CLIMATE CHANGE AS A CHALLENGE ON THE TRANSITION OF THE REPUBLIC OF MOLDOVA

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ABSTRACT. *A strong transition to net-zero greenhouse gas emissions by the middle of the century is essential for containing the risks of dangerous climate change effects. Limiting global warming to 1.5°-2°C, the central goal of the 2015 Paris Agreement, will require climate policy and legislative packages that drive transformative changes within their harmonization with the EU standards.*

The study refers on the necessary to elaborate of the legal framework on i) mitigating efforts, including carbon removal, and adaptation policy actions set out in Article 7 of the Paris Agreement; ii) defining the rules to assess progress and measures; iii) inter-institutional coordination; iv) NMRS and National Inventory System and will create the legal framework in enhancing the management of greenhouse gas emissions (inclusive the ETS MRV system); v) information and engaging with the wider public and to create sectoral roadmaps.

Key words*: climate change, GHG emissions*; *reduction targets; global warming*

INTRODUCTION

Climate actions are fundamental to the achievement of all 17 Sustainable Development Goals. The draft of the ***National Development Strategy "European Moldova 2030"*** (Law on approving the National Development Strategy "Moldova 2030") sets out clear priorities for combating climate change by creating an efficient energy policy, along with a forward-looking climate change policy leading to a fair transition to a climate-neutral and competitive economy that will create opportunities for new jobs and sustainable growth at the same time.

In its updated NDC (NDC2), the Republic of Moldova has committed in 2020 to achieve more ambitious reduction targets than those included in the INDC from 2015. The updated unconditional target provides for a reduction of GHG emissions by up to 70% by 2030 compared to the level of the reference year 1990, instead of 64-67% undertaken in the INDC. Regarding the conditional target, instead of the 78% undertaken in the INDC, the reduction commitment expressed above could be increased to 88% as compared to the 1990 level, provided that external support is obtained, including in form of low-cost financial resources, technology transfer, and technical cooperation, etc (Updated Nationally Determined Contribution of the Republic of Moldova).

MATERIAL AND METHOD

This e present assessment starts with an overview of the EU policy and international legislative framework which focuses on climate, environmental and energy issues to achieve the EU's responsible path to becoming low-zero greenhouse gas emissions by 2050.The article also provides an overview of the international conventions provisions that govern inter-State relations in various areas, such as: in areas of climate action taking into account, their cross-border nature in the case of activities which cause or are likely to cause transboundary impact; catalyzing regional integration and sustainable development around the world is critical in this regard.

Particular attention is given to the analysis of Moldovan legislation and a gap analysis of the legislation alignment legislation's harmonization with the as per the EU-RM Association Agreement.

RESULTS AND DISCUSSIONS

The first global treaty on climate change, ***UN United Nations Framework Convention on Climate Change*** was adopted on June 1992 and entered into force on December 1992 (status in force: Moldova 1995 (UN United Nations Framework Convention on Climate Change)), is aimed to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. It established an annual forum, known as the COP, for international discussions aimed at achieving the scope of Convention within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

The ***Paris Agreement*** was adopted in 2015 with an objective to limit global warming below 2°C, ratified by the Republic of Moldova (status in force: Moldova 2017 (The Paris Agreement. Law no. 78/2017)). In order to achieve this objective all its signatory Parties are to communicate national actions to reduce GHG emissions to the UNFCCC through their Nationally Determined Contributions (NDCs).

The Republic of Moldova has joined the Energy Community in 2010 by approving the Law no. 117/2009 on Accession to the ***Treaty Establishing the Energy Community*** by the Republic of Moldova.

