-implementation monitoring, underlining the need for scientific substantiation based on accurate environmental data.

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62 *FRENCH, Duncan. "International Guidelines and Principles." In Conventions, Treaties and Other Responses to Global Issues, Vol. I, edited by Gabriela Kutting. Oxford: EOLSS Publishers/UNESCO, 2009.*

[63] *Nollkaemper, A. (1992). The Precautionary Principle in International Environmental Law: What's New under the Sun? Marine Pollution Bulletin, 22(3), 107-110, 107.*

[64] *DUVIC-Paoli, LESLIE-Anne. The Prevention Principle in International Environmental Law. India: Cambridge University Press, 2018, p.265.*

Sub-chapter 3.1 The historical evolution of the appropriate assessment mechanism under the Habitats Directive analyses the historical and legal evolution of the appropriate assessment mechanism enshrined in the Habitats Directive 92/43/EEC, highlighting how it has progressively shaped itself within the framework of the environmental policies of the European Union. The international, political and legal premises that led to the integration of biodiversity protection into Union law are examined, from the first ecological concerns of the European Economic Community to the explicit enshrining of this objective through the adoption of Directive 92/43/EEC. Particular attention is paid to Article 6 of Directive 92/43/EEC, analysed as the normative core of the Natura 2000 network, by combining proactive conservation obligations with preventive assessment and derogation mechanisms. At the same time, the difficulties of interpretation and practical application of this article, generated by the ambiguity of some key concepts and by the structural tension between biodiversity conservation and socio-economic development, are highlighted. At the same time, the analysis places the appropriate assessment mechanism in the context of the accession process of the Republic of Moldova to the European Union, underlining its relevance for alignment with the acquis communautaire and for achieving a balance between biodiversity conservation and socio-economic development.

Sub-chapter 3.2 The defining elements of the appropriate assessment mechanism analyse in detail the defining elements of the appropriate assessment mechanism provided for in Article 6(3) of the Habitats Directive, which constitutes the backbone of the Natura 2000 regime and reflects the tension between biodiversity protection and human development, such as: *plan and project, significant impact, site management, site integrity , significant effects, cumulative assessment, and ecosystem services.*

The effectiveness of this mechanism depends not only on the legal formulation, but above all on the willingness of the Member States to apply the rules rigorously and on the institutional capacity to integrate environmental science into the decision-making process. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with the management of the site but likely to have a significant effect on its integrity be subject to an appropriate impact assessment.

Unlike other environmental assessment mechanisms (e.g.: environmental impact assessment, strategic environmental assessment), Article 6(3) does not limit the applicability only to certain types of interventions (e.g. major infrastructure projects), but refers to 'any plan or project', regardless of size, nature or sector. The only express exclusion concerns activities *which are directly connected with or necessary to the management of the site.*

In terms of scope, paragraph (3) captures by its semantic openness and refusal to limit the assessment only to certain categories of infrastructure projects or major works. The terms 'any plan or project' have consistently been interpreted extensively both in the legal literature and in the case-law of the CJEU, precisely in order to ensure effective protection of biodiversity and to prevent the circumvention of assessment obligations by fragmenting or minimising interventions. In the absence of an express definition of the terms 'plan' and 'project' in the Directive, legal literature and case-law have emphasised the need for an interpretation consistent with the general principles of EU law. Thus, de Sadeleer argues that: *'the concept of 'plan' must be interpreted broadly, both because of the wording of Article 6(3), which refers to 'any plan or project', and in the light of the conservation objectives underlying the designation of special areas of conservation. Consequently, only those plans and projects likely to* have *a significant effect on the site should be subject to the assessment procedure.'* [65]

The case-law of the Court of Justice of the European Union has reinforced that interpretation. The *Waddenzee case (C-127/02)* [66]clarified that each project, even if it is repetitive or small in scale, must be assessed individually, in line with the precautionary principle. In *Stadt Papenburg (C-226/08)*[67], the Court introduced a nuance of proportionality, recognising that periodic works can be treated as a unitary project, but stressing that artificial fragmentation cannot avoid assessment. Other cases, such as *Commission v Italy (C-98/03)* [68]and *Commission v Ireland (C-418/04)*[69], confirm that the size of the project does not determine the need for assessment, but only the potential significant effect on the site. The case-law on plans, such as the *Commission against the United Kingdom (C-6/04)*[70], shows that land-use plans or sectoral plans may also require assessment if they indirectly influence future decisions and the integrity of sites.

