



Funded by the  
European Union



# EU4Climate

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

## ASSISTANCE TO MOLDOVA IN THE ALIGNMENT WITH EU *Acquis* INCLUDED IN BILATERAL AGREEMENTS ON CLIMATE ACTION AND/OR ENERGY COMMUNITY TREATY

### ACTION PLAN FOR IMPLEMENTING ROADMAP FOR MOLDOVA'S ALIGNMENT WITH EU CLIMATE *Acquis*

---

*THE 2022 ROADMAP*

---

JUNE 2022

MOLDOVA

#### FORWORD:

This document has been prepared within the framework of the EU4Climate Programme, financed by the European Union and implemented under the indirect management of the United Nations Development Programme (UNDP). The objective of the EU4Climate Programme is to support the development and implementation of climate-related policies by the Eastern Partnership countries, which contribute to their low emission and climate resilient development and their commitments to the 2016 Paris Agreement on Climate Change.

#### DATE OF REPORT:

June 2022 (updated as of 25 May 2022).

#### PROJECT PARTNERS:

Energy Community Secretariat (Austria).

#### PREPARED BY:

Dr. Natalia Zamfir (Legal short-term Expert) as part of the contract assignment with Energy Community Secretariat (EnCS).

#### DISCLAIMER:

This document was produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Governments of the Eastern Partnership Countries. This document and any map included herein are without prejudice to the status of, or sovereignty over, any territory, to the delamination of international frontiers and boundaries, and to the name of any territory, city or area.

## TABLE OF CONTENTS:

Abbreviations .....	4
Introduction .....	5
Evaluation of the 2020 Roadmap .....	8
Action 1. Develop and adopt Climate Change law and policy documents on mitigation and adaptation in climate .....	11
Action 2. Strengthening National Monitoring and Reporting System .....	14
Action 3. Develop and adopt the legal framework on emission trading system .....	16
Action 4. Develop and adopt F-gases policy and legal framework .....	20
Action 5 Develop legislative framework on substances that deplete the ozone layer ....	22
Action 6. Amending legislative framework on Renewable Energy .....	23
Action 7. Amending legislative framework on Energy Efficiency and Energy performance of buildings .....	24
Action 8. Implementation of the Recommendation 2021/10/MC-EnC and additional recommendations for enhancing the environmental governance .....	26
<i>Conclusions</i> .....	28

## ABBREVIATIONS

AA	Association Agreement
EGD	European Green Deal
EIA	Environmental Impact Assessment
ETS	Emissions Trading System
EnCT	Energy Community Treaty
EPR	Extended Producer Responsibility
GD	Government Decision
GHG	Greenhouse gas emissions
INDC	Intended Nationally Determined Contribution
LEDP	Low Emission Development Program
LEDS	Low Emission Development Strategy
LTS	Long – Term Strategy
MoE	Ministry of Environment
NDC	Nationally Determined Contribution
NDS	National Development Strategy
NECP	National Energy and Climate Plan
NMRS	National Monitoring and Reporting System
PRTR	Pollution Release and Transfer Register
RES	Renewable Energy Sources
SDGs	Sustainable Development Goals
SEA	Strategic Environmental Assessment
UNFCCC	United Nations Framework Convention on Climate Change

## Introduction

A strong transition to net-zero greenhouse gas emissions by mid-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. In conformity with the Third Biennial Update Report of Moldova, the energy sector, responsible for the most important contribution to GHG emissions in the country (67.5%, 2019), should significantly contribute to meeting the country's commitments to reduce GHG emissions<sup>1</sup>.

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 low-cost financial resources, technology transfer, and technical cooperation, etc. Along with more ambitious updated NDC targets, adopting, monitoring, and reporting the National Energy and Climate Plan, LEDP

until 2030 and LTS until 2050 will allow the country to develop a path towards a low-carbon economy and achieve sustainable green development, based on socio-economic and development priorities, set out in the draft National Development Strategy "Moldova 2030".

Achieving more ambitious NDC targets will be possible also through advanced regional cooperation. In this regard, it is important for Moldova to transpose and implement all commitments taken in conformity with the Association Agreement between the Republic of Moldova and the European Union as well as the Energy Community acquis.

The commitment to implement the European standards on climate change mitigation in the Moldova-EU AA (Annex XII) is set for the following acts: i) Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading; ii) Regulation (EC) no. 842/2006 on certain fluorinated greenhouse gases, replaced by Regulation (EU) no. 517/2014; iii) Regulation (EC) no. 1005/2009 on ozone-depleting substances; iv) Directive no. 98/70/EC on the quality of petrol and diesel.

Within the Energy Community acquis and Decarbonization Roadmap, several pieces of EU legislation are to be transposed and implemented in the short to medium term:

- Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, as adapted and adopted by the Energy Community Ministerial Council in 2021; Implementing Regulation (EU)

---

<sup>1</sup> In 2019, the sector "Industrial Processes and Product Use" contributed about 7.2% of total GHG emissions,

of which 76.7% accounted for CO<sub>2</sub>, and 23.3% were F-gases.

2020/1208 (on the on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) 2018/1999); Delegated Regulation (EU) 2020/1044 (with regard to values for global warming potentials and the inventory guidelines and with regard to the Union inventory system);

- MRR regulation (Commission Implementing Regulation (EU) 2018/2066 on the monitoring and reporting of greenhouse gas emissions amended by Commission Implementing Regulation (EU) 2020/2085; AVR regulation (Regulation (EU) 2018/2067 on the verification of data and on the accreditation of verifiers amended by Commission Implementing Regulation (EU) 2020/2084; Accreditation Regulation (Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products);
- Renewable Energy Directive (Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources); Energy Efficiency Directive (Directive (EU) 2018/2002 on energy efficiency), both as adapted and adopted by the Energy Community Ministerial Council in 2021;
- Energy Performance of Buildings (Directive (EU) 2018/844 on the energy performance of buildings);
- Gas Directive and Regulation (Directive 2009/73/EU and Regulation 715/2009/EU);

- TEN-E Regulation (Regulation (EU) No 347/2013 on guidelines for trans-European energy infrastructure);

Other pieces of legislation in the Roadmap are to be considered, but no date for transposition and implementation has been planned yet.<sup>2</sup>

The transposition of elements of the **European Union's 'Fit for 55' package**, including the new rules on the gas in the market, the TEN-E Regulation, the Climate Law, LULUCF, the legislation to measure and mitigate methane emissions in the energy sector and the amended Energy Efficiency and EPBD Directives are of great relevance and should be considered in the context of decarbonization of the national legislation.