The ***Convention on Environmental Impact Assessment in a Transboundary Context) (Espoo Convention) 1997*** (status in force: Moldova 1994) ensures that explicit consideration is given to environmental factors well before the final decision is taken on activities with potential environmental impacts. It also ensures that the people living in areas likely to be affected by an adverse impact are informed of the proposed activity and it also ensures that the comments and objections made are transmitted to the competent authority and are taken into account in the final decision. A ***Protocol on Strategic Environmental Assessment to the Espoo Convention*** (Protocol on Strategic Environmental Assessment to the Espoo Convention. Law no. 156/2018) was adopted on 21 May 2003 and entered into force on 11 July 2010 (status in force: Moldova 2018). It applies the principles of the Espoo Convention to plans, programmes, policies and legislation, but with a focus on the national impact assessment procedures.

Moldova ratified the ***Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*** (Aarhus Convention) on 7 April 1999, becoming the first country to do so and also one to hold the first meeting of signatories in Chisinau between 19 and 21 April 1999 (Aarhus Convention). As an environmental agreement between public authorities and general public the Aarhus Convention imposes obligations on public authorities to provide and facilitate *access to environmental information* to all, to involve the public in *environmental decision-making* processes, and to guarantee *access to justice* for individuals and NGOs in cases of breach of environmental law and/or the Aarhus Convention's provisions. Its

significance is also in that it interlinks environmental and human rights by placing a right to clean environment among basic human rights.

Drought and desertification and the measures on adaptation to the climate changes (Art.2 (2)) are covered in the UN ***Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa*** (Official Gazette no. 27 from 30.12.2001) (status in force: Moldova 1999).

The ***Convention on Biological Diversity 1992*** (status in force: Moldova 1995) by art.14 promotes the conservation and sustainable use of biodiversity, especially through the protection of ecosystems. At the same time, the CBD respects countries' sovereign rights over biological resources within their own territories (The Convention on Biological Diversity).

Moldova signed its ***Association Agreement (AA),*** including the Deep and Comprehensive Free Trade Area (DCFTA), with the European Union (EU) in 2014.

Association Agreement between the Republic of Moldova and the European Union and the European Atomic Energy Community and their Member States, which addresses economic, judicial, financial reforms, environment (Chapter 17) and climate change (Chapter 16) and sets the framework for the congruence of Moldovan policies with European ones. The Annex VIII of the Agreement lists numerous EU regulations on energy and the timetables for gradual approximation, including the main provisions of the Energy Community Treaty.

The chapter on climate change (Chapter 16) focuses on actions in six areas: (i) mitigation; (ii) adaptation; (iii) carbon emission trading; (iv)research, development, implementation and other related issues; (v) integrating climate aspects into sectorial policies and (vi) awareness-raising, education and training.

The Government of the Republic of Moldova in 2016 approved the main political strategy in the area, ***the Low Emission Development Strategy of the Republic of Moldova until 2030 (LEDS) and the Action Plan for its implementation*** (Government Decision no. 1470 from 30.12.16).

In 2020, after expressing more ambitious targets for reducing GHG emissions in the updated NDC (Updated Nationally Determined Contribution of the Republic of Moldova), the Republic of Moldova has initiated to develop, but not approved ***the Low Emission Development Program of the Republic of Moldova until 2030 (LEDP) and the Action Plan for its implementation***, which is to replace the former LEDS 2030 and to serve as guidance and officially approved document for achieving the targets included in the updated NDC.

The LEDP of Moldova will allow the country to achieve sustainable green development, based on the country's socio-economic and environmental development priorities, set out in the draft of the National Development Strategy "Moldova 2030".

Government Decision no. 444/2020 on establishment of the mechanism for coordinating activities in the field of climate change (Official Gazette no.188-192), establishes organization and operation of: the National Commission on Climate Change through the intersectoral coordination mechanism for coordinating nationally appropriate mitigation actions.

GD no. 1277/2018 on establishment and operation of the National Monitoring and Reporting System for Greenhouse Gas Emissions and Other Information Relevant to Climate Change regulates monitoring the methane emissions.

GD no. 836/2020 on approval of the Regulation on granting direct payments per livestock head contributes to the minimization of GHG from animal manure, including the application of

sustainable management practices, as well as the use of methane emission recovery technologies by developing the production of biogas.