Subchapter 3.3 analyses derogations and compensatory measures under Article 6(4) of the Habitats Directive highlighting the delicate balance between biodiversity protection and development interests. In situations where a project or plan has a negative impact on a Natura 2000 site and there are no reasonable alternatives, national authorities may allow its realisation only if

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[65] *by SADELEER, Nicolas Michel, Habitats Conservation in EC Law: From Nature Sanctuaries to Ecological Networks (July 14, 2005). Yearbook of European Environmental Law, 2005, Vol. 5, Pp. 215-252., SSRN: https://ssrn.com/abstract=2293564 or http://dx.doi.org/10.2139/ssrn.2293564*

[66] *Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij. Case C-127/02. Luxembourg, 2004. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?language=en&num=C-127/02.*

[67] *Stadt Papenburg v Bundesrepublik Deutschland. Case C-226/08. Luxembourg, 2009. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?num=C-226/08.*

[68] *Commission v Italy. Case C-98/03. Luxembourg, 2006. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?num=C-98/03.*

[69] Commission v Ireland. Case C-418/04. Luxembourg, 2007. [online] [cited 15.08.2025]. *Available: https://curia.europa.eu/juris/liste.jsf?num=C-418/04.*

[70] *Commission v United Kingdom. Case C-6/04. Luxembourg, 2005. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?num=C-6/04.*

the reasons invoked are of overriding public interest and compensatory measures are adopted to ensure the ecological coherence of the network. This derogation is not a generalised permission, but a measure of last resort, strictly applicable in documented and justified cases.

The application of Article 6(4) requires a rigorous prior assessment, in accordance with Article 6(3), to identify adverse effects and confirm the absence of viable alternatives. Case-law of the Court of Justice of the European Union: C-209/02[71], C-304/05[72], or C-441/03[73] highlight that any derogation must be based on sound scientific and legal evidence, explore all possible alternatives and apply targeted, proportionate and integrated compensatory measures in the Natura 2000 conservation strategy. Compensatory measures cannot be generic or purely financial, but must restore the ecological functions affected and contribute to the overall coherence of the network, preferably with implementation before the impact becomes irreversible.

The concept of overriding public interest must be of paramount importance, serving a genuine public purpose, and cannot be substituted by contingent private or economic considerations. Where sites include priority species or habitats, the application of derogations is even more restrictive and the opinion of the European Commission becomes binding for any reason not covered by health, safety or major environmental benefits. This approach reflects a hierarchy of values where the protection of biodiversity takes precedence over economic or social interests.

The authorisation process is thus a clear and deliberative sequence: the authorities must demonstrate the adverse impact, verify the absence of alternatives, confirm the existence of an overriding public interest and establish appropriate compensatory measures. Case-law, as in cases C-182/10[74] or C-404/09[75], underlines the importance of proportionality, continuous monitoring and solid evidence-based decision-making in order to ensure ecological equivalence and coherence of the Natura 2000 network.

Chapter 4, entitled *Theoretical, legislative and applicative foundation of the biodiversity assessment mechanism at national level,* assesses the practical application of the biodiversity assessment mechanism in the legal context of the Republic of Moldova, analysing its integration into the environmental impact assessment and strategic environmental assessment processes.

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[71] *Commission v Austria. Case C-209/02. Luxembourg, 2004. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?num=C-209/02.*

[72] *Commission v Italy. Case C-304/05. Luxembourg, 2007. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?num=C-304/05.*

[73] *Commission of the European Communities v Kingdom of the Netherlands Case C-441/03, 2005. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?num=C-441/03.*

[74] *Solvay and Others v Région Wallonne. Case C-182/10. Luxembourg, 2012. [online] [cited 15.08.2025]. Available: https://curia.europa.eu/juris/liste.jsf?num=C-182/10.*

[75] *Commission v Spain. Case C-404/09. Luxembourg, 2011. [online] [cited 15.08.2025]. Available: https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:62009CJ0404.*

Subchapter 4.1 The semantic and functional integrity of the appropriate assessment mechanism in the legislation of the Republic of Moldova shall carry out an analysis of the evolution and importance of the appropriate assessment mechanism in the context of ensuring the right to a safe environment. The introduction of this mechanism into national law is closely linked to the obligations assumed by the 2014 Association Agreement with the European Union,[76] which made the transposition of Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna conditional, including subsequent amendments and regulations, as well as the harmonisation of national legislation and the designation of competent authorities.

The first national transposition of the appropriate assessment mechanism was achieved by complementing the legislation on the ecological network, introducing the obligation to assess plans and projects likely to have a significant effect on protected sites, even if they were not directly related to their management. Although this step represented a theoretical alignment with European requirements, its practical applicability was limited due to the lack of a detailed regulatory framework, clear procedures and lack of clarity on responsible authorities, which reduced the effectiveness of biodiversity protection.

Subsequently, legislation has evolved and the new regulations have replaced 'appropriate assessment' with 'biodiversity assessment', applicable to both planned activities and policy documents that could affect protected sites. This terminology clarifies the objective of the mechanism, but raises the risk of confusion between the EIA mechanism and the biodiversity assessment specific to Emerald sites.