In particular, in order to establish a primary legal framework for mitigation and adaptation mechanisms in achieving net-zero GHG emissions targets, it is imperative for Moldova to prepare and adopt a Climate Change Law, which creates a legal framework for implementation of administrative procedures and strengthening clear institutional obligations in the GHG emissions management. Priority for mitigating climate change should also be given to the complex harmonization of the EU ETS Directive and F-gases EU Regulation at national level. This will ensure the proper functioning of the monitoring, reporting and verification process; continuously improving the performance of operators; and achieving the long-term goal of modernization and innovation to reduce greenhouse gas emissions.

<sup>2</sup> For a full overview of all legislation included in the Decarbonisation Roadmap, please check

Moldova ETS and its alignment with the EU-ETS should be divided into two phases: 1) In the first phase, it is necessary to regulate in national legislation permitting conditions (which currently do not contain emission limit values) and to establish a legal framework to monitor, report, and verify emissions; 2) in the second phase, emphasis should be given to the integral transposition of the ETS Directive and related legislation, including on GHG recording, benchmarking, auctioning, etc.

EU F-gases regulations central commitments should be transposed into primary law<sup>3</sup>, to create the legal framework for strengthening institutional capacities and implementing measures to reduce emissions of fluorinated greenhouse gases. The provisions of the law should regulate measures at the national level with regard to: i) isolation, use, recovery and destruction of F-gases and related auxiliary measures; ii) placing on the market specific products and equipment, containing or operating on F-gases; iii) specific use of F-gases; iv) application of quantitative limits and authorization for placing HFCs on the market. The provisions on certification and training programs, reporting and refrigerant reclamation should be regulated by secondary regulations.

On 3 March 2022, the Republic of Moldova officially applied for membership to the European Union and was granted candidate status on June

23, 2022. In its Opinion, the European Commission estimates that Moldova has established a solid basis for further alignment. In future, the process of approximation will incorporate the entire EU acquis and will require appropriate administrative and institutional set up as well as technical capacity to implement the structural changes. Incorporating the latest energy and climate legislation (not limited to the AA-related) into the national legal order becomes an opportunity for Moldova to organize its institutions and to train its staff for the accession process as well as the for EU membership in the future.

### **Methodological approach**

The concept of the roadmap is a set of recommendations proposed per each AA and EnC acquis commitment, referred to as action. Each action includes the initial assessment of the current situation on the harmonization process and the recommendation describing in detail the legislative impact; the timeframe for implementation is provided in the Gantt chart, while the summary is presented below.

This Roadmap was based on an evaluation of the previous 2020 Roadmap; a summary of major findings from an evaluation of the European Green Deal-related Acquis relevant for Moldova; a set of specific actions and proposed recommendations to fulfil international and EU commitments taken by Moldova.

---

<sup>3</sup> Based on the national law-making procedure, all regulations on restrictions, placing on the markets, limits and authorization should be regulated by the primary law.

## Evaluation of the 2020 Roadmap

The 2020 Roadmap elaborated through the Project EU4CLIMATE flagged that only one of the four pieces of EU acquis in the Moldova-EU AA was transposed into national legislation. Directive 98/70/EC on quality of petrol and diesel oil has been fully integrated in the GD no. 1116/2002, amended in 2019. The rest of EU acquis regulations, for which the transposition deadline has already expired (in 2018-2019), have been partially transposed into national legislation, with the exception of Directive no. 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (by 2022), which is being currently transposed.

Out of the two EnC climate recommendations, the Recommendation 2016/02/MC-EnC, has been fully transposed into national legislation by adopting GD 1277/2018 while the second Recommendation 2018/01/MC-EnC on preparing the integrated national energy and climate plans is currently being transposed.

Leveraging on support from EU4CLIMATE, the 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, was amended by GD no. 358/2021 on modification of the GD no. 1277/2018. The latter partially transposed MMR provisions from the Governance Regulation, which repeals Regulation (EU) No 525/2013, and is in conformity with the transparency framework requirements of the Paris Agreement.

The ETS Directive 2003/87/EC has also been partially transposed into the national legislation with the support of EU4CLIMATE and is currently in the process of adoption.

The proposed draft Industrial Emissions Law transposes provisions on greenhouse gas emissions permits to include emission limit values; the obligation to monitor and report emissions in accordance with the established requirements; the obligations of operators tasked annually to report emissions for a given year and verify them by an accredited verifier.

Provisions on guidelines for monitoring, reporting and verification of emissions and annual report have been transposed into secondary legislation, and specifically in the Regulation on monitoring, reporting and verification of greenhouse gas emissions from the stationary installations.

As a result of impact analyses of the regulation made throughout the Project, at present, twelve installations are identified according to Order of MoE no.13-07/61 from 11.10.2021 in conformity with the List of installations falling within the scope of Directive 2003/87/EC. The EU4CLIMATE project supported the MoE in the preparing the draft of Law on fluorinated greenhouse gases, which is currently in the approval procedure.



GANNT CHART-ACTION PLAN for implementation roadmap for Moldova in the alignment with EU Climate Acquis and/or Energy Community Treaty											
No	Tasks	SHORT TERM		MEDIUM TERM			LONG TERM				
		2022	2023	2024	2025	2026	2027	2028	2029	2030	
1	Action 1. Elaborate and adopt the Climate Change law and policy documents on mitigation and adaptation in climate										
1.1	Transposition of the Regulation (EU) 2018/1999 on the governance of the Energy Union and Climate Action	Deadline:31 December 2022									
1.2	Elaborate and adopt the National Energy and Climate Plan				Deadline: 31 June 2024						
1.3	Elaborate and adopt the next NDC by 2025										
1.4	Adopt the Low Emission Development Program until 2030										
1.5	Adopt the Climate Change Adaptation Strategy until 2030										
1.6	Elaborate and adopt the Climate Change Law				Deadline: 31 December 2024						
2.	Action 2. Strengthening the functional of National System for monitoring and reporting of greenhouse gas emissions										
2.1	Amending 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										
2.2	Transposition of the Implementing Regulation (EU) 2020/1208 (on the on structure, format, submission processes and review of information reported by Member States pursuant to Regulation				Deadline: 31 December 2023						
3	Action 3. Elaborate and adopt the legal framework on emission trading system										
3.1	Partially transposition of the Directive 2003/87/EC				Deadline: 31 December 2022						
3.2	Adopt the draft of the Industrial Emissions Law										
3.3	Adopt the Regulation on monitoring, reporting and verification of greenhouse gas emissions from stationary installations										
3.4	Transposition of the Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC and amending Commission Regulation (EU) No 601/2012				Deadline: 31 December 2023						
3.5	Transposition of the Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive										
3.6	Develop and adopt the Regulation on accreditation and requirements for verifiers of the greenhouse gas emissions										
3.7	Develop and adopt the methodology for monitoring emissions from stationary installations										
3.8	Fully transposition of the Directive 2003/87/EC and regulations for implementing carbon pricing				Deadline: 31 December 2025						



## **Action 1. Develop and adopt Climate Change law and policy documents on mitigation and adaptation**

In order to achieve the objectives of the Paris Agreement, all its signatory Parties are to communicate national efforts level to reduce GHG emissions to the UNFCCC through Nationally Determined Contributions. The Low Emission Development Strategy of the Republic of Moldova until 2030 (LEDS) and the Action Plan for its implementation, approved in 2016, were elaborated to achieve initial NDC targets.