CONCLUSIONS

Multilateral climate conventions and protocols as well as the EU policy and legislative framework contain obligations for countries to provide increasingly ambitious targets into their national climate plans, monitor, assess and report on the climate change impacts and risks, the related social and economic vulnerability, helping them to revise and improve their own policies and legislation to reach these targets.

The Republic of Moldova became an official candidate for joining the EU and the whole body of EU policies and legislation will be applicable, either directly or through the transposition.

Before we start, some general conclusions will be provided. As we have seen, climate, legislation in Moldova has been under transition period from a passive environmental approach to a new modern strategy by turning climate and environmental challenges into opportunities while taking fairness, solidarity and cost-effectiveness into consideration. This certainly provides a good opportunity for greater and more ambitious alignment with the EU.

However, this challenge requires significant changes in the structure, content as well as terminology of national policy documents and legal framework to successfully transpose implementation practices and approaches based on the international and EU standards.

Currently, a favorable legal framework has been created for the alignment with the EU standards measures in climate, environmental protection and energy areas, but some constraints can be observed:

- the multitude of strategies, programs, activity plans (many of them outdated), as well as the lack of a special legal framework causes fragmentation of responsibilities in the field, thus leading to the lack of an integrated management; the competent authorities do not have effective procedures and mechanisms to prevent and sanction legislative infringements, nor they have mechanisms for removing the negative consequences and introduction of penalties for non-compliance in this respect;

- reaching the appropriate level of institutional, administrative and technical capacity in the field of climate would need to reflect the volume of investments needed to implement the measures and technologies that contribute to adaptation process of EU Agenda to domestic priorities;

- capacity needs for harmonization of EU legislative framework and integrated relevant implementation measures is required to be available in two dimensions: conducting studies on estimating projections of anthropogenic emissions by sources and negotiating the issues at the international level, mainly to attract funds to carry out the proposed measures in development policy documents. The Republic of Moldova plans a long-term sustainable development, however, until the development paradigm changes, the Republic of Moldova will continue to rely on development partners support (EU,WB, IMF) and others multinational organizations and bilateral donors.

It is more than evident that the global mitigation policies will largely be based on market instruments and carbon pricing. This approach has been championed by the European Union and its Emissions Trading System (ETS), successfully setting emission limits and CO2 emissions price.

For the Republic of Moldova this will influence institutional and legislative change and a change of the paradigm for all of the GHG emitting installations and its operators as soon as the preparations for introduction of a carbon market start.

The legal design of EU Acquis is a particular challenge in command and control based legal systems, which have little experience with cooperative approaches. In conclusion, following the analysis carried out on the transposition of climate legislation, we underline that there are no legal provisions on climate change mitigation and adaptation in primary legislation, which creates some impediments in promoting new an administrative procedures for introduction of a carbon market start.

The screening process of the national legislation confirms that the Republic of Moldova initiated establishment of the MRV/MMR system at the national level. Most of the legislative acts contain requirements relevant for collection of the sectoral activity data, information on policies and measures and functioning of the system. Actually, primary and secondary legislation represent good starting point that shall be kept in process of development of the climate legislation.

The climate legislation needs to establish a basis for implementation of:

- Decisions adopted under Paris Agreement;
- EU Climate Law;
- Ministerial Council Decision 2021/14/MC-EnC (Governance Regulation 2018/1999, Implementing Regulation (EU) 2020/1208 and Delegated Regulation (EU) 2020/1044);
- MRV provisions of the EU ETS Directive, ESR and LULUCF Regulation.

The draft of the Climate Change Law should consolidate the legal framework on i) mitigating efforts, including carbon removal, and adaptation policy actions set out in Article 7 of the Paris Agreement; ii) defining the rules to assess progress and measures; iii) inter-institutional coordination; iv) NMRS and National Inventory System and will create the legal framework in enhancing the management of greenhouse gas emissions (inclusive the ETS MRV system); v) information and engaging with the wider public and to create sectoral roadmaps.

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