However, it should be pointed out that any immediate change to the designation 'biodiversity assessment' also entails considerable risks. Currently, the institutional capacity to implement and monitor environmental protection mechanisms in the Republic of Moldova is limited, and the process of adjusting the normative and methodological framework requires resources, expertise and time. Rapid intervention on terminology, without a prior stage of conceptual clarification, specialist training and institutional capacity building, could exacerbate confusion among all actors involved: competent authorities, environmental consultants, developers and even the public concerned. This confusion risks compromising the very effectiveness of the mechanism, turning a clarification initiative into an additional source of legal and practical uncertainty.

[76] *Law No 112/2014 ratifying the Association Agreement between the Republic of Moldova, of the one part, and the European Union and the European Atomic Energy Community and their Member States, of the other part. Published in the Official Gazette of the Republic of Moldova, no. 185-199, art. 442, 18.07.2014.*

Subchapter 4.2 analyses the conservation of biodiversity in the Republic of Moldova, focusing on the principles, procedural steps and role of the subjects involved in the implementation of the biodiversity assessment mechanism within the Emerald network. The importance of this network as a legal and operational instrument for the protection of priority habitats and species in line with the Bern Convention[77] and alignment with the European Biodiversity Strategy 2030[78] is highlighted. The Emerald network is presented as an extension of the Natura 2000 network, the largest European biodiversity conservation initiative, which establishes an integrated framework for the protection of ecosystems and species of Community interest.

A central point of the analysis is related to the fundamental principles of biodiversity conservation in the Emerald network and directly the management plans, which are the main legal and technical instrument for the implementation of conservation objectives. Management plans are the legal and technical basis for biodiversity conservation, providing a structured framework for translating theoretical objectives into concrete measures with a direct impact on the conservation status of habitats and species. In the Republic of Moldova, however, only 3 of the 61 sites in the Emerald network have approved management plans, in accordance with Law No 94/2007. This reality highlights a profound discrepancy between legal requirements and their practical application, which raises key questions about the institutional capacity to ensure efficient and coherent management of biodiversity in the absence of these indispensable tools.

The biodiversity assessment process is described in detail through a nine-step system, from scope determination and data collection, to overlapping maps of Emerald sites, identification of affected sites, field research, assessment of impacts on conservation objectives, study preparation, conclusions and post-project analysis of compensatory measures. The text highlights practical difficulties, including the lack of up-to-date environmental data, the absence of management plans and the fragmentation of coordination between authorities, which affect the scientific and legal rigour of the assessment process.

Subchapter 4.3 looks at integrating biodiversity assessment into environmental impact assessment (EIA), highlighting both the theoretical basis and the practical implications of this interaction. The biodiversity assessment, governed by Article 6(3) of the Habitats Directive (92/43/EEC) and the environmental impact assessment established by the EIA Directive (2011/92/EU) and amended by Directive 2014/52/EU, form a complex and interlinked legal framework designed to ensure the protection of the environment and the conservation of

[77] *Convention on Wildlife and Natural Habitats in Europe (Berne Convention). Berne, 1979. In force for the Republic of Moldova since September 1, 1994.*
[78] EU Biodiversity *Strategy for 2030: Bringing nature back into our lives. Brussels, 2020.*

biodiversity. Although the procedures are distinct, they complement each other, converging towards the responsible management of the interaction between human activities and ecosystems. The Habitats Directive requires the assessment of plans and projects likely to affect Natura 2000 sites, focusing on maintaining ecological integrity, while the EIA Directive assesses the impact on the environment as a whole, including air, water, soil, biodiversity and human health.

A key aspect of the integration approach is laid down in Article 2(3) of the EIA Directive, which establishes an obligation for Member States to organise coordinated or joint procedures for projects subject to both Directives. This provision reflects a balance between legal rigour and flexibility of application, allowing the procedures to be adapted to the specificities of each project. The Commission Communication (2021/C 437/01)[79] underlines the importance of coordination to prevent duplication of assessments and optimise administrative resources, promoting common (single integrated) or coordinated procedures (separate assessments under the supervision of a responsible authority).

It should be noted that from a practical point of view simplification brings significant benefits but also entails risks. On the one hand, reducing the duplication of assessments saves time and resources, allowing authorities to focus on key aspects of environmental protection. On the other hand, there is a danger that an integrated assessment will not adequately capture the specificity of the requirements of each directive. For example, the appropriate assessment of the Habitats Directive requires a detailed analysis of the impact on the environmental integrity of Natura 2000 sites, which may be more complex than the overall environmental impact assessment in the EIA Directive. In the absence of adequate expertise, simplification could lead to a superficial approach, compromising environmental objectives.