In 2020, after expressing more ambitious targets for reducing GHG emissions in the updated NDC (NDC2, submitted in 2020), a new Low Emission Development Program of the Republic of Moldova until 2030 (LEDP) and related Action Plan was developed. This needs to be approved and replace the former LEDS 2030 and to serve as guidance for achieving the targets included in the NDC2. Also, a LTS up to 2050, in line with the requirements of the Governance Regulation, has not been elaborated yet. Work on this should start without delay.

The Climate Change Adaptation Strategy of the Republic of Moldova and its implementation Action Plan covers the timeframe 2014-2020 and was approved prior to Moldova signing the Paris Agreement and the country's NDC. The new National Climate Change Adaptation Strategy until 2030, in conformity with the updated NDC objectives, was elaborated with the support of the Project "Advancing Moldova's National Climate Change Adaptation Planning". Its approval should also be considered.

In the light of establishing a framework to adopt and implement national adaptation strategies and plans, taking into account particularly vulnerable sectors, Moldova should also fully transpose by 2022 Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, which became legally binding for Moldova after its adoption on 30 November 2021, through the Decision of the Ministerial Council of Energy Community D2021/14/MC-EnC. The Governance Regulation is partially transposed by the GD no. 358/2021 on modification of the 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.

The Ministry of Infrastructure and Regional Development (MIDR) is the central public authority responsible for the energy sector, including the development of the NECP. The first draft NECP was developed with the support of the project "Support to the modernization of the energy sector in the Republic of Moldova" (STARS), funded by the European Union. It covered only the Energy Dimension of the NECP. After being suspended for a while, its elaboration was resumed at the end of 2021. The "EU High-Level Advisers Mission" Project is supporting Moldova's Government to carry out modelling activity under the Energy Dimension of the NECP. At the same time, no activity were conducted to develop the dimensions on Decarbonization, and Research, Innovation and Competitiveness. The efforts of the MIRD shall focus on carrying out modelling exercise for all dimensions. For decarbonisation, by showing the GHG emissions reduction targets the country

may assume under the NECP; developing the analytical part of the last two dimensions; and integrating all developments into one document. The country's commitments under the Paris Agreement (updated NDC) should be taken into account.

There are no provisions on climate change mitigation and adaptation in primary legislation. The adoption of the Climate Change Law will allow establishing the legal framework for mitigation and adaptation mechanisms in achieving the net-zero GHG emissions targets by transposing the provisions of the Paris Agreement and EU Green Deal related Acquis relevant for the Republic of Moldova.

***Recommendation 1. Transposition of Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action***

The Regulation (EU) 2018/1999 should be transposed<sup>4</sup>. The timeframe for the transposition of the Governance Regulation is the end of 2022<sup>5</sup>, meaning that the country needs to take immediate steps toward drafting and adopting the legislative act that transposes Regulation (EU) 2018/1999 into national legislation.

***Recommendation 2. Elaborate and adopt the National Energy and Climate Plan***

The Governance Regulation includes an obligation for Contracting Parties to draw up an (Integrated) National Energy and Climate Plan (NECP). Recommendation 2018/01/MC-EnC of the Council of Ministers of the Energy Community of

03.01.2018 also established the need for action on NECP. NECP should cover the five dimensions of the Energy Union: energy security, the internal energy market, energy efficiency, decarbonisation of the economy and research, innovation and competitiveness. In terms of transposing and implementing the Governance Regulation in the Energy Community context, the Contracting Parties will be requested to submit an NECP in 2024 and integrated energy and climate progress reports every two years starting from 2025. The Secretariat is responsible for monitoring the progress both at national and at regional level. The NECP should cover the period up to 2030 and provide an overview of developments up to 2050, with the aim of ensuring consistency with the long-term objectives of the European Union, the Energy Community and those specified in the United Nations Framework Convention on Climate Change (UNFCCC).

Additionally, strategic environment assessment (SEA) is required for the draft NECP. In Moldova, SEA procedure is regulated by Law no.11/2017. Public consultation of the SEA Report, including those at the transboundary level (with Ukraine and Romania), are part of the SEA process.

***Recommendation 3. Elaborate and adopt the next NDC by 2025***

Under the Paris Agreement, Moldova's updated NDC (NDC2, adopted in 2020) should be updated in five years, reflecting an increased ambition.

***Recommendation 4. Adopt the LEDP until 2030 and the Action Plan for its***

---

<sup>4</sup> As adapted and adopted by the Energy Community Ministerial Council in 2021.

<sup>5</sup> [https://www.energy-community.org/dam/jcr:e24c911e-f0f6-4f26-a152-ec79d85ee1a4/REGULATION\\_EU\\_2018-1999.pdf](https://www.energy-community.org/dam/jcr:e24c911e-f0f6-4f26-a152-ec79d85ee1a4/REGULATION_EU_2018-1999.pdf)

***implementation by also ensuring alignment with the LTS provisions under the Governance Regulation***

Adopting the LEDP 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". This should be done in conformity with the updated NDC and ensuring consistency with the long-term objectives up to 2050 and the LTS related provisions under the Governance Regulation

***Recommendation 5. Adopting the Climate Change Adaptation Strategy until 2030***

Adopting the Strategy will help strengthening national capacities for mainstreaming climate change adaptation by focusing on strengthening the national steering mechanisms for the adaptation process and focusing on continuous improvements to adaptation-related financing, implementation, and monitoring systems. Drafting and adoption of i) Change Adaptation Action Plans of health and forestry sectors and ii) Development Action Plans of the transport, energy, and building sectors will improve the LTS capacity to plan and implement adaptation actions.

***Recommendation 6. Develop and adopt the Climate Change Law reflecting as much as possible provisions of the Governance Regulation and the EU Climate law***

The draft law on climate change should transpose as much as possible the Governance Regulation, including provisions of this Regulation, amended by the Regulation (EU) 2021/1119,

establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'). . Taking into account the national law-making procedure, the climate change law should be adopted by 31 December 2024.

The draft 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, creating the legal framework for enhancing the management of greenhouse gas emissions (inclusive the ETS MRV system); v) information and engagement with all stakeholders, also to create sectoral roadmaps. The draft Climate Change Law should also provide climate neutrality and other interim targets (e.g. sectoral), also in line with the NDC. It should also have propositions on policies and measures and projections, as well as LTS and adaptation

***Recommendation 7. Further improve secondary climate legislation***

In order to ensure the implementation of the Climate Change Law, secondary legislation (instructions, rulebooks, methodologies) should be elaborated and adopted, backed up by an enforcement legal mechanism (including sanctions) in the Contravention Code No. 218/2008 and Criminal Code 985/2002.