In the context of the Republic of Moldova, national legislation, through Law No 86/2014 and Law No 94/2007 on the ecological network,[80] transposes European principles, adapting them to the local specificities of Emerald sites, the regional equivalent of the Natura 2000 network. Biodiversity assessment may be integrated into the EIA for the activities set out in Annexes 1 and 2 to Law 86/2014 on Environmental Impact Assessment. In the case of activities outside the scope of Law No 86/2014, but which may affect Emerald sites, biodiversity assessment becomes an autonomous process, which highlights the flexibility of the legal framework, but also the complexity of its application.

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[79] *European Commission. 'Assessment of plans and projects in relation to Natura 2000 sites: Methodological guidelines on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.'* Official Journal of the European Union, *C 437/01, 28 October 2021.*

[80] *Law No 94/2007 on the ecological network. Official Gazette of the Republic of Moldova, 2007, no. 90-93, art.395.*

Subchapter 4.4 analyses the integration of biodiversity assessment into strategic environmental assessment, highlighting the legal framework, procedural steps and practical challenges associated with the implementation of this mechanism. Firstly, the importance of the regulatory framework, constituted by Directive 2001/42/EC on Strategic Environmental Assessment and Law 11/2017 on Strategic Environmental Assessment, which regulates strategic environmental assessment, including for policy and planning documents likely to affect protected sites such as Natura 2000 and Emerald, is underlined. At the same time, legislative gaps are highlighted, including the lack of explicit requirements on biodiversity assessment in Law 11/2017, the qualification of the experts involved and the definition of the concept of 'overriding public interest', aspects that may generate ambiguities in the application of the rules.

It also analyses the biodiversity assessment mechanism applicable to policy and planning documents, with a focus on procedural steps and how they influence the substantiation of environmental decisions. The research highlights that while the process is formally structured from pre-assessment to post-implementation monitoring, its efficiency is hampered by the low level of detail of strategic documents, information gaps on Emerald sites and limited access to up-to-date environmental data, which can lead to underestimating impacts on biodiversity.

Critically, the research highlights structural weaknesses related to the lack of methodological standards and quantifiable indicators, the difficulty of assessing cumulative and indirect effects of policy and planning documents, and the limited institutional capacity in the analysis, endorsement and monitoring phases. These constraints affect the coherence and uniformity of decisions, underlining that integrating biodiversity assessment into strategic environmental assessment is essential for the protection of vulnerable ecosystems, but crucially depends on data quality, expertise, regulatory clarity and the efficiency of implementation and control mechanisms.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The results of the research have determined the formulation of conclusions likely to enrich the theoretical framework, but also applied solutions, regarding the fundamental right to a safe environment, as well as the mechanism for assessing biodiversity.

Examining the interdependence between the right to a safe environment and the biodiversity assessment mechanism, in the context of harmonizing the national legal framework of the Republic of Moldova with EU standards, has clarified the notion, role and principles of this mechanism, offering the possibility of operationalization in various scientific legal matters. At the same time, the research highlights relevant aspects in the application of this mechanism in order to avoid vulnerabilities in the exercise of the fundamental right to a safe environment. Thus, the main findings of the research are:

There are ambiguities in the use of the notions of 'right to a safe environment' and 'assessment **of biodiversity', which has an impact on decision-making in the context of national legislation.** In order to solve this situation, clarifications are made, scientifically and legislatively justified, which make the necessary conceptual delimitations, which brings the double benefit: clarifies concepts from a theoretical point of view and offers possibilities for park-based valorisation.

Major interconnections **are established between the right to a non-prejudice environment and the biodiversity assessment mechanism, which requires** a thorough analysis of the interdependencies, positioning biodiversity as a secondary right that supports ecological balance and intergenerational justice. Thus, the right to a safe environment underlines the preventive role of the assessment mechanism, where the application of the precautionary principle becomes essential in order to reduce risks that could affect ecological integrity and, implicitly, human health.

The right to a safe environment underpins the integration of biodiversity assessment into the overall environmental assessment architecture as an expression of a preventive approach aimed at avoiding decisions likely to affect ecosystems essential to human health and the sustainable functioning of society.

The right to a non-prejudice environment integrates the principles of precaution and transparency as an ethical foundation and **pillars of the right to a non-prejudice environment,** calling for clear regulation that ensures the sustainability of ecosystems and public trust in decision-making processes. The lack of explicit provisions at national level on transparency and public participation limits the effective application of these principles, reducing citizens' trust in

the decision-making process. The interpretation of national and international legal regulations reveals that the precautionary principle is the foundation of the biodiversity assessment mechanism, complemented by the principles of transparency, accountability and public participation. The deductible nature of these principles, highlighted by the cumulative analysis of regulations, underlines the need for clearer regulation and detailed methodological guidelines.

The right to a safe environment and the need for professional standards for environmental experts. The right to a safe environment requires high professional standards for experts involved in biodiversity assessment, as the lack of uniform qualifications is a major breach in the protection of ecosystems. The current regulatory framework presents a gap in the regulation of the professional qualification of experts. The absence of clear criteria regarding the level of qualification, experience and professional accreditation creates risks, which must be anticipated by inserting in the university curricula subjects that would support interdisciplinary training and provide clarity on the theoretical framework and practical application.

Research reveals a **major gap in the regulatory framework on post-implementation control and monitoring of the impact of policy and planning activities and documents** on biodiversity. Control procedures are insufficiently regulated and post-implementation monitoring is hampered by a lack of specific indicators, adequate resources and poor clarification of the distinction between evaluation and monitoring. The absence of a centralised system and monitoring infrastructure limits the ability of authorities to verify the actual impact and effectiveness of conservation measures, requiring the need to complement legislation with clear, institutionally and technically supported mechanisms, which can be addressed by the intervention of the fundamental general framework of the theory of law.

The right to a safe environment circumscribes compensatory measures as instruments the use of which must be strictly conditional on clear criteria to prevent abuse and ensure compliance with European Union standards. From this perspective, compensation cannot be perceived as an easy alternative to conservation, but as an ethical mechanism designed to protect the integrity of ecosystems essential to human health and maintain long-term sustainability. As a result, the regulatory framework calls for legislative revisions introducing rigorous verification procedures and mechanisms capable of minimising environmental losses.

The right to a safe environment enshrines transparency, public participation and environmental education as pillars of the legitimacy of decisions on environmental protection and environmental health. Although the national legislative framework provides for public consultation in environmental assessment procedures, its effectiveness is hampered by limited access to information, the imperfection of online registers and the lack of interactive platforms.

The restricted access of the public and non-governmental organisations to the assessment reports and decisions of the authorities, as well as the absence of environmental education campaigns on mechanisms for reporting environmental violations, discourage civic engagement.

In the light of the conclusions set out, **we propose the following reasoned *recommendations*** aimed at remedying the shortcomings identified and optimising the biodiversity assessment mechanism, ensuring effective harmonisation with European standards:

Clarification of terminology and rules for the effective realisation of the fundamental right to a safe environment. It is recommended to revise national legislation, in particular Law 94/2007, Law 86/2014 and Law 11/2017, to replace the term 'biodiversity assessment', aligning faithfully with the Habitats Directive. This amendment would remove conceptual ambiguities and clarify procedural steps, reducing the risk of misinterpretations. It is also suggested to draw up an official glossary of terms, under the aegis of the Ministry of the Environment, which would precisely define concepts such as 'cumulative effects', 'environmental integrity' and 'overriding public interest', drawing inspiration from the case-law of the Court of Justice of the European Union. This measure would increase regulatory predictability and facilitate the uniform application of the mechanism in practice. This measure would increase regulatory predictability and facilitate the uniform application of the mechanism in practice, directly contributing to the effective realisation **of the fundamental right of every person to a safe environment.**

Strengthening the scientific and institutional basis for environmental protection. It is proposed to speed up the development and implementation of management plans for all 61 Emerald sites, in accordance with Article 12(4) of Law No 94/2007, with priority allocation of budgetary resources and involvement of independent experts. This initiative would fill the gap in outdated environmental data by providing a solid scientific basis for assessments. In addition, it is recommended to create a national digital GIS register for green data, updated annually and accessible to authorities and the public, to facilitate the analysis of indirect and cumulative effects. In order to increase institutional capacity, continuous training programmes for officials from the Ministry of Environment and the Environment Agency and investments in monitoring infrastructure are recommended, thus addressing the shortages of competent human resources.

Harmonising biodiversity assessment with EIA and SEA mechanisms - a condition for responsible decision-making and a safe environment. Amendments to Law 11/2017 and Law 86/2014 are recommended to explicitly integrate the stages of biodiversity assessment into the SEA, including detailed methodological requirements and clear synergies with the EIA. This would eliminate the current regulatory discrepancies and ensure a coherent application of the mechanism for policy and planning documents. It is also proposed to develop national

methodological guides, aligned with European best practices, specifying criteria for assessing cumulative effects and compensatory measures, reducing the risk of superficial assessments. This legislative and methodological harmonisation strengthens the protection of biodiversity, respecting the right to a safe environment. This helps prevent ecosystem degradation by ensuring that development decisions are made with responsibility and minimal impact on nature, to the benefit of public health and ecological balance.

Strengthening the precautionary principle and compensatory measures as a cornerstone of the right to a safe environment. It is suggested to supplement Article 8(5) of Law No 11/2017 with detailed provisions on compensatory measures, including planning, financing and post-implementation monitoring requirements, fully transposing Article 6(4) of the Habitats Directive. This would include the possibility to invoke "other overriding reasons of public interest" only with the opinion of the European Commission, preventing abuses. It is also recommended to extend the precautionary principle to all stages of the assessment, with proactive obligations for initiators to anticipate seasonal field research and provide detailed data, addressing the speculative nature of the current measures. These measures strengthen the right to a safe environment by ensuring that economic activities and development projects are implemented with the utmost care to preserve biodiversity. This reduces the risk of irreversible damage to the environment, protecting natural habitats and the health of communities, in line with international commitments and ethical values of sustainability.