## Action 2. Strengthening National Monitoring and Reporting System

The Republic of Moldova as a developing country and a Party to the UNFCCC from 1995, is committed to promote the principles of sustainable development, to contribute to the achievement of the final goals of the Convention and to assist the Parties included in Annex I to fulfill the commitments of quantified limitation and reduction of greenhouse gas emission. The Paris Agreement was ratified by the Parliament by Law no. 78/2017.

In conformity with Decision 18/CMA.1 (UNFCCC), countries should adopt modalities and procedures for the transparency framework for actions, namely: the reporting on greenhouse gas inventories, policies and measures, projections, impacts, adaptation and support provided to developing countries. Based on UNFCCC commitments, and Energy Community Recommendation 2016/02/MC-EnC, Moldova partially transposed Regulation (EU) 525/2013<sup>6</sup> through 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. This doesn't not include the obligations and norms on reporting data based on Directive 2003/87/EC which has not been transposed into national legislation yet. GD no.1277/2018 was amended by the GD no. 358/2021 on modification of the

GD no. 1277/2018 and partially<sup>7</sup> transposes Regulation (EU) 2018/1999 which repealed Regulation (EU) no 525/2013.<sup>8</sup> Amendments concerning MRV obligations in conformity with transparency framework requirements of the Paris Agreement are included in the following articles: art. 7 (1), (aa) and (da), art. 13 (1), (viii) and (ix), art. 14, (1), (ba) and (f) și art. 21. (1).

The Environmental Agency, as competent authority in the field of quality of atmospheric air and climate change, has been designated responsible for ensuring NMRS in conformity with the GD no. 549/2018. The Environmental Agency has requested support to the Climate Change Office within Public Institution "Environmental Projects Implementation Unit" (IP "EPIU") for the implementation of tasks in the field of climate change for the development process of the Third Biennial Update Report of the Republic of Moldova to UNFCCC, respectively of the Fifth National Communication of the Republic of Moldova to UNFCCC. In the Roadmap for the development of a functional National Greenhouse Gas Emissions Inventory System for Moldova, an MRV System is elaborated with support of EU4Climate. Particular attention should be given to the fact that there is no designated team of inventory experts, nor is there a plan of establishing one in the near future. Currently, the experts are all external consultants. It is also unclear, how knowledge from consultants is passed on to the Environment Agency; the government experts taking part in the CoPs; and decision makers. Additionally,

---

<sup>6</sup> Regulation (EU) 525/2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC

<sup>7</sup> Limited to the MMR provisions.

<sup>8</sup> The regulations concerns MMR obligations in conformity with transparency framework requirements of the Paris Agreement (new reporting requirements and periods, description of national system of reporting on policies and measures).

it remains to be clarified how data is stored and how it can be ensured that all information necessary for future reviews can be made available when needed.

Thus, the following gaps were identified:

- no fixed inventory team: there is a functioning recruitment cycle for external experts working on inventories. The question arises if this system leads to possible losses of information due to changes of staff in the future and continuous handovers from former to new experts;
- no synergies between the NMRS reporting with Register of emissions and pollutant transfer approved by the GD 373/2018, in order to avoid duplication of work;
- low data accessibility for the Environmental Agency. This is mainly linked to unclear and ineffective data storage and to the fact that there is no designated team of inventory experts, as discussed above.

***Recommendation 1. Amending GD no.1277/2018 regarding the establishment and functioning of a National System for Monitoring and Reporting of GHG emissions and other information relevant to climate change***

There were difficulties noted with collecting the activity data and ensuring the time series consistency (specifically for the energy, agriculture and waste sectors). In this context, the issue of strengthening the capacity of data providers, to collect the required statistical indices and to provide the required activity data is needed to improve reporting towards the Paris Agreement commitments.

The GD no.1277/2018 should be aligned with the Register of emissions and pollutant transfer approved by the no. GD 373/2018 and the Register of chemicals placed on the market of the Republic of Moldova, approved by the GD no.535/2020 (for pure and blended HFCs), in order to: i) ensure synergy on CLRTAP and UNFCCC reporting; ii) to avoid differing sets of activity data and; iii) to avoid duplication of work.

***Recommendation 2. Transposition of the Implementing Regulation 2020/1208 on the on structure, format, submission processes and review of information reported by Member States<sup>9</sup> pursuant to Regulation (EU) 2018/1999***

Transposition of the Implementing Regulation (EU) 2020/1208 is seen through amending of the GD no. 1277/2018 on the Establishment and Functioning of the National System for Monitoring and Reporting Greenhouse Gas Emissions and other Information Relevant to Climate Change, which was developed based on Regulation (EU) 525/2013. Last amendments (November 2021) to the GD no. 1277/2018, introduced in the national legislation the New Global Warming Potential included in the Delegated Regulation 2020/1044 with regard to values for global warming potentials and the inventory guidelines with regard to the Union inventory system.

In terms of deadline, all mentioned EU acts need to be transposed into national legislation by 31 December 2022 (except the Delegated Regulation (EU) 2020/1044 that has been already transposed).

---

<sup>9</sup> Here referring to Contracting Parties.

### ***Recommendation 3. Further improve and amending national climate legislation***

It should be ensured that the role of the Environment Agency in data accessibility is strengthened, along with data management as well as QA/QC system. The inventory team should be defined and their obligations regulated, in order to improve skills of experts working on the inventory. This should be pursued also by amending GD no. 549/2018 on the establishment, organization and operation of the Environmental Agency.

Also Amending the GD no. 373/2018 on Register of emissions and pollutant transfer in order to enhance NMRS approved by the GD

### **Action 3. Develop and adopt the legal framework for the emission trading system**

According to Annex XII to the AA RM-EU, the Government should transpose and implement the basic provisions of Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community (ETS Directive), namely:

- establishment of a system for the identification of relevant installations and for the identification of greenhouse gases (Annexes I and II);
- creation of a monitoring, reporting, verification (MRV) system and ensuring the implementation of public consultation procedures (Articles 9, 14-17, 19 and 21). These provisions of the Directive must be in place by September 2022.

no.1277/2018 by ensuring synergy on CLRTAP and UNFCCC reporting commitments through an e-platform; and improving data accessibility to the inventory team, is necessary.

To ensure the implementation of the National System for monitoring and reporting of greenhouse gas emissions, an efficient enforcement mechanism could be introduced (including sanctions) to prevent institutions and operators from arbitrarily violating legislation on access to information (Contravention Code No. 218/2008). In alternative, a coordinating mechanism between the institutions, instead of sanctions, could also be considered<sup>10</sup>.