Increase transparency and public participation in support of the right to a safe environment. It is proposed to develop interactive online platforms for public consultations, with extended deadlines and green information campaigns, to involve civil society and increase the legitimacy of decisions. It is also recommended to set up an independent post-monitoring system of economic activities and policy and planning documents, strengthening public trust and accountability of institutions. These initiatives promote the right to a safe environment by involving communities in decision-making processes, ensuring that citizens' voices are heard and that environmental impacts are rigorously monitored. Through transparency and participation, a bridge is created between authorities and society, guaranteeing the protection of the environment as a common good essential for the quality of life and well-being of all.

Promote the interdisciplinary and educational approach to nurturing responsibility towards a safe environment. It is suggested to integrate environmental education and environmental assessment mechanisms into university curricula in order to train specialists able to address the interdependence between law, ecology and society. This would fill the legal and ecological awareness gap, contributing to sustainable governance. By educating new generations

of professionals, it creates the prerequisites for a society more aware of the importance of biodiversity, strengthening the right to a safe environment. This interdisciplinary approach not only trains well-trained experts, but also cultivates a collective responsibility towards the environment, ensuring that nature protection becomes an integrated priority in all aspects of social and economic life.

In conclusion, the implementation of these recommendations will contribute to a better understanding of environmental issues by lawyers and will make the biodiversity assessment mechanism an effective tool for ensuring the right to a safe environment.

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Abstracts:

a) PUNGA, Irina. The scope of the biodiversity assessment mechanism. In: Cultural heritage of yesterday – implications for the development of the sustainable society of tomorrow, Ed. 8, 8-9 February 2024, Chişinău. Iași – Chisinau-Lviv: 2024, Issue 9, p. 254. ISSN 2558 – 894X.
https://ibn.idsi.md/ro/vizualizare_articol/204223

b) PUNGA, Irina, IORDANOV, Iordanca-Rodica. Liability for environmental damage: from prevention to damage recovery. In: *Cultural* heritage of yesterday – implications for the development of the sustainable society of tomorrow, ed. 7, 9-10 February 2023, Chişinău. Iași – Chisinau-Lviv: 2023, Edition 7, pp. 204-205. ISSN 2558 – 894X.
https://ibn.idsi.md/ro/vizualizare_articol/178985

5. Other works and achievements specific to different scientific fields (recommended for editing/approved by a competent institution), such as:

a) Irina bag, Roth Petr. *Guidance on biodiversity assessment* https://cms.ecocontact.md/uploads/ecocontact/originals/85874d2f-7cc5-4d78-9b2d-a1324d2d0624.pdf, 2024

b) Irina Bag, Cazacu Anna, *Strategic Environmental Litigation Guide,* 2024, https://cms.ecocontact.md/uploads/ecocontact/originals/03137e9d-a492-41f2-8f8d-fecdb56591c1.pdf

ADNOTARE

PUNGA, Irina. „Convergențe teoretico-practice de asigurare a dreptului la un mediu neprimejdios prin realizarea mecanismului de evaluare a biodiversității". Teză de doctor în drept la specialitatea: 551.01 – Teoria generală a dreptului". Chișinău, 2026

Structura tezei: introducere, 4 capitole, concluzii generale și recomandări, bibliografia din 221 de surse, text de bază 167 de pagini. Rezultatele obținute sunt reflectate în 15 articole științifice.

Cuvinte-cheie: dreptul la un mediu neprimejdios, evaluarea biodiversității, principiul precauției, Directiva Habitate, măsuri compensatorii, evaluarea impactului asupra mediului, evaluarea strategică de mediu.

Scopul cercetării rezidă în elaborarea unei fundamentări teoretico-practice aprofundate a dreptului la un mediu neprimejdios, printr-o analiză critică și sistematică a mecanismului de evaluare a biodiversității, în contextul armonizării cadrului juridic național cu standardele europene. Cercetarea urmărește să reliefeze rolul biodiversității ca pilon esențial al acestui drept fundamental, să investigheze în profunzime funcționalitatea mecanismului și să formuleze propuneri argumentate pentru consolidarea arhitecturii juridice interne.

Obiectivele cercetării: Analiza teoretico-doctrinară a dreptului la un mediu neprimejdios și a mecanismului de evaluare a biodiversității, definirea conceptelor operaționale pentru consolidarea cadrului teoretico-metodologic, determinarea statutului epistemic al dreptului la un mediu neprimejdios și interdependențele sale cu evaluarea biodiversității, fundamentarea rolului biodiversității ca pilon al acestui drept, examinarea cadrului normativ internațional, regional și național, inclusiv jurisprudența CJUE, pentru clarificarea standardelor de protecție și evaluarea aplicării practice a mecanismului în Republica Moldova, în vederea elaborării de propuneri de lege ferenda și consolidării cadrului juridic pentru protecția efectivă a biodiversității.

Noutatea și originalitatea științifică rezidă în contribuția adusă la investigarea complexă și multiaspectuală a mecanismului de evaluare a biodiversității, ca instrument fundamental pentru garantarea dreptului la un mediu neprimejdios, prin prevenirea și diminuarea impactului activităților economice și al documentelor de politici și planificare. Cercetarea răspunde nevoii de implementare coerentă a legislației europene privind conservarea habitatelor și speciilor sălbatice, transpusă în Republica Moldova în 2023 și se distinge prin clarificarea și aprofundarea procedurilor de aplicare a acestui mecanism, propunând soluții pentru o implementare eficientă.

Rezultatele obținute aduc o contribuție semnificativă la dezvoltarea teoriei generale a dreptului prin analiza multiaspectuală a dreptului la un mediu neprimejdios prin prisma mecanismului de evaluare a biodiversității. Acestea se structurează pe mai multe dimensiuni teoretice și practice, fiind fundamentate pe cercetarea aprofundată a conceptelor doctrinare, a cadrului normativ internațional, european și național, precum și a aplicabilității practice în contextul juridic al Republicii Moldova, în corelație directă cu standardele și jurisprudența europeană.

Semnificația teoretică a cercetării constă în aprofundarea și clarificarea conceptelor și principiilor fundamentale legate de dreptul la un mediu neprimejdios și mecanismul de evaluare a biodiversității, contribuind la dezvoltarea teoriei generale a dreptului în domeniul protecției mediului.

Valoarea aplicativă a cercetării constă în elaborarea unor soluții practice și coerente, fundamentate pe o analiză teoretică și empirică riguroasă, pentru implementarea eficientă a legislației europene privind conservarea habitatelor și speciilor sălbatice în Republica Moldova. Lucrarea facilitează aplicarea măsurilor de prevenire și compensare a prejudiciilor asupra mediului, oferind un cadru teoretic solid și sprijinind deciziile practice pentru protecția mediului.

Implementarea rezultatelor științifice: Rezultatele cercetării au fost publicate în articole din reviste și culegeri științifice și prezentate la conferințe naționale și internaționale. Acestea sunt utile autorităților de mediu, în procesul de implementare a legislației privind conservarea biodiversității, precum și studenților și masteranzilor din instituțiile de învățământ superior cu profil juridic.

АННОТАЦИЯ

ПУНГА, Ирина. «Теоретико-практические конвергенции обеспечения права на безопасную окружающую среду через реализацию механизма оценки биоразнообразия». Диссертация на соискание ученой степени доктора права по специальности: 551.01 – Общая теория права. Кишинэу, 2026

Структура диссертации: введение, 4 главы, общие выводы и рекомендации, библиография из 221 источников, основной текст объемом 167 страниц. Полученные результаты отражены в 15 научных статьях.

Ключевые слова: право на безопасную окружающую среду, оценка биоразнообразия, принцип предосторожности, Директива по местообитаниям, компенсационные меры, экологическая оценка, стратегическая экологическая оценка.

Цель исследования: разработка теоретико-практического обоснования права на безопасную окружающую среду посредством критического и систематического анализа механизма оценки биоразнообразия в контексте гармонизации национальной правовой базы с европейскими стандартами. Исследование стремится подчеркнуть роль биоразнообразия как основополагающего элемента этого фундаментального права, глубоко изучить функциональность механизма и сформулировать обоснованные предложения по укреплению внутренней правовой архитектуры.

Задачи исследования: Теоретико-доктринальный анализ права на безопасную окружающую среду и механизма оценки биоразнообразия, определение операционных концепций для укрепления теоретико-методологической базы, установление эпистемологического статуса права на безопасную окружающую среду и его взаимосвязей с оценкой биоразнообразия, обоснование роли биоразнообразия как основы этого права, изучение международной, региональной и национальной нормативной базы, включая прецедентное право Суда ЕС, для уточнения стандартов защиты и оценки практического применения механизма в Республике Молдова, с целью разработки предложений по совершенствованию законодательства и укреплению правовой базы для эффективной защиты биоразнообразия.

Научная новизна и оригинальность заключается в комплексном и многогранном исследовании механизма оценки биоразнообразия как фундаментального инструмента для обеспечения права на безопасную окружающую среду путем предотвращения и смягчения воздействия экономической деятельности и документов политики и планирования. Исследование отвечает потребности в последовательной реализации европейского законодательства о сохранении местообитаний и диких видов, транспонированного в Республике Молдова в 2023 году, и выделяется уточнением и углублением процедур применения этого механизма, предлагая решения для эффективной реализации.