Moldova's alignment with the EU-ETS Directive shall be an efficient instrument to enhance the competitiveness of Moldovan industry and also attracting foreign investors and partners; improving the performance of operators; achieving the long-term goal of modernization and innovation in order to reduce greenhouse gas emissions.

### ***Recommendation 1. Partial transposition of the Directive 2003/87/EC***

Taking into consideration full alignment with the EU-ETS will generate substantial costs to the operators, the transposition of the ETS Directive should be divided into two phases:

- 1) regulate in national legislation permitting conditions to include emission

---

<sup>10</sup> Looking at EU MSs, a good example of this could be found in Croatia, which has two bodies at technical level – one responsible for GHG inventory compilation and the other one responsible for policies and

measures. On the top of them, there is a political body that makes decisions and coordinates both processes. This set-up has been introduced through by-laws.



limit values and establish an obligation to monitor, report, and verify emissions in accordance with the EU ETS-related regulations. In the first phase, the provisions in accordance with the art.4-7 from Directive 2003/87/EC on greenhouse gas emissions permits were transposed in the draft of the Industrial Emissions Law and the draft of the Regulation on monitoring, reporting, and verification of greenhouse gas emissions from stationary installations (art.14 from Directive 2003/87/EC). Annexes I and II of the Directive 2003/87/EC (establishment of a system for identifying relevant installations and for identifying greenhouse gases) were transposed on this draft of Regulation.;

2) full transposition of the ETS Directive 2003/87/EC regulations on emission trading system. The cap and trade principle should be introduced in the second phase by preparing and adopting a Climate Change Law, which will consolidate the adopted legal framework on management of greenhouse gas emissions (inclusive the ETS MRV system).

The harmonization of the ETS Directive at national level will ensure the implementation of the commitments of the Paris Climate Agreement adopted under the UNFCCC, by facilitating the proper functioning of the monitoring, reporting and verification process, continuously improving the performance of operators, achieving the long-term goal of modernization and innovation in order to reduce greenhouse gas emissions.

***Recommendation 2. Adopt the draft Industrial Emissions Law***

There are no provisions for the management of greenhouse gas emissions in primary legislation, which

creates some impediments in promoting new administrative procedures and authorization, like GHG permits and verifications of reporting commitments. The Industrial Emissions Law was drafted for transposition into national law a Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) and Directive 2015/2193 on limiting emissions in the atmosphere of certain pollutants from medium combustion plants provide for an integrated approach to the environmental permit system and the environmental control system.

The draft Industrial Emissions Law should establish the legal framework for the new administrative ETS procedure: i) conditions for issuing a greenhouse gas emissions permit; ii) greenhouse gas permits Register; iii) general rules on verification activities performed by the verifier accredited by the National Accreditation Center of the Republic of Moldova.

***Recommendation 3. Adopt the Regulation on monitoring, reporting and verification of greenhouse gas emissions from stationary installations***

The Regulation on monitoring, reporting and verification of greenhouse gas emissions from stationary installations will establish the legal framework of the process for monitoring and records of greenhouse gas emissions. It will also evaluate progress towards meeting commitments with respect to these emissions from the activities from the List of installations falling within the framework of Directive 2003/87/EC.

***Recommendation 4. Transposition of the Commission Implementing Regulation (EU) 2018/2066 of 19***

***December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC and amending Commission Regulation (EU) No 601/2012***

The provisions about guidelines for monitoring and reporting of emissions from art.14 Directive 2003/87/EC were transposed in the draft Regulation on monitoring, reporting and verification of greenhouse gas emissions from stationary installations. Also, it has partially transposed the Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC and amending Commission Regulation (EU) No 601/2012 (except technical requirements on methodology for monitoring emissions).

***Recommendation 5. Transposition of the Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC***

General provisions regarding obligations of the operators tasked annually to report emissions for a given year (and how they must be verified by an accredited verifier) have been transposed by the draft Industrial Emissions Law. When it comes to the procedure of verification, art.15 from Directive 2003/87/EC has been transposed by the Regulation on monitoring, reporting and verification of greenhouse gas emissions from stationary installations. However, the provisions on accreditation and requirements for verifiers of the greenhouse gas emissions have not been transposed.

The Law no. 235/2011 on accreditation and conformity assessment should be amended in order to align the commitments of the national accreditation body and the National Accreditation Center of the Republic of Moldova with the framework of Directive 2003/87/EC and Commission Implementing Regulation (EU) 2018/2067.

***Recommendation 6. Prepare and adopt the Regulation on accreditation and requirements for verifiers of the greenhouse gas emissions***

The Regulation on accreditation and requirements for verifiers of the greenhouse gas emissions approved by the Government should be prepared based on the transposition of Commission Implementing Regulation (EU) 2018/2067 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC.

***Recommendation 7. Prepare and adopt the Regulation on accreditation and requirements for verifiers of the greenhouse gas emissions***

The provisions on Methodology for monitoring emissions from stationary installations should be prepared and approved by a Government Decision, which allows integral transposition of Regulation (EU) 2018/2066 with reference to stationary installations.

***Recommendation 8. Full transposition of Directive 2003/87/EC and provisions for implementing carbon pricing***

Taking into account the fact that Moldova has been granted a status of candidate country for membership of the European

Union<sup>11</sup>, we are proposing that the ETS Directive 2003/87/EC is transposed) by 31 December 2025<sup>12</sup>.

In the previous 2020 Roadmap, experts flagged that the costs of linking<sup>13</sup> with the EU-ETS (recording, benchmarking, auctioning) are much higher than the effect of the potential GHG reduction expected in the country. However, without the implementation of the above-mentioned system, it won't be possible to; i) continuously improving the performance on mitigation in key sectors (energy, industry and transport); ii) and achieving the long-term goal of modernization and innovation to reduce greenhouse gas emissions.

### ***Recommendation 9. Further improve national legislation***

Art.19 on the Registries from Directive 2003/87/EC has been transposed in the Regulation on monitoring, reporting and verification of greenhouse gas emissions from stationary installations. However, GD no. 373/2018 on a Register of emissions and pollutant transfer should

be amended to be aligned with the provisions of Directive 2003/87/EC and enhance the application of the Regulation on monitoring, reporting and verification of greenhouse gas emissions from stationary installations. This will improve data quality in the compilation of the inventory regulated by CD no. 1277/2018.

Law no. 160/ 2011 on regulation by authorization to the entrepreneur activity should be amended by including an additional section on environmental permit, including the GHG permit, in alignment with Directive 2003/87/EC transposed.