Полученные результаты вносят значительный вклад в развитие общей теории права посредством многогранного анализа права на безопасную окружающую среду с точки зрения механизма оценки биоразнообразия. Эти результаты структурированы по нескольким теоретическим и практическим измерениям, основаны на углубленном изучении доктринальных концепций, международной, европейской и национальной нормативной базы, а также практической применимости в юридическом контексте Республики Молдова в прямой корреляции с европейскими стандартами и прецедентным правом.

Теоретическая значимость исследования заключается в углублении и уточнении концепций и принципов, связанных с правом на безопасную окружающую среду и механизмом оценки биоразнообразия, способствуя развитию общей теории права в области охраны окружающей среды.

Прикладная ценность исследования состоит в разработке практических и последовательных решений, основанных на строгом теоретическом и эмпирическом анализе, для эффективной имплементации европейского законодательства о сохранении местообитаний и диких видов в Республике Молдова. Работа способствует применению мер по предотвращению и компенсации ущерба окружающей среде, предоставляя прочную теоретическую основу и поддерживая практические решения для охраны окружающей среды.

Внедрение научных результатов: результаты исследования опубликованы в статьях в научных журналах и сборниках, представлены на национальных и международных конференциях. Они полезны для органов управления в области охраны окружающей среды в процессе имплементации законодательства о сохранении биоразнообразия, а также для студентов и магистрантов юридических факультетов.

ANNOTATION

PUNGA, Irina. "Theoretical-Practical Convergences in Ensuring the Right to a Safe Environment through the Implementation of the Biodiversity Assessment Mechanism." Doctoral dissertation in law, specialization: 551.01 – General Theory of Law. Chisinau, 2026

The structure of the dissertation: introduction, 4 chapters, general conclusions and recommendations, bibliography of 221 sources, main text of 167 pages. The obtained results are contained in 15 scientific articles.

Keywords: right to a safe environment, biodiversity assessment, precautionary principle, Habitats Directive, compensatory measures, environmental impact assessment, strategic environmental assessment.

The purpose of the research is to develop a thorough theoretical and practical foundation for the right to a safe environment through a critical and systematic analysis of the biodiversity assessment mechanism, in the context of aligning the national legal framework with European standards. The study seeks to highlight the role of biodiversity as a fundamental pillar of this right, to thoroughly investigate the functionality of the mechanism, and to formulate well-grounded proposals for strengthening the internal legal architecture.

The objectives of the research: the theoretical-doctrinal analysis of the right to a safe environment and the biodiversity assessment mechanism, defining operational concepts to strengthen the theoretical-methodological framework, determining the epistemic status of the right to a safe environment and its interdependencies with biodiversity assessment, establishing the role of biodiversity as a pillar of this right, including the international, regional, and national regulatory framework, including CJEU case law, to clarify protection standards and assess the practical application of the mechanism in the Republic of Moldova, with the aim of developing legislative proposals and strengthening the legal framework for effective biodiversity protection.

The scientific novelty and originality lies in the comprehensive and multifaceted investigation of the biodiversity assessment mechanism as a fundamental tool for guaranteeing the right to a safe environment by preventing and mitigating the impact of economic activities and policy/planning documents. The research aims the need for coherent implementation of European legislation on the conservation of habitats and wild species, notably in the Republic of Moldova in 2023, and stands out by clarifying and deepening the procedures for applying this mechanism, inspiring solutions for effective implementation.

The obtained results significantly contributed to the development of general legal theory through a multifaceted analysis of the right to a safe environment from the perspective of the biodiversity assessment mechanism. These results are structured across several theoretical and practical dimensions, grounded in an in-depth study of doctrinal concepts, the international, European, and national regulatory framework, and practical applicability in the legal context of the Republic of Moldova, in direct correlation with European standards and case law.

The theoretical significance:The research deepens and clarifies fundamental concepts and principles related to the right to a safe environment and the biodiversity assessment mechanism, contributing to the development of general legal theory in the field of environmental protection.

The applied value of the work: The research provides practical and coherent solutions, based on theoretical and empirical analysis, for the effective implementation of European legislation on the conservation of habitats and wild species in the Republic of Moldova. The work facilitates the application of measures to prevent and compensate for environmental damage, offering a robust theoretical framework and supporting practical decisions for environmental protection.

Implementation of scientific results: The research's results have been published in articles in scientific journals and collections and presented at national and international conferences. They are useful for environmental authorities in implementing biodiversity conservation legislation, as well as for students and master's candidates in higher education institutions with a legal focus.

PUNGA IRINA

THEORETICAL-PRACTICAL CONVERGENCES IN ENSURING THE RIGHT TO A SAFE ENVIRONMENT THROUGH THE IMPLEMENTATION OF THE BIODIVERSITY ASSESSMENT MECHANISM

551.01 – GENERAL THEORY OF LAW

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