To ensure the implementation of the monitoring, reporting and verification of greenhouse gas emissions from stationary installations, it is necessary to draft and adopt the amendments in the Contravention Code for a series of illegal actions or inactions, which are currently not provided in the light of transposition of the ETS Directive 2003/87/EC

---

<sup>11</sup> On 23 June, EU leaders meeting in the European Council agreed to grant Ukraine and Moldova EU candidate status

<sup>12</sup> Date for the full compliance will be determined during the negotiations with the EU, also taking into

consideration plans of operators of the ETS-like stationary installations to align fully with the Directive.

<sup>13</sup> Potential linking would only be discussed at the later stage of negotiations with the EU.

## **Action 4. Develop and adopt F-gases policy and legal framework**

Within the AA the following provisions of the EU Regulation No. 842/2006 on fluorinated greenhouse gases shall be transposed:

- Adoption of national legislation and designation of competent authority/authorities;
- Establishment/adaptation of national training and certification requirements for relevant personnel and companies (art. 5);
- Establishment of reporting systems for acquiring emission data from the relevant sectors (art. 6), and
- Establishment of enforcement system (art. 13);

The provisions were supposed to be transposed within 4 years of the entry into force of the AA (by September 2018) but this did not happen in full extent.

Regulation 842/2006 has been replaced in 2014 by Regulation No 517/2014, which also implements the Kigali Amendment to the Montreal Protocol.

Through the Project EU4CLIMATE, Regulation (EU) no.517/2014 on fluorinated greenhouse gases, repealing the Regulation (EC) no 842/2006, has been transposed by preparing the draft of the Law on fluorinated greenhouse gases, not yet approved. GD no. 1242/2016 on approval of the Regulation on measures to reduce emissions from air conditioning systems of vehicles contains provisions on: installation of air-conditioning systems in motor vehicles to be placed on the market; recharging of air-conditioning systems of any vehicle with fluorinated greenhouse gases with a global warming potential greater than

150. The Regulation transposed Directive 2006/40/EC regarding emissions from air-conditioning systems in motor vehicles.

GD no. 483/2019 on approval of the Regulation regarding the training and certification of specialists in the field of cold technology, which contains hydrochlorofluorocarbons and fluorinated greenhouse gases, partially transposes the provisions on certification and training programs for natural persons and holding certificates by company staff.

The calculation of the maximum quantity, reference values and quotas for placing hydrofluorocarbons on the market should be regulated in conformity with the Kigali amendment provisions. However, the draft Law on ratifying the Kigali amendment to the Montreal Protocol has not been approved yet. It is currently in the approving process of the special Parliament Commission, which may be concluded by Q4 2022.

There is no elaborated Program for limiting HFCs on the market and no Plan for its implementation.

### ***Recommendation 1. Adopt the Law on ratifying the Kigali amendment to the Montreal Protocol***

Ratifying the Kigali amendment will justify adopting the Law on fluorinated greenhouse gases and fully transposition of the Regulation (EU) no.517/2014 and will contribute to the faster approval process of the law.

### ***Recommendation 2. Transposition of Regulation (EU) no.517/2014 on fluorinated greenhouse gases***

The key points of the EU F-gas Regulation should be transposed, which includes the HFC phase-down scheme and the related distribution of quota and authorizations, placing on the market prohibitions for certain products and equipment containing HFCs and further limitations for the use of high GWP HFCs.

***Recommendation 3. Developing and adopting the Program for the limit of HFCs on the market and Plan for its implementation***

The Program for the limit of HFCs on the market will ensure the implementation of the commitments of the Kigali amendment to the Montreal Protocol.

***Recommendation 4. Adopting the Law on fluorinated greenhouse gases***

The purpose of the law is to create the legal framework to strengthen institutional capacities; to implement measures to mitigate climate change; and to protect the environment by reducing emissions of fluorinated greenhouse gases. The provisions of the law should regulate measures at national level with regard to: i) isolation, use, recovery and destruction of F-gases and related auxiliary measures; ii) placing on the market specific products and equipment, containing or operating on F-gases; iii) specific use of F-gases; iv) application of quantitative limits for placing of HFCs on the market.

Certification of the companies should be regulated by the F-gases Law, because according to the law-making procedure the administrative procedure of authorization should be regulated by the primary legislative acts, not by the secondary norms.

***Recommendation 5. Develop and adopt the Regulation on the management of end of life equipment and refrigerants, mixtures or discarded components containing F-gases***

Regulation on the management of end of life equipment and refrigerants, mixtures or discarded components containing F-gases will establish refrigerant reclamation in the country and/or how to cooperate with neighboring countries in this respect.

***Recommendation 6. Further improve the national legislation***

Law no.277/2018 on Chemical Substances regulates the authorization of substances that deplete the ozone layer, which do not include F-gases. Law no.277 on Chemical Substances should be amended in alignment with the Regulation (EU) no.517/2014.

Law no. 160/2011 on regulation by authorization of the entrepreneur activity should be in alignment with the transposed Regulation (EU) no.517/2014 (F-gases authorization)

The draft of the regulation on classification, labeling and packaging of substances and mixtures should be in alignment with the transposed Regulation (EU) no.517/2014 and Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014, the format of labels for products and equipment containing fluorinated greenhouse gases.

GD no.535/2020 on the Register of chemicals placed on the market of the Republic of Moldova should be aligned with the transposed Regulation (EU)

no.517/2014 and enhance the compilation of the inventory.

For ensuring the reducing emissions of fluorinated greenhouse gases it is necessary to elaborate and adopt the

### **Action 5. Develop a legislative framework on substances that deplete the ozone layer**

Law No. 852/2002 on approval of Regulation on commercial regime and regulation of using halogenated hydrocarbons which destroy the ozone layer partially transposes Regulation (EC) no. 1005/2009 on ozone-depleting substances.

GD no. 483/2019 on approval of the Regulation regarding the training and certification of specialists in the field of cold technology, which contains hydrochlorofluorocarbons and fluorinated greenhouse gases, establishes the national training and certification requirements for natural persons (company staff).

Law No. 119 of 18.05.2006 on accession by the Republic of Moldova to the Amendment to the Montreal Protocol on ozone depleting substances prohibits or includes a special record keeping and management regime for ozone depleting substances in Moldova.

#### ***Recommendation 1. Amending the Law No. 852/2002 on approval of Regulation on commercial regime and regulation***

Law no.852/2002 should be aligned with Regulation (EC) no. 1005/2009 following these provisions: on reporting to

amendments in the Contravention Code for a series of illegal actions or inactions, which are not currently provided in the light of transposition of the Regulation (EU) no.517/2014.

Automated Information System "Chemicals of on the market of the Republic of Moldova"; labeling and packaging of substances and mixtures; on detailed management to destroy; recycle or reclaim controlled substances used in refrigeration, air-conditioning and heat pump equipment, fire extinguishers and protection systems and items containing solvents.

#### ***Recommendation 2. Further improve of the national legislation***

The draft regulation on classification, labeling and packaging of substances and mixtures should be aligning with art.7 and art.8 of the Regulation (EC) no. 1005/2009.

GD no. 373/2018 on Register of emissions and pollutant transfer should be amended in order to enhance the collecting and reporting of electronic information as well as monitoring emissions of controlled consumed substances, to be aligned with the amended Law No. 852/2002.

The GD no.535/2020 on the Register of chemicals placed on the market of the Republic of Moldova should be aligned with the amended Law No. 852/2002 in order to enhance the collecting and reporting of electronic information placed on the market of substances.

## **Action 6. Amending the legislative framework on Renewable Energy**

In conformity with the Third Biennial Update Report of the Republic of Moldova, over the period 1990-2019, the gasification of the country was successfully carried out. This has led to a considerable reduction in the consumption of solid and liquid fuels in favor of natural gas consumption, and after 2010 also in favor of renewable energy sources (especially biomass).

According to Law no.10/2016 on promoting the use of energy from renewable sources, the Republic of Moldova was assumed to achieve the following targets:

- share of energy from renewable sources of at least 17% in the gross final energy consumption in 2020;
- share of energy from renewable sources of at least 10% in the final energy consumption in transport in 2020.

According to the energy balance of Moldova, the share of total RES in Moldova is about 25%. This share was achieved after the revision of biomass data and increasing the use of biomass (mainly firewood) in the heating sector. At the same time, the share of renewable electricity is about 3.5%, while in the transport sector is very low (less than 1%).

Law No. 10/ 2016 on the promotion of the use of energy from renewable sources establishes support schemes, based on which the national target on renewable energy are to be reached. In this sense,

the Government has approved the necessary by-laws, as follows:

- GD no. 690/2018 on approving the regulation on auctions organization for providing the status of eligible producer;
- GD no. 689/2018 on approving the capacity limits, maximum quotas and capacity categories in the field of power generation from renewable energy sources till 2020;
- GD no. 885/2017 on assignment of the electricity central supplier, reassigned in 2020;
- HANRE 251/2019 on approving the regulation confirmation of the eligible producer status;
- Decision regarding fixed tariffs and ceiling prices for electricity produced from renewable energy sources by producers who will obtain eligible producer status in 2020.

In December 2021, capacity limits, maximum quotas, and capacity categories in the field of electricity from renewable sources for the 2025 horizon were approved (GH #401/2021).

### ***Recommendation 1. Transposition of Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources***

After the adoption of the Decision of the Ministerial Council of the Energy Community D2021/14/MC-EnC on 30 November 2021, the new RES Directive 2018/2001 is now mandatory and for transposition in Moldova's legislation by 31 December 2022.

### ***Recommendation 2. The Energy Strategy of the Republic of Moldova until 2030 updated in line with NDC***

Building on the RES-related achievements, Moldova needs to review its RES targets, so that they will

contribute to the achievement of the GHG Reduction under the Paris Agreement. Energy and climate target will be determined during negotiations, including for RES share, currently ongoing between Energy Community Contracting Parties and the European Commission<sup>14</sup>.

***Recommendation 3. Elaborate and adopt the action Plan for the Programme on the promotion of green economy for the years 2022-2027***

One major dimension to mitigating climate change identified by the IPCC is to ensure the development of the business environment for the promotion of the use of renewable energy sources.

***Recommendation 4. Update the Law no. 10/2016 on promoting use of energy from renewable sources***

Updating Law no. 10/2016 on promoting use of energy from renewable sources, GD no.141/2014 on creation of the energy statistics system in conformity with updated NDC (2020) and RES Directive 2018/2001.

**Action 7. Amending the legislative framework on Energy Efficiency and Energy performance of buildings**

The Energy Strategy 2021-2030, which sets out three general strategic objectives that the Republic of Moldova, aims to achieve by 2030, namely: ensuring security of energy supply; developing competitive energy markets and their integration into the regional and

European market; and promoting energy efficiency, renewable energy sources and the sustainable development of the energy sectors.

In conformity with the Third Biennial Update Report of the Republic of Moldova, during the 2001-2019 years, a gradual increasing trend is recorded in indicative energy consumption per m2 of the total area in the residential sector, with relatively constant values for the 2010-2019 years.

Energy consumption is constantly increasing due to the economic growth and taking into consideration that the residential sector is the main energy consumption sector in Moldova. A strong and direct „bond” between the climatic conditions and the energy consumption is noticed. In order to promote energy efficiency, the Government has taken the following legislative measures:

- Law on energy efficiency no. 139/2018;
- Law on energy performance of buildings, no. 128/2014;
- Law no. 151/2014 on eco-design requirements for energy-related products;
- GD no. 45/2019 on approving the organization and functioning of the Energy Efficiency Agency;
- Technical Regulations “Efficiency requirements for new hot water boilers with liquid or gaseous combustion”, GD no. 428/2009;
- Creation of the energy statistics system, GD no. 141/2014.
- GD no. 676/2020 on approving the Regulation on energy auditors and energy audit;

---

<sup>14</sup> The 9th Energy and Climate Committee met on 20 June in Vienna to negotiate the 2030 energy and climate targets for the Energy Community Contracting Parties. The adoption of 2030 targets is needed to

accelerate the clean energy transition and set the countries on the path to decarbonisation by 2050. More information here: [Energy Community Homepage \(energy-community.org\)](https://energy-community.org/)



- GD no. 372/2020 on approving the Program for the renovation of buildings owned and occupied by central government 2020-2022.

In accordance with the Decision of the Ministerial Council of the Energy Community D2021/14/MC-EnC on 30 November 2021, Directive (EU) 2018/2002 on energy efficiency becomes mandatory for transposition in Moldova's legislation. The new Directive updated some specific provisions from the Directive 2012/27/EU on energy efficiency and introduces new elements.

***Recommendation 1. Calculation of Moldova's EE target in the context of drafting the NECP***

The calculation of the target needs to be done under the NECP development process and modelling exercise. The respective targets need to be assumed by the country by approving the NECP at the national level. Deadline for this activities is December 2022<sup>15</sup>.

***Recommendation 2. Transposition of Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency***

In line with new requirements, national EE target needs to be established in accordance with Regulation (EU) 2018/1999 (to be transposed into national legislation in the current year). This means that within modelling exercise for NECP, the country's EE targets needs to be estimated/calculated

and assumed under the NECP (under development). Consequently, the National Energy Efficiency Program will be replaced by the NECP. Modelling for the energy Dimension of the NECP is currently ongoing with the support of the EU High Level Mission to Moldova project.

***Recommendation 3. Update Law 139/2018 on energy efficiency***

The Law on energy efficiency was approved in 2018. It transposes into national legislation the Directive 2012/27/UE on energy efficiency. It should be transposing provisions of Directive (EU) 2018/2002, which amends Directive 2012/27/EU for the purpose of creating the legal framework for the promotion and improvement of energy efficiency; by implementing action plans in the field of energy efficiency; by developing the market for energy services; and by implementing other energy efficiency measures.

***Recommendation 4. Update the Law on energy performance of buildings no. 128/2014 in accordance with the Directive (EU) 2018/844 on the energy performance of buildings***

Law on energy performance of buildings no. 128/2014 should be updated in accordance with the Directive (EU) 2018/844 and set more ambitious energy performance requirements for buildings and for building elements as long as such requirements are compatible with Union law.

***Recommendation 5. Elaborate and adopt the Long-term Strategy for***

---

<sup>15</sup> Energy and climate targets for the Energy Community Contracting Parties will be decided at political level after the negotiation process, started

under the Energy and Climate Committee in the spring 2022, will be finalized. The Ministerial Council in Q4 2022 will formally adopt the proposed decision.

### ***mobilizing investment in the renovation of the building national stock***

Drafting the Long-term strategy for mobilizing investment in the renovation of the building national stock is expected after the conclusion of the energy modeling exercise carried out in the context of drafting the NECP.

### ***Recommendation 6. Transposition of the Regulation (EU) 2019/941 on risk-***

### ***preparedness in the electricity sector and repealing Directive 2005/89/EC***

Regulation on risk-preparedness in the electricity sector is mandatory for transposition in Moldovan legislation. The Regulation established the rules for preventing, preparing for, and managing electricity crises. Under transposition of this Regulation into national legislation, Moldova has to develop the prevention plan and emergency plan to respond to risk-preparedness in the electricity sector.

### **Action 8. Implementation of Recommendation 2021/10/MC-EnC and additional recommendations for enhancing the environmental governance**

Environmental governance comprises environmental legislation which has contained measures and mechanisms aimed at improving decision-making processes, access on public participation and access on environmental information. The laws on environmental governance should be integrated into other policy areas. The AA contains provisions that concern 3 EU Directives:

- Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment transposed in the Law nr. 86/2014 on Environmental Impact Assessment and the Law nr. 851/1996 on Ecological Expertise (the Annex XI of AA contains the version of the Directive 2011/92/EU);
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment transposed in the Law

nr. 11/2017 on Strategic Environmental Assessment;

- Directive 2003/4/EC on public access to environmental information and Public Participation in environmental decision-making (Directive 2003/35/EC, annex XI AA contains only commitments on the public participation in respect of drawing up of certain plans and programmes).

Directive have been transposed in Law nr. 1515/1993 on Environmental Protection, Law nr. 982-XIV/ 2000 on information, Law no. 239/2008 on transparency in the decision-making process and by the secondary legislative acts: GD no. 1467/2016 for the approval of the Regulation on public access to environmental information and GD no. 72/ 2000 approving Regulation on involving the public in the elaboration and adoption of environmental decisions.

### ***Recommendation 1. Transposition of Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage and the Directive 2008/99/EC on the protection***

***of the environment through criminal law***

Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage and Directive 2008/99/EC on the protection of the environment through criminal law should be transposed for ensuring the measures for prevention, mitigation, and efficient remedy of environmental damage, allowing better enforcement of environmental governance.

***Recommendation 2. Amending Law nr. 86/2014 on Environmental Impact Assessment and Law nr. 11/2017 on Strategic Environmental Assessment***

Full transposition of Directive 2014/52/EU and Directive 2003/35/EC allowing public participation for certain plans and programmes related to the environment. Opening public participation and access to justice will

permit to avoid the potential legal inaccuracy in access to justice on environmental matters (in particular, for an administrative litigation on EIA and SEA).

***Recommendation 3. Further improve the Contravention Code and Administrative Code, the Law on Administrative Litigation.***

To ensure the transparency of environmental governance, an efficient enforcement mechanism should be introduced (including sanctions) to prevent public authorities from arbitrarily violating legislation on access to information, petitioning, and public participation in environmental decision-making (Contravention Code and Administrative Code, the Law on Administrative Litigation).

## Conclusions

Climate change adaptation and mitigation in the Republic of Moldova is considered essential for the protection of well-being and the achievement of continuous progress in sustainable development. These priorities were reflected in the draft National Development Strategy “Moldova 2030”.

The objectives to ensure functioning climate change adaptation and mitigation mechanisms are:

- developing strategies at national level and implement technologies that could reduce threats to global climate change over time;
- developing a legislative framework which provides the institutional, legal and procedural framework for establishing efficient mechanisms to implement adaptation and mitigation policies on climate change;
- identifying lessons learned from implementation experience at the national level, enhancing and amending secondary legislative application;
- developing IT tools for ensuring data accessibility and strengthening the data management;
- adopting an efficient enforcement mechanism (including sanctions).

Actions proposed in the Roadmap for Moldova's alignment with EU and EnC climate acquis are based on the first deliverable, the Summary of the European Green Deal, an overview of the EU policy and legislative framework under the “Fit for 55” package which focuses on climate, environmental and energy issues.

The main barriers and constraints related to aligning the national legislation with the EU and EnC Treaty commitments are the lack of institutional, technical and financial capacities.

As candidate country to the European Union since 23 June 2022, Moldova must align its national laws, rules, and procedures to the entire body of EU legislative framework, selecting the most appropriate national mechanism to reflect the EGD related Acquis. Incorporating the latest energy and climate legislation (not limited to the AA-related) into the national legal order becomes an opportunity for Moldova to organize its institutions and to train its staff for the accession process as well as the for EU membership.

There are some technical impediments on the transposition of the EU climate Acquis due to the law-making procedure:

- All legislative drafts should be based on primary legislative justification; however, as underlined in the Roadmap, there are currently no provisions on climate change mitigation and adaptation in primary legislation. This creates a legal barrier when there is a need to promote new administrative procedures, like a GHG permits etc.;
- The restrictions, authorization and calculation of quotas should be based on international or EU commitments, standards and justification, otherwise it is difficult to adopt them. This is the case, for example, of the law on F-gases. Currently the AA does not include these provisions;
- The administrative procedure incorporated in the secondary legislation, without clear imperative

norms in primary legislation, creates an inefficient and low application. For example, low data accessibility in the implementation of the 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;

- The implementation mechanisms of transposed legislation into EU standards are not efficient, due to the lack of new secondary legislation elaborated in time as well as lack of new sanctions incorporated timely in the Contravention Code No. 218/2008 and Criminal Code 985-XV/2002.

We underline the necessity of drafting a new Climate Change Law, which will consolidate the adopted legal framework on: i) mitigation and adaptation policy actions; ii) inter-institutional coordination; iii) NMRS and National Inventory System. Also, it will create the legal framework to enhance the management of GHG emissions (inclusive the ETS MRV system).